

# Sexual Assault and Violence Policy

## 1. Policy Statement

Loughborough College considers the welfare of children, young people and vulnerable adults of paramount importance and aims to safeguard and promote their welfare, safety and health by providing an open, caring, responsive and supportive learning environment which responds to needs immediately. The college will ensure that all children, young people and vulnerable adults who access the college facilities and offsite programmes of learning, including apprentices, feel safe and will put in place college-wide procedures and staff training to achieve this.

## 2. Scope and Purpose

The purpose of this policy is to provide a clear set of guidelines to staff regarding the actions they must take if they become aware that a learner or apprentice is at risk or being affected by sexual harassment and or sexual violence.

The Policy is consistent with:

- The legal duty to safeguard and promote the welfare of children, as described in Section 175 of the Education Act 2002 and the statutory guidance 'Keeping Children Safe in Education' (2020)
- Leicester Safeguarding Children Partnership Board (LSCP), Leicestershire and Rutland Safeguarding Children Partnership (SCP) and Leicestershire & Rutland Safeguarding Adults Board (SAB) procedures and guidance for safeguarding children and adults.
- Working Together to Safeguard Children (2018)
- Safeguarding Children and Safer Recruitment in Education (2019)
- Guidance for Safer Working Practice for those working with Children and Young People in Education Settings (2019)
- Protecting the UK against terrorism (2015)
- Prevent Duty Guidance (2015)
- Care Act-(2014) see chapter 14 safeguarding
- Safeguarding Vulnerable Groups Act (2006)
- Human Rights Act (1998)
- Departmental advice Sexual Violence and Sexual Harassment Between Children in Schools and Colleges

There are many different ways to describe children, young people or vulnerable adults who have been subjected to sexual violence and/or sexual harassment and many ways to describe those who are alleged to have carried out any form of abuse.

For the purposes of this policy, we use the term ‘victim’. It is a widely recognised and understood term. It is important that we recognise that not everyone who has been subjected to sexual violence and/or sexual harassment considers themselves a victim or would want to be described in this way. Ultimately, we should be conscious of this when managing any incident and be prepared to use any term with which the individual child, young person or vulnerable adult is most comfortable. For the purpose of this advice we use the term ‘alleged perpetrator’ and where appropriate ‘perpetrator’. These are widely used and recognised terms and the most appropriate to aid effective drafting of advice.

### 3. What is Sexual Violence and Harassment

- Sexual violence and harassment mean ‘unwanted conduct of a sexual nature’ that can occur online and offline. Sexual harassment and harassment can occur between two children or young people or vulnerable adults of any age and sex. It can also occur through a group of children and/or young people or vulnerable adults sexually assaulting or sexually harassing a single child, young person or vulnerable adult or group of children, young people or vulnerable adults.
- Sexual harassment is likely to: violate a child, young person or vulnerable adult’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; sexual “jokes” or taunting;
- Physical behaviour, such as: deliberately brushing against someone, interfering with someone’s clothes and displaying pictures, photos or drawings of a sexual nature; and online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include: Non-consensual sharing of sexual images and videos. Sexualised online bullying; unwanted sexual comments and messages, including, on social media; and sexual exploitation; coercion and threats.
- Children, young people and vulnerable adults, who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment. Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physically and verbally) and are never acceptable. It is important that all victims are taken seriously and offered appropriate support.

Reports of sexual violence and sexual harassment are extremely complex to manage. It is essential that victims are protected, offered appropriate support and every effort is made to ensure their education is not disrupted.

This policy applies to all key partners. The college recognises that safeguarding is the responsibility of all staff. The college will ensure that all key partners are aware of the college sexual harassment and violence policy by mentioning it in our college information and publishing on our website.

Where the College provides services or activities directly under the supervision or management of college staff, the college's arrangements for safeguarding will apply. Where services or activities are provided separately by another body, the College will seek assurance in writing that the body concerned has appropriate policies and procedures in place to safeguard children, young people and vulnerable adults and that there are arrangements to liaise with the college on these matters where appropriate.

