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# Sexual harassment in education

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## Summary

- 1 Schools and colleges (education to age 18)
- 2 Further and higher education (post-18 education)

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# Summary

## Schools and colleges

All schools in England must have a child protection policy in place, including measures in relation to protecting children from sexual harassment, whether from staff members or their peers. Relevant policies are in place relating to behaviour at school, bullying, and the Public Sector Equality Duty.

[Keeping Children Safe in Education](#) is the statutory guidance to which all schools and colleges in England must regard when carrying out their duties to safeguard and promote the welfare of children. The most recent version came into force in September 2019.

Advice for schools on [Sexual violence and sexual harassment between children in schools and colleges](#) sets out more direct information for schools and colleges on how to deal with incidents and allegations.

Statutory Relationships Education at primary school, and Relationships and Sex Education at secondary level, became compulsory in all English schools from September 2020. [Statutory guidance](#) has been published on the reformed subjects.

In March 2021, the Government asked Ofsted to undertake an [immediate review of safeguarding policies](#) in state and independent schools with relation to sexual harassment and abuse. The review was [published in June 2021](#). It depicted widespread sexual harassment in schools, and made recommendations for action in schools, government, and Ofsted to combat the problem.

This briefing provides an overview of the relevant policies schools are expected to have in place on sexual harassment, and recent policy developments.

The same guidance for schools also applies to colleges, but some different considerations may apply where the students involved have turned 18, depending on context. Issues relating to over-18s are explored further in later sections.

Education policy is a devolved area, and this briefing focuses on the position in English schools. Links are provided to relevant policies in place in Scotland, Wales, and Northern Ireland.

## Further and higher education

Universities and FE colleges face different challenges to schools with regard to the welfare and protection of students, because most students are adults. The situation is complicated on campuses where students are living and

socialising together. Higher and further education institutions have a duty to ensure that students have a safe environment in which to live and work. They also have a duty under the Equalities Act 2010 to eliminate discrimination, to promote equality, and to foster good relations between groups. These duties however must be implemented whilst allowing adult students freedom and autonomy. This can be a difficult balance to achieve.

There have been concerns that sexual harassment is increasing in universities. A BBC report in 2019 showed that reports of rape, sexual assault, and harassment at UK universities had trebled in three years. In 2015, Universities UK set up the Taskforce on Sexual Violence and Harassment, which published guidelines to assist Higher Education Providers with drafting policies on sexual harassment and hate crime. Most colleges and universities now have processes and procedures in place to address harassment (including sexual harassment), violence, and hate crime.

This paper gives an overview of the issue of sexual harassment in colleges and universities, and sets out the legal duties of institutions and their responses to the problem of rising incidents of sexual harassment and violence.

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# 1 Schools and colleges (education to age 18)

Education policy is a devolved area, and this briefing focuses on the position in English schools, although some sections (such as those relating to equality legislation) are more widely applicable. Section 1.6 provides links to relevant policies in place in Scotland, Wales, and Northern Ireland.

The same guidance for schools also applies to colleges, but some different considerations may apply where the students involved have turned 18, depending on context.

## 1.1 Keeping Children Safe in Education: Government guidance

All schools must have a child protection policy in place.

The Schools Minister, Edward Timpson, set out an overview of the measures in place to safeguard children from sexual harassment in response to a [Parliamentary Question](#) on pupil-on-pupil sexual assault in February 2017:

Keeping Children Safe in Education is the statutory guidance to which all schools and colleges in England must regard when carrying out their duties to safeguard and promote the welfare of children. The guidance places a responsibility on all staff to provide a safe environment, in which children can learn and to consider at all times what is in the best interests of the child.

The guidance requires schools and colleges to have an effective child protection policy, which includes procedures to minimise the risk of peer on peer abuse and sets out how allegations of peer on peer abuse will be investigated. The policy should reflect the different forms that peer on peer abuse may take and make clear that abuse should never be tolerated or passed off as banter or part of growing up. The policy should also be clear as to how victims of peer on peer abuse will be supported. The guidance is clear that children's social care and the Police should be involved as appropriate.<sup>1</sup>

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<sup>1</sup> [PQ 64615 \[Sexual offences: pupils\], 28 February 2017](#)

The most recent version of [Keeping Children Safe in Education](#) came into force in January 2021.

## Advice for schools: Sexual violence and sexual harassment

The advice for schools on [Sexual violence and sexual harassment between children in schools and colleges](#) published in May 2018 sets out more direct information for schools and colleges on how to deal with incidents and allegations.

The advice provides definitions of sexual violence and sexual harassment, and also of harmful sexual behaviours. It sets out schools' and colleges' relevant duties, and how schools should approach prevention: for instance, in the curriculum or safeguarding training for teachers.

The advice also provides information on how schools should respond to accusations of sexual violence or harassment, and subsequent steps that should be taken, including how to safeguard the victim and the alleged perpetrator, including whether they should be placed in classes together.

## 1.2

## Behaviour and bullying policies

### Behaviour

All schools should, as set out in the DfE's advice on [Behaviour and Discipline in Schools](#), have a behaviour policy in place. This will include a range of measures that may be used by teachers and head teachers as appropriate, including in more severe cases fixed-term or permanent exclusions. The DfE's [guide for schools on exclusions](#) focuses on the disciplinary background to exclusions and ensuring they are implemented legally.

### Bullying

The gov.uk website provides information on the law as it relates to [bullying at school](#), and also information on reporting bullying to schools and (in some instances) to the police. As it sets out, by law, all state schools must have a behaviour policy in place that includes measures to prevent all forms of bullying among pupils. This policy is decided by the school. All teachers, pupils and parents must be told what it is.

The site sets out the matters that should be [reported to the police](#). These include:

- violence or assault
- theft
- repeated harassment or intimidation, e.g. name calling, threats and abusive phone calls, emails or text messages



- hate crimes

The Department for Education has published non-statutory advice for schools on [Preventing and Tackling Bullying](#). This includes advice on prevention and intervention, and makes clear that schools can discipline pupils for bullying outside of school.

### Public Sector Equality Duty

Schools also have duties introduced by the *Equality Act 2010* related to sexual harassment. The 2010 Act makes it unlawful for a school to discriminate against a pupil or prospective pupil by treating them less favourably because of a protected characteristic.<sup>2</sup>

The Government's response to the Women and Equalities Committee report on sexual harassment in schools (see section 1.3) set out the relevant implications of the Act for schools, in introducing the Public Sector Equality Duty (PSED):

The Act introduced the Public Sector Equality Duty (PSED) in 2011 which applies to all schools, including maintained and independent schools, academies, and maintained and non-maintained special schools. Under the PSED Schools have a general duty to have regard to the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity between different groups and foster good relations between different groups. The duty applies to all protected characteristics and means that whenever significant decisions are being made or policies developed, thought must be given to the equality implications, such as the elimination of sexual harassment.<sup>3</sup>

## 1.3

### Women and Equalities Committee report (2016)

#### Launch and Fixers report

In April 2016, the House of Commons Women and Equalities select committee [launched an inquiry](#) into sexual harassment and sexual violence in schools.

