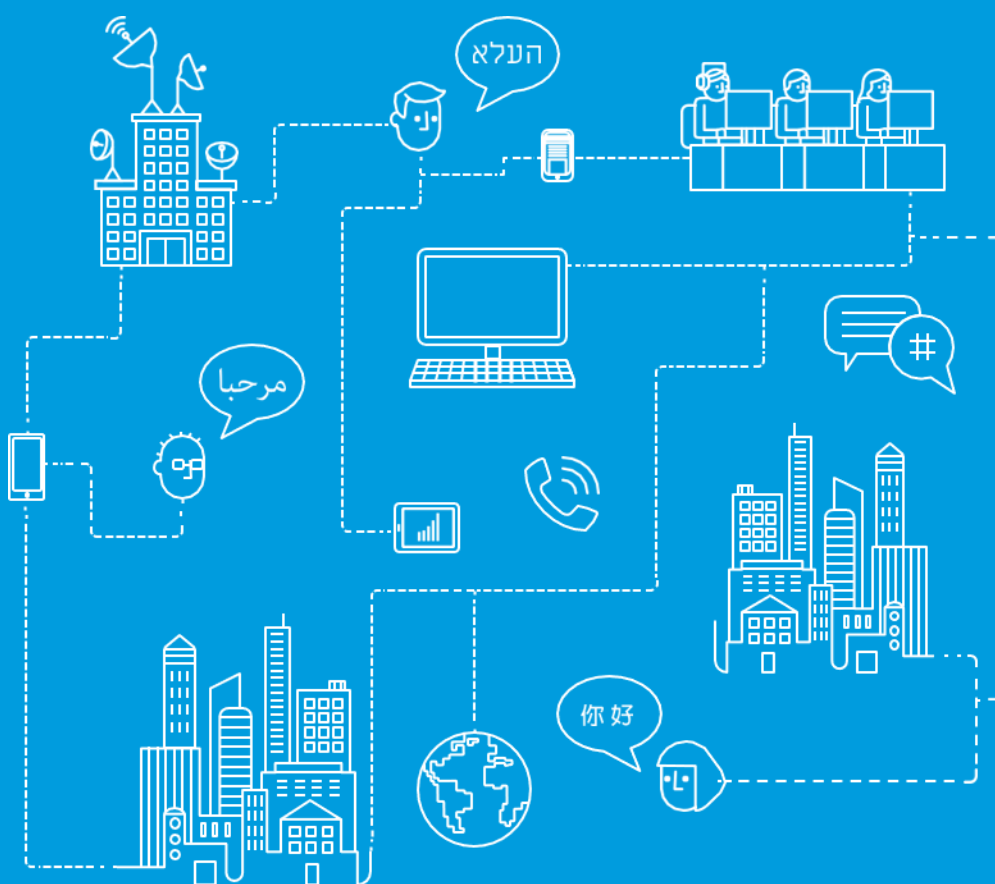


# Protecting students from harassment and sexual misconduct

Outcomes from our internal audit reviews across providers of higher education



January 2024



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# Background

The Office for Students (OfS) re-launched its work to tackle harassment and sexual misconduct in higher education (HE) following a consultation in January 2020.

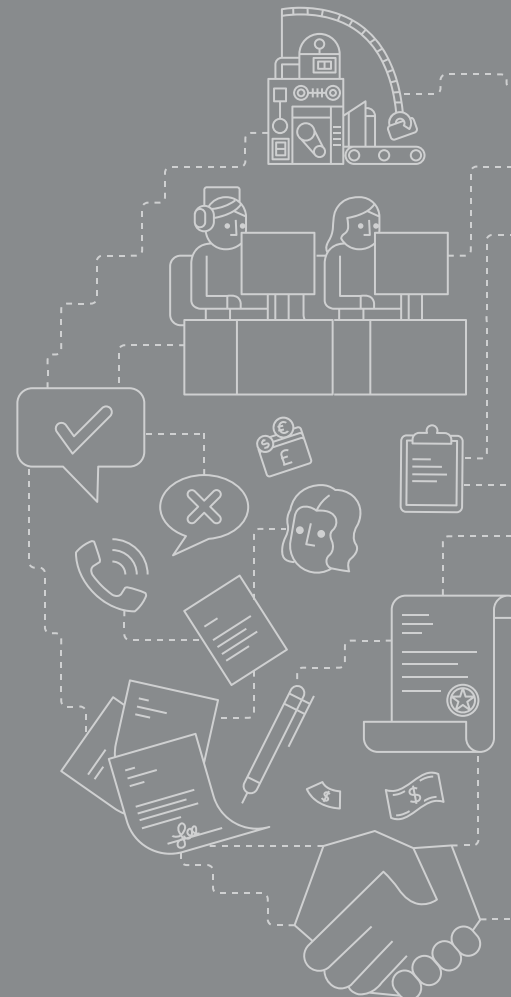
It proposed to publish a statement of expectations identifying the processes, policies and systems providers with HE provision should have in place to prevent and respond to harassment and sexual misconduct. In April 2021, the [statement of expectations](#) was subsequently published.

