

SEXUAL MISCONDUCT & HARASSMENT POLICY 2025-2026

Contents

- 1. Purpose**
- 2. Definitions and scope**
- 3. Sharing concerns**
- 4. Actions to be taken**
- 5. Disciplinary proceedings**
- 6. Support available**
- 7. Recording and record keeping**
- 8. Training for students**
- 9. Training for staff**
- 10. Non-disclosure agreements**
- 11. Related policies and procedures**
- 12. Relevant Government Legislation and Guidance**

1. Purpose

This policy outlines the College's position on sexual misconduct and harassment, it outlines the policies and protocols that students, staff and visitors must follow if they experience, witness, or become aware of sexual misconduct or harassment. This policy is the 'single comprehensive source of information' required by the [Office for Students](#) (OfS registration condition E6).

2. Definitions and scope

This policy applies to students, staff, contractors, and visitors. Sexual misconduct and harassment are serious matters, which may or may not overlap with other issues such as safeguarding, Prevent, bullying, harassment, hate crime, peer-on-peer abuse, harmful sexual behaviour, or breaches of the code of conduct. Sexual misconduct and harassment can take place across any medium, including online.

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 (this includes harassment by association or perception), because of, or connected to, one or more of the following protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage or civil partnership
- Race
- Religion or belief
- Sex
- Sexual orientation

Harassment can include domestic violence and abuse (which can also involve control, coercion, threats), and stalking.

We would also consider harassment to include any incidents or physical violence towards another person(s) on the basis of a protected characteristics as listed above.

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 (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
- Up skirting (as defined by the Voyeurism (offences) Act 2019)
- Intimidation, or promising resources or benefits in return for sexual favour (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
- Disturbing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015).

Cases of reported misconduct will be managed in line with policies, procedures or protocol which are already embedded within the College. The nature of the situation will determine which processes to follow: Safeguarding and Prevent Policy and Procedure; Managing Positive Behaviour Policy.

3. Sharing concerns

Students who experience or witness any incident of harassment or sexual misconduct should report this to an appropriate member of staff (Such as a tutor, PDT, Student Inclusion and Support Teams). Learners can also raise a concern by calling the safeguarding phone during working hours. Students will not be victimised for coming forward and sharing concerns. In situations which are also a safeguarding concern, the appropriate reporting structures from the Safeguarding & Prevent Policy should be followed. If a student discloses an incident of harassment or sexual misconduct to a member of staff, that member of staff must follow the guidance of dealing with disclosure, as outlined in the Safeguarding & Prevent Policy.

Staff who witness or learn of sexual misconduct or harassment in relation to a student must follow Safeguarding and Prevent Policy. In a situation in which an immediate response is required, staff should call the safeguarding phone for immediate assistance, during working hours, or follow the out of hours protocols outlined in the Safeguarding & Prevent Policy and Procedures outside of these times.

If a staff member experiences sexual misconduct or harassment themselves, they should follow the college's Sexual Harassment Policy which should be read in conjunction of the college's Harassment, Bullying and Victimisation Policy. In situations which require an immediate response, staff should contact the Head of People Services or a member of the People Team during working hours.

Visitors must report any concerns related to sexual misconduct or harassment in line with the Safeguarding & Prevent Policy and the safeguarding information provided at sign-in. If the concern requires an immediate response, they can ring the safeguarding phone, during working hours.

Contractors must report any concerns related to sexual misconduct or harassment in line with the Safeguarding & Prevent Policy and the Contractor Code of Conduct. If the concern requires immediate response, they can ring the safeguarding phone, during working hours.

In line with the principles outlined in the Safeguarding & Prevent Policy, if receiving a disclosure around sexual misconduct or harassment, the staff member or volunteer receiving the disclosure should:

- Listen to what is being said without displaying shock or disbelief.
- Accept what is being said.
- Allow the person making the disclosure, but do not make promises which might not be possible to keep, and never promise to not tell anyone.
- Reassure the person making the disclosure and that it is the right thing to tell.
- Listen, and only ask questions if clarification is needed.
- Explain what has to be done next and who has to be told.
- Immediately take appropriate action to record the disclosure and inform the relevant parties in line with the appropriate policy (Either the Safeguarding and Prevent Policy and Procedure).
- If the disclosure is coming from a member of staff who has experienced or witnessed sexual misconduct or harassment personally). The staff member or volunteer who received the disclosure should seek support following a disclosure, as this can be a distressing experience.

4. Actions to be taken

Depending upon the nature of the report, various actions might be taken. If the allegation is around a member of staff (including a volunteer or member of the corporation), the Safeguarding & Prevent Policy will be followed. The Safeguarding & Prevent Policy includes clear guidance around handling disclosures, recording, information sharing, and actions to be taken.

If the allegation surrounds a current student, investigation may be undertaken in line with the Managing Positive Behaviour Policy including following protocols for where misconduct might also constitute a Criminal Offence, if appropriate. In line with the Managing Positive Behaviour Policy, appropriate reasonable adjustments may be made to ensure students can access appropriate learning for the duration of the investigation. In instances where internal investigation of a student is undertaken, this should be led by an appropriate qualified member of staff, such as Director of Student Experience or Quality. Dependent upon the nature of the circumstances, it might also be necessary to consult with other agencies or specialists with appropriate expertise. Any investigation will be undertaken by staff who are free from any reasonable perception of bias. Confidential information will be used and shared as far as is appropriate to allow the College to meet its duty to safeguard students and ensure appropriate investigatory and/or disciplinary action is taken. This will likely be involved reporting via internal safeguarding systems. Upon beginning the process, the person leading the investigation will clearly communicate to the student or students involved expected timescales for completion. It must be noted that dependent upon the situation it may not always be possible to give an accurate deadline for completion of proceedings, especially where external agencies are involved, including but not limited to situations where misconduct may constitute a criminal offence, and completion of internal proceedings is therefore dependent upon the involvement of these external agencies.