The inquiry sought, among other aims, to establish the scale of the problem, and in advance of launching the inquiry commissioned a series of workshops

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<sup>2</sup> The protected characteristics listed in [section 4 of the Act](#) are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

<sup>3</sup> House of Commons Women and Equalities Committee, [Sexual harassment and sexual violence in schools: Government response to the Committee's Third Report of Session 2016–17](#), First Special Report of Session 2016–17, November 2016, HC 826, p4

run by the charity Fixers, which reported that young people had experienced that:

- schools are not playing their part in recognising the pressures young people are under when dealing with matters of sexual harassment and sexual bullying
- teachers may brush off incidents of sexual assaults or sexually threatening behaviour because of students relatively young ages
- many incidents go unreported because students are worried that victims will be punished as well as perpetrators.<sup>4</sup>

The full Fixers report, [The Trouble with...Sex in Schools](#), was published alongside the inquiry launch.

## Committee report

The Women and Equalities Committee [published its report](#) in September 2016.

The report included evidence that:

- almost a third (29%) of 16-18 year old girls say they have experienced unwanted sexual touching at school
- nearly three-quarters (71%) of all 16-18 year old boys and girls say they hear terms such as "slut" or "slag" used towards girls at schools on a regular basis
- 59% of girls and young women aged 13-21 said in 2014 that they had faced some form of sexual harassment at school or college in the past year<sup>5</sup>

The Committee highlighted evidence from young people that “sexual harassment has become a normal part of school life,” and found “an alarming inconsistency in how schools deal with sexual harassment and violence, which is mostly targeted at girls, a disregard for existing national and international equality obligations, and a lack of guidance and support for teachers.”<sup>6</sup>

The Committee’s recommendations included:

- Legislation to ensure every school takes appropriate action to prevent and respond to sexual harassment and sexual violence, with support from Government including clear national guidance.

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<sup>4</sup> House of Commons Women and Equalities Committee, [Sexual harassment and sexual violence in schools inquiry launched](#), 20 April 2016

<sup>5</sup> House of Commons Women and Equalities Committee, [‘Widespread’ sexual harassment and violence in schools must be tackled](#), 13 September 2016

<sup>6</sup> Ibid.

- Ofsted and the Independent Schools Inspectorate to assess schools on how well they are recording, monitoring, preventing and responding to incidents of sexual harassment and sexual violence.
- Making sex and relationships education (SRE) a statutory subject for all children at primary and secondary school.<sup>7</sup>

More detail is available in the [full report](#).

## Government response

The [Government's response](#) to the Committee's report was published in November 2016.

The response did not commit to further legislation, citing existing requirements, but did announce a review of the relevant guidance:

21) Despite these recent revisions [to the Keeping Children Safe in Education guidance], we recognise that the findings of the inquiry suggest we may need to reconsider the specific focus the guidance gives to this issue. We will invite sector specialists to join an advisory group to review existing DfE guidance including KCSIE and behaviour and bullying guidance and consider how the committee's concerns and recommendations can be taken on board. We will convene the group at the earliest opportunity and look to review both sets of guidance as a priority.

22) We will also ask the advisory group to consider what further advice and guidance schools might need to help them understand how their existing responsibilities fit together to provide a basis for tackling sexual harassment and sexual violence, and what those sources of advice might be.<sup>8</sup>

The response noted that Ofsted had amended its School Inspection Handbook to address concerns about safeguarding and harassment. The 2019 [School Inspection Handbook](#) states that Ofsted inspectors will require from schools:

- records and analysis of sexual harassment or sexual violence
- records and analysis of bullying, discriminatory and prejudiced behaviour, either directly or indirectly, including racist, sexist, disability and homophobic/biphobic/transphobic bullying, use of derogatory language and racist incidents<sup>9</sup>

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<sup>7</sup> Ibid.

<sup>8</sup> House of Commons Women and Equalities Committee, [Sexual harassment and sexual violence in schools](#), November 2016, p4

<sup>9</sup> Ofsted, School Inspection Handbook, November 2019, p16

The response did not contain a commitment to statutory SRE or PSHE, although this position has since changed (see section 1.4).

The [Committee stated](#) that the Government needed to go “much further” in dealing with sexual harassment in schools, and that it intended to return to the subject in 2017.<sup>10</sup>

## Evidence session with Ministers (October 2017)

In October 2017, the Women and Equalities Committee held an [evidence session](#) with Anne Milton, the Minister for Women, and Nick Gibb MP, Minister for Equalities and also for schools.

During the session, Mr Gibb confirmed that the Government would consult on revised *Keeping Children Safe in Education* guidance in November 2017.<sup>11</sup>

Mr Gibb also responded to questions from Jess Phillips on perpetrators being placed in classrooms with their victims, and stated that interim advice would be issued on peer-on-peer abuse:

**Q61 Jess Phillips:** The guidance that you just read out does not explicitly say anywhere, “Do not put a perpetrator back in a classroom with a victim”.

**Mr Gibb:** No, it does not.

**Q62 Jess Phillips:** Is there any reason for that?

**Mr Gibb:** This guidance cannot anticipate every single possible circumstance that could occur, so it is written in general terms. It says that the policies of the school “should be clear as to how victims of peer-on-peer abuse will be supported”. That, to me, would include issues of not putting those two children in the same class. [...]

**Q64 Jess Phillips:** I understand that every case is completely different. However, I would say that it is a fairly basic presentation of all victims’ laws for the past 20 or 30 years that you try to remove a victim from a situation, for example, in court or in health services; keeping a victim and perpetrator separate, has pretty much underpinned every single victim piece of legislation for the past 30 years. Would the Minister consider updating the guidance in order that this one could also be underpinned with the same principle?

**Mr Gibb:** ...we are going to revise this guidance and the start of that process will happen this November, but also we are going to issue

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<sup>10</sup> Women and Equalities Committee, [New law needed to protect children from sexual harassment and violence](#), 29 November 2016

<sup>11</sup> Women and Equalities Committee, [Oral evidence: Work of the Government Equalities Office, HC 356](#), 11 October 2017, Q45

interim advice about peer-on-peer abuse more urgently, as you say.<sup>12</sup>

The [advice](#) was published in December 2017 and the Government is consulting on whether it should be revised. More information is provided in section 1.1.

## 1.4 Ofsted review of sexual abuse in schools and colleges (2021)

In March 2021, the Government asked Ofsted to undertake an [immediate review of safeguarding policies](#) in state and independent schools with relation to sexual harassment and abuse. The review was intended to consider the extent of the problem, the sufficiency of safeguarding guidance, and whether inspection regimes are sufficiently strong. Ofsted were asked to carry out their work with representatives from social care, police, victim support groups, school and college leaders and the Independent Schools Council.<sup>13</sup>

Ofsted published its [plans for the review](#) on 7 April 2021, and noted that the review had been prompted in particular by anonymous testimonials of sexual abuse published on the website '[Everyone's Invited](#)'.

Ofsted stated:

We will visit a sample of schools and colleges where cases have been highlighted. As well as talking to school and college leaders, pupils and students, we will look at how well systems of support and response are working, and we'll discuss the wider issues raised by the evidence.

The review will look at whether schools and colleges need further support in teaching about sex and relationships, and whether current inspection regimes in state and private schools are robust enough around the issue of sexual abuse. It will also consider how well schools and colleges are working with local multi-agency safeguarding partners.

We will work with representatives from social care, police and victim support groups, as well as school and college leaders. The review is aimed to conclude by the end of May 2021.<sup>14</sup>

### Publication

[Ofsted's review](#) was published in June 2021. The report found evidence of widespread sexual harassment in schools, with 9 in 10 of the girls who spoke

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<sup>12</sup> Ibid., Q61-64

<sup>13</sup> Department for Education, [Government launches review into sexual abuse in schools](#), 31 March 2021

<sup>14</sup> Ofsted, [Ofsted's review of sexual abuse in schools and colleges](#), 7 April 2021

to Ofsted saying sexist name calling and being sent unwanted explicit pictures or videos happened ‘a lot’ or ‘sometimes.’ Inspectors also heard that ‘nudes’ were regularly shared by boys on platforms like WhatsApp and Snapchat.