In February 2023, the [OfS proposed a new condition of registration](#) to address harassment and sexual misconduct. If a condition is introduced following the consultation period, HE providers will have to take steps, which include:

- introducing mandatory training for students and staff to raise awareness of, and prevent, sexual misconduct;
- publishing a document setting out how a provider will make a 'significant and credible difference in tackling harassment and sexual misconduct'. It will include information about how to report cases of harassment and sexual misconduct and 'explain how students will be supported through the process'; and
- banning the use of non-disclosure agreements in cases of harassment and sexual misconduct, and any enforcement of existing non-disclosure agreements.

As taken from the Equality Act 2010, sexual harassment refers to the 'unwanted conduct of a sexual nature which has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment'. Sexual misconduct relates to all unwanted conduct of a sexual nature.

The consultation closed on 4 May 2023. As we await the outcomes and next steps, regulatory focus in this area is likely to intensify and we have also seen successful legal action. The court has ruled in favour of two former students who accused staff of failing to properly investigate allegations of sexual assault. In an article from the BBC, Universities UK (UUK) commented 'it is vital that universities handle incidents robustly and appropriately. Universities understand that this work is ongoing, and there is more to do in this space.'

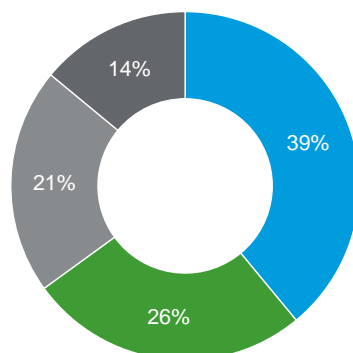




## Internal audit reviews

Across our HE provider clients, we have undertaken 18 internal audit reviews, where we have assessed each provider's overarching framework for ensuring compliance with the OfS statement of expectations.

Across the 18 providers we agreed a total of 62 management actions. This paper highlights those specific areas where we have agreed management actions with clients, areas where we are seeing good practice, and notable themes and trends that are emerging.



- Policies and procedures
- Governance and reporting
- Training
- OfS Statement of expectations

# Agreed management actions

Collated by key theme, below we summarise those areas where we have agreed management actions with our HE provider clients.

## Establishment of policy and procedures

The OfS states 'higher education providers should appropriately engage with students to develop and evaluate systems, policies, and processes to address harassment and sexual misconduct'.

- Whilst policies and procedures are in place for harassment and sexual misconduct, some providers needed to review their policies against the statement of expectations and emerging sector guidance. Policies and related processes would then need to be updated as required.
- There needs to be version control (such as date of last review, approval date, approved by and the date of the next review) and evidence of appropriate sign-off and approval. As policies are reviewed and updated, definitions must be clear and thoroughly explained. For example, the difference between a safeguarding concern or incident and a harassment and sexual misconduct concern or incident should be understood, and the respective processes to follow in place. Key individuals and their role, such as a lead officer for safeguarding, should be defined in policy.
- To maximise exposure and reach, we have agreed management actions with providers on the need for the latest version of all policies, student charter and codes of conduct to be made available via the provider's website and intranet pages. This includes policies such as the Safeguarding Policy, Student Engagement Policy, Sexual Misconduct Policy, Complaints Policy, Student Conduct and Disciplinary Policy. In addition, a provider's website should include a link to direct visitors towards information on their responsibilities regarding sexual misconduct and harassment when on site. A statement of behavioural expectations for visitors must also be established and provided upon arrival, or beforehand.
- Management actions were agreed in respect of specific elements of key policy documents. There were policies for staff and students which did not include guidance on record keeping in respect of an investigation. Providers should ensure that processes are in place for recording and documenting all actions and decisions that are taken and that this is from the day when the report of the incident is received, up until any criminal and/or disciplinary proceedings have been concluded. The appeal process should also be documented, for where a case is not taken forward.
- To be included within policy and related procedures, more information is needed on how an individual can report, disclose, or seek support and advice if they experience or witness any incident of harassment and/or sexual misconduct. Information is required on how incidents are to be handled by relevant staff and the process in place in relation to appeals. Once established, communication and dissemination of policy and procedure documentation is important and for staff there are explicit links to training.

