

# The South Wolds Academy & Sixth Form

## Child-on-child sexual violence and sexual harassment Policy



**Approved by: LGB**

**Date: September 2022**

**Next review: September 2024**

## **Introduction**

*This policy is written using statutory guidance about how schools should respond to all signs, reports and concerns of child-on-child sexual violence and harassment. It is taken from Keeping Children Safe in Education, Part 5: Child-on-child sexual violence and sexual harassment*

The South Wolds Academy and Sixth Form recognises that children are vulnerable to and capable of abusing their peers. We take such abuse as seriously as abuse perpetrated by an adult. This includes verbal as well as physical abuse. Child-on-child abuse will not be tolerated or passed off as part of “banter” or “growing up”. All staff working at the academy maintain an attitude of “*it could happen here*”.

We are committed to a whole school approach to ensure the prevention, early identification and appropriate management of child-on-child abuse within our school and beyond. In cases where child-on-child abuse is identified we will follow our child protection procedures, taking a contextual approach to support all children and young people who have been affected by the situation. We recognise that child-on-child abuse can manifest itself in many ways such as:

- Bullying
- Sexting or youth produced digital imagery
- Upskirting
- Child Sexual Exploitation
- Radicalisation
- Abuse in intimate relationships
- Children who display sexually harmful behaviour
- Gang association and serious violence (County Lines)
- Technology can be used for bullying and other abusive behaviour

Some of these behaviours will need to be handled with reference to other policies in school such as the behaviour management and rewards policy, anti-bullying policy, safeguarding and child protection policy.

This policy concentrates on child-on-child abuse in the context of sexual harassment and sexual violence. It is compliant with the statutory guidance on peer-on-peer abuse as set out in Keeping Children Safe in Education Part five (September 2022) and should be read in conjunction with the Local Safeguarding Children Board's (LSCB) Safeguarding Policy and Procedures, and any relevant Practice Guidance issued by it.

## **Understanding child-on-child abuse**

Sexual violence and sexual harassment can occur between two children of any age and sex or a group of children sexually assaulting or sexually harassing a single child or group of children. The impact of this behaviour on children can be very distressing and have an impact on academic achievement and emotional health and wellbeing. Sexual harassment and sexual violence may also occur online and offline.

## **Sexual violence**

When referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003 as described below:

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

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

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

*Causing someone to engage in sexual activity without consent:* A person (A) commits an offence if: s/he intentionally causes another person (B) to engage in an activity, the activity is sexual, B does not consent to engaging in the activity, and A does not reasonably believe that B consents. (this could include forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party.)

## **Sexual harassment**

When referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur online and offline and both inside and outside of school. When we reference sexual harassment, we do so in the context of child-on-child sexual harassment. Sexual harassment is likely to: violate a child's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment.

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

- sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names
- sexual “jokes” or taunting
- physical behaviour, such as: deliberately brushing against someone, interfering with someone’s clothes.
- displaying pictures, photos or drawings of a sexual nature
- upskirting (this is a criminal offence)
- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. This may include, but is not limited to:
  - consensual and non-consensual sharing of nude and semi-nude images and/or videos. Taking and sharing nude photographs of U18s is a criminal offence.
  - sharing of unwanted explicit content
  - sexualised online bullying
  - unwanted sexual comments and messages, including, on social media
  - sexual exploitation; coercion and threats,
  - coercing others into sharing images of themselves or performing acts they’re not comfortable with online.

### **The Context**

All behaviour takes place on a spectrum. Understanding where a child's behaviour falls on a spectrum is essential to being able to respond appropriately to it. In this policy we recognise the importance of distinguishing between problematic and abusive sexual behaviour (Harmful Sexual Behaviour - HSB).

We are adopting the NSPCC definition of HSB as: - "developmentally inappropriate sexual behaviour which is displayed by children and young people and which may be harmful or abusive."

We will also use the Brook Traffic Light Tool in order to identify, understand and respond to the young person’s sexual behaviours.

### **Vulnerable groups**

We recognise that all children can be at risk however we acknowledge that some groups are more vulnerable. This can include: experience of abuse within their family; living with domestic violence; young people in care; children who go missing; children with additional needs (SEN and/or disabilities); children who identify or are perceived as LGBT and/or have other protected characteristics under the Equalities Act 2010.

