

2023
V3

Sexual Harassment Policy

Introduction

The Company seeks to provide an environment in which all employees, learners and visitors are treated with respect and dignity and that is free of sexual harassment based upon an employee's race, religion, colour, sex, age, national origin, disability or sexual orientation.

Staff members, Learners, or Employees must not sexually harass or intimidate others on any of these grounds. Such harassment not only contravenes this policy but it may also constitute unlawful discrimination. Such behaviour will be treated as gross misconduct in accordance with the Company's disciplinary procedure and could render the employee and learner liable to summary dismissal.

How Sexual Harassment is defined in law

In England and Wales, the legal definition of sexual harassment is when someone carries out unwanted sexual behaviour towards another person that makes them feel upset, scared, offended or humiliated. It is also when someone carries out this behaviour with the intention of making someone else feel that way. This means that it can still be sexual harassment even if the other person didn't feel upset, scared, offended or humiliated.

Objectives

All staff, learners and visitors to Debut are responsible for:

- conducting themselves in accordance with this policy
- to understand what areas come under sexual harassment
- understand what are the consequences of sexual harassment and why Debut Training Academy has a **zero tolerance** towards it
- to know where to report any matters of sexual harassment

The scope of limitation for sexual harassment does not only apply to Debut Training premises but can be applicable to work-based employment premises, on social media or by outside third parties who do business with the Company.

Responsibility and Authority

Debut Training Academy has ultimate responsibility for staff, learner and employee protection and will ensure that the arrangements for overseeing the expectations and guidelines regarding this policy are effective, robust and reviewed on a regular basis. As such two senior members of staff have been designated as points of contact regarding matters of sexual harassment complaints or whistleblowing any concerns:

The designated safeguarding personnel are:

Linda Edwards

Designated Safeguarding Lead

01268 560552

Linda@debutacademy.com

Kersti Harding

Safeguarding Deputy

01268 560552

kersti@debutacademy.com

Recording Sexual Harassment Complaints & Procedure of Investigation

The Designated Safeguarding Lead (Linda Edwards) will record all matters of allegations of sexual harassment on the Sexual Harassment log. She will promptly inform both Debut Directors of the matter and together a plan of investigation will be devised.

The DSL will continually update the log with all communication and progress updates until conclusion. All allegations of sexual harassment will be dealt with seriously, expeditiously, sensitively and confidentially.

If the matter relates to a sexual harassment complaint then this will be reviewed and investigated by both the DSL and Safeguarding Deputy.

The individual that has raised the allegation should be advised there are two options to resolve a problem relating to sexual harassment:

- Either an attempt can be made to resolve the problem in an informal way or formal procedure can be embarked upon. The individual should be under no duress to accept one or the other options.
- Informal procedure – it may be sufficient for the individual concerned to have the opportunity where he/she can explain to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends or makes them uncomfortable and that it interferes with their work/course.
- If the informal approach has not provided a satisfactory outcome, if the case is severe or if the conduct continues, it may be more appropriate to embark upon a formal procedure. Severe cases may include but are not limited to – sexual assault, a strip search and quid pro quo harassment.
- Formal procedure – where a formal procedure has been chosen by the aggrieved person, a formal procedure for resolving the grievance should be available. The aggrieved person should specify who has been accused, refer to timeframes and include details of allegations.
- Debut will ensure the aggrieved person is not disadvantaged and that the position of other parties is not prejudiced if the grievance is found to be unwarranted.
- Persistent harassment, serious incidents of sexual harassment, continued harassment after warnings or single incidents of serious misconduct are dismissible offences.
- A victim of sexual assault has the right to press separate criminal and/or civil charges against an alleged perpetrator and the legal rights of the victim are in no way limited by this policy.
- Confidentiality must be upheld in the matter of any investigations and allegations. Only appropriate members of staff who are part of any investigation process will be involved, including any witnesses and any representative for the aggrieved individual if they request one.

