



# Prevention of Harassment, including Sexual Harassment Policy

## 2024-2026

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## 1. Purpose

Warrington & Vale Royal College are committed to providing a positive work and study experience for all our employees and students, which includes a zero-tolerance approach to sexual harassment of any kind.

This policy sets out our expectations of behaviour by staff and students, and provides approaches for dealing with complaints of harassment and sexual harassment. It intends to protect staff and students from inappropriate sexual behaviour, which may include, but is not limited to, violence, grooming, misconduct and harassment.

## 2. Scope

**2.1 Harassment** (as defined by Section 26 of the Equality Act 2010, “the Act”) includes unwanted behaviour or conduct which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile or 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

Harassment could also include domestic violence and abuse (which could also involve control, coercion, threats) and stalking. It is also unlawful to treat someone less favourably because they have either submitted a complaint of harassment, or have rejected such behaviour.

The College 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.

**2.2 Sexual Harassment** is unlawful under the Act. It is also unlawful to treat someone less favourably because they have either submitted a complaint of sexual harassment, or have rejected such behaviour. Under the Act sexual harassment is defined as occurring when a person engages in unwanted conduct of a sexual nature that has the purpose or effect of:

- Violating someone’s dignity, or

- Creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

**2.3** Sexual harassment can be a one-off incident or an ongoing pattern of behaviour.

It can happen in person. It can also happen online, for example in meetings, email, social media or messaging tools.

Sexual Harassment (as defined by Section 26 (2) of the Equality Act 2010) includes a wide range of behaviours (both face to face, digitally and online) including but not limited to:

- 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)
- Sexual comments or jokes
- Displaying sexually graphic pictures, posters or photos
- Suggestive looks, staring or leering
- Propositions and sexual advances
- Sexual gestures
- Intrusive questions about a person's private or sex life, and discussing your own sex life
- Sexual posts or contact on social media including distributing private and personal explicit images or video footage of an individual without their consent.
- Spreading sexual rumours about a person
- Sending sexually explicit emails or text messages
- Unwelcome touching, hugging, massaging or kissing
- Criminal behaviour, including sexual assault, stalking, grooming, indecent exposure and sending offensive communications
- Predatory behaviour
- Coercion

**2.4** Sexual interaction that is invited, mutual and consensual is not sexual harassment because it is not unwanted. An individual can experience sexual harassment from someone of the same or different sex, and the recipient of the behaviour decides whether or not it is unwanted

**2.5** Sexual harassment can be a one-off event and does not need to be directed at a person. It can be witnessed or overheard. Sexual conduct that has been welcomed in the past can become unwanted.

**2.6** For the purposes of this Policy, 'employees' are defined as any individual either employed or engaged by the College on a paid or unpaid basis to carry out work for the College under any type of employment contract. This includes:

- Students undertaking paid or unpaid work
- People designated as workers for the College including those engaged through temporary staffing services

- Agency workers and honorary appointments
- Governors
- Those attending College to support students, including for example carers.

- 2.7** A Student is considered to be any individual enrolled to study on any programme of study, including apprenticeships and adults on either Higher Education, Professional or short courses. Students may also study away from College on their course, including via remote delivery or on trips and visits.
- 2.8** People working on a voluntary basis at the College, including those working as contractors are also bound by the terms of this Policy, as in any person engaged with, or representing the College.
- 2.9** Victimisation of any individual making a complaint under this Policy will not be tolerated, and will be dealt with under the College's disciplinary procedures for staff/students.
- 2.10** Sexual harassment constitutes serious misconduct and could result in dismissal for employees, or exclusion for students.

### **3. Responsibility**

It is the responsibility of Laura Williams, Director of Student Support & Inclusion and Tracy Callaghan Director of Human Resources to ensure this policy is in line with current legislation.

Operational responsibility for the implementation of the policy lies with the Director of Student Support and Inclusion. This policy will be monitored by Executive Leadership Team (ELT) and the Director of Student Support and Inclusion at appropriate intervals and will be reviewed on a regular basis.

