



# UHR Conference 2025

Online 13 - 15 May

#UHR25

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# Parallel Worlds Apart?

Considering Higher  
Education approaches to  
Staff and Student Sexual  
Misconduct Cases



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Director of Equalities  
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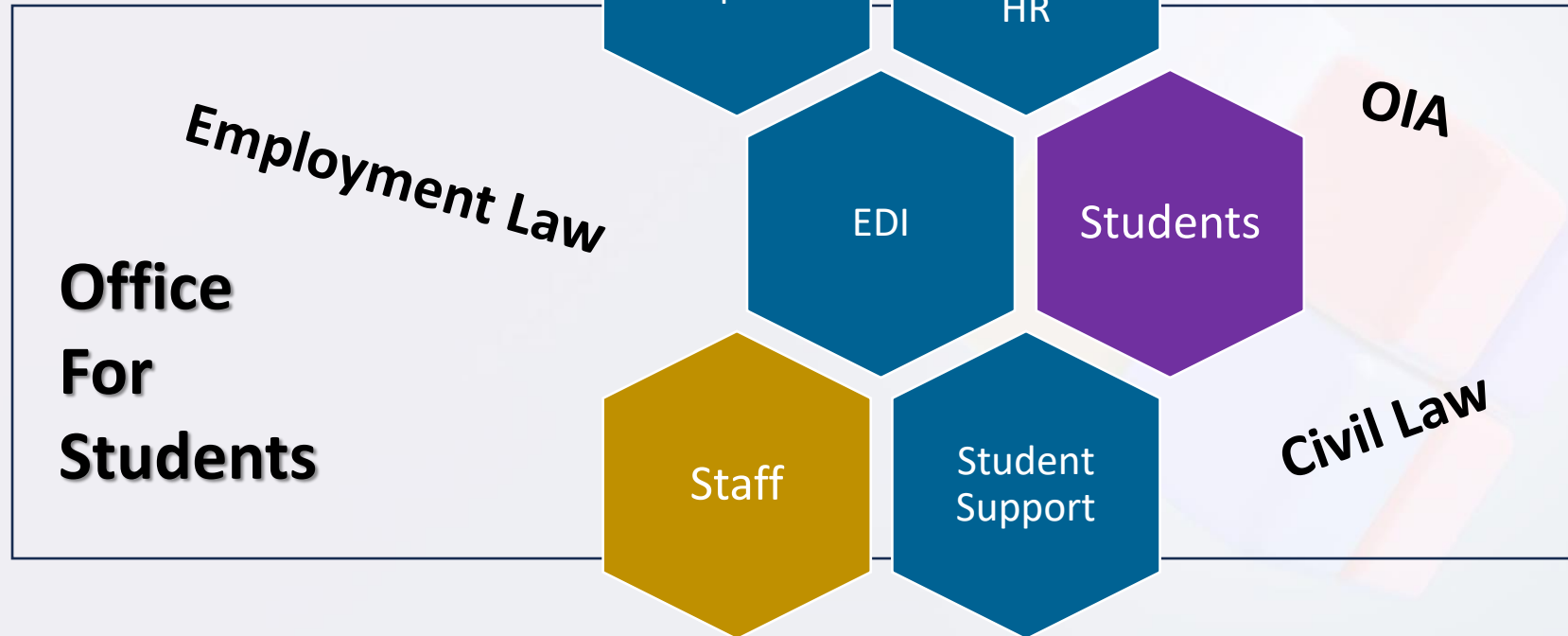


**Kieron Galloway**

Director of People & Culture  
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# Context



# Today's focus

- **Legal & regulatory overview**

- ✓ Worker Protection Act
- ✓ Conditions of Registration
- ✓ OIA & Case Law examples

- **Bridging Parallel Worlds**

- ✓ Policy Making
- ✓ Support
- ✓ Information sharing



# Parallel Worlds Apart?

## Legal & Regulatory Framework



# The Worker Protection (Amendment to the Equality Act 2010) 2023 [WPA]



# The Worker Protection (Amendment to the Equality Act 2010) 2023 [WPA]

- **Proactive (anticipatory)** legal duty to take reasonable steps to prevent sexual harassment of employees.