## 4. Procedures for Safeguarding Children, Young People and Vulnerable Adults

### **Our College will:**

Establish and maintain an ethos where children, young people and vulnerable adults feel secure and are encouraged to talk, and are listened to;

Ensure that all reports of sexual violence and harassment are taken seriously and acted upon in line with the college's safeguarding policy.

Reassure all victims that they are being taken seriously and that they will be supported and kept safe.

Sanctions against perpetrators in line with the college disciplinary procedures may include suspension whilst an investigation takes place and permanent exclusion.

Ensure that children young people and vulnerable adults know that there are adults in the college whom they can approach if they are worried or are in difficulty;

Include in the curriculum activities and opportunities which provide children, young people and vulnerable adults with the skills they need to stay safe from abuse (including online), and to know to whom they can turn for help;

Ensure every effort is made to establish effective working relationships with our key partners.

Operate safer recruitment procedures and make sure that all appropriate checks are carried out on new staff and volunteers who will work with children, young people and vulnerable adults including references, DBS checks and prohibition from teaching checks

## 5. Roles and responsibilities

All adults working with or on behalf of children, young people and vulnerable adults have a responsibility to safeguard and promote their welfare. This includes a responsibility to be alert to possible abuse and to record and report concerns to the safeguarding team.

All staff involved must carefully consider the potential impact of the abuse on both the victim/s and the perpetrator/s and liaise with the Designated Safeguarding Lead or Deputy Designated Safeguarding Lead to ensure the necessary steps are in place to safeguard both victim/s and perpetrator/s.

The victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report

The victim may ask the college not to tell anyone about the sexual violence or sexual harassment, although there are no easy or definitive answers when a victim makes this request, any incident of abuse must be discussed with the learners/apprentices' parents/carers for under 18s and those under the age of 25 in receipt of an EHCP and/or high needs funding. If the victim is over 18 and does not give consent to share information, staff may still lawfully share it, if it can be justified to be in the public interest, for example, to protect children, young people or vulnerable adult from harm and to promote the welfare of children.

The college has a Designated Safeguarding Lead who is a member of the Senior Leadership Team, as well as Deputy Designated Safeguarding Lead and a team of safeguarding officers to be able to offer advice and guidance and support with safeguarding concerns linked to sexual harassment and assault. The contact number for safeguarding referrals is advertised on the back of all staff and learner/apprentice lanyards and is in operation during college opening hours. Staff complete mandatory safeguarding training and also receive further information during staff induction to ensure that all staff understand their responsibilities within safeguarding and making safeguarding referrals.

## 6. Governing Body

In accordance with the Statutory Guidance "Keeping Children Safe in Education" 2021, the Governing Body will ensure that:

- The college has a sexual harassment and violence policy, with procedures and training in place which are effective and comply with legislation. The policy is made available publicly;
- The college operates safer recruitment practices, including appropriate use of references and checks on new staff and volunteers. Staff involved in recruitment will undertake safer recruitment training;
- There are procedures for dealing with allegations of abuse against members of staff and volunteers;
- There is a senior member of the college's leadership team who is designated to take lead responsibility for dealing with child protection (the "Designated Safeguarding Lead") and that there is always cover for this role;
- The Designated Safeguarding Lead and Deputy Designated Safeguarding Lead undertake Local Authority training (in addition to basic child protection training) and this is refreshed every two years;

Designated Safeguarding Lead and Deputy Designated will stay up to date with their knowledge and skills as required, and at least annually.

