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1. Scope

1.1. This policy deals with the protection of children and young people and all adults at risk. This procedure refers to children and young people up to 18 years of age and adults 18 years and over, which may be enrolled on Further Education or Higher Education programmes. Reference to staff or adults comprises the whole college community, regardless of position, role or responsibilities. Contractors working on college premises with direct contact with students are also required to follow the policy.

2. Aim

2.1. The College's Protection from Bullying, Harassment and Sexual Misconduct Policy is intended to ensure the health, safety & welfare of all staff, students, visitors and contractors whilst on college premises and as part of extended college activities

3. Objectives

3.1. The objective of this policy is:

- to eliminate discrimination on the grounds of race, nationality, ethnicity, national origin, sex, gender, sexual orientation, marital status, age, religion, political affiliation, and disability or learning difficulties.
- to allow every person in the College to work and study without fear of bullying, harassment or victimisation.
- to recognise the problems associated with bullying, harassment and sexual misconduct.
- to provide an environment in which individuals can learn effectively, confidently and competently.
- to create a culture of equality and respect where bullying, harassment and sexual misconduct is not accepted or ignored.

4. Bullying

4.1. Bullying is defined as the use of force, threat, or coercion to abuse, intimidate, or aggressively dominate others. The behaviour is often repeated and habitual. One essential prerequisite is the perception, by the bully or by others, of an imbalance of social or physical power. It is intended to hurt someone either physically or emotionally, and is often aimed at certain groups, e.g. because of race, religion, gender or sexual orientation etc. This includes Cyber bullying or the use of electronic media to harass, discriminate and bully any learner, member of staff or visitor to the college.

5. Harassment

5.1. Harassment (as defined by Section 26 of the Equality Act 2010) includes unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation. The college understands harassment to include domestic violence and abuse (which can also involve control, coercion and threats) and stalking.

5.2. We would also consider harassment to include any incidents of physical violence towards another person(s) on the basis of a protected characteristic and hate crimes, such as those criminal offences, which are perceived by the victim or any other person to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity.

6. Sexual Misconduct

6.1. Sexual misconduct relates to all unwanted conduct of a sexual nature. This includes, but is not limited to:

- Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010). Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010).
- Assault (as defined by the Sexual Offences Act 2003).
- Rape (as defined by the Sexual Offences Act 2003)
- Physical unwanted sexual advances.
- Intimidation, or promising resources or benefits in return for sexual favours (as set out by the Equality and Human Rights Commission (EHRC; Sexual harassment and the law, 2017).
- Distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015).

6.2. The college identifies that bullying, harassment and sexual misconduct can happen through any medium, including, for example, online.

6.3. As outlined by the EHRC on freedom of expression, published in February 2019, exposure to course materials that students might find offensive or unacceptable is unlikely to constitute harassment.

7. Expectations

7.1. The college intends to clearly communicate, and embed across the whole organisation, our approach to preventing and responding to all forms of bullying, harassment and sexual misconduct affecting students. This will be provided through the established tutorial programme and enrichment activities. Posters and guidance for victims will be displayed in all staff work rooms. A permanent feature on the college VLE, will clearly communicate the college's intent and increase visibility to all students.

7.2. The Head of HR will implement training for college staff in line with statutory guidance set out in Keeping Children Safe in Education 2022. All new staff to the organisation will receive training on Bullying, Harassment and Sexual Misconduct as part of their safeguarding induction. Existing staff will receive training as part of refresher training given every 3 years. Bespoke training may be offered as CPD, as determined by the Head of HR.

7.3. The Board of Governors will ensure that the college's approach to Bullying, Harassment and Sexual Misconduct is adequate and effective. Regular safeguarding reports will inform the board of trends in Bullying, Harassment and Sexual Misconduct. If necessary, actions will be agreed and carried out by an appropriate member of staff. All student related incidents of Bullying, Harassment and Sexual Misconduct will be automatically flagged through the college's safeguarding reporting system (*MyConcern*). A separate record will be maintained by Human Resources for incidents relating to staff.

