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<b>Responsibility:</b>	<b>Director of Student Services</b>

## **STUDENT AND APPRENTICE SEXUAL MISCONDUCT POLICY**

### **1. INTRODUCTION**

- 1.1. Leicester College places the highest importance on the safety and wellbeing of students, apprentices, staff, and visitors. This policy sets out Leicester College's approach to preventing sexual misconduct and what action it will take where sexual misconduct is disclosed.

### **2. OBJECTIVE**

- 2.1. At Leicester College, the wellbeing of our students and apprentices is everyone's responsibility. This includes upholding the highest standards of behaviour and conduct and creating an environment where behaviour such as sexual misconduct is not tolerated.
- 2.2. The objective of this policy is to ensure there is a clear, transparent, and robust approach to dealing with allegations of sexual misconduct. It is intended to:
- Ensure early, appropriate, and supportive action is taken where there are allegations of sexual misconduct
  - Raise awareness of the college's stance on inappropriate behaviour and conduct, including sexual misconduct

### **3. POLICY STATEMENT**

- 3.1. The College wants to create an environment where all members of the College community feel safe and are respected. All members should feel empowered to speak up about sexual misconduct they have experienced or have witnessed.
- 3.2. The College recognises that there are students in our community who may be less likely to want to speak out about their experience. The College will ensure that staff are equipped to deal with any reports sensitively and understand the impact of misconduct on our diverse range of students.
- 3.3. The College does not accept any form of sexual misconduct and will support students who have experienced any form of sexual misconduct, and those who have witnessed it or had it disclosed.

- 3.4. The College will respond appropriately to incidents that breach this policy and will have a robust framework in place to ensure transparent investigations of any disclosures.
- 3.5. Training will be provided to staff to support them in managing disclosures and to recognise sexual harassment and misconduct
- 3.6. Training will be provided to students, so they understand what sexual misconduct is and to empower them to disclose any behaviour that breaches this policy.
- 3.7. The College is committed to ensuring everyone has the right to freedom of speech. This means everyone has the right to express lawful views and opinions freely without interference from the state or other bodies carrying out public functions, including the College. This is true even when these views or opinions may 'offend, shock or disturb' others. However, freedom of speech can be limited by law in certain limited circumstances, for example, to prevent crime, for national security or public safety, or to prevent unlawful discrimination and harassment.

#### **4. SCOPE**

- 4.1. This policy covers all students and apprentices of Leicester College, regardless of their mode of study. There is a separate policy applicable to staff.
- 4.2. The College's definition of sexual misconduct and harassment is any unwanted or attempted unwanted conduct of a sexual nature. This includes, but is not limited to:
  - Sexual harassment
  - Sexual assault
  - Rape
  - Stalking.
- 4.3. It applies to all sexual misconduct which:
  - Occurs on College property or land
  - Occurs whilst a student is engaged in any College-related activity (including placement or trips)
  - Occurs in person
  - Occurs via electronic means including but not limited to internet, email, social media sites, chat rooms, any forms of messaging.

#### **5. POLICIES TO DEAL WITH SEXUAL MISCONDUCT**

- 5.1. Allegations of sexual misconduct against a student will be dealt with under the College's Student/Apprentice Behaviour and Conduct Policy. Allegations against members of staff will be dealt with through the Staff Disciplinary Procedure.

## **6. MAKING A DISCLOSURE**

6.1. A student or someone supporting them can make a disclosure in a number of ways:

- All staff at the College are trained to deal with a disclosure and students are encouraged to speak to any member of staff who they trust
- If a student prefers to speak to someone who is not within their teaching or support network, they can speak to a member of the Safeguarding Team on 07825 175 729
- A student can also email the Safeguarding Team on [safeguarding@leicestercollege.ac.uk](mailto:safeguarding@leicestercollege.ac.uk) and someone from the team will be in touch.

