SEXUAL VIOLENCE HARASSMENT AND ABUSE POLICY

1. PURPOSE

The purpose of this Policy is to provide all employees, volunteers, partners, and other stakeholders (incl. contractors) with a clear understanding about Blackburn Colleges approach to dealing with sexual harassment and abuse claims. Blackburn College is committed to providing a positive work and study experience for all our employees and students which includes a zero-tolerance approach to sexual harassment or abuse.

This Policy sets out the Blackburn Colleges expectations of behaviour by our employees and students and provides approaches for dealing with complaints of sexual harassment or abuse. It intends to protect students and employees from inappropriate sexual behaviour which may include, but is not limited to, violence, grooming, misconduct, and harassment.

Blackburn College is committed to creating a culture of vigilance where students' welfare is promoted and where timely and appropriate safeguarding action is taken for students who need extra help or who may be suffering or likely to suffer harm because of sexual harassment or abuse.

This policy now includes updated statutory references from KCSIE 2026, including signposting to the Lucy Faithfull Foundation's 'Shore Space' service for young people and updated UKCIS 'Sharing nudes and semi-nudes' guidance.

2. DEFINITION AND SCOPE

This Policy details how employees and students should respond to all reports and concerns of peer on peer/child on child, sexual violence and sexual harassment, including those that have happened outside of the school or college premises, and or online.

This policy applies to all members of the College and relates to sexual misconduct perpetrated by:

- a student against a student or a member of staff;
- a member of staff against a student or a member of staff;
- a student or staff member against a third party.

It applies to sexual misconduct that may take place inside or outside of the College premises or hours, e.g. social events, trips abroad or on social media/online.

In respect of children, the Policy is informed by the statutory guidance outlined in the Department for Education publication, 'Keeping Children Safe in Education' (September 2026) the statutory guidance 'Working Together to Safeguard Children 2026'. The departmental advice 'What to do if

you are worried a child is being abused – Advice for practitioners and the departmental advice Sexual Violence and Sexual Harassment Between Children in Schools and Colleges'. The review by Ofsted into Sexual abuse in Schools and Colleges carried out in 2021 in response to the 'Everyone's Invited' movement.
Additionally, the Office for students (OfS) have published the expectations outlining the practical steps that colleges and universities should be taking to tackle harassment and sexual misconduct.

Sexual violence and sexual harassment can occur between two children of any age and sex, from primary through to secondary stage and into colleges. It can occur through a group of children sexually assaulting or sexually harassing a single child or group of children. Sexual violence and sexual harassment exist on a continuum and may overlap; they can occur online and face to face (both physically and verbally) and are never acceptable.

2.1 What is Sexual Violence?

Sexual violence refers to sexual offences under the Sexual Offences Act 2003 as described below:

Rape: A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration and A does not reasonably believe that B consents.

Assault by Penetration: A person (A) commits an offence if: s/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents.

Sexual Assault: A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents. (Schools and Colleges should be aware that sexual assault covers a wide range of behaviour so a single act of kissing someone without consent or touching someone's bottom/breasts/genitalia without consent, can still constitute sexual assault.)

Causing someone to engage in sexual activity without consent: A person (A) commits an offence if: s/he intentionally causes another person (B) to engage in an activity, the activity is sexual, B does not consent to engaging in the activity, and A does not reasonably believe that B consents. (This could include, but not limited to; forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party.)

2.2 What is Sexual Harassment?

Behaviour characterised by the making of unwelcome and inappropriate sexual remarks or physical advances in a workplace, educational setting or other professional or social situation.

When referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur online and offline and both inside and outside of school/college. When we reference sexual

harassment, we do so in the context of child on child sexual harassment. Sexual harassment is likely to: violate a person's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment.

Whilst not intended to be an exhaustive list, sexual harassment can include:

- Sexual comments, such as: telling sexual stories, making lewd comments, making 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 (schools and colleges should be considering when any of this crosses a line into sexual violence - it is important to talk to and consider the experience of the victim) and displaying pictures, photos or drawings of a sexual nature; and
- Online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
    - Consensual and non-consensual sharing of nude and semi-nude images and/or videos. As set out in UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people (which provides detailed advice for schools and colleges) taking and sharing nude photographs of U18s is a criminal offence;
    - Sharing of unwanted explicit content;
    - Up-skirting (is a criminal offence20);
    - Sexualised online bullying;
    - Unwanted sexual comments and messages, including, on social media; sexual exploitation; coercion and threats.

