

# UCC Sexual Misconduct Policy and Procedure

Including:

Section1 – Learner to Learner Bullying,  
Harassment and Sexual Harassment

Section 2 – Learner to Learner Sexual Misconduct

Policy Details			
Policy Owner	Head of Student Services		
CE Sponsor	Deputy Principal		
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1	College Executive	14 July 2025	July 2026
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Version Control	
Version Number	Changes from previous 12 months policy
1	New policy

### Equality Impact Assessment Tool

**Name of Policy:** UCC Sexual Misconduct Policy and Procedure

		Yes/No	Comments
1	<b>Does the policy/guidance affect one group less or more favourably than another on the basis of:</b>		
	Race or ethnicity	No	
	Disability	No	
	Gender	No	
	Religion or belief	No	
	Sexual orientation	No	
	Age	No	
	Marriage and Civil Partnership	No	
	Maternity and Pregnancy	No	
	Gender Reassignment	No	
2	<b>Is there any evidence that some groups are affected differently?</b>	No	
3	<b>If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?</b>	N/A	
4	<b>Is the impact of the policy/guidance likely to be negative/</b>	No	
5	<b>If so, can the impact be avoided?</b>	N/A	
6	<b>What alternatives are there to achieving the policy/guidance without the impact?</b>	N/A	
7	<b>Can we reduce the impact by taking different action?</b>	N/A	

## **Section 1 – Bullying, Harassment and Sexual Harassment**

### **1. Introduction**

University Centre Colchester (UCC) is committed to the elimination of discrimination on the grounds of sex, marital status, sexual orientation, race, colour, nationality, creed or religious belief, ethnic or national origins, age and disability. UCC recognises the problems associated with bullying and harassment and is committed to providing an environment in which all learners can study without the fear of victimisation. If a report is brought to the attention of staff and the reporting learner would like it investigated, it will be investigated promptly and appropriate action taken.

UCC recognises that any form of bullying, harassment or sexual harassment of learners is entirely inappropriate and must be eradicated. At a personal level it can cause extreme distress and anxiety and can affect health and the continuation of studies. In some cases, it is unlawful and a criminal offence.

Any form of bullying and harassment is unacceptable, whether or not it is unlawful. UCC has zero tolerance on all forms of bullying and harassment.

This policy outlines how UCC responds to concerns and reports in terms of action to keep our learners safe.

UCC is committed to:

- Ensuring that all learners are treated with dignity by promoting a culture where bullying and harassment is neither condoned nor tolerated.
- Providing an environment where learners have the confidence and feel safe to report incidences of bullying and harassment without fear of further victimisation.
- Ensuring that any reports are investigated quickly, effectively and sensitively.
- Ensuring that all learners are aware that incidents of bullying, harassment or sexual harassment are regarded seriously, can amount to gross misconduct and as a consequence, can be grounds for disciplinary action, including expulsion.
- Safeguarding and promoting the welfare of learners receiving education or training on the provider premises, with partnership providers and in work placements.

### **2. Scope of learners**

This policy covers all UCC enrolled learners including full time, part time.

### **3. Definitions:**

#### **What is Bullying and Harassment?**

Bullying and harassment is conduct which is unwanted by the recipient where people deliberately hurt or intimidate someone else. Bullying and Harassment are generally characterised as a pattern of behaviour and not a single event, although a single event may amount to bullying.

**Bullying** may include, but is not limited to:

- Being called names
- Being teased
- Being punched, pushed or attacked
- Being forced to hand over money, mobiles or other possessions

- Getting abusive or threatening text messages, emails or postings on social networking sites such as Facebook, Twitter, Myspace. 'Cyberbullying' can take place at any time and can intrude into spaces that have previously been regarded as safe and personal
- Having rumours spread about them
- Being ignored or left out
- Being attacked because of their religion, gender, sexuality, disability, appearance, ethnicity or race, hate crimes
- Being humiliated in public
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**Harassment** (Definition from the Office for Learners - Prevent and Address Harassment and Sexual Misconduct)

Harassment, including sexual harassment, 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; and sexual orientation.'

