



Staff Sexual Misconduct Policy

A. Introduction

1. ArtsEd aims to operate an enabling environment where all staff, students/pupils and other members of the community are supported to feel safe, respected, and able to challenge inappropriate behaviours wherever they occur.
2. ArtsEd maintains transparent and robust mechanisms that allow any member of staff (or students using the Student Sexual Misconduct Policy) to raise concerns over sexual misconduct and will respond appropriately and effectively to any breaches of this Sexual Misconduct Policy and associated procedures. **However, where it is considered that that there is a real and immediate threat to the personal safety of any person, please call 999.**
3. This Policy should be read in conjunction with:
 - Safeguarding Policy
 - Staff Disciplinary/ Grievance Procedure
 - Staff Anti-Harassment and Bullying Policy
 - Policy and Procedure for the management of historic allegations of misconduct
 - Student Anti-Harassment and Bullying Policy
 - Student Discipline Regulation
 - Student Charter for HE Students
 - Student Sexual Misconduct Policy

B. Scope

4. This Policy applies to all staff and third parties associated with ArtsEd. Sexual misconduct is not permitted in the ArtsEd community, and everyone is expected to treat all members of the community with dignity and respect. Students should refer to the Student Sexual Misconduct Policy.
5. The Policy applies to:
 - i. alleged incidents of sexual misconduct which have taken place on ArtsEd's premises - in working environments, learning environments, social activities and when activities are linked to the ArtsEd community.
 - ii. alleged interactions which occur within an online or virtual space, such as a virtual learning environment used by ArtsEd or a social media group relating to ArtsEd's activity.
 - iii. alleged interactions or text messages and emails which may have an impact on a staff member (including staff members working on behalf of ArtsEd) or another member of the ArtsEd community.
6. ArtsEd will, where appropriate, take reasonable steps to support its staff in a Police investigation against a 'visitor' i.e., anyone not employed to work (in any capacity) or study at ArtsEd. However, ArtsEd does not have jurisdiction to take any action against a 'visitor' with whom we do not have a contract or agreement.

C. Definitions

7. **Sexual Misconduct:** Sexual misconduct includes any behaviour of a sexual nature which is unwelcome, unreciprocated and which might create a stressful or intimidating working, studying or social environment. It includes the following, whether within a sexual or romantic relationship or not, including one-off incidents or encounters, and / or where consent to any sexual activity has been given and then withdrawn, or if consent has been given on previous occasions. This list is not exhaustive:
 - i. sexual intercourse or engaging in a sexual act without consent;
 - ii. showing sexually explicit images or text to others without their consent;
 - iii. attempting to engage in sexual intercourse or in a sexual act without consent;
 - iv. sharing private sexual materials of another person without consent;
 - v. kissing without consent;
 - vi. touching inappropriately through clothes without consent;
 - vii. inappropriately showing sexual organs to another person;
 - viii. making unwanted remarks, looks, suggestions or jokes of a sexual nature.
8. **Formal Report:** A formal report is the sharing of information on an alleged experience of sexual misconduct which is given with the intention of ArtsEd taking appropriate action.
9. **Reporting Party:** The Reporting Party is the person(s) who has experienced the alleged incident of sexual misconduct making a report to ArtsEd.
10. **Responding Party:** The Responding Party is the person(s) whose behaviour has been alleged to have amounted to sexual misconduct and a breach of this policy, and who has been named as such in a report made to ArtsEd.
11. **Investigating Officer:** An Investigating Officer will usually be a senior academic or professional member of staff, a Safeguarding and Welfare Officer or other member of staff with responsibility for staff welfare.
12. **Consent:** Consent is agreeing by choice to a sexual act and having the freedom and capacity to make that choice. The person seeking consent should always take steps to ensure that consent is freely given and that it is informed. The person seeking consent must recognise that it can be withdrawn at any time throughout a sexual encounter or act. Consent cannot be assumed based on a previous sexual act or encounter or previously given consent. Consent can be withdrawn at any time.
 - i. **Freedom to consent:** a person is free to make a choice if nothing negative would happen to them if they said no. For example, a person may not feel free to make a choice if:
 - a. they are being threatened with violence;
 - b. they are being threatened with humiliation;
 - c. they believe that the progression or advancement of their career, will be at risk if they refuse;
 - d. they are being blackmailed;
 - e. there is a significant power imbalance in the relationship between the parties, and the party with less power in the given circumstance feels pressured to continue against their will.

