

Quality System



Policy Number

SAF009

Policy Title

Sexual Harassment Policy

INFORMATION AND EMERGENCY GUIDANCE

Lead Designated Safeguarding Officer (LDSO) at NC GROUP LTD.

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Deputy Designated Safeguarding Officer (DDSO) at NC GROUP LTD.

Lee Childs

Co-CEO

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When a learner is in immediate danger call Police Central unit

Phone 101

To report neglect and abuse including forced marriage to Durham County Council

Call Social Care Direct 03000 267 979

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1. POLICY AIM

NC GROUP LTD. is committed to providing an inclusive, supportive working environment and learning experience for all staff and learners. This includes a zero tolerance approach to sexual harassment and preventative steps to achieve this. The aims of this policy are to set out the expected standards of behaviour to protect staff and learners from sexual harassment. It intends to develop a working environment that protects staff and learners from inappropriate sexual behaviour and provides clear approaches for dealing with complaints of sexual harassment.

2. POLICY STATEMENT

This policy outlines NC GROUP LTD.'s approach to dealing with and resolving cases of sexual harassment experienced by staff and learners. It serves as a response to legal duties under the Equality Act 2010 to take all reasonable steps to prevent sexual harassment in the workplace.

This policy represents a commitment on behalf of NC GROUP LTD. to maintain an inclusive and supportive physical and online environment where personal dignity and integrity is respected. NC GROUP LTD. takes a zero-tolerance approach to bullying, and harassment is understood by all as not to be tolerated.

The policy applies to all situations of sexual harassment that may take place for staff and learners within NC GROUP LTD. premises, when training or meeting online and while on the premises of an employer or other third party.

NC GROUP LTD. recognises that sexual harassment can seriously damage working and social conditions for staff and learners. This policy outlines behaviour that would be considered unacceptable and sets clear definitions to assist with understanding.

NC GROUP LTD. commits to taking seriously and investigating all complaints of sexual harassment with an assurance that confidentiality will be respected wherever possible. For learners, this policy links directly to our Safeguarding policies and responsibilities there for reporting issues where learner safety is at risk.

NC GROUP LTD. will promote awareness of the Sexual Harassment Policy and procedures at induction and in the learner handbook. Staff will receive regular training on sexual harassment and a copy of this policy for reference. It will also be included in the Staff Handbook and procedures for onboarding new staff.

3. DEFINITIONS OF SEXUAL HARASSMENT

Sexual harassment is unwanted attention, which has the purpose or effect of either violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive physical or online environment for them. This behaviour is unlawful as defined by the Equality Act 2010.

It is also unlawful to treat a person less favourably because they have either submitted a complaint of sexual harassment or have rejected such behaviour.

Sexual harassment includes a wide range of behaviours including but not limited to:

- sexual comments or jokes
- displaying sexually graphic pictures, posters or photographs
- suggestive looks, staring or leering
- propositions and sexual advances
- making promises in return for sexual favours
- sexual gestures
- intrusive questions about a person's private or sex life or a person discussing their own sex life
- sexual posts or contact on social media
- spreading sexual rumours about a person

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- sending sexually explicit emails or text messages
- unwelcome touching, hugging, massaging or kissing
- predatory behaviour
- coercion

Sexual interaction that is invited, mutual and consensual is not sexual harassment because it is not unwanted. However, sexual conduct that has been welcomed in the past can become unwanted.

An individual can experience sexual harassment from someone of the same or different sex. It may be persistent or an isolated incident.

Sexual harassment can take place at any level and within any workplace relationship and can also be carried out by third parties (such as service users, visitors or employers we work alongside).

4. PROCEDURE TO BE FOLLOWED BY LEARNERS

1. If a learner feels they are a victim of sexual harassment, 'TELL SOMEONE'. This may be, in the first instance, your tutor, your employer, or any other member of staff.
2. Once a member of staff has been alerted, they will then inform a Designated Safeguarding Officer who will interview those involved separately. The learner will be listened to sympathetically, and any concerns will be taken seriously.
3. Notes will be taken at all stages, and these will be held securely and kept confidential from those who are not involved.
4. As a result of interviews, actions that NC GROUP LTD. may take include sanctions against the perpetrator and support for the victim and possibly the perpetrator.
5. Restorative conferences may also be used where appropriate, in order to bring all parties together to look for a resolution or way forward for all involved.

5 PROCEDURE TO BE FOLLOWED BY EMPLOYEES (LEARNER COMPLAINT)

1. Complaints raised by learners or a member of staff on behalf of a learner will be reviewed seriously and investigated confidentially by a relevant staff member.
2. All complaints about sexual harassment must be taken seriously and treated sensitively.
3. If you have any concerns that sexual harassment may be taking place but lack any evidence, report this via the low-level concerns process as outlined in the Safeguarding policy.
4. Inform a Designated Safeguarding Officer to discuss appropriate action. Tutors are advised not to try and resolve the issue themselves as it can affect their relationship with the learner.
5. The Designated Safeguarding Officer will interview the appropriate learners and employees and agree on the appropriate course of action. Interviews can be completed in person, or by secure digital channels.
6. All incidents that are reported and interview notes will be recorded on the learner's file and kept securely in the administration section, or held securely in digital format where records are being held electronically.
7. In certain circumstances, if the learner is under 18, it may be necessary to involve their parents or carers. In more serious cases, police involvement may also be necessary.

