

# **Sexual Misconduct and Sexual Harassment Policy and Procedure**

This policy is available on-line at: [www.tynecoast.ac.uk](http://www.tynecoast.ac.uk)

- We will consider any request for this policy to be made available in an alternative format or language. Please contact: Soft Services Manager/Safeguarding Lead
- We review our policies regularly to update them and to ensure that they are accessible and fair to all. We welcome suggestions for improving the accessibility or fairness of this policy.

<b>Approved by:</b>	<b>Version:</b>	<b>Issue Date:</b>	<b>Review Date:</b>	<b>Contact Person:</b>
Executive Group, QC&S	V2	Dec 2025	Dec 2028	Soft Services Manager / Safeguarding Lead

**Review: 3 Year**

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## **1. Policy Statement**

Tyne Coast College is committed to providing a safe and respectful environment where the whole community can learn and thrive free from sexual violence, abuse, and sexual harassment. The College takes any incidents of sexual violence or sexual harassment very seriously and is committed to handling all reports sensitively, effectively and in a timely manner.

We are clear that sexual violence, abuse, and sexual harassment are not acceptable, will never be tolerated and we accept that they are not an inevitable part of growing up. We will always challenge behaviour or language that seeks to normalise sexual harassment, sexual abuse, or sexual violence in the College.

## **2. Scope**

This policy and procedure are in place to ensure all individuals are protected from sexual misconduct and harassment. The definitions are included in section 5.

It applies to all students who are registered at Tyne Coast College, and all staff, including employees and contractors.

## **3. Purpose**

The purpose of this policy and procedure to set clear guidelines to all regarding how the college will govern its responsibilities to meet the Office for Students (OfS) E6 condition of registration (effective from 1<sup>st</sup> August 2025). Alongside its commitment to ensure the protection of children and young people and all adults at risk under the Keeping Children Safe in Education legislation.

## **4. Legislation**

The following legislation and statutory guidance are all key documents upon which this policy is predicated:

- Equality Act 2010 (section 26)
- Protection from Harassment Act 1997
- Keeping Children Safe in Education 2024
- Working Together to Safeguard Children 2023
- Care Act 2014
- Safeguarding Vulnerable Groups Act 2006
- Higher Education (Freedom of Speech) Act 2023
- Sexual Offences Act 2003
- Office for Students – Regulatory Advice 24: Guidance related to freedom of speech.
- Office for Students – Condition E6: Harassment and sexual misconduct

## **5. Definitions (from Office for Students)**

- Harassment has the meaning given in section 26 of the Equality Act 2010 and section 1 of the Protection from Harassment Act 1997 (in its entirety, and as interpreted by section 7 of the Act)
- Incidents include, but is not limited to, circumstances where:

- Allegations or complaints are made to the provider about harassment and or sexual misconduct; and
- The provider could reasonably be considered to have grounds for suspecting that harassment and/or sexual misconduct has taken place or is taking place.
- Intimate personal relationship means a relationship that involves one or more of the following elements:
  - Physical intimacy including isolated or repeated sexual activity; or
  - Romantic or emotional intimacy.
- Sexual misconduct means any unwanted or attempted unwanted conduct of a sexual nature and includes, but is not limited to:
  - Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010).
  - Sexual assault (as defined by the Sexual Offences Act 2003); and
  - Rape (as defined by the Sexual Offences Act 2003)

The definitions include harassment and sexual misconduct through any medium, including for exams, online platforms.

### **5.1 Consent**

Consent is the agreement to participate in a sexual act is defined as a voluntary, affirmative, and ongoing agreement between all parties, given by the individuals who have both the freedom and capacity to make informed decisions. Consent cannot be assumed. Consent must be expressed freely, without coercion, manipulation, intimidation, threat or the influence of alcohol or drugs. Consent can be withdrawn at any time, even it was previously granted. It is also important to note, that silence, being passive, or any absence of resistance do not constitute as consent.

### **5.2 Sexual Harassment**

When referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur online and offline. This also includes in the context of child-on-child sexual harassment, as well as adult relationships. Sexual harassment is likely to violate someone's dignity, and/or make them feel intimidated, degraded, or humiliated and/or create a hostile, offensive or sexualised environment.

Whilst not intended to be an exhaustive list, sexual harassment can include:

- sexual comments, such as telling sexual stories making lewd comments, making sexual remarks about clothes and appearance, and calling someone sexualised names, catcalling, wolf whistling, and leering.
- sexual "jokes" or taunting
- physical behaviour, such as deliberating brushing against someone or interfering with someone's clothes.
- displaying pictures, photos, or drawings of a sexual nature.
- online sexual harassment, which might include non-consensual sharing of sexual images and videos and sharing sexual images and videos (both often referred to as youth produced sexual imagery (nudes /sexting), inappropriate sexual comments on social media, exploitation, coercion, and threats.
- online sexual harassment may be standalone or part of a wider pattern of sexual

harassment and/or sexual violence.

