



Prevention of Sexual Misconduct Policy

Version	Purpose/Changes	Author	Date
1.0	New policy – replacement of Sexual Harassment and Misconduct Policy drafted in October 2021	HR Department	10/01/2023

Date Approved:	22/11/2023
Approved By:	Board
Document Owner:	CEO
Renewal Date:	November 2025

This policy may be amended or withdrawn at any time subject to agreement with Executive Leadership Team

1. Policy Statement

- 1.1. Ada is committed to ensuring a safe, welcoming and inclusive working and learning environment for all of its stakeholders. This includes those who come into contact with Ada staff (including contractors and volunteers), students and apprentices through their work or study.
- 1.2. Sexual misconduct (with or without violence) is unacceptable behaviour and contrary to the Sexual Offences Act 2003 and/or the Protection from Harassment Act 1997 and Ofsted review into Sexual Violence in Schools and Colleges 2021.
- 1.3. No member of the Ada community is expected to tolerate this type of unacceptable behaviour, whether by a member of the Ada community, or by a third party such as an employer partner, supplier or visitor to Ad.
- 1.4. Ada is committed to promoting: healthy positive relationships based on mutual respect and clear consent and a culture in which bystanders are empowered to challenge problematic behaviour. We seek to foster a culture where all members feel able to speak out knowing they will be supported and taken seriously.
- 1.5. Breaches of this policy by staff (including volunteers), students and apprentices will be investigated under the relevant behaviour/disciplinary procedure which may result in dismissal or expulsion and/or referral to the Local Area Designated Officer (LADO) or police. Breaches by other stakeholders, including visitors, may be referred to the police.

2. About this policy

- 2.1. The purpose of this policy is to set out a framework for senior managers to deal with any sexual misconduct that occurs by staff (which may include consultants, contractors and agency workers), by students, by apprentices and also by third parties such as employer partners, customers, suppliers or visitors to our premises.
- 2.2. The alleged unacceptable behaviour may have occurred on Ada property, via Ada IT systems, or off-site and this policy applies outside of college site(s) or hours including on social media and during social events.
- 2.3. This policy has been agreed with the Executive Leadership Team (ELT) and following consultation with apprentices.

- 2.4. This policy does not form part of any contract of employment or contract to provide services, and we may amend it at any time following consultation.

3. Who is responsible for this policy?

- 3.1. The ELT has overall responsibility for the effective operation of this policy. The ELT has delegated responsibility for overseeing its implementation to the Dean and Principal. Suggestions for changes to this policy should be reported to the HR Department.
- 3.2. Any questions you may have about the day-to-day application of this policy should be referred to your Line Manager in the first instance.
- 3.3. This policy is reviewed every two years or where there are applicable changes to statutory legislation (whichever is earlier) by the HR Department in consultation with ELT members and apprentices.

4. What is sexual misconduct

- 4.1. Sexual Misconduct is any act of violence or harassment which is sexual in nature or any kind of unwanted, non-consensual sexual touching or harassment within or outside of a relationship. This may include rape, sexual assault, sexual exploitation or groping. It also covers behaviours such as grooming, coercion, the promise of a reward for sexual access and sexual demands or threats. It often arises where there is an imbalance of power in a relationship and it violates the principle that the parties involved have given willing consent to the behaviour. (See Appendix 1 – Glossary).
- 4.2. Sexual misconduct might be a series of different behaviours, repeated forms of the same unwanted behaviour or a one-off incident. (See Appendix 1 and Appendix 2 for a non-exhaustive list of the behaviours that constitute sexual misconduct).

5. Disclosure procedure

- 5.1. Ada's ELT actively promotes a culture of zero tolerance with regard to any form of inappropriate behaviour and ensures that there are arrangements in place to support any party (staff, learners or third party) who experiences it.
- 5.2. If a conflict arises between this policy and any other Ada policy then the person hearing the disclosure will consult with the CEO and/or HR to determine which procedure will be used.