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8. A restorative conference can also be arranged where appropriate, where those involved can look at reconciliation or a way forward.
9. Any follow up action or reports must be reported to the Designated Safeguarding Officer so that it can be logged with the other information about the incident.
10. Where it is found that a learner has acted in a manner that constitutes sexual harassment as defined in either this policy, the safeguarding policy or the learner core code of conduct then the learner may be subject to disciplinary action.
11. Where appropriate the Designated Safeguarding Officer will contact parents detailing the incident and stating that NC GROUP LTD. are taking action.
12. Counselling and other support can be offered to all learners involved where appropriate.

6 PROCEDURE TO BE FOLLOWED BY EMPLOYEES (PERSONAL COMPLAINT)

1. Complaints raised by a member of staff will be reviewed seriously and investigated confidentially by a relevant staff member.
2. All complaints about sexual harassment must be taken seriously and treated sensitively.
3. Inform your immediate Line Manager to discuss appropriate action with a view to resolving the complaint informally before commencing with the Formal Complaints Procedure.
4. Where this is not deemed appropriate, reports should be made to another member of the Senior Leadership Team.
5. A complaint should be attempted to be resolved informally as soon as possible and no later than fifteen working days after the event or problem has occurred.
6. Where no informal resolution can be achieved within fifteen working days of the initial complaint being raised, the complainant may choose to progress their complaint by following the formal complaint process

Formal complaints should be submitted in writing or by email to the Designated Safeguarding Lead, NC Group Limited Training Academy, 3&4 Parsons Court, Welbury Way, Aycliffe Business Park, County Durham, DL5 6ZE

7. Any member of staff receiving a formal letter of complaint must forward a copy of the complaint to the Designated Safeguarding Lead.
8. A written acknowledgement will be sent by the Designated Safeguarding Lead within three working days and the details logged on the Complaints Log for checking and reporting purposes.
9. Any letter submitted should clearly set out the circumstances of the complaint, any individual or witnesses involved, and any relevant dates or times.
10. Complaints will be investigated by the Designated Safeguarding Lead and a copy sent to the relevant manager, with the intention of satisfactorily resolving the matter, identifying the causes and symptoms and upholding or rejecting the complaint for the benefit of all involved. If the

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complaint involves the Designated Safeguarding Lead, communication should be addressed to another member of the Senior Leadership Team.

11. The appropriate manager will send a detailed response with evidence to the Designated Safeguarding Lead within the prescribed timescale.
12. The Designated Safeguarding Lead will respond in writing within fifteen working days from the date of receiving the complaint, detailing the outcome of the investigation.
13. Following the resolution of the complaint, where required, the appropriate manager must complete an action plan to address the issues.
14. If the complainant remains dissatisfied or aggrieved or in disagreement with the decision made or reasons given, they may appeal against the decision. A complainant has ten working days in which to submit an appeal. The reason for the appeal must be stated in writing and sent to the Chief Executive Officer.

Appeal stage 1

An Appeal Panel consisting of two senior managers not previously involved will review the case and reach a decision.

Appeal stage 2

Should the complainant still not be satisfied with the outcome, report back to the Chief Executive Officer who will then investigate.

7 WORK PLACEMENTS

As the majority of learners undertake work experience or are in employment on an apprenticeship then it is possible that any reported sexual harassment may relate to the behaviour of an employee (including the learner's manager) within the organisation the learner is placed/employed.

Should such an incident be reported, the same procedure as outlined above should be followed. However, if an unsatisfactory conclusion is reached, NC GROUP LTD. would either remove the learner from their placement or, in the case of an employed apprentice, seek to find an alternative placement.

An employer who employs an apprentice who fails to address sexual harassment would be in breach of their contract with NC GROUP LTD. Failing to uphold the commitments within this policy will result in NC GROUP LTD. ceasing further work with the employer.

8 THIRD PARTY HARASSMENT

The Equality Act 2010 requires employers to take reasonable steps to prevent sexual harassment by third parties. The definition of third parties includes but is not limited to, service users, visitors, contractors and suppliers.

As with all other forms of sexual harassment, NC GROUP will not tolerate this from third parties involved with learners and staff and will ensure preventative measures are applied for this.

Staff and learners are encouraged to report sexual harassment issues from third parties, and this will be given the same priority and treatment as any other sexual harassment report that is made.

Complaints in relation to sexual harassment from a third party should be reported and dealt with using the mechanisms described above.

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9 POLICY CONTEXT

NC GROUP LTD. sexual harassment policy does not operate in isolation; there are a number of other associated policies, procedures, legislation and guidelines relevant to the safeguarding policy, and these are:

- Complaints procedure
- Safeguarding
- Equality and Diversity
- Health and Safety
- Quality Policy and Strategy

10 BULLYING, HARASSMENT, ABUSE AND SAFEGUARDING

There is a considerable overlap between this policy and the safeguarding policy.