The OfS use section 1 of the Protection from Harassment Act 1997:

'a course of conduct conducted on at least two occasions that harasses one other person, or a course of conduct that harasses two or more persons at least once each. References to harassing a person include alarming the person or causing the person distress.'

#### **4. Responsibilities**

All staff and learners have a responsibility to eradicate all forms of bullying, harassment and sexual harassment. Both staff and learners have the responsibility to take appropriate action when they witness an incident and staff must refer to this policy when they receive a concern or report.

UCC strives to create a safe space for all, where learners feel comfortable, supported and safe, this means that tackling bullying, harassment and sexual harassment is a key priority. As a provider we understand that not all learners feel ready to discuss concerns or make reports but the preventative and protective ethos of a safe environment must exist even if no concerns are being discussed or reports being made. A culture of vigilance and acceptance that bullying, harassment and sexual harassment can and does occur in all education providers is fundamental to a culture of zero tolerance.

Bullying, harassment and sexual harassment is a clear breach of our values and expectations and sanctions are in place for any misconduct which is witnessed by staff members and or reported directly by learners, this exists alongside education and awareness on life topics which learners will cover.

UCC recognises that bullying, harassment and sexual harassment can take place on or off the campus, in the community and either face to face and/or online, can be intentional or unintentional - individuals may not intend for their actions to be bullying, harassment or sexual harassment but this is how it is felt and received by the other learner or learners.

All concerns and reports no matter where they take place will be covered by this policy where learners (the learner reporting the concern and the learner the report is about) are enrolled at UCC. All parties have the right to feel safe and comfortable. However, we recognise that the UCC policies cannot manage safety in the public domain and will support any learner to make a report to the Police to ensure their safety away from the Campus.

## **5. Procedure for dealing with Bullying, Harassment and Sexual Harassment**

This procedure has been designed to deal with reports of bullying and harassment and sexual harassment which need to be handled in a sensitive and supportive manner. The procedure, therefore, seeks to ensure minimal stress for the learner who has a concern or makes a report, timely resolution of reports and a degree of flexibility appropriate to individual circumstances.

This procedure should be read in conjunction with the UCC Disciplinary Policy, which may need to be used following an investigation under this policy.

It is recognised that any learner making a report must be protected from further bullying and harassment and or sexual harassment or detriment arising from the alleged incident/s and associated report. The single act of moving the complainant to another course group or campus is not an option.

False allegations of bullying and harassment and or sexual harassment will be taken seriously, and further action will be considered, if proven.

Our staff will never promise confidentiality to the learner as the concern may need to be shared further.

<b>If at any point during this procedure the learner is in danger/at risk, or if a report of Sexual Abuse is disclosed, a Safeguarding Officer must be contacted immediately. For emergency situations where there is immediate risk of harm, please call 999.</b>
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<b>If an allegation of bullying, harassment, or sexual harassment is made by a learner from a member of staff, volunteer, contractor or Governor, the Director of People and Culture or their deputy must be contacted immediately.</b>
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### **STEP 1 – Informal – Learner discusses a concern/ requires advice – does not wish to make a report (step 2) at this stage.**

If a learner has a concern and they feel that they are experiencing bullying, harassment and or sexual harassment they should speak to a member of staff. Learners should feel safe, comfortable and supported to talk to a member of staff about their concern.

The member of staff could be a tutor or Learner Welfare and Safeguarding Officer or another member of staff.

An incident may be so serious (crossing into peer on peer sexual abuse where section 2 of this document must be followed) or there may be sufficient evidence to proceed straight away with step 2 - formal action.

