



**Wellington Primary
School and Nursery
Managing Sexual
Violence and Sexual
Harassment between
Children Policy
(Peer on Peer Abuse)**

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Appendix 1 - Risk Assessment for Peer on Peer Sexual Abuse/ Harmful Sexual Behaviour

Wellington Primary School and Nursery 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.

1. Definitions

Peer-on-peer abuse is sexual, emotional or physical abuse that happens between children of a similar age or stage of development. It can happen between any number of children, and can affect any age group (Department for Education (DfE), 2018).

It can be harmful to the children who display it as well as those who experience it.

Children can experience peer-on-peer abuse in a wide range of settings, including:

- at school
- at home or in someone else's home
- in public spaces
- online

(NSPCC, 2018).

It can take place in spaces which are supervised or unsupervised. Within a school context, for example, peer-on-peer abuse might take place in spaces such as toilets, the playground, corridors and when children are walking home (Contextual Safeguarding Network, 2020).

As children develop healthily, it's normal for them to display certain types of behaviour. It's important that adults who work or volunteer with children can identify if any behaviour has become harmful or abusive, and respond proportionally to keep all the children involved safe.

We recognise that peer on peer abuse can manifest itself in many ways such as:

- Child Sexual Exploitation
- Sexting or youth produced digital imagery
- Upskirting
- Bullying
- 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 policy, anti-bullying policy, child protection policy and online safety policy.

This policy concentrates on peer on peer abuse in the context of sexual harassment and sexual violence, physical abuse and emotional abuse. It is compliant with the statutory guidance on peer-on-peer abuse as set out in Keeping Children Safe in Education (September 2020) and should be read in conjunction with the Safeguarding Partnership regional policy and procedures, and any relevant Practice Guidance issued by it.

In regard to Harmful Sexual behaviour we are adopting the NSPCC definition of HSB as: -

"Sexual behaviours expressed by children...that are developmentally inappropriate, may be harmful towards self or others, or be abusive towards another child...or adult."

Sexual harassment

1.1 Sexual harassment refers to unwanted conduct of a sexual nature that occurs online or offline. Sexual harassment violates a pupil's dignity and makes them feel intimidated, degraded or humiliated, and can create a hostile, sexualised or offensive environment. If left unchallenged, sexual harassment can create an atmosphere that normalises inappropriate behaviour and may lead to sexual violence.

1.2 Sexual harassment includes:

- Sexual comments.
- Sexual "jokes" and taunting.
- Physical behaviour, such as deliberately brushing against another pupil.
- Online sexual harassment, including non-consensual sharing of images and videos and consensual sharing of sexual images and videos (often known as sexting), inappropriate comments on social media, exploitation, coercion and threats – online sexual harassment may be isolated or part of a wider pattern.

Sexual violence

1.3 Sexual violence refers to the three following offences:

- **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.
- Harmful sexual behaviours

Sexual violence and sexual harassment can occur online and offline (both physically and verbally), and are never acceptable. All victims should be taken seriously and offered appropriate support. Victims of sexual violence and harassment are likely to find the experience distressing and stressful, and it will, in all likelihood, adversely affect their education.

Harmful sexual behaviours

1.4 The term “**harmful sexual behaviour**” is used to describe behaviour that is problematic, abusive and violent, and that may cause developmental damage. Harmful sexual behaviour may include:

- Using sexually explicit words and phrases.
- Inappropriate touching.
- Sexual violence or threats.
- Full penetrative sex with other children or adults.
- Sexual interest in adults or children of very different ages to their own.
- Forceful or aggressive sexual behaviour.
- Compulsive habits.
- Sexual behaviour affecting progress and achievement.
- Using sexually explicit words and phrases.
- Inappropriate touching.
- Sexual violence or threats.

It is important to note that harmful sexual behaviours can occur both online and offline, and sometimes simultaneously between the two.

Children displaying harmful sexual behaviour have often experienced their own abuse and trauma, and it is imperative that they are offered appropriate support.