The report also highlighted several key concerns:

- Children often did not see the point of reporting problems because they were seen as normal
- Teachers consistently underestimated the scale and seriousness of harassment, although the impact of easy access to pornography in setting unhealthy expectations of sexual relationships and shaping perceptions of women and girls was recognised by school leaders
- Relationships and sex education did not include sufficiently clear teaching about what constitutes acceptable behaviour
- Many teachers said they did not feel prepared to teach outside their subject specialism, or lacked knowledge on topics like consent, healthy relationships and sharing of sexual images
- Effective joint working between Local Safeguarding Partnerships and schools and colleges was not always happening consistently

The review made recommendations to schools and colleges, to government, and for Ofsted itself. The review recommended that for schools and colleges:

- School and college leaders should develop a culture where all kinds of sexual harassment are recognised and addressed, including with sanctions when appropriate.
- The relationships, sex, and health education (RSHE) curriculum should be carefully sequenced with time allocated for topics that children and young people find difficult, such as consent and sharing explicit images.
- Schools and colleges should provide high-quality training for teachers delivering RSHE.
- Improved engagement between multi-agency safeguarding partners and schools.

For government, the review recommended:

- The government should consider the findings of the review as it develops the Online Safety Bill, in order to strengthen online safeguarding controls for children and young people. It should also develop an online hub where schools can access the most up-to-date safeguarding guidance in one place.

- A guide should be developed for children and young people to explain what will happen after they talk to school staff about sexual harassment and abuse.
- The government should launch a communications campaign about sexual harassment and online abuse to help change attitudes, including advice for parents and carers.

The review also found that Ofsted and the Independent Schools Inspectorate could “sharpen practice”, and had not been sufficiently robust on sexual harassment during their inspections.<sup>15</sup>

The Parliamentary Under-Secretary of State for Education, Vicky Ford, made a statement in the House on the day the review was published. She stated that the Government fully accepted the review’s findings:

On the recommendations that Ofsted has identified for the Government, we will go further. Much of this work is already under way. We are already updating the “Keeping children safe in education” statutory guidance for this September, ensuring that schools have even clearer guidance on how to deal with reports of sexual abuse, and we will also update the “Working together to safeguard children” statutory guidance in line.

We have already introduced the new compulsory relationships, sex and health education curriculum. In both primary and secondary schools, the curriculum’s focus on healthy relationships helps children to know where to seek help and report abuse and address inappropriate behaviour such as harassment, exploitation, sexism and misogyny. It is the first time that the curriculum has been updated since 2000, and from next term we expect the RSHE curriculum to be implemented in full.

There is more that we are doing. We know that our teachers do not always feel comfortable in teaching about sex and relationships, but it is vital that we get this right. We therefore want to support and work with school leaders and other agencies to help teachers and school staff to deliver the RSHE curriculum as effectively as possible, and I am asking schools to dedicate time from an inset day for that purpose.<sup>16</sup>

Vicky Ford also highlighted the Online Safety Bill, which she said would include “the strongest measures” to protect children, and to ensure children cannot access harmful services such as online pornography.<sup>17</sup>

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<sup>15</sup> Ofsted, [Ofsted: culture change needed to tackle 'normalised' sexual harassment in schools and colleges](#), 10 June 2021

<sup>16</sup> [HC Deb 10 June 2021 \[Ofsted Review of Sexual Abuse in Schools and Colleges\]](#).

<sup>17</sup> As above. See also Department for Education, [More support for schools and colleges to tackle sexual abuse](#), 10 June 2021

The Library briefings [Regulating Online Harms](#) and [Reaction to the Draft Online Safety Bill: a reading list](#), provide information relating to the Online Safety Bill.

Maria Miller, who chaired Women and Equalities Committee when it published its 2016 report on sexual harassment in schools, was critical of Ofsted, saying that the report was “not new news” and that Ofsted had not acted quickly enough following the Committee’s report.<sup>18</sup>

## 1.5

## Relationships and sex education and PSHE

### Statutory RSE: Children and Social Work Act 2017

On 1 March 2017, the then Education Secretary, Justine Greening, [announced](#) her intention to put ‘Relationships and Sex Education’ (RSE) – rather than the ‘Sex and Relationships Education’ then in place – on a statutory footing. She also announced her intention to create a power to make personal, social, health and economic education (PSHE) statutory in future, following further work and consultation. The necessary legislation was passed shortly before the dissolution of parliament for the 2017 General Election.

The relevant sections of the [Children and Social Work Act 2017](#) require:

- All primary schools in England to teach age-appropriate ‘relationships education’; and
- All secondary schools in England to teach age-appropriate ‘relationships and sex education’

These changes apply to all schools in England – local authority maintained, academies and independent.

The changes further involve:

- Reformed statutory guidance, following consultation
- Retaining the parental right of withdrawal from sex education, with new rights for children to ‘opt-in’ as they approach age 16
- Flexibility for schools in their approach, including for faith schools to teach within the tenets of their faith

[The Relationships Education, Relationships and Sex Education and Health Education \(England\) Regulations 2019](#) confirmed that these changes would come into force in September 2020. Statutory health education in schools was also brought in as part of these changes.

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<sup>18</sup> Guardian, [Tory MP accuses Ofsted of ‘massive failure’ over sexual abuse in schools](#), 10 June 2021



Final statutory guidance on [Relationships education, relationships and sex education \(RSE\) and health education](#) was published by the Department for Education in June 2019.

In July 2020 the Department for Education announced that, owing to the coronavirus pandemic, the start of teaching in many schools [might in practice be delayed](#), but that schools should be teaching the new material, at least in part, by summer term 2021.<sup>19</sup>

More information on RSE, including more detail on the planned new curriculum, can be found in the Library briefing [Relationships and Sex Education in Schools \(England\)](#), CBP 6103.

## Health education

Justine Greening's March 2017 [announcement](#) also set out the Secretary of State's intention to create a power to make personal, social, health and economic education (PSHE) statutory in future, following further work and consultation. Section 35 of the [Children and Social Work Act 2017](#) provides for PSHE to be made statutory at all schools in England through regulations.

The Department for Education announced alongside the publication of the consultation on RSE that it would not be proceeding with the introduction of statutory Personal, Social, Health, and Economic Education, but that statutory Health Education would be introduced alongside the RSE changes.

The statutory guidance on [Relationships education, relationships and sex education \(RSE\) and health education](#) sets out the changes that would be formally in effect from September 2020.

As with RSE, the DfE acknowledged that the coronavirus pandemic might delay the introduction of the new material, but that schools should be teaching the new material, at least in part, by summer term 2021.

More information on health education is provided in the Library briefing on [Personal, Social, Health and Economic Education in schools](#) (England), CBP 7303.

## 1.6

# Allegations against teachers or other pupils

### Allegations against teachers

Schools, along with other bodies, should have clear policies for dealing with allegations against staff members. A clear distinction should be made in such

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<sup>19</sup> Department for Education, [Implementation of relationships education, relationships and sex education and health education 2020 to 2021](#), 9 July 2020

policies between an allegation, a concern about the quality of care or practice and a complaint.

Chapter 4 of the Library briefing [Safeguarding in English schools](#) provides a summary of the procedures that should be followed.

