



## Sexual Harassment Policy (EL Courses)

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Policy Group	Governance
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External reference points	<p>The EHRC (Equality and Human Rights Commission) have produced technical guidance in this area:</p> <p>Sexual Harassment and harassment at work: technical guidance 2024:  <a href="https://www.equalityhumanrights.com/guidance/sexual-harassment-and-harassment-work-technical-guidance-responding-to-harassment">https://www.equalityhumanrights.com/guidance/sexual-harassment-and-harassment-work-technical-guidance-responding-to-harassment</a></p> <p>Officer for Students E6 condition on <a href="#">harassment and sexual misconduct</a>.</p>
Key contacts	<p>Student or staff report an allegation of sexual harassment to:            Designated Safeguarding Lead (DSL): Samantha Cook            Email: <a href="mailto:sam@trenteducation.co.uk">sam@trenteducation.co.uk</a> Phone: 07868 216222</p> <p>Staff report an allegation of sexual harassment to:            HR Manager  <a href="mailto:hr@trenteducation.co.uk">hr@trenteducation.co.uk</a></p> <p>A formal allegation or complaints about sexual harassment may also be made using the <a href="#">Complaint Policy</a>, <a href="#">complaints email</a> or <a href="#">Complaint Form</a></p>

Version Control			
Previous Version	New Version	Date	Update/Notes
V1 (31-07-25)	V2	22/08/25	Some minor proof-reading corrections and removed linked policies. Also added Section 21 on Staff Disciplinary Policy.  Added key contact to cover page.

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## 1. Purpose

- 1.1. Trent Education Centre (TEC) is dedicated to preventing harassment, discrimination, and victimisation in the workplace. Sexual harassment is strictly prohibited. All allegations or complaints about potential sexual harassment will be treated seriously, and will not be overlooked, irrespective of an individual's role or status. We are working to establish an environment where harassment and sexual misconduct are unequivocally unacceptable, enabling victims to feel confident in reporting incidents and to obtain the support they need.
- 1.2. This policy outlines the anticipated conduct for employees and students at Trent Education Centre, while also providing procedures for handling allegations or complaints concerning sexual harassment. Furthermore, it adheres to the Worker Protection Act (Amendment of Equality Act 2010), which introduced a new legal responsibility for employers to implement suitable actions to avert sexual harassment among their workforce (known as the 'preventative duty').

## 2. Scope and Definition

- 2.1. Sexual harassment occurs if one or more student, staff, visitor or other TEC stakeholder are subject to any form of sexual advance without their consent. This should not be confused with consensual sex that may nevertheless be considered inappropriate and subject to disciplinary action. See the TEC **Sexual Misconduct Section** below for more information on what constitutes Sexual Misconduct as opposed to Sexual Harassment.
- 2.2. Sexual harassment is illegal under the Equality Act 2010 ('the Act'). Additionally, it is illegal to discriminate against someone for either making an allegation or complaint regarding sexual harassment or for refusing such conduct. The Act characterises sexual harassment as unwelcome behaviour of a sexual nature that undermines a person's dignity or fosters an intimidating, hostile, degrading, humiliating, or offensive atmosphere.
- 2.3. Conduct 'of a sexual nature' includes a wide range of behaviour, such as:
  - unwelcome sexual advances
  - propositions of a sexual nature
  - sending sexually explicit emails or text messages
  - displaying explicit materials
  - sexual posts or contact on social media
  - sexual comments or jokes
  - displaying sexually graphic pictures, posters or photographs
  - suggestive looks, staring or leering
  - making promises in return for sexual favours
  - sexual gestures
  - intrusive questions about a person's private or sex life or a person discussing their own sex life
  - spreading sexual rumours about a person
  - unwelcome touching, hugging, massaging or kissing

- 2.4. Sexual harassment can impact individuals of any gender identity or sexual orientation, encompassing men, women, and non-binary individuals. It can be committed by anyone, regardless of whether they share the same sex, belong to a different sex, or identify with any gender.
- 2.5. Consensual, mutual, or invited sexual interactions do not qualify as sexual harassment since they are not unwanted. Nevertheless, actions that were once considered acceptable may later be regarded as unwanted.
- 2.6. For the purposes of this Policy, the term 'employee' refers to any individual who is either employed or engaged by Trent Education Centre, whether they are paid or working on a voluntary basis, regardless of the contract of employment they have including people working directly for TEC on a permanent or temporary basis or through an agency.
- 2.7. A student is anyone enrolled into a programme study regardless of whether they are studying from home or at one of the TEC premises.
- 2.8. Individuals who volunteer at Trent Education Centre, in addition to contractors, must adhere to the stipulations of this policy, as well as anyone affiliated with or acting on behalf of Trent Education Centre.
- 2.9. Any form of victimisation against an individual who makes an allegation or complaint under this policy will not be accepted and will be addressed in accordance with Trent Education's **Staff Disciplinary Policy (4.15)** or **Student Disciplinary Policy (2.19)**.
- 2.10. TEC regards Sexual Harassment as a form of gross misconduct. Any employee may be suspended or dismissed as a result of conduct that is deemed to be sexual misconduct and any student may be suspended or expelled on similar grounds. Students or staff who face serious allegations of sexual harassment against them may be reported to the Police.
- 2.11. Every reported case will be thoroughly investigated and addressed to promote safety for all.