This policy can be seen to govern the early stages of what may become a safeguarding issue if left unchecked or ignored. When identified early, the best way forward may be for a restorative dialogue to air the issues and establish appropriate boundaries. Early interventions such as this, along with suspicions, and things that “don’t seem right” should be recorded in the low level concerns log, which will be monitored for patterns.

In the event of a conflict between this policy and the Safeguarding policy, the Safeguarding policy will take precedent.

This is particularly important where the sexual harassment is severe enough that it amounts to a safeguarding issue. At this point, this becomes apparent, handle any disclosures and action as outlined in the Safeguarding policy.

11 ROLES AND RESPONSIBILITIES

To ensure the policy is fully implemented it is essential roles and responsibilities are clearly defined for all staff with regard to safeguarding learners. Outlined below are the roles and responsibilities for the Board of Directors and all personnel.

Corporate Board

Ensure:

- NC GROUP LTD. has developed and implemented a sexual harassment policy and procedures.
- Fulfils its responsibilities to ensure any incidents of sexual harassment are fully investigated and appropriate action taken.

Chief Executive Officer

Ensure:

- That the policy and procedures for sexual harassment are implemented and followed by staff.
- All staff can react quickly to any sexual harassment concerns irrespective of physical or remote operations.
- All staff receive the appropriate training to equip them to carry out their duties and responsibilities competently.
- That sufficient time and resources are allocated to enable designated person(s) to fulfil their responsibilities.

Managing Director (Lead Designated Safeguarding Officer including Child Sexual Exploitation)

- Liaise with Directors in the planning and delivery of training.
- Update the policy to reflect changes in our delivery model and any external factors including government legislation and regulations.
- Advise Chief Executive Officer on proposed changes to the policy.

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- Ensure the correct procedures are followed when it is identified a learner is at risk of abuse and/or radicalisation

Deputy Designated Safeguarding Officers

- Deputise for the Lead Designated Safeguarding Officer in his absence, especially, with regard to being the first contact and informing external agencies including the police.

Managers(s)

- Liaise with the Managing Director to ensure the policy is fully implemented.
- Ensure all learners are made aware of the procedures to follow in the event they want to report sexual harassment.
- Ensure all staff cover the sexual harassment policy and procedure at the learner's induction.

Tutors and other delivery staff

- Ensure all learners are made aware of the sexual harassment policy.
- Foster a safe and respectful learning environment where sexual harassment has no place.
- When undertaking workplace visits and online one to one meetings check to ensure the learner is not subject to sexual harassment.
- Follow the correct procedure as outlined above in the event a sexual harassment case is reported.

Business Development Team

- Ensure employers are aware of NC GROUP LTD. Sexual Harassment policy and the actions employers must take in the event of a case being brought to their attention.

Apprenticeship Employer

- Ensure the learner is made aware of the companies Sexual Harassment policy.
- Report any incidents directly to NC GROUP LTD. Tutor.
- Where it is found that an employer has failed to observe the companies Sexual Harassment Policy, then appropriate action is taken in line with the company's disciplinary process.

12 Quality Control

Last Review & Published Date	25/10/2024	2nd draft
Next Review	24/10/2025	
Lee Childs – Chief Executive Officer		

13 Record of Policy Changes/Amendments

Section	Note of changes	Revision Date	Person Responsible

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Appendix A

Definition

With regard to the organisations safeguarding learner's policy a learner is any person undertaking training with NC GROUP LTD. The decision to involve all learners within the policy has been taken because the majority of NC GROUP LTD. 's learners are aged between 16-19 and 25+ and therefore the organisation did not want to have in place a policy that only applied to under 18 year olds and vulnerable adults.

The organisation is also aware that a learner could commence their training aged sixteen (therefore classified as a child in law) but be 18 when their training is completed and fall outside the classification of a child and therefore out of the scope of the policy.

Please note:

In law, a child is a child until their 18th birthday, and this applies to all domestic legislation.

A vulnerable adult is a person who has attained the age of 18 and:

- Is receiving any form of health care.
- Is receiving a service or participating in an activity which is specifically targeted at people with age-related needs, disabilities or prescribed physical or mental health conditions or expectant or nursing mothers living in residential care.
- Age-related needs include needs associated with frailty, illness, disability or mental capacity.

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Appendix B

RECORD OF ALLEGATION OR SUSPICION OF ABUSE OR SAFEGUARDING ISSUE

Date of report		Time report completed	
To: Responsible Person			

Allegation or suspicion of abuse or safeguarding issue

Name of Complainant	Name and contact details of Learner	Place of alleged suspicion of abuse or safeguarding issue

Details of allegation or suspicion

On a separate sheet please give as much information about the allegation or suspicion or safeguarding issue, including if you suspect abuse what alerted your attention to the situation. Please include all names of the people involved.

Name person reporting incident (capitals)	
Signed:	Dated:
Centre:	Tel No:
Email address:	
Please return to Designated Safeguarding Lead , NC Group Limited Training Academy, 3&4 Parsons Court, Welbury Way, Aycliffe Business Park, County Durham, DL5 6ZE	

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