7.4. The college will engage with students to develop and evaluate systems, policies and processes to address Bullying, Harassment and Sexual Misconduct. Through college surveys and forums students will have the opportunity to speak freely on the effectiveness of the college in dealing with Bullying, Harassment and Sexual Misconduct. These themes will also be regular agenda items at Student Council, where through discussion, appropriate actions can be agreed. College staff will be given the opportunity to share their views via surveys issued by Human Resources.

7.5. The college implements adequate and effective staff and student training with the purpose of raising awareness of, and preventing, Bullying, Harassment and Sexual Misconduct These themes feature on the tutorial Scheme of Work for students 16-18 year old , which allows them to contextualise and discuss the impact these have on individual lives. These themes will also be addressed in all other provisions as part of the induction process. The student council will oversee an annual awareness campaign to promote '*zero' Tolerance* on Bullying, Harassment and Sexual Misconduct.

7.6. The college has adequate and effective policies and processes in place for all students to report and disclose incidents of Bullying, Harassment and Sexual Misconduct. A clear outline of the reporting procedure is given at both student and

staff inductions. Multiple methods are used to increase the ease of reporting for students, including the college safeguarding reporting system (MyConcern) college email (safe@newcollege.ac.uk), phone and text (safeguarding line). Students and peers on their behalf can also report directly to any member of staff. Students will be reassured that their disclosure will be taken seriously. Staff wishing to disclose incidents of bullying, harassment and sexual misconduct will follow the guidance set out in the staff handbook issued by HR during their college induction.

7.7. The college has a fair, clear and accessible approach to taking action in response to reports and disclosures. Investigating officers independent of the incident will be appointed and act impartially in order to collect evidence for Curriculum Managers (students) or Human Resources (staff) to enable them to conduct a disciplinary hearing as outlined in the appropriate disciplinary procedures, all timescales will follow those detailed in the procedures. Student Disciplinary procedures are outlined in the Positive Behaviour Management policy. The college will ensure that students involved in the investigatory process have access to appropriate and effective support. This may include support with statement writing or other forms of communication. Where required and requested individuals will be signposted to the other agencies e.g. the Police or specialist support services as needed.

7.8. For Sexual Misconduct between students, the college will adopt the approach set out in Part five: Child-on-child sexual violence and sexual Harassment of Keeping Children Safe in Education 2022. An Assessment using the Brook Traffic Light Tool will be used in every report of this nature. (See Appendix)

7.9. In summary, following the assessment, the college will use consider the following options.

- Manage internally
- Early Help
- Referrals to Children's Social Care
- Reporting to the Police.

7.10. The college will offer ongoing support for both victim and perpetrator in cases of Bullying, Harassment and Sexual Misconduct. Support can be offered internally by the college safeguarding and wellbeing service and by accessing support through external agencies.

7.11. Reporting and responding parties will either be notified of the outcome of the investigatory process where we are able to share the information or we will explain the actions we have taken, or not taken, as a result of the complaint and why.

8. Monitoring & Review

This policy forms part of the suite of policies relating to safeguarding students and staff and as such will be reviewed annually.

9. Version Control

Document Location

This document if printed can only be considered up to date on the day that it was printed. For a current version of this document please see the Central Storage Library.

Revision History

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Date of next Revision: September 23

Version	Date	Author	Change Description
1.0	August 2021	Ben Broyd	Document Created
2.0	September 2022	Ben Broyd	Document Review

Approvals

This document requires the following approvals:

Committee/Principalship	Date
SLT	November 2021
Curriculum and Quality	November 2022
The Governing Body	December 2022

