

Buckinghamshire Community Wellbeing (BCW) Hub

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Harassment and Sexual Misconduct Policy

Content Warning

This document contains references to and discussion of sexual harassment, assault and misconduct. Please speak with the BCW Hub Manager if you need support in viewing this policy.

Purpose

Buckinghamshire Community Wellbeing (BCW) Hub is committed to preventing and eliminating all forms of sexual harassment and misconduct. We do not tolerate sexual harassment and misconduct, violence or abuse. We aim to provide an environment in which all members of our community feel safe and respected. BCW Hub will listen to and take seriously all disclosures of sexual harassment and sexual misconduct.

Scope

We recognise the significant negative effects that experiencing sexual harassment and misconduct can have upon individuals and we will support them as much as reasonably appropriate, as well as supporting those members of the BCW Hub network (volunteers, learners, etc.) to whom such experiences are disclosed. We are committed to providing a supportive and confidential environment where learners, volunteers and staff members feel confident and empowered to disclose, will be listened to and understand the options available to them.

Behaviours can manifest themselves in virtual, online, social media or other remote forms of communication; the medium does not mitigate the impact or excuse the behaviour.

See also: Safeguarding Adults at Risk Policy and Safeguarding Children and Young People Policy

Behaviours that BCW Hub regard as online harassment and sexual misconduct include (but are not limited to):

- Threats to cause harm (physical, emotional, reputational) to another person
- Identity-based harassment - posting offensive comments about someone's racial, sexual, gendered, religious identity and/or physical appearance
- Posting personal information about someone online without their consent
- Online impersonation (e.g. setting up online profiles in someone else's name)
- Sharing or creating private sexual materials (i.e. those made of an individual with the understanding that such material would not be shared) online or in digital spaces
- Sharing or creating public sexual materials (i.e. pornographic materials that are widely available via media outlets) online or in digital spaces with the intention to sexually harass and/or incite gender-based violence
- Online communication that employs forms of coercion to extort sexual favours from the victim
- Repeated unwanted and unsolicited contact with another person by email, text message, social media or in any online or digital space
- Indecent, disorderly, threatening, intimidating or offensive language, photos or other content, expressed electronically, including blogs and social networking websites
- Distribution or publication of any electronic publication including audio-visual material, social media post, blog or webpage, which is offensive, intimidating, threatening, indecent or illegal

We will support everyone in our community to challenge inappropriate behaviour where it is safe for them to do so. Sexual misconduct and violence can be experienced by any individual, regardless of sex, gender, sexual orientation, relationship status, age, disability, faith, ethnicity, nationality and economic status.

Women, members of the LGBTQIA+ community, and individuals with disabilities are disproportionately affected by experiences of sexual violence. We recognise that experiences of sexual harassment, misconduct and violence may also intersect with other forms of harassment and discrimination.

This policy covers all learners, volunteers and staff members of BCW Hub.

Please see **Appendix 1** for Related policies and legislation and **Appendix 2** important terminology.

Aims and objectives

This policy will apply to sexual misconduct which:

- Occurs at BCW Hub's premises and/or physical spaces hired for services of BCW Hub;
- Occurs whilst a learner is engaged in any BCW Hub activity
- Occurs via electronic means including, but not limited to: internet, email, social media sites, chat rooms, text messages and instant messaging;
- Results in a legal or police investigation, charge or conviction of an offence;
- Raises questions about the learner who in the view of the BCW Hub poses a serious risk or disruption to the members of our community.

What we commit to do

- Support anyone in our learner community who is subject to any form of sexual misconduct.
- Ensure that reporters are responded to in a safe, supportive, trusting environment.
- Prioritise their safety and wellbeing, whilst ensuring the dignity of all those involved in any investigations or disciplinary proceedings.

- Listen to the voice of the reporting party when considering sanctions.
- Listen to the voice of the responding party and provide information in a timely manner.

In addition to this, we will support all BCW Hub staff, volunteers and learners on placement so that they understand

- What sexual misconduct is and that it is not tolerated.
- What consent is; and when consent is, and is not, given.
- Make clear how to disclose sexual misconduct, in person, online and anonymously, what options are available and the support that can be provided.
- Ensure that all relevant staff are informed of how to receive and signpost a disclosure of sexual misconduct in a sensitive way.
- Empower those who disclose an experience to choose which options are best for them and provide links to expert professional support.
- Set out all options and processes clearly and transparently. This includes the option to not make a formal complaint.
- Respect the sensitivity of disclosures of sexual misconduct and their consequences, and treat any disclosure confidentially, in line with our Data Protection Policy and our duty of care under safeguarding.
- Within Disciplinary Proceedings, ensure fairness to both Reporting and Responding parties.
- Ensure that all communications are sufficiently clear and detailed, and accurately reflect any decisions made.
- Learn from our experiences and regularly review this policy informed by data trends and with input from independent external experts to ensure it remains relevant.

- BCW Hub will implement anonymous disclosing mechanisms in order to understand the nature and extent of sexual harassment, sexual misconduct and sexual assault experienced by members of its community
- BCW Hub will ensure relevant staff members are trained to appropriately identify and to respond to disclosures of sexual harassment and sexual assault.

Victimisation of any individual making a complaint under this Policy will not be tolerated and will be dealt with under our Code of Conduct. Sexual harassment constitutes serious misconduct and could result in dismissal (for staff members) or expulsion (for learners).

Third-party or witness disclosures

Where the person disclosing is a third party who has not experienced the sexual misconduct, such as a person who has witnessed misconduct taking place or been informed of misconduct, BCW Hub will respect the right of the individual who experienced the incident to choose how to take forward a disclosure. A third-party disclosure will only become a report if the individual who experienced the incident wants action to be taken as part of the disclosure.

