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## **Sexual Harassment Policy 2024-2025**

**To be read in conjunction with:**

- **Keeping Children Safe in Education Sept 2024**
- **Sexual violence and sexual harassment between children in schools and colleges  
Sept 2021**

**INTRODUCTION:**

HABA College has a policy based on information provided by the Department for Education. Its focus is child on child sexual violence and sexual harassment at centres and colleges. The advice covers children of **all ages**, from primary through to secondary stage and into colleges and online. For the purposes of this policy, **a child is anyone under the age of 18**. For clarity a child will be referred to as a Young Adult throughout the remainder of this policy

Whilst the focus of this advice is on protecting and supporting young adults, schools and colleges/centres should of course protect any adult students and engage with adult social care, support services and the police as required.

Sexual violence and sexual harassment can occur between two young adults of any sex. They can also occur through a group of young adults sexually assaulting or sexually harassing a single young adult or group of young adults.

Young adults who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment. Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physical and verbal) and are never acceptable. It is important that all victims are taken seriously and offered appropriate support.

Reports of sexual violence and sexual harassment are extremely complex to manage. It is essential that victims are protected, offered appropriate support and every effort is made to ensure their education is not disrupted. It is also important that other young adults, adult students, centres and staff are supported and protected as appropriate.

### **Centres should be aware of the importance of:**

- Making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up
- Not tolerating or dismissing sexual violence or sexual harassment as “banter”, “part of growing up”, “just having a laugh” or “boys being boys”; and
- Challenging behaviours (which are potentially criminal in nature), such as grabbing bottoms, breasts and genitalia. Dismissing or tolerating such behaviours risks normalising them.
- Understanding that all of the above can be driven by wider societal factors beyond centres, such as everyday sexist stereotypes and everyday sexist language.

### **The Evidence:**

The evidence highlights why it is important that all centres and staff have an understanding of what sexual violence and sexual harassment might look like and what to do if they have a concern or receive a report. 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.

- Ofsted's Review of sexual abuse in schools and colleges/centres revealed how

prevalent sexual harassment and online sexual abuse is for children and young adults and that, the issues are so widespread that they need addressing for all young adults

- **Nationally collected statistics show that there has been a sharp increase in reporting of child sexual abuse to the police in recent years. There were around 107,000 offences reported in 2022 - a 7.6% increase compared to 2021, nearly quadruple what it was 10 years ago.**
- **Police recorded crime data (England and Wales) for year ending March 2020 indicated that 51.9% of female victims and 62.4% of male victims of sexual offences were aged between 5 and 19.**
- **NSPCC's how safe are our children report 2020 found that girls are particularly vulnerable to sexual abuse, accounting for around 90% of victims of recorded rape offences against 13-to 15-year-olds in England, Wales, and Scotland.**
- **The Women and Equalities committee (WEC) state that a number of large-scale surveys found that girls are consistently reporting high levels of sexual harassment and sexual violence in schools and colleges.**
- **Girlguiding's Girls' 2021 Research briefing: It happens all the time found that 67% of girls and young women aged 13-18 surveyed have experienced sexual harassment at school from another student, and that 29% first experienced sexual harassment when they were just 11-13 years old.**
- **Almost a quarter (24%) of female students and 4% of male students at mixed-sex schools have been subjected to unwanted physical touching of a sexual nature while at school.**

Young adults with Special Educational Needs and Disabilities (SEND) can be especially vulnerable. Disabled and deaf young adults are three times more likely to be abused than their peers. Additional barriers can sometimes exist when recognising abuse in SEND young adults. These can include:

- Assumptions that indicators of possible abuse such as behaviour, mood and injury relate to a young adult's disability without further exploration
- The potential for young adults with SEND being disproportionately impacted by behaviours such as bullying and harassment, without outwardly showing any signs; and communication barriers and difficulties overcoming these barriers.
- Young adults who are Lesbian, Gay, Bi, or Trans (LGBT) can be targeted by their peers.

