

# Huddersfield New College Policies, Protocols and Procedures

## Harmful Sexual Behaviour / Peer on Peer Sexual Harassment Policy

### 1. Statement of Intent, Scope and Purpose

- 1.1. Huddersfield New College is committed to providing a safe environment, free from discrimination on any ground, and free from harassment, including sexual harassment. This policy aims to clarify the process by which harmful sexual behaviour and sexual harassment allegations specifically will be dealt with.
- 1.2. This policy should be read in conjunction with;
  - Huddersfield New College (HNC) Behaviour for Learning Policy.
  - HNC Safeguarding and Child Protection Policy.
  - Department for Education (DfE) document Keeping Children Safe in Education.
  - DfE document Sexual Violence and Sexual Harassment between children in schools and colleges.
  - HNC IT Acceptable and Safe Use Policy
- 1.3. The age of our students, almost all of whom are between the ages of 16 to 19, means that many will develop sexual relationships, and that is entirely normal. However, any sexual behaviour that has become harmful or abusive is unacceptable, and must be addressed.
- 1.4. Almost all of our students join us as children, legally, and are adults, legally, when they leave us. In all our safeguarding practices, we aim to protect and support all our students, whether they are legally children or adults. It must be recognised however, that some of the potential protection and support described below will not be available when the young person is 18 or over.
- 1.5. The College recognises that young people are vulnerable to, and capable of, abusing their peers sexually. We take any allegation of peer on peer sexual abuse seriously and do not tolerate or dismiss harmful sexual behaviour / sexual harassment as 'banter', 'just having a laugh' or 'part of growing up'. Peer to peer harmful sexual behaviour / sexual harassment allegations are managed in the same way as any other child protection concern, and the Safeguarding team follow the same procedures, including seeking advice and support from other agencies, as appropriate.

### 2. Definition of sexual abuse / harmful sexual behaviour and sexual harassment

- 2.1. The definition of sexual abuse is forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation

## Harmful Sexual Behaviour / Peer on Peer Sexual Harassment Policy

for abuse. Sexual abuse can take place online, and technology can be used to facilitate offline abuse.

- 2.2. Harmful sexual behaviour and sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and / or intimidated. It includes situations which create an environment which is hostile, intimidating or humiliating for the recipient.
- 2.3. Harmful sexual behaviour / sexual harassment can involve one or more incidents and actions constituting harassment and may be physical, verbal and non-verbal.
- 2.4. Examples of conduct or behaviour which constitute harmful sexual behaviour / sexual harassment include, but are not limited to:
  - Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching.
  - Physical violence, including sexual assault.
  - Use of threats or rewards to solicit sexual favours.
  - Comments on a person's appearance, age, private life, etc.
  - Sexual comments, stories and jokes.
  - Unwanted sexual advances.
  - Repeated and unwanted social invitations for dates or physical intimacy.
  - Insults based on the gender of the person.
  - Condescending remarks of a sexual nature.
  - Sending sexually explicit messages.
  - Displaying of sexually explicit or suggestive material.
  - Sexually suggestive gestures.
  - Upskirting, which typically involves taking a picture under a person's clothing, with the intention of viewing their genitals, buttocks or breasts to obtain sexual gratification, or to cause the victim humiliation, distress, or alarm.
  - Pressurising, forcing, or coercing someone to share nude images (known as sexting or youth produced sexual imagery).
  - Wolf whistling.

# Huddersfield New College Policies, Protocols and Procedures

## Harmful Sexual Behaviour / Peer on Peer Sexual Harassment Policy

- Cat-calling.
- 2.5. Anyone can be a victim of sexual harassment, regardless of their gender, and of the gender of the harasser.
  - 2.6. Huddersfield New College recognises that sexual harassment may also occur between people of the same gender. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.
  - 2.7. The College recognises that sexual harassment is often a manifestation of a power relationships and often occurs within unequal relationships.
  - 2.8. Young people can experience harmful sexual behaviour in a variety of settings. This includes at College, at home (or at another home), in public places, and online.