*Sex-based harassment: unwanted conduct “related to sex”, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.*

- **Reasonable steps?** ...risk assessment, training, reporting etc.
- **Costs of failure?** ...human, reputational, financial etc.



# Case Law (Civil)

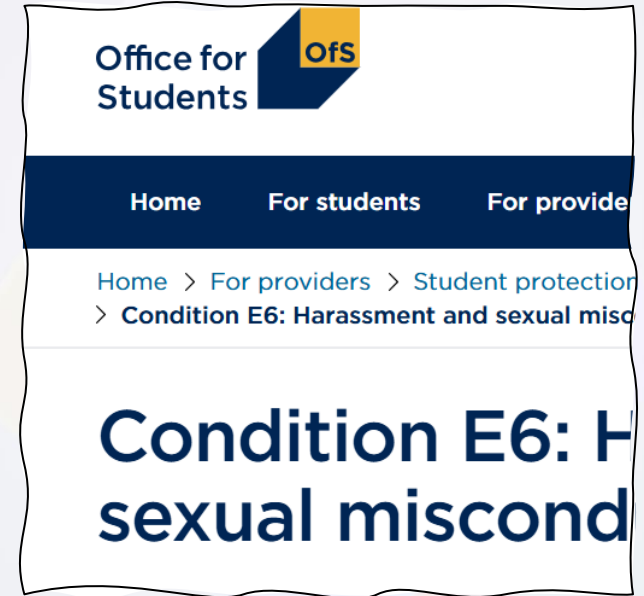
- *Feder and McCamish v The Royal Welsh College of Music and Drama* 2023 (**F&M v TRWCMD**)
  - Student to student
  - County Court Judgement
  - Failure to properly investigate or respond to allegations
    - Standard of a reasonable employer?





# Office for Students – E6

- **Ongoing Condition of registration**
  - ✓ Student to Student incidents
  - ✓ Staff to Student incidents
- Policies (inc. application)
- Relationships
- Freedom of speech
- Disclosure of information



# Policy Making

## E6 – Policy formation

Requirement(s)	Considerations
<ul style="list-style-type: none"><li>▪ E6.5 Intimate personal relationships – Significant and credible evidence..protect..from potential conflict of interest and/or abuse of power</li><li>▪ E6.6 ban –is if not significant and credible evidence that manage conflict of interest/abuse of power</li></ul>	<ul style="list-style-type: none"><li>▪ A Relationship Policy/approach that either bans staff/student intimate relationships or discourages them/clear reporting routes?</li><li>▪ Student input into the consideration of your approach to policies?</li></ul>



# Policy Making

## E6 – Policy definitions Harassment and Sexual misconduct

Requirement(s)	Considerations
<ul style="list-style-type: none"><li>▪ <b>Harassment</b> – S26 Equality Act <u>plus</u> S1 Protection from Harassment Act 1997</li><li>▪ <b>Sexual misconduct</b> – unwanted or attempted unwanted conduct of a sexual nature (including/not limited to – sexual harassment, sexual assault, rape)</li></ul>	<ul style="list-style-type: none"><li>▪ Single Harassment policy (staff and students) that consistently defines the behaviours?</li><li>▪ Separate staff and student disciplinary policies, that link clearly to the above?</li></ul>



# Support - wrap-around for the student E6.2

- **Student Complaints managed through Student Policy and Process** (even if student does not originate it in this way )
  - HR and student support/complaint teams working together
- **Pastoral and Educational Support**
  - Ensure that ALL relevant teams are engaged for staff, students & witnesses
  - Risk assessment (safeguarding) for student experience may impact staff (OIA CS022502)