### **4. Expected Behaviour of Employees (Staff)**

- 4.1** The College believes that the professional relationship of trust and confidence that exists between students and employees is a central and essential part of a student's educational development and pastoral care. Those who work for, or represent, the College must not abuse their position in any way. Given the inherent imbalance of power between many employees and students, the College strongly discourages intimate relationships between its employees and its students where there is a potential conflict of interest, or abuse of power. Such relationships could compromise the trust and confidence that underpins the learning experience, and may negatively impact on the student's educational development and pastoral care, and may in some circumstances constitute an abuse of power of someone in a position of trust.
- 4.2** An imbalance of power can also exist between employees due to positions they hold within the College. Any abuse of the professional working

relationship between employees is unacceptable and could result in disciplinary action.

- 4.3** The College recognises that, on occasion, a consensual relationship may develop between an adult student (over 18) and an employee. In such cases the employee must report the relationship to the college HR Department as soon as possible, and the guidance with regards to conflict of interest must be followed. This is to safeguard the student, themselves and the College.
- 4.4** The College recognises that, on occasion, a consensual relationship may also develop between two employees. In such cases, both employees must follow the guidance in the conflict of interest regulations
- 4.5** The Sexual Offences Act 2003 (Sections 16-21) prohibits sexual contact between a person and another person aged under 18 where such a relationship would be an abuse of position of trust between two parties. This includes situations where the young person is attending an educational institution.

## **5. Expected Standard of Behaviour for Students**

Sexual harassment by a student towards an employee and/or another student will be considered under the College's disciplinary procedures. Action taken under this Policy can exclude exclusion.

## **6. Supporting students and staff at college, including Higher Education Students**

### **6.1 Taking Steps to Protect Students**

The college has undertaken extensive work to gather the experiences of female members of both the student and staff community and their personal experiences of sexual harassment and assault, this has enabled the College to shape support and gain a better understanding of how women are affected across our community. The research has focused on women in the first instance as research used by the Office for Students (OfS) states the following –

- Women were more than twice as likely to experience sexual harassment than men (27 per cent compared to 12 per cent), and over three times more likely to experience sexual assault or violence than men (13 per cent compared to four per cent).
- Twelve per cent of students who experienced sexual harassment in the last year made a formal report to their university. Of those who did make a report: 32 percent said their experience of reporting was good and 43 per cent said it was poor.
- Ninety per cent of students who experienced sexual assault or violence in the last year did not report the incident to the police.

The below is not an exhaustive list but examples of how the college also takes the following steps in order to protect students:

- Consult with students and staff representatives to ensure policies are appropriate
- Continue to collect and review the views of students and staff, ensuring appropriate strategies are in place if required.
- Ensure all students are made aware of sexual harassment and assault during induction and throughout the year via tutorials either face to face or on the adult platform Amplify

## 6.2 Training for staff and students

The college will:

- Inform students about their policies so that they are understood
- Provide mandatory training for all staff and students, including the topics of safeguarding, sexual harassment and Active Bystander, which provides practical advice for individuals who witness harassment as to how they can intervene safely.
- Deliver training via tutorial or Amplify on the topic of consent
- Underpin mandatory training for staff with an assessment and review student understanding via feedback and focus groups to evaluate the effectiveness of the training.

## 6.3 Support for those affected

Students and staff will be supported if they:

- wish to make an allegation or complaint
- have experienced harassment or sexual misconduct
- are actual or alleged perpetrators.

It could also include:

- Tailoring support to students with different needs, including those with needs affected by protected characteristics
- Providing the support at appropriate times, such as before, during or at the outcome of, an investigation
- signposting academic or learning support where a student's academic experience has been affected.

There are many sources of support available to employees prior to making a complaint or to both complainant and alleged perpetrator once a complaint has been made. These include:

- Union representatives (for union members)

- HR Department
- Line Manager
- Staff counselling service

For students' support is available via internal and external services.