### 3. How we will seek to minimise the risk of harmful sexual behaviour and sexual harassment

- 3.1. The principle aim of our approach is to foster the conditions in which our students can aspire to and realise safe and healthy relationships, at College, and as they continue in life. We promote a culture of openness in which students feel able to share their concerns openly, knowing that they will be listened to, taken seriously, and not be judged.
- 3.2. As a post-16 institution, we are not required to provide an RSE and Health Education curriculum. However, we do address relationship education in our Pastoral Curriculum (Aspire) to help our students understand what harmful or abusive behaviour in a relationship might look like. We provide them with the knowledge they need to recognise and to report this behaviour. We also help them to understand the importance of making sensible decisions to stay safe (including online), whilst being absolutely clear that if a young person is subject to harmful sexual behaviour / sexual harassment, it is never their fault.
- 3.3. We help our students and staff to develop their knowledge and understanding of:
  - What constitutes harmful sexual behaviour / sexual harassment.
  - Why this is not acceptable at Huddersfield New College.
  - That it will not be tolerated at Huddersfield New College. Our zero-tolerance approach
  - How to report harmful sexual behaviour / sexual harassment.
- 3.4. All staff undertake statutory safeguarding training including about harmful sexual behaviour and sexual harassment and our expectations about staff vigilance around this. Other potential types of abuse, are made clear in this training. Staff also receive updates on safeguarding matters monthly in a staff briefing.

# Huddersfield New College Policies, Protocols and Procedures

## Harmful Sexual Behaviour / Peer on Peer Sexual Harassment Policy

### 4. Reporting Procedures

- 4.1. A student may disclose to any member of staff that they have been the victim of sexual assault / abuse or harmful sexual behaviour / sexual harassment. There is also an e-mail address for the Head Student Team who are trained in peer-to-peer support.
- 4.2. We understand that students may not always feel able to talk to adults about being a victim of sexual assault / abuse or harmful sexual behaviour / sexual harassment, and therefore an anonymous reporting form is accessible for all students, by year group, in Microsoft Teams.
- 4.3. Students are also made aware of the need to report any concerns about their peers, if they become aware of any.
- 4.4. Any young person reporting a concern will be treated respectfully. We will reassure them that their concerns will be taken seriously, and that they will be supported and kept safe; no young person will be given the impression that they are creating a problem by reporting a concern, or made to feel ashamed.
- 4.5. Our staff will never promise confidentiality to the young person, as the concern will need to be shared further. The College's Designated Safeguarding Lead (DSL) and Deputy DSL or a member of the Safeguarding Team will need to be informed as soon as possible of any concern raised and the details may also need to be shared with external agencies. We have in place effective working relationships with our external safeguarding agencies, (e.g. the police, social care professionals etc.) which are essential to ensuring that concerns are managed appropriately.
- 4.6. Staff are trained to record all safeguarding concerns via a Cedar log (Cedar is the College's student Management Information System), but can also contact the DSL, or Deputy, or a member of the Safeguarding Team via email, phone or in person.
- 4.7. After the initial reporting of a concern, our next steps will be guided by the young person, unless following their wishes would place them or others at risk. If information must be shared without the student's consent, we will keep them informed. Where the young person already has Social Care involvement, such as a Looked After Child, a Child In Need, or one with a Child Protection Plan, we will inform the child's Social Worker and work in partnership with them, as appropriate.
- 4.8. Where a concern includes an online element, we will always work in accordance with the College's IT Acceptable and Safe Use Policy taking advice from other partners, as necessary. Our staff will be advised not to view any indecent images of a young person unless absolutely necessary, nor to forward any on for any reason.

### 5. Recording

- 5.1. It is essential that information relating to allegations about harmful sexual behaviour / sexual harassment are recorded, as with any other child protection concern – and in line with our Safeguarding and Child Protection Policy. This will be done confidentially on Cedar. The record may form part of a statutory assessment by Children's Social Care or by another agency.

# Huddersfield New College Policies, Protocols and Procedures

## Harmful Sexual Behaviour / Peer on Peer Sexual Harassment Policy

- 5.2. Any member of staff receiving a disclosure of harmful sexual behaviour or noticing signs or indicators of this, will record it as soon as possible, noting what was said or seen, giving the date, time and location. The details will be recorded as the student presents them. The record will then be presented to the Designated Safeguarding Lead (or Deputy DSL), who will decide on the appropriate action, and record this accordingly. If a student is at immediate risk of harm, staff will speak directly with the Designated Safeguarding Lead or Deputy DSL first, and deal with recording as soon as possible thereafter. All related concerns, discussions, decisions, and reasons for decisions will be recorded on Cedar and will include the action taken.
- 5.3. When the alleged perpetrator and the alleged victim(s) both attend the College, a risk assessment will be completed to establish the best way to safeguard both parties. We will also consider other students at the College, and any actions that may be needed to protect them.

