

Evaluation of the Initial Impact of the Statement of Expectations – Final Report

Report to the Office for Students

Helen Baird, Lead Evaluator
Professor Graham Towl, Expert Advisor
Kay Renfrew, Researcher
Ruth Buckingham, Researcher
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List of Abbreviations

DfE	Department for Education
EHRC	Equality and Human Rights Commission
FE	Further education
FTE	Full time equivalent
GDPR	General Data Protection Regulation
GBV	Gender based violence
HE	Higher education
ISVA	Independent sexual violence advisor
NDA	Non-disclosure agreement
OfS	Office for Students
OIA	Office of the Independent Adjudicator for Higher Education
ONS	Office for National Statistics
ORM	Outcome relationship mapping
SARC	Sexual Assault Referral Centres
SoE	Statement of expectations
SU	Students' Union
SVLO	Sexual violence liaison officer
UUK	Universities UK

1. Executive Summary

1.1 Background to the evaluation

In April 2021, the Office for Students (OfS) published a statement of expectations containing recommendations to assist higher education (HE) providers (universities and colleges) in the development and implementation of effective systems, policies and processes to prevent and respond to harassment and sexual misconduct. The expectations encompass seven key themes developed from principles, recommendations and good practice established in various sector frameworks and reports, originating with Universities UK's (UUK) *Changing the Culture* report in 2016. The OfS issued the statement as voluntary guidance to the sector and encouraged providers to adopt it. The statement was first signalled through a public consultation in January 2020. Following publication of the statement of expectations, providers were invited to review and update their systems, policies and procedures accordingly during the 2021/22 academic year.

OfS commissioned SUMS Consulting to evaluate the initial impact of the statement of expectations. The evaluation took place over the period March to October 2022. Its aim was to understand if, and how, the statement has driven changes in provider behaviour, in the underlying issue of harassment and sexual misconduct, and in related student experiences and outcomes. This involved examining how providers have responded to the publication of the statement, hearing from students and students' unions to understand whether things are changing for the better and considering whether further change may be needed.

SUMS took a mixed methods approach for the evaluation, drawing on a range of research and evaluation techniques. Our approach took account of, and sought to build upon, learning from the key developments, reports and guidance developed within the HE sector over recent years. Additionally, the study was undertaken by experienced HE consultants with deep subject matter knowledge and expertise, and the team was supported by an Expert Group comprising representatives from relevant sector bodies and academic and other subject matter experts in harassment and sexual misconduct.

1.2 Overall evaluation findings

1.2.1 Contribution of the statement of expectations

Views across and within all the different stakeholder groups which took part in the evaluation were mixed about both the initial impact of the statement of expectations and what further changes are needed in the sector. Generally, we found the statement of expectations has been a continuum of the work started with the 2016 UUK *Changing the Culture* framework (see section 3.3), and has stimulated renewed discussions within and between providers. Over the same time, UUK has continued to develop and circulate related new guidance. Additionally, the statement and tackling issues of harassment and sexual misconduct have been high on the agendas of many other HE sector bodies and professional membership organisations (such as Guild HE, Independent HE, AMOSSHE among others), and there have been many related events and discussions.

1.2.2 Variation across the sector

In common with multiple previous studies and reviews undertaken in recent years, this evaluation found that progress in tackling harassment and sexual misconduct continues to be inconsistent across HE providers, and there remains substantial variation across the sector. This includes variation across providers in the

consistency of approach and level of prioritisation being accorded to effectively tackling harassment and sexual misconduct. Additionally, we found there is extensive duplication of effort, very little standardisation of approach or evidence that interventions are being evaluated either at the sector or individual provider level to further investigate and help determine 'what works?'.

1.2.3 Governance and leadership

Overall findings from the evaluation also suggest that the statement's initial impact has been in maintaining momentum in the sector, particularly by increasing attention on this topic within HE providers at more senior leadership and governing body levels because it has come from the sector regulator. However, this is not the case across all the HE providers consulted with through the evaluation. A critical success factor in tackling these issues is the level of prioritisation accorded at senior leadership level within institutions. This varies across HE providers, is often led by an individual championing these issues, and this can change if the individual leader moves on. Prioritisation at leadership level is a key determining factor in whether the recommendations and practices contained within the statement have been adopted within a provider, since compliance with it is not mandatory.

1.2.4 Knowledge gaps

Individual HE providers are not required to collect systematic data on prevalence of harassment and sexual misconduct or on reports and disclosures, nor is this done at sector level. There are also no data standards available for use. Hence, there is a significant lack of consistent quantitative data available about harassment and sexual misconduct affecting students. There is a clear sense across multiple providers that there are a lot of disclosures of sexual misconduct being made but these are not translating into formal reports and complaints, and there is a filtering process which taking place. Reporting is also considered by most people to be far below prevalence, though little data is collected.

More robust data is needed to help understand the nature and scale of the problem and the effects of these issues on students' outcomes, and to enable evaluation of the effectiveness and impact of interventions such as the statement of expectations at a sector wide and local level. Without good data (see also section 3.1) to create a baseline and an evidence base there is no way for individual providers, the regulator and other sector bodies to reliably monitor the effectiveness of specific interventions at sector or local level and establish impact of these and understand 'what works?'.

1.2.5 Strategic objectives, aims and goals

There is no well-articulated overarching vision or goal for the sector in tackling harassment and sexual misconduct and consequent ability to communicate this broadly to inform the effort, beyond the need to change the culture. Strategic objectives for the sector need to be more clearly stated, and further opportunities are required to foster sharing and embedding of good practice with the aim of standardising aspects of the prevention and response approaches. Many different variations of these exist at present across the sector but there is a lack of coordination, which the statement of expectations has not addressed.

1.2.6 Gaps in addressing the full scope of the statement of expectations

HE providers have prioritised mainly student-to-student sexual misconduct and there are gaps in addressing the full scope of the recommendations set out in the statement of expectations. Generally, there is much less

emphasis and insufficient focus in the sector on understanding and taking steps to address the following aspects of the statement's scope:

- Tackling all the other forms of harassment and hate-related incidents or crimes, in addition to sexual misconduct.
- Tackling staff-to-student harassment and sexual misconduct.
- Tackling online misconduct.
- Tackling the need to ensure students are protected from harassment and sexual misconduct however and wherever they may be studying (such as at partner providers and on overseas or work placements).

1.3 The need for further change

Our overall assessment from the evaluation is that the statement of expectations has been a useful intervention in maintaining momentum and focus on issues of harassment and sexual misconduct in the sector, and consequentially further progress has been made. The main focus of the statement is to set out the baseline for what policies, systems and processes are needed by all providers to tackle this issue. Crucially however, even where appropriate policies, systems and processes are in place within providers, there is not always a matching willingness to be transparent and to proactively encourage students to report incidents through awareness-raising campaigns and information-sharing, particularly relating to outcomes of disclosures, reports and disciplinary proceedings.

Some institutional leaders appear to be able to make a more persuasive case than others in relation to claims about 'taking harassment and sexual misconduct very seriously'. For example, only just over half of universities in the UK appear to have signed up to declining the use of Non-Disclosure Agreements (NDAs) in cases of sexual misconduct, bullying and other forms of harassment. Such variability in policy and practice continues to be a challenge for the HE sector in general and for the OfS as the regulator.

The key 'take away' message in terms of developments to tackle these issues is that the position and progress being made is highly variable across the sector. There are examples of excellent practice, but also some very poor practice which could be improved significantly. And it is this variability which perhaps speaks most loudly to the need for further interventions to drive change, including for greater regulation. The emotional and academic impact on students of harassment and sexual misconduct is well-documented.

Clearly further research and sector wide data is also needed to better understand and inform efforts to address these issues. What seems clear is that work on racism and other forms of harassment seems much less well developed at HE providers than addressing sexual misconduct. Therefore, there may be some learning from progress made in the sector in tackling sexual misconduct for other areas associated with protected characteristics.

Our conclusion is that the statement of expectations has not been a sufficient catalyst for change in its current form and that further change is necessary. However, there is unlikely to be a single intervention or initiative that is a 'silver bullet' that will solve all the issues detailed more fully in this report and instead, change needs to be multi-layered. Therefore, we have made multiple recommendations for the OfS, other sector bodies and individual providers. These are set out below and discussed more fully in the body of the report.

Ref.	Theme	Recommendation
1.	Regulation	<p>We recommend that the OfS considers seeking to address harassment and sexual misconduct by making prevention and response a mandatory duty and part of its regulatory framework.</p> <p>Prior to the required public consultation needed, further work will be needed to:</p> <ul style="list-style-type: none"> a) Define the approach to regulation, including what the specific goals should be and what standard needs to be met, which regulatory tool should be used, and how OfS should monitor compliance, including of the quality of providers' policies and the impact on students' experiences and outcomes. b) Clarify the roles and responsibilities of OfS and other organisations such as the Office of the Independent Adjudicator and the Equality and Human Rights Commission in this area. c) Collate existing and develop where needed detailed good practice guidance to accompany the regulation.
2.	Changes to the statement of expectations	<p>We recommend that the OfS should consider:</p> <ul style="list-style-type: none"> a) Clarifying the language and definitions used in the statement of expectations to make it more explicit about its focus on all forms of harassment and incidents of hate. This should include identifying an alternative phrase to use for '<i>harassment and sexual misconduct</i>' as shorthand to indicate the types of behaviours within scope of the statement of expectations. b) Revising the statement of expectations and creating more detailed good practice guidance to better inform the sector on aspects of tackling these areas and 'what works?'. This should include the following: <ul style="list-style-type: none"> i. More of a focus on output and outcome measures, as well as inputs and processes, and that data should be collected and published anonymously at provider level. ii. Specialist training should be mandatory at all HE providers for certain staff handling disclosures, undertaking investigations and sitting on disciplinary panels. iii. Conduct further research to establish 'what works?' in student training, then guidance on prevention training for students on awareness, consent and bystander intervention should be collated and disseminated. iv. Tackling staff-to-student harassment and sexual misconduct in more detail, taking account UUK's recent guidance. v. Tackling online harassment and misconduct – more detailed guidance is needed for providers to understand the problem and how to respond to it. vi. Tackling the need to ensure students are protected however and wherever they may be studying – more detailed guidance is needed for providers to understand the problem and how to respond to it.

Ref.	Theme	Recommendation
3.	Monitoring prevalence of sexual misconduct	<p>We recommend that the OfS considers:</p> <ul style="list-style-type: none"> a) Developing an approach for funding and either commissioning or undertaking a national sexual misconduct HE prevalence survey (and later for other forms of harassment). The purpose should be to help understand the issues and provide the context of reporting rates, including areas of under-reporting and other gaps. We suggest this should be a short, focussed survey which is conducted at all rather than at a sample of providers, so that both institutions and the OfS can monitor whether progress is being made. b) Designing the survey instrument so that it can help: <ul style="list-style-type: none"> i. To establish accurate prevalence levels of sexual misconduct (including for those with protected characteristics), for each individual provider. ii. To provide an evaluation tool to check progress in decreasing prevalence levels. iii. To provide a monitoring tool to check the ratio of reporting to prevalence rates. iv. To provide an evidence base and evaluation tool to be able to track progress and the impact of interventions over time. v. To inform what level of (institutional) financial investment is needed to address the prevalence levels. c) Repeating the survey at regular intervals (every three years) to provide a deeper understanding of areas of specific risk of different forms of harassment and sexual misconduct and to be able to assess the impact and efficacy of interventions over time and identify where further support needs to be targeted. d) Ensuring HE providers compare their own reporting rates with the prevalence survey for their institution to help contextualise reporting rates and monitor the effectiveness of their approaches.
4.	National strategy and communications and awareness raising	<p>We recommend that the Department for Education and/or the OfS consider:</p> <ul style="list-style-type: none"> a) Commissioning or developing a national-level strategy for tackling harassment and sexual misconduct including an articulation of the vision and goals, communications about the survey and regulation, as well as student awareness and leadership, governance and management responsibilities, and how to communicate positively messages like reported figures. b) Encompassing in this strategy different parts of the education sector to ensure that schools, colleges and universities work together more holistically to address behaviours and prevent harassment and sexual misconduct – and that students' experiences of how incidents are taken seriously and responded to across the lifespan of their learning journey through school, FE and HE are aligned.

Ref.	Theme	Recommendation
		<ul style="list-style-type: none"> c) Identifying ways of fostering the sharing and embedding of good practice to standardise aspects of prevention and response approaches, and creating a national toolkit of ‘what works?’.
5.	Supporting national and local partnership working	<p>We recommend that the OfS and the Department for Education consider ways of fostering more effective partnership working, such as through supporting and encouraging:</p> <ul style="list-style-type: none"> a) The development of firmer collaborative partnership working with NHS England, e.g., between individual HE providers and the local SARC (to ensure a victim support perspective is in place, effective referral pathways and anonymised data sharing). b) Enhanced collaborative working at regional or local level with other providers and organisations such as local authorities, health and third sector organisations and police. Some formal and informal models for collaborative working exist which could be developed and disseminated. c) Firmer and effective collaborative approaches among HE providers (especially small and specialist and FE college providers but others too) to support each other’s investigation, support and disciplinary processes. This could be through supporting the development of formal or informal shared services, such as regional support networks, and in particular regional investigation units or hubs.
6.	Approaches to understanding and tackling other forms of harassment and hate crime	<p>We recommend that the OfS and/or the Department for Education considers:</p> <ul style="list-style-type: none"> a) What further research is needed, and how this should be funded and undertaken, to better understand all the other forms of harassment and hate crime affecting students that is motivated by one or more of the protected characteristics. b) The possible use of a prevalence survey or surveys in time, but this should be undertaken separately from the sexual misconduct survey to avoid conflating these issues. c) Identifying ways of raising awareness and encouraging/incentivising HE providers to raise the priority of other forms of harassment to the same level as sexual misconduct.
7.	Staff-to-student harassment and sexual misconduct	<p>We recommend that the OfS should consider keeping under review issues of staff harassment and sexual misconduct affecting students, and in particular the effect of the recently published Universities UK guidance and the progress made by the sector in this area. Individual institutional leaders may wish to work closely with their trades unions on whether or not to ban staff having sexual relationships with students. This should also be included in the national prevalence survey to inform whether further guidance is required.</p>
8.	Standardising practice across the HE sector	<p>We recommend that the Department for Education and/or the OfS should consider commissioning or developing central resources for improving and standardising practice across the sector. This could include:</p>

Ref.	Theme	Recommendation
		<ul style="list-style-type: none"> a) Developing example policies and procedures, case studies, and codes of conduct into a good practice toolkit which can be used and adapted by all HE providers. b) Providing specific guidance and supporting and encouraging enhanced practice on aspects which the sector needs help with developing such as appropriate staff and student training, investigatory and disciplinary processes.
9.	Expert advisory panel to inform developments	We recommend that the OfS considers convening an expert group of student campaigners and academics to form an advisory panel to provide practical and well-informed advice to help co-create the programme of work outlined above as it develops over the next two-to-three-year period.
10.	Governance and leadership	<p>We recommend that all HE providers should do the following:</p> <ul style="list-style-type: none"> a) Appoint a member of the senior leadership team to have formal accountability and be the lead officer for tackling harassment and sexual misconduct at the institution. b) Governing bodies or boards of governors should also select a member to have a specific role for oversight of this area. c) Include the risk of harassment and sexual misconduct affecting students on strategic risk registers. d) Provide mandatory training and briefing sessions to senior leaders and governing body members on tackling harassment and sexual misconduct, particularly as this becomes a regulatory requirement in future. e) Ensure that all senior teams and governing bodies review meaningful reports of anonymised data relating to e.g., numbers of reports of different types, how many of these lead to investigatory procedures, how these compare with prevalence (once the national survey is conducted), and outcomes of disciplinary proceedings.
11.	Evaluation and continuous improvement	There was a distinct lack of evidence throughout all of the research for much evaluation of approaches taking place at all. OfS should support and encourage HE providers and circulate additional guidance and information on effective practice in evaluation approaches which would be beneficial to help drive continuous improvement and determine 'what works?'
12.	Student and staff training	<p>We recommend that OfS working with sector member bodies should consider:</p> <ul style="list-style-type: none"> a) Commissioning more rigorous research on the effectiveness of training packages and providers, so that approaches on training are based on 'what works?' b) Identifying ways of standardising training approaches, including for instance developing common standards as part of a national training toolkit for providers to adapt and brand to their own institutional context.
13.	Student and staff training	<p>We recommend that all HE providers should:</p> <ul style="list-style-type: none"> a) Put mandatory training in place on handling disclosures for at least some of their staff, and for specialist staff involved in investigatory and

Ref.	Theme	Recommendation
		<p>disciplinary procedures, and this should ensure that a trauma-informed approach is taken throughout.</p> <ul style="list-style-type: none"> b) Devise a training needs assessment and develop an organisation-wide training strategy in line with the recommendation in the statement of expectations. c) Implement more substantive and mandatory student awareness-raising training and ideally also bystander intervention training targeted at key groups. d) Training materials and information should be sent to new students before their arrival, tailored for different demographic groups, and refreshed at key points throughout the first academic year and subsequent years.
14.	Report and disclosure	<p>We recommend that HE providers where they do not already do so should consider:</p> <ul style="list-style-type: none"> a) Reviewing their data on disclosures, reports, cases and outcomes regularly and seek to increase the conversion of reports to investigations and then disciplinary proceedings. b) Supplying students with clear information about what the reporting and disciplinary process will involve. Collating and sharing anonymised case studies or testimonies of students' reporting experiences may be helpful to students in considering the options available. c) Making information about reporting systems clearer, better signposted and more readily accessible on their websites.
15.	Approach to taking action	<p>We recommend that HE providers where they do not already do so should consider ensuring they share information, take a trauma-informed approach, and sensitively handle investigatory and disciplinary procedures which must be civil in nature. The disciplinary level of the process should have a parallel with investigation process, where each party can bring evidence and call witnesses.</p>
16.	Provision of support	<p>OfS should consider providing some definitive guidance to HE providers about disclosure of outcomes at the end of disciplinary proceedings to reporting students.</p>

2. Introduction

2.1 About the statement of expectations

In January 2020, the Office for Students (OfS) launched a public consultation about a proposed set of standards for higher education (HE) providers (universities and colleges) on how they should seek to prevent and respond to harassment and sexual misconduct affecting students. Subsequently in April 2021, the OfS published a statement of expectations containing recommendations to assist providers in the development and implementation of effective systems, policies and processes to prevent and respond to harassment and sexual misconduct. The OfS issued the statement as voluntary guidance to the sector, and invited providers to review and update their systems, policies and procedures accordingly during the 2021/22 academic year.

The aims of the statement are to ensure that: ‘...all higher education students registered at a provider, however and wherever they may be studying, should be protected from harassment and sexual misconduct from other students, staff and visitors’.¹ The expectations encompass seven key themes developed from principles, recommendations and good practice established in various sector frameworks and reports, originating with Universities UK’s *Changing the Culture* report in 2016.² Each of the seven themes contains an initial statement followed by more detailed information on what is expected. The seven high-level statements are as follows:

1. *HE providers should clearly communicate, and embed across the whole organisation, their approach to preventing and responding to all forms of harassment and sexual misconduct affecting students. They should set out clearly the expectations that they have of students, staff and visitors.*
2. *Governing bodies should ensure that the provider’s approach to harassment and sexual misconduct is adequate and effective. They should ensure that risks relating to these issues are identified and effectively mitigated.*
3. *HE providers should appropriately engage with students to develop and evaluate systems, policies and processes to address harassment and sexual misconduct.*
4. *HE providers should implement adequate and effective staff and student training with the purpose of raising awareness of, and preventing, harassment and sexual misconduct.*
5. *HE providers should have adequate and effective policies and processes in place for all students to report and disclose incidents of harassment and sexual misconduct.*
6. *HE providers should have a fair, clear and accessible approach to taking action in response to reports and disclosures.*
7. *HE providers should ensure that students involved in an investigatory process have access to appropriate and effective support.*

2.2 Terms of reference for the evaluation

OfS appointed SUMS Consulting to evaluate the initial impact of the statement of expectations over the period March to October 2022. The aim of the evaluation was to understand if, and how, the statement has driven changes in provider behaviour, in the underlying issue of harassment and sexual misconduct, and in student experiences and outcomes related to the prevention of and response to harassment and sexual misconduct.

¹ Further information 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/>.

² Universities UK. (2016). *Changing the Culture*. Available at: <https://www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/changing-culture>. See also the key developments discussed in Section 3.3.

Specific objectives of the evaluation were to: examine how universities and colleges have responded to the publication of the statement of expectations; hear from students and students' unions to understand whether things are changing for the better; and consider whether further change in this area may be needed.

The OfS set the following key research questions for the evaluation to consider:

- How is the statement changing provider behaviours (systems, policies and processes) in relation to preventing and addressing harassment and sexual misconduct affecting students?
- What have been the initial changes?
- How are students experiencing these changes?
- What is the anticipated longer-term impact for providers and students?
- What are the limitations or risks for providers and students with this current approach?
- How has alignment with the statement shown an immediate impact on student outcomes, e.g., significant changes in disclosures and cases?
- What is the current picture regarding prevalence data and what quantitative measures could be developed to best measure prevalence going forward?

2.3 Approach to the evaluation

SUMS took a mixed methods approach for the evaluation, drawing on a range of research and evaluation techniques. Our approach took account of, and sought to build upon, learning from the key developments, reports and guidance developed within the HE sector over recent years. Additionally, the study was undertaken by experienced HE consultants with deep subject matter knowledge and expertise, and the team was supported by an informal Expert Group comprising representatives from relevant sector bodies and academic and other subject matter experts in harassment and sexual misconduct.

An evaluation framework was developed at the outset of the study comprising the following:

- The contribution of the overall statement of expectations to any identified changes in the sector.
- OfS' approach to disseminating the statement of expectations.
- The seven key themes contained within the statement of expectations (see section 2.1 above):
- The intended longer-term impact of the statement of expectations.
- The implications for informing future decision making.

The framework included a theory of change, developed using Outcome Relationship Mapping, a form of logical modelling which involves assessing the extent to which an intervention, in this case the OfS' statement, is contributing to the desired outcomes it aims to impact. Figure 1 below shows the intended principal outcomes corresponding to the seven individual themes of the statement. Indications that the recommendations included in the statement for developing and implementing effective systems, policies and processes to prevent and respond to harassment and sexual misconduct are now widely adopted by providers would include evidence of the outcomes shown in the figure below. A more detailed mapping is shown in in Appendix B.

Figure 1 Intended outcomes of the statement of expectations



Research and analysis undertaken for the evaluation then considered what progress is being made across the sector towards achieving these outcomes, and what contribution the statement of expectations has made to any evident change. The main strands of activity undertaken and outputs from the evaluation are summarised below, and further details on the methodology are in Appendix B.