The procedure followed will depend heavily on the circumstances of a particular case and can range from no action being taken, to a multi-agency strategy discussion, a criminal investigation and/or dismissal of the staff member concerned.

Chapter 4 of the statutory [Keeping Children Safe in Education](#) provides more detailed guidance.

### Allegations against pupils

The statutory [Keeping Children Safe in Education](#) guidance, applicable to schools and colleges, sets out the following information on allegations of abuse made against other children, and the child protection policies schools should have in place to address them:

105. All staff should recognise that children are capable of abusing their peers. All staff should be clear about their school's or college's policy and procedures with regard to peer on peer abuse.

106. Governing bodies and proprietors should ensure that their child protection policy includes:

- procedures to minimise the risk of peer on peer abuse;
- how allegations of peer on peer abuse will be recorded, investigated and dealt with;
- clear processes as to how victims, perpetrators and any other child affected by peer on peer abuse will be supported;
- a clear statement that abuse is abuse and should never be tolerated or passed off as “banter”, “just having a laugh” or “part of growing up”;
- recognition of the gendered nature of peer on peer abuse (i.e. that it is more likely that girls will be victims and boys perpetrators), but that all peer on peer abuse is unacceptable and will be taken seriously; and
- the different forms peer on peer abuse can take, such as:
  - bullying (including cyberbullying);
  - physical abuse which can include hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;

- sexual violence and sexual harassment. Part five of this guidance sets out how schools and colleges should respond to reports of sexual violence and sexual harassment;
- upskirting, which typically involves taking a picture under a person’s clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm;
- sexting (also known as youth produced sexual imagery): the policy should include the school’s or college’s approach to it. The department provides Searching Screening and Confiscation Advice for schools. The UK Council for Internet Safety (UKCIS) Education Group has published Advice for Schools and Colleges on Responding to Sexting Incidents; and
- initiation/hazing type violence and rituals<sup>20</sup>

The advice for schools on [Sexual violence and sexual harassment between children in schools and colleges](#) published in May 2018 sets out more direct information for schools and colleges on how to deal with incidents and allegations.

The advice provides information on how schools should respond to accusations of sexual violence or harassment, and subsequent steps that should be taken, including how to safeguard the victim and the alleged perpetrator, including whether they should be placed in classes together.

Governors should also ensure that sexting, and the school’s approach to it, is reflected in the child protection policy. Further guidance is available in [advice on searching, screening and confiscation](#) published by the Department for Education and in [sexting advice for schools and colleges](#), published by the UK Council for Child Internet Safety Education Group.<sup>21</sup>

## 1.7

### Schools in Scotland, Wales, and Northern Ireland

Education is a devolved policy area, and as a result decisions on many relevant areas are taken by the Governments of Scotland, Wales, and Northern Ireland. This section provides links to key relevant information.

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<sup>20</sup> Department for Education, [Keeping Children Safe in Education](#), January 2021, p26-27

<sup>21</sup> Ibid.

## Scotland

- Scottish Government, [National Guidance for Child Protection in Scotland](#)
- Scottish Government, [Respect for All: national approach to anti-bullying](#)
- Scottish Government, [Relationships, Sexual Health and Parenthood Education](#)

## Wales

- Welsh Government, [Keeping Learners Safe](#)
- Welsh Government, [Providing help and advice about violence against women, domestic abuse and sexual violence](#)
- Welsh Government, [Anti-bullying guidance](#)
- Welsh Government, [Draft guidance on relationships and sexuality education](#)

## Northern Ireland

- Department of Education, [Publications and guidance on child protection issues for schools](#)
- Department of Education, [Relationships and Sexuality Education](#)
- NI Direct, [Dealing with bullying and getting support](#)

## 2

# Further and higher education (post-18 education)

Further Education (FE) colleges and Higher Education Providers (HEPs) face different challenges to schools with regard to the welfare and protection of students, because most students are adults.

Different issues also arise in situations where students are living and socialising together. FE and HE institutions therefore have the difficult task of balancing the need to ensure that students have a safe environment with allowing students freedom and autonomy.

The main focus of attention in this area has been on universities and HEPs, but the same issues and legal framework apply to FE institutions, which must also comply with the safeguarding regulations followed by schools if they admit students under the age of 18.<sup>22</sup>

### 2.1

## Is there a problem with sexual harassment in colleges and universities?

In recent years there have been growing concerns about the welfare of students in colleges and universities in the UK. It has been suggested that sexual violence and harassment in HEPs in particular is increasing.

### Student experiences

Between 2009 and 2010, the National Union of Students (NUS) surveyed female students on their experiences of sexual harassment and violence at both FE and HE institutions. The respondents were drawn from across the UK, and the results of the survey were included in the NUS report [Hidden Marks. A study of women students' experiences of harassment, stalking, violence and sexual assault](#).

The report found that for some female students, verbal and non-verbal harassment – which includes groping, flashing, and unwanted sexual comments – had become an almost routine occurrence. Meanwhile, twelve per cent of respondents reported being subject to stalking and seven per cent

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“Over two thirds of respondents (68 per cent) have experienced some kind of verbal or non-verbal harassment in and around their institution.”

NUS, Hidden Marks, 2010

<sup>22</sup> DfE, [Sexual violence and sexual harassment between children in schools and colleges. Advice for governing bodies, proprietors, headteachers, principals, senior leadership teams and designated safeguarding leads](#), December 2017.

said they had been subject to a serious sexual assault during their time as a student.<sup>23</sup> Students were the majority of perpetrators in most categories of unwanted behaviour, including harassment and assault, and men were the majority of perpetrators of stalking (89 per cent) and physical violence (73 per cent).<sup>24</sup>

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“Only a quarter of students (25%) who were forced into having sex went on to report it. Nearly half of women (49%) said they were inappropriately touched but only 5% reported it.”

Brook, *Sexual violence and harassment in UK universities*, 2019

A [2018 survey](#) carried out by the campaign group Revolt Sexual Assault and the Student Room into sexual violence perpetrated against students found that 62 per cent of students and recent graduates had experienced sexual violence, including 70 per cent of female respondents and 26 per cent of male respondents.<sup>25</sup> This most commonly manifested as groping or unwanted touching in a sexual manner, but also included serious sexual assault and rape. In terms of location, incidents were split fairly equally across halls of residence (28 per cent), social events (24 per cent) and university social spaces like bars, refectories, and shops (23 per cent).

[Research undertaken in 2019](#) by Brook, a sexual health, education, and wellbeing charity for young people, also found a similar prevalence of sexual harassment on campus, with female students again more affected. Brook’s survey of UK university students revealed that more than half are experiencing inappropriate touching, explicit messages, cat-calling, being followed and/or being forced into sex or sexual acts, but only eight percent of students have reported these experiences to their university or the police.<sup>26</sup>

A 2020 report, [Unsafe Spaces. Ending Sexual Abuse in Universities](#), estimated that at least 50,000 students are sexually abused at universities in England and Wales every year.<sup>27</sup> The authors detail the consequences of a prevailing misogynistic “lad culture” in student sports clubs, which is fuelled by large quantities of cheap alcohol and created a “toxic atmosphere” that leads to sexual harassment and abuse.<sup>28</sup>

## Staff-to-student harassment

In addition to sexual harassment perpetrated by students, the Unsafe Spaces report highlighted sexual harassment and abuse committed by staff in HEPs.<sup>29</sup> The report also expressed concern that only six out of 102 universities in England and Wales have policies in place to prevent academics from

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<sup>23</sup> NUS, [Hidden Marks. A study of women students’ experiences of harassment, stalking, violence and sexual assault](#), 2010, p3.