This list is representative and not exhaustive.

- ii. **Capacity to consent:** 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:
 - a. they are drunk or under the influence of drugs;
 - b. they are asleep or unconscious;
 - c. they do not have the capacity to give consent for example, they have a cognitive or learning difficulty or they have a disability which impairs their speech or are experiencing a mental health crisis.
 - iii. **Staff-Student Personal Relationships:** A personal relationship between a staff member and a student can never be one of equals, therefore such relationships are not permitted under any circumstances; failure to comply with this policy will be treated as a disciplinary matter.
13. A glossary of different types of Sexual Misconduct can be found in **Appendix 1** of this Policy.

D. Principles & Responsibilities

14. Where a formal report of sexual misconduct is brought to ArtsEd, this will be reviewed in line with the following policies and procedures:
- Staff Disciplinary / Grievance Procedure
 - Staff Anti-Harassment and Bullying Policy
 - Staff Handbook
15. The responsibility of ArtsEd is to undertake an investigation into a breach of this Policy, and not to attempt to be a substitute for a Police investigation or criminal proceedings. In doing so, the Investigating Officer, on behalf of ArtsEd, will undertake an assessment of the evidence made available to determine whether, on the balance of probabilities, that misconduct, which would be considered a breach of this Policy, occurred or not.
16. ArtsEd recognises it has an equal responsibility to both the reporting party and the responding party. Any report of a breach of this Policy, where a formal report has been submitted, cannot be considered anonymously, and will be investigated through the appropriate process outlined in this Policy. It may also be referred for consideration under the Staff Disciplinary Procedures where a disciplinary investigation is required.
17. ArtsEd will ensure that, throughout any investigation, it is mindful of the rights and welfare of both the reporting party and the responding party, and that both parties should have the opportunity to a fair hearing. As such, both parties will have the right to put their case forward and to respond to the case against them, and to have an outcome determined through a fair and impartial process.

E. Processes for Managing Reports of Sexual Misconduct

18. Any member of the ArtsEd community who feels that they have experienced, or are experiencing sexual misconduct, is encouraged to use ArtsEd's online safeguarding and welfare reporting tool '**SpeakUp**' to make a formal report.
19. Alternatively, they may contact a member of staff with whom they feel comfortable discussing the behaviour or the staff member with Designated Safeguarding and Welfare responsibilities. ArtsEd will treat any report relating to sexual misconduct very seriously.

20. Any person who thinks they may have witnessed an act of sexual misconduct is also encouraged to submit a formal report using the online tool **'SpeakUp'**.
21. All members of staff that experience sexual misconduct in the workplace should be encouraged to report the incident as soon as possible. However, they should not be pressured into making a report if they don't feel comfortable doing this - the decision of such an individual will be respected.
22. On receipt of the formal report, an initial investigation will be undertaken, and a decision will be made as to whether formal action should be taken.
23. Once a formal report has been submitted, the relevant Safeguarding and Welfare Officer will undertake an initial assessment of the report and consider any supporting evidence. Human Resources will provide support to the Welfare Officer in undertaking this initial assessment.

(i). Precautionary Action

24. In the case of sexual misconduct, precautionary action may be required to protect the integrity of the investigation and to safeguard the welfare of both the reporting party and responding party, as well as protecting others from potential harm, while having the minimum possible impact on the responding party. ArtsEd will consider the interests and welfare of all parties and endeavour to treat them fairly and equally when ascertaining the potential effectiveness and impact of precautionary measures.
25. Precautionary action is intended as a safeguard to achieve the above aims and is not a penalty or sanction against any party; it does not indicate a decision on behalf of ArtsEd as to whether the responding party has committed misconduct which may have breached this Policy or may be a criminal offence.
26. Precautionary action must be reasonable and proportionate and should be considered on a case-by-case basis. In imposing precautionary action, ArtsEd must be able to demonstrate the rationale for its decision. Human Resources will work with the Investigating Officer to identify available precautionary action measures, which may include, but are not limited to:
 - Imposing a 'No-Contact' arrangement or other similar condition on the responding party, as well as on the reporting party and possibly any witnesses;
 - Suspending the responding party from employment whilst an investigation is undertaken.