- 5.3. Ada's ELT recognises that the immediate priority upon disclosure of any experience of sexual misconduct, whether current or historic, is the safety and welfare of the disclosing party (also referred to as the reporting party). Any staff member hearing a disclosure of this nature should signpost the individual to receive external support including that available at the local SARC (Sexual Assault Referral Centre), if applicable, so that they can access the external services and guidance it provides. (The person hearing the disclosure can make a referral to the SARC on behalf of the individual if they consent to this). (See Appendix 3 – How to handle a disclosure).
- 5.4. A staff member who receives a disclosure relating to sexual misconduct from a student or apprentice should inform the appropriate Designated Safeguarding Lead (DSL) or Deputy DSL (DDSL) in their absence. If the disclosure is from a staff member or third party, or about one of these groups the report should be made to the CEO, HR or relevant ELT member. The person making the report may, if the individual requests, omit the name of the individual making the report and/or that of the accused party. **NB** – no formal action can be taken where the individual wishes to remain anonymous.
- 5.5. Whilst it is the right of the individual making a disclosure to choose how to proceed and, through the DSL and/or ELT member, we will provide clear and consistent advice as to support and reporting options in certain circumstances, where there is a clear and immediate risk to safeguarding or the health, safety and/or well-being of the disclosing party, another stakeholder, or evidence of a criminal act, Ada does reserve the right to refer the matter to the police and/or the Local Area Designated Officer (LADO).

- 5.6. An individual affected by sexual misconduct may wish to resolve the behaviour informally if it is a one-off occurrence or is not considered serious.

Staff members are encouraged to talk with their line manager and/or HR. (If you feel unable to speak to your line manager for guidance, because the complaint concerns them, then you should speak informally to the HR Department).

Learners are encouraged to talk with the DSL or DDSL. If a Team Lead or Skills Coach receives a concern they should raise this in CPOMS. Third parties should speak with someone who is in charge of the activity they are participating in.

As stated above, Ada recognises it is for the individual to determine the preferred way for resolution and that engaging in an informal resolution is not a barrier to bringing a formal complaint at a later time. **However**, the college has a duty to protect all stakeholders and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

- 5.7. If a student, apprentice or staff member is approached and told that their behaviour could be construed as sexual misconduct, they should be prepared to listen patiently and calmly. Whilst it may be upsetting, they should allow the person to express their concerns and if appropriate, try to reach common ground to remedy the situation and allow a positive working/learning environment to resume. If the student, apprentice or staff member feels the nature of the complaint is serious they should speak with their Team Leads, Skills Coach, DSL or line manager to agree next steps which could involve a more formal procedure and/or referring to Ada's Grievance Procedure

6. Raising a formal complaint

- 6.1. Where the individual chooses to make a formal report then a written statement of the allegation should be submitted to your senior manager or the HR Department. If the matter concerns your line manager or senior manager, you should submit it to the HR Department. The statement should include:
- a) the alleged perpetrator (if known);
 - b) details of the incident(s) including dates and times;
 - c) details of witnesses (if any);
 - d) details of any action that has been taken to date in response to the incidents.

- 6.2. Third parties or members of the public who feel they have witnessed or experienced sexual misconduct by an employee, student, apprentice or while at Ada or whilst participating in an Ada activity should raise their complaint with a member of the ELT or HR either in person or via hr@ada.ac.uk.
- 6.3. Where the student, apprentice, staff member or third party (including members of the public) who has experienced sexual misconduct is under the age of 18 or is deemed to be a vulnerable adult, the Safeguarding Policy will apply and the DSL or/and ELT member should be informed.

7. Investigating a formal complaint

- 7.1. We will investigate complaints in a timely, respectful and confidential manner. Individuals not involved in the complaint or the investigation should not be told about it.
- 7.2. We will arrange a meeting with the reporting party, usually within one week of receiving a complaint, so that they can give their account of events. They have the right to be accompanied by a colleague or a trade union representative of their choice, who must respect the confidentiality of the investigation.
- 7.3. Where the complaint is about an employee, Ada may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. The investigator will also meet with the alleged perpetrator (who may also be accompanied by a colleague or trade union representative of their choice) to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.
- 7.4. Where the complaint is about someone other than an employee, such as an employer partner, customer, supplier or visitor, the relevant senior manager will consider what action may be appropriate to protect the reporting party and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.
- 7.5. We will also seriously consider any request that is made for changes to working arrangements during the investigation. For example, a change to duties or working hours to avoid or minimise contact with the alleged harasser.