Reporting Sexual Abuse

It is vital that any disclosures of sexual abuse or complaints are reported promptly to:

Confidential 24-hour Reporting Email

Debut Training Academy has the following modes of confidential contact available to report any matter of concern or complaint relating to sexual harassment:

STAGE 1

Contacting the Designated Safeguarding Lead Linda Edwards and Safeguarding Deputy Kersti Harding:

linda@debutacademy.com

kersti@debutacademy.com

Phone : 01268 560552 or on the Safeguarding Mobile: 07774 096187

STAGE 2

We would always recommend that you speak to Debut Training Academy in the first instance. If you require further advice or feel that your complaint has not had a satisfactory outcome you may wish to contact the Academy Director below who will conduct a review of the matter and provide a decision:

Carla Hales

carla@debutacademy.com

01268 560552

STAGE 3

Individuals must always contact the STAGE 1 staff members to investigate and review any concerns/complaints. you are still unsatisfied with the outcome of your complaint after pursuing STAGE 1 AND 2, the final route will be the Governing Body Chairperson who will complete a review and provide a final decision. The contact information for Debut's Governing Chairperson will be provided upon request - please email:

carla@debutacademy.com

Report – Don't Retaliate

All staff, learners or employees must not victimise or retaliate against any other who has made allegations or complaints of harassment or provided information about such harassment or bullying. Such behaviour will be treated as gross misconduct in accordance with the Company's disciplinary procedure.

Other Means of Reporting Sexual Abuse

- contact the children's social care team at your local council. or Essex Safeguarding Children's Board (ESCB) <https://www.escb.co.uk/> Tel: 0345 603 7627
- call 999 if the child is at immediate risk or call 101 if you think a crime has been committed
- call Crimestoppers anonymously on 0800 555 111 or online
- NSPCC Helpline on 0808 800 5000 - their dedicated child protection specialists will be able to advise and take any necessary action.

The NSPCC have launched a dedicated helpline for children and young people who have experienced abuse at school, and for worried adults and professionals that need support and guidance, including for non-recent abuse. Call our new NSPCC helpline, Report Abuse in Education on 0800 136 663 or email help@nspcc.org.uk.

What does the Equality Act say about Sexual Harassment?

The Equality Act 2010 says someone sexually harasses another person if they:

- Engage in unwanted conduct of a sexual nature and
- The conduct has the purpose or effect of either violating the other person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

This unwanted sexual conduct can happen in person, on the phone, by text or email, or online. Both the harasser and the victim or survivor can be of any gender.

Sexual harassment includes a really wide range of behaviours, such as:

- Sexual comments or noises – for example, catcalling or wolf-whistling.
- Sexual gestures.
- Leering, staring or suggestive looks. This can include looking someone up and down.
- Sexual 'jokes'.
- Sexual innuendos or suggestive comments.
- Unwanted sexual advances or flirting.
- Sexual requests or asking for sexual favours.
- Sending emails or texts with sexual content – for example, unwanted 'sexts' or 'dick pics'.
- Sexual posts or contact on social media.
- Intrusive questions about a person's private or sex life.
- Someone discussing their own sex life.
- Commenting on someone's body, appearance or what they're wearing.
- Spreading sexual rumours.
- Standing close to someone.
- Displaying images of a sexual nature.
- Unwanted physical contact of a sexual nature – for example, brushing up against someone or hugging, kissing or massaging them.
- Stalking.
- Indecent exposure.
- Taking a photo or video under another person's clothing – what is known as 'upskirting'.

Sexual harassment is a form of unlawful discrimination under the Equality Act 2010.

This means that people are legally protected from sexual harassment in certain places – for example, at work, on transport and at schools, colleges and universities.

So, if sexual harassment does happen in these places, victims and survivors have the right to take action to find a solution. This could include making a complaint or making a claim in the civil courts.

When Sexual Harassment is a Crime

Some forms of sexual harassment automatically break criminal law in England and Wales, and are therefore crimes. These include:

- stalking
- indecent exposure
- 'upskirting'
- any sexual harassment involving physical contact (this amounts to sexual assault in English and Welsh law)

Other forms of sexual harassment might also break criminal law, depending on the situation. For example, if someone carries out sexual harassment behaviours on more than one occasion that are intended to cause another person alarm or distress, they may be committing the crime of harassment.