## Governance and reporting

The statement of expectations states 'governing bodies should ensure that the provider's approach to harassment and sexual misconduct is adequate and effective'.

- Safeguarding and prevent are likely to be more established in terms of the processes for formal reporting and we have agreed management actions designed to strengthen the reporting process for harassment and sexual misconduct. Confidentiality, relating to investigations and incidents raised, is important and a key consideration in any reporting. Yet, there is scope for providers to improve in this area, for example by reporting on referrals to external agencies, and reported cases, together with the outcome. In addition, reporting should not solely be retrospective, as there is a risk that a provider is then unable to review and respond to real time incidents.
- Delegated responsibility for harassment and sexual misconduct related policies, training, communication, awareness campaigns and services, should be in place with all committees / groups having terms of reference documenting roles and responsibilities. The terms of reference should be reviewed and approved, either by an overarching harassment and misconduct steering group, or even the governing body. Where several committees / groups exist care should be taken to ensure interdependencies are recognised. Meeting minutes should of course be documented and shared with all appropriate channels.
- The Code of Conduct on relationships between staff and students needs to be reviewed, ensuring it reflects current regulation, guidance and best practice. To support wider monitoring, providers should consider implementing a process of formal policy acceptance, where staff explicitly 'sign-up' to all applicable policies, codes and charters.
- Effective information governance processes need to be in place, where information given on websites, intranets and other forms of communication is consistent and thorough. Timeframes for reporting an incident for example, should be consistent across the complaint procedure and a complaint webpage for students, and flexibility should of course be a key consideration in cases of sexual misconduct. Where there is benefit, there should be an alignment between policies, for example the complaints procedure could cross refer to the Sexual Misconduct Policy.
- To encourage students to raise concerns of harassment and sexual misconduct some providers have launched initiatives, to provide information and to reiterate messages of mutual respect. Where students are able to report concerns, communications such as posters in public spaces should make it clear, that a report can be made anonymously.

## Training for staff and students

The statement of expectations state 'higher education providers should implement adequate and effective staff and student training with the purpose of raising awareness of, and preventing, harassment and sexual misconduct'.

