



Team Domenica Policy for the Prevention of Sexual Harassment and Sexual Violence

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Associated Documents

- Curriculum Policy
- Online Safety Policy
- Policy for Promoting Positive Relationships
- The Team Domenica Safeguarding Policy

Legislation and Guidance

Please note that this is intended to provide useful links to relevant guidance and legislation. It is not an exhaustive list:

- [Keeping Children Safe in Education 2022 \(DoE\)](#)
- [Sexual violence and sexual harassment between children in schools and colleges](#)
- [Brighton and Hove Safeguarding Adults Board](#)

Team Domenica is a social enterprise charity. Our vision is for people with learning disabilities to be valued in the workplace, to reach their full potential and be included as members of society.

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Introduction

Team Domenica is committed to a culture where all candidates, staff and volunteers can develop and thrive in a pro-active culture of safety and respect.

Essential to this is a commitment to minimise any risk from sexual harassment and sexual violence between peers.

**Pro-active
culture of safety
and respect...**

**... commitment
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**... from sexual
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The Aims, Purpose and Scope of This Policy

The aims of this policy are to outline the steps that are taken to prevent any such incidents between peers from occurring, to define those behaviours which are unacceptable and to ensure that any such incidents are dealt with swiftly, safely and effectively.

Any incidents, allegations and concerns of harm to a candidate related to the conduct of employees, volunteers or members of the public are managed via the Safeguarding Policy. If any member of staff is concerned about their own well-being or safety for any reason they are advised to talk to the Human Resources team immediately, or a senior colleague if the HR team are not available.

All staff working at Team Domenica, whether they have front line roles (teachers, training mentors, café staff and job coaches) or not, are responsible for the implementation of this policy which is to be read alongside the Safeguarding Policy, the Policy for Promoting Positive Relationships and Behaviour and The Online Safety Policy.

The Policy is informed by Keeping Children Safe in Education 2022 but developed to be relevant for the abilities, needs and age of the candidate at Team Domenica and the context in which they work and learn.

Sexual violence and sexual harassment can occur between two or more people of any age and sex. It can occur also through a group of people sexually or sexually harassing a single person or group of people. Sexual violence and sexual harassment exist on a continuum and may overlap; they can occur online and face-to-face (both physically and verbally) and are never acceptable.

The underpinning principles of this policy are:

- That Team Domenica has a zero-tolerance approach to any form of sexual violence and sexual harassment, including online. All staff should proactively to reinforce a culture of respect, tolerance and safety. In appropriate verbal abuse should never be passed off as “banter”, “just having a laugh”, “a part of growing up” or “boys being boys”. Omission of this responsibility normalises abuse and creates an environment in which people feel unable to report their concerns.
- That Team Domenica has a responsibility to teach and model appropriate relationships, shared social norms and the law as it relates to abuse, harassment and sexual violence. Many candidates at Team Domenica would not have fully accessed the full statutory Relationship, Sex and Health Education curriculum prior to admissions. Accommodation of an individual’s learning needs is, however, never a reason for others to permit or tolerate sexual harassment or violence.
- That all incidents need a rapid response, following the steps outlined below. This response needs to include rapid dynamic risk management, the involvement of external agencies including the police when relevant, support and care for the well-being of all involved, and accurate and effective reporting and recording.

Our Curriculum Policy and our Policy for Promoting Positive Relationships and Behaviour further outline the steps we take to maintain a safe and positive culture.

What actions constitute sexual violence and harassment?

Sexual violence

It is important that schools and colleges are aware of sexual violence and the fact young people can, and sometimes do, abuse others in this way and that it can happen both inside and outside of college. When referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003.

Rape

A person (A) commits an offence of rape if: they intentionally penetrate the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration and A does not reasonably believe that B consents.

Assault by penetration

A person (A) commits an offence if: s/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents.

Sexual assault

A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents. (NOTE - colleges should be aware that sexual assault covers a very wide range of behaviour so a single act of kissing someone without consent or touching someone's bottom/breasts/genitalia without consent, can still constitute sexual assault).

Causing someone to engage in sexual activity without consent

A person (A) commits an offence if: s/he intentionally causes another person (B) to engage in an activity, the activity is sexual, B does not consent to engaging in the activity, and A does not reasonably believe that B consents. NOTE – this could include forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party.

What is consent?

Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g. to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.

- A child under the age of 13 can never consent to any sexual activity
- The age of consent is 16
- Sexual intercourse without consent is rape.

Some candidates at Team Domenica may not have the capacity to consent and this will need to be considered in risk assessments and reporting.

Sexual Harassment

'Unwanted conduct of a sexual nature' that can occur online and offline. Sexual harassment is likely to: violate an individual's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment.