### **3. Sexual Misconduct**

- 3.1. Sexual misconduct is a broad term that encompasses sexual harassment as well as inappropriate sexual behaviour which is not necessarily sexual harassment. Staff and students may engage in consensual sexual behaviour physically or by making comments to each other of a sexual nature at work, which breaches professional standards and creates an uncomfortable or offensive environment for other people around them. This can have a detrimental impact on the power relations between staff, students and other stakeholders. It may lead to favouritism or the perception of favouritism. TEC forbids such behaviour by all staff, students and stakeholders on TEC's premises or when representing TEC in any capacity and any location.

## 4. Working from Home

- 4.1. When attending meetings online using video conferencing software, staff, students and other stakeholders must take care to ensure that they and any people who may be visible around them are dressed appropriately and not making comments or participating in activities of a sexual nature.

## 5. Defining Consent

- 5.1. An adult (18 plus) who agrees to engage in a sexual act is deemed to have given their consent; the individual must have the ability to choose whether or not they wish to participate in a sexual act and there must be no evidence of coercion. Just because an individual participated in sexual acts previously does not mean that they currently wish to consent. Also, an individual has the right to revoke consent for sexual acts at any time. An adult who is 18 years of age or older cannot be granted consent for sexual acts by anyone under 18 years of age. Equally, no-one who is 16 years or older can be granted consent for sexual acts by anyone under 16 years of age.
- 5.2. Voluntary Participation: Valid consent requires a person to take part in a sexual activity by their own free will. Consent is not present if someone is pressured or manipulated into participating through misuse of authority, intimidation, or violence even if they do not verbally or physically resist. Such pressure or force can involve any form of physical or psychological abuse, or threats that would reasonably cause someone to fear immediate or future harm, leaving them feeling they must comply with the sexual act.
- 5.3. Ability to Provide Consent: True consent is impossible when an individual lacks the ability to offer it. A person may be considered incapable of consenting if they are asleep, unconscious, semi-awake, or in any other state where they are unaware of the sexual activity taking place. This inability may also stem from cognitive or developmental disabilities, or from the effects of intoxicating substances such as drugs or alcohol.
- 5.4. Influence of Alcohol and Drugs: Evaluating incapacitation due to alcohol or drug consumption should focus on how these substances affect the individual's ability to function. Signs of being incapacitated may include, but aren't limited to, slurred speech, instability when walking, red or bloodshot eyes, enlarged pupils, unpredictable or erratic actions, memory loss or blackouts, impaired physical coordination, confusion about one's environment or circumstances, and/or difficulty communicating. Being under the influence is never a justification for committing sexual abuse or misconduct, nor for failing to obtain clear consent. When there is any doubt about whether someone is impaired, the most responsible decision is to avoid initiating sexual contact.
- 5.5. Even if consent has been given for a sexual act between the parties involved, it does not mean that the sexual act is considered appropriate by TEC in terms of the participants, or location of the act. As a general rule, TEC does not permit staff to engage in sexual activities with students at any time or place and no staff member, student, visitor or other stakeholder are permitted to engage in any intimate acts on TEC premises or when engaged in business on behalf of TEC. See the **Sexual Misconduct Section above** for more details.