2.3 What is Sexual Misconduct?

Sexual Misconduct relates to all unwanted conduct of a sexual nature. This includes but is not limited to:

Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010)
Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)
Assault (as defined by the Sexual Offences Act 2003)

- rape
- physical unwanted sexual advances
- intimidation, or promising resources or benefits in return for sexual favours
- distributing private and explicit images or video footage of an individual without their consent

In considering this statement of expectations, providers will also need consider their statutory duties, and the OfS's regulatory requirements, relating to academic freedom and free speech.
As outlined in EHRC on freedom of expression, published in February 2019, exposure to course materials that students might find offensive or unacceptable is unlikely to constitute harassment.

2.4 What is Peer on Peer Abuse? (KCSIE, 2025 'Child on Child')

Peer on peer abuse is most likely to include, but may not be limited to:

- Bullying (including cyberbullying, prejudice-based and discriminatory bullying)
- Abuse in intimate personal relationships between peers
- Physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm (this may include an online element which facilitates, threatens and/or encourages physical abuse)
- Sexual violence, such as rape, assault by penetration and sexual assault; (this may include an online element which facilitates, threatens and/or encourages sexual violence
- Sexual harassment, such as sexual comments, remarks, jokes and online sexual harassment, which may be standalone or part of a broader pattern of abuse
- Consensual and non-consensual sharing of nudes and semi nude images and or videos (also known as sexting or youth produced sexual imagery)
- Up-skirting, which typically involves taking a picture under a person's clothing without their permission, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm
- Initiation/hazing type violence and rituals (this could include activities involving harassment, abuse or humiliation used as a way of initiating a person into a group and may also include an online element).

2.5 Online Abuse

Sexual harassment and online sexual abuse, such as being sent unsolicited explicit sexual material and being pressured to send nude pictures ('nudes'), are much more prevalent than adults realise. For example, nearly 90% of girls, and nearly 50% of boys, said being sent explicit pictures or videos of things they did not want to see happens a lot or sometimes to them or their peers.

Both young people and adults can also abuse their peers online, this can take the form of abusive, harassing, and misogynistic messages, the non-consensual sharing of indecent images, especially around chat groups, and the sharing of abusive images and pornography, to those who do not want to receive such content.

2.6 Inappropriate behaviour

Addressing inappropriate behaviour (even if it appears to be relatively innocuous) is an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future. Young people who are victims of sexual violence and sexual harassment wherever it happens, will likely find the experience stressful and distressing. This will, likely, adversely affect their educational attainment and will be exacerbated if the alleged perpetrator(s) attends the same school or college.

Colleagues should be aware that safeguarding incidents and/or behaviours can be associated with factors outside the school or college, including intimate personal relationships.

Whilst any report of sexual violence or sexual harassment should be taken seriously, staff should be aware it is more likely that girls will be the victims of sexual violence and sexual harassment and more likely it will be perpetrated by boys, it is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.

Blackburn College also recognises its legal Preventative Duty under the Worker Protection (Amendment of Equality Act 2010) from October 2024, requiring proactive steps to prevent sexual harassment, including regular staff and student training, safeguarding risk assessments, and leadership accountability.

3. EXPECTATIONS OF ALL EMPLOYEES, STUDENTS AND VISITORS

3.1 Do not Perpetrate Sexual Violence, Harassment and/or Misconduct

Perpetrating sexual violence, sexual harassment, stalking, domestic violence and/or sexual misconduct as outlined in the definitions within this policy is never acceptable under any circumstances and may constitute a criminal offence. Perpetrating this behaviour is harmful to others' health and wellbeing.

The behaviour listed in this Policy can be perpetrated in person or online. All staff and stakeholders of the College are expected to adhere to this Policy while using social media and any other form of online interaction including email communication or physical interaction.

All reports of sexual violence, sexual harassment, stalking, domestic violence and/or sexual misconduct will be taken seriously. Any member of staff or student found to be behaving in this way will be dealt with under the appropriate internal disciplinary procedures.

The Reporting Party, the Responding Party and any Witnesses will be treated fairly, with dignity and confidentiality throughout any process and may access relevant support services.

3.2 Seek Consent

Persons engaging in sexual activity with others are expected to seek consent. Consent is agreeing by choice and having the freedom and capacity to make that choice.