- An Expert Group was convened which met three times at key points in the evaluation to discuss and provide advice initially on the approach for the evaluation, then to debate and comment on emerging findings and conclusions, and finally to consider and provide advice on potential areas of recommendation for this report.
- Findings from multiple available published and unpublished documentary and data sources were reviewed and assimilated, and various sector events and conferences attended over the period.
- An extensive consultation was conducted with the following key stakeholder groups through an online survey, focus groups and interviews:
 - Sector membership bodies and groups
 - HE providers of all types and sizes
 - Academics and practitioner experts in all forms of harassment and sexual misconduct
 - Activist, campaign and survivor groups
 - Students and representatives from multiple providers and the OfS' Student Panel members.
- Findings from the online survey of a large, stratified sample of HE providers were collated in a separate companion report.³
- All the findings from the research were synthesised, carefully analysed and triangulated.
- This final evaluation report was prepared, which summarises key findings and conclusions to help establish the initial impact of the statement of expectations and makes recommendations on further potential changes which may be beneficial to inform future decision-making. A schedule of all the recommendations is at Appendix A. Appendices C and D provide supporting materials.

The SUMS' evaluation team is grateful to all those across the HE sector who contributed their time and ideas so generously to the consultation for this evaluation study, and particularly to members of the Expert Group.

³ Baird, H. et al. (August 2022). *Evaluation Report: Findings from a survey of higher education providers*. SUMS Consulting Report to the Office for Students. Available from the OfS' website.

2.4 Scope and definitions used

The scope of the statement of expectations is that all HE students registered at a provider, however and wherever they may be studying, should be protected from harassment and sexual misconduct from other students, staff and visitors. Moreover, although the focus is on students, OfS suggests that HE providers also take a similar approach to protecting staff and visitors from harassment and sexual misconduct.

Throughout the statement, OfS uses the terms ‘*harassment*’ and ‘*sexual misconduct*’ as shorthand to indicate the types of behaviours within scope and to include protected characteristics. Additionally, the definitions include harassment and sexual misconduct through any medium, including online. These definitions, which are summarised in Figure 2 below, were also used by the evaluation team during the study.

Figure 2 Definitions of harassment and sexual misconduct

Term	Definitions used
Harassment	<p>Unwanted behaviour or conduct which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics (defined by Section 26 of the Equality Act 2010), i.e.: age; disability; gender reassignment; race; religion or belief; sex; and sexual orientation.</p> <p>Domestic violence and abuse (can involve control, coercion and threats) and stalking.</p> <p>Incidents of physical violence towards another person(s) on the basis of a protected characteristic and hate crimes (this is the way data is collected centrally), such as those criminal offences which are perceived by the victim or any other person to be motivated by hostility or prejudice, based on a person's: disability or perceived disability; race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; and transgender identity.</p>
Sexual misconduct	<p>All unwanted conduct of a sexual nature, including, but not limited to:</p> <ul style="list-style-type: none"> • Sexual harassment and unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010) • Assault and rape (as defined by the Sexual Offences Act 2003) • Physical unwanted sexual advances and intimidation, or promising resources or benefits in return for ‘sexual favours’ (as set out by Equality and Human Rights Commission’s (EHRC) in <i>Sexual harassment and the law: Guidance for employers</i>, 2017) • Distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015).

3. The Sectoral Context

3.1 Prevalence of harassment and sexual misconduct affecting students

There is a significant lack of consistent quantitative data available about harassment and sexual misconduct at both the individual HE provider and sector levels. More robust data is needed to help understand the nature and scale of the problem and the effects of these issues on students' outcomes, and to enable evaluation of the effectiveness and impact of interventions such as the statement of expectations at a sector wide and local level.

While there is no sector specific data on the impacts on students such as numbers of those who have dropped out of their studies as a direct result of being subjected to harassment or sexual misconduct (and further research is needed), various studies have suggested what the impact is on students:

*'[The impact] ... on any age, but especially young people is considerable. Studies suggest not only long-term damage to self-esteem, emotional health and wellbeing (Cowie and Myers, 2016), but also increased propensity to contemplate suicide or self-harm, develop an eating disorder and engage in substance abuse (Stenning, MitraKahn and Gunby, 2012). Evidence also suggests that experiences of violence can negatively impact students' academic attainment, as well as damage universities' institutional reputation and negatively affect student retention and recruitment.'*⁴

3.1.1 Sexual misconduct data

Sexual violence and misconduct at universities is an international problem in HE⁵. Sexual misconduct also appears to be more prevalent at universities and colleges as full-time students are more likely to experience sexual assault than those in any other occupational group in society.⁶ Although to date there has not been a harassment and sexual misconduct prevalence survey in the HE sector, the Office for National Statistics' (ONS) data on victim characteristics serves to illustrate the inflated level of risk for especially young women students of being subjected to sexual violence whilst in HE. Key points from the latest ONS analysis of data on sexual violence include the following:

- Young women especially those aged 16-24 are at some of the very highest levels of risk of being subjected to sexual violence.
- Full-time students are more likely to have been subjected to sexual violence than people in other occupation types.
- Adults of black or black British and mixed ethnicity are more likely to be subjected to sexual violence than those of white, Asian or 'other ethnicities'.
- Women with a disability are much more likely to be subjected to sexual violence than men with disabilities or women without disabilities.
- Among full-time women students, 12% are reported to have been subjected to sexual violence over a year.

⁴ Myers, C. et al. (2022). *Violence at University Project*.

⁵ Towl, G.J. and Walker, T. (2019). **Tackling Sexual Violence at Universities: An International Perspective**. Routledge, London.

⁶ Office for National Statistics (March 2021). *Sexual offences victim characteristics, England and Wales: year ending March 2020*. Analysis of characteristics of victims of sexual offences based on findings from the Crime Survey for England and Wales and police recorded crime. Available at:

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/sexualoffencesvictimcharacteristicsenglandandwales/march2020>.

3.1.2 Other forms of harassment data

Corresponding national data about the characteristics of victims of hate crime which could provide more information about prevalence among students is not available. More generally, recently published data shows that 155,841 hate crimes were recorded by police in England and Wales between March 2021 and March 2022, an increase of 26% on the previous year.⁷ This follows an upward trend in hate crime over recent years⁸. The majority of hate crimes were racially motivated (70% in 2021-22), followed by sexual orientation (17%), disability (9%), religion (6%), and transgender identity (3%). There were annual increases in all five strands of hate crime recorded, which ranged from 19% for race hate crimes to a 56% increase for transgender hate crimes, and these percentage increases were much higher than those seen in recent years.

Despite this data, and the efforts of national third-party reporting services (such as Stop Hate UK⁹) and local centres (some of which are located in universities and students' unions) to provide an alternative to the police reporting mechanism *'there is considerable evidence to confirm that hate crime is underreported in the UK'*. Moreover, there is a lack of join-up and third-party reporting centres have been limited by public awareness, capability, capacity and poor oversight difficulties.¹⁰

3.1.3 Prevalence rates of harassment and sexual misconduct in HE

Within the HE sector there is quite a lot of variance in the estimates of the number of students who have been subjected to harassment and sexual misconduct. This is perhaps for two reasons. First, different methodologies have been used, for example, with some very different sampling methods. Second, such surveys, whether with a focus on the institutional 'climate' or prevalence, tend to be on a relatively small scale, not all are published and *'knowledge sharing and expertise in this area remains at a relatively early stage'*¹¹. But what all have in common is, even on the most conservative estimates, rates are high.

Given what we know from national crime statistics, the likelihood is that there is a significantly greater problem in the HE sector than elsewhere in society for sexual misconduct. This has served to strengthen the resolve of the sector to address the problem, and there have been some significant strides forward in recent years in the UK HE sector in tackling sexual misconduct affecting students. However, there is no national level data or comparable local institutional data available to determine the scale of the problem, the impact on students or the effectiveness of interventions.

Even less is known about other forms of harassment and hate crime affecting students, and the intersections of these. Generally, the sector has focussed far less on tackling the other forms of harassment included within the scope of the statement of expectations than on sexual misconduct. Various national studies have now concluded

⁷ Home Office (Oct 2022). *Hate crime, England and Wales, 2021 to 2022*. Official Statistics. Available at: <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2021-to-2022/hate-crime-england-and-wales-2021-to-2022>.

⁸ It is unclear how much of the increase is a genuine rise in hate crime or as a result of recording improvements and an increase in victims' confidence in reporting crimes to police. There have also been spikes around the timing of key public events, such as the EU referendum and terrorist attacks.

⁹ See <https://www.stophateuk.org/>.

¹⁰ Wong, K. et al. (2019). *Reality versus rhetoric: Assessing the efficacy of third-party hate crime reporting centres*. *International Review of Victimology*. 21:1. Available at: <https://journals.sagepub.com/doi/full/10.1177/0269758019837798>.

¹¹ Bull, A., Duggan, M. and Livesy, L. (2022). *Researching Students' Experiences of Sexual and Gender-Based Violence and Harassment: Reflections and Recommendations from Surveys of Three UK HEIs*. *Social Sciences*. 2022, 11(8), 373. Available at: <https://www.mdpi.com/2076-0760/11/8/373/htm>.

(including this one, see section 4.8) that addressing these issues tends to be of lower priority and less progress is being made in the sector. As UUK's *Changing the Culture: Two Years On* study found in 2018: '*Evidence that other forms of harassment (including hate incidents) are being addressed is emerging, although this remains relatively underdeveloped.*'¹²

Research into hate crime victimisation by the Centre for Hate Studies at the University of Leicester conducted some time ago in 2012-14 did find that for 10% of survey respondents their most recent experience of hate crime had taken place in their school, college or university (and this was 15% for harassment).¹³ In 2019, the Equality and Human Rights Commission's (EHRC) inquiry into racial harassment in UK universities¹⁴ found similarly that there are significant issues. The enquiry concluded that racial harassment is a common experience for students and staff at universities, and that 13% of students had experienced racial harassment.

Another study (in 2019) at Durham University¹⁵ funded by the OfS, into religious and race hate found that around 27% of students and staff had been subjected to race or religious base hate incidents. Staff reported that most of their problems with racism occurred within departments rather than amongst the wider Durham community. Similarly, students were reported as being the most common perpetrators of racism towards other students. These are uncomfortable findings revealing the extent of the problem with racism in academic culture. Disabled students reported the very highest levels of victimisation. There was very little confidence in reporting procedures indicated by respondents in the study. The large sample of over 2,000 students and staff helps give confidence in the results.

Further research carried out in 2020 by the Centre for Hate Studies on harassment facing university students found that of the 565 participants in the study, 227 had experienced some form of harassment while a student at the University of Leicester. However, the study also found that just 28% of these students had reported their experience, and only 23% had accessed support. Barriers to doing so for students included a lack of confidence in the university's disclosure and reporting processes, expectations that they would not be taken seriously and a lack of awareness about options for reporting.¹⁶

Research for the Violence at University Project during 2020-21 explored identity-based violence and related behaviours. Respondents to a survey detailed 409 instances which '*demonstrated that both traditional bullying and cyberbullying were commonplace among the student population*' moreover that these were '*overwhelmingly linked to protected characteristics set out in the Equality Act (2010)*'. The highest reported characteristic was

¹² Universities UK (2019) *Changing the Culture: Two Years On*. Available at: <https://www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/changing-culture-two-years>. See also: Baird, H. et al. (2018). *Evaluation of Safeguarding Students Catalyst Fund Projects: Summative Report*. Advance HE. Available at: <https://www.officeforstudents.org.uk/publications/catalyst-fund-projects-evaluation/>. And Universities UK (2018). *Changing the Culture: One Year On*.

¹³ Chakraborti N., Garland, J. and Hardy, S. (2014). *The Leicester Hate Crime Project: Findings and conclusions*. Leicester: Centre for Hate Studies. Available at: <https://le.ac.uk/hate-studies/research/the-leicester-hate-crime-project/our-reports>.

¹⁴ Equality and Human Rights Commission (2019). *Tackling racial harassment: Universities challenged*. Available at: <https://www.equalityhumanrights.com/sites/default/files/tackling-racial-harassment-universities-challenged.pdf>.

¹⁵ Siddiqui, N. et al. (2019). *Religious and race hate experience survey: report findings*. Project Report. Durham University Office for Students. Available at: [29061.pdf \(dur.ac.uk\)](https://www.dur.ac.uk/office-for-students/reports/religious-and-race-hate-experience-survey-report-findings/).

¹⁶ Wertans, E. and Chakraborti, N. (2020). *A catalyst for change: Recognising and responding to students' experiences of harassment*. Leicester: Centre for Hate Studies. Available at: <https://le.ac.uk/-/media/uol/docs/research-centres/hate-studies/research-reports/a-catalyst-for-change-pdf.pdf>.

gender, followed by race, ethnicity, sexual orientation then disability, and there were complex intersections between these. Moreover, the majority of these instances had taken place online.¹⁷

Clearly further research and sector wide data is needed to better understand and inform efforts to address these issues. What seems clear is that work on racism and other forms of harassment seems much less well developed at HE providers than addressing sexual misconduct. Therefore, there may be some learning from progress made in the sector in tackling sexual misconduct for other areas associated with protected characteristics.

3.1.4 Reporting rates

One salient change over the past decade appears to be a gradual but marked increase in reporting of incidents in relation to sexual misconduct affecting students, though this is less so in reporting of other forms of harassment (see also section 5.5 below). It is important not to conflate reporting rates with prevalence rates. Such conflation is perhaps what lurks behind some senior leaders' concerns about encouraging more reporting and misperceptions about reputational harm that this may bring. Without reporting, HE providers cannot provide direct help to students who have been subjected to harassment or sexual misconduct – usually by other students. Also, an increasing 'new norm' of reporting may eventually serve to contribute to prevention acting as a deterrent to some would-be perpetrators. Increasingly the sector is well positioned to contribute to the wider knowledge base on what is known about perpetrators, which may also have impacts on tackling the problems with harassment and sexual violence elsewhere.

3.1.5 International approaches to determining prevalence

National surveys have been undertaken in the US, Australia and, most recently, Ireland too. A strength of the Australian work is that the foundational National Student Safety Survey¹⁸ was undertaken across the university sector in 2016 and repeated in 2021 on the scale and nature of university student experiences of sexual harassment and sexual assault. This allowed for a consideration of any changing patterns, which is important as it enabled the Australian HE sector and institutional leaders to evaluate the efficacy of any interventions put in place to aid prevention.

The Irish Higher Education Authority (HEA) conducted surveys¹⁹ of all student and staff experiences of sexual violence and sexual harassment in HE in 2021, which has provided a robust evidence base to inform further actions in this area. This has led to the recent launch of a holistic and multifaceted response plan²⁰ to address sexual violence and harassment in HE institutions comprising both national and local institutional interventions which are to be delivered by the end of 2024. Part of this response has included the allocation of funding for the appointment of a specialist member of staff to undertake work on addressing sexual violence at all the individual institutions. This new plan is in direct response to the recommendations that emerged from the national surveys of student and staff experiences. The developments also build on the 2019 national policy framework *Safe, Respectful, Supportive and Positive: Ending Sexual Violence and Harassment in Irish HEIs*, (known as the

¹⁷ Myers, C. et al. (2022). *Violence at University Project*. Available at

¹⁸ Details of the Australian survey and associated reports are available at: <https://www.universitiesaustralia.edu.au/project/respect-now-always/>.

¹⁹ Further information and access to the surveys and reports are available at: <https://hea.ie/2022/01/27/minister-harris-launches-reports-on-national-surveys-of-student-and-staff-experiences-of-sexual-violence-and-sexual-harassment-in-higher-education/>.

²⁰ Higher Education Authority. (Oct 2022). *Ending Sexual Violence and Harassment in Higher Education Institutions Implementation Plan 2022-2024*. Available at: https://hea.ie/assets/uploads/2021/04/HEA_ESVH_Implementation_Plan_FINAL.pdf.

‘Framework for Consent’) and accompanying institutional action plans. The HEA monitors the implementation of the framework and requires annual progress reports from HE institutions.

3.2 The legislative context

Generally, HE providers do not have the same statutory duty for safeguarding their students as that of colleges and schools, since most HE students are over 18 and considered adults. However, this same statutory duty does apply to HE providers in safeguarding minors on their campuses, for instance those attending outreach or recruitment activities, undertaking an apprenticeship or younger further education (FE) students 16 to 18 years of age (where this is applicable), and those who are classed as vulnerable adults. In these cases, HE providers are subject to the statutory guidance and *Keeping Children Safe in Education*²¹ as well as Ofsted requirements to ensure effective procedures for safeguarding are in place. This is particularly relevant for FE colleges which are registered with OfS as providers of HE, but which tend to have smaller numbers of HE students than FE students.

Within the context of harassment and sexual misconduct, HE providers also have safeguarding duties stemming from the Equality Act 2010, and specifically from the Public Sector Equality Duty (sub-section 149). The latter requires that public authorities, or those who exercise public functions, ‘... must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.’

In addition, providers need to be aware of statutory obligations such as those in the context of the Human Rights Act 1998 and European Convention on Human Rights, as well as contract law, and the Health and Safety at Work Act, 1974 which places a general duty on HE providers to ensure that students are not thereby exposed to risks to their health or safety. Additionally, the Data Protection Act 2018/UK GDPR stipulates that decisions about processing and disclosing personal data should be considered on a case-by-case basis. Also, natural justice requirements mean that ‘providers should implement their student and staff policies and procedures and make decisions in a manner that is fair, lawful, reasonable, consistent, prompt, impartial and proportionate.’²²

3.3 Key developments driving changes in the HE policy landscape

3.3.1 Student led change

Student activism has led the narrative in relation to the elimination of harassment and sexual misconduct in HE through the National Unions of Students (NUS)²³ especially from 2010 onwards with the *Hidden Marks* report.

²¹ Department for Education (Updated 2022). *Keeping Children Safe in Education*. Available at: <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>.

²² Eversheds Sutherland (2022). *Legal Briefing: Staff to student sexual misconduct*. Available at: <https://www.universitiesuk.ac.uk/sites/default/files/field/downloads/2022-09/uuk-eversheds-sutherland-staff-to-student-sexual-misconduct-legal-briefing.pdf>.²³ NUS (2010). *Hidden Marks: A study of women students’ experiences of harassment, stalking, violence and sexual assault*. Available at: <https://www.nusconnect.org.uk/liberation/women-students/tackling-lad-culture/about/project-time-line#:~:text=Hidden%20Marks%20is%20the%20first,their%20time%20as%20a%20student>.

²³ NUS (2010). *Hidden Marks: A study of women students’ experiences of harassment, stalking, violence and sexual assault*. Available at: <https://www.nusconnect.org.uk/liberation/women-students/tackling-lad-culture/about/project-time->

Indeed, it is a characteristic of the sector that the calls for change have been through student activist leaders and not university executive leaders.²⁴ The response of the sector appears in large part to have been a gradual response to women students' and campaign groups' demands for change²⁵, set within the broader context of #MeToo and #TimesUp. Given that more than half of HE students are women, the pressure for change has grown.

Since 2015, multiple policy and evaluation studies, reports, guidance, initiatives, research, conferences, events and awareness raising campaigns have followed, keeping these issues on the HE sector's agenda. However, these have not driven the level of consistent change which might have been expected a decade ago. There has been:

*'...incremental but slow and limited change at a policy level to tackle the problem. One of the main issues has been that policy change for universities has come in the form of guidance and recommendations enabling a piecemeal and inconsistent response, rather than requiring any form of compliance.'*²⁶

A summary of some of the main initiatives and policy interventions is given below.

3.3.2 Universities UK's guidance

The role of Universities UK (UUK) has been instrumental, and it has contributed extensively to practice and developments through convening collaborative projects and publication of various reports and guidance for the HE sector, which are available freely including to non-members. Key UUK publications are *Changing the Culture*²⁷, a strategic framework to support universities in addressing and responding to harassment between students, and Pinsent Masons' guidance on *How to handle alleged student misconduct*²⁸ which may also constitute a criminal offence, both published in 2016. UUK emphasised that *Changing the Culture* marked a step on a longer journey of how the HE sector addresses student sexual misconduct. It also highlighted the need for further research and action to address hate incidents and crime and other forms of harassment, including staff to student misconduct.

Progress reports one and two years on from *Changing the Culture* and other key practice guidance published since has covered a number of aspects of harassment and sexual misconduct: staff to student misconduct; racial harassment; Islamophobia and anti-Muslim hatred; antisemitic racial harassment; domestic abuse; and sharing personal data in harassment cases.²⁹ Further work is planned by UUK during the 2022/23 academic year, notably on adding to the existing Pinsent Masons' guidance on handling alleged student misconduct which may also constitute a criminal offence.

[line#:~:text=Hidden%20Marks%20is%20the%20first,their%20time%20as%20a%20student.](#)

²⁴ Blake, S. and Dickinson, J. (2022). *The contribution of student leaders to tackling gender-based violence on campus.*

Stopping Gender-Based Violence in Higher Education: Policy, Practice and Partnerships. Routledge, London.

²⁵ Examples among many others include Everyone's Invited, Our Streets Now and Not On My Campus.

²⁶ Fenton, F. and Keliher, J. (2022). *The legal framework: Limitations and opportunities.* **Stopping Gender-Based Violence in Higher Education: Policy, Practice and Partnerships.** Routledge, London.

²⁷ Universities UK (2016). *Changing the Culture.* Available at: <https://www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/changing-culture>.

²⁸ Universities UK (2016). *How to handle alleged student misconduct which may also constitute a criminal offence.* Available at: <https://www.universitiesuk.ac.uk/sites/default/files/field/downloads/2021-07/uuk-cu-first-disclosures-briefing-note.pdf>.

²⁹ Universities UK (2022). *Changing the culture: sharing personal data in harassment cases.* Available at: <https://www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/changing-culture-sharing-personal-data>.

See also details of Universities UK's work in this area, available at: <https://www.universitiesuk.ac.uk/topics/equality-diversity-and-inclusion/changing-culture-our-work-tackling>.

3.3.3 OfS' interventions

For its part, the OfS injected £4.7 million of Catalyst programme funding between 2017 and 2020 to support 119 projects across the sector designed to support effective practice in addressing sexual violence, hate crime and online harassment affecting students. The independent evaluation of this initiative concluded in mid-2019 that while the scale of the programme particularly had led to a positive impact on the sector, the level of '*...variations in practice provide support for arguments in favour of further impetus for change being needed, given that many providers are yet to make significant progress – or where they have, it may be tailing off*'. The report suggested that a framework of '*minimum safeguarding practice*' should be disseminated across the sector to help drive a step change in addressing student safeguarding issues. However, that progress should be monitored, and further strategic sector level changes may be needed in future, potentially including firmer regulation.³⁰

In early 2020, OfS announced a consultation on the draft statement of expectations for HE providers and published the final version in April 2021. The statement was designed to assist providers in the development and implementation of effective systems, policies and processes to prevent and respond to incidents of harassment in all its forms and sexual misconduct that affect HE students. The statement of expectations outlines practical steps the regulator expects HE providers to take, but it does not currently constitute a regulatory requirement and is not connected to the OfS' conditions of registration. However, OfS advised in 2021 that it would consider options for connecting the statement directly to the conditions of registration, and intervention and enforcement powers in the future.

3.3.4 Other key initiatives

Another key change for the sector in this area has been the publication of the Office of the Independent Adjudicator's (OIA) *Good Practice Framework*³¹, which includes broad guidance for HE providers in designing non-academic disciplinary procedures and in handling individual cases. The OIA states that it is up to individual providers to decide what types of behaviour constitute non-academic misconduct. However, the OIA does provide a number of examples including sexual misconduct and violence, harassment and hate crimes.