- 7.6. It may be necessary to interview witnesses to any of the incidents mentioned in the reporting party's complaint. If so, the importance of confidentiality will be emphasised to them.
- 7.7. At the end of the investigation, the investigator will submit a report to an ELT member or the HR Department. The ELT member or HR Department will arrange a meeting with the reporting party, usually within a week of receiving the report, in order to discuss the outcome and what action, if any, should be taken. The reporting party will have the right to bring a colleague or a trade union representative to the meeting. A copy of the report and any actions will be given to the reporting party and to the alleged perpetrator.

8. Outcome of a formal complaint or disciplinary case

- 8.1. Where the alleged perpetrator is an employee the matter will be dealt with as a case of possible misconduct or gross misconduct under Ada's Disciplinary Procedure. If the alleged perpetrator is a third party such as a customer or other visitor, we will consider what action would be appropriate to deal with the problem.

9. Appeals

- 9.1. If either party is not satisfied with the outcome they may appeal in writing to the HR Department, stating their full grounds of appeal, within one week of the date on which the decision was sent.
- 9.2. There will be an appeal meeting, normally within ten days of receiving the written appeal. Where practicable, the appeal hearing will be conducted by a manager who has not been previously involved in the case and is senior to the individual who conducted the previous meeting. They may ask anyone previously involved to be present. The person making the claim has the right to bring a colleague or trade union representative to the meeting.
- 9.3. The final decision will be confirmed in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

10. Protection and support for those involved

- 10.1. Any stakeholder who makes a complaint or who participates in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Any staff member or student or apprentice found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure or the relevant Behaviour Policy.
- 10.2. If you believe you have suffered any such treatment you should inform the relevant ELT member or the HR Department. If the matter is not remedied a staff member can raise it formally using our Grievance Procedure or this procedure if appropriate.
- 10.3. Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is also prohibited. If a complaint is found to be false, misleading or in bad faith, it will be dealt with in accordance with the relevant Disciplinary or Behaviour Policy.

11. Confidentiality and record-keeping

- 11.1. Confidentiality is an important part of the procedures provided under this policy. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. Breach of confidentiality by a member of staff may give rise to disciplinary action under our Disciplinary Procedure.
- 11.2. Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Data Protection Policy.

12. What we do at Ada to educate our students and apprentices against harmful sexual behaviours

- 12.1. In the Sixth Form Ada has a planned programme of evidence-based content delivered through the PSHE curriculum and assemblies. The programme tackles issues such as:
 - a) Healthy and respectful relationships, including information on consent
 - b) What respectful behaviour looks like

- c) Gender roles, stereotyping, equality
- d) Prejudiced behaviour
- e) That sexual violence and sexual harassment is always wrong
- f) Addressing cultures of sexual harassment

12.2. In the Apprentice Team Ada has a planned programme that includes:

- a) Guidance for maintaining safety in and around college and the workplace
- b) The importance of being aware of workplace policies and procedures
- c) That sexual violence and sexual harassment is always wrong
- d) What respectful behaviour looks like
- e) How to report incidents

13. Related policies, procedures and guidance legislation

13.1. Related policies and procedures:

- a) Safeguarding and Prevent Policy
- b) Code of Conduct
- c) Social Media Policy
- d) Disciplinary Policy
- e) Disciplinary Rules
- f) Grievance Procedure
- g) Sixth Form Student Behaviour and Disciplinary Policy
- h) Apprentice Handbook (including apprentice disciplinary procedures)
- i) Whistleblowing Policy