Sexual harassment creates an atmosphere that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence.

### **5.3 Special Educational Needs and Disabilities (SEND)**

People with Special Educational Needs and Disabilities (SEND) are three times more likely to be abused than their peers. Additional barriers can sometimes exist when recognising abuse in SEND learners. These can include:

- Assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the disability without further exploration.
- The potential for children and young people with SEND being disproportionately impacted by behaviours such as bullying and harassment, without outwardly showing any signs.
- Communication barriers and difficulties overcoming these barriers.

### **5.4 Protected Characteristics**

Students who are part of the LGBTQ+ community can be targeted by their peers. In some cases, someone who is perceived by their peers to be LGBTQ+ (whether they are or not) can be just as vulnerable as children who identify as LGBTQ+.

5.4.1 Intersectionality – the college recognises that individuals may experience harassment and sexual misconduct differently based on the intersection of multiple aspects of their identity. We are committed to acknowledging and addressing these complexities in all aspects of our response and support mechanisms.

### **5.5 Harmful Sexual Behaviour**

Students' sexual behaviour exists on a wide continuum, from the perceived normal and developmentally expected to inappropriate, problematic, abusive, and violent. Problematic, abusive, and violent sexual behaviour is developmentally inappropriate and may cause developmental damage. A useful umbrella term is "harmful sexual behaviour."

## **6. Sexual Misconduct and Harassment Procedure**

### **6.1 Training for staff**

All staff undergo safeguarding training and will deal with any complaint/concern.

There is also training provided to the Safeguarding Team and the Safeguarding leads to enable them to manage any incidents relating to sexual misconduct or harassment.

### **6.2 Reporting of incidents**

There are multiple options to make a disclosure of an incident of sexual misconduct or harassment, whether the individual has been directly impacted or not. There are a variety of reporting options:

- Speak to any member of staff you feel comfortable in speaking to.
- Ask any member of staff to speak to a Safeguarding Officer or Safeguarding Lead.
- Phone the Safeguarding number 01914273545.
- Speak to any of the Wellbeing Advisors in the Student Services Hub or email [wellbeing@tynecoast.ac.uk](mailto:wellbeing@tynecoast.ac.uk)
- Directly contact the designated safeguarding lead for sexual harassment, sexual abuse, and sexual violence – [emurphy@tynecoast.ac.uk](mailto:emurphy@tynecoast.ac.uk) Tel: 0191-427-3522
- Email [sos@tynecoast.ac.uk](mailto:sos@tynecoast.ac.uk) – a dedicated email address that is monitored by all Safeguarding leads within the college.

### **6.3 Support for students when making disclosures**

Tyne Coast College will target relevant support to the needs of the student where they may wish to make a disclosure about harassment and/or sexual misconduct. This will include throughout an investigation, as well as the decision-making process.

Where students have alleged and/or experienced sexual misconduct, they will be signposted to sources of specialist personal support, such as counselling or to a Sexual Assault Referral Centre (where appropriate).

Support will also be available, and appropriate for, students with different needs, including those with needs affected by a student's protected characteristics.

Support will also be provided to ensure the continued academic engagement of any students involved in an investigation, or a disciplinary, where a student wishes to continue studying.

All students will be supported, whether or not the incident has occurred on a provider's premises.

### **6.4 Training for students**

During the induction period for all Higher education students, as well as during Hot Topic cycles, all students will receive mandatory training on sexual misconduct and harassment to ensure that students are appropriately informed to ensure understanding of Tyne Coast Colleges' policies, as well as behaviour which may constitute harassment or sexual misconduct. This will also include training on sexual consent, as well as "bystander training," for people who may be potential witnesses.

### **6.5 Reporting incidents of Sexual misconduct and Harassment**

Tyne Coast College will collect, monitor and report upon data referring to disclosures of sexual misconduct and harassment where it is likely to inform effective action to protect students from behaviour that may amount to harassment and/or sexual misconduct.

### **6.6 Handling of information**

Any information received or obtained in connection with disclosures of harassment and/or sexual misconduct will be handled sensitively and used fairly. The

information will be treated with appropriate confidentiality. It should be noted that staff taking a disclosure will never promise confidentiality as it is very likely that it will be in the best interests of the person who experienced harm to seek advice and guidance from others, to ensure the necessary support is given.