(ii). Investigation

27. Where the Safeguarding and Welfare Officer determines that there is sufficient available evidence, a formal investigation will be undertaken by an individual appointed by the Deputy Principal, in their capacity as the Institution's Designated Institutional Safeguarding Lead. Where the allegation is against the Designated Institutional Safeguarding Lead, the Principal should be asked to appoint an independent Investigating Officer.
28. Where an investigation commences, the Designated Institutional Safeguarding Lead must make the Principal aware that an investigation is being undertaken but without providing the specific details of the allegation/case.
29. If there is a conflict of interest (due to their prior knowledge, role, or relationships with the involved parties), it is the responsibility of the Investigating Officer to make this known to the Designated Institutional Safeguarding Lead (or their appointee) and an alternative Investigating Officer must be appointed.

30. The responding party will be notified of the report made against them. They will be given an opportunity to respond to the report and to provide their own statement and supporting evidence, and to present any potentially mitigating circumstances which they feel are relevant. This process may involve a preliminary meeting between the Investigating Officer and the responding party.
31. The responding party will be notified of their right to be accompanied at any meetings related to the investigation by a colleague or Union representative.
32. The Investigating Officer will undertake a full investigation into the statements and evidence provided by both the reporting party and the responding party and will ensure that any witnesses or other relevant person(s) are interviewed, and evidence is gathered and considered in a confidential manner.
33. The Investigating Officer will provide a detailed report of the investigation's findings and recommendations to the Deputy Principal, in their capacity as the Designated Institutional Safeguarding Lead (or nominee). The Deputy Principal will then determine the next steps.
34. Should an Investigating Officer determine that a report has been made which is malicious or vexatious in nature, including where false representations have knowingly been provided by the staff member and/or their representative, they may be able to close the case and pursue actions against the staff member under the Staff Disciplinary Procedures.

(iii) Outcome

35. https://www.city.ac.uk/_data/assets/pdf_file/0004/566662/Senate_Regulation_13_Student_Discipline_Senate_20201007.pdfThe responding party will be provided with a written outcome of the investigation and next steps within 28 calendar days of their notification of the report made against them. Where ArtsEd is unable to meet this timeline, the responding party will be advised of a new timeframe. The investigation will pause where ArtsEd refers to an alternative process or policy e.g. the Disciplinary Procedure or where the matter is referred externally, for example, to the police.
36. The reporting party will only be notified that this process has been concluded, and of any action required of *them* relating to any sanctions which may be imposed. ArtsEd will not share the full details of the outcome of any investigation with the reporting party. Any notification will be given in writing, by the relevant Investigating Officer.
37. Following the outcome of the investigation, the Safeguarding and Welfare Officer will determine the next steps to be taken in accordance with the appropriate procedure, which would usually be one of the following:
 - i. The investigation finds insufficient evidence to substantiate the allegations, or the evidence is not substantive enough for further consideration under any procedure;
 - ii. The investigation finds evidence to substantiate the allegations and local measures can be put into place in order to protect the welfare of all parties;
 - iii. The Welfare Officer should consult with HR to determine whether the matter should be considered under the Staff Disciplinary Procedure.
38. Guidance will be provided throughout the process by HR.

39. Regardless of the outcome of the investigation, ArtsEd will provide the reporting party and responding party with support and will consider any steps that may be required to enable them to continue their employment if appropriate.
40. ArtsEd is committed to providing support for members of its community affected by these issues. Information of such support is provided at **Appendix B** of this Policy.

(iv). Reporting to the Police

41. Where behaviour has been alleged which would amount to a serious criminal offence (for example, sexual assault or rape) an assessment of risk will be undertaken by ArtsEd as to whether this should be reported to the Police.
42. ArtsEd would usually only report a matter to the Police with the consent of the person who has been subject to the criminal offence. In exceptional circumstances, ArtsEd may decide to report an incident to the Police where they believe there is a considerable concern for the safety of its staff, learners, or others.
43. Where a report is made to the Police, any resulting Police investigation or criminal proceedings would normally be expected to have been completed before ArtsEd takes any action formally under this policy. However, emergency action taken as per the Staff Disciplinary Procedure may be considered appropriate if it is to protect the welfare, safety and dignity of any member of ArtsEd's community.
44. Where a Police investigation or criminal proceedings begins once an investigation has been initiated by ArtsEd, ArtsEd's investigation will be suspended and ArtsEd will defer to the Police investigation or criminal proceedings. This decision will be considered on a case-by-case basis. ArtsEd will consider introducing measures to safeguard the reporting and responding parties, and any other staff member as relevant, such as a 'No-Contact' arrangement, or emergency actions under the Staff Disciplinary Procedures without hindering or interfering with the Police investigation.
45. ArtsEd acknowledges the rights of its staff to report an issue directly to the Police. Where a report relating to sexual misconduct has been made to the Police, this should be made known to ArtsEd in order to agree any support that might be provided, or precautionary actions that should be considered and may be taken.