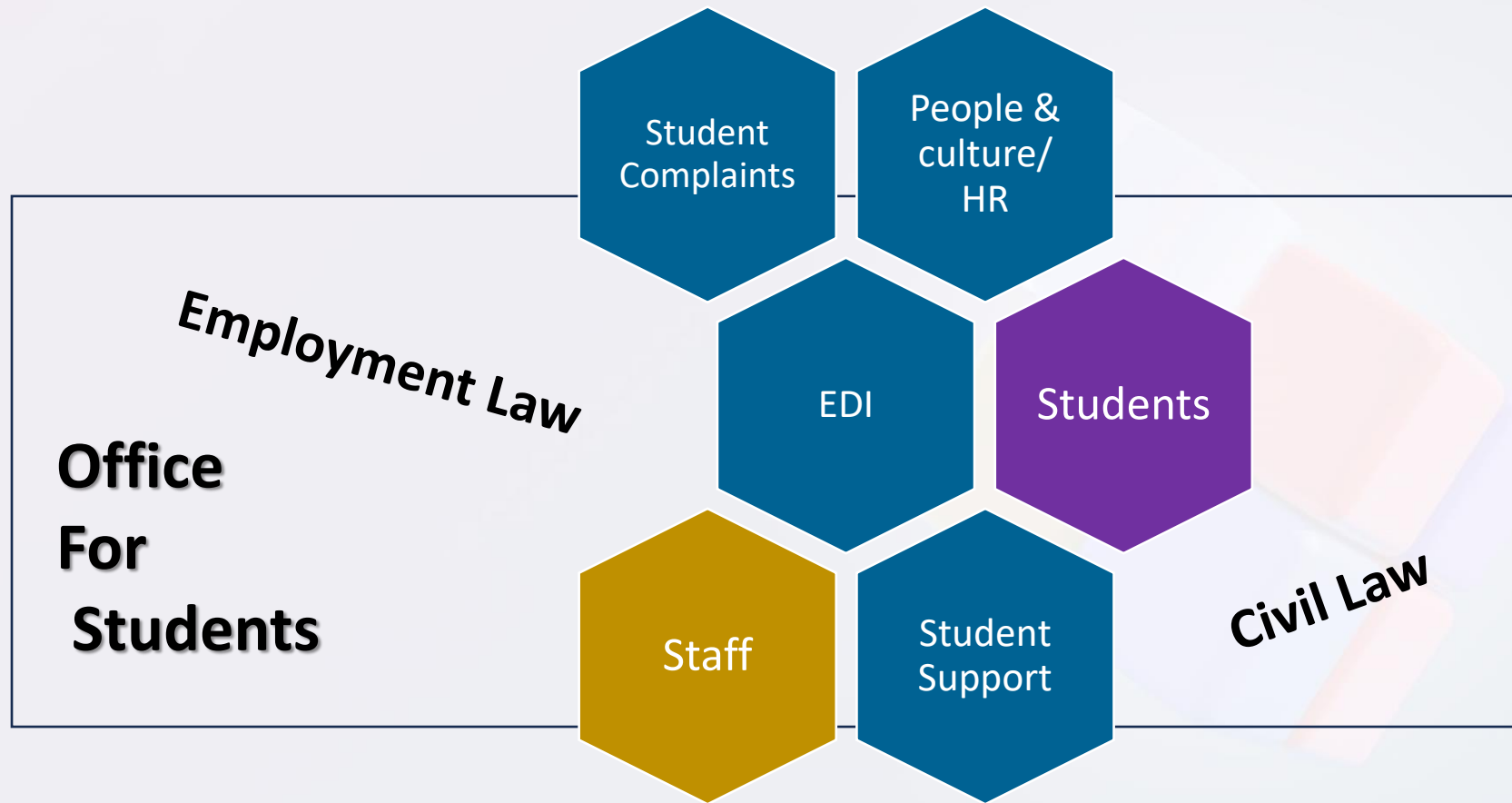


# Information sharing

- E6 – *‘sufficient information to understand the provider’s decisions and the reasons for them’* ....explain outcomes/ findings of fact
  - Explaining the HR process to the student (OIA – CS022502 & 1)
  - Timely investigations, outcomes & comms (OIA CS022502 & 1)
  - **remedy**

Core principles - ***proactive and transparent***





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## Bridging the Worlds





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