- All staff and volunteers of the college undertake appropriate training which is regularly updated (at least every three years in compliance with the SCP and SAB protocols); and that new staff and volunteers who work with children, young people and vulnerable adults are made aware of the college's arrangements for child protection and their responsibilities. The Local Authority leaflets, "Safer working in Education Settings" and "Safeguarding is Everyone's Business" will be used as part of this induction; staff will receive regular updates as required and at least annually in order to further enhance staff knowledge and skills set.
- Any deficiencies or weaknesses brought to the attention of the Governing Body will be rectified without delay;
- Chair of Governors (or, in the absence of a Chair, the Vice Chair) deals with any allegations of abuse made against the Chief Executive, in liaison with the Local Authority Allegations Manager (previously known as LADO);
- Effective policies and procedures are in place and updated annually including a behaviour "code of conduct" for staff and volunteers;
- The college contributes to inter-agency working in line with statutory guidance "Working Together to Safeguard Children" 2018 including providing a coordinated offer of early help for children who require this. Safeguarding arrangements take into account the procedures and practice of the local authority and the Leicestershire and Rutland Safeguarding Children Partnership (SCP) and Leicestershire & Rutland Safeguarding Adults Board (SAB)

## 7. The Chief Executive

The Chief Executive of the college will ensure that:

- The policies and procedures adopted by the Governing Body are effectively implemented, and followed by all staff;
- Sufficient resources and time are allocated to enable the Designated Safeguarding Lead, Deputy Designated Safeguarding Lead and other staff to discharge their responsibilities, including taking part in strategy discussions and other inter-agency meetings, and contributing to the assessments of children, young people and vulnerable adults;
- Allegations of abuse or concerns that a member of staff or adult working at college may pose a risk of harm to a child, young person or vulnerable adult are notified to the Local Authority Designated Officer (LADO);
- All staff and volunteers feel able to raise concerns about poor or unsafe practice in regard to children, young people and vulnerable adults and such concerns are addressed sensitively and effectively in a timely manner;

- All staff are made aware that they have an individual responsibility to pass on safeguarding concerns and that if all else fails to report these directly to children's or adult social care services or the police.

## 8. Records, Monitoring and Transfer

Well-kept records are essential to good child protection and safeguarding practice. All staff are clear about the need to record and report concerns about a child, young person or vulnerable adult. The Designated Safeguarding Lead is responsible for such records and for deciding at what point these records should be passed over to other agencies.

Records relating to actual or alleged abuse or neglect are stored apart from normal student or staff records. Normal records sometimes have markers to show that there is sensitive material stored elsewhere. This is to protect individuals from accidental access to sensitive material by those who do not need to know.

Child protection safeguarding records are stored securely, with access confined to the Designated Safeguarding Lead, Deputy Designated Safeguarding Lead and Safeguarding Officers.

Child protection safeguarding records are reviewed regularly to check whether any action or updating is needed. This includes monitoring patterns of complaints or concerns about any individuals and ensuring these are acted upon.

When children, young people and vulnerable adults transfer to college, their safeguarding records must also be transferred. Safeguarding records will be transferred separately from other records and best practice is to pass these directly to a Designated Safeguarding Lead in the receiving college with any necessary discussion or explanation and to obtain a signed and dated record of the transfer. In the event of a child, young person or vulnerable adult moving out of area and a physical handover not being possible then the most secure method will be found to send the confidential records to a named Designated Safeguarding Lead and a photocopy kept. Files requested by other agencies e.g. Police will be copied.

The Data Protection Act 2018 and GDPR do not prevent the sharing of information for the purposes of keeping children safe. Fears about sharing information must not be allowed to stand in the way of the need to promote the welfare and protect the safety of children.

Staff have due regard to the data protection principles, which allow them to share personal information for safeguarding processes, including information that is sensitive and personal and is treated as special category personal data, allowing staff to share information to for 'Safeguarding children and individuals at risk'. This allows staff to share information without consent, if a child is at significant risk, if it is not reasonable to gain consent or if gaining consent would place a child at further risk.

## 9. Working in Partnership

## Support for learners

- Our college recognises that children, young people and vulnerable adults who have been victim to sexual harassment and violence or witness violence may find it difficult to develop a sense of self-worth and view the world in a positive way. For such children, young people and vulnerable adults college may be one of the few stable, secure and predictable components of their lives. Other children, young people and vulnerable adults may be vulnerable because, for instance, they have a disability, are in care, or are experiencing some form of neglect. The college will seek to provide such children, young people and vulnerable adults with the necessary support and to build their self-esteem and confidence.
- Our college recognises that children, young people and vulnerable adults sometimes display abusive behaviour and that such incidents must be referred on for appropriate support and intervention.
- Complaints or concerns raised by children, young people and vulnerable adults will be taken seriously and followed up in accordance with the college's complaints process.