When considering whether behaviour is harmful, take into account the ages and stages of development of the children. Sexual behaviour can be harmful if one of the children is much older (especially where there is two years or more difference, or where one child is prepubescent and the other is not). Keep in mind that it is possible for a younger child to abuse an older child, particularly where they have power over them, such as where the older child has disabilities or is small in stature.

The Brooks sexual behaviours traffic light tool can with making decisions about whether sexual behaviour is harmful or a natural part of healthy development and no cause for concern.

Physical Abuse

While a clear focus of peer on peer abuse is around sexual abuse and harassment, physical assaults and initiation violence and rituals from pupils to pupils can also be abusive.

These are equally not tolerated and if it is believed that a crime has been committed, will be reported to the police.

The principles from the anti-bullying policy will be applied in these cases, with recognition that any police investigation will need to take priority.

Child

1.5 This guidance article refers to anyone under the age of 18 as a 'child'.

Alleged perpetrator

1.6 For the purposes of this guidance, 'alleged perpetrator', and where appropriate 'perpetrator', is used to describe a child accused of carrying out sexual violence and/or sexual harassment. It is important to note that any alleged perpetrator is entitled to, and deserves, a different level of support to that which might be provided to an adult alleged to have abused a child.

Victim

1.7 For the purposes of this guidance, the term 'victim' is used to describe children who have been subjected to sexual violence and/or sexual harassment; however, when using the term in a school, school staff should be conscious of the fact that some children may not consider themselves a victim and may not wish to be described this way.

2. Legal Framework

This policy has been created with due regard to all relevant legislation including, but not limited to, the following:

Legislation

- Children Act 1989
- Children Act 2004
- Safeguarding Vulnerable Groups Act 2006
- The Education (School Teachers' Appraisal) (England) Regulations 2012 (as amended)
- Sexual Offences Act 2003
- The General Data Protection Regulation (GDPR)

- Data Protection Act 2018

Statutory guidance

- DfE (2018) 'Working Together to Safeguard Children'
- DfE (2020) 'Keeping children safe in education'

Non-statutory guidance

- DfE (2015) 'What to do if you're worried a child is being abused'
- DfE (2018) 'Information sharing'
- DfE (2018) 'Sexual violence and sexual harassment between children in schools and colleges'
- Herefordshire Safeguarding Children Board Website
- Herefordshire Council – 'Peer on Peer Abuse' – Guidance for schools.

3. Prevention

Wellington Primary School and Nursery actively seeks to raise awareness of and prevent all forms of peer-on-peer abuse by:

- Educating all Governors, Senior Leadership Team, staff and volunteers during their annual safeguarding training. This will include training all Governors, Senior Leadership Team, staff and volunteers on the nature, prevalence and effect of peer-on-peer abuse, and how to prevent, identify and respond to it. This includes

(a) Contextual Safeguarding;

(b) The identification and classification of specific behaviours; and

(c) The importance of taking seriously all forms of peer-on-peer abuse (no matter how low level they may appear) and ensuring that no form of peer-on-peer abuse is ever dismissed as horseplay or teasing.

In order to prevent peer-on-peer abuse and address the wider societal factors that can influence behaviour, the school will educate pupils about abuse, its forms and the importance of discussing any concerns and respecting others through the curriculum, assemblies and PSHE.

The school will also ensure that pupils are taught about safeguarding, including online safety, as part of a broad and balanced curriculum in PSHE lessons, RSE and group sessions. Such content will be age and stage of development specific, and tackle issues such as the following:

- Healthy relationships
- Respectful behaviour
- Gender roles, stereotyping and equality
- Body confidence and self-esteem
- Prejudiced behaviour
- That sexual violence and sexual harassment is always wrong

- Addressing cultures of sexual harassment

Pupils will be allowed an open forum to talk about concerns and sexual behaviour. They are taught how to raise concerns and make a report, including concerns about their friends or peers, and how a report will be handled.