There is also a broader Home Office strategy for tackling violence against women and girls strategy in England (published in 2021)³², which sets out the actions the Government will take to increase support for survivors, bring perpetrators to justice, and, ultimately, reduce the prevalence of violence against women and girls. In relation to HE, the strategy indicates that the Department for Education will work with the OfS to tackle sexual harassment and abuse, as well as limiting the use of Non-Disclosure Agreements (NDAs) in cases of sexual harassment in HE.

Currently, a sub-committee of the parliamentary Women and Equalities Select Committee is undertaking an inquiry into attitudes towards women and girls in educational settings, which is scrutinising how attitudes in educational settings, from early years to university, affect women and girls throughout their lives.³³

³⁰ Baird, H. et al. (2018). *Evaluation of Safeguarding Students Catalyst Fund Projects: Summative Report*. Advance HE. Available at: <https://www.officeforstudents.org.uk/publications/catalyst-fund-projects-evaluation/>.

³¹ Office of the Independent Adjudicator (2018). *Good Practice Framework*. Available at: <https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/disciplinary-procedures/part-b-non-academic-disciplinary-procedures/>.

³² Home Office. (July 2021). *Tackling violence against women and girls strategy*. Available at: <https://www.gov.uk/government/publications/tackling-violence-against-women-and-girls-strategy>.

³³ See <https://committees.parliament.uk/work/6738/attitudes-towards-women-and-girls-in-educational-settings/>.

3.4 Approaches in Scotland and Wales

Higher education is devolved to the Scottish and Welsh governments and very different strategic, funding and policy contexts apply to that in the English HE sector. This includes in how the respective HE policymakers and institutions in each country are seeking to tackle harassment and sexual misconduct.

In Wales, the Higher Education Funding Council for Wales (HEFCW) published guidance for HE institutions on tackling domestic abuse and sexual violence (VAWDASV) in HE along with case studies to share practice in 2020.³⁴ This was in response to the Welsh Government's strategy and plan to deliver commitments underpinning the *Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act (2015)*. The policy context in Wales is also informed by the Welsh Government's action plans on: Anti-racist Wales, Advancing Gender Equality, and an LGBTQ+ plan (not yet published).³⁵ HEFCW has also published guidance for HE institutions on race equality in HE in 2022³⁶, and provides annual funding for race equality and well-being and health, including mental health. Additionally, HEFCW has recently asked institutions to report on how they have responded to the EHRC's report on racism in HE as part of ongoing monitoring and to include in their Student Charters their commitment to equality and diversity. All Welsh HE institutions are members of the Advance HE Race Equality Charter³⁷.

A notable difference in the policy direction in Wales to that in the English sector is the separation of strategic approaches to tackling sexual violence against women from all the other forms of identity-based violence relating to protected characteristics, including race – whereas the statement of expectations combines these under the umbrella term of harassment and sexual misconduct. In Wales, there is a more prescriptive approach for HE institutions to tackle these issues, which is grounded in broader legislation and remit letters from Welsh Government, and which is encouraged through HEFCW guidance and monitoring.

Similarly in Scotland, a different and more coordinated approach has been taken to tackling violence against women stemming from the Scottish Government's Equally Safe Strategy and Delivery Plan³⁸ for preventing and eradicating violence against women and girls, which informs organisations across the public sector, including HE. This work includes the development in 2018 of the *Equally Safe in Higher Education Strategy* and a related Toolkit for tackling all gender-based violence on campus. Implementation of the Toolkit also involves working in partnership with specialist violence against women organisations.³⁹

Current work across the sector is led by Equally Safe in Colleges and Universities Core Leadership Group⁴⁰, the aims of which include ensuring the development and effective delivery of the Equally Safe in Colleges and Universities strategy and annual work plans and the evaluation and reporting of these. The Scottish Funding Council also requires institutions to report on equality and diversity more generally in their outcome agreements.

³⁴ HEFCW. (2020). *W20/39HE: Tackling violence against women, domestic abuse and sexual violence in HE*. Available at: <https://www.hefcw.ac.uk/en/publications/circulars/w20-39he-tackling-violence-against-women-domestic-abuse-and-sexual-violence-in-he/>.

³⁵ For details of the Welsh Government's equality plans see <https://gov.wales/equality-planning-strategy>.

³⁶ HEFCW. (2022). *W22/25HE: Race equality in higher education and 2022/23 allocations and 2021/22 monitoring*. Available at: <https://www.hefcw.ac.uk/en/publications/circulars/w22-25he-race-equality-in-higher-education-and-2022-23-allocations-and-2021-22-monitoring/>.

³⁷ See <https://www.advance-he.ac.uk/equality-charters/race-equality-charter>.

³⁸ Scottish Government. (2017). *Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls*. See also subsequent Delivery Plans and Progress Reports.

³⁹ McCarry. M et al. (2022). *The significance of culture. Stopping Gender-Based Violence in Higher Education: Policy, Practice and Partnerships*. Routledge, London.

⁴⁰ For details see: <https://www.gov.scot/groups/equally-safe-in-colleges-and-universities-core-leadership-group/>.

A further recent development is the creation of a gender-based violence Charter⁴¹ by the charity EmilyTest, which is supported by the Scottish Government. The Charter is a flexible framework, based on evidence, student and survivor voices and co-creation with staff, to help institutions start or improve their work in tackling gender-based violence. It aims '*...to establish minimum standards and excellence in gender-based violence prevention, intervention, and support*' and to '*further embed the aims of Equally Safe into the fabric of university and college life*'. Seven HE and FE institutions have applied to the Charter in its first phase this academic year.

⁴¹ For further information see: <http://emilytest.co.uk/gbvcharter/>.

4. Statement of Expectations – Overall Findings and Recommendations

4.1 Expected outcomes from the statement of expectations

As outlined in Section 2.3, indications that the intended outcomes of the statement of expectations are being achieved and that students are now better protected from harassment and sexual misconduct, would include evidence that more HE providers:

- Seem to be embedding a 'whole organisation approach' to tackling harassment and sexual misconduct
- Have governing bodies which seem to oversee harassment and sexual misconduct approaches
- Report engaging students in developing and evaluating harassment and sexual misconduct approaches
- Report having adequate and effective student and staff training in place
- Report having adequate and effective disclosure and reporting policies and procedures in place
- Report having fair, clear and accessible approaches to taking action in response to disclosure and report
- Appear to offer appropriate and effective support for students involved in disciplinary procedures.

The approach taken for the evaluation is set out in detail in Appendix B. In summary, research and analysis for the evaluation has considered what progress is being made across the sector against these outcomes, i.e., the extent to which these outcomes are in place (or are emerging) across the HE sector, the contribution of the statement of expectations to this, and what further change may be needed.

Overall findings from the evaluation are discussed in this section, along with the case for and recommendations for change. Section 5 considers each of the seven individual themes of the statement in detail and sets out key findings on these and makes additional recommendations. Detailed findings from the HE provider survey are available in a separate report from the evaluation⁴², and Appendices C and D contain additional qualitative findings from interviews, focus groups, roundtable discussions and case study research.

4.2 Initial impact of the statement of expectations

Overall findings from the evaluation suggest that the statement's initial impact has been in maintaining momentum in the sector, particularly by increasing attention on this topic within HE providers at more senior leadership and governing body levels. *'People are aware of the statement because it has come from the sector regulator'*. However, this is not the case across all the HE providers consulted with through the evaluation. A critical success factor in tackling these issues is the level of prioritisation accorded at senior leadership level within institutions. This varies across HE providers, is often led by an individual championing these issues, and this can change if the individual leader moves on. Prioritisation at leadership level is a determining factor in whether the recommendations and practices contained within the statement have been adopted within a provider, since compliance with it is not currently mandatory.

Views across and within all the different stakeholder groups were mixed about the initial impact of the statement of expectations and what further changes are needed in the sector to more effectively tackle harassment and sexual misconduct affecting students. Generally, the statement of expectations has helped raise awareness and

⁴² Baird, H. et al. (August 2022). *Evaluation Report: Findings from a survey of higher education providers*. SUMS Consulting Report to the Office for Students.

been a continuum of the work started with the 2016 UUK *Changing the Culture* framework (see section 3.3), and it has also stimulated renewed discussions within and between providers. Much of this has been because of the statement and this topic being included as part of the agenda for sector body and professional organisations' events and discussions over the past two years. This has been alongside the continuing work of UUK and new guidance developed and promoted over the same period.

The survey of HE providers for the evaluation found that the statement was reported as having influenced 84% of respondents' approaches for preventing and responding to harassment and sexual misconduct to some extent over the past two years, albeit in different ways. For many the statement has helped in reviewing and enhancing existing approaches (over half of respondents described the effect as providing the opportunity or impetus to review their approach when the statement was published), but for others there has been little to no impact. This may well reflect existing differences in resources available (especially for small providers) and prioritisation to support this area, and/or how developed providers' systems, policies and processes were for preventing and responding to harassment and sexual misconduct prior to the issue of the statement, and therefore how has it been used by different parts of the sector.

Findings from the research with other groups of consultees, including staff and students on the 'frontline', as well as student representatives, campaigners, practitioners, and academic experts, were generally less positive about progress being made overall in tackling harassment and sexual misconduct and the impact of the statement on the sector. There is general consensus amongst the different stakeholder groups that the statement has had some impact in bringing about changes in the sector, but that the right people have to be in place to prioritise these issues and bring about cultural and sector change.

Moreover, awareness about the statement of expectations among students and student representatives was mixed, but mostly low. Some student representatives indicated that they would have felt '*more empowered*' to challenge their providers to enhance their approaches if they had known about it '*knowing they had the backing of the OfS*'. Additionally, many consultees expressed scepticism about the likely effect of the statement of expectations since it is '*just a statement*' and providers' adherence to it is not being monitored.

'It [the statement of expectations] is a positive step forward and has shone a light on this issue as OfS is so well-placed, but students and even other activists are not aware of it. It should be part of regulation and monitored to increase accountability and transparency.'

4.3 Ongoing variation in the sector

In common with multiple previous studies and reviews undertaken in recent years (see section 3.3), the overall findings from the evaluation are that progress in tackling harassment and sexual misconduct continues to be inconsistent across HE providers, and there remains substantial variation across the sector, as there has been for many years. There are clear variations and levels of strategic maturity evident in approaches among different providers, and in the consistency of approaches and level of prioritisation being accorded to tackling harassment and sexual misconduct effectively. For instance, the provider survey results suggest there are clear gaps in training provision and limited mandatory training, and that only 60% of providers have fully implemented the Pinsent Masons guidance on when misconduct may also constitute a criminal offence.

Additionally, FE college providers (and HE institutions offering degree apprenticeships) have specific regulatory requirements and must meet statutory safeguarding requirements for their under-18 students, so they have had to consider the statement alongside these responsibilities. There are added challenges for smaller (including

independent) HE providers in their ability to put in place appropriate procedures and support, given their limited size and resources.

Some institutional leaders appear to be able to make a more persuasive case than others in relation to claims about *'taking harassment and sexual misconduct very seriously'*. For example, only just over half of universities in the UK appear to have signed up to declining to use of Non-Disclosure Agreements (NDAs) in cases of sexual misconduct, bullying, and other forms of harassment.⁴³ Therefore, this and other examples of variability in policy and practice continues to be a challenge for the HE sector in general and for the OfS as the regulator.

Many consultees also highlighted the abiding and overriding concerns among many providers to avoid potential external negative attention and reputational damage if they talk publicly about issues of harassment and sexual misconduct. Therefore, even where appropriate policies, systems and processes are in place, this is not always being matched by a willingness to be transparent and proactively encourage students to report incidents through awareness raising campaigns and information sharing, in particular relating to outcomes of disclosures, reports and disciplinary proceedings. Generally, students consider that more transparency is needed, with public statements acknowledging that issues of harassment and sexual misconduct exist on campuses, that this is not tolerated and that an increase in reports is desirable and a positive indication of change.

The key 'take away' message in terms of developments in tackling the HE sector's problem with sexual misconduct as with other areas of harassment affecting students is that the position and progress being made is highly variable across HE providers, with some examples of excellent practice (including that set out in some of the illustrative case studies at Appendix D), but also some very poor practice which could be improved significantly. And it is such variability which perhaps speaks most loudly to the need for further interventions to drive change, including for greater regulation, which is a key conclusion from this evaluation study.

4.4 Effectiveness of approaches

Generally, consultees viewed HE providers as beginning to take these issues seriously and as likely to respond to student-to-student harassment and sexual misconduct reports. However, the effectiveness of providers' approaches is also highly variable, and this is another key finding in this report. Reporting students' outcomes and experiences of investigatory and disciplinary processes once they make a report or a formal complaint is inconsistent and generally felt to be poor and not of the professional standard that a student reporting party may reasonably anticipate.

Moreover, very little evaluation and monitoring is being undertaken to consider this.

'In terms of going through the process it can sometimes just add massively to the trauma [for the student], even if they do tell you that there are people there to support you. And I think it's because of how the processes are adapted to fit different types of people with disabilities or the way that you have to actually come into report, or how you can access reporting I think it's very rigid. And doesn't really allow for people that have different characteristics like neurodivergences. It's built around a certain type of person, so I think the system is a bit too rigid and doesn't really adapt to different types of students and then alienates a huge number of students that probably do need support, and I also think there isn't much work done to make these services as accessible ... There isn't like a diversity of staff, for example, or it's just

⁴³ Signing the pledge commits HE providers to not using legally binding NDAs against students and staff who come forward to report abuse, amidst fears victims are being pressured into signing agreements which stop them from speaking out and protect the reputations of perpetrators. See also <https://www.gov.uk/government/news/universities-pledge-to-end-use-of-non-disclosure-agreements>.

there's not much done to make the services friendly to people on what is quite a traumatic thing to do so, I think, maybe because universities are still sort of catching up on having the services they have not gone that far, but I think a lot more needs to be done.'

'I think that the university needs to manage the expectations of what the report would achieve, because students have come to me, ... and said to me I wish I had never reported it, which defeats the whole reason to report and the university does, I think, in ways say oh, you know you can just go and get support but it's better if you do report because we can do something, and if you report not anonymously, then we can resolve to make changes. And I think that's quite dangerous because it's even though it [the processes] can get really messy and I've been told it's really hard to know what the outcome of a complaint might be, you might have to go to disciplinary hearings and there might not be student representation.'

'Maybe it is just my institution but sometimes these things have been rushed through and it's brilliant on paper [the policy], it looks absolutely fantastic and then everything that needs to be in place behind that is forgotten. So, for example we mention in our policy that will have trained investigators and that there will be trained support staff and things like that. Now I'm one of the support staff and I certainly haven't received any training, so I think sometimes it's kind of rushed through to get out there and to put it in place, but actually what needs to happen in the background is actually forgotten. I think it's really important to have properly trained investigators and a proper infrastructure in place, so that is not just down to one individual that makes the decision on disclosures, reports and disciplinary actions. To make sure that there's actually a board and someone overseeing that to ensure that each case is reviewed and that everything that happens is consistent with other complaints. But it also ensures that that information is passed back to the victim so that they are kept in touch with what is happening with the procedure.'

'There's also a perception from victims that while responding students who've been reported can receive legal representation, the reporting student is not permitted to, or they don't have that same ability themselves to receive legal representation or funding when it comes to a disciplinary committee.'

'One thing that I'm really keen to get ironed out urgently is the process around risk assessments and making sure that it's holistic that it covers safety and wellbeing, as well as access to education, of all parties that are involved. I think up to this point there is more of an emphasis on assessing risk around the responding parties' access to education, then there is an understanding of how the person making the report is going through the process.... and even the process of making a report can affect the safety and wellbeing and access to education.'

Participants in the research from among students and practitioners working on the ground felt that providers' responses are not yet good enough and can be a barrier to reporting, which may be conveyed across provider communities informally. Reporting and disciplinary procedures are considered to be overly bureaucratic, lengthy and emotionally draining, which may also inhibit reporting. There are also particular issues for marginalised groups and for students at smaller providers, where making disclosures and reports can be challenging. As one student campaigner put it: *'There are low levels of trust particularly among students from marginalised communities who are less likely to report'*. Students want more clarity about what happens when a case is investigated and reaches a disciplinary hearing and access to case studies to illustrate what might happen.

'...if there could be more transparency around the processes before a student even thinks about making the report. If there was just a clear webpage, for example, something that our students could see that all this is what will happen when I report. I also think it should highlight what the consequences could be. When we rewrote the policy around sexual violence, they [the provider] are still refusing to add in a section around consequences because they said that it will differ. But students need examples of what a

consequence could be and then tell a student that it will depend on the actual situation. Because I think you're leading that student into a false sense of security thinking this person that's done this awful thing to me, is going to get kicked out, whereas in reality the University may just say they need to move to a different accommodation block or something and they'll still be on the campus.'

Addressing harassment and sexual misconduct in the sector is very much still 'work in progress' with what seems to be quite a range of where providers are in terms of approaches being in place or implemented. Some providers seem to be at the start of the journey and are just developing policies and reporting processes, while others are at a stage where approaches are beginning to be embedded across the organisation and benefits appear to be being realised, such as seeing increasing reporting rates among students, indicating greater trust in their providers.

A key determinant of whether many individual HE providers are prioritising this area still appears to be whether there is senior leadership engagement and particularly a championing role being taken by one or more members of the leadership team. Moreover, while there are many exceptions and lots of evidence of good practice and professionalisation across the sector, often, progress in tackling harassment and sexual misconduct remains dependent on staff at different levels of the organisation and students' unions and students pushing this area forward, often accepting the '*emotional labour and burden*' that comes with it. '*This kind of work is always left to certain people to pick up*' and '*a lot of this only happens with a many staff and students' goodwill.*'

Another common theme which came up frequently through the research with providers is that despite all the guidance and learning over the past six years and progressive professionalisation of staff working in this area, there remains a lack of knowledge on *how* to implement both prevention and response approaches effectively. The sector is still learning as it goes along through trial and error and is still '*years behind the statutory sector*'. Many consultees pointed to the need for help through facilitating best practice sharing and providing more clarity around what's expected in each of the areas concerned.

Prevention of harassment and sexual misconduct came up as a key area for providers, where there are barriers to progress being made and more research, guidance and good practice sharing is needed about '*upstream activities that work*'. Additionally, there is a lack of standardisation across the sector in the action providers take in response to misconduct once a complaint is made by a student. This includes in their approaches to investigations, disciplinary processes, outcomes and sanctions for non-compliance used as well as information sharing.

There are further challenges for smaller (including independent) providers in their ability to put in place appropriate procedures and support, given their limited size and resources. Students at smaller providers also highlighted the small communities where '*everyone knows one another*', both staff and students, making reporting and disclosing and providing support to both parties potentially even more challenging. There are some examples of providers beginning to take a collaborative approach to supporting each other's reporting and response processes for these reasons.

4.5 The case for further strategic change

4.5.1 Regulation

Our overall assessment is that the statement of expectations has been a useful intervention in contributing to maintaining focus on issues of harassment and sexual misconduct in the sector and that some further progress has been made since its publication. The statement sets a baseline for the policies, systems and processes needed

by all providers to tackle this area, and there is evidence of continuing change in the sector, for instance in it becoming easier for incidents to be reported at more providers and in better support being offered to students affected. The statement of expectations has made a positive contribution to this in some but not all HE providers.

However, there is a recognition of the limitations of policies, processes and systems and the need for more sharing of good practice, effective implementation, strategic leadership and prioritisation of these issues, and a focus on examining 'what works?' to improve students' experiences and outcomes. The latter have not improved correspondingly according to many of the consultees to this review, and the underlying issue of harassment and sexual misconduct affecting students is often not being addressed.

Further, the statement of expectations is seen by some providers as a 'one-off intervention' rather than an ongoing requirement, and therefore it will be difficult to create more leverage in the longer term without further change. They assumed that the initial review of their approaches against its recommendations was all that was required, since the format lends itself to use in this way. Therefore, without further change there is the potential for further progress being made in the HE sector to tail off. Moreover, there is widespread scepticism among many of the consultees about the likely effect of the statement of expectations since providers' adherence to it is not being monitored by OfS as it is not part of the current regulatory framework.

Therefore, we suggest that the statement of expectations has not been a sufficient catalyst for change in its current form and that there is a need for the OfS to consider making prevention and response to harassment and sexual harassment a mandatory duty and part of its regulatory framework. Detailed good practice guidance is needed to accompany the regulation.

Moreover, we also recommend that the OfS' approach to regulation of this area should include more of a focus on output and outcomes measures in providers' approaches (to consider if these are working), as well as on determining that the inputs and processes are in place. This will require more detailed consideration but might involve looking at the outcomes of reports and disciplinary proceedings, as well as specific metrics such as the conversion of reports to investigations, the proportion of students who disclose a sexual assault who are signposted to the local Sexual Assault Referral Centre (SARC) or similar organisation, how much anonymised information is being shared with the provider community, and the proportion of reports in relation to prevalence of harassment and sexual misconduct.

However, there is unlikely to be a single intervention or initiative that is a 'silver bullet' that will solve all the issues summarised above. Change needs to be multi-layered and therefore we have made additional recommendations for the OfS, for the sector generally and individual HE providers. See section 4.11 below and section 5 (all the recommendations are collated at Appendix A).

4.5.2 Addressing data and knowledge gaps

As discussed in section 3.1, there is a significant lack of national level data or comparable local institutional data available that can be used to determine the scale of the problem, evaluate the impact on students or assess the effectiveness of interventions to tackle harassment and sexual misconduct. Further research and sector wide prevalence and reporting data are needed to provide a powerful evaluation tool and provide a baseline and effective evidence base for impact of interventions to be measured.

Furthermore, there is no requirement for providers to collect systematic data on prevalence of harassment and sexual misconduct or on reports and disclosures, nor is this done at sector level. Without good data (see also section 3.1) to create a baseline and an evidence base there is no way for individual providers, the regulator and

other sector bodies to monitor the effectiveness of specific interventions at sector or local level and establish impact of these and understand 'what works?'

In line with approaches taken in Australia, the US and Ireland, the OfS should conduct a national survey of student experiences of initially sexual misconduct in HE, and later other forms of harassment. The aims of the survey should be to provide a robust evidence base to inform further actions in this area at national and institutional level and particularly to inform firmer regulation of providers.

To be most effective, we suggest that prevalence surveys should be narrowly focussed but involve the whole population of HE providers, rather than be undertaken on a sample basis. A short survey with a small number of questions should be used and also repeated over time, perhaps every three years. This will be essential for OfS as a regulatory tool and for individual providers to be able to monitor their own progress being made. Specifically, the purpose of the survey should be as follows:

- To establish accurate prevalence levels of sexual misconduct (including for those with protected characteristics), for each individual provider.
- To have an evaluation tool to check progress in decreasing prevalence levels.
- To have a monitoring tool to check the ratio of reporting to prevalence rates.
- To have an evidence base and evaluation tool to be able to track progress and the impact of interventions over time.
- To inform what level of (institutional) financial investment is needed to address the prevalence levels.

Additionally (and as discussed below), further research is needed to better understand all the other forms of harassment and hate crime affecting students motivated by one or more of the protected characteristics. This may also include a prevalence survey or surveys, but this should be undertaken separately from the survey of the prevalence of sexual misconduct affecting students, to avoid conflating these issues as discussed below.

4.5.3 Addressing other forms of harassment and hate crime

Successive reports and studies have concluded that over recent years there is now less tolerance for sexual misconduct in the HE sector, noting that this remains dependent on providers' choice of prioritisation of this work. However, similar action to address hate crime and harassment continues to have a lower profile and priority status and less progress is being made (see also section 3.1.2 above). No HE providers which took part in the research stood out as taking a genuinely holistic understanding of tackling harassment and violence.