Whilst research states girls are more frequently identified as being abused by their peers and girls are more likely to experience unwanted sexual touching in schools, this is not confined to girls.

### **Responding to reports of sexual violence and sexual harassment**

All reports of child-on-child abuse will be made on a case by case basis with the designated safeguarding lead or their deputy taking a leading role using their professional judgement and supported by other agencies such as social care or the police as required.

#### **The immediate response to a report**

- The school or college will take all reports seriously and will reassure the victim that they will be supported and kept safe.
- All staff will be trained to manage a report.
- Staff will not promise confidentiality as the concern will need to be shared further (for example, with the designated safeguarding lead or social care). Staff will however only share the report with those people who are necessary to progress it.
- A written report will be made as soon after the interview as possible recording the facts as presented by the child. These may be used as part of a statutory assessment if the case is escalated later.
- Where the report includes an online element the school or college will follow advice on searching, screening and confiscation. The staff will not view or forward images unless unavoidable and only if another member of staff (preferably the DSL) is present. This is a matter for the police.
- The DSL will be informed as soon as possible.

#### **Risk Assessment**

When there has been a report of sexual violence, the designated safeguarding lead (or a deputy) will make an immediate risk assessment on the template used within school.

Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis.

The risk assessment considers:

- The victim, especially their protection and support;
- The alleged perpetrator; and
- All the other children (and, if appropriate, adult students and staff) at South Wolds and any actions that are appropriate to protect them.

Risk assessments will be recorded on the risk assessment template and saved on MyConcern. They will not be shared with staff in their entirety, instead key information will be shared with staff as required in order for the risk assessment to be embedded. The will be carried out by the DSL, a Deputy DSL or Head of Year as the DSL deems appropriate. Risk assessments will be kept under review and updates recorded on MyConcern.

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

Following an incident, we will consider:

- The wishes of the victim in terms of how they want to proceed. This is especially important in the context of sexual violence and sexual harassment;
- The nature of the alleged incident(s), including: whether a crime may have been committed and consideration of harmful sexual behaviour;
- The ages of the students involved;
- The developmental stages of the students involved;
- Any power imbalance between the students. For example, is the alleged perpetrator significantly older, more mature or more confident? Does the victim have a disability or learning difficulty?
- If the alleged incident is a one-off or a sustained pattern of abuse;
- Are there ongoing risks to the victim, other students, or school staff; and other related issues and wider context?

The starting point regarding any report should always be that there is a zero tolerance approach to sexual violence and sexual harassment and it is never acceptable and it will not be tolerated. It is especially important, not to pass off any sexual violence or sexual harassment as 'banter', 'just having a laugh', part of growing up' or 'boys being boys' as this can lead to a culture of unacceptable behaviours and an unsafe environment for children.

### **Follow up Actions**

#### **Children sharing a classroom:**

Whilst the school establishes the facts of the case and, if appropriate, starts the process of liaising with children's social care and the police:

- The perpetrator will be removed from any classes they share with the victim.
- We will consider how best to keep the victim and alleged perpetrator a reasonable distance apart on school premises and on transport to and from school.

These actions are in the best interests of both children and should not be perceived to be a judgement on the guilt of the alleged perpetrator.

## **Options to manage the report**

### **Manage internally**

1. In some cases of sexual harassment, for example, one-off incidents, we may decide that the children concerned are not in need of early help or statutory intervention and that it would be appropriate to handle the incident internally through utilising the behaviour management and anti-bullying policies and provision of pastoral support to both the victim and perpetrator.
2. This decision will be made based on the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated. All decisions and discussions around making these decisions will be recorded and stored by the DSL or Deputy DSL on MyConcern.
3. In line with 1 above, we may decide that the children involved do not require statutory interventions but may benefit from early help. Early help means providing support as soon as a problem emerges, at any point in a child's life. Providing early help is more effective in promoting the welfare of children than reacting later. Early help can be particularly useful to address non-violent harmful sexual behaviour and may prevent escalation of sexual violence. A referral for early help will be made by the DSL or Deputy DSL with the agreement of the parent.
4. Where a child has been harmed, is at risk of harm, or is in immediate danger, we will make a referral to the MASH. In this instance the DSL or Deputy DSL will be working alongside an allocated social worker. Collaborative working will ensure the best package of coordinated support is implemented for the victim and, where appropriate, the alleged perpetrator and any other students that require support.