13.2. Guidance legislation:

a) Sexual offences Act 2003 –

<https://www.legislation.gov.uk/ukpga/2003/42/contents>

b) Voyeurism Act 2019 -

<https://www.legislation.gov.uk/ukpga/2019/2/contents/enacted>

c) The latest iteration of Keeping Children Safe in Education –

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

d) Ofsted review into Sexual Violence in Schools and Colleges 2021 –

<https://www.gov.uk/government/publications/review-of-sexual-abuse-in-schools-and-colleges/review-of-sexual-abuse-in-schools-and-colleges>

Appendix 1: Glossary of terms relating to sexual misconduct

Alleged perpetrator	This language is often used by the police and criminal prosecution service to refer to the person who is alleged to have committed an act which may constitute a criminal offence.
Assault by penetration	In UK laws the offence of “assault by penetration” exists alongside rape and sexual assault, defined as a person intentionally penetrating the vagina or anus of another person with a part of their body or anything else, without the other person’s consent. This crime has the same sentence as the crime of rape, and can be as traumatic and harmful for the victim/survivor as non-consensual penetration with a penis.
Cat-calling	When someone shouts harassing and sexually suggestive, threatening or derisive comments at another person publicly.
Coercion	Persuading someone to do something by using force or threats.
Consent	An agreement between participants to engage in sexual activity. It doesn’t have to be verbal, however verbal agreement can help the parties respect each other’s boundaries. Consent can be withdrawn at any time for any reason and consent can be given but the activity is unwanted.
Curative of corrective rape	This is a term used to describe a hate crime in which a person or people are raped because of their perceived sexual orientation or gender identity. The common intended consequence of the rape, as seen by the perpetrator, is to turn the person heterosexual or to enforce conformity with gender stereotypes.
Cyber-violence	Online behaviour that constitutes or leads to harm against the physical, psychological and/or emotional state of an individual or group. It includes stalking, unwanted advances, online harassment, non-consensual sharing of sexual images and non-consensual sharing of private information.

Disclosure	When someone tells another person, they have experienced Sexual Misconduct.
Domestic abuse	An incident or pattern of incidents of controlling, coercive, threatening, degrading and violent behaviour, including sexual violence, financial abuse and coercive control, in the majority of cases by a partner or ex-partner, but also by a family member or carer.
Female genital mutilation (FGM)	A procedure where the female genitals are deliberately cut, injured or changed, and there's no medical reason for this to be done. FGM is illegal within the UK.
Grooming	The process an abuser uses to desensitise someone, to make them less likely to reject or report abusive behaviour. Grooming can happen when there is a power differential within a relationship, which the abuser exploits for their own gratification. This is most commonly recognised as a tactic used by perpetrators of child sexual abuse and exploitation, both on children and parents. However, adults can also be groomed.
Groping	Touching another person's body without permission.
Non-consensual image sharing	An umbrella term that includes the non-consensual production of sexual photos or videos (such as "up-skirting") and the distribution of sexual photos or videos of an individual without the consent of the person in the image/video. The images/video may have been shared consensually (see "sexting").
Rape	Rape is legally defined in the UK when a person intentionally penetrates another's vagina, anus or mouth with their penis, without the other person's consent. (See also "assault by penetration").

Rape culture	A culture in which dominant ideologies, media images, social practices and institutions promote or condone, explicitly or implicitly, the normalisation of sexual violence and victim-blaming. Incidents are ignored, trivialised, normalised and/or made the basis of jokes.
Reporting	When a victim/survivor chooses to make a formal report about an incident of sexual misconduct to Ada and/or the police.
Reporting party	The individual who has made a report of sexual misconduct.
Responding party	The individual who is alleged to have carried out the act of alleged sexual misconduct.
Revenge porn	See 'Non-consensual image sharing'.
Sexting	Sending someone explicit photographs, videos or messages via mobile phone or online platform (when sent consensually, this is not considered sexual misconduct, however see "Non-consensual image sharing" above.)
Sexual assault	Sexual assault is an act or threat of physical, psychological and emotional violation in the form of a sexual act, inflicted on someone without their consent. It can involve forcing or manipulating someone to witness or participate any sexual acts.