Once a learner contacts a member of staff to discuss a concern, the options below are offered:

- The learner may wish to monitor the situation but receive support, regular check ins or drop ins with the Learner Welfare and Safeguarding Team

- The learner being supported (by a staff member) to discuss with the other learner the impact of their behaviour on the reporting learner
- Arranging counselling with the College Counsellor
- Arranging support from external agencies
- Taking no further action at this stage but the learner keeping the situation under review
- The learner may wish for Step 2 to be instigated (formal College Action)

## **STEP 2 – Formal Action by UCC**

If the bullying, harassment and or sexual harassment continues and/or the learner wishes to make a formal report or the concern is of a level to be taken straight to Step 2. The learner can make a formal report to their tutor or Learner Welfare and Safeguarding team. They can be supported if they wish by a family member, a friend or member of staff.

The member of staff receiving the report must ask the learner to write a statement of the concern/s and clarify with the learner that they have captured the details correctly (who, what, where, when and details on any witnesses). The staff member receiving the concern will then advise the learner what happens next, taking into consideration, the learner's wishes, as far as possible. Honesty and transparency will be at the forefront of discussions as we have to balance the learner's wishes with the wider safety of the learner, other learners, staff and the campus community coupled with the consideration of reporting acts of a criminal nature to the Police.

Once the notes/statement have been captured, the staff member or Learner Welfare and Safeguarding officer will contact the Area Head/CLMG Manager for the learner making the report. If the report is made by the learner directly to the course area any notes/statements held by Learner Welfare will be passed to the Area Head/CLMG Manager.

If the bullying, harassment or sexual harassment has an online element, evidence of the online concerns should be obtained and attached to the reporting learner's statement. This could be screenshots, messages, audio recordings or video recordings. If the online content contains indecent images of individuals, we will ask the learner to save the images/messages and not to share them with anyone but the Police.

If the learner has any online evidence/screenshots/photos/videos of a criminal nature we will advise the learner to save the evidence and a report to the Police will be made.

The Area Head will read the written record of the incident(s) of alleged bullying, harassment and or sexual harassment and any evidence and decide on the next steps. The next steps will be explained to the learner making the report. The Area Head can consult with the Head of Student Services for advice and guidance if required.

If the report is against a member of staff, volunteer, contractor or Governor the Director of People and Culture, or their deputy, must be informed immediately.

If the concern is against any other person who is not an enrolled learner or staff member, volunteer, contractor or Governor the case must be handed to a Learner Welfare and Safeguarding officer to be taken forward, under the Safeguarding Policy, as the matter may need to be referred to the Police and/or other agencies.

### **How the report will be investigated – next steps**

The investigation will be carried out either by two Area Heads (the Area Head of the reporting learner and the Area Head of the alleged bully/harasser), or two Assistant Area Heads or other staff members delegated by the Area Head.

If both the reporter of the concern and the person carrying out the alleged bullying/harassment/sexual harassment are in the same course area the Area Head should ask for assistance from the Assistant Area Head, another Area Head, or another appropriate member of staff.

The investigation should ensure that as far as possible the nature of the complaint in terms of gender/race/disability and the courses attended by the learners are taken into account when nominating the second investigator.

The investigation must include interviewing both the reporting learner and the learner against whom the report has been made. The learner against whom the report was made should be informed of the nature of the report by their Area Head or Assistant Area Head. The learner who the report is against must be given the opportunity to provide their own statement of the situation/incident. Both learners should be given the opportunity to nominate witnesses whom they wish to be interviewed.

Detailed written records will be made of the investigation interviews.

The investigation should normally be completed within 15 working days of the formal report being received. On occasions, it may not be possible to keep within this timescale. In such cases, both learners must be kept informed of the need for an extension and the likely timescale for completion.

The learners may be accompanied at the investigation meetings by a friend, who must be a learner at UCC but not connected to the report or a member of the Learner Welfare and Safeguarding Team.

Both the reporting learner and the “alleged” bully/harasser will be offered ongoing support from a Learner Welfare and Safeguarding. The learner(s) may decline this support and if declined this must be recorded on the welfare and safeguarding recording system - Intuition. If support from external agencies is required, the learner welfare and safeguarding officer will arrange this and be the point of contact for the agencies.