In the event of a disclosure of this nature the College will formally risk assess the situation considering the alleged victim, alleged perpetrator and other children, young people or vulnerable adults. This will be done on a case by case basis and alleged victims will be taken seriously. This risk assessment and subsequent actions will be kept under review and Designated Safeguarding Lead or Deputy Designated Safeguarding Lead will ensure that we are engaging with children's social care, the police and specialist services as required.

All staff and especially the Designated Safeguarding Lead, Deputy Designated Safeguarding Lead and safeguarding officers, will have regards for the context in which incidents and/or behaviors occur. This is known as contextual safeguarding. Staff should consider whether environmental factors in a child, young person or vulnerable adult's life are present, that are a threat to their safety and welfare.

The college operates a range of pastoral support services, including mental health and wellbeing and inclusion, working with learners and apprentices in a person-centered way. Where internal support services are not the right pathway for the learner or apprentice, internal support services will work in a multi-agency way to support learners and apprentices to access services available.

## Support for Staff

As part of their duty to safeguard and promote the welfare of children, young people and vulnerable adults, staff may hear information, either from the child/young person, vulnerable adult or as part of a disclosure or from another member of staff that will be upsetting. Where a member of staff is distressed as a result of dealing with a child protection/safeguarding concern, he/she should in the first instance speak to the Designated Safeguarding Lead or Deputy Designated Safeguarding Lead about the support he/she requires. The Designated Safeguarding Lead or Deputy Designated Safeguarding Leads will seek to arrange the necessary support.

## Working with key partners

The college will:

- Outline our safeguarding, sexual harassment and violence policies and procedures to all visitors and contractors highlighting their responsibilities as visitors to the college in regards to safeguarding by providing them with the details of what to do should there be a safeguarding concern.

- Ensure due diligence of all key partners and stakeholders, including subcontractors is undertaken including their provision for safeguarding and child protection policies and procedures being in place as well as knowing how to contact our safeguarding team at the College.
- Ensure that parents/carers have an understanding of the responsibility placed on the college and staff for child protection/safeguarding by publishing the Safeguarding and Sexual Harassment and Voice Policies.
- Undertake appropriate discussion with parents/carers prior to involvement of Children and Family Services Specialist Services (Children’s Social Care) or another agency, unless to do so would place the child, young person or vulnerable adult at risk of harm or compromise an investigation

## 10. Linked Policies, Procedures and Guidance

The policy will be implemented by procedures which will:

- Promote the **prevention** of abuse of children and vulnerable adults.
- **Protect** children and vulnerable adults
- **Support** children and vulnerable adults who may have been subjected to or affected by abuse
- **Work with parents and carers**, where appropriate, to ensure communications and actions are undertaken swiftly, smoothly and sensitively

Related policies, procedures and guidance include:

- Safeguarding Policy
- Anti-Bullying and Harassment (including Cyberbullying)
- Safer Recruitment of Staff
- Disclosure and Barring Service (DBS)
- Allegations against persons who work with children and vulnerable adults
- Staff and Student Discipline
- Electronic Communications
- Trips and visits
- Prevent Policy
- Work experience and extended work placements
- First aid
- Administration of medicines
- Personal Care Procedures
- Health and Safety

- Nursery Policies, procedures and codes of practice
- Security (including stop and search policy)
- Equality and Diversity
- e-safety
- Extended college activities

The above list is not exhaustive but when undertaking development or planning of any kind the college will consider the implications for safeguarding and promoting the welfare of children, young people and vulnerable adults.

## 11. Location and Access to this Policy

This policy will be accessible via SharePoint and the Loughborough College website.

## 12. Persons Responsible for the Policy

Designated Safeguarding Lead

## 13. Change log

Date	Version number	Details of change	Review / Revision by	
31/08/2021	1.0	Header and footer changes/amendments.	Hayley Dobson	ISO Administrator