## 6. Senior Management Preventative Duty

- 6.1. The Worker Protection Act (Amendment of Equality Act 2010) establishes a legal obligation for employers to implement reasonable measures to prevent sexual harassment of their employees. This obligation extends to incidents of sexual harassment perpetrated by colleagues or third parties, such as students and contractors. All staff are encouraged to foster a positive and inclusive workplace environment where sexual harassment is unacceptable, and where any allegations or complaints are addressed swiftly, effectively, and with sensitivity.
- 6.2. Tutors and Managers including members of the Senior Management Team and Board of Governors should implement systems to manage risk effectively. As part of this process, they need to foresee scenarios relevant to their specific work areas where individuals might be vulnerable to sexual harassment. It is essential to identify any risks and establish preventative measures accordingly. If sexual harassment takes place, they are obligated to take decisive action to prevent its recurrence.
- 6.3. The Senior Management Team is responsible for creating a respectful culture, ensuring policies reflect zero tolerance for sexual harassment, and leading by example.
- 6.4. Risk factors include, but are not limited to:
  - work-related social events
  - social media contact between staff
  - meeting service users alone
  - an environment where people are drinking alcohol
  - travelling for work (including overnight stays)
  - power imbalances between staff
- 6.5. Preventative measures include, but are not limited to:
  - making it clear that sexual harassment will not be tolerated during student and staff inductions, annual workshops and training for staff and students about sexual harassment
  - encouraging staff to report any incidents of sexual harassment and ensuring they are protected by a robust **Whistleblowing Policy**
  - encouraging staff to report situations where they felt at risk, even if nothing happened
  - setting standards of behaviour for work and social events
  - having a clear **Online Sexual Harassment Safety Statement**
  - Developing and regularly reviewing through the TEC Boards and Committees and particularly the Audit and Risk Committee, a **Preventative Work-Related Sexual Harassment Risk Assessment Register and Action Plan**.
  - Ensuring that **Terms of Reference** for all relevant Boards and Committees including the Board of Governors has Monitoring the Sexual Harassment Risk Assessment Register and Action Plan as a standing item on the agenda.

## 7. Dealing with Allegations of Sexual Harassment

- 7.1. TEC deals with any allegation of sexual harassment or sexual misconduct against a student through its **Student Disciplinary Policy**. Measures implemented under this policy may lead to suspension or expulsion from TEC.
- 7.2. TEC deals with any allegation of sexual harassment or sexual misconduct against a member of staff, visitor or other stakeholder through its **Staff Disciplinary Policy**. Measures implemented under this policy may lead to suspension or expulsion from TEC.

## 8. Reporting Allegations of Sexual Harassment

- 8.1. Any member of Trent Education Centre 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. TEC fosters an open culture, providing clear reporting channels and support for those who report harassment.
- 8.2. There is no time limit for reporting incidents, although delayed reporting may pose challenges. When a disciplinary matter is raised regarding an incident that occurred prior to changes in TEC policies, the disciplinary matter will be dealt with under the policy in place at the time the report is made.
- 8.3. Anonymous reports are considered on a case-by-case basis, although anonymity may hinder investigations. Reporting students, even if they report anonymously can access support via the Safeguarding team and TEC Counsellor: [sam@trenteducation.co.uk](mailto:sam@trenteducation.co.uk)

## 9. Reporting Channels for Employees

- 9.1. Staff wishing to report another staff member should report to their **Line Manager, HR Manager** or **Designated Safeguarding Lead (DSL)**. They may also make an allegation or complaint against sexual harassment using the TEC complaints email or form.

**HR Manager:** [hr@trenteducation.co.uk](mailto:hr@trenteducation.co.uk)

### **Designated Safeguarding Lead (DSL)**

Head of Safeguarding and Health and Safety, Samantha Cook

Email: [sam@trenteducation.co.uk](mailto:sam@trenteducation.co.uk)

Phone: 07868 216222

**A formal allegation or complaints about sexual harassment may also be made using the [Complaint Policy](#), [complaints email](#) or [Complaint Form](#)**

- 9.2. Reports about the behaviour of a staff member will be handled through TEC's **Staff Disciplinary Policy**.
- 9.3. If staff wish to report the DSL for sexual harassment, they should report to their **line manager** or the **HR Manager**.

- 9.4. Individuals who want to report a student should contact the Designated Safeguarding Lead. Typically, reports concerning a student's behaviour will be handled through the Student Disciplinary Policy.
- 9.5. If an employee becomes aware of sexual harassment between a colleague and a student or another employee, advice should initially be sought from their line manager
- 9.6. Sexual harassment can lead to circumstances involving coercive control or behaviour. If colleagues develop intimate relationships and anyone has concerns regarding any coercive aspects of that relationship, they should inform their line manager and/or the Designated Safeguarding Lead (DSL).
- 9.7. The line manager and/or DSL must keep a record of all allegations of sexual harassment. The line manager or DSL will inform a member of the Senior Management Team if they believe an investigation may be required. The Senior Management Team should refer to the Student Disciplinary Policy or the Staff Disciplinary Policy for details on how to handle investigations.
- 9.8. Where a student is known to have a disability, TEC will make reasonable adjustments to its procedure where necessary, to avoid disadvantage. If a student requires an adjustment to the way in which TEC staff communicate with them due to a disability or accessibility they can request this by calling the Designated Safeguarding Lead on 07868 216222, or emailing: sam@trenteducation.co.uk

## 10. Reporting Channels for Students

- 10.1. Any student allegation or complaint regarding sexual harassment, including witnessing such behaviour, should be reported to their **Tutor** or the **Designated Safeguarding Lead (DSL)**.