### **Possible suspension or alternative learning arrangements during investigation**

In order to relieve the stress and pressure on one or both learners; to prevent the risk of further incidents and to prevent victimisation, the Area Head should consider whether alternative learning arrangements need to be put in place during the investigation.

Examples of alternative arrangements are: temporary change of course attendance, undertaking course work off-site, and possible suspension from UCC of the alleged harasser and/or the learner making the report, if appropriate. It must be noted that suspension and/or temporary learning arrangements for Safeguarding reasons are not punishments, they are neutral actions and do not imply that a situation/incident has or has not occurred. It provides space and safety for both parties for an investigation to be carried out.

### **Actions following investigation**

The investigators will, on completion of the investigation, review the information collected and decide whether the complaint is substantiated. In some cases, there will not be any witnesses, and it will be one learner's word against another's. In these cases, the investigators will consider whether on balance of probabilities, the incidents/actions occurred.

The investigators will decide either to:

- Take no further action, the allegations have not been substantiated; or
- Progress the case to the UCC Disciplinary Policy. Where the alleged harasser is on a course in another area of study, the Area Head for the alleged harasser will initiate this procedure; or
- Take action other than to initiate the above procedure. This may include:
  - Facilitating a reconciliation meeting between both learners and putting in place support
  - Make arrangements for both learners to study as separately as possible (including the possibility of implementing campus movement orders, restriction of time on campus to timetabled hours only)
  - Set up arrangements to monitor the situation

### **6. Central recording of bullying and or harassment cases**

As part of its commitment to equity, inclusion and diversity and safeguarding, reporting on the number of hate crimes and bullying, harassment sexual harassment reports, UCC must centrally record bullying, harassment, sexual harassment cases reported to UCC. A central log of cases will therefore be maintained by the Learner Welfare and Safeguarding team. Course Areas must ensure that where the Learner Welfare and Safeguarding team are not involved in investigations or support, that cases are notified to them for recording. This can be done by email or by using the form in Appendix 1. To protect confidentiality only learner ID numbers should be used unless all documents are password protected. The notification must be copied into the Area Head.

All reports of bullying, harassment and sexual harassment will be logged on Intuition by the learner welfare and safeguarding officers on receipt.

### **7. Action when the complainant is dissatisfied**

If the complainant or alleged bully/harasser disagrees with the decision, then the appeal procedure in the learner professional standards and conduct policy (if a sanction has been issued) or UCC complaints procedure will be followed.

### **8. Communication of the Policy**

The policy will be communicated in the following ways:

To learners through:

Learner Induction, one to one and personal development sessions, copies of the policy available from Learner Services (Welfare) Team and learner portal.



To Staff through:  
Staff Induction, access to the policy on UCC portal SharePoint (intranet)

## **Section 2 – Learner on Learner Sexual Assault and or Rape**

### **1. Introduction**

All of our learners and apprentices within UCC, join us as adults this means that many will develop or be exploring sexual relationships and behaviours in line with their age and developmental stage and that is entirely normal. However, sexual behaviour between learners that is harmful or abusive is unacceptable and must be addressed.

In all our safeguarding practices, we aim to protect and support all learners and apprentices. UCC recognises that learners can be vulnerable to and capable of abusing other learners sexually. We consider any allegation of learner on learner sexual abuse/sexual violence seriously and do not tolerate or pass off harmful sexual behaviour as ‘banter’, ‘just having a laugh’ or ‘part of growing up’. These allegations are managed in the same way as any other safeguarding concerns and follow the same procedures, including seeking advice and support from other agencies as appropriate.

This policy is in line with the Office for Learners (OfS) regarding sexual misconduct and harassment.

This policy should be read in conjunction with the following UCC and Colchester Institute policies:

- \* Safeguarding Policy
- \* Diversity, Equity and Inclusion Policy
- \* UCC Disciplinary Policy
- \* Criminal Convictions and DBS Policy

### **2. Scope of learners**

This policy covers all UCC enrolled learners including full time, part time.