The definition of consent as defined in the Sexual Offences Act 2003 is agreeing by choice and having the freedom and capacity to make that choice. A person is free to make a choice if nothing bad would happen to them if they said no.
For example, a person is not free to choose if: they are being threatened with violence (both by the perpetrator and/or by someone else), they feared for the continuation or assessment of their studies if they refused, they are being blackmailed using images or social sabotage.

Similarly, someone may not feel free to make a choice if there is a power imbalance; this could be due to age, status/position and/or authority or some kind of dependency (e.g. drug/alcohol use, financial control).

Capacity is about whether someone is physically and/or mentally able to make a choice and to understand the consequences of that choice.

For example, a person does not have the capacity to give consent if: they are drunk or under the influence of drugs - this means someone may still be physically able to have sex or engage in sexual activity but they may not be able to consent, if they are asleep or unconscious, a person may also not have capacity to give consent if they have a disability or impairment, including learning difficulty, physical disability or mental health condition.

Consent may be withdrawn at any time (including during sex or any sexual activity) and can never be implied, assumed or coerced. It is also important to note:

- A child under the age of 13 can never consent to any sexual activity
- The age of consent is 16
- Sexual intercourse without consent is rape.

3.3 Act Appropriately in the Work/Study Environment

There are many possible power dynamics that people should be conscious of: gender, race, sexuality, gender identity, disability and age are some of the factors covered in the Equality Act 2010 that may intersect with how power is held by some people over others. Members of the College are expected to recognise this in their interpersonal work/study relationships. Other factors may include class and if a position of authority is held.

3.4 Be an Active Bystander

The bystander effect is a social psychological phenomenon that occurs when the presence of others discourages an individual from intervening in a situation. This compounds people's experiences by normalising and accepting inappropriate behaviour. All members of the College have a responsibility to do or say something if they witness sexual violence, sexual harassment, stalking, domestic violence and/or sexual misconduct and it is safe to intervene.

3.5 Respond in a Thoughtful and Supportive Way to Disclosures

It is essential that all victims are reassured that they are being taken seriously, regardless of how long it has taken them to come forward and that they will be supported and kept safe. Abuse that occurs online or outside of the school or college should not be downplayed and should be treated equally seriously. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report or their experience minimised. You can find out more information about the College's Support Services by visiting the Safeguarding page on SharePoint or the College website.

3.6 Support

Blackburn College is committed to providing support for its students and staff directly or indirectly affected by these issues. Blackburn College will provide information on support resources available and offer interim measures as appropriate to the Reporting Party, Responding Party, Witnesses and those supporting any of the above.

Support resources are available to any member of Blackburn College, regardless of their choice to proceed to a report either to the College or the Police. Support is available even if the perpetrator is not a member of the College. In cases where those involved are members of the College, support for the Reporting Party and Responding Party will be separate; one member of staff will not provide support to both parties.

The College commits to ensuring that all victims have access to a choice of same-sex support workers and, where possible, culturally appropriate support, to reflect the diversity of our community.

Information about Blackburn College and our recognised external support services can be found on the Safeguarding page on the College website.

4. DISCLOSURES

4.1 What to Do if You Have a Disclosure

A disclosure is when someone informs another that they have experienced sexual violence, sexual harassment, stalking, domestic violence and/or sexual misconduct. This may be the only step a Reporting Party takes, and it may not be clear from the beginning of a conversation that a disclosure is about to occur.

- It is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment.
- Do not promise confidentiality at this initial stage as it is very likely a concern will have to be shared further (for example, with the Designated Safeguarding Lead or Social Care) to discuss next steps.
- Listen carefully to the young person, being non-judgmental, being clear about boundaries and how the report will be progressed, not asking leading questions and only prompting where necessary with open questions – where, when, what, etc.
- Ensure that everything is recorded including dates and times. Best practice is to wait until the end of the report and immediately write up a thorough summary. This allows you to devote your full attention to the young person and to listen to what they are saying. It may be appropriate to make notes during the report (especially if a second member of staff is present). However, if making notes, you should be conscious of the need to remain engaged with the young person and not appear distracted by the note taking. Either way, it is essential a written record is made.

