

<Slough Borough Council>

<Creative Academy>

<Harassment>

<Sexual Misconduct>

<Unacceptable Behaviour>

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Context

The Creative Academy harassment, sexual misconduct & unacceptable behaviour statement has been developed to protect and safeguard staff and students and meet expectations set out by the Office of Students (OfS). This document is an amalgamation of Slough Borough Council, the University of West London and the Office for student's expectations.

The OfS expectations for preventing and addressing harassment and sexual misconduct affecting students in higher education have been revised, and as a subcontract partner we will need to have the following in place as a minimum:

1. The Creative Academy will below provide a clear statement that sexual misconduct and harassment will not be tolerated.
2. The Creative Academy will provide below clear statements on behaviour for students.
3. Disciplinary procedures for students and staff that enable allegations to be dealt with appropriately.
4. The Creative Academy provides clear pathways to report sexual misconduct and harassment that are easily understood by staff and students.
5. The Creative Academy will have one person trained to deal with cases and to whom reports may be made.
6. The Creative Academy will set out expectations at enrolment.

The Creative Academy and the University of West London is committed to providing an environment where all students are welcomed and treated with respect. Students should also feel safe both within the University and when using its online platforms.

Harassment

The Creative Academy advocates the OfS definitions for harassment.

Harassment (as defined by Section 26 of the Equality Act 2010) includes unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics:

- Age
- Disability
- gender reassignment
- race
- religion or belief
- sex
- sexual orientation

Under our definition, we understand harassment to include domestic violence and abuse (which can also involve control, coercion and threats) and stalking.

We would also consider harassment to include any incidents of physical violence towards another person(s) on the basis of a protected characteristic and hate crimes, such as those criminal offences, which are perceived by the victim or any other person to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity.

Sexual misconduct

The Creative Academy advocates the OfS definitions for sexual misconduct.

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) of the Equality Act 2010)
- Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)
- 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).
- The Creative Academy adopted definitions include harassment and sexual misconduct through any medium, including, for example, on Creative Academy premises, in students accommodation and online.

Unacceptable Behaviour

The Creative Academy advocates the University of West London's guidance on unacceptable behaviour.

This guidance is aimed at helping students decide what to do if they consider that they have been affected by unacceptable behaviour by staff or another student. Any student in this position should contact any the school principal (George Kirkham) for advice if they wish to access support. If the school principle is not available then you can speak to the following staff. Jagdev Khatkar, Sunita Bolton, Elaine Mansfield or Cassia Rudge who can escalate as necessary.

What constitutes unacceptable behaviour?

- Unacceptable behaviour may involve actions, words or physical gestures that could reasonably be perceived to be the cause of another person's distress or discomfort. This behaviour does not necessarily have to be face-to-face, and may take many forms such as written, telephone, text or email communications, or social media. Some examples are included below, but this list is by no means exhaustive:
Violent, aggressive, or abusive behaviour, such as shouting or personal insults
- Abuse of a sexual or racist nature or other harassment
- Spreading malicious rumours or gossip
- Unwanted physical contact, including groping
- Threats of or actual physical violence
- Offensive or indecent comments or body language
- Displaying offensive material or graffiti relating to an individual
- Making threats or promises in return for sexual favours
- Innuendo or spreading gossip based on sexual orientation or gender identity
- Inappropriate initiation or 'hazing' ceremonies for sports teams or other societies
- Using social or other on-line media to communicate negative, abusive, and harmful statements against students or staff
- Creating a hostile environment through comments about race, disability, sex, sexual orientation or gender identity.
- Victimisation, treating someone badly because they have made a complaint about discrimination
- If you begin to feel at any time as if you are being singled out, ganged up on, threatened, or you are feeling uncomfortable or upset at the way somebody is treating you, it is really important to speak to someone. You should be aware that you are also legally protected against discriminatory language, behaviour or action related to any of the 'protected characteristics' as set out in the Equality Act 2010. These characteristics are defined by law as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race and ethnicity, religion or belief (including lack of belief), sex and sexual orientation.

Creative Academy statement on Harassment

The Creative Academy will below provide a clear statement that harassment will not be tolerated.