Whilst not intending to be an exhaustive list, sexual harassment can include:

- Sexual comments, such as telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance, and calling someone sexualised names.
- Sexual jokes or taunting
- Physical behaviour, such as deliberately brushing against someone, interfering with someone's clothes. Schools and colleges should be considering when any of this crosses a line into sexual violence – it is important to talk to and consider the experience of the victim.
- displaying pictures, photos or drawings of a sexual nature
- Upskirting (this is a criminal offence)
- Online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include: consensual and non-consensual sharing of nude and semi-nude images and/or videos. Taking and sharing nude photographs of U18s is a criminal offence.
- Sharing of unwanted explicit content
- Sexualised online bullying
- Unwanted sexual comments and messages, including on social media, or sexual exploitation; coercion and threats, and coercing others into sharing images of themselves or performing acts they're not comfortable with online

Young People with special educational needs and disabilities (SEND)

Young People with special educational needs and disabilities are more likely to be abused than their peers. Additional barriers can sometimes exist when recognising abuse in people with SEND. These can include:

- Assumptions that the indicator of possible abuse, such as behaviour, mood and injury relate to the person's disability or social needs without further exploration
- The potential for people with SEND being disproportionately impacted by behaviours such as bullying and harassment, without outwardly showing any signs
- Communication barriers and difficulties overcoming these barriers.

Ultimately, it is essential that all candidates who are, or believe themselves to be victims are reassured that they are being taken seriously and that they will be supported and kept safe in ways that are accessible and meaningful to them. Team Domenica is committed to increasing opportunities for the voice of young people to be amplified, to provide them with more opportunities to both disclose and discuss incidents, and to proactively contribute to the safeguarding culture.

Responding to a Disclosure

Reports of sexual violence and sexual harassment are likely to be complex and require difficult decisions to be made, often quickly and under pressure. All staff involved in the witnessing, disclosure, management or reporting of an incident of sexual harassment and violence should be offered a debrief and support whatever the outcome.

As per Part one of **Keeping Children Safe in Education**, all staff at Team Domenica are trained in how to receive, manage and report. However, this policy acts as a reminder that effective safeguarding practice includes:



Not promising confidentiality at this initial stage as it is very likely a concern will have to be shared further (e.g. with the DSL or children's social care) to discuss next steps. Staff should only share the report with people who are necessary in order to progress it. It is important that the victim understands what the next steps will be and who the report will be passed to.



Recognising that a young person is likely to disclose information to someone they trust: this could be anyone on the school or college staff. It is important that the person to whom the young person discloses recognises that the young person has placed them in a position of trust. They should be supportive and respectful of the young person.



Listening carefully to the young person, being non-judgmental, being clear about boundaries and how the report will be progressed, not asking leading questions and only prompting the young person where necessary with open questions – where, when, what, etc.



Considering the best way to make a record of the report. Best practice is to wait until the end of the conversation and immediately write up a thorough summary. This allows the staff member to devote their full attention to the young person and to listen to what they are saying. It may be appropriate to make notes, especially if a second member of staff is present. However, if making notes, staff should be conscious of the need to remain engaged with the young person and not appear distracted by the note taking. Either way, it is essential a written record is made.



Only recording the facts as the young person presents them. The notes should not reflect the personal opinion of the note taker. Everyone should be aware that notes of such reports could become part of a statutory assessment by adult social care and/or part of a criminal investigation.



Where the report includes an online element, being aware of Searching Screening and Confiscation advice for working with children and young people - [Sharing nudes and semi-nudes: advice for education settings](#). Also see appendix 1. The key consideration is for staff not to view or forward illegal images of a young person.



Managing reports with two members of staff present, (preferably one of them being the designated safeguarding lead or a deputy). However, this might not always be possible.

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Responding to a Disclosure (continued)

At Team Domenica this means an incident or disclosure could happen in the classroom, in a work placement or in the public space of our training cafes. Staff must use their professional judgement to balance taking the disclosure, managing any arising risks and the need to safeguard a group of candidates. In such cases staff must phone the office and request additional support to maintain both safety and the integrity of reporting. All reports must be written on **MyConcern** following the guidance given in training. Reports must be completed before the staff member leaves work, and ideally before 4.30pm

If there is a clear threat of harm, including criminal behaviour, then the police must be called by the staff in situ. In other circumstances the safeguarding team will decide how to manage the police report. They will need to consider supporting and updating the victim and family, what communications are necessary with the alleged perpetrator and their family or support network and the potential need for communication and action beyond normal working hours. There may also be a need to contact adult social care.

It is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.



Helping to protect children, young people and adults wherever they are.

Record and manage the reporting of concerns and access the full suite of safeguarding products.

Trouble logging in?

 support@thesafeguardingcompany.com

 [Web Chat](#)

 [+44 \(0\)330 660 0767](tel:+44(0)3306600767)

[Log into MyConcern](#)

Log In

Please enter your email and password

Email

Password

[Log In](#)

[Forgot your password?](#)

Risk Assessment

When there has been a report of sexual violence two members of the safeguarding team OR a safeguarding lead and the Chief Operating Officer must carry out a risk assessment and note their findings.