### **3. Definitions – from the Office for Learners – Prevent and Address harassment and sexual misconduct**

#### **Sexual misconduct**

Any unwanted or attempted unwanted conduct of a sexual nature. This includes, but is not limited to:

- sexual harassment
- sexual assault; and
- rape.
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**Sexual Harassment** – please see definition in Section 1

#### **4. How we seek to minimise the risk of sexual misconduct**

The principal aim of our approach is to foster the conditions in which our learners and apprentices can aspire to and realise safe and healthy relationships, at UCC and as they continue in life. We work towards a culture in which the voice of our learners and apprentices is central, where they feel able to share their concerns openly, knowing that they will be listened to, and that they will not be judged.

As an education provider, we cover learner on learner sexual misconduct, healthy relationships and consent within our sessions. Within induction and revisited at regular intervals we remind our learners how they can access support, find more information and or report concerns to the Police or UCC.

We understand our learners/apprentices may not always feel able to talk to staff about learner-to-learner sexual misconduct. To help them, we will encourage them to share their thoughts and opinions, respond to their concerns, and respect and listen to them. We want our learners and apprentices to feel confident that any concerns they raise will be responded to appropriately.

#### **Staff**

Our staff receive safeguarding update briefings throughout the year looking at safeguarding themes and to refresh what to do if they have concerns; this includes information about learner to learner sexual misconduct and our expectations for staff vigilance about this and other potential types of abuse.

Specific staff training on harmful sexual behaviour also ensures that our staff have a good understanding of harmful sexual behaviour and know how to support learners and apprentices.

The learner welfare and safeguarding team are trained and experienced in supporting learners reporting sexual misconduct.

#### **5. Our response to an incident / allegation**

The wellbeing of our learners and apprentices is always central to our response to an allegation or incident of sexual misconduct. Any learner or apprentice reporting a concern will be treated respectfully.

We will reassure them that they are being taken seriously and that they will be supported and kept safe; no learner or apprentice will be given the impression that they are creating a problem by reporting abuse or made to feel ashamed. Two members of staff should be present when a disclosure is made (if practicable).

Our staff will never promise confidentiality to the learner or apprentice as the concern will need to be shared further. The Safeguarding Team need to be informed immediately of any disclosure or incident and the details may also need to be shared further by the Designated Safeguarding Lead or their deputy with the Police and Adult Social Care. We have in place effective working relationships with our safeguarding partners, which are essential to ensuring that concerns are appropriately managed.

Our next steps will be guided by the learner or apprentice, unless following their wishes would place them or others at risk. If information must be shared without the learner's or apprentice's consent with the Police, we will explain the reasons why we are making a report, keep them informed and allow them to retain as much ownership of the process as possible, reminding them that the Police are victim led.

Whilst we establish the initial facts of the case the Area Head/Director of Apprenticeships (or their nominated deputies) supported by a Welfare and Safeguarding Officer will gain initial information **from the learner or apprentice making the report only** and then start the process of liaising with other agencies, we will consider how best to keep the learner or apprentice making the report and learner or apprentice who has allegedly displayed the behaviour a reasonable distance apart on UCC premises.

Where a report of rape, assault by penetration or sexual assault is made to the college, we will report it to the Police to ensure the protection of the learner/apprentice and the wider community.

The report will be made by the Designated Safeguarding Lead or their deputy. If the learner or apprentice wishes to make a report to the Police themselves, they will be supported to do so.

Where UCC make a report to the Police, we will consult with the Police and agree what information can be shared with the learner or apprentice alleged to have displayed the behaviour, staff and others. We may not be able to share information with the learner or apprentice who is alleged to have been displaying the behaviour until the Police advise that we can.

Whilst awaiting guidance from the Police, to safeguard both learners or apprentices and or the wider provider community it may be necessary to suspend the learner or apprentice displaying the alleged behaviour pending further guidance from the Police.

If a suspension is required this will be carried out by the Area Head, Director of Apprenticeships or their deputies in consultation with the Designated Safeguarding Lead or deputy. It must be noted that suspension for safeguarding is not a punishment.