## **7. MANAGING A DISCLOSURE**

- 7.1. A disclosure is made when someone tells a member of staff that they have experienced or witnessed sexual misconduct. This could be in person, online or via any other mean such as email or message.
- 7.2. Any disclosure will be taken seriously and handled in a sensitive manner.
- 7.3. The member of staff receiving the disclosure shall follow the safeguarding procedures in the Safeguarding and Prevent Policy (available at [Policies and Procedures - Leicester College](#) [page 15 onwards])
- 7.4. Confidentiality cannot be promised where there is a potential safeguarding risk to the student or others in the College.
- 7.5. Any allegation of sexual misconduct should be reported to and discussed with the Safeguarding Team. This enables an initial risk assessment to take place.
- 7.6. Where the student is under the age of 18, parents and care givers will be informed, unless there is a safeguarding risk. Any alleged harassment or assault will also be referred to the police.
- 7.7. Where the student is over the age of 18, the College will support them to make a report to the Police if they so wish. Where there are safeguarding concerns over the alleged perpetrator the Designated Safeguarding Lead may make a referral to the police in any event.
- 7.8. The Safeguarding Team will work with curriculum teams to complete a sexual violence risk assessment.
- 7.9. The College will follow the Student/Apprentice Behaviour and Conduct policy to complete an investigation. If there is a police investigation, advice will be sought on progressing any internal processes before commencing.

## **8. RISK ASSESSMENT**

- 8.1. A sexual violence risk assessment will be undertaken within two days of receiving a report of alleged sexual harassment or violence by the Safeguarding Team. This will be in conjunction with curriculum teams and other support services as required
- 8.2. The purpose of the risk assessment is to consider any immediate actions that need to be put in place to protect the alleged victim and/or perpetrator, any wider risks posed and next steps for investigation.
- 8.3. The risk assessment may conclude temporary measures may be necessary where any risks cannot be sufficiently mitigated whilst an investigation is undertaken. This does not pre-determine the outcome of the investigation. These measures could include:
  - Temporary suspension of the reported student
  - Limitation on the reported student or alleged victim's movements within the College (such as not visiting another campus).
- 8.4. The College will ensure that there is minimal impact on the learning of any student who is temporarily suspended.

## **9. SUPPORT**

- 9.1. Any student making a disclosure as an alleged victim or witness shall be offered support through the college's wellbeing team. Referrals to external agencies may be made with the student's consent where appropriate.
- 9.2. Through the sexual violence risk assessment both the alleged victim and perpetrator will be considered and appropriate support offered.
- 9.3. Any student who is subject to the Student/Apprentice Behaviour and Conduct process can request support from the Student Enrichment team for any meetings or hearing that may take place.

## **10. POLICE INVESTIGATIONS**

- 10.1. If a report has been made to the police, the College will still carry out its own investigation under the Student/Apprentice Behaviour and Conduct Policy. Any action taken due to a breach of the Sexual Misconduct Policy is not a substitute for a police investigation or criminal prosecution.
- 10.2. The College will seek advice from the police regarding its own investigation to ensure that nothing jeopardises the police investigation.
- 10.3. Where a decision is made by the police not to take any further action, or where a 'not guilty' verdict has been returned does not preclude the College from

taking its own action.

10.4. If a student is convicted of a criminal offence or accepts a police caution in relation to behaviour that falls within the scope of this policy, the College will accept this as conclusive evidence that the behaviour took place. It will not be necessary to conduct an investigation and will be progressed to a disciplinary hearing in line with the Student/Apprentice Behaviour and Conduct Policy.

10.5. The student will also be subject to a criminal risk assessment in accordance with the College's Criminal Risk Assessment Policy.

## **11. CONFIDENTIALITY AND DATA SHARING**

11.1. The College recognises the importance of students feeling safe when disclosing events of this nature. The College will only share information on a confidential basis where it is necessary to do so.

11.2. It will be necessary to share information either within the College or with external organisations in order to:

- Allow a case to be appropriately considered and investigated
- Complete a robust risk assessment
- Ensure those who disclose an experience receive appropriate support
- Safeguard members of the College community and fulfil the College's safeguarding duty
- Discharge the College's duties as required by law

11.3. All personal data is recorded and held in accordance with the Data Protection Act 2018 and cases of sexual misconduct will be retained in line with the College's Records Retention Schedule.

## **12. MONITORING AND REVIEW**

12.1. We will monitor the reporting and outcomes of any complaints of sexual harassment or victimisation we receive to make sure that they are properly investigated and resolved, those who report or act as witnesses are not victimised, repeat offenders are dealt with appropriately, and training is targeted where needed.

12.2. This policy will be reviewed every three years. We will analyse emerging themes, assess feedback, and identify areas to improve its effectiveness.