### **Reporting to the Police**

Where a report of rape, assault by penetration or sexual assault is made, the starting point is to report this to the police and make a referral to the MASH.

Whilst the age of criminal responsibility is ten, if the alleged perpetrator is under ten, the starting principle of reporting to the police remains. The police will take a welfare, rather than a criminal justice, approach.

When a report has been made to the police, school will consult with the police to take advice on what information can be disclosed to staff, the alleged perpetrator and their parents or carers. They will also discuss the best way to protect the victim and their anonymity.

Where there is a criminal investigation, we will work closely with relevant agencies to support all students involved. Where required, advice from the police will be sought in order to help us.

Whilst protecting children and/or taking any disciplinary measures against the alleged perpetrator, we will work closely with the police (and other agencies as required), to ensure any actions the school takes do not jeopardise a police investigation.

### **The end of the criminal process**

If a child is convicted or receives a caution for a sexual offence, the school will update its risk assessment and ensure relevant protections are in place for all children. We will consider any suitable action following our behaviour management policy. If the perpetrator remains in school we will be very clear as to our expectations regarding the perpetrator now they have been convicted or cautioned. This could include expectations regarding their behaviour and any restrictions we think are reasonable and proportionate about the perpetrator's timetable. Any conviction (even with legal anonymity reporting restrictions) is potentially going to generate interest among other pupils or students in the school or college. We will ensure all children involved are protected, especially from any bullying or harassment (including online).

Where cases are classified as "no further action" (NFA'd) by the police or Crown Prosecution Service, or where there is a not guilty verdict, we will continue to offer support to the victim and the alleged perpetrator for as long as is necessary. A not guilty verdict or a decision not to progress with their case will likely be traumatic for the victim. The fact that an allegation cannot be substantiated does not necessarily mean that it was unfounded. We will continue to support all parties in this instance.

### **Support for Children Affected by sexual assault**

Support for victims of sexual assault is available from a variety of agencies (see Appendix 1). Children who have experienced sexual violence display a very wide range of responses to their experience, including in some cases clear signs of trauma, physical and emotional responses, or no overt signs at all. Any victim will be given all the necessary support to remain in school but if the trauma results in the victim being unable to do this, alternative provision or a move to another school should be considered to enable them to continue to receive suitable education. This should only be at the request of the victim (and following discussion with their parents or carers). If they are moved, we will ensure the new school is aware of the ongoing support the student may need. The DSL will support this move.

Where there is a criminal investigation the alleged perpetrator will be removed from any shared classes with the victim and we will also consider how best to keep them a reasonable distance apart on the school premises or on school transport. This is in the best interest of the children

concerned and should not be perceived to be a judgement of guilt before any legal proceedings. We will work closely with the police.

Where a criminal investigation into a rape or assault by penetration leads to a conviction or caution, we may take suitable action, if we have not already done so. In all but the most exceptional of circumstances, the rape or assault is likely to constitute a serious breach of discipline and lead to the view that allowing the perpetrator to remain in the same school or college would seriously harm the education or welfare of the victim (and potentially other pupils or students). Where a criminal investigation into sexual assault leads to a conviction or caution, we may, if we have not already done so, consider any suitable sanctions using our behaviour management policy, including consideration of permanent exclusion.

The school will have a difficult balancing act to consider. On one hand is the need to safeguard the victim (and the wider student body) and on the other hand provide the alleged perpetrator(s) with an education, safeguarding support as appropriate and implement any disciplinary sanctions. Taking disciplinary action and still providing appropriate support are not mutually exclusive actions. They can, and should, occur at the same time if necessary.

Where the perpetrator is going to remain at the school or college, the principle would be to continue keeping the victim and perpetrator in separate classes and continue to consider the most appropriate way to manage potential contact on school and college premises and transport. The nature of the conviction or caution and wishes of the victim will be especially important in determining how to proceed in such cases.