<sup>24</sup> NUS, Hidden Marks, pp3-4.

<sup>25</sup> Revolt Against Assault, [Students’ Experience of Sexual Violence](#), 2018.

<sup>26</sup> Brook press release, [Our new research on sexual harassment and violence at UK universities](#), 25 February 2019.

<sup>27</sup> E. Tutchell and J. Edmonds, [Unsafe Spaces](#), p12.

<sup>28</sup> [“Cheap drink and wealthy students make for a toxic cocktail” – the public scandal of sexual abuse in universities](#), *The Independent*, 25 November 2020 (accessed 8 April 2021).

<sup>29</sup> Tutchell and Edmonds, [Unsafe Spaces](#), pp152-56.

having sex with the students they teach, noting that the power imbalance inherent in such relationships makes them exploitative.<sup>30</sup>

In a [blog](#) in February 2017, then-chief executive of Universities UK (UUK), Nicola Dandridge, said that while universities have taken steps to address the problems of harassment and violence against female students perpetrated by their peers, “staff-to-student harassment is a problem that also needs to be acknowledged and tackled.”<sup>31</sup>

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“Women respondents were more likely than men respondents to have experienced sexual misconduct from university staff, sometimes more than twice as likely.”

NUS and The 1752 Group, *Power in the academy*, 2018.

In April 2018, the NUS and [The 1752 Group](#) (a research and lobby organisation working to end sexual misconduct in higher education) published a report, [Power in the academy: staff sexual misconduct in UK higher education](#), which examined the interactions of staff with HE students. The term ‘sexual misconduct’ was used in order to capture the “power imbalance between staff and students in higher education”, and to draw attention to boundary-blurring behaviour by staff members towards students that might sometimes be dismissed as innocuous.<sup>32</sup>

Through an online survey and four focus groups comprising current and former students in UK higher education, the report found that a significant portion of respondents had experienced sexual misconduct on campus:

Four in ten respondents who were current students (585 out of 1535) had experienced at least one experience of sexualised behaviour from staff, with a further five percent (74) indicating that they were aware of instances of sexualised behaviours happening to someone they know.<sup>33</sup>

Postgraduate students were more likely to have experienced misconduct than undergraduate students. For example, 14.9 per cent of postgraduates reported a staff member attempting to draw them into a discussion about sex compared to 6.4 per cent.<sup>34</sup>

## Reporting of allegations

In October 2019, the BBC [published responses](#) to Freedom of Information (FOI) requests from universities that showed reports of rape, sexual assault and harassment at UK universities had trebled in three years:

Universities told the BBC they recorded 1,436 allegations of sexual harassment or sexual violence against students in 2018-19 - up from

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<sup>30</sup> *Ibid.*, pp213-14.

<sup>31</sup> UUK blog, “[Sexual abuse and harassment by university staff against students – further work to address the issue](#)”, 3 February 2017 (archived).

<sup>32</sup> NUS and The 1752 Group, [Power in the academy: staff sexual misconduct in UK higher education](#), April 2018, p8.

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*, p9.

476 in 2016-17. The data, from 124 of 157 universities, shows not all have robust systems to prevent or respond to sexual violence.<sup>35</sup>

A similar investigation that utilised FOI requests in March 2021 [found that London universities had collectively received](#) more than 110 allegations of sexual misconduct in each of the past three academic years, compared to fewer than 75 in the previous three years.<sup>36</sup>

It is possible that these increases might be the result of some universities making it easier for students to report allegations and to receive support. Dr Anna Bull of the 1752 Group, for example, suggests that a spike in reported allegations across London universities in 2017/18 is likely to be for two reasons:

The MeToo movement may have catalysed people to report things that they may not have previously. This would include incidents from previous years. Secondly, the Higher Education Funding Council for England, now restructured into the Office for Students, put several million pounds into a fund called ‘Catalyst’ which supported projects addressing sexual violence, harassment and hate crime at universities across England.

In March 2017, the Guardian [published the results of an investigation into allegations of sexual misconduct](#) against academic and non-academic staff in universities. Responses to a series of FOI requests showed that students had made at least 169 allegations of sexual misconduct against staff between 2011-12 and 2016-17. At least another 127 allegations about staff were made by colleagues.<sup>37</sup>

The Guardian investigation also [suggested that universities had opaque and complex procedures](#) for complaints, and suffered from inconsistent record-keeping. As a result, the total number of cases recorded by the investigation was likely to be conservative, with the scale of sexual misconduct across UK universities significantly underestimated.<sup>38</sup>

Rachel Kryz, co-director of the End Violence Against Women Coalition, commented on the under-reporting of cases:

There is no obligation on universities to record or report these issues, which means there will be many cases which just fall below the radar of this sort of inquiry. We know that institutions which take tackling sexual harassment and violence seriously, and have policies and

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<sup>35</sup> [“Student rape survivor - ‘It felt like I was being interrogated’](#)”, *BBC News*, 3 October 2019 (accessed 8 April 2021).

<sup>36</sup> [“More work to do preventing sexual misconduct at London universities”](#), *SW Londoner*, 8 March 2021 (accessed 8 April 2021).

<sup>37</sup> The results of the survey are available on the Guardian website at, [“Sexual harassment allegations: find figures for UK universities”](#), 5 March 2017.

<sup>38</sup> [“Why the true scale of university harassment is so hard to uncover”](#), *The Guardian*, 5 March 2017 (accessed 8 April 2021).



systems in place to encourage reporting and train staff to deal with complaints as they arise, report higher numbers. It's the universities which aren't dealing with this openly which perversely appear to have fewer problems.<sup>39</sup>

## The Office of the Independent Adjudicator

The independent body set up to review student complaints, the Office of the Independent Adjudicator (OIA), identified sexual harassment and 'lad culture' as an emerging issue of concern in its [2014 Annual Report](#).<sup>40</sup> In its [2019 Annual Report](#), the OIA noted a gradual rise in complaints involving sexual harassment or sexual misconduct over the previous three years, "although the numbers are still very small, amounting to only 1.5% of the cases we closed in 2019."<sup>41</sup>

The OIA receives complaints from students who have reported sexual harassment or misconduct to their provider, and also from students who have been accused of such behaviour:

A number of the complaints we have received from reporting students have been about how their provider communicated with them during the process, whether they were signposted to appropriate sources of extra support, and what they were told about any sanctions for the other party.<sup>42</sup>

The 2019 report hoped that the increase in complaints "reflects a growing confidence among students who experience sexual harassment or misconduct to report these issues and make complaints."<sup>43</sup>

## 2.2 Legal duties of further and higher education institutions

The legal duties of colleges and universities in this area are mainly governed by provisions in the [Equality Act 2010](#). FE and HE institutions also have a well-established common law duty of care towards their students, which might come into play in cases where negligence by the institution has been alleged.

[Section 149 of the Equality Act 2010](#) contains the Public Sector Equality Duty (PSED); this duty requires that public bodies must have regard to certain matters when exercising their functions:

- the need to eliminate discrimination and harassment of women;

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<sup>39</sup> *Ibid.*

<sup>40</sup> OIA, [Annual Report](#), 2014, p20.

<sup>41</sup> OIA, [Annual Report](#), 2019, p18.

<sup>42</sup> *Ibid.*

<sup>43</sup> *Ibid.*

- the need to advance equality of opportunity for people with particular protected characteristics, which includes sex<sup>44</sup>;
- the need to foster good relations between different groups, in this case between women and men.