Where an incident includes an online element, we will always work in accordance with appropriate guidance, taking advice from other partners as necessary. Our staff will not view an indecent image nor forward it for any reason.

After consultation with the Police, UCC will be aware whether it is appropriate to talk to the other learner/s or apprentice/s involved, initiate an internal (UCC) investigation or whether we need to halt communication and any internal investigation in order to allow a Police investigation or whether both investigations can run concurrently.

The Designated Safeguarding Lead or their deputy will also consult with the Police and agree what information can be disclosed to staff and others, in particular the learner or apprentice who is alleged to be displaying the behaviour. We will also discuss the best way to protect the learner or apprentice making the report.

In some cases, we will be told by the Police that the sharing of information with the learner or apprentice who is alleged to have been displaying the behaviour, staff, other learners or apprentices involved is prohibited. UCC will adhere to Police instruction.

***For emergency situations where there is immediate risk of harm, evidence that needs preserving or urgent medical attention is required please call 999.***

***If an allegation of bullying, harassment, sexual harassment or sexual abuse is made by a learner about a member of staff, volunteer, contractor or Governor the Director of People and Culture or their deputy, must be contacted immediately.***

## **Record Keeping**

It is essential that information relating to allegations about sexual misconduct is recorded, as with any other safeguarding concern – and in line with our safeguarding policy. The record may form part of a Police investigation.

All concerns, discussions, disclosures, decisions, and reasons for decisions will be recorded on the provider's Safeguarding recording system - Intuition and will include the action taken.

## **Investigation – By the Police**

Where a report must be made to the Police, we may be advised that once both learners/apprentices are safeguarded, no further action by us is permitted as the report is a Police matter. We recognise that this will be difficult for both learners/apprentices and offer support via the welfare and safeguarding team, however learners/apprentices, are asked to understand that UCC at this stage are not involved in the Police investigation and are not always privy to updates or information. Where we do receive updates from the Police, we may be instructed that these cannot be shared with anyone.

If an enrolled learner or apprentice is under investigation by the Police for any reason, the learner or apprentice will be required to disclose this to us so a risk assessment can be carried out (if one is not already in place). A disclosure of police investigation, pending prosecution, criminal conviction (DCC) form must be completed. This can be issued by the Area Head, Assistant Area Head or the Safeguarding Team.

## **Investigation – By the provider (internal)**

If a UCC investigation commences on the wishes of the learner/apprentice, and approval of the Police (where an alleged crime has been reported), the Welfare and Safeguarding Officer who has been supporting the learner, will share the information recorded so far with the Area Head for the learner making the report (the Area Head may already be involved)

If the learner/apprentice making the report is from a different curriculum area to the other learner/apprentice, the Area Head for the learner displaying the behaviour must be informed and jointly lead the investigation.

The Area Head of the learner/apprentice displaying the behaviour must inform the learner/apprentice of the allegations, supported by another member of staff or a welfare and safeguarding Officer.

Original statements, statements, written and text/email information will be gathered from both learners involved including names of any witnesses.

Both learners/apprentices will be asked to attend an investigation meeting separately. The learner/apprentice can bring another enrolled learner/apprentice (unless connected to the allegation/case) from the provider for support if required or a Welfare and Safeguarding Officer.

Each learner/apprentice (the learner/apprentice who made the report and the learner/apprentice displaying the behaviour) will be offered a Welfare and Safeguarding Officer to support them during the investigation, in the investigation meeting (if they wish) and beyond whilst they remain a learner/apprentice at the provider. The learner/s may decline the offer of support, if a learner does not want support from a welfare and safeguarding officer, this must be recorded. Learners can decide at any time that they would like or would not like support.

If the learner/apprentice making the report does not feel comfortable to be interviewed, questions can be asked via a written document and responded to. The same can be applied to the other learner/apprentice.