These include:

- External agencies such as rape crisis groups
- Children & Young Person's Independent Sexual Advisor
- College Safeguarding Team
- Police

## **6.4 Reporting Incidents**

Any member of the College is encouraged to formally report cases of sexual harassment, whether they are the recipient of the behaviour, or are witness to it as soon as reasonably practicable. The college clearly states how and who students, staff and anyone else can report behaviour which may amount to harassment and/or sexual misconduct. This is included in:

- mandatory training for staff and during induction for both staff and students, clear guidance is provided regarding the Safeguarding and Wellbeing team and the Human Resources team
- all the mechanisms for making a report, including in-person and online
- signposting across the college of who the Designated Safeguarding Lead and the Safeguarding and Wellbeing Officers are

## **6.5 Handling Information**

The College will:

- Collect the information sensitively and treat it with appropriate confidentiality
- Handle the information according to data protection legislation
- Make sure that staff and students understand how information they disclose may be used.

## **6.6 Investigating Incidents**

Where the College investigates an incident, it will take all reasonable steps to ensure that the decisions reached are credible, fair and reflect 'principles of natural justice'.

- When investigating allegations made by staff, Human Resources will follow appropriate policies and explain processes and timelines to relevant parties.



- For students aged up to 18, Guidance from Keeping Children Safe in Education will be followed as well as the Student Disciplinary and Positive Behaviour Management Procedures, which detail timescales and how a report is investigated and concluded.
- Sexual harassment may also lead to a criminal investigation being instigated into the actions of an employee or student. Where there are concerns that a criminal act has taken place then the matter will be reported to the Police.
- Confidentiality will be maintained, subject to any requirement to involve external agencies where a criminal offence may have been committed, or where maintaining confidentiality would pose a risk to the person making the report, or to others.
- If a student is suspended without prejudice pending investigation, the hearing would normally be heard as soon as all the relevant information has been gathered and we aim to complete this as soon as possible. It should be noted that the suspension period may be extended if the investigation becomes protracted due to the involvement of external agencies, for example the Police

## 6.7 Communication

The College takes every step to ensure that the information published is prominent, public and clear. We will:

- Make relevant policies and procedures available on the website so that students or prospective students can access them easily.
- Communicate this statement to staff and students at least once each calendar year.
- Issue timely reminders throughout the year for social events as work-related social events, such as Christmas or Enrichment day, often involve alcohol and a more relaxed atmosphere, which can lead to sexual harassment.
- Include it in the main documents used to promote our services (for example, the website and prospectus)
- Include it in information about rules, policies and procedures for staff and students (for example, staff and student handbooks)

## 7. Reporting Channels for Employees

**7.1** For employees, concerns about, or a complaint of, sexual harassment can be discussed via any of the following reporting channels:

- HR Director
- A member of the HR team
- Your line manager
- A member of the Senior Leadership Team
- A Trade Union Representative



Please choose whoever you feel most comfortable talking to regarding your concerns/complaint.

All concerns/complaints will be taken very seriously, and handled with fairness and sensitivity. We will take notes of your concern/complaint, and you will be advised how we will proceed.

Complaints will normally be processed through the College's policy. If the complaint is against a student then the Student Behaviour Policy will be followed.

- 7.2** If an employee becomes aware of sexual harassment between a colleague and a student, or another employee, then advice should be sought from the HR Director or HR Business Partner.
- 7.3** Sexual harassment can also give rise to situations where there is coercive or predatory behaviour. If intimate relationships arise between colleagues and any person has concerns about predatory or coercive element to such relationship, they are encouraged to report or disclose this to the HR Director or HR Business Partner. The HR Director/HR Business Partner will then determine whether to make arrangements for an investigation to be undertaken in accordance with the relevant behaviour policy.

## **8. Reporting channels for Students**

Any student complaint relating to sexual harassment, including witnessing such behaviour, should be made to a member of the Safeguarding Team. The HR Director will be informed if the complaint is against a member of staff