The governing bodies of higher and further education institutions are public authorities for the purposes of the PSED. Universities and colleges must therefore have due regard to the need to eliminate discrimination and harassment and the need to foster good relationships between different groups when they formulate policies and practices in areas such as sexual harassment, governance of student societies and sports teams, campus security, housing, bars, and social spaces. The duty applies to decisions on individual cases, as well as to policy decisions.

The PSED also applies to students unions and student societies if they carry out a 'public function' on behalf of a university, for example, if they are funded by the university to carry out pastoral care or other activities on the university's behalf.

End Violence Against Women produced a briefing in 2015, [Spotted: Obligations to Protect Women Students' Safety & Equality](#), which detailed universities' obligations under the PSED and under the *Human Rights Act 1998*.

## Ofsted review of sexual abuse in schools and colleges

FE institutions that admit students under the age of 18 must also comply with the same safeguarding regulations as schools. On 7 April 2021, after a significant number of testimonials of sexual abuse in schools and colleges were published on the website '[Everyone's Invited](#)', Ofsted published plans for a review into safeguarding policies and practices:

It will seek to find out whether schools and colleges have appropriate safeguarding processes in place. It will also consider whether current guidance is understood by schools and colleges, and whether it is sufficient to help them respond effectively to allegations.<sup>45</sup>

The review aimed to conclude by May 2021, and included on-site visits to a "sample" of colleges where abuse and violence cases have been highlighted.<sup>46</sup>

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<sup>44</sup> On 24 June this paper was amended and the word 'gender' which was originally used in this bullet point was replaced by the word 'sex'

<sup>45</sup> DfE Press Release, "[Ofsted's review of sexual abuse in schools and colleges](#)", 7 April 2021.

<sup>46</sup> "[Ofsted to visit 'sample' of colleges where sexual abuse has been reported](#)", *FE Week*, 7 April 2021 (accessed 9 April 2021).

The review's report was published in June 2021, and is discussed above in section 1.4.

## 2.3 Initiatives to tackle sexual harassment in FE and HE

Since 2010, a number of initiatives have been introduced to reduce incidents of sexual harassment in FE and HE institutions. These schemes aim to educate students on inappropriate behaviour, and to establish policies and procedures for dealing with incidents of sexual misconduct and harassment.

### Universities UK

In September 2015, then-Business Secretary Sajid Javid and Universities Minister Jo Johnson asked UUK to set up a taskforce to look into issues of harassment, hate crime, and sexual violence on campuses.<sup>47</sup>

The Taskforce published its first report in October 2016, [Changing the culture: Report of the Universities UK Taskforce examining violence against women, harassment and hate crime affecting university students](#). The report set out a framework to support HEPs in delivering improvements in tackling all forms of harassment; the framework was based on five pillars:

- The key role should be taken by the senior leadership team within higher education institutions
- The criticality of a holistic institution-wide approach
- Development of effective preventative strategies
- Development of effective responsive strategies
- Sharing good practice within institutions and the sector at large

The report made a number of recommendations for how institutions should work to prevent harassment and respond to incidents effectively.<sup>48</sup>

### Prevention

The Taskforce recommended that universities should:

- adopt an evidence-based bystander intervention programme.
- ensure that partnership agreements between the student and the university highlight up-front the behaviours that are expected from all students as part of the university community, set out disciplinary

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<sup>47</sup> Department for Business, Innovation and Skills Press Release, "[Business Secretary calls on universities to tackle violence against women](#)", 6 September 2015.

<sup>48</sup> UUK, [Changing the culture: Report of the Universities UK Taskforce examining violence against women, harassment and hate crime affecting university students](#), October 2016, pp58-59.

sanctions and state the university's commitment to ensuring the safety and wellbeing of students.

- embed a zero-tolerance approach across all institutional activities including outreach activities with schools and further education colleges, engagement with local bars and nightclubs, student inductions (including international student inductions), and student information.
- take meaningful steps to embed into their human resources processes (such as contracts, training, inductions) measures to ensure staff understand the importance of fostering a zero-tolerance culture and are empowered to take responsibility for this.

## Response

The Taskforce recommended that universities should:

- develop a clear, accessible, and representative disclosure response for incidents of sexual violence and rape, working with relevant external agencies where appropriate.
- take reasonable and practicable steps to implement a centralised reporting system.
- conduct a thorough assessment of which staff members need to be trained and what training needs to be provided. A clear, multi-tiered training strategy covering different types of incident can then be developed.
- build and maintain partnerships with local specialist services to ensure consistent referral pathways for students.
- establish and maintain strong links with the local police and NHS in order to develop and maintain a strategic partnership to prevent and respond to violence against women, harassment and hate crime affecting students.

UUK also published a further document alongside their Changing the Culture report: [Guidance for Higher Education Institutions, how to handle alleged student misconduct which may also constitute a criminal offence](#). The guidance reflected the recommendations of the taskforce and updated the non-statutory guidelines detailed in the Zellick report, which had been in operation since 1994 and had previously served to guide universities dealing with student misconduct that was potentially at the level of a criminal offence. In April 2018, UUK published a report on the implementation of the updated guidance, [Guidance for allegations of student misconduct](#), which stated that universities were all at different stages in implementation.

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“The evidence reveals that progress continues to be made across many institutions in the sector.”

UUK, *Changing the Culture: Two years on, 2019*

In October 2019, the most recent report on the Taskforce’s work was published: [Changing the culture. Tackling gender-based violence, harassment and hate crime: two years on](#). One of its key findings was that progress has been most apparent within the area of prevention. This had largely been driven by increased training for staff and students in order to raise awareness of what constitutes harassment and hate incidents, the behaviours expected on campus, and potential sanctions where these are breached:

The work to address sexual misconduct and gender-based violence (GBV) is becoming embedded as part of ‘business as usual’ within some universities. Critically, initiatives are targeting students and a range of university staff. A focus on training programmes, designed to change attitudes and behaviours, is also evident.<sup>49</sup>

One ongoing issue identified by the report, however, was a lack of resources to ensure that institutions were able to tackle harassment effectively:

Survey responses indicate that sector-wide challenges remain in terms of resourcing and funding. This appears to have impacted the ability of some universities to deliver improvements in responding to all forms of harassment. Where resources and funding were secured, the impact on progress was evident.<sup>50</sup>

## The 1752 Group

The issue of insufficient resources has also been raised by The 1752 Group in relation to dealing with staff-to-student harassment. The group has suggested that there is a lack of guidance and expertise available for institutions on procedures to address student complaints about staff sexual misconduct.

In March 2020, the group partnered with law firm [McAllister Olivarius](#) to [publish guidance to help HEIs](#) dealing with such complaints. The intention was to:

resolve the tension arising from having distinct procedures for handling student complaints and staff discipline; to provide a framework that engenders trust in HEIs to respond effectively to student complaints; to meet regulatory requirements; and to provide fair and equitable outcomes for both students and staff.<sup>51</sup>

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<sup>49</sup> UUK, [Changing the Culture. Tackling gender-based violence, harassment and hate crime: two years on](#), October 2019, p7.

<sup>50</sup> *Ibid.*, p8.

<sup>51</sup> The 1752 Group and McAllister Olivarius, [Sector Guidance to Address Staff Sexual Misconduct in UK HE](#), March 2020, p1.