Bullying, harassment and victimisation in the Creative Academy can have a long-term effect on the wellbeing and morale of staff which in turn has a detrimental impact on departments and in turn the College as a whole. Managers and colleagues should look out for signs that fellow colleagues may be subjected to inappropriate behaviour.

Harassment is unwelcome behaviour which violates an individual's dignity and/or creates an intimidating, hostile, degrading, humiliating or offensive environment. Harassment may be

physical, written, verbal, non-verbal, online or via social media. It can be intentional or unintentional.

Bullying is offensive, intimidating, malicious or insulting behaviour, which may include an abuse or misuse of power, through means that threaten, undermine, humiliate, denigrate, take advantage of, or injure the recipient. Causing offence may be a deliberate act or it may not be. It is the impact on the individual which is the key consideration. Unlike bullying, harassment is legally defined in the UK and included as a form of discrimination in the Equality Act (2010).

The Creative Academy has absolutely zero tolerance to any form of harassment.

Creative Academy statement on Sexual Misconduct

The Creative Academy will below provide a clear statement that sexual misconduct will not be tolerated.

Sexual misconduct is any act of violence or harassment which is sexual in nature or any kind of unwanted, non-consensual sexual touching or harassment within or outside a relationship. This may include rape, sexual assault, sexual exploitation or groping. It also covers behaviours such as grooming, coercion, and the promise of a reward for sexual access and sexual demands or threats. It often arises where there is an imbalance of power in a relationship and it violates the principle that the parties involved have given willing consent to the behaviours.

The Creative Academy is committed to ensuring a working and learning environment free from sexual harassment, sexual misconduct and sexual violence so all members of the Creative Academy can enjoy the right to study, live, work and be respected for the contribution they make.

The Creative Academy will listen to and take seriously all disclosures of sexual harassment and sexual misconduct.

Examples of sexual misconduct include:

- sexually explicit remarks, innuendos or banter
- sexual insults, jokes, teasing or songs
- wolf whistling, cat calling or making other offensive sexual noises
- offensive comments about someone's dress, appearance or private life, including their sexuality or gender identity
- unwanted or inappropriate physical contact including touching, pinching, groping or smacking
- unwanted requests to engage in or discuss sexual activity
- lifting or removing clothing without consent
- display or distribution of sexually explicit material
- stalking

The Creative Academy has absolutely zero tolerance to any form of sexual misconduct.

Creative Academy statement on Unacceptable Behaviour

The Creative Academy will below provide a clear statement that unacceptable behaviour will not be tolerated.

Being a victim of unacceptable behaviour at your place of study or your place of work - violence (physical) and bullying and incivility (non-physical) – can have serious consequences on students / staff, who may face stress related ill health, and on the Creative Academy as an organisation. The effects of unacceptable behaviour include low staff and student morale, low achievement and productivity.

Some behaviour may be easily identifiable such as aggression, verbal abuse, shouting, personal insults and unwanted physical contact. If you see or hear anything like this you must report this immediately. Other examples of unacceptable behaviour such as indirect discrimination, stalking, unacceptable written communication, online abuse and spreading malicious rumours may not be as obvious to spot however are reportable and will be challenged.

The Creative Academy has absolutely zero tolerance to any form of unacceptable behaviour.

Creative Academy disciplinary procedures

Disciplinary procedures for students and staff that enable allegations to be dealt with appropriately

Formal Procedure Staff see Slough Borough Council Code of Practice – If an allegation of bullying or harassment is made by a student about a member of staff the Group Manager – Localities, Neighbourhoods & Learning must be contacted immediately.

Informal Action

If a student feels that they are being harassed or bullied, they should, if possible keep a record detailing the event/s. No student should feel ashamed about being bullied as it is not their fault. As soon after the incident as possible, the student should seek help to try to resolve the issue informally in the first instance. This can be done by contacting the Student Services Wellbeing Team, the course leader or the Students' Reps.

An incident may be so serious, or there may be sufficient evidence to proceed straight away with formal action.

