HART LEARNING GROUP

SINGLE COMPREHENSIVE SOURCE OF INFORMATION

OFFICE FOR STUDENTS (OFS) CONDITION OF REGISTRATION E6: HARASSMENT AND SEXUAL MISCONDUCT

PURPOSES

- This document summarises Hart Learning Group's policies and procedures in relation to harassment and sexual misconduct, and the support available.
- This summary relates to those Higher Education programmes, and programmes at level 4 and above, delivered by North Hertfordshire College and Hart Learning and Development as part of Hart Learning Group.
- This document will be published on the North Hertfordshire College website under "Policies, Financial Statements and Board Minutes" with links provided from other relevant pages including Higher Education, Apprenticeships and Adult Learners.
- Links to the website are not accessible through the employer systems of some of our work-based learners. These learners will be provided with a QR code to access the page on their own devices to ensure they have access to the information.

UNDERSTANDING HARASSMENT AND SEXUAL MISCONDUCT

- Unlawful harassment is unwanted conduct related to a protected characteristic, which has the purpose or effect of violating a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. The effect of the conduct (and not the intentions behind it) is key to deciding whether harassment has occurred. A single event or a series of incidents might constitute harassment.
- Unlawful harassment therefore may involve conduct of a sexual nature (sexual harassment), or it may be conduct related to age, disability, gender reassignment, martial or civil partnership status, pregnancy or maternity, race, sex or sexual orientation, religion or belief.
- Sexual misconduct is a form of harassment and is unacceptable behaviour of a sexual nature. It can include sexual harassment; sexual violence; intimate partner violence; sexual assault; grooming; coercion or bullying with sexual elements; sexual invitations and demands; comments; non-verbal communication; creation of atmospheres of discomfort; and promised resources or advancement in exchange for sexual access. Sexual misconduct specifically raises issues of unequal relationships, consent, and the prevention of equal access to education, opportunities and career progression.

- 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) Equality Act 2010
  - harassment as defined in section 1 of the Protection from Harassment Act 1997
  - assault as defined by the Sexual Offences Act 2003
  - rape as defined by the Sexual Offences Act 2003. Physical unwanted sexual advances as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017
  - intimidation or promising resources or benefits in return for sexual favours as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017
  - distributing private and personal explicit images or video footage of an individual without their consent as defined by the Criminal Justice and Courts Act 2015.

EXPECTATIONS OF BEHAVIOUR

- Expectations of behaviour for students and staff are set out in the following policies:
  - Positive Behaviour Policy
  - Anti-bullying Policy
  - HLG IT Policy for Users
  - Code of Conduct (staff)
  - Dignity at Work Policy for staff

- Promotion of these documents form part of induction and are periodically reviewed and recirculated for continued awareness and compliance.
- In accordance with our student Positive Behaviour Policy, it is important to create a positive learning environment where staff and students feel safe, and that when challenges occur, all involved are treated with respect and understanding.
- This policy applies to everyone studying with North Hertfordshire College and Hart Learning and Development.
- We aim to ensure that:
  - There is a consistent approach to promoting behaviour that supports learning
  - There is an emphasis on building healthy and connected relationships between students and staff.
  - There is an approach to dealing with unacceptable behaviour and misconduct based on a trauma-informed model.
  - We provide a safe space where all individuals can study and work free from any forms of bullying, intimidation, and harassment.
- Where a concern is raised, part of any ensuing action may include revisiting the relevant documents and signing again to confirm they have been read and understood.

REPORTING INCIDENTS OF HARASSMENT AND SEXUAL MISCONDUCT

- Reports can be made in the following ways:
  - Emailing Safeguarding@nhc.ac.uk – this will go directly to the operational Designated Safeguarding Lead (DSL) and the Primary Deputy DSL
  - To Student Services via Support@nhc.ac.uk, calling 01462 471045, or by visiting Student Services on campus.
  - Direct to a staff member – this can be anyone the reporting party feels comfortable talking to.
  - Using the anonymous reporting tool on MyNHC
- If a student believes they, or someone else, is at immediate risk of serious harm, they should contact emergency services on 999. Individuals have the right to contact the police at any time should they believe a crime has been committed.
- Higher Education students living at University of Hertfordshire campus accommodation may also utilise the University mechanisms for reporting immediate concerns. These are detailed in their single source of information available on their website. Student Harassment and Sexual Misconduct | About us | Uni of Herts

ADDRESSING INCIDENTS OF HARASSMENT AND SEXUAL MISCONDUCT

- Investigations into any alleged student misconduct will be conducted in accordance with the Positive Behaviour Policy and Anti-bullying Policy for students.
- Any alleged staff misconduct will be dealt with under the staff Disciplinary Policy.