### 6. Guiding principles

- 6.1. The safety of our students is paramount. We will use a proportionate approach, basing our actions on the principle that harmful sexual behaviour / sexual harassment is not acceptable, and will not be tolerated. A zero-tolerance approach.
- 6.2. All concerns will be considered carefully and on a case-by-case basis. All concerns will be treated seriously, and any action will always be taken in the best interests of all students concerned.
- 6.3. This approach will help us to ensure that all students are protected and supported appropriately. The following principles will help guide us:
- The wishes of the alleged victim, in terms of how they want to proceed – they will be given as much control as is reasonably possible over decisions regarding how any investigation will be progressed, and any support that they need.
  - The nature of the alleged concern(s), including whether a crime may have been committed, and whether the alleged victim is a child by law (under the age of 18).
  - A consideration of any power imbalance between the young people involved – for example, does the alleged victim have a disability or a learning difficulty.
  - A consideration of whether the alleged concern is a one-off incident or a sustained pattern of abuse.
  - A consideration of any ongoing risks to the alleged victim, other young people, or staff.
  - A willingness to take instruction / advice from external agencies, for example, the police or social services, as necessary.
  - A consideration of any other related issues, and wider context.
- 6.4. Ultimately, the Designated Safeguarding Lead or Deputy DSL will determine any actions in the context of the alleged victim's and / or their parent / carers wishes alongside their duty to protect the alleged perpetrator and other students.

# Huddersfield New College Policies, Protocols and Procedures

## Harmful Sexual Behaviour / Peer on Peer Sexual Harassment Policy

- 6.5. In some cases, for example, one-off incidents, the DSL and Deputy DSL may take the view that the young people concerned are not in need of intervention from any outside agency. In these cases, the DSL and Deputy DSL will follow other College policies in addressing matters, for example, the College's Behaviour for Learning Policy. They will also consider what support the young people involved may need going forward - for example, pastoral support, counselling, and will ensure that there is a trusted adult for those affected to speak with, if they so wish. They will also consider whether any intervention or support is required as part of a whole College approach and with the wider College community.
- 6.6. In some circumstances, we will make a request for support to Children's Social Care. As a guiding principle, we will generally inform parents and carers of this, unless to do so may put a young person at additional risk. If we make a request for support, Children's Social Care will consider whether the young people involved are in need of protection or other services. Where statutory assessments are appropriate, the College will co-operate fully with Children's Social Care and other agencies. Partnership working helps to ensure the best possible package of co-ordinated support is implemented for the alleged victim and, where appropriate, the alleged perpetrator, and any other young people that require support.
- 6.7. Where a report of rape, assault by penetration or sexual assault is made by a child (under 18 years old), we will report it to the police. Where a report is made by an adult, we will follow the guiding principles stated in paragraph 6.3. Unless the involvement of parents / carers is likely to increase any risk to the young person, we will strongly encourage the alleged victim to inform and involve their parent / carer. We will in most cases contact parents / carers to inform them of the police report. We will also seek advice from other partners and specialist agencies in individual cases.
- 6.8. Where a report has been made to the police, we will consult with them, and agree what information can be disclosed to others, in particular to an alleged perpetrator and their parents / carers, if a College student.
- 6.9. Where there is a criminal investigation, we will work closely with the police and other agencies, as appropriate, to support all young people involved (including potential witnesses). This will help to ensure that any actions we take do not jeopardise a police investigation. Sometimes the police will decide that further action is not required. In these circumstances, we will continue to engage with other agencies to support the students involved.
- 6.10. Any police involvement will not prevent us following College policies, for example, the College's Behaviour for Learning Policy, unless informed by the police that to do so would compromise a legal process.

## 7. Outcome

- 7.1. Following any appropriate investigation conducted by the College, the procedures described in the College's Behaviour for Learning Policy will be used to determine further disciplinary actions.

# Huddersfield New College Policies, Protocols and Procedures

## Harmful Sexual Behaviour / Peer on Peer Sexual Harassment Policy

### 8. Support and monitoring

- 8.1. Support will be offered to any alleged victim, and to any alleged perpetrator, who is also a College student, as well as to any other College students involved. Primarily, this support will be provided by the student wellbeing team, the progress tutor team and the safeguarding team.
- 8.2. All safeguarding concerns logged on Cedar, and actions taken, are reviewed on a weekly basis in the safeguarding team meeting.