There was a clear sense from the consultation that many providers have developed or are now in the process of developing policies, systems and processes that cover and enable reporting of all forms of harassment and sexual misconduct. However, focus on prevention, including training and awareness-raising about the issues and need for reporting, has been mainly in relation to sexual misconduct and not more broadly to all the other forms of harassment. Moreover, as discussed in section 3.1.3 above, addressing issues of other forms of harassment tends to be of lower priority and less progress is being made in the sector than on tackling sexual misconduct.

This is supported with findings from the survey (see section 5.5) that while in over half of responding providers the volume of reports of sexual misconduct has increased over the past two years, volumes have stayed about the same for other forms of harassment. This may suggest that students are becoming more confident in coming forward to report sexual misconduct but are less so about other forms of harassment, where work to tackle these areas appears less well developed within providers.

There may be other factors influencing reporting, as many providers' reporting tools and policies cover all forms of harassment, but the missing link may be students' understanding of what constitutes other forms of harassment, and the importance and/or relevance of reporting this to the provider. This came through in interviews and focus groups with student representatives and campaign groups. Reports from various previous studies have called for more research to be undertaken to better understand the nature of other forms of harassment and hate crime affecting students and 'what works?' in seeking to prevent and respond to this, and to increase its priority relative to that of sexual misconduct.⁴⁴

Therefore, we suggest that a different approach may be needed at sectoral level to separate out these issues in terms of the policy response and in communications about them with the HE sector in future guidance, including a revised statement of expectations. The phrase '*harassment and sexual misconduct*' as shorthand to indicate the types of behaviours within scope of the statement of expectations is not clear enough and should also be reconsidered. Specific research is also needed to investigate these issues in more detail.

4.5.4 Developing the statement of expectations

The scope of the statement of expectations is broad but it does not go into sufficient depth in a number of areas, and has been described both in the literature and by many of the consultees to the evaluation as having various omissions, and that '*the language is vague and open to interpretation and open to the view of the university constructing it.*'⁴⁵ There are gaps in addressing the full scope of the recommendations set out in the statement, as most HE providers have focused their attention only on student-to-student sexual misconduct on campus.

Therefore, we suggest that the OfS reviews the statement of expectations in detail as it considers its approach to future regulation, considers how best to revise it and creates good practice guidance to accompany it to better inform the sector. This need for facilitating and sharing good practice guidance came up repeatedly in interview and group discussions and in the survey. Many providers said they would welcome facilitated partnerships with other HE institutions and specialist third party groups including a cross university network for sharing best practice and learning opportunities. Generally, there has been far less emphasis and insufficient focus on addressing the following aspects shown in the figure below.

Figure 3 Aspects to be developed in revised statement of expectations

Theme	Further developments
Accountability	<ul style="list-style-type: none"> Executive level responsibility and accountability for decision-making for tackling harassment and sexual misconduct must be held with senior leadership teams for this work to be prioritised.
Focus on outcomes and publication of data	<ul style="list-style-type: none"> The statement should include more of a focus on output and outcomes measures in providers' approaches (to consider if these are working), as well as on determining that the inputs and processes are in place Also, data on reports and outcomes should be collected and published anonymously at provider level.

⁴⁴ See: Baird, H. et al. (2018). *Evaluation of Safeguarding Students Catalyst Fund Projects: Summative Report*. Advance HE.; Wertans, E. and Chakraborti, N. (2020). *A catalyst for change: Recognising and responding to students' experiences of harassment*. Leicester: Centre for Hate Studies.; and Myers, C. et al. (2022). *Violence at University Project*.

⁴⁵ Fenton, F. and Keliher, J. (2022). *The legal framework: Limitations and opportunities*. **Stopping Gender-Based Violence in Higher Education: Policy, Practice and Partnerships**. Routledge, London.

Theme	Further developments
Mandatory training	<ul style="list-style-type: none"> Specialist training should be mandatory at all HE providers for staff handling disclosures, for those undertaking investigations and for disciplinary panel members, including to ensure that a ‘trauma-informed’ approach is taken.
Research on ‘what works?’ in student training	<ul style="list-style-type: none"> Good practice guidance on prevention training for students on awareness, consent and bystander intervention should be collated and disseminated. Further research is also needed to establish ‘what works?’ in student training (at present there is extensive variation in approaches taken across HE providers).
Staff to student harassment and sexual misconduct	<ul style="list-style-type: none"> Tackling staff to student harassment and sexual misconduct should be covered in more detail, taking account of the arguably conservative approach taken in UUK’s recent extensive and helpful guidance. Many HE providers report that approaches to both responding to disclosures of harassment and sexual misconduct, and the support that students receive, can vary depending on whether this is staff to student or student to student misconduct, and there is widespread awareness of this issue. There is some emerging good practice of developing more integrated policy frameworks to align expectations for both staff and student conduct. This can be dependent on the relationship between student services and HR departments.
Tackling online misconduct	<ul style="list-style-type: none"> More detailed guidance is needed for providers to understand the problem and how to respond to it. The statement of expectations should make it much more apparent that it includes digital harassment and sexual misconduct, as well as on campus. Some student groups highlighted that harassment and hate incidents may be much more visible and public now than in the past as a lot of this is online.
Clarity over jurisdiction	<ul style="list-style-type: none"> Tackling the need to ensure students are protected from harassment and sexual misconduct however and wherever they may be studying (such as at partner providers and on overseas or work placements) more detailed guidance is needed for providers to understand the problem and how to respond to it. This is also the case where students come from two different institutions and there is a need to consider which processes are used. Some providers only investigate reports of harassment and sexual misconduct which took place on their campus, others look at near to the campus. More clarity is needed about jurisdiction.
Other forms of harassment	<ul style="list-style-type: none"> Tackling other forms of harassment and hate crimes in a different way as discussed in the preceding section.

4.5.5 Supporting partnership working at national and local levels

Some aspects of tackling harassment and sexual misconduct could be better achieved through partnerships between HE providers and organisations from other sectors, such as the national network of SARCs, police, NHS, local authorities, third sector organisations and others. The OfS, Department for Education and sector member bodies should consider and develop measures and produce advice and guidance which could support the development of such collaborative partnerships. For instance, every HE provider should have a named contact at the local SARC and vice-versa and they should have regular meetings and share anonymised data. This would mean that students who have been subjected to sexual assault could be encouraged to attend the local SARC and transport might be arranged for them to do so (some HE providers already do this). There is an *'emerging sexual violence workforce in HE but this doesn't link in with the sexual violence workforce in the criminal justice and third sector. There are some pathways developing, but they are still in their infancy'*.

There are examples of HE providers beginning to develop effective collaborative approach to supporting each other's investigation, support and disciplinary processes, particularly among small and specialist HE providers without sufficient resources and roles to be able to do all this effectively alone. The OfS and Department for Education and sector bodies should consider what further support could be provided to support the development of firmer collaborative partnerships between HE providers. They should also consider the potential for supporting the development of formal or informal shared services.

Repeated suggestions were made during the consultation for this study that regional support networks are needed, and in particular regional investigation units or hubs. Setting up facilitated regional centres of excellence for sharing good practice by utilising discussion forums and platforms, coordinating training delivery and providers, helping smaller institutions with resourcing and capacity issues around conducting investigations, developing definitive practice guidelines, and working with third party organisations.

4.5.6 Developing a clear vision and strategic plan across the education sector

There is a gap in terms of a well-articulated overarching strategic vision or goal for the sector in tackling harassment and sexual misconduct and being able to communicate this broadly to inform all the work, beyond the need to change the culture or for zero tolerance. Better clarity is needed on specific strategic objectives for the sector along with more opportunities for fostering the sharing and embedding of good practice in a national toolkit to standardise aspects of prevention and response approaches. There is a need to develop a national-level strategic plan, with associated communications and awareness raising campaign materials for use across the sector would also serve to alleviate providers' fears and perceived risks.

Additionally, there is a lack of coordination and a need nationally for a more joined-up strategic approach across different parts of the education sector to ensure that schools, colleges and universities work together more holistically to address behaviours and prevent harassment and sexual misconduct. School pupils now will be students at providers in several years' time. UUK in its 2019 report *Changing the Culture: Two Years On* highlighted the value in providers building relationships with young people before they enter HE to ensure a *'continuity of messaging and cultivate active leadership in students from the outset'*. Also, in 2021 the Home Office's *Tackling violence against women and girls strategy* set out the need for the Department for Education to work with the OfS to tackle sexual harassment and abuse in HE.

Potentially joint working between Ofsted and OfS to align safeguarding principles and the statement of expectations should also be considered. Student experiences of how incidents are taken seriously and responded to should be the same across the lifespan of their education journey, through school, FE and HE. This may mean

reviewing and aligning the work of multiple bodies, such as Ofsted, OfS, OIA and EHRC. Developing a national joined-up strategic approach across different parts of the education sector would ensure that schools, colleges and universities work together more holistically to address behaviours and prevent harassment and sexual misconduct – and that students' experiences of how incidents are taken seriously and responded to across the lifespan of their learning journey through school, FE and HE are aligned.

4.6 Recommendations for strategic change

Our main overarching recommendations from the evaluation are shown in the figure below. Additional recommendations aligned with the individual themes within the statement of expectations are included in section 5, and all the recommendations are listed at Appendix A.

Caveats for these recommendations include that key enablers may be missing and it is not clear which if any sector organisation is the clear leading body best placed to implement some of the cross-sector working suggested. Additionally, many of these recommendations will be reliant on funding to be able to implement them. This is particularly the case for the national prevalence survey, but also for those providers which have not yet developed the practices contained within the statement of expectations.

Figure 4 Overarching recommendations on further strategic change

No.	Theme	Key recommendations
1.	Regulation	<p>We recommend that the OfS considers seeking to address harassment and sexual misconduct by making prevention and response a mandatory duty and part of its regulatory framework.</p> <p>Prior to the required public consultation needed, further work will be needed to:</p> <ul style="list-style-type: none"> a) Define the approach to regulation, including what the specific goals should be and what standard needs to be met, which regulatory tool should be used, and how OfS should monitor compliance, including of the quality of providers' policies and the impact on students' experiences and outcomes. b) Clarify the roles and responsibilities of OfS and other organisations such as the Office of the Independent Adjudicator and the Equality and Human Rights Commission in this area. c) Collate existing and develop where needed detailed good practice guidance to accompany the regulation.
2.	Changes to the statement of expectations	<p>We recommend that the OfS should consider:</p> <ul style="list-style-type: none"> a) Clarifying the language and definitions used in the statement of expectations to make it more explicit about its focus on all forms of harassment and incidents of hate. This should include identifying an alternative phrase to use for '<i>harassment and sexual misconduct</i>' as shorthand to indicate the types of behaviours within scope of the statement of expectations. b) Revising the statement of expectations and creating more detailed good practice guidance to better inform the sector on aspects of tackling these areas and 'what works?'. This should include b the following:

No.	Theme	Key recommendations
		<ul style="list-style-type: none"> i. More of a focus on output and outcome measures, as well as inputs and processes, and that data should be collected and published anonymously at provider level. ii. Specialist training should be mandatory at all HE providers for certain staff handling disclosures, undertaking investigations and sitting on disciplinary panels. iii. Conduct further research to establish ‘what works?’ in student training, then guidance on prevention training for students on awareness, consent and bystander intervention should be collated and disseminated. iv. Tackling staff-to-student harassment and sexual misconduct in more detail, taking account UUK’s recent guidance. v. Tackling online harassment and misconduct – more detailed guidance is needed for providers to understand the problem and how to respond to it. vi. Tackling the need to ensure students are protected however and wherever they may be studying – more detailed guidance is needed for providers to understand the problem and how to respond to it.
3.	Monitoring prevalence of sexual misconduct	<p>We recommend that the OfS considers:</p> <ul style="list-style-type: none"> a) Developing an approach for funding and either commissioning or undertaking a national sexual misconduct HE prevalence survey (and later for other forms of harassment). The purpose should be to help understand the issues and provide the context of reporting rates, including areas of under-reporting and other gaps. We suggest this should be a short, focussed survey which is conducted at all rather than at a sample of providers, so that both institutions and the OfS can monitor whether progress is being made. b) Designing the survey instrument so that it can help: <ul style="list-style-type: none"> i. To establish accurate prevalence levels of sexual misconduct (including for those with protected characteristics), for each individual provider. ii. To provide an evaluation tool to check progress in decreasing prevalence levels. iii. To provide a monitoring tool to check the ratio of reporting to prevalence rates. iv. To provide an evidence base and evaluation tool to be able to track progress and the impact of interventions over time. v. To inform what level of (institutional) financial investment is needed to address the prevalence levels.
4.	National strategy and communications	<p>We recommend that the Department for Education and/or the OfS consider:</p> <ul style="list-style-type: none"> a) Commissioning or developing a national-level strategy for tackling harassment and sexual misconduct including an articulation of the vision and goals, communications about the survey and regulation, as well as

No.	Theme	Key recommendations
	and awareness raising	<p>student awareness and leadership, governance and management responsibilities, and how to communicate positively messages like reported figures.</p> <ul style="list-style-type: none"> b) Encompassing in this strategy different parts of the education sector to ensure that schools, colleges and universities work together more holistically to address behaviours and prevent harassment and sexual misconduct – and that students' experiences of how incidents are taken seriously and responded to across the lifespan of their learning journey through school, FE and HE are aligned. c) Identifying ways of fostering the sharing and embedding of good practice to standardise aspects of prevention and response approaches, and creating a national toolkit of 'what works?'
5.	Supporting national and local partnership working	<p>We recommend that the OfS and the Department for Education consider ways of fostering more effective partnership working, such as through supporting and encouraging:</p> <ul style="list-style-type: none"> a) The development of firmer collaborative partnership working with NHS England, e.g., between individual HE providers and the local SARC (to ensure a victim support perspective is in place, effective referral pathways and anonymised data sharing). b) Enhanced collaborative working at regional or local level with other providers and organisations such as local authorities, health and third sector organisations and police. Some formal and informal models for collaborative working exist which could be developed and disseminated. c) Firmer and effective collaborative approaches among HE providers (especially small and specialist and FE college providers but others too) to support each other's investigation, support and disciplinary processes. This could be through supporting the development of formal or informal shared services, such as regional support networks, and in particular regional investigation units or hubs.
6.	Approaches to understanding and tackling other forms of harassment and hate crime	<p>We recommend that the OfS and/or the Department for Education considers:</p> <ul style="list-style-type: none"> a) What further research is needed, and how this should be funded and undertaken, to better understand all the other forms of harassment and hate crime affecting students that is motivated by one or more of the protected characteristics. b) The possible use of a prevalence survey or surveys in time, but this should be undertaken separately from the sexual misconduct survey to avoid conflating these issues. c) Identifying ways of raising awareness and encouraging/incentivising HE providers to raise the priority of other forms of harassment to the same level as sexual misconduct.
7.	Staff-to-student harassment and	<p>We recommend that the OfS should consider keeping under review issues of staff harassment and sexual misconduct affecting students, and in particular the effect of the recently published Universities UK guidance and the progress made by the</p>

No.	Theme	Key recommendations
	sexual misconduct	sector in this area. Individual institutional leaders may wish to work closely with their trades unions on whether or not to ban staff having sexual relationships with students. This should also be included in the national prevalence survey to inform whether further guidance is required.
8.	Standardising practice across the HE sector	<p>We recommend that the Department for Education and/or the OfS should consider commissioning or developing central resources for improving and standardising practice across the sector. This could include:</p> <ul style="list-style-type: none"> a) Developing example policies and procedures, case studies, and codes of conduct into a good practice toolkit which can be used and adapted by all HE providers. b) Providing specific guidance and supporting and encouraging enhanced practice on aspects which the sector needs help with developing such as appropriate staff and student training, investigatory and disciplinary processes.
9.	Expert advisory panel to inform developments	We recommend that the OfS considers convening an expert group of student campaigners and academics to form an advisory panel to provide practical and well-informed advice to help co-create the programme of work outlined above as it develops over the next two-to-three-year period.

5. Individual Themes of the Statement of Expectations – Findings and Recommendations

5.1 Taking a whole organisation approach

The first of the seven elements in the OfS' statement of expectations focusses on HE providers communicating and embedding a 'whole organisation approach' to tackling harassment and sexual misconduct.

#1: Higher education providers should clearly communicate and embed across the whole organisation their approach to preventing and responding to all forms of harassment and sexual misconduct affecting students. They should set out clearly the expectations that they have of students, staff and visitors.

Taking and embedding a whole organisation approach is at an early stage still in many HE providers. Key issues raised during interviews and focus group discussions with providers included aligning student and HR policies, the timescales required to embed, and the criticality of senior leadership involvement for prioritising this area.

'We don't really have any anyone who's kind of threading the needle through all of those levels, and I wonder whether that is something similar at other universities, I can see, it might be.'

Capacity within existing roles and resourcing needed for specialised posts were also raised as barriers to embedding across providers, and this is a particular issue for smaller institutions. Specialist staff are needed in relation to activities including awareness raising, student support and investigations.

The survey for the evaluation of HE providers (n=68) indicated that accountability for tackling harassment and sexual misconduct may be moving to within more senior leadership teams now (across all HE provider types). This is a key finding of this evaluation and is indicative that a whole-organisation approach is beginning to be taken within more providers, with 66% of responding providers indicating that they have developed this approach. This is necessary for culture change to take place. Many consultees said during the evaluation that the fact that the sector regulator has set these expectations has helped to drive this change.

Additionally, the survey results indicate that accountability for tackling harassment and sexual misconduct is held by more senior officers and at more senior leadership team levels now (across all provider types) compared with the position two years ago. However, there is extensive variation in where accountability sits by provider type: Directors of Student Services (or similar) are accountable at 50% of FE colleges; Pro Vice Chancellor, Deputy Principal (or similar) roles are accountable at 50% of post-92 providers (compared to 25% for all respondents); and Chief Operating Officer, Registrar or similar are now accountable at 62% of research-intensive institutions – compared with just 23% in 2019/20.

Surprisingly, just 69% of HE providers indicated that they had developed a statement of behavioural expectations/requirements or a code of conduct with possible sanctions if not followed, meaning that just under one-third of those responding to the survey had not done so. This is a clear recommendation in the statement of expectations.

Findings from results of much of the qualitative research (interviews, roundtable discussions, focus groups) indicated that senior leadership, buy-in and accountability are of paramount importance in ensuring the issue and approaches are taken seriously and embedded across the whole organisation. However, there is still a lot of variation in approaches being taken across the sector. Often this is dependent on an individual leader who

champions the issues. The risk is that if that person leaves their role at the HE provider, progress can stall and challenges remain.

'With some of the challenges we have, we are trying to get marketing and communications and various people involved because they don't really think it's to do with them or they're concerned about reputational issues, so I think embedding it across the institution is really hard and what actually helped with that is actually saying there are the senior leaders instructing you to do that: this is your responsibility.'

'I raise the issues and risk a lot in my reporting [to the leadership team] but my feeling is that that's perhaps not been absorbed or acknowledged in the way that we would want it to be perceived as a student risk; you know across the board, the risk is high. And I think it then takes high profile cases, unfortunately, for senior leaders to perhaps pick that up. But I do think that the statement has helped galvanize I suppose the whole university approach, because it has to draw in so many different departments.'

'[Positive changes are...] all because we got a new Vice Chancellor, I think about 18 months ago, and so, with her there a complete restructure of the senior members of staff. And our new deputy Vice Chancellor, (I could not sing that man's praises enough), has championed this, and he was the big push for change to then trickle that down and that has been amazing. I think there's been a lot of uptake in training because of it.'

Moreover, concerns about how to manage communications when things do go wrong can become a barrier. There is a 'huge fear factor' and *'the only accountability we have at the moment is trial by the press and media; so that is how institutions are responding'*.

Students also identified the need for more vocal support from leadership teams particularly for awareness raising campaigns, with messages needing to be repeated every academic year to raise awareness among new students to encourage reporting.

'It is so important; I think we need to get to a point where the universities realise that it's their responsibility as well. I don't know how we get there, we've not really had much buy-in from senior management. There was a pledge of some sort and they did sign up to it, but again this just really wasn't backed up with any sort of action and so it's been quite surprising, to be honest, because there's just so much student awareness and so much national discourse but I think universities are still shying away from it. I think that's a general trend when it comes to senior leaders. We've had a similar reaction with mental health, a concern about how much of the expanding role of universities can they actually realistically keep up with.'

'The OfS statement has focussed people's minds and we do see a lot of lip service, not necessarily with intent. The biggest challenge is in joined-up-ness across the whole institution in collaboration for prevention, discipline and support'.

The changes suggested in section 4.5.1 in particular will help put tackling harassment and sexual misconduct on the agenda of all senior leadership teams. It should also help ensure that there is consistent funding and recognition of risk around student safety at all the various levels.

5.2 Embedding in governance structures

The second of the seven elements in the statement of expectations focusses on governing bodies ensuring that the approach to tackling harassment and sexual misconduct is adequate and effective, and that related risks are managed.

#2: Governing bodies should ensure that the provider's approach to harassment and sexual misconduct is adequate and effective. They should ensure that risks relating to these issues are identified and effectively mitigated.

The most positive finding from the provider survey was that the statement of expectations has led to these issues being raised higher up agendas of governing bodies than in the past, because the recommendations have come from the regulator. Providers said that their governing bodies/boards are now more involved in '*ensuring their organisation's approach to addressing harassment and sexual misconduct affecting students is adequate and effective*' than they were two years ago. However, what data is collated and reported to governing bodies, and the oversight of this area, varies across HE providers.

Increases in the number of different ways governing bodies are now involved were reported over time:

- 88% seek assurance from the executive that the right policies, process and procedures are in place to effectively prevent and address harassment and sexual misconduct (up from 76% in 2019/20).
- 60% monitor reported incidents, cases and outcomes of cases (up from 41%).
- 53% monitor that the risks in these areas are identified and managed (up from 32%).
- 50% annually review the strategy on addressing harassment and sexual misconduct (up from 28%).

Comments on the involvement of governing bodies during interviews and groups discussions with HE providers suggest that this mainly comprises reporting to governing bodies, rather than the governing bodies holding executive teams to account. There are also some clear variations in the sector:

'The Board of Directors delegate their responsibility in this area to the SLT [senior leadership team] but keep an eye on it through quarterly reports which summarise the data received by SLT and they are informed of any key risks as they arise at a routine monthly meeting.'

'We do need to be a little more rigorous in places coming back to the issue around statistics and reporting. The governing bodies are not actually privy to what's going on, we may have a fantastic Chair of our Board of Trustees who asked these things, but I know that the stats we collect are patchy.'

'This [providing regular reports and information] is not something that we've been asked to do by our governing body at all, and in fact it has been the reverse and I've asked if they could nominate someone to almost champion this at that level. We haven't quite gotten to that place yet, but we're working on it and are planning to start to provide stats and information and those kinds of things.'

Some of the good practice identified through the research on leadership and governance which could be disseminated included:

- That a member of a providers' senior leadership team should have formal accountability and be the lead officer for tackling harassment and sexual misconduct at the institution. This point should be included within the revised statement of expectations.