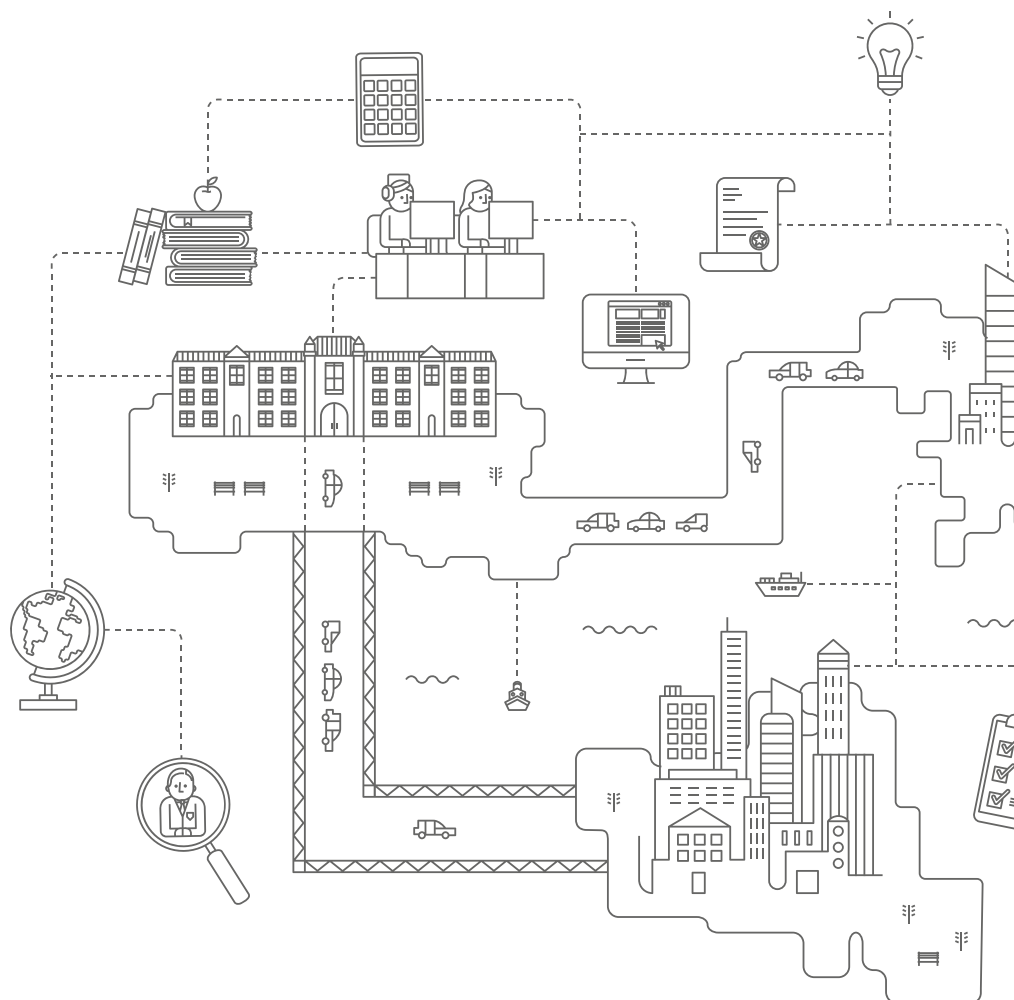
- In line with the statement of expectations, a training strategy is to be established which supports staff to respond effectively to different types of harassment and sexual misconduct incidents. Linked is the need to undertake a training needs assessment to understand where there may be gaps in training provision such as for example, in the area of incidents and disclosures. Advanced training for those with a heightened level of responsibility in relation to harassment and sexual misconduct should be considered as part of the training needs assessment.
- Staff training is to be marked as mandatory or optional and should be monitored and reported, and any non-completions are followed up. This is also key where annual declarations are required from staff.
- In some providers we observed that there is safeguarding, harassment and sexual misconduct related training for permanent staff but not for students, temporary / visiting staff, governors, or visitors. In such instances, a structured training plan for all staff, governors, students, and temporary staff with regards to safeguarding should be established. This is important in instilling the core values of a provider and in creating a culture of zero tolerance to harassment and sexual misconduct.
- Harassment and sexual misconduct training should be incorporated as part of student induction. A training log to record students who have undertaken the session needs to be in place, allowing providers to follow up any instances of non-attendance.
- Training to ensure confidentiality regarding incident submissions should be implemented. Staff should be mindful of the need to maintain the confidentiality of any individual that has reported an incident and within documentation should have the ability to report using pseudonymisation.
- Harassment and sexual misconduct training should remain current and refreshed at least annually.



## Statement of expectations

As a set of recommendations, the statement of expectations are designed to support providers to 'develop and implement effective systems, policies, and processes to prevent and respond to incidents'.

- At the time of our review, some providers had not undertaken a self-assessment against the statement of expectations. Where this was the case, we agreed a management action for those providers to conduct a self-assessment against each of the seven statements, including how each of the expectations are met, with links to relevant documents and actions. The self-assessment should then be presented to the provider's governing body for oversight, and any gaps investigated with an action plan created, including action owners and dates for completion.
- The self-assessment should detail whether the provider is compliant with each of the statements of expectation or not and we have seen examples of where a red, amber or green (RAG) rating is used to map outcomes.
- Action plans created as a result of the self-assessment, must have assigned responsible owners with implementation dates and must be monitored, with progress reported regularly (on a termly basis for example) to a suitable forum, in line with the established reporting structure.





# Good practices

From working with providers across the sector there is recognition that there remains much to do to mitigate the risks associated with harassment and sexual misconduct and to support students and staff effectively. That said, across the reviews undertaken, 67% of assignments received substantial assurance and 33% received reasonable assurance.

Below we summarise those areas of notable good practice we have seen at HE providers from across our reviews.



## Policies and visitor procedures

- Policies for staff and students are in place setting out how an individual can report, disclose, or seek support and advice if they experience or witness any incident of harassment and/or sexual misconduct. Providers engage with students as they develop and evaluate systems, policies, and processes.
- Policies explicitly state that every student is liable to disciplinary action in respect of conduct which constitutes sexual, racial, religious or any other form of harassment. Set procedures are in place for disciplinary hearings.
- There are set processes for visitors covering behavioural expectations when on site. The visitors and events procedures are available to staff via the intranet. All external speaker events are accompanied by a fully authorised standard visitor and visiting speaker / external event application. They are also supported by an event risk assessment and a signed agreement with the visitor(s).