### 9. Review of Policy and communication

The Senior Leadership Team own this policy. It will be displayed on XXXXXXXX and staff will be informed of updates via the Daily Staff News.

Version	Date	Author(s)	Comments	Approval Route/ Date	Date of Next Review
1	March 2022	Lee Goddard	First version of policy. Based on advice and guidance from SShout who provided the basis for the contents of the policy. The policy aligns with the latest version of KCSIE / Sexual Violence and Sexual Harassment between children in schools and colleges, and latest guidance from Ofsted.	SLT March 2022	March 2023
2	September 2022	Lee Goddard	Update informed by practice and the updated KCSIE 2022 document.	SLT September 2022	September 2023

# Huddersfield New College Policies, Protocols and Procedures

## Harmful Sexual Behaviour / Peer on Peer Sexual Harassment Policy

### Equality Impact Assessment

Question	Response
<b>1. Name of policy being assessed</b>	Harmful Sexual Behaviour / Peer on Peer Sexual Harassment Policy 2022
<b>2. Summary of aims and objectives of the policy</b>	The purpose of the policy is to clearly indicate the responsibility for and process of dealing with allegations of harmful sexual behaviours / sexual harassment.
<b>3. What involvement and consultation has been done in relation to this policy? (e.g. with relevant groups and stakeholders)</b>	The Designated Safeguard Lead and Director of Safeguarding have had bespoke training. All staff have had external and internal training and feedback has been taken. The Head Student Team have been consulted. Communication and collaboration with other 6 <sup>th</sup> form College has taken place as well as using internal QA processes.
<b>4. Who is affected by the policy?</b>	HNC students
<b>5. What are the arrangements for monitoring and reviewing the actual impact of the policy?</b>	The policy will be the basis for all safeguarding decisions regarding harmful sexual behaviours / sexual harassment made on a daily basis and reviewed weekly in the Safeguarding Team meetings. The policy will be reviewed annually.

Protected Characteristic Group	Is there a potential for positive or negative impact?	Please explain and give examples of any evidence/data used	Action to address negative impact (e.g. adjustment made)
<b>Disability</b>	Positive Impact	The policy is compliant with all statutory responsibilities and adheres to the Keeping Children Safe in Education 2021 document as well as the sexual violence and sexual harassment between children in schools and colleges DfE document.	N/A
<b>Gender reassignment</b>	Positive Impact	As explained for disability	



# Huddersfield New College Policies, Protocols and Procedures

## Harmful Sexual Behaviour / Peer on Peer Sexual Harassment Policy

<b>Marriage or civil partnership</b>	Positive Impact	As explained for disability	
<b>Pregnancy and maternity</b>	Positive Impact	As explained for disability	
<b>Race</b>	Positive Impact	As explained for disability	
<b>Religion or belief</b>	Positive Impact	As explained for disability	
<b>Sexual orientation</b>	Positive Impact	As explained for disability	
<b>Sex (gender)</b>	Positive Impact	As explained for disability	
<b>Age</b>	Positive Impact	As explained for disability	

### Evaluation:

Question	Explanation / justification	
Is it possible the proposed policy could discriminate or unfairly disadvantage people?	The policy describes the processes to ensure that all safeguarding concerns are addressed and appropriate responses / support is in place.	
Final Decision:	Tick the relevant Box	Include any explanation / justification required
1. No barriers identified, therefore activity will <b>proceed</b> .	✓	The policy is compliant with all statutory responsibilities and adheres to the Keeping Children Safe in Education 2021 document as well as the sexual violence and sexual harassment between children in schools and colleges DfE document.
2. You can decide to <b>stop</b> the policy or practice at some point because the data shows bias towards one or more groups		
3. You can <b>adapt or change</b> the policy in a way which you think will eliminate the bias		

## Huddersfield New College Policies, Protocols and Procedures

### Harmful Sexual Behaviour / Peer on Peer Sexual Harassment Policy

<p>4. Barriers and impact identified, however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in extreme cases or where positive action is taken). Therefore you are going to <b>proceed with caution</b> with this policy or practice knowing that it may favour some people less than others, providing justification for this decision.</p>		
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<p><b>Reviewed by: (Author)</b></p>	<p>Colin Knightley / Lee Goddard</p>
<p><b>Date:</b></p>	<p>09/9/22</p>
<p><b>Review date</b> (if applicable):</p>	
<p><b>Approval by: (SLT Lead)</b></p>	<p>Lee Goddard</p>
<p><b>Date:</b></p>	<p>9/9/22</p>