- Only record the facts as the young person presents them. The notes should not reflect the opinion of the note taker. Be mindful that notes of such reports could become part of a statutory assessment by social care and/or part of a criminal investigation.
- If the report includes an online element do not view or forward illegal images of a child. Do not ask the young person to delete the images. The highlighted advice provides more details on what to do when viewing an image is unavoidable Sharing nudes and semi-nudes: how to respond to an incident (publishing.service.gov.uk)
- Inform the Designated Safeguarding Lead (or Deputy), as soon as practically possible, if the Designated Safeguarding Lead (or Deputy) is not involved in the initial report.
- If you have taken notes, please ensure these are passed on to the Designated Safeguarding Lead or Deputy as soon as possible – These will then be uploaded on to our CPOMS Safeguarding recording system.

4.2 How to Report

- Alert the safeguarding team – Promonitor alert, direct phone call to the team or email.
- Internal referrals can also be made directly via the dedicated telephone line or via Promonitor.
- As detailed in Safeguarding Policy, an appropriate Safeguarding Intervention Worker will review cases and decide the most appropriate course of action for the case.
- Refer the young person to a relevant source of online support such as Childline/NSPCC or the safeguarding page of the College website.

4.3 **What You Can do if You Experience Sexual Violence, Harassment and/or Misconduct**

- It is important to remember that what you have experienced is not your fault and what you do next is your choice.
- There are several internal and external support services for students and staff which you can find on the Safeguarding page via SharePoint or the College website.
- You can access support irrespective of whether you choose to report what has happened to you.
- You can report to Blackburn College anonymously or with your contact details (so you get a response) online through the safeguarding email safeguarding@blackburn.ac.uk

Blackburn College confirms that Non-Disclosure Agreements (NDAs) will not be used in any cases of harassment or sexual misconduct, in line with the Office for Students requirements from August 2025.

- You can decide if you would like to contact the Police or not. There is advice available on what that processes will involve should you choose to report to the Police: Safeguarding page via SharePoint or the College website.

5. SIGNPOSTING AND SUPPORT FOR YOUNG PEOPLE/PARENTS AND CARERS

- NSPCC/Childline - Sexual abuse | Childline If it's happening to you, we can help. Call us on 0800 1111, or talk online on our 1-2-1 counsellor chat.

- Victim Care Lancashire offers support with domestic abuse, sexual violence and stalking. Call us on 01772 410410, or email at support@victimcarelancashire.org

- Birchall Trust Supporting survivors of Rape, Sexual Abuse or Sexualised Violence. Call us on 01254 919505 or email at enquires@birchalltrust.org.uk

- NEST To help those recover from whatever it is they have experienced. This includes sexual abuse, sexual assault, and sexual harassment, including online. For young people aged 5-18 (and to 25 for anyone who has learning needs). Call us on 030011 0323 or email at info@nestlancashire.org

Further reading/articles and useful resources:

- School sex abuse allegations: 'My school was named on Everyone's Invited' | Tes

- https://www.simpsonmillar.co.uk/media/school-abuse-has-rape-culture-become-normalised/

- https://www.google.co.uk/amp/s/www.independent.co.uk/news/education/education-news/everyones-invite-school-sexual-abuse-what-b1824332.html%3famp

- Sexual Harassment in Schools | TeacherToolkit

- Ofsted review of sexual abuse in schools and colleges

- Statement of expectations - Office for Students

- Sexual Harassment and the Law covers2b.indd (equalityhumanrights.com)

- Freedom of expression: a guide for higher education providers and students' unions in England and Wales (equalityhumanrights.com)

6. STAKEHOLDER CONSULTATION

This policy was created in consultation with the Strategic Safeguarding Committee and relevant staff including the Designated Safeguarding Governor of the college.

7. MONITORING AND REVIEWING

This Policy will be subject to Annual Review by the Strategic Safeguarding Committee and relevant stakeholders.

8. RELATED POLICIES/ PROCEDURES

- Student Safeguarding Policy
- Recruitment and Selection Policy
- Student Behaviour Policy and Procedure
- The Pledge
- Whistleblowing Policy
- Information Sharing Protocol
- Complaints Policy and Procedures
- Student Computer Usage Policy
- Staff Code of Conduct
- Staff and Student Personal Relationship Policy

9. MANAGEMENT RESPONSIBILITY

The management responsibility is with the Executive Director – Student Support and Experience (The College DSL)

10. EQUALITY IMPACT ASSESSMENT

Blackburn College is committed to the promotion of equality, diversity and providing a supportive environment for all members of our community. Our commitment means that this policy has been reviewed to ensure that it does not discriminate (either intentionally or unintentionally) any of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation and meets our obligations under the Equality Act 2010. Therefore, this policy has no adverse impact on any of the above protected groups.

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