In cases of sexual harassment where a crime was committed, the following can happen:

- Police can arrest the person who committed the crime.
- This person can be charged with a crime and face trial.
- If they are found guilty or plead guilty then they will receive a punishment. This might include a prison sentence.

Stalking

Stalking is fixated, obsessive, unwanted and repeated behaviour that makes you feel pestered and harassed. It includes behaviour that happens two or more times, directed at or towards you by another person, which causes you to feel alarmed or distressed or to fear violence might be used against you.

Indecent Exposure

Indecent exposure refers to the act of purposefully displaying or revealing one's genitals, or sexually pleasuring oneself, in a public place or in view of one or more members of the general public.

Upskirting

'Upskirting' is 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 can also include deliberately looking down a woman's top.

Sexting

Sexting is the sending or posting of naked or semi-naked images, videos, or live streams by young people under the age of 18. This could be via social media, gaming platforms, chat apps, or forums. It could also involve device sharing via services such as Apple's AirDrop, which works offline. The term 'nudes' is used because it is most commonly understood by young people and more accurately describes all types of image sharing incidents. Children and teenagers may use terms such as 'dick pics' or 'pics'.

The reasons for taking and sharing naked and semi-naked images, videos, and live streams are not always sexual or criminal. These images can be created and shared consensually by young people who are in relationships as well as those who are not. A young person in a consensual relationship may also be coerced into sharing an image with their partner. Incidents may also occur in the following locations:

- children and young people find nudes and semi-nudes online and share them claiming to be from a peer
- children and young people digitally manipulate an image of a young person into an existing nude online
- images created or shared are used to abuse peers e.g. by selling images online or obtaining images to share more widely without consent to publicly shame.

What does the law say?

In the UK the age of consent for sexual intercourse is 16. However, it is an offence to make, distribute, possess or show any indecent images of anyone aged under 18, even if the content was created with the consent of that young person. The law is contained in **Section 1 Protection of Children Act 1978**. 'Indecent' is not defined in legislation. When cases are prosecuted, the question of whether any photograph of a child is indecent is for a jury, magistrate or district judge to decide.

Indecent imagery does not always mean nudity; however, images are likely to be defined as such if they meet one or more of the following criteria:

- nude or semi-nude sexual posing (e.g. displaying genitals and/or breasts or overtly sexual images of young people in their underwear)
- someone nude or semi-nude touching themselves in a sexual way
- any sexual activity involving a child
- someone hurting someone else sexually
- sexual activity that includes animals

The non-consensual sharing of private sexual images or videos with the intent to cause distress is also illegal. The relevant legislation is contained in **section 33 of the Criminal Justice and Courts Act 2015**.

Terms such as 'revenge porn' and 'upskirting' are also used to refer to specific incidents of nudes and semi-nudes being shared. However, these terms are more often used in the context of adult-to-adult non-consensual image sharing offences outlined in s.33-35 of the Criminal Justice and Courts Act 2015, Voyeurism (Offences) Act 2019 and s.67A of the Sexual Offences Act 2003.

What is Sexual Violence?

Sexual violence is any kind of sexual activity or act (including online) that was unwanted or involved one or more of the following:

- pressure
- manipulation
- bullying
- intimidation
- threats
- deception
- force

In other words, any kind of sexual activity or act that took place without consent. There are lots of different types of sexual violence, including child sexual abuse, rape and sexual assault.

Helping Children Stay Safe

Teaching children and young people about healthy relationships and how to stay safe online can help prevent sexual abuse and exploitation. These foundations can be laid from a young age.

What Counts as Sexual Harassment at Work?

"It must have either violated someone's dignity, whether it was intended or not, or created an intimidating, hostile, degrading, humiliating or offensive environment for them, whether it was intended or not.

"It can be a one-off act or a pattern of behaviour but it doesn't have to be repeated," she says.