## Training and induction

- There is mandatory training covering reporting, investigation and student support services in relation to harassment and sexual misconduct. Training includes student videos and both in-person and online training sessions, which highlight provider resources and key contacts, and are mandatory for students during enrolment.
- At some providers, new students must 'sign', verifying they are aware of the policies available on the provider's website.
- Mandatory training is monitored with a compliance report produced monthly. Induction modules are supported by other sessions such as student tutorials throughout the year, which include topics relating to harassment and sexual misconduct, such as 'consent'.
- Inclusiveness is a key theme throughout both staff and student training, with steps taken to increase the avenues available for feedback from students with protected characteristics, such as the introduction of a LGBTQ+ forum.



### Support systems and reporting

- Reporting systems are in place which allows both students and staff to report any safeguarding concerns including harassment and sexual misconduct.
- To remove barriers that may exist for particular groups of students, providers ensure there are several ways that a report can be made. We saw good examples of staff guidance that contained protocols for case reporting, helping staff become more aware of the level and range of pastoral support needs of its students.
- Individual cases are discussed at relevant team meetings to ensure care solutions are put in place, particularly where there is a risk that the student may not continue with their studies. Victims are supported via dedicated staff and offered / referred to counselling services.
- Providers use student feedback to inform actions, address student concerns, and facilitate continuous improvement. There is a dedicated wellness or safeguarding team for students to approach with any concerns and there is a phone line for staff to report cases of student harassment and sexual misconduct they are aware of.



### Statement of expectations

- When completing the self-assessment against the statement of expectations, some providers highlighted where there were gaps. To address the gaps, an action log was established and an actions taken section added to the self-assessment document.
- There is frequent self-assessment against the statements. Following its initial publication, some providers had undertaken the self-assessment on a six-monthly basis and have moved now to an annual review. This is good practice as new guidance in this area is emerging on an ongoing basis.



### Governance and risk management

- Information regarding sexual harassment and misconduct is fed through the governance structure in place to allow oversight.
- To understand where harassment and sexual misconduct cases are more prevalent and help to inform learning and communication across the organisation, reports include trend analysis, comparing reported cases in the current academic year to the previous year.
- A register of at-risk students is in place, to monitor and assess the support and interventions occurring. Where a concern is raised that a student may be at risk, the student is then given a risk level, which determines whether they are placed on the register and how often their case is reviewed.
- A weekly report is presented to the vice chancellor outlining recently closed cases, and open and ongoing cases, which include details regarding the nature of the incident, a categorisation of its seriousness, and progress notes.
- The risks surrounding safeguarding and harassment and sexual misconduct are captured on the risk register, with mitigating controls identified and assigned ownership.
- There are some strong examples of partnerships and collaboration both internally and externally, demonstrated through the formation of a cross functional working group and relationships with local authorities and the community.



### Raising awareness and information

- Regular newsletters are shared highlighting important information. Support services and information are advertised using a range of media, and notifications such as virtual screens, safeguarding posters displayed around campuses, a QR code that can be scanned using a smart phone, as well as information available via learner handbooks and self-help resources on the intranet.

# RSM's Maturity Assessment

Regulatory focus is likely to intensify, and providers need to be sure that their processes and procedures for managing harassment and sexual misconduct are effective.

Our Sexual Harassment Maturity Assessment examines seven key areas of a provider and assesses how they relate to a sexual harassment risk.