## **SEXUAL VIOLENCE:**

HAHA College is aware of sexual violence and the fact young adults can, and sometimes do, abuse their peers in this way. When referring to sexual violence we do so in the context of child-on-child sexual violence.

For the purpose of this policy, when referring to sexual violence we are referring 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. (Centres should be aware that sexual assault covers a very wide range of behaviour so a single act of kissing someone without consent or touching someone's bottom/breast/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 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 another, e.g. to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal, or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.

### **SEXUAL HARASSMENT:**

For the purpose of this policy, when referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur online and offline. When we reference sexual harassment, we do so in the context of child-on-child sexual harassment. Sexual harassment is likely to: violate a young adult's dignity, and/or make them feel intimidated, degraded, or humiliated and/or create a hostile, offensive or sexualised environment.

### **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: deliberating brushing against someone, interfering with someone's clothes and displaying pictures, photos, or drawings of a sexual nature
- online sexual harassment, which might include non-consensual sharing of sexual

images and videos and sharing sexual images and videos (both often referred to as sexting); inappropriate sexual comments on social media; exploitation; coercion and threats. Online sexual harassment may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence.

Sexual harassment creates an atmosphere that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence.

It is important that centres consider sexual harassment in broad terms. Sexual harassment (as set out above) creates an atmosphere that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence.

### **HARMFUL SEXUAL BEHAVIOURS:**

A young adult's sexual behaviours exist on a wide continuum, from normal and developmentally expected to inappropriate, problematic, abusive and violent. Problematic, abusive and violent sexual behaviours are developmentally inappropriate and may cause developmental damage.

Further advice on signs, indicators and effects of harmful sexual behaviours is available from the NSPCC: Harmful sexual behaviour: signs-indicators-effects.

Harmful sexual behaviours can occur online and offline and can occur simultaneously between the two and should be considered in a child protection context.

The detailed advice on harmful sexual behaviours is available from:

- Rape Crisis England
- [www.wannatalkaboutit.com](http://www.wannatalkaboutit.com)
- Survivors Trust
- NSPCC: Harmful sexual behaviour
- NICE guidance for advice on, amongst other things: developing interventions; working with families and carers; and multi-agency working.

It is effective safeguarding practice for the designated safeguarding lead (and their deputies) to have a good understanding of harmful sexual behaviour.

This could form part of their safeguarding training. This will aid in planning preventative education, implementing preventative measures, drafting, and implementing an effective child protection policy and incorporating the approach to sexual violence and sexual harassment into centres approach to safeguarding. The company will address inappropriate behaviour, as these can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future.

### **LEGAL RESPONSIBILITIES:**

HABA College has a statutory duty to safeguard and promote the welfare of young adults at its company/centres. As part of this duty, the company/centres are required to have regard to guidance issued by the Secretary of State.

- **Keeping Children Safe in Education Act 2022**
- **Sexual violence and sexual harassment between children in schools and colleges Sept 21**

Working together to safeguard children HABA will also adhere to their obligations

- Human Rights Act 1998
- Equality Act 2010

## **SAFEGUARDING AND CHILD PROTECTION:**

HABA College takes a whole organisational approach to safeguarding and child protection.

This means involving everyone within the organisation, including all centres, staff, learners and their parents or carers.

Safeguarding and child protection is a recurrent theme running through the company's policies and procedures. The company's approach to sexual violence and sexual harassment is reflected and is part of the broader approach to safeguarding.

The company's safeguarding procedures with regard to sexual violence and sexual harassment are transparent, clear and easy to understand for staff, learners, parents and carers.

### **Extra-familial Harms:**

All staff should be aware that safeguarding incidents and/or behaviours can be associated with factors outside the college/centres and/or can occur between young adults outside of these environments. All staff, but especially the designated safeguarding lead (and deputies) should consider whether young adults are at risk of abuse or exploitation in situations outside their families.

Extra-familial harms take a variety of different forms and young adults can be vulnerable to multiple harms including (but not limited to), sexual exploitation, criminal exploitation, sexual abuse, serious youth violence and county lines.