At Wellington Primary School and Nursery we are:

- Ensuring that all peer-on-peer abuse issues are fed back to the School's Safeguarding Team (DSL and DDSL's) so that they can spot and address any concerning trends and identify pupils who maybe in need of additional support.
- Challenging the attitudes that underlie such abuse (both inside and outside the classroom);
- Working with Governors, Senior Leadership Team, all staff and volunteers and parents 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 conditions in which our pupils can aspire to and realise safe and healthy relationships;
- Creating a culture in which our pupils feel able to share their concerns openly, in a non-judgmental environment, and have them listened to; and
- Responding to cases of peer-on-peer abuse promptly and appropriately.

4. Awareness

All staff are aware that pupils of any age and sex are capable of abusing their peers and will never tolerate abuse as "banter" or "part of growing up".

All staff are aware that peer-on-peer abuse can be manifested in many different ways, including sexting and gender issues, such as girls being sexually touched or assaulted, and boys being subjected to hazing/initiation type of violence which aims to cause physical, emotional or psychological harm.

All staff are aware of the heightened vulnerability of pupils with SEND, who are three times more likely to be abused than their peers. Staff will not assume that possible indicators of abuse relate to the pupil's SEND and will always explore indicators further. Additional barriers to recognising abuse in children with SEND include:

- Assuming that indicators of abuse, such as mood and behaviour, relate to the child's disability.
- Children with SEND being disproportionately impacted by bullying and harassment without showing any outward signs.
- Communication barriers.

LGBTQ+ children can be targeted by their peers. In some cases, children who are perceived to be LGBTQ+, whether they are or not, can be just as vulnerable to abuse as LGBTQ+ children. The school's response to boy-on-boy and girl-on-girl sexual violence and sexual harassment will be equally as robust as it is for incidents between children of the opposite sex.

Pupils will be made aware of how to raise concerns or make a report and how any reports will be handled. This includes the process for reporting concerns about friends or peers.

5. Determining the level of Incidents

While determining the level of incidents is not always clear-cut we use this as a guide. In addition to this we consider the following behaviours:

- Chronological and developmental ages of everyone involved
- Difference in their power or authority in relation to age, race, gender, physical, emotional or intellectual vulnerability
- All alleged physical and verbal aspects of the behaviour and incident
- Whether the behaviour involved inappropriate sexual knowledge or motivation
- What was the degree of physical aggression, intimidation, threatening behaviour or bribery
- The effect on the victim
- Any attempts to ensure the behaviour and incident is kept a secret
- The child or young person's motivation or reason for the behaviour, if they admit that it occurred
- Whether this was a one-off incident, or longer in duration

6. Support available if a child has been harmed, is in immediate danger or at risk of harm

If a child has been harmed, is in immediate danger or is at risk of harm, a referral will be made to Children's Social Care. Within one working day, a Social Worker will respond to the referrer to explain the action that will be taken.

If Early Help, Section 17 and/or Section 47 statutory assessments, under the Children Act 1989, are appropriate, school staff may be required to support external agencies, for example West Mercia Rape and Sexual Abuse Support Centre (WMRSASC). The DSL and DDSs support staff as required.

Rape, assault by penetration and sexual assaults are crimes. Where a report includes such an act, the Police will be notified, often as a natural progression of making a referral to Children's Social Care. The DSL and DDSs are aware of the local process for referrals to both Children's Services and the Police.

Whilst the age of criminal responsibility is 10 years of age, if the alleged perpetrator is under 10, the principle of referring to the Police remains. In these cases, the Police will take a welfare approach rather than a criminal justice approach. The school has a close relationship with the local Police force and the DSL and DDSs will liaise closely with the local Police presence.

Online concerns can be especially complicated. The school recognises that there is potential for an online incident to extend further than the local community and for a victim, or the

alleged perpetrator, to become marginalised and excluded both online and offline. There is also strong potential for repeat victimisation if the content continues to exist.

If the incident involves sexual images or videos held online, the Internet Watch Foundation will be consulted to have the material removed.

Staff will not view or forward illegal images of a child. If they are made aware of such an image, they will contact the DSL or DDSLs.

7. Managing Disclosures

Victims will always be taken seriously, reassured, supported and kept safe. Victims will never be made to feel like they are causing a problem or made to feel ashamed.