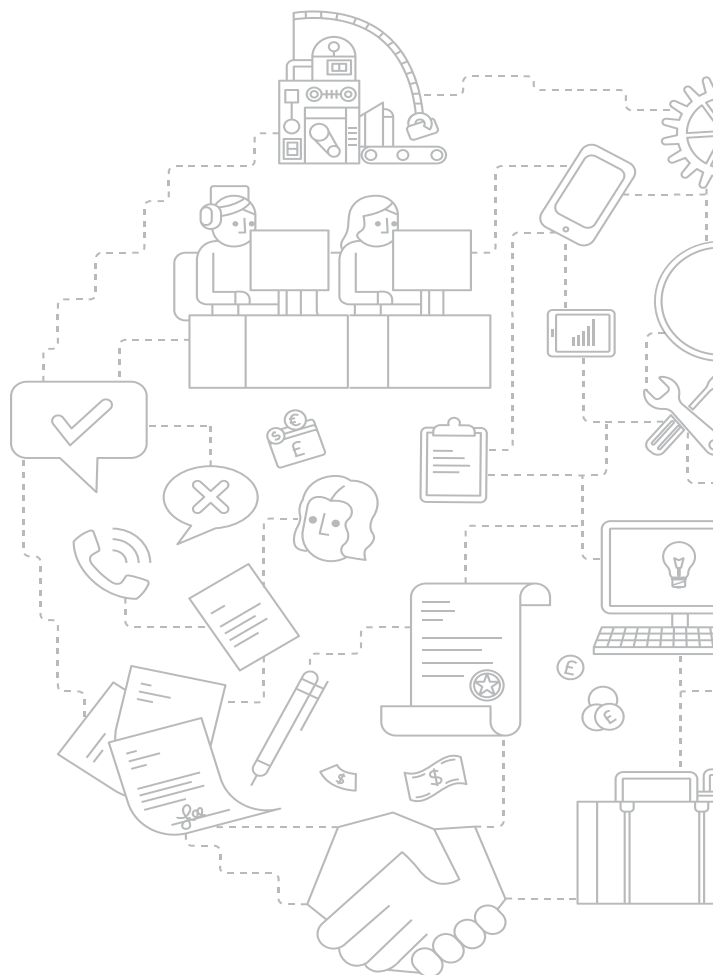
1. Oversight and scrutiny.
2. Policies and procedure.
3. Risk assessment.
4. Measurement.
5. Education and best practice.
6. Reporting and investigation.
7. Continuous improvement.

Outcomes will enable a provider to:

- formalise their commitment to effectively deal with sexual harassment;
- align this to the organisational strategy and values;
- define the current position and capabilities;
- track performance and report on sexual harassment management information; and
- identify the specific path forward to improvement.

Through reviewing relevant policies, current public communications, interviews with staff, and a workshop to discuss outcomes, providers are mapped in line with our maturity framework.

- **Awareness** – what you know and how you compare.
- **Defining and reporting** – defining your values, reporting and your approach.
- **Managing** – sexual harassment management built into business processes / cultural change.
- **Maturity** – embedded and supporting business decisions.



# Our conclusion

From our reviews of harassment and sexual misconduct, it is clear many providers are at the early stages of their journey.

There are some core, basic steps that would help providers to move forwards, particularly around having defined policies and processes for the management of harassment and sexual misconduct. Staff have a crucial role in supporting students and creating a safe and inclusive environment. They must understand the procedures in place, adhere to them, and be supported to raise any concerns. We encourage providers to review and consider the adoption of those areas of good practice noted in this paper, if not already in place.

Regulatory focus is likely to increase, and the landscape is changing; and providers must ensure their processes and approach continues to align. Continuous improvement is key, as providers seek to safeguard their students' wellbeing and physical safety.

Since our reviews, we have seen more and more providers and student unions engage in this area, and in developing our Safer Dance initiative. We have piloted our approach with two providers; University of Chester and Luminate Education Group.

## Leeds Luminate Education Group

RSM UK identified evidence that demonstrated that Leeds City College had an established framework for managing sexual harassment and misconduct. The areas for development that were identified through the pilot included an organisation wide risk assessment, the development of defined targets and objectives with appropriate KPIs to measure performance and track progress, enhanced communication strategy, student engagement and reporting mechanisms.

### **Lauren Turnbull, health and behaviour lead, Student Life, said of the programme:**

The process felt supportive and not invasive or punitive. It really helped us to identify gaps for us to work on - it has given us some useful actions to take forward in our action planning for 22/23, and it was particularly helpful to be able to see areas that were a higher priority or required more development.

It has helped us to rethink the structure of our working group, and we have already expanded the group to incorporate HR staff and staff from the Conservatoire.

We have also now responded to comments around governance and will ensure sexual harassment and violence is a standing item on the Safeguarding Strategy Board.

I feel this would be a helpful service for other organisations, and I am already aware of other organisations who would be interested.

The team at RSM were friendly and helpful, and kept in touch well to keep the project moving.





