

Sexual Misconduct Policy

Purpose of this Policy

The purpose of this policy is to make clear that we do not tolerate sexual misconduct, violence or abuse, and we are fully committed to providing a learning environment in which all our staff, learners and stakeholders feel safe and respected.

This policy should be read in conjunction with; -

- Keeping Children Safe in Education (KCSIE) – revised September 2024
- Working together to Safeguard children - July 2018
- Education Act 2002 (section 175)

Aim of this Policy

The overall aim of this policy is to have a set of procedures which staff, learners and other stakeholders can easily understand and follow in the event of a disclosure being made, alongside having the confidence in Intelligencia Training to respond to concerns professionally, and in a timely manner. In order to achieve this, we will: -

- Provide a learning environment in which all staff, learners and other stakeholders feel safe and respected.
- Set out our expectations around the unacceptability of sexual misconduct.
- Support those who have experienced any forms of sexual misconduct.
- Respond to disclosed incidents which breach this policy.

Scope of this Policy

This policy covers all staff, learners and other stakeholders who are involved in a training programme with Intelligencia Training.

It will apply to sexual misconduct which:

- Occurs on Intelligencia's property/ and or land. This includes rented office space used by Intelligencia Training.
- Occurs whilst a learner is engaged in any training sessions facilitated by Intelligencia Training.
- Occurs via electronic means including, but not limited to, internet, email, social media sites, chat rooms, text messages and instant messaging.

Access to this Policy

Staff can access this policy remotely through the shared drive. In addition to this, learners will also be able to review this document on the learning portal.

Other Related Documents and Procedures

- Safeguarding Procedures
- Prevent Policy
- Caseload reviews
- Staff Induction
- Learner Induction
- Ofsted Education Inspection Framework (EIF)
- ICT User Policy and Procedures (staff and learner)

Context behind this Policy

Sexual violence and sexual harassment can occur between two individuals of any age at any given time. It can occur online and also through a group of individuals sexually assaulting or sexually harassing an individual or another group of people.

It is predominately prevalent between children of primary, secondary and college age groups. However, for the purpose of this policy and inclusion of staff, learners and other stakeholders involved in learning programmes with Intelligencia training it will include adults (19+)

Anyone who is a victim of sexual violence and sexual harassment will likely find the experience stressful and distressing, especially if they need to continue to study or work alongside their perpetrator(s). Therefore, Intelligencia will ensure any disclosures will be taken seriously and acted upon swiftly in order for victims to be fully supported and kept safe. All incidents will be treated sensitively and in a professional manner.

We are aware that some groups of people are potentially more at risk, especially those with special educational needs and disabilities, and LGBT.

Responsibilities

The Managing Director for Intelligencia Training has the overall responsibility for this policy and will assess its overall effectiveness through internal monitoring and reporting processes. To ensure that this policy is fully implemented he will seek support from the Lead and Deputy Designated Safeguarding Lead (DDSL), who will implement procedures at operational level.

- The Designated Safeguarding Lead (DSL) has the overall responsibility for providing a strategic overview of safeguarding arrangements within the organisation to ensure we are meeting regulatory requirements, whilst providing operational support to the DDSL in responding to and acting on disclosures/ allegations in relation to sexual misconduct.
- The DDSL has the responsibility to respond to disclosures by undertaking the appropriate investigations, maintaining records and escalating where necessary to the appropriate referral agencies. This may include more than one agency depending on the nature of the allegation and support required.

Staff are responsible for maintaining the safety and welfare of learners by:

- Challenging inappropriate behaviours.
- Making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an evitable part of growing up.
- Not tolerating or dismissing sexual violence or sexual harassment as “banter”.
- Challenging physical behaviours, to include any inappropriate physical contact.

Reporting a disclosure

Staff will escalate any concerns directly to the DSL or DDSL at the time of the reported incident/ disclosure being made following safeguarding procedures. Therefore, this policy needs to be read in conjunction with the safeguarding procedures to ensure that individual staff members are familiar with the reporting process.

Reportable Sexual Issues

Sexual violence

It is important to recognise that peer on peer violence can happen. Under the Sexual Offences Act 2003, these acts of violence are referred to as:

1. Rape

A person commits an offence of rape if they intentionally penetrate the vagina, anus or mouth of another person with their penis (a); the other person (b) does not consent, or person (a) does not reasonably believe person (b) consents.

2. Assault by penetration

This occurs when a person (a) commits an offence if they intentionally penetrate the vagina or anus of another person with part of their body or anything else, the penetration is sexual, the other individual (b) does not consent to the penetration, and person (a) does not reasonably believe that person (b) consents.

3. Sexual Assault

Sexual assault occurs when a person (a) intentionally touches another person (b) which is sexual in approach, person (b) does not consent to the touching and person (a) does not reasonably believe that person (b) consents. There are a wide range of behaviours which constitute an assault, so a single act of kissing someone without consent, or touching someone's bottom/ breasts/ genitalia without consent, can constitute sexual assault.

Sexual misconduct

This covers a broad range of inappropriate and unwanted behaviours of a sexual nature. It covers all forms of sexual violence, including sex without consent, sexual abuse (including online image-based abuse), non-consensual sexual touching, sexual harassment (unwanted behaviour of a sexual nature which violates your dignity; makes you feel intimidated, degraded, humiliated or creates a hostile or offensive environment), stalking, abusive or degrading remarks of a sexual nature.

Consent

A person (a) commits an offence if they intentionally cause another person (b) to engage in a sexual activity, person (b) does not consent to engaging in the activity or person (a) does not reasonably believe that person (b) consents. This can include forcing someone to strip, touch themselves sexually or to engage in sexual activity with a third party.

What is consent?

Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not to another and can be withdrawn at any time during sexual activity, and each time sexual activity occurs. Consent cannot be assumed on the basis of a previous sexual experience or previously given consent.

Capacity to consent occurs when the individual does not have the capacity to give consent due to being asleep, unconscious, semi unconscious or in a state of intermittent consciousness, or any other state of unawareness that a sexual act may be occurring. Incapacitation may also occur on account of a mental or developmental disability, or as the result of alcohol or drug use.

Sexual Harassment

Sexual harassment means 'unwanted conduct of a sexual nature' which can occur on/ offline, during or outside the allocated training session hours. Sexual harassment is likely to violate a person's dignity, make them feel intimidated, degraded or humiliated. It is likely to create a hostile, offensive or sexualised environment.

Sexual harassment can include, but not limited to:

- Sexual comments, such as telling sexual stories, making lewd comments or 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, displaying pictures, photos or drawings of a sexual nature.
- Online which may involve consensual/ non- consensual sharing of nude and semi-nude images and or videos. Sharing of unwanted explicit content, up skirting, sexualised online bullying, unwanted sexual comments and messages, including social media as well as sexual exploitation, coercion and threats.

Upskirting

This is where someone takes a picture under a person's clothing without their permission and or knowledge, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause humiliation, distress or alarm.