Sexual Assault Referral Centre (SARC)	A Sexual Assault Referral Centre is a place where anyone who has been raped or sexually assaulted can go for specialist medical and forensic services.
Sexual exploitation	Actual or attempted abuse of a position of vulnerability, power, or trust, for sexual purposes including but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.
Sexual harassment	Any unwanted behaviour of a sexual nature which violates a person's dignity, makes them feel intimidated, degraded or humiliated, or creates a hostile or offensive environment.
Sexual misconduct	Any unwanted behaviour of a sexual nature that is committed without consent or by force, intimidation, coercion or manipulation, such as sexual assault, sexual harassment, sexual exploitation and sexual intimidation.
Sexual violence	Any unwanted sexual act or activity including rape, sexual assault, sexual abuse, sexual harassment and female genital mutilation.
Slut-shaming	This is a derogatory term. It can include criticising a woman for her real or presumed sexual activity or for behaving in ways that one thinks are associated with her real or presumed sexual activity.
Stalking	Persistent and unwanted attention that makes a person feel pestered and harassed. It includes behaviour that happens two or more times, directed at or towards someone by another person, which causes them to feel alarmed or distressed or to fear that violence might be used against them.
Survivor	Someone who has experienced sexual violence and misconduct.
Survivor-centred	Prioritising the support and rights of the victim/survivor of sexual violence and misconduct.

<p>Upskirting</p>	<p>An informal term for a type of voyeurism when someone uses equipment like a camera or mobile phone to take photos or videos underneath a person's clothes, without their permission. (This is a criminal offence).</p>
<p>Victim</p>	<p>Someone who has experienced sexual violence and misconduct.</p>
<p>Victim-blaming</p>	<p>Blaming the occurrence of sexual assault on the survivor instead of the person who committed the sexual assault. Victim blaming can be very implicit. For example, recommending that one does not wear revealing clothing, travel alone at night, or engage in sexting implies that such actions provoke sexual assault. A non-victim blaming 12 responses acknowledges that people make choices to violate the bodily integrity of others, and that they alone are responsible for these choices.</p>

Appendix 2: Examples of unacceptable behaviour

Examples of unacceptable behaviour include (but are not limited to) the following:

- “Grooming” behaviour, for example making someone feel special by befriending them, for example, then gradually manipulating them to carry out duties outside of their normal remit, or to do things which are in breach of Ada policy or with which they are not comfortable;
- Unwanted physical contact, including touching, pinching, pushing, grabbing, invading their personal space and more serious forms of physical or sexual assault;
- revenge porn/image-based violence, victim-blaming and rape jokes;
- “Outing” or threatening to out someone as gay, lesbian, bisexual or trans;
- Speculating or gossiping about someone's perceived sexuality or gender identity;
- Refusing to use someone's preferred gender pronoun (e.g. repeatedly using 'he' to refer to someone who has asked for their pronoun to be 'they') or continuing to use their former name ('dead naming');
- Sexual harassment, which can include (but is not limited to) unwanted sexual advances, sexual comments or comments about someone's body or appearance; innuendos; wolf whistling; groping; tugging or lifting someone's clothing, or stalking.

Appendix 3: How to handle a disclosure of Sexual Misconduct or Sexual Violence

An individual wishing to disclose sexual misconduct or sexual violence may approach any member of staff they feel comfortable talking to and/or who shares a similar identity to them. If you are able to accompany them to speak with a DSL or DDSL or ELT member please suggest this to the individual.