F. Timeframe for reporting

46. A report in relation to a breach of the Staff Sexual Misconduct Policy should be made as soon as possible, or within 3 calendar months of the date on which the last alleged breach of this Policy has taken place, unless appropriate grounds for a report at a later point have been established, as determined by the Investigating Officer and in line with the provisions set out in ArtsEd's policy and procedure for the management of historic allegations of misconduct.
47. Grounds which may be considered as valid for considering a report outside of 3 calendar months would usually be as follows:
 - I. The reporting party had been fearful of the repercussions of reporting and may have put themselves or others at risk if they were to have made a report and they can evidence this claim;
 - II. The reporting party had been signed off with sickness absence from ArtsEd and had not had consistent contact for at least 3 months;
 - III. Any other justifiable/reasonable or exceptional reason(s) considered to be valid by the Investigating Officer.

G. Confidentiality & Data Protection

48. ArtsEd acknowledges the importance of privacy in cases relating to sexual misconduct, and the impact which mishandling of a disclosure can have on the welfare and wellbeing of an alleged victim or perpetrator. Discretion and confidentiality will be maintained as far as is possible, except for circumstances where there is a significant risk of harm to one or more individuals, if sensitive information were not to be appropriately shared.
49. Unless it involves an individual who is under 18 or an 'individual at risk' including an 'adult at risk,' reports should not be made to external authorities (such as the Police or psychological services) without the consent of the relevant parties, and/or compliance with ArtsEd's processes. If, however, confidentiality does need to be broken, this should always be on a need-to-know basis, and the reporting party (and if appropriate the responding party) should be notified of this action. Such instances should enable ArtsEd to act in accordance with its duty of care and its own policies and procedures.
50. ArtsEd may also be required to provide information relating to a report or investigation to the Police as part of a Police investigation or criminal proceedings, and any relevant parties may also be required to provide evidence as a witness in these proceedings. To enable this, the Investigating Officer should keep accurate and appropriate records in relation to sexual misconduct investigations and should ensure the security of any records kept.
51. Any sensitive information disclosed will be securely held by ArtsEd, subject to and in accordance with the provisions of the General Data Protection Regulation (GDPR) 2018 and the Data Protection Act 2018.

H. Representation

52. If invited to attend a meeting as part of the investigation, staff members (whether the Reporting or Responding party), have the right to be accompanied by a colleague or Union Representative and, if so, should notify the Investigating Officer prior to the meeting who their accompanying person will be.
53. Neither ArtsEd, nor the reporting or responding party would normally be represented by a legal representative at meetings or hearings, however the responding or reporting party may choose to pursue legal action on issues relating to their allegation(s). However, they should be aware that ArtsEd reserves the right to request that legal proceedings be suspended where internal procedures have not been completed.

I. Support

54. Staff members have access to a range of support in relation to sexual misconduct, regardless of whether they are the reporting party or responding party or another party affected by conduct of this nature e.g., a witness to an alleged incident.
55. ArtsEd encourages anyone who believes they have been affected by an act of sexual misconduct to act promptly and not to feel that they must wait until the situation is repeated or exacerbated. ArtsEd recognises that any incident is unacceptable and might be distressing.
56. **Where it is considered that that there is a real and immediate threat to the personal safety of any person, please call 999.**

57. Staff can access support through one or more of the following support services:
- Speaking directly to the Head of HR;
 - Seeking advice or discussing the matter with their line manager or a colleague, or anyone else with whom they feel comfortable;
 - Contact the Designated Safeguarding and Welfare Officer for Staff by sending an email to staffwelfare@ArtsEd.co.uk;
 - Report it via the '**SpeakUp**' Online reporting Tool
 - Call the police on 999 in the case of emergency (or if not urgent call 101).
58. Any member of staff that witnesses an incident of sexual misconduct is encouraged to make a report using any of the above channels.