The Area Head/s/Director of Apprenticeships or their deputies will lead the investigation, supported by a Welfare and Safeguarding Officer as required. The Welfare and Safeguarding Officer will be responsible for liaising with other agencies as appropriate, for example the Police if involved. They can also be the main point of contact for support for the learner/apprentice if the Area Head/Director of Apprenticeships or their deputies, feels this is appropriate.

Where an incident includes an online element, we will always work in accordance with appropriate guidance, taking advice from other partners as necessary.

For incidents disclosed to the provider within the academic year that took place off college premises, outside of provider activity it may not be possible or appropriate for us to investigate. Each situation will be looked at, in discussion with the Police. If we are not able to investigate, we will put in place support mechanisms for both learners/apprentices to manage their time on campus, offering support and minimising contact via movement orders to ensure they feel safe and comfortable.

### **Investigation outcomes – Internal investigation**

Our investigation of an allegation or incident, as set out in this policy, will enable us to determine the outcome, based on the evidence received and working with our safeguarding partners as appropriate. We will always seek to ensure that the outcome of an investigation is appropriate and proportionate to the circumstances in relation to the report. It must be noted that the powers of UCC are not criminal investigatory powers and we will work on the balance of probability.

services, and ensuring that there is a trusted adult for those affected to speak with if they wish to. We will also consider whether any intervention or support is required as part of a whole setting approach or within the wider provider community.

Possible outcomes from internal investigation.

**Manage internally** – evidence does not support the report/no evidence available – inconclusive. Support for both learners/apprentices (referrals to support agencies if appropriate), risk assessments, movement orders for both learners/apprentices if required.

**Manage internally** – evidence supports the report, investigation leads to disciplinary action, support for both learners/apprentices (referrals to support agencies if appropriate), movement orders, risk assessment for both learners/apprentices if both learners/apprentices remain onsite.

**Manage internally and externally** – evidence supports the report, investigation leads to disciplinary action, support for both learners/apprentices, risk assessment for both learners/apprentices if both remaining on campus, movement orders if both remaining on campus. Police investigation initiated and ongoing.

If a Police investigation concludes and an individual is convicted – disciplinary action will follow.

***The above combinations are not exhaustive but illustrate some possible outcomes.***

### **Incidents which took place prior to the learner(s) / apprentice(s) being enrolled**

Where an incident occurred before the learner/s/apprentice were enrolled at UCC we will seek to understand at what stage the incident is, for example: is this the first report, whether it has been reported to the Police, is ongoing or has been closed by the Police under no further action. Where a case has been concluded with no further action, UCC will not undertake an investigation (unless new reports are made) but instead work with both parties to manage their time on campus, offering support and minimising contact via movement orders to ensure they feel safe and comfortable. Movement orders will cover associates and friends to ensure no direct or indirect contact. Friends and associates of either learner/apprentice may also have their own movement order put in place if they become involved in the situation by trying to make contact, approach or seek a reaction from the other learner/apprentice. Failure by either learner/apprentice, friends or associates to adhere to a movement order may result in disciplinary action. Movement orders are only enforceable on campus.

## **6. Guiding principles**

The safety of our learners and apprentices is paramount. We will use a proportionate approach, basing our actions on the principle that sexual misconduct is not acceptable and will not be tolerated.

All concerns will be considered carefully and on a case-by-case basis, underpinned by robust decision making. Our actions will not be judgemental about the guilt of the learner/apprentice displaying the behaviour and will always be taken in the interests of all learners/apprentice concerned.

Our approach will help us to ensure that all learners and apprentices are protected and supported appropriately. The following principles will guide us:

- where a report of rape, assault by penetration or sexual assault is made to the provider, we will report it to the Police to ensure the protection of the learner/apprentice and the wider community.
- the wishes of the learner/apprentice in terms of how they want to proceed – the learner/apprentice making the report will be given as much control as is reasonably possible over decisions regarding how any investigation will be progressed and any support that they will be offered but must be balanced with our safeguarding duty.
- the nature of the alleged incident(s), including whether a crime may have been committed.
- consideration of any power imbalance between the young people involved – for example, is the learner/apprentice displaying the behaviour older or more confident / does the learner/apprentice making the report have a disability or learning difficulty.
- consideration of whether the alleged incident is a one-off or a sustained pattern of abuse.
- consideration of any ongoing risks to the learner/apprentice making the report, other learners, or staff.
- consideration of any other related issues and wider context.