- **Check that the individual is safe** if they are in danger or in need of immediate medical attention, call 999.
- **Remind the individual** that you will not be able to keep their disclosure confidential and you will have to share it with the appropriate person within Ada so the correct policy and procedure steps can be followed.
- **Make verbatim notes** - this could be the one and only time they discuss the incident. Some individuals will want to tell someone but then not have to discuss the incident again.
- **Let the individual use their own words:** do not replace their words with your own. Ensure any notes you make reflect exactly what the student said, even if it includes swearing/words you wouldn't use yourself. For instance, if the individual says "s/he had sex with me, but I didn't want to", do not write "s/he was raped" nor should you ask "are you saying you were raped?"; because this is a leading question. Anything the individual tells you, if they later decide to go to the police, could be used as evidence to support a conviction and you could be called as a witness.
- **Let the individual know they are supported:**
 - "Thank you for telling me this, I am so sorry to hear this happened"
 - "We will support you and will be led by you as to what, if anything, happens next"
 - "There are professional, friendly and experienced staff within Ada and outside organisations who can help you with this" [See Appendix 4 for suggestions]

- **Understand why an individual might want to talk to you, for example:**
 - They might want support.
 - They might feel unsafe if the alleged perpetrator is a member of staff, a student, an apprentice or a third party.
 - They might want to know what to do, even if the alleged perpetrator is not someone connected to Ada.
 - They might be worried about the impact on their wellbeing and/or academic progress.

- **Explain what the college could do next:**
 - With the individual's consent*, the incident could be reported (anonymously or with their name) and an investigation into what happened could start.
 - Regardless of any investigation, if the reporting party is a student or apprentice, we can offer them support with both their academic progress and their wellbeing.
 - If the individual decides to make no report, or they take some time to decide what, if anything, they want to do they should be reminded that they can change their mind at any time. The individual may have very mixed feelings about what happened and they shouldn't be pressured to follow a particular course of action.
 - Refer the individual to appropriate support as outlined in Appendix 4. If the student has been recently sexually assaulted, make them aware of the Sexual Assault Referral Centre (SARC).
 - **(NB *** - if the individual is a Sixth Form student or under the age of 18 or they are a vulnerable adult the Safeguarding and Prevent policy will apply and the matter will be referred to the Local Area Designated Officer (LADO) and/or police and other external bodies).

- **Check in with the individual after you've spoken.** Depending on what happened, and when, you might want to set up a time for another meeting.
- **Look after your own wellbeing after such a disclosure:** disclosures can be received by anyone, and it's a sign of trust that the person has told you. Speak to the DSL or HR Department for options of support available.

Appendix 4: Support Information

In all cases of disclosure, a reporting party will be signposted to support services as described below.

If the disclosure is about a sexual assault, depending on the nature of this assault it may be appropriate for the reporting party to self-refer to the Sexual Assault Referral Centre (see below).

Individuals can report to the police by visiting their closest Police Station or phoning 111.

Below are some suggestions of websites where support can be found:

<https://togetherall.com/en-gb/> online access to mental health support

<https://www.firstlight.org.uk/> for anyone wanting to access support following domestic abuse or sexual violence:

<https://rapecrisis.org.uk/>

<https://www.victimsupport.org.uk/>

<https://galop.org.uk/> for LGBT+ people with experience of abuse and violence

www.imkaan.org.uk/ support for black and minoritised women

<https://safelinksupport.co.uk/services/dedicated-support-learning-disabilities/> for people with Learning Disabilities

<https://www.womensaid.org.uk/>

<https://www.survivorsuk.org/> a charity dedicated to supporting male survivors of sexual abuse and rape

<https://operationemotion.co.uk/> a charity dedicated to supporting male survivors of sexual abuse

<https://sarchelp.co.uk/> A SARC offers support from a crisis worker along with forensic medical facilities and examination facilities, sexual health and contraception information, HIV medication, follow-up emotional and practical support from an independent Sexual Violence Advisor, information about police reporting or sharing information anonymously, advice about personal safety, and information about other support services.

When visiting a SARC, you can take a friend or trusted person with you or you can visit alone.

You can visit a SARC time after any sexual assault or rape. However, seven days is usually the longest time that forensic evidence can reliably survive. After this time, no matter how long ago the incident occurred, the SARC can still help with sexual health care, counselling, advice and support (but cannot gather forensic evidence). SARCs are for everyone, regardless of age, sexuality or gender; you will be believed and treated with dignity and respect.