Appendix 1: Glossary of types of Sexual Misconduct

This is not intended as an exhaustive list of all types of sexual misconduct; it also considers behaviours which would lead to the exercise of power enabling sexual misconduct.

Child sexual abuse	Child sexual abuse is a form of child abuse in which an adult or a young person uses a child for sexual stimulation. Types of child sexual abuse include engaging in sexual activities with a child (whether by asking or pressuring, or by other means), indecent exposure, child grooming, child sexual exploitation or using a child to produce child pornography.
Coercion	The intimidation of an individual to compel them to do some act against their will using psychological pressure, physical force, or threats.
Doxxing	This is the internet-based practice of researching e.g., through social media websites and broadcasting private or identifying information about an individual or organisation. It can be carried out for various reasons including inflicting harm, coercion, and harassment.
Female genital mutilation	Female genital mutilation is a procedure where the female genitals are deliberately cut, injured, or changed, but there's no medical reason for this to be done. It is usually carried out on young girls between infancy and the age of 15, most commonly before puberty starts. It's illegal in the UK and is child abuse.
Forced marriage	A forced marriage is where one or both individuals do not (or in cases of people with learning disabilities or reduced capacity, cannot) consent to the marriage as they are pressurised, or abuse is used, to force them to do so. It could be physical – for example, threats, physical violence, or sexual violence, emotional and psychological – for example, making someone feel like they are bringing 'shame' on their family. It is recognised in the UK as a form of domestic or child abuse and a serious abuse of human rights.
Gaslighting	An elaborate and insidious technique of deception and psychological manipulation, usually practiced by an individual towards another over an extended period.
Honour based violence	Honour based violence is a term used to describe violence committed within the context of the extended family which are motivated by a perceived need to restore standing within the community, which is presumed to have been lost through the behaviour of the victim. Most individuals affected are women or girls, although men may also be at risk.

Appendix 2: External Support Agencies Providing Help & Support

Please note that ArtsEd does not endorse or take responsibility for the information provided by external organisations.

- **Galop** provides a free, confidential, and independent services for all LGBT+ people who have experienced sexual assault, violence or abuse, however or whenever it happened. Please visit, <https://galop.org.uk/>
- **National Online Helpline for Male Survivors** is operated by Survivors UK. Supports men and boys (trans or cisgender) and non-binary survivors of sexual abuse. Please visit, www.survivorsuk.org/
- **Rape Crisis England & Wales** provides free, confidential and specialist support and advocacy services for people whose lives have been impacted by sexual violence and abuse of any kind at any time. Please visit, rapecrisis.org.uk/get-help/
- **Samaritans** provides free confidential emotional support 24/7 to those experiencing despair, distress, or suicidal feelings. Call: 116 123 or email: jo@samaritans.org
- **Sexual Abuse Support Campaign** provides a list of helpline services where you can find information and support via sexualabusesupport.campaign.gov.uk/
- **Solace** provides free and confidential advice and support for women in London affected by abuse. Please visit, www.solacewomensaid.org
- **Survivors UK provides** specialist services and awareness raising activities to support boys and men who have been raped and sexually abused. For more information visit, www.survivorsuk.org
- **The Survivors Trust** provides confidential information, advice and support for people who have experienced rape and sexual violence. Please visit, www.thesurvivorstrust.org/
- **Victim Support** provides free confidential support to those affected by crime including sexual violence and sexual harassment. Call for free on 0808 1689111 or request support online via www.victimsupport.org.uk

Title of Policy / Procedure	Staff Sexual Misconduct Policy
Maintained By	Head of HR
Owned By	Head of HR
Approving Committee / Ratifying Body	Board of Trustees
Last Reviewed on	July 2022
Review on	July 2025 (Or prior if required)
Current Version	2.0
Location of master document	https://artsed.sharepoint.com/:w:/r/orgfileshare/layouts/15/Doc.aspx?sourcedoc=%7B0FA8FA07-5BEF-4D54-A47E-29FB6897AFA9%7D&file=Staff%20Sexual%20Misconduct%20Policy.docx&action=default&mobileredirect=true
Web location	https://artsed003.blob.core.windows.net/policy/staff-sexual-misconduct-policy.pdf