The guidance provides detailed recommendations for HEPs processing student complaints, and makes key recommendations during what they see as the main steps of an end-to-end procedure:

- Initial submission of complaint and risk assessment
- The Investigation
- The decision-making procedure
- The review process
- Confidentiality of outcomes and protection of the complainant
- Data recording and management

## The Office for Students

### Catalyst fund

In 2016, the Office for Students (OfS), which regulates HE in England, established the Catalyst fund to provide financial support for projects designed to tackle hate crime and sexual violence and harassment. Between 2016 and 2019, 119 projects were awarded a total of £4.7 million.<sup>52</sup> Projects are match-funded by providers and their partners, delivering an investment value of almost £10m.

The projects cover a wide range of activity, including training and awareness raising, digital innovation, and new approaches to prevention and reporting of sexual harassment. A list of the projects is available on the OfS website at [Student safety and wellbeing. What are the projects?](#)

The benefits of the Catalyst programme were noted in the UUK Taskforce's [Changing the culture: Two years on](#) report:

The support the OfS Catalyst fund provided was often highlighted by English universities as a significant contributor in supporting the development of interventions and new initiatives, academic research, employing permanent specialist staff and scaling up training for staff and students.<sup>53</sup>

External evaluations of the three rounds of funding awarded by the Catalyst programme have been [published on the OfS website](#).

### Consultation and statement of expectations

On 9 January 2020, the OfS [launched a consultation](#) on harassment and sexual misconduct in higher education, which included a proposed statement

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<sup>52</sup> OfS, [Catalyst for change: Protecting students from hate crime, sexual violence and online harassment in higher education](#), 12 June 2019.

<sup>53</sup> UUK, [Changing the Culture. Tackling gender-based violence, harassment and hate crime: two years on](#), October 2019, p8.

of expectations relating to providers' processes, policies, and systems to prevent and respond to harassment and sexual misconduct.

The consultation was paused in March 2020 due to the Covid-19 pandemic, but, on 9 February 2021, the OfS [stated its intention to re-launch its work](#) to tackle harassment and sexual misconduct in higher education. This process was to include engaging with stakeholders to understand additional challenges faced by students in this area during the pandemic, publishing a revised statement of expectations in spring 2021, and reviewing its regulatory requirements:

As part of our wider work to review and reset our regulatory requirements [we will] consider, later this year, whether – and if so how – to update our regulatory requirements that relate to consumer protection law, including how we set requirements relating to complaints-handling arrangements and options for connecting the statement of expectations to the requirements expressed in conditions of registration. This would mean that we could use our enforcement powers where universities and colleges do not have robust, fair and effective complaints procedures in relation to harassment and sexual misconduct.<sup>54</sup>

On 19 April 2021, the OfS published a revised [statement of expectations](#) after discussions with students, universities and colleges, and third sector organisations. The statement comprises seven expectations covering the provision of effective staff and student training, and adequate policies and processes for reporting and disclosing incidents of harassment and sexual misconduct, and responding effectively to allegations.

In a blog also published on 19 April 2021, the chief executive of the OfS Nicola Dandridge [urged universities to review their sexual misconduct](#) and harassment policies by summer 2021, and said that the OfS will continue to consider whether to connect the expectations to conditions of registration:

Publishing this statement of expectations represents a major step in ensuring that all students feel safe during their time in higher education. It is a real opportunity for universities and colleges to make a difference and I would strongly urge them to grasp it.

Over the next year we will examine how universities and colleges have responded. We will particularly want to hear from students and students' unions that things are changing for the better. As part of this process, we will consider options for connecting the statement directly to our conditions of registration.<sup>55</sup>

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<sup>54</sup> OfS, "[Clearer expectations on harassment for universities and colleges](#)", 9 February 2021.

<sup>55</sup> OfS blog, "[How we expect universities and colleges to tackle harassment and sexual misconduct](#)", 19 April 2021.

## 2.4

## Institutional policies on sexual harassment

It is not compulsory for FE and HE institutions to have sexual harassment policies in place, but many do. These policies define harassment and set out procedures for reporting cases and dealing with complaints.

### Further education

Further education institutions have different issues to higher education issues when formulating policies in the area of sexual harassment, because many colleges admit students under 18 as well as adults.

Further education colleges and sixth-form colleges that admit students under the age of 18 have to comply with the same safeguarding regulations as schools. Guidance on the requirements are set out in a Department of Education publication, [Keeping children safe in education. Statutory guidance for schools and colleges](#), which was last updated in January 2021.<sup>56</sup> The guidance states that colleges should have safeguarding or child protection policies in place and that staff should receive training to deal with these issues. An example of a [Safeguarding Policy](#) is available on the College of North West London website.

Colleges should also have policies and procedures in place to deal with over 18s, including policies on equality and diversity, drugs and alcohol, and student conduct. Sexual harassment in colleges often tends to be covered under policies to deal with bullying and general harassment.

### Higher education

Universities have adopted a variety of approaches to dealing with sexual harassment. The OIA's [2017 Annual Report](#) stated that "some providers are developing more information and guidance on sexual harassment for staff and students",<sup>57</sup> and the UUK Taskforce's [Changing the culture: Two years on](#) report states that "substantive effort is being made by individual institutions to develop a more comprehensive, systematic and joined-up approach."<sup>58</sup>

Not all HEPs have separate policies in place to deal specifically with sexual harassment or violence. Such issues are often also dealt with by overarching policies on bullying, harassment, equality, diversity, student conduct, and staff-student relationships.

Some universities, however, such as the Universities of Oxford (see Box 1), [Cambridge](#), [West of England](#), and [Goldsmiths, University of London](#), have

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<sup>56</sup> Department for Education, [Keeping children safe in education. Statutory guidance for schools and colleges](#), January 2021.

<sup>57</sup> OIA, [Annual Report](#), 2017, p36.

<sup>58</sup> UUK, [Changing the Culture. Tackling gender-based violence, harassment and hate crime: two years on](#), October 2019, p65.



implemented specific policies and procedures on sexual harassment and assault.

## 1 University of Oxford sexual harassment policy

The University of Oxford has a policy on sexual harassment. Information is available on the university's [Harassment Advice](#) website, and the webpage [University Policy and Procedure on Harassment](#). The policy states that:

The University does not tolerate any form of harassment or victimisation and expects all members of the University community, its visitors and contractors to treat each other with respect, courtesy and consideration.

The policy defines harassment, and gives examples of behaviour that may amount to harassment, including:

- unwanted physical contact, ranging from an invasion of space to an assault, including all forms of sexual harassment, including:
  - i. inappropriate body language
  - ii. sexually explicit remarks or innuendoes
  - iii. unwanted sexual advances and touching
- threatening to disclose, or disclosing, a person's sexuality or disability to others without their permission
- deliberately using the wrong name or pronoun in relation to a transgender person, or persistently referring to their gender identity history
- publishing, circulating or displaying pornographic, racist, homophobic, sexually suggestive or otherwise offensive pictures or other materials.

The university's [Sexual Harassment and Violence Support Service](#) also has its own dedicated webpage, which signposts to specialist advisers.

## Processes for dealing with sexual harassment cases

Universities and colleges generally investigate allegations of sexual harassment and misconduct through their own internal complaints procedures. This may involve an academic interviewing an alleged victim and perpetrator, reviewing any evidence of misconduct, and writing a report. The complainant may be able to get support, but not legal advice, during this from their student services.

Complainants who are not happy with the outcome of a case can generally appeal their case through the institution's internal appeal process. If they are still unsatisfied there is a final route of appeal to the [Office of the Independent](#)

[Adjudicator](#), or to the [Education and Skills Funding Agency](#) for FE cases. This appeal process examines whether universities and colleges have properly followed their own procedures.