All staff should be aware that technology is a significant component in many safeguarding and wellbeing issues. Children are at risk of abuse online as well as face to face. In many cases abuse will take place concurrently via online channels and in daily life.

Young 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. In all cases, if staff are unsure, they should always speak to the designated safeguarding lead (or deputy).

### **PREVENTION:**

HABA will ensure all young adults are taught about safeguarding, including how to stay safe online, and as part of providing a broad and balanced apprenticeship.

HABA College plays an important role in preventative education which will be through a whole organisation approach. This may tackle such issues as:

- gender roles, stereotyping, equality
- body confidence and self-esteem

ATS has provided extensive resources in these areas via its 'OneFile' management system for all stakeholders including Centres and learners. HABA College as part of its compliance requirements expects all staff to update their Safeguarding training every other year. We will maintain a record of training on its Central Register. All learners are required to complete training in Safeguarding and are fully aware of the company reporting procedures.

### **SAFEGUARDING AND CHILD PROTECTION:**

HABA College takes a whole organisational approach to safeguarding and the protection of young adults. This means involving everyone in the organisation, including the directors, all staff, learners, centres, and employers.

Safeguarding and child protection is a recurrent theme running through the company's policies and procedures. Our approach to sexual violence and sexual harassment is reflected and is part of the broader approach to safeguarding.

### **MANAGING A DISCLOSURE:**

HABA College initial response to a disclosure from a young adult is important. It is essential that 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.

As with all safeguarding concerns, it is important that in such instances staff take appropriate action in accordance with the company's Safeguarding and Child Protection policy. All staff should not assume that someone else is dealing with the alleged incident. If in any doubt, the member of staff should speak to a designated Safeguarding Lead. The company's safeguarding principles remain the same and all staff are trained to manage a disclosure (Keeping Children Safe in Education).

HABA College safeguarding practice will include:

- not promising confidentiality at this initial stage as it is very likely a concern will

have to be shared further

- listening carefully to the young adult, being non-judgmental, being clear about boundaries and how the disclosure will be progressed
- only recording the facts as the young adult presents them
- informing the designated safeguarding lead as soon as practically possible.

### **CONFIDENTIALITY:**

Staff taking a disclosure should never promise confidentiality. The victim may ask the company not to tell anyone about the sexual violence or sexual harassment. The designated safeguarding leads, will consider the following:

- parents or carers should normally be informed unless this would put the victim at greater risk
- the basic safeguarding principle is: if a young adult is at risk of harm, is in immediate danger or has been harmed then a referral should be made to social care
- rape, assault by penetration and sexual assaults are crimes. The starting point is that reports should be passed to the police.

The designated Safeguarding Lead will balance the young adult's wishes against their duty to protect them and other young adults.

If the designated safeguarding lead decides to go ahead and make a referral to social care and/or a report to the police against the victim's wishes, this should be handled extremely carefully, the reasons should be explained to the victim and appropriate specialist support offered.

### **Specialist Organisations:**

- Barnardo's
- Lucy Faithfull Foundation
- NSPCC
- Rape Crisis

### **Support for Victims:**

- Anti-Bullying Alliance
- Rape Crisis
- The Survivors Trust
- Victim Support

### **Toolkits:**

- NSPCC
- Safeguarding Unit
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**Further information on confidentiality and information sharing**



- Government information sharing advice
- Information Commissioner's Office: Education
- NSPCC: Things to know and consider

**Further information on sexting**

- UKCCIS: sexting advice
- London Grid for Learning- collection of advice

**Support for parents:**

- Parentzone
- Parentsafe- London Grid for Learning
- CEOP Thinkuknow advice for parents: Challenging harmful sexual attitudes and their impact Supporting positive sexual behaviour

**Document Revision:**

Issue Date	01 July 2019	Authorised: S Churcher
Review Date	01 July 2023	Appointment: Quality Manager/Managing Director
Next Review Date	01 July 2024	Signature: S Churcher 
All company policies are to be reviewed by the Quality Manager annually or earlier where circumstances dictate.		