Once the student contacts a member of staff or the Students' Rep, they should work with the student to seek to resolve the issue informally which can include the following (depending on circumstances):

- Supporting the student to tell the bully to stop

- Helping the student to prepare a written log of the event/s (if they have not already done so)

Requesting support for the student from the Student Wellbeing Team (if they have not already been involved)

- The student working with the course area(s) to attempt an informal resolution by arranging discussion with both students
- Arranging Counselling with the Listening Service and /or Course Team and Student Reps
- Taking no further action at this stage but keeping the situation under review.

Formal Action

If the bullying and harassment continues and/or the student wishes to make a formal complaint, the Creative Academy Principal or Personal tutor for the complainant should be contacted. The situation can be escalated to Slough Borough Council or the University of west London if they have received the initial concern or by the complainant.

The investigating officer will take a written record of the incident(s) of alleged bullying and harassment and where the complaint is against another student in the Creative Academy, initiate a formal investigation into the allegations.

If the complaint is against a member of staff the matter will be referred to the Slough Borough Council Code of Conduct to investigate

If the complaint is against any other person that is not an enrolled student or staff member, a investigating officer will be appointed to undertake the process.

Creative Academy pathway to report incidents / concerns

The Creative Academy provides clear pathways to report sexual misconduct and harassment and unacceptable behaviour that are easily understood by staff and students.

Any student or staff member can report any issues to the Creative Academy by contacting named individuals who are directly employed by Slough Borough Council.

George Kirkham Principal (Creative Academy Lead)
Jagdev Khatkar (Quality Assurance & Business Manager)
Sunita Bolton (Senior Lecturer in Dance)
Elaine Mansfield (Senior Lecturer in Dance)
Cassia Rudge (Business Support Officer)

In the unlikely event that no staff is available you can speak to any tutor on site to escalate.

Methods of reporting include:
Verbal face to face

Email – info@creativeacademy.ac.uk or individual staff emails
Telephone: 01753 875400

Creative Academy point of contact

The Creative Academy will have one person trained to deal with cases and to whom reports may be made – George Kirkham Principal (Creative Academy Lead)

Harassment, Sexual Misconduct and Unacceptable Behaviour will be discussed as standard agenda items at all Creative Academy meetings that includes equalities giving staff the opportunity to raise concerns.

We will also encourage Student Representatives to include this as a standard agenda item at their meetings along with equalities and Prevent to reiterate procedures and expectations.

Creative Academy expectations

The Creative Academy will set out expectations at enrolment for students and induction to staff. A copy of policies relating to harassment, sexual misconduct and unacceptable behaviour will be made available on the secure part of the website.

The key points at student enrolment and staff induction is:

- Provide definitions of harassment
- Provide definitions of sexual misconduct
- Provide definitions of unacceptable behaviour
- Set expectations on standards expected by students
- Set expectations on standards expected by staff
- Inform staff and students of key personnel involved in safeguarding
- Inform staff and students of how to report incidents
- Inform staff and students of key policies and procedures
- Reinforce zero tolerance to any form of harassment.
- Reinforce zero tolerance to any form of sexual misconduct.
- Reinforce zero tolerance to any form of unacceptable behaviour.

Confidentiality

If your complaint is upheld, the action taken by either the staff or the student disciplinary panel will remain confidential. You will, however, be advised of any measures the Panel recommends if such information is considered to be in your legitimate interest to know ensuring your wellbeing.

Any information about the outcome you are given will be on the basis that it remains confidential. You will, however, be given a contact in The Creative Academy, Slough Borough Council / University of West London with whom you can discuss matters and who can explain the process and who will also be able to refer you to other support should you want it.

Decisions during investigations

Internal investigations conducted by a Slough Borough Council officer could result in the student being suspended pending outcome should it be deemed a risk to continue studying. Additionally officers can recommend postponement of studies.

If a student is not satisfied with any decision or outcome then please follow then the complaints procedure at Creative Academy or go through the university. Where possible at the discretion of the Slough Borough Council investigating officer the Creative Academy may offer the completion of any studies via UWL flex.