In instances where it is not possible for college to take investigatory action around a report the reporting party will be signposted and encouraged to contact an appropriate authority who could progress their concerns, such as the police. Whether or not the College is able to investigate the allegation will not impact upon a student's ability to access support, as outlined below.

The College takes reports of sexual harassment and misconduct very seriously. In instances of anonymous or third-party disclosures, we would endeavour to investigate in a proportionate manner based upon the information available. Owing to our statutory duty around safeguarding, we cannot guarantee confidentiality to those making disclosures.

5. Disciplinary proceedings

In instances where a college investigates identified sexual misconduct, appropriate disciplinary action would be taken, either in line with the Disciplinary Policy & Procedure for staff, or the Managing Positive Student Behaviour Policy for students. Disciplinary proceedings will be conducted by staff who are appropriately trained and free from any reasonable perception of bias.

Those involved in disciplinary proceedings will be appropriately supported, in line with the Disciplinary Policy & Procedure for staff, or the Managing Positive Behaviour Policy for students. Outcomes will be reported in line with established timescales.

6. Support available

Students wishing to seek support in relation to experiencing or witnessing harassment or sexual misconduct can speak to their tutor or contact a relevant member of the Student Inclusion and Support team at college, using the wellbeing referral form. Students may also choose to seek support from a range of external agencies, including NSPCC, their GP, the police, other voluntary organisations such as Women's Aid, Victim Support, The Survivors Trust. Students do not need to have made a formal complaint in order to receive any of this support. This support sits in addition to pastoral support available to all students.

Students who are part of an investigation or processes, whether as a reporting or responding party, will be offered the opportunity to access pastoral support, and can request to speak to a member of the Student Inclusion and Support team in order to access pastoral and wellbeing support.

Students and staff are welcome to make requests for reasonable adjustment to be made for the duration of the period of investigating, or as part of a risk assessment/ safety plan. However, there is no guarantee that adjustments could be made, especially where a requested adjustment would limit the College's ability to provide education and training and safeguard students.

Visitors or contractors who witness or experience sexual misconduct or harassment may choose to seek support via a range of agencies and organisations, including, but not limited to, NSPCC, their GP, the police, other voluntary organisations.

7. Recording and record keeping

In line with the Safeguarding & Prevent Policy, any concerns related to students will be reported through the safeguarding team and information stored securely.

In line with the College's Sexual Harassment Policy, appropriate records will be kept by HR of any disclosures made or allegations made where staff experience sexual misconduct or harassment, and information stored securely in line with established retention periods outlined in the College's Data Retention Policy.

8. Training for students

We're committed to ensuring that students understand what harassment and sexual misconduct is, how to report it, the support available to them, what consent is and how to intervene effectively.

Safeguarding is an integral part of induction and the tutorial programme. As part of the BPC GROW tutorial programme, further education and higher education for students engages in a range of sessions exploring key themes around sexual misconduct and harassment. The materials and resources related to these sessions are available and shared with all learners across the college.

9. Training for staff

As outlined in the Safeguarding & Prevent Policy, all new starters receive mandatory training on a range of important topics, including but not limited to safeguarding, Prevent, female genital mutilation, gender identities, and must-read Keeping Children Safe in Education.

As part of the ongoing mandatory and CPD programme, all employees of the College have training on safeguarding and key relevant legislation, which includes an annual update on sexual misconduct and harassment. Alongside this, the Designated Safeguarding Leads provide regular update on key themes, and more in-depth CPD across a range of safeguarding and Equality, Diversity and Inclusion (EDI) topics is scheduled throughout the year and in line with statutory requirements, sector good practice guidance, and staff feedback.

10. Non-disclosure agreements

The College will not use non-disclosure agreements (NDAs) in relation to complaints of sexual harassment, abuse, misconduct, or other forms of harassment and bullying. In addition, since September 2024 the [Office for Students](#) has prohibited universities and colleges from using NDAs in relation to student allegations of harassment and sexual misconduct.

11. Related policies and procedures

Student Policies and Procedures:

- Safeguarding & Prevent Policy and Procedure [Safeguarding and Child Protection Policy 2024-25 - Board Approved.docx](#)
- Student Managing Positive Behaviour Policy [BPC Positive Behaviour - Policy \(Final\)/ BPC Positive Behaviour - Procedure and Guidance \(Final\)](#)

Staff Policies and Procedures:

- [Sexual Harassment Policy \(Internal Staff and Workers Policy\)](#)
- [Harassment, Bullying and Victimisation Policy \(Internal Staff and workers Policy\)](#)
- [Disciplinary Policy and Procedure \(Internal Staff Policy\)](#)
- [Grievance Policy and Procedure \(Internal Staff Policy\)](#)
- [Whistleblowing Policy](#)
- Safeguarding & Prevent Policy and Procedure [Safeguarding and Child Protection Policy 2024-25 - Board Approved.docx](#)
- [Data Protection Policy](#)

12. Relevant Government Legislation and Guidance:

- Keeping Children Safe in Education [Keeping children safe in education 2025](#)
- Sexual Offence Act (2003) [Sexual Offences Act 2003](#)
- Equality Act (2010) [Equality Act 2010: guidance - GOV.UK](#)
- Voyeurism Act (2019) [Implementation of the Voyeurism \(Offences\) Act 2019 - GOV.UK](#)
- Equality and Human Rights Commission: Sexual harassment and the law (2017) [New protections from sexual harassment come into force - GOV.UK](#)