# Our conclusion

## University of Chester

RSM UK identified evidence demonstrating the University of Chester had an established framework for managing sexual harassment and misconduct. Areas of best practice included:

- the clear level of commitment to and championing of this agenda by a range of stakeholders across the University;
- the support provided for victims and survivors, through the wellbeing department and the introduction of SVLOs (Sexual Violence Liaison Officers); and
- within the proctor's office (responsible for disciplinary, professional suitability, complaints and student safety) the use of trained and experienced public protection investigators, skilled at undertaking risk assessments and investigative decision making.

Alongside the opportunity for raising awareness, areas for consideration identified through the pilot included: an organisation wide risk assessment; development of defined targets and objectives with appropriate KPIs to measure performance; oversight of policy dissemination and the ability to track compliance.

Both Leeds City College and University of Chester were provided with a comprehensive power point presentation detailing the findings of the work, the identified 'gaps' in strategy and recommended 'opportunities' for continuous improvement.





# Safer Dance; an RSM initiative to tackle harassment and sexual misconduct

RSM UK has partnered with Safer Dance to launch a new members toolkit; a 'toolbox of resources' aimed at tackling harassment and sexual misconduct in the night-time economy.

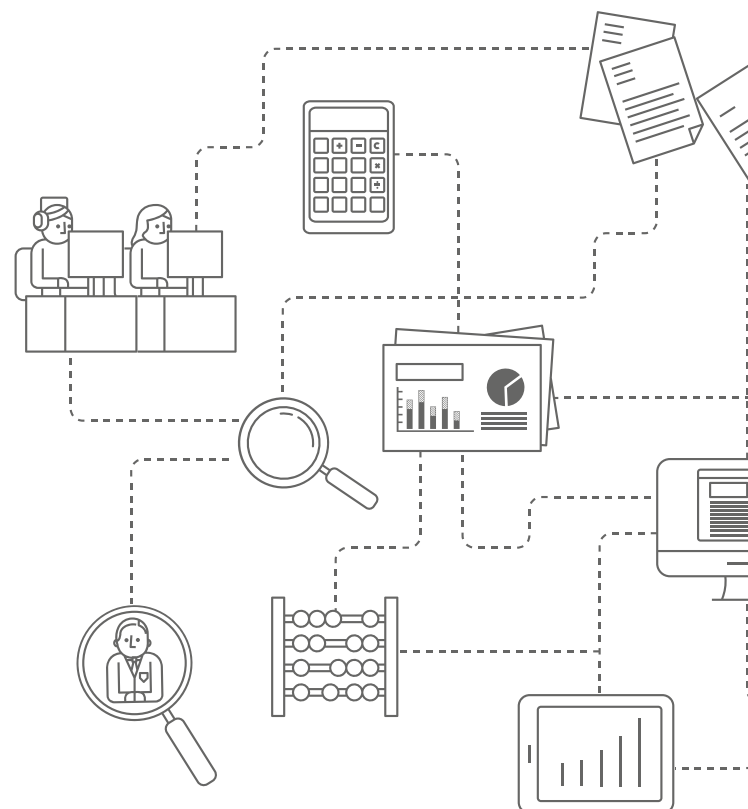
The toolkit is designed to help bars, nightclubs, universities and student unions stamp out harassment and sexual misconduct and create safer spaces for customers, students, and staff. A self-assessment, actions and recommendations, educational materials and workshops are just some of the tools and activities involved within the Safer Dance membership.

Safer Dance provides organisations with the resources, knowledge, and guidance to ensure that staff, students, and venue attendees are safe and that organisations obtain a mature and prepared approach to tackle sexual harassment and misconduct. The structure and foundations of the Safer Dance membership have been built around the four pillars of the Safer Dance Framework: **Acknowledgement, Commitment, Plan and Continuous improvement.**

- **Acknowledgement of the problem.** Ensuring governance arrangements are in place to tackle and communicate sexual harassment and misconduct matters.
- **Commitment to tackling and responding to sexual harassment and misconduct.** This refers to the committed efforts an organisation has in place to respond to this issue, for example a policy that has been disseminated and understood by all staff, students, and customers.

- **Planning and ensuring your organisation is prepared.** Understand your pain points and what risk assessments need to be implemented.
- **A continuous improvement mindset.** Understanding the complexity of the issue and that there are always ways to improve and learn. Our membership tools can assist with your improvement efforts.

For more information, please visit our website: [www.saferdance.org](http://www.saferdance.org) and follow Safer Dance on Instagram at safer.dance.



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