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Condition E6: Harassment and sexual misconduct

David Smy – Deputy Director of Enabling Regulation

Suzy Allinson – Safeguarding and Welfare Manager

Rob Denny – Student Surveys Manager

Webinar

16 October 2024

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Event notices

- We will be discussing sensitive topics and definitions at this event, so please be considerate of yours or others' experiences in your questions or comments.
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- Please use the Q&A box rather than the Chat box to ask a question.
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Agenda

1500 Welcome

Introduction

Condition requirements

Pilot prevalence survey of sexual misconduct

Questions and answers

1600 Close

Introducing the team



David Smy
Deputy Director of
Enabling Regulation



Suzy Allinson
Safeguarding and
Welfare Manager

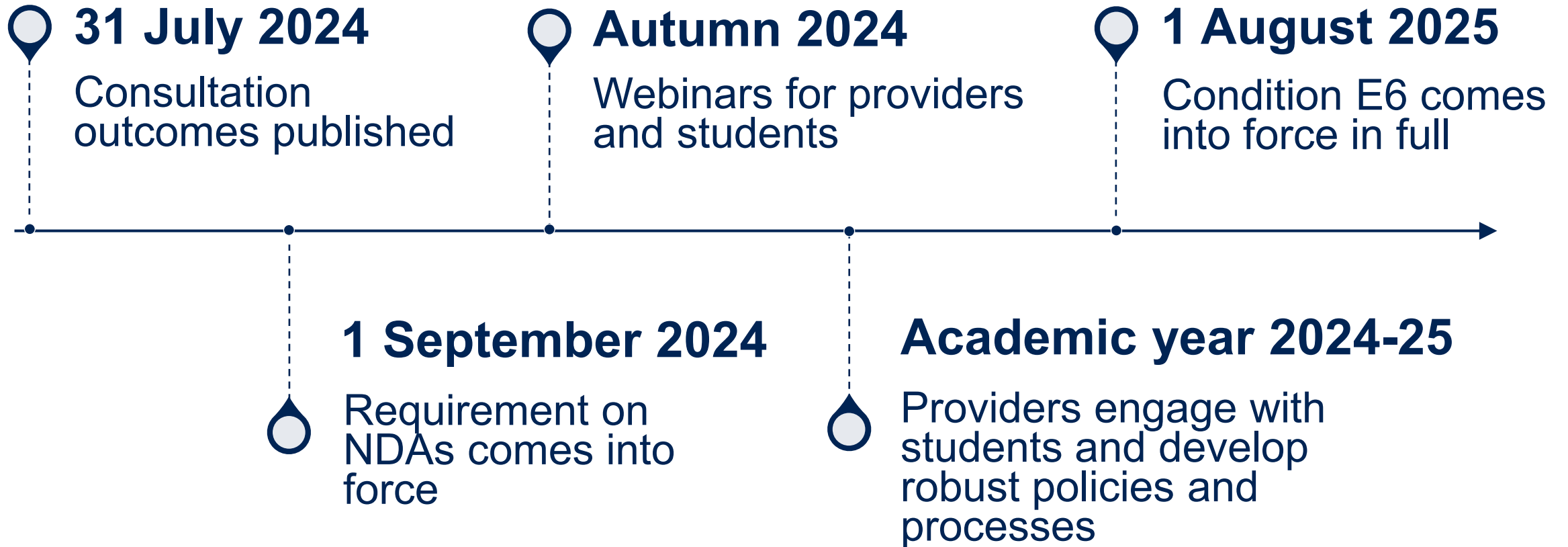


Arif Ahmed
Director for Freedom
of Speech and
Academic Freedom

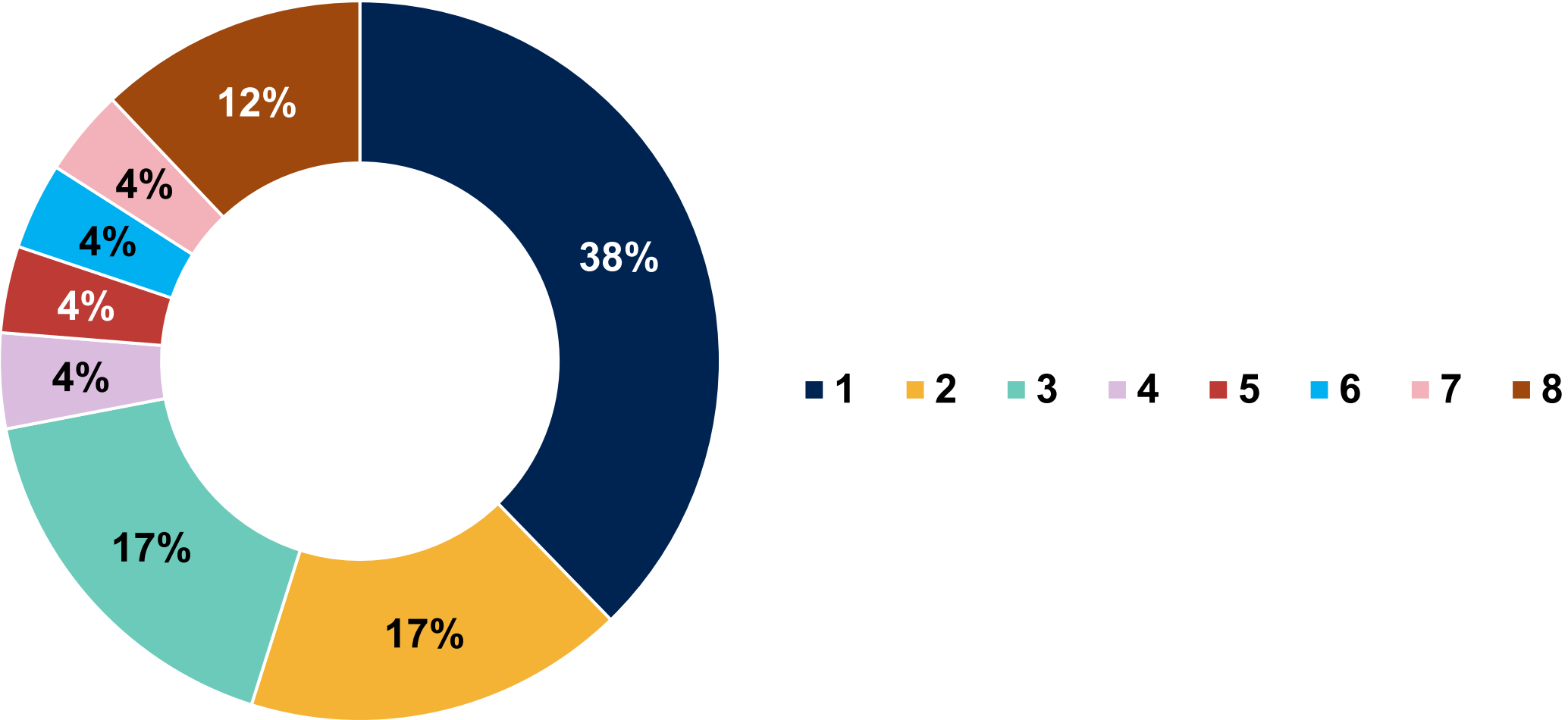


Rob Denny
Student Surveys
Manager

Timeline



Consultation: Breakdown of respondents



Condition requirements

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Summary of condition requirements

- Scope
 - Requirements relating to policies and procedures
 - Requirements relating to intimate personal relationships between staff and students
 - Requirements relating to capacity and resources
- Requirements relating to freedom of speech
 - Requirements relating to the disclosure of information
 - Definitions (which include substantive requirements)

Key points

- Single comprehensive source of information (Condition E6.2-E6.4)
- Freedom of speech principles (Condition E6.8-E6.9)
- Non-disclosure agreements (Condition E6.10)



Definition of harassment

- E6.11.k: '**harassment**' has the meaning given in section 26 of the Equality Act 2010 and section 1 of the Protection from Harassment Act 1997 (in its entirety, and as interpreted by section 7 of the Act).
- E6.1.a: This condition covers subject matter relating to incidents of **harassment** and/or **sexual misconduct** which affect one or more **students** (including the conduct of **staff** towards **students**, and/or the conduct of **students** towards **students**).
- Guidance paragraph 58: A provider is not required to take a step that interferes with lawful speech in order to meet the requirements of the condition.