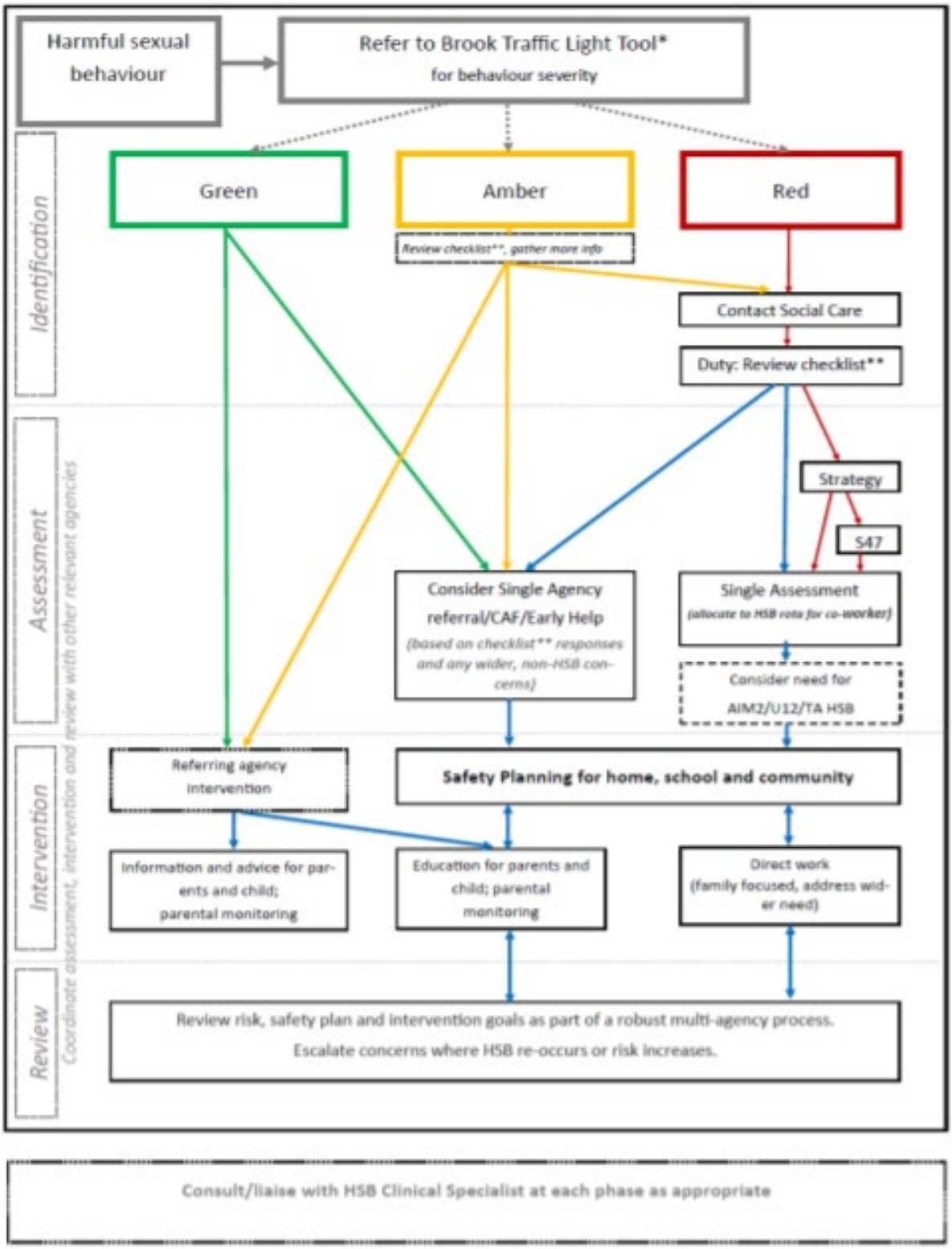
Distribution

This document has been distributed to:

Title/External Organisation/All Staff	Date of Issue	Version
All Staff	January 2022	1.0
All Staff	December 2022	2.0

Appendices

Appendix A: Harmful Sexual Behaviour Flowchart



* Access the Brook Traffic Light Tool online at: https://www.brook.org.uk/our-work/the-sexual-behaviours-traffic-light-tool

** Use checklist in Appendix 2 of the B&NES Harmful Sexual Behaviour Protocol

Appendix B: The Range of Sexual Behaviours

Sexual behaviours range from those that are developmentally expected, consensual and exploratory to those that are violent and highly abusive, with many types of behaviours in between. Be as specific as possible when describing the nature of the behaviour under discussion, rather than resorting to overly generalised terms. The following continuum shows the range and definitions within the umbrella term sexual behaviour.