According to the workplace experts Acas, examples include:

- flirting, gesturing or making sexual remarks about someone's body, clothing or appearance
- asking questions about someone's sex life
- telling sexually offensive jokes, making sexual comments or jokes about someone's sexual orientation or gender reassignment
- displaying or sharing pornographic or sexual images, or other sexual content
- touching someone against their will, for example, hugging them
- sexual assault or rape

In the workplace it covers employees and workers, contractors and self-employed people, as well as job applicants.

The workplace does not always have to be in the context of "the office". If an event or situation is in any way connected with work then it can fall under the workplace and there can be a claim brought for sexual harassment. This could even be if it happens at a Christmas party or someone messaging between colleagues.

Workplace Relationships

When entering into a workplace relationship, it is vital that the relationship should be consensual. If consent is not included in the relationship then this counts as sexual harassment. If you are in a consensual relationship you should avoid public displays of affection as these are not appropriate in the workplace and you should be professional at all times.

Cyberflashing

Cyberflashing involves sending obscene pictures to strangers online, often done through Bluetooth or Air Drop transfers between devices. The first mainstream coinage of the term occurred around 13 August 2015, after a female commuter was Air Dropped two explicit pictures of a man's genitals to a woman and a teenage girl.

Local Cyberflashing Case

Nicholas Hawkes 39 years from Basildon Essex was jailed for 66 weeks at Southend Crown Court under the Sexual Offences Act & Online Safety Act on 19th March 2024. This was the first time in the UK that someone had been convicted of this offence. He must comply with a 10-year restraining order and will be subject to a 15-year Sexual Harm Prevention Order.

Therefore, do not laugh this type of thing off if it happens to you as it is a serious offence, report it.

Pressing or Frotteurism

This relates to someone deliberately pressing their body up against yours (could be in a train carriage etc). They choose a non-consenting person and either try to touch or rub up against them with their body to derive sexual pleasure or cause embarrassment. It also includes someone rubbing their genital area up against another person in a sexual manner to get sexual stimulation and satisfaction without their consent.

Disciplinary Action - Employees

Any employee of the Company who is found to have sexually harassed another person and is in violation of this policy will be subject to appropriate disciplinary action under the Company's disciplinary procedure.

Debut Academy have ZERO TOLERANCE towards sexual harassment behaviour - this will be treated as gross misconduct and could render the employee liable to any of the following actions:

- Be demoted.
- Receive a written warning.
- Be suspended.
- Get a negative performance review.
- Be denied promotions and/or salary increases for a defined period.
- Be transferred to another department or branch if necessary.
- Be dismissed.

Disciplinary Action - Learners

Learners who have been found to have sexually harassed another person will be subject to appropriate disciplinary action under the Company's learner disciplinary procedure. This could result in the following actions:

- Receive a written warning.
- Be transferred to another centre to complete the remainder of their course.
- Be withdrawn from their course.

Training

Debut Training Academy ensures that training of its Safeguarding Officer, Deputy and Academy Staff is to the standard necessary for their roles and Assessor's training is as appropriate to impart knowledge and report any issues and refreshed intermittently. Any new procedure that may arise from Government policy is filtered down to staff at regular Teaching & Learning or Standardisation Meetings and forms part of the agenda. The important subject of sexual harassment is relayed to staff and learners and they are aware how to report any concerns.

Every learner is provided with a copy of the Focus Book which includes information regarding Sexual Harassment.

Linked Policies

Please refer to Debut's linked policies below for additional information regarding Sexual Harassment:

- Apprentice Expectation Policy
- Code of Conduct - Staff Policy
- Code of Conduct – Learner Policy
- Confidentiality & Disclosure Policy
- Complaints Policy
- Counselling Policy
- Data Protection & Privacy Policy
- Disciplinary Policy
- Learner Positive Behaviour Management Policy
- Learner Contribution & Learner Voice Policy
- Mentoring – Staff Policy
- Mentoring – Learner Policy
- Observation of Teaching & Learning Policy
- Safeguarding & Safeguarding Vulnerable Adults Policy
- Staff CPD Personal Development Training Policy
- Whistle Blowing Policy

Policy Revision

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