- That governing bodies or boards of governors should select a member to have a specific oversight role in this area.
- That HE providers should include the risk of harassment and sexual misconduct affecting students on strategic risk registers.
- That senior leaders and governing body members should receive mandatory training and briefing sessions on tackling harassment and sexual misconduct, particularly as this becomes a regulatory requirement in future.
- That all senior teams and governing bodies should review meaningful reports of anonymised data relating to e.g., numbers of reports of different types, such as cases involving the use of weapons, how many of these lead to investigatory procedures, how these compare with prevalence (once the national survey is conducted) and outcomes of disciplinary proceedings.
- This should be part of organisational risk registers to help strengthen coordination, ensure appropriate assurance approach taken and that there is accountability, thereby moving away from an ‘enthusiast model’.

Figure 5 Recommendations: Governance and leadership

No.	Theme	Recommendations
10	Governance and leadership	<p>We recommend that all HE providers should do the following:</p> <ol style="list-style-type: none"> Appoint a member of the senior leadership team to have formal accountability and be the lead officer for tackling harassment and sexual misconduct at the institution. Governing bodies or boards of governors should also select a member to have a specific role for oversight of this area. Include the risk of harassment and sexual misconduct affecting students on strategic risk registers. Provide mandatory training and briefing sessions to senior leaders and governing body members on tackling harassment and sexual misconduct, particularly as this becomes a regulatory requirement in future. Ensure that all senior teams and governing bodies review meaningful reports of anonymised data relating to e.g. numbers of reports of different types, how many of these lead to investigatory procedures, how these compare with prevalence (once the national survey is conducted), and outcomes of disciplinary proceedings.

5.3 Engaging students and co-creation of policies and processes

The third of the seven elements in the OfS' statement of expectations focusses on providers engaging and co-creating with students on developing new approaches to address harassment and sexual misconduct and evaluating these.

#3: Higher education providers should appropriately engage with students to develop and evaluate systems, policies and processes to address harassment and sexual misconduct.

There are indications of engaging students in co-creation, particularly through working with students' unions. However, there is room for much more to be done. Work on co-creation involving survivors is less well developed across HE providers. The challenges with responding to the cultural norms of a diverse international student population were also raised.

The survey found that 77% of providers said they collaborate with students' unions or other student bodies and representatives: *'The university is more actively collaborating with the student's union and the wider student body to review and further develop our policies and processes'*. 59% said they have adopted a trauma-informed or victim-centred approach to tackling harassment and sexual misconduct.

However, in developing and evaluating their approaches, only around one-third of HE providers had engaged with students:

- 38% of providers had engaged with students from diverse backgrounds.
- 34% had engaged with reporting/responding students.
- 31% had engaged with victim-survivors.

Through the qualitative research, staff practitioners and student representatives highlighted the issue of *'information overload'* for students and the *'difficulty of getting them to pay attention to these issues and get their interest, when they seem to be bombarded with emails from their HE provider already on so many other issues'*. Staff practitioners also indicated the difficulties involved, particularly in engaging with students to evaluate their approaches:

'We do the work to develop this area, set it up and then make provision for students, but we don't have the opportunity to then sort of get that feedback and that's like closing the circle piece to see what impact has that had and see if this is working and so no I would absolutely hold my hands up and say here is more we could definitely do.'

There was a distinct lack of evidence throughout all of the research for much evaluation of approaches taking place at all. Additional guidance and support on evaluation approaches which would be beneficial in this area may prove helpful to the sector.

No.	Theme	Recommendations
11	Evaluation and continuous improvement	There was a distinct lack of evidence throughout all of the research for much evaluation of approaches taking place at all. OfS should support and encourage HE providers and circulate additional guidance and information on effective practice in evaluation approaches which would be beneficial to help drive continuous improvement and determine 'what works?'

5.4 Staff and student training, awareness raising and evaluation

The fourth of the seven elements in the OfS' statement of expectations focusses on student and staff training and awareness-raising and preventing harassment and sexual misconduct.

#4: 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.

This is a clear area where many HE providers are falling down and are asking for more help. Prevention is key to tackling this area and not enough is known in the sector about 'what works?'

Awareness raising in regard to prevention is an ongoing issue, and relates to wider issues than individual campaigns on single issues. A theme arose around engaging people generally and the different approaches taken to addressing this, and the use of incentives and/or mandatory attendance at training. More work is required around awareness raising and prevention for non-sexual harassment. Comments made suggest the need for dedicated resources to train staff to deal with disclosures and to support students. This was an issue for students' unions and providers. Comments also stressed the importance of having dedicated staff teams rather than on a volunteer basis. Staff training also seems to lag behind student training. However, there is little evidence base behind the student training undertaken or evaluation of its effectiveness. Much more work is needed around prevention and identifying ways of changing cultures.

Many providers also indicated the need for additional support and intelligence on which training companies to use to train specialist investigation officers, and they also need more clarity around dealing with cases reported to and being investigated by the police. Some students' union representatives suggested it may be helpful for students have a formal role to play in developing action plans for tackling harassment and sexual misconduct, similarly to the Access and Participation Plans submitted to OfS.

The majority of HE provider respondents provide training for students and staff, but in most cases this is not mandatory, and does not take place pre-arrival. Where mandatory training exists for students, this is for sexual consent training (20% said this is mandatory for all students) and awareness-raising (31% said this is mandatory for all students). Bystander intervention training is mandatory for all students in 7% of responding providers, and for 19% it is mandatory for some students. 17% of providers do not provide any student consent training and 28% do not provide any bystander intervention training for students.

In terms of staff training, 25% of responding providers indicated that there is mandatory training for all staff in handling incident disclosures and 45% have mandatory training for some staff. 6% provide no staff training in handling disclosures. Just under a third (31%) of providers have mandatory awareness-raising training for all staff, and a further quarter make it mandatory for some staff.

Some respondents to the provider survey have taken steps to develop a training strategy in line with the recommendation in the statement for expectations:

'Student Services has had a long-standing staff training programme which is continually reviewed to cover all aspects of this work. In response to the statement of expectations this is now being considered across the whole organization with an institutional training strategy in production. The first significant step was to include basic awareness-raising within our mandatory Safeguarding Level One course for all staff. As part of this strategy, we are reviewing specialist training for our investigating officers, the People Team, and the student body specifically.'

‘The university provides a range of training for staff that includes SVLO training, investigation training and panel training. Training provision has increased over the past two years with further contextualisation. A training matrix developed to determine which training is required for different staff groups. Training developed for students became mandatory and included in induction over past two years.’

Findings from qualitative sessions included that there is a lack of staff training to handle reporting or support, and that there is a need for a diverse range of people to support students. There is also a need for more research into what types of training work and effective sharing of good practice, as well as the setting up of networks to enable the sector to share what they are doing and what is working (or not). This is particularly the case for staff involved in investigatory and disciplinary proceedings, which for many HE providers are the most complex areas.

A clear emerging theme is that the students are concerned with the behaviours, values and culture of their peers and of their institutions. They want their providers to facilitate deeper conversations between students about what behaviours are acceptable and to discuss the ‘grey areas’, rather than, for instance, simply asking students to complete a short online course during a packed induction week.

‘Consent workshops need to be improved – there needs to be more discussion about life at university. Lines can be very blurred especially because of alcohol and having additional freedoms. There are grey areas.’

Clearly education is needed. Need to focus on social norms and lad culture: *‘Why not target consent workshops at male students and make this mandatory and before freshers?’*

In the survey, providers were asked about the main barriers or challenges they are facing in tackling harassment and sexual misconduct affecting students. The majority of comments received indicated that they faced challenges around prevention, staff and student training, and awareness-raising:

‘The effective sharing of ‘what works?’ – we are all trying to fix the same problems, and we should be learning from each other in doing so.’

‘Sharing of good practice/toolkits across universities. A platform for universities to work together, learn from one another and develop best practice for the sector.’

‘Increased training and more webinars and guidance to small HE in FE providers to ensure that we access the correct support and develop appropriate networks.’

‘Shared training and resources across the sector would be very helpful.’

Rolling out intensive awareness raising training programmes in mandatory way is only being done at a minority of HE providers. Major investment and commitment is needed at senior team levels to drive this. It does need to be mandatory to reach all groups of students. Also to be effective, needs to be done at multi stages and multi years. This is to create safer and more inclusive communities. Moreover, all staff also need some form of disclosure training to be able to respond to the student and signpost them appropriately.

Additionally, identifying ways of standardising training approaches are needed, with more rigorous research on effectiveness of training packages and providers. Approaches should be based on training that is known to work. Common standards as part of a national training toolkit for providers to adapt and brand to their own institutional context would be helpful.

There is some support for mandatory training, in particular from students, who have suggested making it part of the curriculum and of their education. Additionally, more substantive and at least some targeted mandatory training is needed for both students and staff. Some providers may be overly reliant on simply having a harassment and sexual misconduct policy, system and procedures in place without also offering sufficient awareness-raising, training and other preventative activities to drive up reports and ultimately affect cultural and behaviour change.

Pre-arrival student training should also be mandatory, which should be ongoing through the first year with refreshers in later years, and this should be tailored for different groups such as international students. Training for students should be more substantial than much of what is provided across the sector, and at least some targeted compulsory student training is needed on awareness-raising, consent and bystander intervention. And these approaches need robust evaluation too.

Mandatory training is also needed for all staff in disclosure handling and for specialist staff involved in investigatory and disciplinary procedures, and this should ensure that a trauma-informed approach is taken throughout the response disclosure, reporting and response processes. The quality of training for investigators and for disciplinary panel members, especially chairs is key. Even with training, staff are not experts. Some consultees suggested that panel members may be reluctant to make decisions and few cases are being upheld, especially where there is potential for exclusion from the institution.

Figure 6 Recommendations: Prevention

No.	Theme	Recommendations
12	Student and staff training	<p>We recommend that OfS working with sector member bodies should consider:</p> <ul style="list-style-type: none"> a) Commissioning more rigorous research on the effectiveness of training packages and providers, so that approaches on training are based on ‘what works?’. b) Identifying ways of standardising training approaches, including for instance developing common standards as part of a national training toolkit for providers to adapt and brand to their own institutional context.
13	Student and staff training	<p>We recommend that all HE providers should:</p> <ul style="list-style-type: none"> a) Put mandatory training in place on handling disclosures for at least some of their staff, and for specialist staff involved in investigatory and disciplinary procedures, and this should ensure that a trauma-informed approach is taken throughout. b) Devise a training needs assessment and develop an organisation-wide training strategy in line with the recommendation in the statement of expectations. c) Implement more substantive and mandatory student awareness-raising training and ideally also bystander intervention training targeted at key groups. d) Training materials and information should be sent to new students before their arrival, tailored for different demographic groups, and refreshed at key points throughout the first academic year and subsequent years.

5.5 Disclosure and reporting systems, policies and processes

The fifth of the seven elements in the OfS' statement of expectations focusses on policies and processes for students to disclose and report incidents of harassment and sexual misconduct.

#5: Higher education providers should have adequate and effective policies and processes in place for all students to report and disclose incidents of harassment and sexual misconduct.

Key findings from the survey of HE providers indicated that:

- 90% of providers have fully implemented a mechanism for students to report or disclose an incident of harassment or sexual misconduct in person.
- Staff at 84% of providers are able to signpost or refer students to other organisations where required and requested.
- 16% of providers have not yet started to implement an online mechanism for students to report or disclose an incident of harassment or sexual misconduct.
- The same proportion (16%) of providers do not have a mechanism for students to make an anonymised report of harassment or sexual misconduct.

Providers were also asked about any changes in the volumes of reports of harassment and sexual misconduct as well as disciplinary proceedings. Any increase in the volume of reports is an important indicator of positive change, as is conversion of reports to investigations and then disciplinary proceedings. The volume of sexual misconduct reports has increased in over half (57%) of responding providers over the past two years – however the volume of disciplinary proceedings did not increase at a corresponding rate.

- The highest increases in sexual misconduct reports were within responding 'research intensive' and 'post-92' universities.
- Increasing reports of harassment and sexual misconduct suggest that students have greater confidence that their provider will respond positively.
- Responding providers indicated there has been less change in reporting of other forms of harassment over the past two years – and in related disciplinary proceedings. (In over half of responding providers these have stayed about the same.)

These increased reports suggest that students have greater confidence that their provider will respond positively to reports of sexual misconduct, though this is not the case for other forms of harassment. Also, the true prevalence remains unknown as many victim-survivors do not come forward and most providers do not carry out climate surveys (or if they do many providers do not publish the results).

Comments made during interviews and discussions also suggest that disclosure and reporting systems are being put in place across most HE providers, though these are at varying stages of maturity. The data collected is not being fully utilised for example to monitor prevalence or impact on student outcomes, or to shape preventative measures, although steps are being taken. This is partly due to concerns around GDPR and alignment of policies and processes. Moreover, capacity and resources are also an issue, and the statement of expectations has helped in some institutions to make a case for these with senior teams. The issue of staff-student harassment seems to be causing issues due to the differing approaches on student support and HR policies.

Crucially, many of the students we consulted perceive that there are abiding and overriding concerns among providers about the need to avoid potential external negative attention, which may arise if they talk about these issues publicly. Even where there are appropriate policies, systems and processes in place, students believe that this is not being matched by a willingness on the part of providers to proactively encourage students to report incidents of harassment and sexual misconduct. Students also identified the need for more vocal support from provider leadership teams and awareness raising campaigns with messages repeated every academic year to raise awareness among new students to encourage reporting. Generally, students consider that more transparency is needed, with public statements acknowledging that issues of harassment and sexual misconduct exist on campuses, that this is not tolerated and that an increase in reports is desirable and a positive indication of change.

Some students consulted as part of the evaluation said they preferred not to report incidents, particularly where they are aware of negative experiences of others who have done so. Others want at least the option of considering an alternative resolutions process as a form of redress, focussed on harm caused to them, alongside enhanced practical and emotional support, rather than to go through a complex disciplinary process with a potential punitive outcome. Additionally, students (at one of the cases study providers) were slightly cynical about the progress made in this area in how this is positively impacting outcomes for students. There was a perception that cases in different locations are dealt with differently and there is mixed awareness and support from academics in this area. The students also believe there is still a fear around reporting and possible consequences for both them and the individual they are reporting about. They feel clearer examples to demonstrate what may happen when a case is reported are needed.

Moreover, students often are not aware that it is their choice to report an incident to the police and aren't fully aware of the options which their provider offers. Providing real life anonymised examples of experiences and outcomes of investigations (including if the police have to be involved) would be helpful to raise awareness. Students should be provided with clear information about what the reporting and disciplinary process will involve. Collating and sharing anonymised case studies or testimonies of students' reporting experiences may be helpful to students in considering the options available.

Students at smaller providers also highlighted the small communities where *'everyone knows one another'*, both staff and students, making reporting and disclosing challenging. There are some examples of providers beginning to take a collaborative approach to supporting each other's reporting and response processes for these reasons. There is a need for the sharing of good practice and the setting up of networks to enable the sector to share what they are doing and what is working (or not). Generally, students consider that more transparency is needed, with public statements acknowledging that issues of harassment and sexual misconduct exist on campuses, that this is not tolerated and that an increase in reports is desirable and a positive indication of change. Some students highlighted that information about reporting systems is often *'buried'* deep within provider websites or intranets *'eight clicks away once you know where to start'*. This information needs to be clearer and better signposted.

There is a clear sense across multiple providers that there are a lot of disclosures made but these are not translating into formal reports and complaints for the reasons outlined above. There is a filtering process which takes place. Reporting is also considered by most people to be far below prevalence, though little data is collected. Students often know where and how to report sexual misconduct particularly, *'there is a sense that most students know where to report, but there is very little confidence that anything will be done...there is also a gulf between reports and prevalence'*. The survey backs this up as it showed that there has been an increase in reports of sexual misconduct over the past two years, though not an increase in disciplinary proceedings as mentioned above.

5.6 Approach to taking action in response to misconduct

The sixth of the seven elements in the OfS' statement of expectations focusses on approaches to taking action in response to disclosures and reports of harassment and sexual misconduct.

#6: Higher education providers should have a fair, clear and accessible approach to taking action in response to reports and disclosures.

Only 63% of responding providers have fully implemented the [Pinsent Masons guidance](#) on when handling situations where a student disciplinary offence may also constitute a criminal offence, but 20% have not yet started to do so. Over 70% of providers indicated that they have fully implemented communicating the outcome of investigatory processes and any actions the provider has taken to both the reporting and responding students. Providers did consider other aspects of their approaches positively in the survey:

- 95% say they have disciplinary hearings for considering students complaints and appeals.
- 94% say they have a clear and accessible student disciplinary policy. However, as noted above, only 69% of HE providers indicated that they had developed a statement of behavioural expectations/requirements or code of conduct with possible sanctions if not followed, meaning that just under one-third of those responding to the survey had not done so.
- 93% say their investigatory process is fair, independent and free from any perceptions of bias. However, they also said, as noted above, that there is little mandatory training provided to staff, and very little evidence of evaluation of the effectiveness of approaches was found through the research for the evaluation. Therefore, potentially providers may need to do more to improve their investigatory approaches. This was found to be the case through many of the qualitative research interviews and group discussions which discussed investigatory processes.

Clearer and more embedded policies, processes and procedures are leading to a higher number of reports of sexual misconduct in many of the providers we have spoken with. Key success factors are sharing of information, taking a trauma-informed approach, and sensitively handling investigatory and disciplinary procedures that are civil in nature. The disciplinary level of the process should have a parallel with investigation process, where each party can bring evidence and call witnesses. The reporting student cannot do that at the disciplinary stage.

Interviews and group discussions with providers found that there are multiple inconsistencies in how they take action in response to misconduct. Issues for students are around lack of clarity, transparency and '*quasi-criminal proceedings*'. There does seem to be a lack of awareness and collation of effective practice in the sector in this area and collective understanding of what is required and possible, despite all the guidance available and statement of expectations. An example is that civil cases can run concurrently with police investigations, which does not seem to be known across all providers. Case study research would be helpful on what constitutes taking '*a fair, clear and accessible approach to taking action in response to reports and disclosures*'.

Some HE providers' investigatory and disciplinary procedures seem to be becoming more legalistic, with more legal representatives involved for the responding student. There is not always sufficient emphasis or understanding that taking action in response to misconduct is about internal discipline and procedures, and therefore these are based on civil proceedings based on the balance of probabilities. Additionally, many HE providers are increasingly concerned about the costs of legal representation and litigation.

A further key theme is challenges for smaller providers in their ability to put in place appropriate procedures and support, given their limited size and resources. There are some examples of providers beginning to take a collaborative approach to supporting each other’s reporting and response processes for these reasons. There may be opportunities to support the development of formal and informal shared services or managed service on a local or regional basis and specialist investigations staff and specialist support staff.

Generally, many of the students consulted perceived that providers are taking these issues seriously and are likely to respond to student-to-student harassment and sexual misconduct reports. However, the effectiveness of providers’ approaches and any changes in behaviour as a result of the statement of expectations are varied. A key issue discussed elsewhere in this report is that the length and complexity of investigatory and disciplinary procedures can be off putting for many reporting students, who will simply disclose what has happened to them and seek academic and emotional support and not make a formal complaint. Additionally, there is a need for giving equal rights to both reporting and responding parties through the disciplinary processes. The disciplinary level of the process should have a parallel with the investigation process and both the reporting and responding party should be able to bring evidence and call witnesses. At present the reporting student cannot do that at the disciplinary stage.

Also, there was a perception among some students and their representatives consulted for the evaluation that cases are handled differently depending on who it is reported to. They believe many students still have a fear around possible negative outcomes and experiences when going through an investigation process. In order to allay these fears, student representatives and campaign groups suggest providing real life anonymised examples of experiences and outcomes of investigations including if the police have to be involved would be very helpful.

Students should be provided with clear information about what the reporting and disciplinary process will involve. Some practitioners suggest the need for an advocate role to support reporting students through investigatory and disciplinary processes.

‘Complaints and outcomes letters can be difficult and intimidating for students.’

‘Support should be provided to both the reporting party and the respondent party as well, given that things like complaints letters and outcomes letters can be really verbose and at times intimidating they use a lot of language, just to cover all the legal bases.’

‘There are in-built protections for responding parties but there are not similar protections for reporting parties who are reduced to a witness. This is inherently unfair to the reporting student’.

Figure 7 Recommendations: Responding to incidents

No.	Theme	Recommendations
14	Report and disclosure	<p>We recommend that HE providers where they do not already do so should consider:</p> <ul style="list-style-type: none"> a) Reviewing their data on disclosures, reports, cases and outcomes regularly and seek to increase the conversion of reports to investigations and then disciplinary proceedings. b) Supplying students with clear information about what the reporting and disciplinary process will involve. Collating and sharing anonymised case studies or testimonies of students’ reporting experiences may be helpful to students in considering the options available. c) Making information about reporting systems clearer, better signposted and more readily accessible on their websites.

No.	Theme	Recommendations
15	Approach to taking action	We recommend that HE providers where they do not already do so should consider ensuring they share information, take a trauma-informed approach, and sensitively handle investigatory and disciplinary procedures which must be civil in nature. The disciplinary level of the process should have a parallel with investigation process, where each party can bring evidence and call witnesses.

5.7 Provision of support to students

The final element in the OfS' statement of expectations focusses on support for students involved in investigatory processes.

#7: Higher education providers should ensure that students involved in an investigatory process have access to appropriate and effective support.

There is a general sense that HE providers have improved their support to students who have been affected by harassment and sexual misconduct. This was backed up by findings from much of the qualitative research with academics and practitioner experts and students. Findings from the survey included that:

- 96% of providers stated that they provide support for students regardless of whether a formal report or complaint is made.
- 91% have fully implemented an approach to support both the reporting and responding students in the event of a disclosure prior to the launch of a formal investigation.
- 73% of providers stated that they have fully implemented communicating the outcome of the investigatory processes and any actions taken to both the reporting and responding student.
- 59% of providers have adopted a trauma-informed/victim-centred approach to tackling harassment and sexual misconduct.

Findings from the interviews and discussions with students, their representatives and campaigners suggest more needs to be done around supporting the diverse student body and their differing needs (both as reporting and reported parties). The issue of management of expectations of what can be achieved and what outcomes can be reached for the reporting party was raised, particularly in light of the limited availability of trained staff.

'We're all quite happy that victims received reasonably good support when issues relate to sexual misconduct, but some of the other areas of harassment actually didn't receive the same level of support and can be challenging.'

'Talking about managing expectations we have the policies and the procedures, but we don't have the support to go with it. And again, I think that comes back to ... are there trained advisors in place, and I think it's there is a formal complaint and we just support that student as best we can, as we go along, which obviously doesn't really reflect that different students have different kinds of support needs.'

The issue of disclosure of outcomes also came up across the group discussions and interviews – the GDPR issue still seems to be a grey area – and still seems to be one where OfS (or Information Commissioner's Office) could provide some definitive guidance. There is also the issue of the lack of information on outcomes creating a 'black hole', so it is hard to manage expectations of people reporting if there is little information that can be provided on what possible outcomes may be (and this in itself may be a barrier to reporting). Providers' standard response

is often that information such as the investigation report and the outcome will not be shared with reporting students. This should be considered on a case-by-case basis.

Figure 8 Recommendations: Support for students

No.	Theme	Recommendations
16	Provision of support	OfS and / or the Information Commissioner’s Office should consider providing some definitive guidance to HE providers about disclosure of outcomes at the end of disciplinary proceedings to reporting students.