### **Designated Safeguarding Lead (DSL)**

Head of Safeguarding and Health and Safety, Samantha Cook

Email: [sam@trenteducation.co.uk](mailto:sam@trenteducation.co.uk)

Phone: 07868 216222

**A formal allegation or complaints about sexual harassment may also made using the [Complaint Policy](#), [complaints email](#) or [Complaint Form](#)**

- 10.2. In cases where the allegation or complaint is against the Tutor or the Designated Safeguarding Lead, the student should consult any other member of the Senior Management Team. In cases where the complaint is against a TEC employee, the employee's line manager will be notified.
- 10.3. In situations where a student does not report or retracts a statement concerning an alleged serious offence to the authorities, and TEC refrains from acting, the disciplinary procedures may still be activated.
- 10.4. TEC's disciplinary procedures do not substitute for the criminal justice system. TEC cannot ascertain whether a crime has taken place. It can only evaluate whether sexual harassment has occurred based on the available evidence, and whether a breach of the **Safeguarding and Prevent Policy** and the **Staff or Student Disciplinary Policy** has occurred.

## 11. After Disclosure – Next Steps

11.1. After a disclosure, the individual who has shared their experience may opt to do one of the following:

- Take no further action at this time. In this instance, guidance will be offered concerning maintaining evidence that could be necessary should they later choose to file a report, either with TEC or Police. Additionally, they will be made aware of the continuous support accessible to them through the Designated Safeguarding Lead, Tutor or other member of the Senior Management Team if they wish.
- Complain using the TEC **Complaints and Appeals Policy** and Procedures on the TEC website. Should the person making the disclosure choose this option, they must confirm in their complaint that they wish TEC to commence a formal investigation. The Designated Safeguarding Lead, Tutor or other Senior Management Team member (in that order) will offer support.
- Make a report to the Police. In this situation, TEC typically will not impose any disciplinary measures while a Police investigation and legal proceedings are ongoing. Support from TEC through the Designated Safeguarding Lead, Tutor or Senior Management Team member will continue to be accessible.

## 12. Disclosure of Sensitive Communications

12.1. Sensitive Communications will be handled confidentially wherever possible, ensuring that information is protected and shared only with those who need to know. Information cannot be withheld from the Police if requested and information may need to be shared with third parties if it is deemed necessary to protect individuals from harm.

## 13. Confidentiality

13.1. Trent Education Centre is dedicated to addressing reports of sexual harassment and misconduct with care and confidentiality. All procedures will adhere to TEC's **Data Protection Policy** and Safeguarding responsibilities to ensure the privacy and dignity of all parties involved wherever possible.

13.2. Maintaining confidentiality is essential for ensuring the integrity of the investigative process, protecting the privacy of those involved, and creating a space where incidents can be reported without the fear of retaliation or exposure.

- 13.3. Information related to disclosures is typically only shared on a need-to-know basis, with individuals or organisations that are directly involved in case management. This may include, but is not limited to:
- Administration staff for administrative purposes
  - Safeguarding Officer(s)
  - Student Support Services
  - Witnesses who can provide relevant information
  - Experts from external support agencies, for specialist support and advice
  - The police, if necessary, to ensure legal compliance and safety
- 13.4. In exceptional circumstances, where there is a threat to the safety of individuals or the broader community, or to prevent potential criminal actions, TEC may share information outside of the usual protocols. These actions will be carried out in accordance with legal and ethical standards to mitigate risks and protect all parties involved. All individuals concerned are required to maintain confidentiality. Any unauthorised disclosure of information will be considered a violation of this policy and may result in disciplinary action, which could include suspension or compulsory withdrawal from studies or employment.
- 13.5. Trent Education Centre complies at all times with all data protection legislation including GDPR and the Data Protection Act (2018).