The risk assessment must consider:

- The victim, especially their protection and support
- Whether there may have been other victims
- The alleged perpetrator(s) and their ongoing attendance in placement
- All the other candidates (and, if appropriate, staff)
- The time and location of the incident, and any action required to make the location safer
 - This meeting should nominate lead people to manage aspects of the ongoing risk assessment and this may need to include managing any media interest
 - Leaders and Managers at Team Domenica are aware that other agencies or expert professionals may make their own risk assessments and these should be used to inform and update the risk assessment.

It is not appropriate for Team Domenica or any member of staff to provide legal advice or support to victims, alleged perpetrators or parents in respect of a criminal justice process.

Action following a report of sexual violence and/or sexual harassment

In the period following any report of sexual violence and/or sexual harassment the safeguarding team at Team Dominica need to make ongoing plans to manage the aftermath, be that an investigatory period or not.

Important considerations will include:

- The wishes of the victim in terms of how they want to proceed. This is especially important in the context of sexual violence and sexual harassment. Victims should be given as much control as is reasonably possible over decisions regarding how any investigation will be progressed and any support that they will be offered. This will however need to be balanced with the duty and responsibilities to protect other young people
- The nature of the alleged incident(s), including whether a crime may have been committed
- The developmental stages and needs of the children involved
- Any power imbalance between those involved. For example, is/are the alleged perpetrator(s) significantly older, more mature, confident and well-known social standing? If the alleged incident is a one-off or a sustained pattern of abuse (sexual abuse can be accompanied by other forms of abuse and a sustained pattern may not just be of a sexual nature)
- That sexual violence and sexual harassment can take place within intimate personal relationships between young people
- Importance of understanding intra familial harms
- Are there ongoing risks to the victim, other candidates or college staff,
- Other related issues and wider context, including any links to sexual or criminal exploitation.
- The respectful and appropriate management of the knowledge and understanding of the situation by others, especially peers and classmates
- Whether the end of placement procedures written under the Admissions, Placement and Attendance Policy need to be initiated
- The management of any media interest and/or reputational threat to Team Dominica

If an incident occurs that results in a police investigation this can mean a prolonged period of uncertainty and the risk assessment will need ongoing regular reviews to ensure it is fit for purpose at any phase of this process.

Further Reading

Support and specialist organisations:



[Barnardo's](#)



[Lucy Faithfull Foundation](#)

The logo for NSPCC, featuring the text "NSPCC" in green.

[NSPCC](#)



[Rape Crisis](#)



[UK Safer Internet Centre](#)



[Anti-Bullying Alliance](#)



[MoJ Victim Support](#)



[Victim Support](#)



[Gillick Competency](#)



[Parent Zone](#)



[Thinkuknow](#)



[Searching Screening & Confiscation](#)

Appendix 1: Sharing nudes and semi-nudes: how to respond to an incident

An overview for all staff working in education settings in England

This is a brief overview for frontline staff of how to respond to incidents where nudes and semi-nudes have been shared. All such incidents should be immediately reported to the DSL or equivalent and managed in line with your setting's child protection policies. The appropriate safeguarding lead person should be familiar with the full 2020 guidance from the UK Council for Internet Safety (UKCIS), [Sharing nudes and semi-nudes: advice for education settings working with children and young people](#) and should not refer to this document instead of the full guidance.

What do we mean by sharing nudes and semi-nudes?

In the latest advice for schools and colleges (UKCIS, 2020), this is defined as the sending or posting of nude or semi-nude images, videos or live streams online by young people under the age of 18. This could be via social media, gaming platforms, chat apps or forums. It could also involve sharing between devices via services like Apple's AirDrop which works offline. Alternative terms used by children and young people may include 'dick pics' or 'pics'.

The motivations for taking and sharing nude and semi-nude images, videos and live streams are not always sexually or criminally motivated.

This advice does not apply to adults sharing nudes or semi-nudes of under 18-year olds. This is a form of child sexual abuse and must be referred to the police as a matter of urgency.

What to do if an incident comes to your attention

Report it to your DSL or equivalent immediately. Your setting's child protection policy should outline codes of practice to be followed.

- Never view, copy, print, share, store or save the imagery yourself, or ask a child to share or download – this is illegal. (In exceptional circumstances, it may be necessary for the DSL (or equivalent) only to view the image in order to safeguard the child or young person. That decision should be based on the professional judgement of the DSL (or equivalent).
- If you have already viewed the imagery by accident (e.g. if a young person has showed it to you before you could ask them not to), report this to the DSL (or equivalent) and seek support.
- Do not delete the imagery or ask the young person to delete it.
- Do not ask the child/children or young person(s) who are involved in the incident to disclose
- information regarding the imagery. This is the responsibility of the DSL (or equivalent).
- Do not share information about the incident with other members of staff, the young person(s) it involves or their, or other, parents and/or carers.
- Do not say or do anything to blame or shame any young people involved.
- Do explain to them that you need to report it and reassure them that they will receive support and help from the DSL (or equivalent).

For further information

Download the full guidance: [Sharing nudes and semi-nudes: advice for education settings working with children and young people](#) (UKCIS, 2020).

Source: UK Council for Internet Safety