Normal	Inappropriate	Problematic	Abusive	Violent
• Developmentally expected • Socially acceptable • Consensual, mutual, reciprocal • Shared decision making	• Single instances of inappropriate sexual behaviour • Socially acceptable behaviour within peer group • Context for behaviour may be inappropriate • Generally consensual and reciprocal	• Problematic and concerning behaviours • Developmentally unusual and socially unexpected • No overt elements of victimisation • Consent issues may be unclear • May lack reciprocity or equal power • May include levels of compulsivity	• Victimising intent or outcome • Includes misuse of power • Coercion and force to ensure victim compliance • Intrusive • Informed consent lacking, or not able to be freely given by victim • May include elements of expressive violence	• Physically violent sexual abuse • Highly intrusive • Instrumental violence which is physiologically and/ or sexually arousing to the perpetrator • Sadism

Appendix C: Clarifying the Degree of Concern

When considering how concerned to be about children or young people's sexual behaviour (particularly those that fall under the amber category of the Brook Traffic Light Tool) use the following questions to clarify your concerns.

More positive responses entail greater concern, since the harm for both the child carrying out the behaviour and any potential victims is likely to be more significant.

1. Is the behaviour occurring more often than would normally be expected for the developmental stage?
2. Is the behaviour getting in the way of the child's development? In what ways, and to what degree (be specific)?
3. Did or does the child use coercion, intimidation or force in the process of carrying out the sexual behaviour?
4. Were or are any of the children involved emotionally distressed by what has happened?
5. Did or does the behaviour occur between children of divergent ages or developmental abilities?
6. Has the behaviour persisted even after intervention from staff or caregivers?

(Questions adapted from Chaffin et al., 2002)

Appendix D: Further Information and Resources

a) Advice for Young People

- Think U Know is a good starting point and has good introductory videos Children and young people
- Young people's sexual health services: if you are under 25 contact Ask Brook, www.askbrook.org.uk
- Contraceptive and sexual health information: visit FPA on www.fpa.org.uk

b) Advice for Parents/Carers (see also section d)

- Think U Know is a good starting point and has good introductory videos Think U Know – Parents
- Parents Protect!: 0808 1000 900 or www.parentsprotect.co.uk
- Growing up, sex and relationships – a guide for young disabled people and a guide to support parents of young disabled people (Contact)
- Nude selfies – a parents' guide (Think U Know)

c) Sexual behaviour and development

- Brook Traffic Light Tool (Brook)
- Child's play? Preventing abuse among children and young people (Stop it Now!)
- Healthy sexual behaviour (NSPCC)
- Healthy and unhealthy relationships (Childline)

d) Online safety and pornography resources

- What's the problem? A guide for parents of children and young people who have got in trouble online (Parents Protect)
- Think U Know – Parents, Children and young people, professionals
- Keeping children in care safe online (Think U Know)
- Keeping children safe - Online porn (NSPCC)
- Keeping children safe - Online safety advice for parents (NSPCC)
- Your guide to social networks your kids use (NSPCC)

e) Sexting

- Sexting in schools and colleges: Responding to incidents and safeguarding young people
- (UK Council for Child Internet Safety 2016)
- Sexting: how to respond to an incident
- Searching, screening and confiscation: Advice for headteachers, school staff and
- governing bodies
- Keeping children safe - Sexting (NSPCC)

f) NICE Guidance for professionals

- NICE Guidance on harmful sexual behaviour includes recommendations on:
- multi-agency approach and universal services
- early help assessment

- risk assessment for children and young people referred to harmful sexual behaviour services
- engaging with families and carers before an intervention begins
- developing and managing a care plan for children and young people displaying harmful sexual behaviour
- developing interventions for children and young people displaying harmful sexual
- behaviour
- supporting a return to the community for 'accommodated' children and young people

g) Advice and guidance for schools and olleges
Child-on-child Abuse

- Keeping Children Safe in Education (2022)

h) Child Protection

- Swindon Safeguarding Partnership Procedures
- NSPCC Helpline: 0800 800 5000 (England and Wales) or www.nspcc.org.uk
- National Child Protection Line: 0800 022 3222 (Scotland)
- Child Exploitation and Online Protection Centre (CEOP): 0870 000 3344 or www.ceop.police.uk
- Stop it Now!: 0808 1000 900 or www.stopitnow.org.uk

i) Multi-agency Public Protection Arrangements

- https://mappa.justice.gov.uk/connect.ti/MAPPA/groupHome