Reports of sexual assault and sexual harassment will, in some cases, not lead to a report to the police (for a variety of reasons). In some cases, rape, assault by penetration, sexual assault or sexual harassment are reported to the police and the case is not progressed or are reported to the police and ultimately result in a not guilty verdict. None of this means the offence did not happen or that the victim lied. The process will have affected both victim and alleged perpetrator. Appropriate support will be provided to both as required and consideration given to sharing classes and potential contact as required on a case-by-case basis.

All the above will be considered with the needs and wishes of the victim at the heart of the process (supported by parents and carers as required). Any arrangements will be kept under review.

## Online Behaviour

Many forms of child abuse have an element of online behaviour including behaviours such as cyberbullying and sexting. Policies and procedures concerning this type of behaviour can be found (in anti-bullying policy, online safety policy, and child protection policy)

## Prevention

The South Wolds Academy actively seeks to raise awareness of and prevent all forms of child-on-child abuse by:

- Educating all Governors, school staff, students and parents about this issue. This will include training (by the DSL or specialists such as the Nottinghamshire TETC Team) on:
  - maintaining an attitude of “it could happen here”;
  - the nature, prevalence and effect of child-on-child abuse, and how to prevent, identify and respond to it;
  - The importance of taking seriously all forms of child-on-child abuse (no matter how low level they may appear) and ensuring it is never dismissed as horseplay, banter, having a laugh, a part of growing up or boys being boys;
- Educating students about the nature and prevalence of child-on-child abuse via PD curriculum, life skills lessons, RSHE curriculum, assemblies and the wider curriculum;
- Engaging students via Student Council or whole school surveys;
- Specialist sessions to identified groups of students by Nottinghamshire TETC Team;
- Engaging parents on this issue by:
  - Providing online information sessions attended by specialists such as Nottinghamshire TETC Team;
  - Parental surveys;
- Ensuring that all child-on-child abuse issues are reported to the School's safeguarding team so that they can spot and address any concerning trends and identify students who maybe in need of additional support. This is done by regular briefing reminders, visual staff displays, regular safeguarding training opportunities;
- The Senior Mental Health & Diversity Lead will deliver and review the whole school strategy to celebrate and raise awareness of equality and diversity in order to address equality issues, to promote positive values, and to encourage a culture of tolerance and respect amongst all members of the School community;
- Creating a culture in which our students feel able to share their concerns openly, in a non-judgmental environment, and have them listened to;
- Responding to cases of child-on-child abuse promptly and appropriately.

## **Multi-agency working**

The school actively engages with its local partners in relation to child-on-child abuse, and works closely with Nottinghamshire Safeguarding Children Partnership (NSCP), Nottinghamshire Multi-Agency Safeguarding Hub (MASH), children's social care, and/or other relevant agencies, and other schools. The relationships the school has built with these partners are essential to ensuring that the school is able to prevent, identify early and appropriately handle cases of child-on-child abuse.

## Appendix 1

### Support for Young People: Local and National

Nottinghamshire Children and Young People's Independent Sexual Violence Advisors (ChiIVAs) provided by IMARA provide emotional and practical support for victims of sexual violence. They are based within the specialist sexual violence sector and will help the victim understand what their options are and how the criminal justice process works if they have reported or are considering reporting to the police. ChiSVAs will work in partnership with schools and colleges to ensure the best possible outcomes for the victim.

<https://www.imara.org.uk/>

Child and adolescent mental health services (CAMHS)

[www.nottinghamshirehealthcare.nhs.uk/cahms](http://www.nottinghamshirehealthcare.nhs.uk/cahms)

Rape Crisis Centres can provide therapeutic support for children over 13 who have experienced sexual violence.

[www.nottssvss.org.uk](http://www.nottssvss.org.uk)

CEOP provides guidance for those worried about online sexual abuse or the way someone has been communicating online

<https://www.ceop.police.uk/Safety-Centre/>

Early Mental Health and Emotional Wellbeing Support Service for young people (and parents) in Nottinghamshire

<https://www.beusupport.co.uk/>