In October 2018, the OIA published [guidance](#) for HEPs on dealing with complaints involving sexual misconduct and harassment.<sup>59</sup>

## Sexual consent classes

In response to the issue of sexual harassment, almost two thirds of universities have established consent classes for students. These involve guidance on “how to seek consent before sexual encounters, how to recognise consent and how to identify situations in which it cannot be given.”<sup>60</sup>

A number of universities have made such classes obligatory for new students, while others have introduced similar courses on an optional basis.

## 2.5

## Parliamentary debate on sexual harassment in FE and HE

The Government’s approach to sexual harassment in FE and HE has been set out in PQs, some examples are included below.

### [Pupils and Students: Sexual Offences: Written question - 169856](#)

Dan Jarvis on 16 March 2021

To ask the Secretary of State for Education, what assessment his Department has made of the potential merits of (a) schools, (b) further education providers and (c) universities recording and publishing the number of sexual abuse cases experienced by students for the safety of female students.

Vicky Ford on 22 March 2021

Any form of harassment, violence or sexual assault is abhorrent and unacceptable anywhere in society, including in our schools, colleges and universities, which should be safe and inclusive environments.

There is already a strong and clear framework in place for schools and colleges, which sets out what they should be doing in terms of recording and reporting (to the police and children’s social care, as required) in sexual abuse cases.

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<sup>59</sup> [OIA briefing note: Complaints involving sexual misconduct and harassment](#), 31 October 2018.

<sup>60</sup> [“Universities teach consent classes to cut sexual assault”](#), *The Times*, 9 October 2019 (accessed 9 April 2021).

This is set out in ‘Keeping children safe in education’ (KCSIE), which is the statutory guidance to which all schools and colleges must have regard to when carrying out their duties to safeguard and promote the welfare of children. The guidance can be found here: <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>. It sets out a framework for information recording, collection and sharing. This includes, amongst other things, that all concerns, discussions and decisions made, and the reasons for those decisions, should be recorded in writing and that staff should speak to their Designated Safeguarding Lead if they have any doubts about this requirement.

To further support schools and colleges, we have published departmental advice on what sexual violence and sexual harassment between children in schools and colleges looks like, how to prevent it, how to respond to reports of it, and on how to support victims. This information can be found here: <https://www.gov.uk/government/publications/sexual-violence-and-sexual-harassment-between-children-in-schools-and-colleges>.

We regularly consult on KCSIE to see where we might be able to strengthen it. Our latest consultation was launched on 10 December 2020 and closed on 4 March 2021. At the same time, we also sought views on revisions to the stand-alone advice on sexual violence and sexual harassment between children in schools and colleges. We are now analysing those responses and revised guidance is expected to come into force in September 2021.

Higher Education (HE) providers are autonomous, and have clear responsibilities, including under the Equality Act 2010, and should have robust policies and procedures in place to comply with the law, and to investigate and swiftly address reports of sexual misconduct.

The government already urges university leaders to ensure a zero-tolerance approach to all harassment and sexual misconduct and improve the systems for reporting incidents. The government also urges HE providers to collect comprehensive accurate data on harassment incidents, and continue to break down barriers to reporting, in spite of the potential for this to lead to initial spikes in reported instances.

The Universities UK ‘Changing the Culture’ framework 2016 report made a number of recommendations on tackling harassment and hate crime on campus, including on improving reporting rates and mechanisms for disclosure in HE providers. These included that relevant internal and external support should be signposted, and that reporting procedures should be centralised, accessible, and allow for anonymity if preferred, as well as enabling accurate data to be captured to determine the scale of a problem and track year on-year trends. The report can be found

here: <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2016/changing-the-culture.pdf>.

The Office for Students has recently made a statement on next steps for tackling harassment and hate crime in higher education, including plans for publication of its statement of expectations on harassment and hate crime. This is available at: <https://www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/prevent-and-address-harassment-and-sexual-misconduct/statement-of-expectations/>.

[Universities: Sexual Harassment: Written question - 134441](#)

Sarah Champion on 8 January 2021

To ask the Secretary of State for Education, what steps he is taking to improve the external oversight of universities in the handling of cases of sexual misconduct.

Michelle Donelan on 21 January 2021

Departmental officials are working closely with departments across government to tackle sexual misconduct in universities. The government continues to work closely with Universities UK (UUK) on implementing its Changing the Culture framework.

Underreporting of sexual harassment and sexual violence is common within society and it is important that providers break down barriers to reporting and that students feel safe and able to report incidents of sexual harassment and sexual violence. The most recent UUK progress report, published in October 2019, showed that progress is being made, with 72% of responding institutions having developed or improved the recording of data on harassment and discrimination incidents with a more centralised approach.

The government expects providers to take their responsibilities to students seriously and to have in place appropriate policies and procedures to tackle sexual misconduct, report incidents and make complaints. The government also expects the provider to support the student in making a decision about the way forward, including whether to make a report to the police. Any student who feels that their complaint has not been dealt with appropriately or satisfactorily can escalate their complaint to the Office of the Independent Adjudicator (OIA).

The Office of Students (OfS) has an extremely important role to play in ensuring there are appropriate mechanisms in place to safeguard students and it is clearly important that the OfS has the appropriate powers to address these issues effectively. The OfS has provided £4.7 million for safeguarding schemes.

The OfS has committed to going further to tackle harassment and sexual misconduct, announcing consultation proposals setting out expectations for all HE providers to prevent and address hate crime, harassment and sexual misconduct. The consultation is currently on hold due to the COVID-19 outbreak. The OfS are still accepting online submissions in relation to the consultation and are responding to queries. Further details are available on their webpage: <https://www.officeforstudents.org.uk/publications/consultation-on-harassment-and-sexual-misconduct/>.

The government will continue to urge university leaders to prioritise a zero-tolerance culture to all harassment and sexual misconduct and improve the systems for reporting incidents.

[Students: Protection: Written question - HL17193](#)

Lord Bassam of Brighton on 16 July 2019

To ask Her Majesty's Government what role they intend for the Office for Students to have in the provision of support to universities that have experienced difficulties in implementing policies to protect students from sexual harassment, bullying and threats of violence.

Viscount Younger of Leckie on 24 July 2019

There is no place in our society, including within higher education, for hatred or any form of harassment, discrimination or racism.

Higher education providers have clear responsibilities, including under the Equality Act (2010). They should have robust policies and procedures in place to comply with the law and to protect against violence, bullying, discrimination and harassment.

The government has tasked the Office for Students (OfS) to tackle these important issues at a sector level and to make campuses places of tolerance for all students. The OfS was set up to champion students and it is right that they work closely with higher education providers on these issues.

The OfS and its predecessor body allocated £4.7 million for a safeguarding scheme to address harassment and hate crime in higher education, including 63 projects with a specific focus on sexual violence and misconduct.

The OfS has commissioned an external evaluation of this scheme and, in June this year, published its 'Catalyst for change' report, attached, which includes recommendations for providers on how they can address the issue of hate crime, sexual violence and online harassment alongside a range of resources on their website. The OfS has held several conferences on harassment issues to support providers and share good practice. It will hold a series of

roundtables in 2019-20 to examine key issues relating to student welfare and safeguarding, including reporting, monitoring and evaluation of approaches.

Ministers and officials in the department regularly meet the OfS, stakeholders and representative bodies about a range of student experience issues, including student safeguarding. This includes specific quarterly meetings with the OfS to discuss how to tackle harassment and hate crime within the sector.

The government will continue to work closely with the OfS to prioritise the tackling of all forms of harassment and hate crime in higher education.

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