- The person who experienced harm may ask us not to tell anyone about the sexual violence or sexual harassment - there are no easy or definitive answers when an individual makes this request. If the individual does not give consent to share information, staff may still lawfully share it, if it can be justified to be in the public / individual's interest; for example, to protect the student from harm and to promote the welfare of student.
- Anonymity - Where we are aware that an allegation of sexual misconduct and/or harassment is progressing through the criminal justice system, we will be mindful of anonymity, witness support and the criminal process in general so that we can offer support and act appropriately. In addition, we will endeavour to do all we can to protect the anonymity of any student involved in any report of sexual misconduct and/or harassment. We will carefully consider which staff in our college should know about the report and any support that will be in place for the student involved.
- Risk Assessment - When there has been a report of sexual misconduct the appointed Safeguarding lead will make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis. The risk assessment will consider – the person who experienced harm, the alleged perpetrator and other students at college (and, if relevant, staff). At all times, we will actively consider & review the risks posed to all our students and put adequate measures in place to protect them and keep them safe during college hours.

The safeguarding lead will liaise with any external agencies' involvement (such as Police, Child Services, Victim Support) and ensure a collaborative approach to the risk assessment.

## **6.7 Response to disclosures of sexual misconduct and harassment**

Reports of sexual misconduct and harassment are likely to be complex, and therefore, require difficult professional decisions to be made. Ultimately, all decisions at Tyne Coast College will be made on a case-by-case basis. When to inform the alleged perpetrator will be a decision that will be carefully considered. Where a report is going to be made to Children's Social Care and/or the Police, then, as a general rule, we will speak to the relevant agency and discuss next steps and how the alleged perpetrator will be informed of the allegations.

Following appropriate support from the Safeguarding Team, the person making the disclosure may choose to:

- **Take no further action** – advice and support will be given to the individual.
- **Make a formal complaint to the College** – if the person who has disclosed chooses this option, a formal investigation will follow.
- **Make a report to the Police** – support will be given to the individual to make a report to the police and whilst the investigation and legal proceedings are taking place no formal college investigation will take place.

- **Referrals to Children's Social Care** - In some cases, it may be necessary to make a referral to Children's Social Care. In particular, where a student under the age of 18 has been harmed, is at risk of harm or is in immediate danger.

At this stage, the College will generally inform parents of a student that is under 18 years of age, unless there are compelling reasons not to do so (for example, if informing a parent is likely to put a child at additional risk). In circumstances where parents have not been informed, it will be especially important that the College supports the student in any decision they take. This should be in conjunction with the support of Children's Social Care or other external agencies.

## **6.8 Investigation**

Any allegations of harassment and/or sexual misconduct will be investigated fairly. The college does not have legal investigatory powers of the Police and is not able to determine criminal guilt. The college will carefully consider any complaint of sexual violence and/or sexual harassment, and important considerations will include:

- The wishes of the alleged person who experienced harm in terms of how they want to proceed. This is especially important in the context of sexual violence and sexual harassment. The individuals should be given as much control as is reasonably possible over decisions regarding how any investigation will be progressed and any support that they will be offered.
- The nature of the alleged incident(s).
- The ages of the individuals involved.
- The developmental stages of the individuals involved.
- Any power imbalance between the individuals
- If the alleged incident is a one off or a sustained pattern of abuse (where this may be known).
- Whether there are any ongoing risks.
- Other related issues and wider context.

Where incidents and/or behaviours are associated with factors outside the College or occur between student outside the College, we will consider contextual safeguarding. This simply means assessments of student in such cases should consider whether wider environmental factors are present in a student's life that is a threat to their safety and/or welfare.

## **7. Ongoing Considerations: person who experienced harm and alleged perpetrator sharing classes.**

Where a report has been made to the Police, the College will consult the Police and agree what information can be disclosed to staff and others; in particular, the alleged

perpetrator and their parents. We will also discuss the best way to protect the individual and their anonymity.

The college will consider the scenario where the person who experienced harm and alleged perpetrator are sharing classes and sharing space at college. This will inevitably involve complex and difficult professional decisions, including considering our duty to safeguard students and our duty to educate them. It is important each report is considered on a case-by-case basis and risk assessments are updated as appropriate.

Where there is a criminal investigation, the alleged perpetrator should be removed from any classes they share with the person who experience harm. We will consider how best to keep the individual and alleged perpetrator a reasonable distance apart on college premises and if we feel necessary, we may choose to insist the alleged perpetrator does not physically attend site but is moved to online lessons during the investigation process. These decisions will be taken on a case-by-case basis, and we will always act in the best interests of both students and should not be perceived to be a judgement on the guilt of the alleged perpetrator; close liaison with the police is essential.

## **8. Related policies**

- Acceptable use of IT
- Complaints Policy – Students and Non-staff
- Criminal Convictions Policy and Procedure
- DBS Policy and Procedure
- Equality, Diversity, and Inclusion Policy
- Harassment and Bullying Policy
- Marine School - Student Disciplinary and Positive Behaviour Policy
- Mental Health and Wellbeing Policy
- Safeguarding Policy and Procedure
- Staff Code of Conduct
- Staff Disciplinary Policy and Procedure
- Student Disciplinary and Positive Behaviour Policy