6. Conclusions

Although the statement of expectations has been a useful intervention in maintaining focus on issues of harassment and sexual misconduct in the HE sector, there is wide recognition of the limitations of the current voluntary system. Additionally, there is inadequate data at sector and individual provider level to inform and assess the effectiveness of interventions.

For these reasons, our conclusions are that the statement of expectations has not been a sufficient catalyst for change in its current form and that there is a need for the OfS to consider making prevention of and response to harassment and sexual misconduct a mandatory duty and including it as part of the regulatory framework. Detailed good practice guidance will be needed to accompany the regulation.

However, there is unlikely to be a single intervention or initiative that is a 'silver bullet' that will solve all the issues. Change needs to be multi-layered and therefore we have made additional recommendations for the OfS, for the sector generally and individual HE providers.

Appendices

Appendix A. Schedule of Recommendations

Figure 9 Schedule of all recommendations by theme

Ref.	Theme	Recommendation
1.	Regulation	<p>We recommend that the OfS considers seeking to address harassment and sexual misconduct by making prevention and response a mandatory duty and part of its regulatory framework.</p> <p>Prior to the required public consultation needed, further work will be needed to:</p> <ul style="list-style-type: none"> a) Define the approach to regulation, including what the specific goals should be and what standard needs to be met, which regulatory tool should be used, and how OfS should monitor compliance, including of the quality of providers' policies and the impact on students' experiences and outcomes. b) Clarify the roles and responsibilities of OfS and other organisations such as the Office of the Independent Adjudicator and the Equality and Human Rights Commission in this area. c) Collate existing and develop where needed detailed good practice guidance to accompany the regulation.
2.	Changes to the statement of expectations	<p>We recommend that the OfS should consider:</p> <ul style="list-style-type: none"> a) Clarifying the language and definitions used in the statement of expectations to make it more explicit about its focus on all forms of harassment and incidents of hate. This should include identifying an alternative phrase to use for '<i>harassment and sexual misconduct</i>' as shorthand to indicate the types of behaviours within scope of the statement of expectations. b) Revising the statement of expectations and creating more detailed good practice guidance to better inform the sector on aspects of tackling these areas and 'what works?'. This should include b the following: <ul style="list-style-type: none"> i. More of a focus on output and outcome measures, as well as inputs and processes, and that data should be collected and published anonymously at provider level. ii. Specialist training should be mandatory at all HE providers for certain staff handling disclosures, undertaking investigations and sitting on disciplinary panels. iii. Conduct further research to establish 'what works?' in student training, then guidance on prevention training for students on awareness, consent and bystander intervention should be collated and disseminated. iv. Tackling staff-to-student harassment and sexual misconduct in more detail, taking account UUK's recent guidance.

Ref.	Theme	Recommendation
		<ul style="list-style-type: none"> v. Tackling online harassment and misconduct – more detailed guidance is needed for providers to understand the problem and how to respond to it. c) Tackling the need to ensure students are protected however and wherever they may be studying – more detailed guidance is needed for providers to understand the problem and how to respond to it.
3.	Monitoring prevalence of sexual misconduct	<p>We recommend that the OfS considers:</p> <ul style="list-style-type: none"> a) Developing an approach for funding and either commissioning or undertaking a national sexual misconduct HE prevalence survey (and later for other forms of harassment). The purpose should be to help understand the issues and provide the context of reporting rates, including areas of under-reporting and other gaps. We suggest this should be a short, focussed survey which is conducted at all rather than at a sample of providers, so that both institutions and the OfS can monitor whether progress is being made. b) Designing the survey instrument so that it can help: <ul style="list-style-type: none"> i. To establish accurate prevalence levels of sexual misconduct (including for those with protected characteristics), for each individual provider. ii. To provide an evaluation tool to check progress in decreasing prevalence levels. iii. To provide a monitoring tool to check the ratio of reporting to prevalence rates. iv. To provide an evidence base and evaluation tool to be able to track progress and the impact of interventions over time. v. To inform what level of (institutional) financial investment is needed to address the prevalence levels.
4.	National strategy and communications and awareness raising	<p>We recommend that the Department for Education and/or the OfS consider:</p> <ul style="list-style-type: none"> a) Commissioning or developing a national-level strategy for tackling harassment and sexual misconduct including an articulation of the vision and goals, communications about the survey and regulation, as well as student awareness and leadership, governance and management responsibilities, and how to communicate positively messages like reported figures. b) Encompassing in this strategy different parts of the education sector to ensure that schools, colleges and universities work together more holistically to address behaviours and prevent harassment and sexual misconduct – and that students' experiences of how incidents are taken seriously and responded to across the lifespan of their learning journey through school, FE and HE are aligned. c) Identifying ways of fostering the sharing and embedding of good practice to standardise aspects of prevention and response approaches, and creating a national toolkit of 'what works?'

Ref.	Theme	Recommendation
5.	Supporting national and local partnership working	<p>We recommend that the OfS and the Department for Education consider ways of fostering more effective partnership working, such as through supporting and encouraging:</p> <ul style="list-style-type: none"> a) The development of firmer collaborative partnership working with NHS England, e.g., between individual HE providers and the local SARC (to ensure a victim support perspective is in place, effective referral pathways and anonymised data sharing). b) c) Enhanced collaborative working at regional or local level with other providers and organisations such as local authorities, health and third sector organisations and police. Some formal and informal models for collaborative working exist which could be developed and disseminated. Firmer and effective collaborative approaches among HE providers (especially small and specialist and FE college providers but others too) to support each other's investigation, support and disciplinary processes. This could be through supporting the development of formal or informal shared services, such as regional support networks, and in particular regional investigation units or hubs.
6.	Approaches to understanding and tackling other forms of harassment and hate crime	<p>We recommend that the OfS and/or the Department for Education considers:</p> <ul style="list-style-type: none"> a) What further research is needed, and how this should be funded and undertaken, to better understand all the other forms of harassment and hate crime affecting students that is motivated by one or more of the protected characteristics. b) The possible use of a prevalence survey or surveys in time, but this should be undertaken separately from the sexual misconduct survey to avoid conflating these issues. c) Identifying ways of raising awareness and encouraging/incentivising HE providers to raise the priority of other forms of harassment to the same level as sexual misconduct.
7.	Staff-to-student harassment and sexual misconduct	<p>We recommend that the OfS should consider keeping under review issues of staff harassment and sexual misconduct affecting students, and in particular the effect of the recently published Universities UK guidance and the progress made by the sector in this area. Individual institutional leaders may wish to work closely with their trades unions on whether or not to ban staff having sexual relationships with students. This should also be included in the national prevalence survey to inform whether further guidance is required.</p>
8.	Standardising practice across the HE sector	<p>We recommend that the Department for Education and/or the OfS should consider commissioning or developing central resources for improving and standardising practice across the sector. This could include:</p> <ul style="list-style-type: none"> a) Developing example policies and procedures, case studies, and codes of conduct into a good practice toolkit which can be used and adapted by all HE providers.

Ref.	Theme	Recommendation
		<ul style="list-style-type: none"> b) Providing specific guidance and supporting and encouraging enhanced practice on aspects which the sector needs help with developing such as appropriate staff and student training, investigatory and disciplinary processes.
9.	Expert advisory panel to inform developments	We recommend that the OfS considers convening an expert group of student campaigners and academics to form an advisory panel to provide practical and well-informed advice to help co-create the programme of work outlined above as it develops over the next two-to-three-year period.
10.	Governance and leadership	<p>We recommend that all HE providers should do the following:</p> <ul style="list-style-type: none"> a) Appoint a member of the senior leadership team to have formal accountability and be the lead officer for tackling harassment and sexual misconduct at the institution. b) Governing bodies or boards of governors should also select a member to have a specific role for oversight of this area. c) Include the risk of harassment and sexual misconduct affecting students on strategic risk registers. d) Provide mandatory training and briefing sessions to senior leaders and governing body members on tackling harassment and sexual misconduct, particularly as this becomes a regulatory requirement in future. e) Ensure that all senior teams and governing bodies review meaningful reports of anonymised data relating to e.g., numbers of reports of different types, how many of these lead to investigatory procedures, how these compare with prevalence (once the national survey is conducted), and outcomes of disciplinary proceedings.
11.	Evaluation and continuous improvement	There was a distinct lack of evidence throughout all of the research for much evaluation of approaches taking place at all. OfS should support and encourage HE providers and circulate additional guidance and information on effective practice in evaluation approaches which would be beneficial to help drive continuous improvement and determine ‘what works?’.
12.	Student and staff training	<p>We recommend that OfS working with sector member bodies should consider:</p> <ul style="list-style-type: none"> a) Commissioning more rigorous research on the effectiveness of training packages and providers, so that approaches on training are based on ‘what works?’. b) Identifying ways of standardising training approaches, including for instance developing common standards as part of a national training toolkit for providers to adapt and brand to their own institutional context.
13.	Student and staff training	<p>We recommend that all HE providers should:</p> <ul style="list-style-type: none"> a) Put mandatory training in place on handling disclosures for at least some of their staff, and for specialist staff involved in investigatory and disciplinary procedures, and this should ensure that a trauma-informed approach is taken throughout.

Ref.	Theme	Recommendation
		<ul style="list-style-type: none"> b) Devise a training needs assessment and develop an organisation-wide training strategy in line with the recommendation in the statement of expectations. c) Implement more substantive and mandatory student awareness-raising training and ideally also bystander intervention training targeted at key groups. a) Training materials and information should be sent to new students before their arrival, tailored for different demographic groups, and refreshed at key points throughout the first academic year and subsequent years.
14.	Report and disclosure	<p>We recommend that HE providers where they do not already do so should consider:</p> <ul style="list-style-type: none"> a) Reviewing their data on disclosures, reports, cases and outcomes regularly and seek to increase the conversion of reports to investigations and then disciplinary proceedings. b) Supplying students with clear information about what the reporting and disciplinary process will involve. Collating and sharing anonymised case studies or testimonies of students' reporting experiences may be helpful to students in considering the options available. c) Making information about reporting systems clearer, better signposted and more readily accessible on their websites.
15.	Approach to taking action	<p>We recommend that HE providers where they do not already do so should consider ensuring they share information, take a trauma-informed approach, and sensitively handle investigatory and disciplinary procedures which must be civil in nature. The disciplinary level of the process should have a parallel with investigation process, where each party can bring evidence and call witnesses.</p>
16.	Provision of support	<p>OfS should consider providing some definitive guidance to HE providers about disclosure of outcomes at the end of disciplinary proceedings to reporting students.</p>

Appendix B. Evaluation Methodology

Overview

A strong body of supporting evidence was gathered during the six months of research, based on an appropriate mixed method design for this type of evaluation, and which included the following elements:

- Expert opinions gathered from the Expert Advisory Group, from individual and group discussions with a wider group of relevant expert individuals, sector and provider membership organisations and other stakeholder groups, and from an ongoing review of the academic and grey literature.
- A large online survey issued by OfS on the evaluation team's behalf to accountable officers at a sample of 100 HE providers during May 2022.⁴⁶
 - The aim of the survey was to consider providers' perspectives about the effect of the statement of expectations on their approaches to preventing and responding to harassment and sexual misconduct since it was announced by OfS in early 2020.
 - The overall response rate was high at 68%, with some variation in response by type of provider (ranging from 87% for 'research-intensive' providers, to 43% for 'other providers (with >1,000 FTE students)').
 - Analysis of this survey's results was compared with some of the findings from comparable questions used by Universities UK in a 2018 survey discussed in the report *Changing the Culture: Two Years On* to identify any changes over time.
 - A companion evaluation report *Findings from a survey of higher education providers* sets out the methodology and the findings from the survey in more detail.
- Qualitative individual interviews and five roundtable discussions with groups of HE providers, as well as multiple individual and focus group discussions with students and their representatives, student campaign and survivor groups, and members of the OfS' Student Panel.
- Case study research with a small number of (anonymised) individual HE providers, involving online interviews and small group discussions at each with a mix of leaders, managers, staff involved in preventing and responding to harassment and sexual misconduct, and student's union and student representatives.

The approach was proportionate to the breadth and depth of consultation needed to ensure sufficient engagement by HE providers of different types, and other key stakeholder groups including sector bodies and professional organisations, academics and practitioner experts in all forms of harassment and sexual misconduct, activist, campaign and survivor groups, and students and student representatives.

Careful analysis and triangulation of the results of all the research and information gathering enabled sound conclusions to be drawn and informed judgements to be made in this final report.

⁴⁶ The overall sample of 100 providers is roughly 25% of providers registered with OfS. Cluster based random samples were generated to ensure the sample reflected HE provider type, size (of student body) and region as follows:

- Provider type - Research-intensive, Small and specialist, Post-92, FE college, Other provider (>1,000 FTE students), Other provider (<1,000 FTE students)
- Provider size using numbers of student FTEs – Very large (>19k), Large (10-19k); Medium (2k-10k); Small (500-2k); Micro (<500)
- Region – using the 9 government office regions.

Evaluation framework

An evaluation framework was developed at the outset of the study based on the following key themes:

- The contribution of the overall statement of expectations to any identified changes in the sector.
- OfS' approach to disseminating the statement of expectations.
- The seven individual elements of the statement of expectations:
 - 1: Taking a whole organisation approach
 - 2: Embedding in governance structures
 - 3: Engaging students and co-creation of policies and processes
 - 4: Prevention: training and awareness raising
 - 5: Reporting and disclosure systems, policies and processes
 - 6: Approach to taking action in response to misconduct
 - 7: Provision of support to students.
- The intended longer-term impact of the statement of expectations.
- The implications for informing future decision making.

The framework also included a theory of change for the evaluation to test using Outcome Relationship Mapping (ORM). ORM is a form of logic modelling, which can help bring clarity and understanding to complex policy areas, such as the intervention of OfS' statement of expectations. ORM was used to help identify and test what progress is being made in the sector against the objectives contained within the statement of expectations.

Since the statement of expectations was introduced a relatively short time ago in January 2020, we identified various enabling outcomes considered necessary to achieve key or principal outcomes of the statement of expectations and sought to test progress being made on these in the sector through the evaluation research. Additionally, we mapped the desired longer-term outcomes and impacts, which include tackling the underlying issues of harassment and sexual misconduct and achieving better experiences and outcomes for students.

Indications that the recommendations included in the statement of expectations for developing and implementing effective systems, policies and processes to prevent and respond to harassment and sexual misconduct are now widely adopted would include evidence of the outcomes shown in the figure below.

Research and analysis for the evaluation considered what progress is being made across the sector against this framework, i.e., the extent to which these outcomes are in place (or are emerging) across the HE sector, the contribution of the statement of expectations to this, and what further change may be needed.

Figure 10 Intended outcomes from the statement of expectations

Statement of expectation	Enabling outcomes	Principal outcomes	Longer-term outcomes/ impact
<p>1. HE providers should communicate and embed a 'whole organisation approach' to tackling harassment and sexual misconduct. They should set out clearly the expectations that they have of students, staff and visitors.</p>	<ul style="list-style-type: none"> • Visible and ongoing commitment by senior leaders and governing bodies in more providers • Clearer lines of accountability within the organisation • Clearer statements of behavioural expectations and consequences and strong communications • More embedded approaches throughout the whole organisation 	<ul style="list-style-type: none"> • More HE providers are taking a 'whole organisation approach' to tackling harassment and sexual misconduct 	<ul style="list-style-type: none"> • All forms of harassment and sexual misconduct are considered unacceptable on campuses
<p>2. Governing bodies should ensure that the approach to tackling harassment and sexual misconduct is adequate and effective, and that related risks are managed.</p>	<ul style="list-style-type: none"> • Governing bodies understand their responsibilities and obligations in this area • Governing bodies are routinely provided with and discuss information on reports, cases and outcomes • Strategic decision-making in remit of more permanent committees • More governing body members trained • More active management of risks 	<ul style="list-style-type: none"> • More governing bodies oversee harassment and sexual misconduct approaches at their provider 	<ul style="list-style-type: none"> • More effective approaches to tackling harassment and sexual misconduct in place • All forms of harassment and sexual misconduct are considered unacceptable on campuses
<p>3. HE providers should appropriately engage with students to develop and evaluate systems, policies and processes.</p>	<ul style="list-style-type: none"> • More providers engage a diverse range of students in developments • More students involved in investigatory and disciplinary processes provide input • More account is taken of victim-survivors' voices • More use of specialist expertise to support student engagement 	<ul style="list-style-type: none"> • More HE providers engage students in developing and evaluating harassment and sexual misconduct approaches 	<ul style="list-style-type: none"> • More student-centred approaches and interventions are in place • More providers take trauma-informed approaches • Victim-survivors have higher levels of satisfaction with the experiences and outcomes • Improved educational outcomes of survivors
<p>4. HE providers should implement adequate and effective staff and student training with the purpose of raising awareness of, and</p>	<ul style="list-style-type: none"> • More accessible communications about how to disclose or report and access to support • More providers have clear training strategies 	<ul style="list-style-type: none"> • More providers have adequate and effective student and staff training in place 	<ul style="list-style-type: none"> • Complete awareness among students of how to disclose and report all forms of harassment and sexual misconduct • Students become more confident to report

Statement of expectation	Enabling outcomes	Principal outcomes	Longer-term outcomes/ impact
preventing, harassment and sexual misconduct.	<ul style="list-style-type: none"> • More staff trained (awareness and bystander intervention, and responding to disclosures and reports) • More students trained (awareness and bystander intervention) 		<ul style="list-style-type: none"> • Over time perpetrators become more reluctant to act • Eventually students are better protected from all forms of harassment and sexual misconduct
5. HE providers should have adequate and effective policies and processes in place for all students to report and disclose incidents of harassment and sexual misconduct.	<ul style="list-style-type: none"> • Clearer signposting for students to information about how to disclose and report, and on options available to them and what is involved • More providers with staff that can respond appropriately and effectively to disclosures and reports 	<ul style="list-style-type: none"> • More providers have adequate and effective disclosure and reporting policies and procedures in place 	<ul style="list-style-type: none"> • Fewer barriers to reporting for all students including marginalised groups • More reports (including relative to the prevalence rate) • Better student experiences and outcomes
6. HE providers should have a fair, clear and accessible approach to taking action in response to reports and disclosures.	<ul style="list-style-type: none"> • Better management of students' expectations through the process and more options provided and information about possible courses of action once a disclosure is made • More providers have fair, independent and bias-free investigatory and disciplinary processes and procedures (clearly based on the civil standard) • More providers understand and adhere to sector guidance 	<ul style="list-style-type: none"> • More providers have fair, clear and accessible approaches to taking action in response to disclosure and report 	<ul style="list-style-type: none"> • More reports (including relative to the prevalence rate) • Better student experiences and outcomes • Over time perpetrators become more reluctant to act • Eventually students are better protected from all forms of harassment and sexual misconduct
7. HE providers should ensure that students involved in an investigatory process have access to appropriate and effective support.	<ul style="list-style-type: none"> • More providers with appropriate support for reporting and responding parties • More providers facilitate access to specialist support internally or at external organisations • Students' expectations are well managed through processes • More providers are sharing information on outcomes with both reporting and responding parties 	<ul style="list-style-type: none"> • More providers offer appropriate and effective support for students involved in disciplinary procedures 	<ul style="list-style-type: none"> • Victim-survivors are more confident in reporting • More reports (including relative to the prevalence rate) • Better student experiences and outcomes through these processes

Appendix C. Additional Qualitative Responses

Figure 11 Thematic analysis by type of consultee

Themes	Summary	Additional illustrative comments
<p>Overall view of the statement of expectations</p> <ul style="list-style-type: none"> – Sector change – Provider change – Student experience – Culture / attitude / behavioural change 	<p>There is general consensus amongst the different stakeholder groups that the SoE has had some impact in bringing about changes in the sector, but that the right people have to be in place to prioritise these issues and bring about cultural and sector change.</p>	<p><i>I think it's one thing that's really helped the university and the department I work in get resource for this work and financially from the University as a whole. My post previously was a much smaller post and it has been expanded. We've also been able to have dedicated resource for support to students and I think the statement of expectations provided a solid reasoning for why we should dedicate resource, specifically in this area, and whereas you know, there has been support in this area before, but I think it's enabled the University, to be convinced to expand resource in terms of staffing.</i></p> <p><i>I think it's having the right people in the institution who are high enough level where they can actually change the thinking.</i></p> <p><i>There has been a huge cultural change as prior to the changes made there was reluctance to talk about these issues, there was a view there was no problem as no one had reported any incidents.</i></p>
<p>#1 Taking a whole organisation approach</p> <ul style="list-style-type: none"> – Strategy / policy – Leadership – Accountability – Communications – Embedding across universities 	<p>Taking a whole organisation approach / embedding is at an early stage, and issues raised include aligning student and HR policies; the timescales required to embed, and the criticality of leadership involvement.</p> <p>Capacity within existing roles and resourcing for specialised posts are raised as issues in regard to embedding across providers, with this a particular issue for smaller institutions.</p> <p>This is related to activities including awareness raising, student support and investigations.</p>	<p><i>And some of the challenges we had, is trying to get marketing and communications and various people involved because they don't really think it's to do with them or they're concerned about reputational issues, so I think embedding it across the institution was really hard and what actually helped with that is actually saying these are the senior people they've instructed you that this is your responsibility.</i></p> <p><i>The big challenge, I would say internally for us is capacity to do these things, alongside all the other things that we're doing.</i></p> <p><i>I think one of the difficulties comes in that because no university is over resourced and has lots of slack, it's very hard with the best will in the world to offer any resource to another smaller institution that that can't manage.</i></p> <p><i>We are really championing, for having a specialised casework team that will manage all these things. We've kind of assigned senior investigating officers who are highly trained, specialized members of staff rather than being a bit disjointed. And I know that's something we really want to do, and that's an approach other providers take as well. So that's something we want to do, tension there is to do with resourcing and budgets.</i></p> <p><i>We have quite a few allegations of staff misconduct, both hate harassment and sexual misconduct, and it has been a struggle, I think, at times, to get HR working in a way that we feel is for students, because their processes are so misaligned with student processes, but you've still got a student at the end of it really. But we all were always met with quite a lot of opposition from our HR</i></p>