Definition of sexual misconduct

- E6.11.s: '**sexual misconduct**' means any unwanted or attempted unwanted conduct of a sexual nature and includes, but is not limited to:
 - i. sexual harassment;
 - ii. sexual assault; and
 - iii. rape.
- Guidance paragraph 12: Where conduct does not fall squarely within the examples in the paragraph above, that conduct may still amount to sexual misconduct under this definition where it is unwanted or attempted unwanted conduct of a sexual nature. The definition therefore includes the most serious behaviour of sexual assault and rape but this is not intended to be an exhaustive list.

Student training

- E6.11.c: ‘**appropriately informed to ensure understanding**’ includes, but is not limited to ensuring that:
 - i. **students** understand the content of the single **comprehensive source of information** required by paragraph E6.2 when they register at the start of each year of study; and
 - ii. induction sessions for new **students** contain training to ensure they understand behaviour that may constitute **harassment** and/or **sexual misconduct**.



Support, reporting and investigations

- E6.11.n: ‘**minimum content requirements**’ means comprehensive and easy to understand provisions in respect of:
 - ii. the ways in which **students**, **staff** and other persons are able to report behaviour that may amount to **harassment** and/or **sexual misconduct** to the provider;
 - v. the **appropriate support** that will be provided to **students** in response to **incidents** of **harassment** and/or **sexual misconduct**. This includes, but is not limited to, **students** who have alleged and/or experienced **incidents** of **harassment** and/or **sexual misconduct** and actual or alleged perpetrators;
 - vii. how the provider ensures that investigations undertaken and decisions made in respect of **incidents** of **harassment** and/or **sexual misconduct** are credible, fair and otherwise reflect established principles of natural justice;

Staff-student relationships



- E6.5: In addition to any other requirements of this condition, in respect of **intimate personal relationships**, the provider must ensure that the single **comprehensive source of information** referred to in paragraph E6.2 provides for one or more steps which could (individually or in combination) make a significant and credible difference in protecting **students** from any actual or potential conflict of interest and/or **abuse of power**.

Get involved

- Engage with your university or college while they prepare for the condition to come into force
- Implementation date: 1 August 2025
 - For NDAs: 1 September 2024



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Pilot prevalence survey of sexual misconduct

Sexual misconduct prevalence survey pilot 2023

- Objectives were to develop
 1. An approach to conducting the survey
 2. A set question
 3. Prevalence estimates for sexual misconduct in higher education in England.
- Fieldwork ran 25 September - 3 November 2023.
- 12 English higher education providers participated with a total population of 129,220 students.
- Students contacted initially by an email. Two further email reminders were then sent.
- The survey achieved a response rate of 4 per cent.

Sexual misconduct prevalence survey findings

- 30 per cent experienced sexual harassment since becoming a student. 20 per cent experienced this in the previous 12 months.
- 16 per cent experienced sexual violence/assault since becoming a student. 9 per cent experienced this in the previous 12 months.
- 1 per cent of students have had a relationship with a member of university staff.
- Around half (52 per cent) of students were confident about where to seek support within their university for experiences of sexual harassment
- 34 per cent of female students and 21 per cent of male students were not confident.

Sexual misconduct prevalence survey: next steps

- Sexual misconduct prevalence survey pilot 2025
- Use the NSS infrastructure to deliver the survey to students
- Objectives are to:
 - Develop our understanding of students' experiences of sexual misconduct
 - Explore effectiveness of the NSS as a delivery mechanism
 - Trial a short form version of the questionnaire
- Plans for publication will be determined in 2025.

Questions and answers

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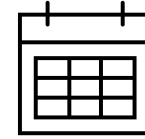
Contact us:

[Regulation@
officeforstudents.org
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Reminder:

These slides
will be available
on our website.



Key date:

1 August 2025

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Thank you for listening

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