There may be certain circumstances where we are required to take appropriate action to prevent potential harm to individuals or BCW Hub, based on a risk assessment, which may include acting on information despite or without knowledge of the wishes of the individual(s) who experienced the incident. The Hub Manager will act as the decision-maker as to whether to escalate a disclosure to a report, or a report to an investigation. BCW Hub will record if there is a decision from the Disclosing Party to withdraw their disclosure or a witness's disclosure.

Implementation

The policy will be reviewed annually by the Board of Trustees, who will ensure relevance with current statutory requirements, and best practice in the field of Equality, Diversity and Inclusion.

Reporting Process

If you, or someone you know, feels unsafe or uncomfortable about anything that has happened, we can help. We will listen to you and ensure that you are able to make personal and informed decisions and feel supported from the outset.

BCW Hub takes extremely seriously any reported cases whereby a learner or staff at the college feels discriminated, harassed, bullied, or victimised. In any case whereby these charges are brought, BCW Hub will implement a full investigation of the incident(s) and resolve the situation quickly and sensitively. Where a person(s) are found to have breached this policy, either learners, volunteers or staff, formal disciplinary procedures will be followed alongside the relevant education provider (for any learners involved), and where necessary reported to local authorities including the police.

Learners wishing to report any incident can also do so via their respective education providers policy and procedure.

Hub staff wishing to report any incident should, where possible, in the first instance talk to their line manager. If the incident involved the line manager, reports should be made to the Hub Manager. If the incident involves both the line manager and the Hub Manager (or in some circumstances, the line manager and Hub manager are the same person), reports should be brought to the Board Clerk (via welcome@buckscommunityhub.com) who can bring the report to the Board of Trustees, in line with the *Complaints Policy and Procedure*.

Links to external websites for support

<https://www.police.uk/advice/advice-and-information/sh/stalking-harassment/support-victims-harassment/>

<https://www.victimsupport.org.uk/crime-info/types-crime/stalking-and-harassment/>

<https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/stalking/>

https://www.report-it.org.uk/organisations_that_can_help

Appendix 1 Related policies and legislation

This policy references [The Equality Act 2010](#). The Act prohibits three types of harassment. These are:

- harassment related to a protected characteristic
- sexual harassment, and
- less favourable treatment of a learner because they submit to or reject sexual harassment or harassment related to sex or gender reassignment

There are nine protected characteristics. These are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Appendix 2 Important terminology

- Sexual consent:
 - Consent is the agreement to participate in a sexual act where the individual has both the freedom and capacity to make that decision. Consent cannot be assumed on the basis of a previous sexual experience or previously given consent, and consent may be withdrawn at any time.
 - Freedom to consent: For consent to be present, the individual has to freely engage in a sexual act. Consent is not present when submission by an unwilling participant results from the exploitation of power, or coercion or force, regardless of whether there is verbal or physical resistance.
 - Coercion or Force includes any physical or emotional harm or threat of physical or emotional harm which would reasonably place an individual in fear of immediate or future harm, with the result that the individual feels compelled to engage in a sexual act.
 - Capacity to consent: Free consent cannot be given if the individual does not have the capacity to give consent. Incapacitation may occur when an individual is asleep, unconscious, semi-conscious, or in a state of intermittent consciousness, or any other state of unawareness that a sexual act may be occurring. Incapacitation may also occur on account of a mental or developmental disability, or as the result of alcohol or drug use.
- Complicity: is any act that knowingly helps, promotes, or encourages any form of sexual misconduct and violence by another individual.
- Disclosure: means that an individual tells a member of the BCW Hub community that they have experienced sexual misconduct (this is different from a formal Complaint).
- Formal complaint: submitting a formal Complaint to BCW Hub regarding an individual's experience of sexual misconduct is an instruction for BCW Hub to

take appropriate action. The Complaint will allow BCW Hub to investigate the misconduct as set out in this Policy and the accompanying processes.

- Online harassment: can be defined as: ‘the use of information and communication technologies by an individual or group to repeatedly cause harm to another person with relatively less power to defend themselves’. Online harassment is also known as: cyber aggression, cyberbullying, cyber-harassment, cyberhate, cyber victimisation and deviant online behaviour.
- Report: a report is a written complaint made to the BCW Hub by the Reporting Party, to be followed up with potential action against the Responding Party.
- Reporting Party: the person(s) who has been the subject of the alleged incident of sexual misconduct and violence or other policy breach.
- Responding Party: the person(s) whose behaviour it is alleged amounted to an incident of sexual misconduct and violence or other policy breach.
- Sexual harassment: includes a wide range of behaviours including but not limited to:
 - sexual comments or jokes
 - displaying sexually graphic pictures, posters or photos
 - 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, and discussing your own sex life
 - sexual posts or contact on social media
 - spreading sexual rumours about a person
 - sending sexually explicit emails or text messages
 - unwelcome touching, hugging, massaging or kissing
 - criminal behaviour, including sexual assault, stalking, grooming, indecent exposure and sending offensive communications

- predatory behaviour
- Coercion

Sexual harassment can be a one-off event and does not need to be directed at a person. It can be witnessed or overhead. Sexual conduct that has been welcomed in the past can become unwanted.

- Sexual misconduct: covers a broad range of inappropriate and unwanted behaviours of a sexual nature. It covers all forms of sexual violence, including sex without consent, sexual abuse (including online and image-based abuse), non-consensual sexual touching, sexual harassment (unwanted behaviour of a sexual nature which violates your dignity; makes you feel intimidated, degraded or humiliated or creates a hostile or offensive environment), stalking, abusive or degrading remarks of a sexual nature, and a vast range of other behaviours.