### **Supporting the learner or apprentice who has allegedly experienced sexual misconduct**

We will assess what short-term and long-term support a learner/apprentice may need to help them manage the immediate aftermath of an incident, and to recover from what they have experienced. The learner's/apprentice's existing support network will be central to this work; we will work with other partners as appropriate and in accordance with the learner's/apprentice's wishes.

We will consider what is necessary to support the learner/apprentice making the report straightaway, for example by providing in-college welfare support. We will be guided wherever possible by the wishes of the learner/apprentice. We will also ensure there is regular review of arrangements to be confident they meet the needs of all involved. The learner/apprentice will be given a named Welfare and Safeguarding Officer to support them (trusted adult) and access to the wider team should the named safeguarding Officer be unavailable.

It may be necessary to make requests for support to mental health and wellbeing services or for therapeutic intervention.

### **Supporting the learner or apprentice who has displayed sexual misconduct**

Our learners and apprentices are all age 18 and over and can therefore be presumed to have developed some level of understanding of what constitutes sexual misconduct. Nevertheless, we have a duty of care to all learners and apprentices, and we will take steps to protect and support learners and apprentices who have displayed abusive or harmful sexual behaviour. We will do this through considering the needs of the learner/apprentice, any risks to their safety and what multi-agency responses are needed to support them. This work will be guided by a risk assessment process. We will also ensure there is regular review of arrangements to be confident they meet the needs of all involved.

We will consider appropriate sanctions using our Disciplinary Policy, and work with the learner/apprentice and their support network to consider measures that may help to address the learner's/apprentice's behaviour.

The learner or apprentice will be given a named Welfare and safeguarding Officer to support them (trusted adult) and access to the wider team should the named Welfare and safeguarding Officer be unavailable.

It may be necessary to make requests for support to mental health and wellbeing services or for therapeutic intervention.

### **Record Keeping**

It is essential that information relating to allegations about sexual misconduct is recorded, as with any other safeguarding concern – and in line with our safeguarding policy. The record may form part of a Police investigation.

All concerns, discussions, disclosures, decisions, and reasons for decisions will be recorded on the provider's Safeguarding recording system - Intuition and will include the action taken.

### **Central recording of bullying and or harassment cases**

As part of its commitment to equity, inclusion and diversity and safeguarding, reporting on the number of hate crimes and bullying, harassment sexual harassment reports, UCC must centrally record bullying, harassment, sexual harassment cases reported to UCC. A central log of cases will therefore be maintained by the Learner Welfare and Safeguarding team.

Course Areas must ensure that where the Learner Welfare and Safeguarding team are not involved in investigations or support, that cases are notified to them for recording. This can be done by email or by using the form in Appendix 1. To protect confidentiality only learner ID numbers should be used unless all documents are password protected. The notification must be copied into the Area Head.

All reports of bullying, harassment and sexual harassment will be logged on Intuition by the learner welfare and safeguarding officers on receipt.

## **7. Review of cases**

We will continue to work with the learner/apprentice and parents/carers/other agencies and both parties as appropriate, and risk assessments will be reviewed and updated as required.

## **8. Learning from cases**

Learning from cases will be documented and inform further development of policies, processes, support and action.

Cases will be monitored and reviewed by the Deputy Designated Safeguarding Lead. Where there are themes, patterns or trends, targeted work will be carried out within the specified area this could include:

- Additional learning and awareness for specific class groups delivered by staff
- One to one intervention
- Engaging a specialist organisation to assist with workshops and interventions for cohorts or groups
- Seeking further support on intervention strategies from partner agencies