

Harassment and Sexual Misconduct Statement

1. Introduction

Francis James provides a safe and respectful learning environment and is committed to ensuring that all learners and staff are protected from harassment and sexual misconduct. In accordance with the [Office for Students \(OfS\) Condition of Registration E6](#), this document sets out how we will promote a safe environment and how we will support any learner who may be directly affected by, or might have witnessed, an incident of harassment or sexual misconduct.

This statement covers incidents involving the conduct of learners towards learners, the conduct of staff towards learners and the approach taken by Francis James regarding personal relationships between staff members and learners. We recognise that anyone might be subjected to harassment and sexual misconduct regardless of gender or sexuality.

2. Definitions

Harassment

The Equality Act 2010 defines harassment as conduct which has the effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment. It may or may not be sexual in nature.

Examples of unwanted behaviours that might constitute harassment include, but are not limited to:

- malicious comments or threats
- sending/making offensive texts/phone calls
- Inappropriate or unnecessary physical contact
- insults, name-calling and offensive language and gestures
- ridiculing and undermining behaviour.

If you are treated less favourably because of your response to sexual, sex or transgender-based harassment, then this is also classed as a form of harassment.

Sexual Misconduct

Sexual misconduct means any incident of a sexual nature which is unwanted or attempted unwanted behaviour occurring in person or online, and includes, but is not limited to:

- sexual violence or assault
- sexual harassment (sexual jokes, taunting, catcalling, unwanted sexual comments or gestures, upskirting)
- indecent exposure
- online sexual bullying and abuse, including via social media
- grooming.

3. Reporting sexual misconduct and harassment

Francis James encourages the reporting of incidents. Reports can be made by those who have experienced (or have alleged experience of) sexual misconduct and harassment, or have been a witness to/are a third party to sexual misconduct and harassment. Francis James will handle any report sensitively and fairly.

You can report any incident using [the reporting form](#), or by speaking to your Programme Support Officer.

All incidents are considered to be serious and will be treated in a fair and sensitive way.

Francis James will carry out an investigation into any report, including an immediate risk assessment where sexual violence has been reported. In line with the requirements set out by the OfS, in any investigation we will take into account: the perception of the person who is at the receiving end of the misconduct and the other circumstances of the case; and whether it is reasonable for the conduct to have that effect.

Please note that this statement is not a legal document and any judgment reached as part of any investigation carried out by Francis James does not constitute a legal ruling on whether or not a criminal activity has taken place.

Non-disclosure agreements: Francis James undertakes not to use a Non-Disclosure Agreement (NDA) when responding to harassment and sexual misconduct reports. This is in line with the OfS Guidelines on NDAs in place since 1st September 2024. This covers all agreements that compel or seek to stop learners from disclosing information about their experiences to a third party.

4. Support

Any learner impacted by sexual misconduct and/or harassment can tell us what happened by speaking to appropriate staff or disclosing concerns anonymously through the form on Moodle. We will ensure that any individuals who are affected by sexual misconduct and harassment are supported appropriately.

All disclosures are treated as confidential, unless there would be a risk to the safety of the victim to not disclose information to other relevant parties. Victims will also be helped to find specialist support, which may include signposting to a Sexual Assault Referral Centre or counselling services.

Support will be made available to address the needs of those who wish to make a report or disclosure and those who are involved in any investigatory or disciplinary processes. This includes support to continue studies, or make changes to arrangements, when a learner wishes to do so. Support may also be offered to alleged perpetrators, in line with fair process requirements and where it is reasonable to do so.

For any learner facing an allegation, Francis James takes a tiered approach, as set out in the Learner Code of Conduct.

5. Training

Francis James makes information available to learners to support understanding of expectations around behaviours and conduct towards other learners and members of staff. Staff are also made aware of expectations regarding behaviour and also dealing with any allegations or experience of harassment or sexual misconduct. Staff training is available to ensure adequate support is provided. Staff training will include:

- How to signpost or refer a learner for support
- How to recognise a learner in distress
- The investigation process for the appropriate staff members

6. Personal relationships

Francis James expects all staff to conduct themselves in a manner that is reflective of its Vision, Mission and Values and aims to always provide a safe place for work or study for both staff and learners. However, Francis James recognises that personal relationships may develop or have existed prior to one or both joining the organisation.

Nevertheless, all staff are strongly discouraged from entering into a relationship with learners, and are not permitted to do so for any learner for whom they have academic, pastoral or administrative connections to ensure there can be no abuse of power. This ban includes forming any relationship with learners under the age of 18 on any social media platform. For learners aged 18 or above, staff should adhere to Francis James's policy on professional conduct and are generally strongly advised not to engage with learners on social media.

7. Monitoring

Policies and procedures are reviewed annually to ensure they meet legal and regulatory standards. Francis James will also engage learners through surveys and through the Learner Welfare and Experience Committee to monitor how safe learners feel and what measures might be put in place to provide additional support.

8. Policies

Related Policies can be found at <https://www.francisjames.org/all-policies>

This policy should be read in conjunction with:

- Learner Code of Conduct
- Safeguarding Strategy
- Non-academic Complaints Policy
- Safe and Responsible Use of IT Policy
- Staff Professional Conduct Policy

Written By	Revision Date	Revision Number	Approved By	Review Date
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