Any investigation that is a 'police matter' whether initiated internally by the Creative Academy or externally by another person/body could result in the student being suspended to ensure safeguarding of others and/or studies/qualification postponed. All final decisions about the return to studies depend on the outcome of any investigation.

Possible outcomes of an investigation

Depending on the nature of the complaint and the evidence found, including the findings of any investigation report, the HR Manager (for non-academic staff) the Senior Tutor (for academic staff), or, in the event of a student complainant, the Dean, will take such action as they consider best, which may include any of the following:-

- a) Take no further action, other than, where appropriate, implementing or suggesting steps that would help to restore reasonable professional relationships between the parties. This approach will usually be appropriate where the claim(s) of harassment are considered to be unfounded and where there is a continuing relationship between the parties.

OR

- b) Initiate resolution of the issues, e.g. by requiring that certain individuals undergo specific training or implementing practical arrangements to improve professional relationships. If a successful resolution is achieved the case will be closed, but the situation may be monitored for an appropriate period. This approach will usually be appropriate where the evidence does not support a claim of harassment but it is clear that either party has demonstrated behaviours that are likely to lead to further issues between them if unresolved or, alternatively, that there are structural issues within the Creative Academy that require management attention.

OR

- c) Institute disciplinary proceedings, following the appropriate disciplinary policy (as set out in the Code of Conduct), where the HR Manager, in consultation with a solicitor or Unison Rep if appropriate, is reasonably satisfied that there is evidence to support allegations of harassment of a sufficiently serious nature that should be further examined through the disciplinary process. In this event, the HR Manager or the Senior Tutor (as appropriate) will determine what intermediate measures are

necessary, including any re-allocation of duties, in consultation as appropriate with the relevant department. More details can be found as follows:

If the complainant or accused is not satisfied with the outcome following the investigation of the formal written complaint, they may be able to appeal this decision using the relevant appeals process which is set out in the UWL Policy

Reporting to the Police

If at any point during this procedure the student is in danger/at risk a Safeguarding Officer must be contacted immediately.

For emergency situations where there is immediate risk of harm please call 999.

Where the behaviour towards you constitutes a criminal offence, you are encouraged to report the matter to the Police (Thames Valley Police is the local regiment/branch). The Police will be able to deal with cases where there is limited evidence as they are able to use forensics and can also compel people to give evidence. The Creative Academy will support you do this where appropriate.

If the matter becomes the subject of a police investigation, the Creative Academy may suspend any student or postpone their studies as a precautionary measure subject to the disciplinary investigation until the police investigation is concluded where there is a risk of harm to yourself or others in the Creative Academy.

Once this has happened, the Creative Academy will decide what further action is required. If the matter relates to a member of staff, the disciplinary process may continue while the Police undertake any investigations. Where there is a risk of harm to yourself or others in Slough Borough Council may suspend the member of staff, again as a precautionary measure.

The Creative Academy will respect your wishes if you do not wish to report the matter to the Police and will instigate disciplinary action as appropriate through Slough Borough Council.

You should note, however, that such action will only be based on whether the alleged perpetrator has committed misconduct in relation to the Student Code of Conduct, Learning Agreement and in cases relating to staff, whether Staff Disciplinary or Code of Conduct Policy have been breached. The Creative Academy will not be in a position to decide whether someone has committed a criminal offence, this is a matter for the Police alone.

In some very rare instances, the Creative Academy may need to report the action to the Police themselves where it is necessary to protect you (or others) from harm or to prevent a further crime taking place.

Reviewing this statement

The Creative Academy Harassment, Sexual Misconduct & Unacceptable Behaviour statement will be annually reviewed to ensure it is fit for purpose, up to date and effective. Student representation will be part of the process to ensure that it is fair and clear. Any changes to the plan will be uploaded to the website, ensuring that it is accessible to prospective and current students.

For general enquiries and/or complaints regarding this statement, please contact the Creative Academy using the information below:

- By phone - 01753 875400
- By email - info@creativeacademy.org
- By post - Creative Academy, 73a Stoke Poges Lane, Slough, Berkshire, SL1 3NY
- By website - using the contact us page on www.creativeacademy.ac.uk
- Complaints - please see the complaints process on the website