INTIMATE PERSONAL RELATIONSHIPS BETWEEN STAFF AND STUDENTS

- Our Staff Code of Conduct lays out the following requirements in respect of intimate relationships between staff and students:

  Personal relationships between staff and students of an intimate, sexual or affectionate nature
  - The Employer believes that the professional relationship between a student and a member of staff is a central part of the student's educational development. Staff have a professional duty to develop their students' abilities and a responsibility to safeguard students' welfare. Given the imbalance of power between staff and students, any abuse by staff of this relationship will be viewed with concern and could lead to disciplinary action.
  - The Employer does not permit any member of staff to have any form of intimate relationship with any student. Intimate is a general term to describe any form of affection, intimacy or sexual action, which could be interpreted by the student or another member of staff as inappropriate.
- Staff are provided with this documentation as part of induction and are required to confirm that they have read and understood the contents therein. This is periodically reviewed to ensure continued awareness and compliance.

TAKING STEPS TO PROTECT STUDENTS

- Hart Learning Group actively seek to protect students by providing a variety of mechanisms to report concerns. They can choose to do so anonymously if they wish using the Anonymous Concern Report form. This also gives individuals the opportunity to identify themselves if they wish to access further support.
- Induction provides opportunity for staff to highlight support mechanisms and reporting tools available
- Hart Learning Group adopt an “It could happen here" approach to safeguarding encouraging a culture of vigilance for all staff. Safeguarding training covers signs of concern and actions to take in case of any incidents or disclosures.

  The Group actively seeks to protect students and staff by following the guidance laid down by the protections from sexual harassment that came into force in October 2024.
  New protections from sexual harassment come into force - GOV.UK

SUPPORT FOR THOSE AFFECTED BY A REPORTED INCIDENT

- Student Services Support Coaches are available to assist all students and learners with support needs following incidents of harassment and sexual misconduct.
- HLG operate a contract with Mind for those individuals wishing to access counselling. Referrals for students are made via the Support Coaches.
- HLG provide access to the Togetherall mental health support tool available 24 hours a day. Students and staff can access this service by registering with their HLG email address.
  Togetherall | Register
- Further information on help available can be found on our website
  Student wellbeing - North Hertfordshire College
- Support Coaches may provide referrals to specialist external services such as the Sexual Assault Resources Centre (SARC) or other forms of therapy and support.
- HLG provide signposting to a range of external support services that individuals can access via the website
  External Support Services - North Hertfordshire College

TRAINING FOR STAFF

- Staff are introduced to key principle and policies relating to harassment and sexual misconduct as part of staff induction. They must sign to confirm they have read and understood key documents.
- HLG Introductory Safeguarding Training includes Harmful Sexual Behaviours which must be completed by all new staff.
- Safeguarding training is completed with Herts County Council every three years with further updates and a review of the college Safeguarding, Child Protection, and Prevent policy annually.
- Staff are required to undertake Sexual Harassment mandatory training and refresh this periodically
- Further training related to all forms of harassment and sexual misconduct is available through our continuous professional development programme throughout the year.

TRAINING FOR STUDENTS

- Hart Learning Group are committed to providing a safe space where all individuals can study and work free from any forms of bullying, intimation, and harassment.

- Students are provided with key information as part of induction relating to expectations of behaviour, policies in place to support and protect them, and mechanisms to use in case of concerns.
- Students may access further information through their use of OurNHC and Onefile for apprentices.
- Further opportunities to highlight information on all forms of harassment, discrimination and sexual misconduct are identified in curriculum and embedded in teaching and learning.

HANDLING OF INFORMATION

- Any information gathered as part of any investigation into harassment or misconduct will be handled in accordance with our Data Protection and Management Policy and Data Retention Policy.
- Data handling and our compliance with GDPR legislation is shared with students as part of our application and enrolment processes.
- Personal data is processed fairly and lawfully in accordance with individuals' rights. How we use your personal data - North Hertfordshire College
- All staff are individually responsible for the security of the data they hold. Any data breaches must be reported immediately to the Data Protection Officer – Robert Dale

FREEDOM OF SPEECH

- The Group values freedom of speech and the freedom to express beliefs and ideology and sees them as fundamental rights underpinning our society's values. Both students and teachers have the right to speak freely and voice their opinions.
- With that freedom, however, comes responsibility and free speech that is designed to manipulate the vulnerable or that leads to violence and harm of others or that transgresses the laws and policies that govern equality, human rights, community safety and community cohesion will not be tolerated by the Group.
- The Hart Learning Group Freedom of Speech Policy prescribes our approach to freedom of speech for all Staff, Students and Governors within North Hertfordshire College (NHC), Hart Learning & Development, and subsidiary businesses and Group Corporate Services.
  Approved-Freedom-of-Speech-Policy-January-2024-002.pdf

NON-DISCLOSURE AGREEMENTS

- Hart Learning Group will not use non-disclosure agreements in relation to complaints of harassment and sexual misconduct.
- This means that the Group will not prevent or restrict students from disclosing information.