## 14. Investigations into Complaints or Allegations

- 14.1. TEC will follow its **Staff Disciplinary Policy** when conducting investigations into sexual harassment or misconduct by any staff member, visitor or other stakeholder apart from students. TEC will apply its **Student Disciplinary Policy** when conducting investigations into allegations of sexual harassment or misconduct by a student.
- 14.2. All students, staff and other stakeholders should note that there may need to be a criminal investigation conducted by the police if there is an allegation of sexual harassment. Students and staff should seek guidance from the Senior Management Team if they are unsure about whether an allegation of sexual misconduct should be reported to the Police.
- 14.3. Confidentiality will be maintained, except in situations where it is essential to involve external agencies because of a possible criminal act, or when maintaining confidentiality might put the reporting individual or others at risk.

## 15. Police Investigation and Legal Proceedings

- 15.1. If an individual who has made a disclosure has filed an independent report with the police, they still retain the right to lodge a formal complaint with TEC. TEC lacks the legal authority to conduct criminal investigations and cannot determine criminal guilt. Any disciplinary measures taken are based on a violation of TEC's Sexual Harassment Policy and do not replace a police investigation or a criminal trial. The initiation or conclusion of criminal proceedings does not prevent TEC from pursuing its own disciplinary actions if deemed appropriate or necessary. Similarly, the inability or unwillingness of the police to act does not hinder TEC from implementing its own disciplinary measures.

15.2. A verdict of 'not guilty' following a criminal investigation does not mean that the original allegation was vexatious or frivolous or that no further disciplinary action will be taken by TEC. If a criminal investigation results in a student or staff member being found guilty of sexual harassment, TEC will regard this as definitive proof that the alleged behaviour occurred. In such cases, a further investigation may not be required, and the complaint will be considered substantiated, moving directly to a disciplinary hearing.

## 16. Support and Advice - Employees

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

- Designated Safeguarding Lead (DSL) [sam@tcd.ac.uk](mailto:sam@tcd.ac.uk)
- HR [ki@tcd.ac.uk](mailto:ki@tcd.ac.uk)
- Line managers
- Trent Education Centre Counsellor [sam@tcd.ac.uk](mailto:sam@tcd.ac.uk)

16.2. Support will be provided to anyone affected by sexual harassment, including access to counselling and adjustments to work arrangements.

## 17. Support and Advice - Students

17.1. Support for student's is available via:

- Designated Safeguarding Lead (DSL) [sam@tcd.ac.uk](mailto:sam@tcd.ac.uk)
- HR [ki@tcd.ac.uk](mailto:ki@tcd.ac.uk)
- Tutors
- Trent Education Centre Counsellor

17.2. Support will be provided to anyone affected by sexual harassment, including access to counselling.

## 18. Completion of Investigation

18.1. If a report or appeal is rejected, those involved will be sent a 'Completion of Procedures Letter' (CoP). If anyone remains dissatisfied, they can apply for a review from the Office of the Independent Adjudicator for Higher Education (OIA)<sup>1</sup>. The OIA is an independent body which was established by the Higher Education Act 2004 to consider student complaints which have not been resolved through the internal procedures or an organisation like TEC. The deadline for an appeal to the OIA is 12 months from the date of the Completion of Procedures Letter. This service is free to students. For further details, [visit the OIA website](#).

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<sup>1</sup> This will only be possible if and when TEC is registered with the Office for Students as a 'qualifying provider' at which point TEC will become a member of the OIA scheme <https://www.oiahe.org.uk/about-us/our-scheme/our-members/>

## 19. Visitors

- 19.1. TEC expects that a member of TEC staff should always be with any visitor to the TEC premises or if a visitor joins an online lesson and is meeting with students and staff
- 19.2. Visitors who are planning to attend on multiple occasions will need to undergo all the same safeguarding checks that other staff undergo such as DBS checks as required. See the **Safeguarding and Prevent Policy** for further information. Once the required checks have been completed, the visitor will not need to be accompanied by a member of staff.
- 19.3. Any allegation of sexual harassment against a visitor to TEC will be handled in the same way that it would be handled for staff under the **Staff Disciplinary Policy**.

## 20. Student Disciplinary Policy

- 20.1. Students registering on a programme at Trent Education Centre are subject to TEC's **Student Disciplinary Policy** and **Academic Misconduct Policy**. Students should read the Student Disciplinary Policy in order to understand how TEC deals with cases of non-academic misconduct including Sexual Harassment. Students should read the Academic Misconduct Policy to understand how TEC deals with cases of academic misconduct.

## 21. Staff Disciplinary Policy

- 21.1. Staff at Trent Education Centre are subject to TEC's **Staff Disciplinary Policy**. Staff should read the Staff Disciplinary Policy in order to understand how TEC deals with cases of misconduct including Sexual Harassment.