Themes	Summary	Additional illustrative comments
		<p><i>colleagues about how much they can do and how it aligns with employment law and lots of things like that.</i></p> <p><i>Our project was actually set up a task and finish group around sexual violence, and we have lots of senior people from various departments, I think something that, in terms of learning from challenges and stuff I think we just perhaps disbanded it too early. But we sort of got an action plan out of it, but then it's once you've disbanded it is actually hard to follow.</i></p> <p><i>We are very lucky to get some resource to employ somebody as a project officer who had an awful lot of expertise and actually rolled out consent programme in an American university and understood how to do that and that's taken four years for us to do that from her starting.</i></p>
<p>#2 Embedding in governance structures</p> <ul style="list-style-type: none"> – Governance – Oversight and decision-making – Risk management 	<p>Comments suggest that this mainly comprises reporting to governing bodies, rather than the governing bodies holding executive teams to account.</p>	<p><i>The Board of Directors delegate their responsibility in this area to the SLT but keep an eye on it through quarterly reports which summarises the data received by SLT and are informed of any key risks as they arise at a routine monthly meeting.</i></p> <p><i>The next Board of Governors meeting my sexual violence project officer will be going and talking about the consent programme to hear about some of the things that we're doing we're just getting reporting support so talking about reporting and how we do that, so it is threaded through and it works quite well, so the Board of Governors are very involved. But they rely on our expertise to tell them what are the right things to do, and then they can ask us questions.</i></p> <p><i>We've taken updates on what we do and what we're doing basically to our Academic Council regularly over the course of this academic year and we've had about three or so updates going on from the Academic Council to the governing body. Including the action plan that we're that we're working through in terms of responding to the Statement of Expectations, so I think we've had good discussion and debate in governing body meetings about all of that so they're quite interested in what we're doing. You know, asking the appropriate questions about progress and that type of thing.</i></p> <p><i>I may not go that far in terms of saying they've got a complete grip. If I go back to, I suppose the assurance side, in terms of delegated responsibility they want to be assured that we've got our eye on this area and that we're making sure that we're doing everything we can, so it's more about assurance. So the level of detail, and how much of an eye they have on it, I would say, not a huge amount.</i></p>
<p>#3 Engaging students and co-creation of policies and processes</p> <ul style="list-style-type: none"> – Student engagement 	<p>There is a theme of engaging students in co-creation, particularly through working with SUs, although there is room for more to be done.</p>	<p><i>The consent campaign that's running this year is a joint one, so it's the University and the SU [Students' Union]. We thought it was important that it came from both sides, not just the Union.</i></p>

Themes	Summary	Additional illustrative comments
<ul style="list-style-type: none"> – Engagement with diverse groups – Co-creation (of prevention, response and support) with students and victim-survivors – Evaluation 	<p>Work on co-creation involving survivors is less developed.</p> <p>Responding to the cultural norms of a diverse international student population was also raised.</p>	<p><i>We've been massively working in conjunction with the students' union and student groups, because we found that gets more engagement that way.</i></p> <p><i>We do work with the SU but we could work closer, I think that we could involve the student voice more in the feedback definitely, absolutely.</i></p> <p><i>I think I suppose just in terms of challenges, I mean we've had good engagement from our students' union. The SU sit on the various groups that are involved in this. I suppose that the challenge really is that we've got quite a lot of projects running at the moment, you know, in terms of student experience and it's really people having the capacity to focus on this alongside all of the other things that we're pushing along basically so that's probably been the biggest challenge.</i></p> <p><i>No approach has been made to survivors yet as it is a sensitive issue and there is a need to build confidence and consider when and if an approach is appropriate depending on circumstances.</i></p> <p><i>So we have thought about it [consulting with survivors]. So when we were thinking about some of our awareness-raising campaigns. I've always been very mindful of that. Just because I wouldn't want to put anyone in the spotlight or the onus on them, especially considering that there is this kind of focus solely on survivors. And I think it feeds into victim blaming culture as well, but my work with survivors informs my contribution to the work that I do.</i></p> <p><i>Another thing that we found this year is that we're like extremely diverse and actually I think 60% of our students are international students so there's a lot of different cultural norms, so then when I did a survey just asking students about whether a behaviour constituted sexual harassment, for example, I think it was something shocking like 30% of students didn't think a particular thing was and it's like if that's what we're working with as a baseline the University really should be doing more to like support the students that may not even know how to put a word to behaviours and things like that so yeah it's challenging.</i></p>
<p>#4 Prevention: staff and student training and awareness raising</p> <ul style="list-style-type: none"> – Training strategy – Staff training – Student training – Awareness raising – Prevention training – Training to encourage reporting 	<p>Awareness raising in regard to prevention is an ongoing issue, and relates to wider issues than individual campaigns on single issues.</p> <p>A theme arose around engaging people generally and the different approaches taken to addressing this, and the use of incentives and/or</p>	<p><i>The risks for me at the moment, and I have flagged this in my report to the Executive is around the capacity for investigation, and that we need to train up staff to a higher level than we've done previously, and bring in some external training expertise there, particularly around the sexual misconduct type cases, and it's not just about training staff. It's also about selection of staff because it's not something you could, I don't think, impose on a member of staff.</i></p> <p><i>What doesn't work particularly well is training staff who are full time already working at the university who have other duties to take on disclosures and provide support throughout the process. Training</i></p>

Themes	Summary	Additional illustrative comments
	<p>mandatory attendance at training.</p> <p>More work is required around awareness raising and prevention for non-sexual harassment.</p> <p>Comments spoke about the need for dedicated resources to train staff to deal with disclosures and to support students. This was an issue for SU and institutions.</p> <p>Comments also stressed the importance of having dedicated staff teams rather than on a volunteer basis. Staff training seems to lag behind student training.</p>	<p><i>staff to deal with trauma on a volunteer basis is not appropriate, and it does not work well. We've seen that in our sexual misconduct survey report as sexual violence liaison officers who work on a volunteer basis actually received the lowest score for individuals who experienced violence, who engage with the process to some extent or reached out to them for support. So what does work well on the flip side is investing the resources to have a dedicated individual or team of individuals, specifically to deal with individuals that choose to engage with the process.</i></p> <p><i>But there's no training involved in being an investigation officer. There's no kind of this is how to conduct an interview. This is how to choose the most appropriate witnesses. This is how to be one. There's none of that, and it was just, you can see it going very wrong, I guess, in my head, particularly if somebody resonates with the complaint being made.</i></p> <p><i>This year, we ran a consent campaign that we that we made sure was quite sex positive and so as part of the event that went with that we held a space for people to come do some arts and crafts, but also we brought in a sex positive educator and they spoke about consent and things like that so trying to engage them in ways that they want to engage.</i></p> <p><i>Among a lot of our staff there was potentially a lack of expertise... I'm always asking who actually is trained to handle this or to support people. And I found out at the start of the year that there was only one staff member, was actually trained in talking to students, I guess, responding to disclosures so that's kind of with why we've pushed for training.</i></p> <p><i>So our first campaign was last November. We used our big launch of the initiative, and we ran a week of the workshops and talks which covered all of the areas that you would imagine in this area. So online safety issues, domestic violence, talks from different organisations, harassment. We had different faith groups doing talks. We had some of our own staff who practiced in these areas. We had street harassment by standard training, so we had a whole array, and then the second campaign was in April of this year, which was a drink spiking campaign where we had the online sessions. We had stands at campuses, and we distributed anti-spiking devices and our next campaign will almost certainly be something around the sexual harassment, sexual violence area, the next campaign which we're planning for November. And so we and we also asked the staff to complete the learning as well. We're having a stand up to street harassment training delivered by the Suzy Lamplugh Trust as an induction freshers activity.</i></p> <p><i>So, safeguarding, prevent, and consent are key induction modules that students are required to take. And we were following that up</i></p>

Themes	Summary	Additional illustrative comments
		<p><i>with social media posts to try and encourage students to complete that this year we'll be actually emailing students who haven't completed it to do so, because we're now in a process of being able to track which students have done it, and which students haven't. Obviously there is an opt out, because, as someone said before, for some survivors, then it could be quite triggering.</i></p> <p><i>We haven't gone down the route of making this mandatory. I've preferred to go down, rather than a stick approach to adopt a carrot approach. So we invite the students to complete the e-learning as part of their joining instructions, but also the Students' Union has a skills development program, where they offer students the opportunity to take part in, if you like extracurricular activities. And when the students do that, the Students' Union gives them a certificate of participation. So the e-learning, the safe inclusive campus e-learning is part of the Students' Union skills development programme.</i></p> <p><i>I think there's obviously things more we can do. I think we need to look at where is bullying, and harassments, hate crime, etc. I think, also needs to be focused on in terms of how we tackle that. And again, we need to do what we've done for sexual misconduct in the same way is to ensure that students would be signposted into our services anyway, and it's around clearly mapping that.</i></p> <p><i>They have found issues with international students understanding basic level information on the meaning of consent.</i></p> <p><i>What we did last year was to launch an online module, which talked about cultures and behaviours and expectations and did talk about all those forms of unacceptable behaviours and the values of the institution.</i></p>
<p>#5 Reporting and disclosure systems, policies and processes</p> <ul style="list-style-type: none"> – Effective policies and processes – Handling reporting and disclosures – Anonymous and third-party reporting – Information and guidance – Student support – Referral and signposting to third party services – Barriers to reporting and disclosure 	<p>Comments suggest reporting and disclosure systems are being put in place. The data collected is not being fully utilised for example to monitor prevalence or impact on student outcomes, or to shape preventative measures, although steps are being taken. This is partly due to concerns around GDPR and alignment of policies and processes.</p>	<p><i>So we've got our own reporting online database that students can log on and play through the university pages, they can go to the reporting page and they pull out a form, and then they make their report, they can do it anonymously. What we're going to be working towards in the next academic year is to have Dignity Advisors, I think it's paid for a small it's like a fractional payment for doing it and Dignity Advisors are referenced throughout on the support pages and we've also got a small welfare team, and then a team of advisors who also receive disclosures but what we're going to work towards next year is having those staff with access to the support system so that we can then record the data. So it might not necessarily be that the students are wanting to take it formally into formal a complaint and investigation, but will then have an opportunity to get a feel as to what's happening on campus because obviously there are lots of conversations going on with numerous areas and we're not recording it so that's what we're going to do next year.</i></p>

Themes	Summary	Additional illustrative comments
		<p><i>We have various reporting avenues which is great from a service user perspective, but this provides difficulties in establishing basic metrics across all the reports and insights so we don't have Report and Support. We have reports that come through our Student Council and Wellbeing & Mental Health team and reports via that complaints route. And so there is a variety of different reporting routes that students can use and staff obviously HR team as well, but it makes it difficult to get one picture on there too, and metrics to be able to kind of respond to. So we're slowly but surely, working together with those teams to start using those platforms, a little bit better.</i></p> <p><i>One of the things we have done, and with the UUK guidance that came out earlier in the year as well, we noticed a bit of a hole if students are complaining about a staff member. It was a bit sort of stuck between student complaints in HR and you know never the twain shall meet so one of the things we've done is actually say if it's a complaint about a staff member it automatically goes into the disciplinary process and is dealt with in one process so that the students get the same support and the same communication.</i></p>
<p>#6 Approach to taking action in response to misconduct</p> <ul style="list-style-type: none"> – Disciplinary policy and procedures – Issues that may also constitute a criminal offence – Student complaints – Investigatory approaches – Disciplinary hearings – Use of information 	<p>Comments suggest procedures are being put in place to take actions.</p>	<p><i>One of our earliest disclosures was a student complaining about a visiting lecture about harassment. It was one of our very first ones, and we dealt with it under exactly the same procedure. The only difference was that the outcome that the responding party involved wanted support from their union understandably, and the outcome was reported to HR. But we were well set up to deal with it.</i></p> <p><i>So under our Dignity at Work and Study policy, if a complaint is made through the formal route, and an investigation initiated with two investigating officers to report. They have to turn around the report within 21 days, and if they recommend that it may uphold the complaint, then for a student, if it's a student-on-student complaint, it would then go into the student disciplinary policy, so the student would be disciplined. It's staff on student it goes into the staff disciplinary policy, and likewise, if it was staff on staff, it would go into the staff disciplinary policy. If it was a staff member making an allegation against a student. Then, obviously, if it was upheld, it would go into the student disciplinary policy. So the Dignity at Work and Study policy is kind of tacked on to the front of the Disciplinary Policy, so that then, if it's upheld it then goes into a disciplinary proceeding.</i></p>
<p>#7 Provision of support to students following reports and disclosures</p> <ul style="list-style-type: none"> – Student support – Reporting and responding student support 	<p>Comments suggest more needs to be done around supporting the diverse student body and their differing needs (both as reporting and reported parties).</p>	<p><i>In terms of going through the process it can sometimes just add massively to the trauma [for the student], even if they do tell you that there are people there to support you. And I think it's because of how the processes are adapted to fit different types of people with disabilities or the way that you have to actually come into report, or how you can access reporting I think it's very rigid. And doesn't really allow for people that have different characteristics like neurodivergences. It's built around a certain type of person, so I think the system is a bit too rigid and doesn't really adapt to different</i></p>

Themes	Summary	Additional illustrative comments
<ul style="list-style-type: none"> – Timeframes for dealing with reports – Communication of outcomes 	<p>The issue of management of expectations of what can be achieved/what outcomes can be reached for the reporting party is raised, particularly in light of limited availability of trained staff.</p>	<p><i>types of students and then alienates a huge number of students that probably do need support, and I also think there isn't much work done to make these services as accessible ... There isn't like a diversity of staff, for example, or it's just there's not much done to make the services friendly to people on what is quite a traumatic thing to do so, I think, maybe because universities are still sort of catching up on having the services they have not gone that far, but I think a lot more needs to be done.</i></p> <p><i>We also had reference to challenges with students having mental health concerns and part of that obviously comes with support but also then we're taking them through the disciplinary process and that can be students on both sides, ensuring that they're appropriately supported.</i></p> <p><i>And one of the models that we brought in, and I think that's why I was listening with such interest is when a student goes through with a formal report/ complaints, the university does a risk assessment... Just to kind of ensure that all wellbeing needs, and inclusivity needs are considered as part of any measures.</i></p> <p><i>We're all quite happy that victims received reasonably good support when issues relate to sexual misconduct, but some of the other areas of harassment actually didn't receive the same level of support and can be challenging.</i></p> <p><i>There's also a perception from victims that while responding students who've been reported can receive legal representation, the reporting student is not permitted to, or they don't have that same ability themselves to receive legal representation or funding when it comes to disciplinary committee.</i></p> <p><i>I think that the university needs to manage the expectations of what the report would achieve, because students have come to me, ... and said to me I wish I had never reported it, which defeats the whole reason to report and the university does, I think, in ways say Oh, you know you can just go and get support but it's better if you do report because we can do something, and if you report not anonymously, then we can resolve to make changes. And I think that's quite dangerous because it's even though it [the processes] can get really messy and I've been told it's really hard to know what the outcome of a complaint might be, you might have to go to disciplinary hearings and there might not be student representation.</i></p> <p><i>Talking about managing expectations we have the policies and the procedures, but we don't have the support to go with it. And again, I think that comes back to ... is there trained advisors in place, and I think it's there is a formal complaint and we just support that student as best we can, as we go along, which obviously doesn't</i></p>

Themes	Summary	Additional illustrative comments
<p>Implications / informing future decision making</p> <ul style="list-style-type: none"> – Scope of the statement of expectations – OfS' approach 	<p>Comments focus on the requirement for the sharing of good practice which took into context the differing requirements of different types of providers), and establishing of networks. Consistency around training and messages.</p>	<p><i>really reflect that different students have different kinds of support needs.</i></p> <p><i>If there was a consistent campaign that everyone could get on board with. That we could share that would really save a lot of time, because at the moment we're all going off and doing our own stuff. I think the other thing about the training as well if there are training packages that work that could be shared in the same way as UUK did so, you know give some examples of good practice if people were up for sharing, again at the moment we're all doing our own thing.</i></p> <p><i>I think we found the statement of expectations useful as a framework, as I said in terms of evaluating what we do and identifying your gaps and so on, around what we should be doing. I think, possibly the OfS could publish things like case studies about how institutions have implemented the statement of expectations, so that effectively, you know the sector can learn from what what's worked well elsewhere. I think that would be helpful.</i></p> <p><i>I really think roundtable sessions would be so useful so that providers can support each other as well.</i></p> <p><i>If there was some sort of campus climate survey that every university could use that had gone through some sort of an ethics committee and then it was shared.</i></p> <p><i>I think sector wide guidance on best practice, this is the only way that doesn't put one institution out there feeling like we're going to do this and then be held up on the front of a national newspaper as doing something wrong, which I think we're all constantly aware of at the moment.</i></p> <p><i>Some guidance to say yes, that should happen, it is appropriate to share that data or, rather, to ask for that data, rather than somebody having to be the university that puts their head above the parapet and hopes that it works.</i></p> <p><i>I'm not convinced that putting it into the regulatory framework, about what institutions' responses would be unless, as well as putting it into the regulatory framework, there was a guaranteed resource that would be provided.</i></p>
<p>Understanding intended longer-term impact</p> <ul style="list-style-type: none"> – Monitoring and evaluation – Evaluation framework – Measuring prevalence 	<p>Comments suggest no form of prevalence monitoring is taking place on a systematic level.</p>	<p><i>I would echo what was said earlier about the increased number of reports, not necessarily meaning the increased prevalence. And that's not always the case, but I think sometimes it is the case. So we've had around a 250% increase in the number of reports from 2019 to 2020 into 2021/22 and I was looking at the data for the start of this year, and it seems that we have another increase in reporting for 2022/23 academic year. The things that we're seeing as part of that might be that's just because that's when we put reporting in and when I started promoting the service. But the things that we've seen coming through, most recently, is a lot of racism and racial</i></p>

Themes	Summary	Additional illustrative comments
		<p><i>discrimination and harassment. Sadly, some of that from our colleagues, so our teaching teams and student services teams. And antisemitism and Islamophobia we're starting to get a lot more reports around that and I think some of that might be to do with increased awareness around those issues. And so I think just in general, people are understanding that more and then reporting it more.</i></p> <p><i>No prevalence studies have been completed to date, but the institution want to do some more work in this area in particular with students.</i></p> <p><i>We haven't as yet [done any surveys on prevalence], but it's something that we're looking at. When I started my role in January 2021 I was the only person in terms of EDI. I've sort of developed a team, and it's something that we're looking at. Through our employee engagement survey, there are questions in there, but I think we still need to do more to have a better idea in terms of students.</i></p> <p><i>It's always hard to know about prevalence versus reporting, because as has happened across the sector when improving reporting mechanisms for sexual assault and harassment, the increase in reporting doesn't necessarily mean an increasing prevalence. It means that we're doing better work at enabling and encouraging reporting. But we're definitely getting more reporting, I would say the two biggest areas and separate to sexual assault are probably around race and LGBTQ+. Those are probably the two areas where people are reporting incidents in which they might have been subjected to harassment or some form of hate incident.</i></p> <p><i>I'm in favour of transparency of reporting outcomes but this may need to be an iterative process, so all institutions are in a position to publicly report outcomes in the same way and at the same time.</i></p>

Appendix D. Case Studies

We undertook case study research with four institutions to look in more depth at how different HE providers have responded to the statement of expectations. The case study research involved online interviews and small group discussions with a mix of leaders, managers, staff involved in preventing and responding to harassment and sexual misconduct, and student representatives across the institutions. Three of these are summarised below and findings from them all have been incorporated into the body of the report. The first two case studies were with providers which started considering how to tackle harassment and sexual misconduct fairly recently, and in part in response to the OfS' statement of expectation, whereas the third is a larger, established university which began tackling this area following publication of UUK's *Changing the Culture* report in 2016.

Case study 1: An 'other' type of provider with more than 1,000 students

Themes	Summary of current position
<p>Summary of overall approach</p>	<p>The institution used the statement of expectations (SoE) framework to develop its policy, practice and training responses and enable a cultural change approach. The institution has introduced a number of changes for both students and staff quite quickly and is now taking time to embed these changes in order to consider any additional work and improvements in the areas of support and investigations.</p> <p>However, awareness varies of all the steps the institution has taken to improve awareness, training and reporting and further improvement work is required in the area of investigations and disciplinary processes.</p>
<p>Effect of the statement of expectations</p> <ul style="list-style-type: none"> – Sector change – Provider change – Student experience – Culture / attitude / behavioural change 	<p>The SoE has had a huge impact, the institution used the framework to develop policy, practice and training responses and enable a cultural change approach. Other key influences included UUK reports and an Ofsted inspection as a result of apprenticeships being delivered. Ofsted's incredibly wide safeguarding approach has influenced a change to their approach to online safety and peer on peer abuse. Other influences included high profile cases in the media and seeing an increase in reports of unpleasant activity in private student WhatsApp groups.</p> <p>There has been a huge cultural shift as prior to the changes made there was a reluctance to talk about these issues, and a view there was no problem as no one had reported any incidents. Student support services are now arranged around three pillars of support, safeguarding and a safe and inclusive campus which are used as the vehicle to talk about these issues. Since introducing the policy, processes and systems there has been an increase in cases as victims have started to come forward to report incidents.</p> <p>They have now started to monitor trends in types and locations of cases being reported including all types of student and staff cases.</p>
<p>#1 Taking a whole organisation approach</p> <ul style="list-style-type: none"> – Strategy / policy – Leadership – Accountability – Communications – Embedding across universities 	<p>Includes a new Dignity at Work and Study Policy; updated Code of Behaviour Policy and Disciplinary Policy; a new Report and Support reporting platform (for students and staff); delivered awareness raising safe and inclusive campaigns on topics such as spiking and consent; and training for staff includes consent and responding to disclosures training.</p> <p>The general view is that a holistic and strong approach is being taken with investment being made in resources, people, systems and policies. There are no longer separate policies and procedures for students and staff. Information is provided to staff,</p>

Themes	Summary of current position
	<p>students, visitors and contractors. Staff embedded onsite at partnership campuses take on a safeguarding role.</p> <p>There is an awareness that more work is required to embed this organisational approach and associated changes.</p>
<p>#2 Embedding in governance structures</p> <ul style="list-style-type: none"> – Governance – Oversight and decision-making – Risk management 	<p>The Board and Senior Leadership Team take a role in assuring that policies and processes are in place, risk is managed effectively, awareness is raised, and they have an understanding about what is happening in this space.</p> <p>The number of cases/categories/locations and risk are being flagged via monthly and quarterly Executive Board reports. The Executive Board are informed of any key risks as they arise at a routine monthly meeting. The Policies were approved by the Academic Board.</p> <p>There is an emerging understanding that the biggest strategic risk is having enough resources for investigations and associated support. As a result, they are planning to train 4 more Sexual violence liaison officers (SLVO) this academic year.</p>
<p>#3 Engaging students and co-creation of policies and processes</p> <ul style="list-style-type: none"> – Student engagement – Engagement with diverse groups – Co-creation – Evaluation 	<p>The institution has consulted and engaged with students, Students' Union (SU) and staff via focus and advocate groups e.g., the BAME student network. The SU was at the forefront of an anti-spiking awareness campaign which included raising awareness of what constitutes harassment and what to do as an active bystander.</p> <p>No approach has been made to survivors to date due to the sensitive nature of the issue. It is recognised that there is a need to build confidence and consider when and if an approach made to survivors is appropriate, this will depend on individual circumstances.</p> <p>Student awareness of the level of co-creation was variable.</p> <p>No prevalence studies have been completed to date.</p>
<p>#4 Prevention: staff and student training and awareness raising</p> <ul style="list-style-type: none"> – Training strategy – Staff training – Student training – Awareness raising – Prevention training – Training to encourage reporting 	<p>The Code of Conduct is sent to new students as part of joining instructions, 6 weeks before start of their course.</p> <p>Consent, tackling harassment and online safety training courses are sourced from external providers, as is SVLO training. Links to an e-learning course sit in a safe and inclusive campus platform and are badged on the e-learning platform. Courses can also be completed as part of the SU development programme, where participants receive a certificate for completion.</p> <p>A similar approach is being progressed on the staff side to earn points and receive awards. Annual rates of completion will be reported to the Academic Board on an annual basis. More work is needed on raising awareness that Report and Support can also be used by staff.</p> <p>More training is also needed for staff who undertake investigations in this area.</p> <p>Existing training is non-mandatory for both staff and students, proactively encouraging specific cohorts to sign up to training is time consuming, so there is a view that some of the basic awareness raising training may need to be made mandatory in future and made part of induction processes.</p> <p>Students noted that they are overloaded with material during induction so material around this topic can be missed and as training is not mandatory not undertaken.</p> <p>There was a suggestion that training should be mandatory and linked to educational</p>

Themes	Summary of current position
	<p>outcomes. Linking learning analytics to line managers and tutors to further encourage training completion.</p> <p>There are issues with international students understanding basic information on the meaning of consent, as a result cultural inclusion training has been organised for student facing services. There is also a need to improve awareness raising and training around other non-sexual forms of harassment for students.</p> <p>Safe and inclusive awareness raising campaigns run in November and April which include posters, various workshops and talks around the topics of on-line safety; domestic violence; harassment; bystander training for street harassment; spiking. There is a session on sexual violence planned this November.</p> <p>An animation on a safe and inclusive campus is on the report and support platform which is available to all staff and students. The SU website has links to the Report and Support platform.</p> <p>If it becomes clear a particular type of harassment is becoming more common, then research on the best way to approach awareness raising will be undertaken alongside third-party organisations and consultation with the SU before running a specific campaign or events.</p>
<p>#5 Reporting and disclosure systems, policies and processes</p> <ul style="list-style-type: none"> – Effective policies and processes – Handling reporting and disclosures – Anonymous and third-party reporting – Information and guidance – Student support – Referral and signposting to third party services – Barriers to reporting and disclosure 	<p>There is a recognition that raising awareness through campaigns, training and ease of reporting has increased the number of incidents now being reported. If a report is made this is triaged and referred to the appropriate person, all named reports are responded to within 48 hours offering an appointment with a member of staff. Those reporting serious incidents are fast tracked. Sexual misconduct reports are responded to by the SVLO or Director of Student Experience who provide the reporting student with support throughout the process. Anonymous reports can also be made via Report and Support.</p> <p>If a formal complaint is made through the Dignity at Work and Study Policy, two investigation officers are appointed, and the target is to complete investigation within 21 days. If the complaint is found to be justified the Investigating Officers can recommend the complaint is progressed under either the student or staff disciplinary policy. Reporting students can be signposted to local support services and a specialist counselling service offered.</p> <p>However, students were slightly cynical about the progress being made in this area in terms of how this is positively impacting outcomes for students. There is a perception that incidents in different locations are dealt with differently and there is mixed awareness and support from academics in this area. The students also believe there is still a fear around reporting and possible consequences for both them and the individual they are reporting about. They feel clearer examples to demonstrate what may happen when a case is reported are needed.</p> <p>The institution wants to provide more local support (advisors and mediators) and information to both students and staff including strengthening partnership agreements with partner institutions. There is also consideration of a new case management system with links to the student record system to monitor cases more effectively.</p>
<p>#6 Approach to taking action in response to misconduct</p>	<p>Updates have been made to the Disciplinary Policy and associated processes. When a formal complaint is made a copy of the Dignity at Work and Study Policy is sent to both reporter and respondent. A trauma led approach is taken and separate support</p>

Themes	Summary of current position
<ul style="list-style-type: none"> – Disciplinary policy and procedures – Issues that may also constitute a criminal offence – Student complaints – Investigatory approaches – Disciplinary hearings – Use of information 	<p>is provided to both reporting and responding parties, from Student Support Services or the SU for students and HR for staff. If reports are anonymised a formal investigation cannot be undertaken.</p> <p>Nine formal complaints have been made in the first year and some trends in reporting have been noted, although no disciplinary hearings relating to harassment or sexual misconduct have been heard to date. Internal investigators are trained but not for specialist disclosures which are referred to specialist external investigators.</p> <p>The 21-day timeline for Dignity at Work and Study formal complaints hasn't always been possible in complex cases. If the complaint is upheld, one possible outcome is a recommendation that it progresses to disciplinary proceedings.</p> <p>There is a perception among students that cases are handled differently depending on who it is reported to. They believe many students still have a fear around possible negative outcomes and experiences when going through an investigation process. In order to allay these fears, they believe providing real life anonymised examples of experiences and outcomes of investigations including if the police have to be involved would be very helpful.</p> <p>The institution realises there are issues around the investigatory process and want to work with those experiencing it and other institutions to understand and improve.</p> <p>The institution has found through experience that Professional, Statutory and Regulatory Bodies (PSRBs) have different requirements in this area and it has been time consuming finding this out. For example, some PSRBs require investigations to be reported, whereas others only require it at the disciplinary stage. Collated guidance around this for providers would be useful.</p>
<p>#7 Provision of support to students following reports and disclosures</p> <ul style="list-style-type: none"> – Student support – Reporting and responding student support – Timeframes for dealing with reports – Communication of outcomes 	<p>The SVLO or other supporting officer will provide support for as long as the reporting student requires it, this can include both emotional and practical support around accommodation, financial, and academic issues. Proactive support is based on a risk and needs assessment.</p> <p>Referrals to external agencies will be made where relevant for example they will link up with local IDVA or ISVA. Support provided includes help to prevent a victim from having to repeat themselves on numerous occasions.</p> <p>Other areas of improvement needed in future include:</p> <ul style="list-style-type: none"> • Building resource and resilience in the numbers of SVLOs, specialist internal investigators and a specialist casework team. • Improvements in support for staff in this area. • Closing the circle on investigations and outcome analysis.

Case Study 2: Small and specialist type of provider with more than 1,000 FTE students

Themes	Summary of current position
<p>Summary of overall approach at provider and status</p>	<p>This institution had started work in this area prior to the OfS' SoE but have used it to develop policy, practice, awareness, training, and support responses to enable a more holistic cultural change approach.</p> <p>The resulting changes are being embedded and work will continue across the organisation to consider any additional work and improvements, specifically in the areas of investigations and reporting of outcomes. Further work on raising awareness of all the improvements made to date will also continue.</p>
<p>Effect of the statement of expectations</p> <ul style="list-style-type: none"> – Sector change – Provider change – Student experience – Culture / attitude / behavioural change 	<p>The institution had set up a sexual violence and misconduct working group prior to the SoE but found it a 'helpful catalyst' to 'sharpen the focus' of the institution from a senior leadership and board level into moving this topic 'front and centre'. This allowed the development of a holistic cultural change approach. It highlighted the expectations for improvements to policy, practice, awareness, training, and adequate resources to enable delivery. An aligned EDI Strategy was also developed which focussed on inclusivity and resolving concerns relating to unwanted behaviours. Other external influences included high profile cases in the media and campaign groups like #metoo and Everyone's Invited.</p> <p>Initially, there was a low number of anonymously reported cases and some negative perceptions about how the institution responded to such incidents; a #metoo student group was established and the OfS statement and responses to it allowed students to be drawn into the work more formally and widen understanding of the work being done and the access students have to disclosure, support and investigation. Since introducing the changes there has been more positive progress made, and a resulting increase in numbers of students reporting incidents non-anonymously.</p>
<p>#1 Taking a whole organisation approach</p> <ul style="list-style-type: none"> – Strategy / policy – Leadership – Accountability – Communications – Embedding across universities 	<p>A holistic approach to safeguarding in its entirety has been taken through the Sexual Violence and Misconduct Working Group which has overseen work on reviewing and introducing new policies including Safeguarding Policy; Sexual Misconduct Policy; Code of Conduct; introducing a Report and Support platform which can receive anonymous and third-party reports from students staff and visitors; awareness raising, jointly with the SU and targeted training; regular termly and annual reports, with numbers and trends in reporting presented to Executive, Audit and Risk and Governors meetings.</p> <p>The senior lead for this area has regular meetings with both the SU President and CEO of the SU as well as a regular surgery on all campuses. A formalised structured induction for FE students called 'studentship days' was replicated and tailored for the HE student cohort. These cover wellbeing, community, and responsibilities around looking after and checking on others. This is reinforced by the SU and students are expected to complete online training modules.</p> <p>All visitors are escorted on campus and receive a leaflet on safeguarding; contractors undertake safeguarding training.</p> <p>Since introducing the changes there is a sense that improvements have been made with a cultural shift and increased visibility as more incidents are now being reported in a non-anonymous way.</p> <p>There is a general perception from students that the institution may now be responding better to incidents of sexual misconduct, and anecdotally the main types of cases relate to sexual assault in relationships and unwanted touching and texting.</p>

Themes	Summary of current position
	<p>No specific trends have been identified using data analysis, but this will be looked at closely in future, specifically demographics relating to vulnerable students and shared with the working group.</p>
<p>#2 Embedding in governance structures</p> <ul style="list-style-type: none"> – Governance – Oversight and decision-making – Risk management 	<p>The Governors and Audit and Risk Committee understand this issue is important and receive regular safeguarding monitoring reports which includes numbers/types/ locations of incidents and progress being made against actions. Board members actively question and seek assurance from the senior executive team. All Governors have had safeguarding training and there is a Lead Governor in this area.</p> <p>Strategic risks are not currently reported. However, the biggest risks are around a lack of capacity for undertaking investigations to timeline, if the number of incidents increase, and issues of transparency around what an investigation involves, and outcomes.</p> <p>Although there is support for transparency, reporting on outcomes is a challenging area due to the size on the institution and related confidentiality issues. There may be difficulties around reporting cases which have also been investigated by the police.</p>
<p>#3 Engaging students and co-creation of policies and processes</p> <ul style="list-style-type: none"> – Student engagement – Engagement with diverse groups – Co-creation (of prevention, response and support) with students and victim-survivors – Evaluation 	<p>SU reps (and HR) have been involved in the Working Group and provided feedback to both updated and new policies. No survivors have been included in the co-creation of policies and processes due to the sensitive nature of the issues.</p> <p>Although keen to be involved, incoming SU Presidents lack awareness of what the organisation is doing and how much students have been involved in this area. SU reps reported some difficulties in the past and gave an example of pushback and challenge from the Governors when the SU wanted to run an awareness raising campaign on spiking, and there has been some issues around using CCTV images for investigating incidents. The SU had attempted to conduct a prevalence study in the past but had issues relating to privacy.</p> <p>There is an intention to continue to reinforce the whole institution approach, raise awareness and engage with students through the Working Group to continuously improve using student feedback.</p>
<p>#4 Prevention: staff and student training and awareness raising</p> <ul style="list-style-type: none"> – Training strategy – Staff training – Student training – Awareness raising – Prevention training – Training to encourage reporting 	<p>There is no overarching training strategy, the approach is to develop awareness raising and training for students and staff linked to specific campaigns.</p> <p>Studentship induction days are used to cover wellbeing, community, and responsibilities around looking after and checking on others, where staff talk through the Code of Conduct.</p> <p>A mandatory Student Safeguarding module called Consent Matters has been developed (includes opt out for survivors), publicity was via a Consent campaign run by the SU, followed up by social media posts and emails to track completion. Work with the SU on Consent information for students refers to specialist external agencies. However, the SU perceives that the training is not actually mandatory as there are no repercussions for not completing the modules. Although it is hard to skip the module there are ways you can opt out. They believe training should be mandatory, face to face and where not completed, followed up.</p> <p>Mandatory staff training uses slightly different modules for Consent Matters and Responding to Disclosures. All staff are expected to complete it via reminders.</p>

Themes	Summary of current position
	<p>Bystander training was developed but this was cancelled due to lack of sign up, there is a preference to have in person sessions where possible.</p> <p>Two SVLOs were trained in 2020, an additional SVLO (based in HR) has been trained in 2022. Staff are trained to be investigators but there are no investigators with specialist sexual violence or misconduct training.</p> <p>Despite initial reservations from the institution, significant SU concerns around the increase in reports of spiking activity in the student arena led to a joint approach to raising awareness and implementing preventative measures around spiking.</p> <p>Other awareness raising activities includes posters on the back of toilet doors and social media posts; a new campaign on consent and drugs and alcohol is starting soon due to some reports of unwanted attention.</p> <p>Other types of harassment issues are included in the policy, process and procedures but there is a recognition that there needs to be some joint working around awareness raising with the SU, for example, they are aware of cases of transphobia and a student’s nervousness around reporting them.</p> <p>In future the ‘studentship days’ will be repeated for year 2 and 3 cohorts starting from the 2023/24 academic year. There are also plans to develop future campaigns around healthy relationships and consent matters (which will include bystander training) during health and wellbeing events.</p>
<p>#5 Reporting and disclosure systems, policies and processes</p> <ul style="list-style-type: none"> – Effective policies and processes – Handling reporting and disclosures – Anonymous and third-party reporting – Information and guidance – Student support – Referral and signposting to third party services – Barriers to reporting and disclosure 	<p>Each incident reported via Report and Support is triaged and referred to a SVLO where appropriate. SVLOs listen to the reporting student and facilitate both academic and emotional support, referrals to specialist organisations where appropriate such as the wellbeing and counselling service and external services like a Sexual Assault Referral Centre (SARC) or Rape Crisis Centre (one of which has a specialist student ISVA).</p> <p>Both students and staff are supported and empowered to resolve their own issues informally, which this enables the right resources to be provided to those going through the more formal processes.</p> <p>SU reps would like to see the process for investigations communicated more widely as students aren’t sure what happens, worry about having to repeat themselves numerous times and this can be a barrier to reporting. Other barriers cited by the SU reps include a fear of police involvement due to a lack of trust.</p> <p>Other issues include the need to work with students to ensure responding students are investigated appropriately and not outed on social media, and ensuring all campuses are resourced equally and further development of relationship with external partners.</p>
<p>#6 Approach to taking action in response to misconduct</p> <ul style="list-style-type: none"> – Disciplinary policy and procedures – Issues that may also constitute a criminal offence – Student complaints – Investigatory approaches – Disciplinary hearings 	<p>Some staff and SU reps are aware of the Pinsent Masons guidance on handling issues that may also constitute a criminal offence, but not all.</p> <p>Internal investigators are trained but not for specialist disclosures and so they would have to employ specialist external investigators to undertake an investigation. The HEI has signed up to the pledge not to use Non-Disclosure Agreements.</p> <p>Students often aren’t aware it is their choice to report an incident to the police and aren’t fully aware of the options the institution provides. Providing real life anonymised examples of experiences and outcomes of investigations (including if the police have to be involved) would be helpful to raise awareness.</p>

Themes	Summary of current position
<ul style="list-style-type: none"> – Use of information 	<p>The institution realises there are issues around having specialist trained investigators for the investigatory process and need to address this.</p> <p>Although there is support for transparency, reporting on outcomes is a challenging area due to the size on the institution and related confidentiality issues. It is also considered that there may be difficulties around reporting cases which have also been investigated on a criminal basis. There is support for working with students to raise their awareness of the process of investigation.</p>
<p>#7 Provision of support to students following reports and disclosures</p> <ul style="list-style-type: none"> – Student support – Reporting and responding student support – Timeframes for dealing with reports – Communication of outcomes 	<p>SVLOs provide support for students following disclosures for as long as required. As mentioned above referrals are made to specialist organisations where appropriate such as their wellbeing and counselling service or external services. Three reporting students have been referred to an ISVA to date. Support provided includes help to prevent a victim from having to repeat themselves on numerous occasions.</p> <p>The institution has struggled with the conflict between reporting outcomes and protecting an individual’s identity. SU reps would support the HEI using a transparent approach in reporting outcomes if individuals cannot be identified from the data.</p>

Case Study Provider 3: Research intensive type of provider, medium to large size in terms of number of FTE students

Themes	Summary of current position
<p>Summary of overall approach at provider and status</p>	<p>This institution has developed its approach to tackling sexual misconduct over many years and more recently has started to look at doing the same for the ‘other forms of harassment and incidents of hate’. The SU has campaigned on the latter issues which has helped to drive this renewed focus.</p> <p>Overall, the drive has been to professionalise how the institution tackles prevention and response which has taken time. The institution has learned as the sector has learned <i>‘think back to 2016 and no one was talking about taking trauma-informed approaches’</i>.</p> <p>The institution has made changes over the past five years, but there has been no evaluation of this and there is a lack of data.</p>
<p>Effect of the statement of expectations</p> <ul style="list-style-type: none"> – Sector change – Provider change – Student experience – Culture / attitude / behavioural change 	<p>The institution was ‘already a long way down the line’ in developing policies, processes and systems prior to the introduction of the OfS’ SoE. The way the institution tackles harassment and sexual misconduct keeps moving as they deal with cases ‘it is a big learning process’ and lots of issues remain very difficult.</p> <p>Challenges include that messages from Government are very unclear, that it is tough to keep up the same level of momentum, and the student landscape is moving so quickly.</p>
<p>#1 Taking a whole organisation approach</p>	<p>There is not a well-developed ‘whole institution approach’ evident. Tackling harassment and sexual misconduct on the staff and student side is not joined up at</p>

Themes	Summary of current position
<ul style="list-style-type: none"> – Strategy / policy – Leadership – Accountability – Communications – Embedding across universities 	<p>the institutional level as this ‘sits awkwardly’ across two PVC portfolios, and with student services and HR functions being distinct. It is not completely clear where the strategic leadership lies. There is a particular sense among students that there is no clear leadership at the institution in tackling harassment and hate incidents based on race.</p> <p>Progress made at the institution over recent years has been driven in large part by the interest in this area of a member of the senior leadership team who has personally championed this across the institution and helped drive change. This person has recently demitted office and it is unknown what effect this will have on the level of institutional priority.</p>
<p>#2 Embedding in governance structures</p> <ul style="list-style-type: none"> – Governance – Oversight and decision-making – Risk management 	<p>The Governing Body is not sighted on this area except for receiving an annual report about numbers of complaints being made. Oversight of these issuers is within the remit of the Education Committee, but it may in future be through a student wellbeing committee.</p> <p>Managing risk in this area is not clearly articulated other than at a very high level.</p>
<p>#3 Engaging students and co-creation of policies and processes</p> <ul style="list-style-type: none"> – Student engagement – Engagement with diverse groups – Co-creation (of prevention, response and support) with students and victim-survivors – Evaluation 	<p>No monitoring and evaluation of approaches is done at all yet. Data is collated and considered by individual services / functions rather than by issue. No prevalence data is collected.</p> <p>Much of the student consent training is done by student reps – and there is a lack of consistency in how this is done, some of it good and some less so.</p> <p>Bystander intervention training is done in a piecemeal way across the institution as the trainer (an academic) does this (train the trainer) on a voluntary basis.</p>
<p>#4 Prevention: staff and student training and awareness raising</p> <ul style="list-style-type: none"> – Training strategy – Staff training – Student training – Awareness raising – Prevention training – Training to encourage reporting 	<p>Previously, the institution used external investigators but has now recruited and trained internal investigators, who also have attended external Office of the Independent Adjudicator training and various sector conferences and events. Case managers are also provided with training, but generally the team <i>‘has learned as the sector has learned’</i>.</p> <p>Staff around the institution are provided with 3-hour (non-mandatory) training by the central team on the fundamentals of handling disclosures. Over 1,000 staff across the institution have been trained over the years, including tutors, administrators in academic units, chaplains.</p> <p>There are now plans to develop a team to support culture change and more preventative interventions including awareness raising campaigns. Previous campaigns have focussed on prevention of sexual misconduct. The expanded specialist support team means there will be more scope to support preventative work.</p> <p>There is a recognition that more needs to be done to tackle ‘other forms of harassment’, particularly related to racism and transphobia. Moreover, there is a sense that harassment affecting disabled students is not well understood and that <i>‘disability is a bit forgotten in all of this as a protected characteristic’</i>. Intersectionality</p>

Themes	Summary of current position
<p>#5 Reporting and disclosure systems, policies and processes</p> <ul style="list-style-type: none"> – Effective policies and processes – Handling reporting and disclosures – Anonymous and third-party reporting – Information and guidance – Student support – Referral and signposting to third party services – Barriers to reporting and disclosure 	<p>of different characteristics also needs to be considered. This includes how students are supported as well as to prevention and response, as cases are complex.</p> <p>The number of disclosures and students seeking support in relation to sexual misconduct have increased steadily, but the number of formal reports has not kept pace with this and there is a sense of <i>‘disillusionment with reporting’</i> at this institution and in the sector more generally and anger at the process. There is a perception among students that they do not get good outcomes from going down the reporting route, and that the institution’s main concern is about its reputation. There is no prevalence survey undertaken at present and the likelihood is there is significant under-reporting of different types of misconduct.</p> <p>Reporting procedures can be for any type of misconduct, although the institution has stopped using any language that could be criminal offence, including ‘harassment’ and ‘consent’. This is to avoid reliance on legal arguments and procedural rules that do not apply.</p> <p>There are different systems for disclosure where a student may just want to seek support and find out about their options, including on making a report. Students can make disclosures about sexual violence they have experienced at any point in their life to the specialist advisor who provides emotional and practical guidance, can signpost to specialist counselling, and advise on their options, including making a report if about another student.</p> <p>There are two options in cases of student-to-student misconduct: a formal investigation to determine if a breach has taken place and if so sanctions will result; or a more informal agreement is reached to stop any contact between the two parties. In the latter case the responding student doesn’t have to admit anything.</p> <p>Many students do make reports to the police who will investigate but in the majority of cases take no further action. The institution will take interim action while the police are investigating.</p>
<p>#6 Approach to taking action in response to misconduct</p> <ul style="list-style-type: none"> – Disciplinary policy and procedures – Issues that may also constitute a criminal offence – Student complaints – Investigatory approaches – Disciplinary hearings – Use of information 	<p>The team handling cases has grown in recent years, and there are three permanent investigators who investigate misconduct (including both academic and non-academic), and now 6 FTE case managers. Investigators are well trained and are very clear about boundaries and HE sector norms, which is not always the case in other institutions.</p> <p>HR has recently created specialist investigator posts for looking at reports concerning staff members.</p> <p>If a reporting student chooses the investigation route, the investigator will write a report advising either no action, a minor sanction, or referral to a disciplinary committee.</p> <p>Investigators’ reports are not shared with the reporting students, but responding students receive a copy two weeks before any hearings, though this may be reviewed in future. In the case of disciplinary hearings, responding students can ask the reporting student (who may attend via video) questions but only via the chair.</p> <p>Chairs receive one day of specialist training; and panel members an hour of training.</p> <p>Students can bring legal representatives into hearings – and this is allowed particularly where the outcome has the potential to be ‘career ending’ for the responding student. There are some concerns about the process becoming ‘pseudo-criminal’.</p>

Themes	Summary of current position
	<p>Once decisions are reached, these are communicated to the responding and reporting students, but the sanctions are only communicated to responding students. Sanctions may include temporary suspension, but students are rarely excluded.</p>
<p>#7 Provision of support to students following reports and disclosures</p> <ul style="list-style-type: none"> – Student support – Reporting and responding student support – Timeframes for dealing with reports – Communication of outcomes 	<p>A specialist role has been in place for several years to provide support to students who disclose being affected by sexual misconduct. This role is now being expanded into a service and will include a specialist sexual misconduct and a racial harassment advisor for students.</p> <p>Emotional support is provided for 4 sessions and then the reporting student may be referred on to counselling or informally to Rape Crisis. The institution is setting up a taxi service to take students who need it to the local SARC.</p> <p>If the student goes down the reporting route and there is an investigation, the provision of support can go on for much longer, up to 2-3 years and only stops when the student graduates.</p> <p>Responding students do not get support from the specialist service, but can do so from counselling or the students' union advice team.</p>