If a friend of a victim makes a report or a member of staff overhears a conversation, staff will take action – they will never assume that someone else will deal with it. The basic principles remain the same as when a victim reports an incident; however, staff will consider why the victim has not chosen to make a report themselves and the discussion will be handled sensitively and with the help of Children's Social Care where necessary. If staff are in any doubt, they will speak to the DSL or DDSLs.

Where an alleged incident took place away from the school or online but involved pupils from the school, the school's duty to safeguard pupils remains the same.

All staff will be trained to handle disclosures. Effective safeguarding practice includes:

- Never promising confidentiality at the initial stage.
- Only sharing the report with those necessary for its progression.
- Explaining to the victim what the next steps will be and who the report will be passed to.
- Recognising that the person the child chose to disclose the information to is in a position of trust.
- Being clear about boundaries and how the report will be progressed.
- Not asking leading questions and only prompting the child with open questions.
- Waiting until the end of the disclosure to immediately write a thorough summary. If notes must be taken during the disclosure, it is important to still remain engaged and not appear distracted.
- Only recording the facts as the child presents them – not the opinions of the note taker.
- Where the report includes an online element, being aware of searching, screening and confiscation advice and UKCCIS sexting advice.
- Wherever possible, managing disclosures with two staff members present (preferably with the DSL or DDSLs as one of the staff members).
- Informing the DSL or DDSLs as soon as possible after the disclosure if they could not be involved in the disclosure.

The DSL or DDSLs will be informed of any allegations of abuse against pupils with SEND. They will record the incident in writing and, working with the SENCO, decide what course of action is necessary, with the best interests of the pupil in mind at all times. Staff will talk to the children in a calm and consistent manner. Staff will not be prejudiced, judgmental, dismissive or irresponsible in dealing with such sensitive matters. Children should be made aware of who they can talk to should they feel they have not been treated in this manner.

8. Confidentiality

The school will only engage staff and agencies required to support the victim and/or be involved in any investigation. If a victim asks the school not to tell anyone about the disclosure, the school cannot make this promise. Even without the victim's consent, the information may still be lawfully shared if it is in the public interest and protects children from harm.

The DSL and DDSLs will consider the following when making confidentiality decisions:

- Parents will be informed unless it will place the victim at greater risk.
- If a child is at risk of harm, is in immediate danger or has been harmed, a referral will be made to Children's Social Care
- Rape, assault by penetration and sexual assaults are crimes – reports containing any such crimes will be passed to the police.

The DSL and DDSLs will weigh the victim's wishes against their duty to protect the victim and others. If a referral is made against the victim's wishes, it will be done so extremely carefully and the reasons for referral will be explained to the victim. Appropriate specialist support will always be offered.

9. Anonymity

There are legal requirements for anonymity where a case is progressing through the criminal justice system. The school will do all it can to protect the anonymity of children involved in any report of sexual violence or sexual harassment. It will carefully consider, based on the nature of the report, which staff will be informed and what support will be in place for the children involved.

When deciding on the steps to take, the school will consider the role of social media in potentially exposing victims' identities and facilitating the spread of rumours.

10. Risk Assessment

The DSL or DDSLs will make an immediate risk and needs assessment any time there is a report of sexual violence. For reports of sexual harassment, a risk assessment will be considered on a case-by-case basis. Risk assessments are not intended to replace the detailed assessments of experts, and for incidents of sexual violence it is likely that a professional risk assessment by a social worker or sexual violence specialist will be required.

Risk assessments will consider:

- The victim.
- The alleged perpetrator.
- Other children at the school, especially any actions that are appropriate to protect them.

Risk assessments will be recorded (either on paper or electronically) and kept under review in accordance with the school's Data Protection Policy.

See Risk Assessment for Peer on Peer Sexual Abuse/ Harmful Sexual Behaviour in Appendix 1.

11. Taking action following a disclosure

The DSL or DDSLs will decide the school's initial response, taking into consideration:

- The victim's wishes.
- The nature of the incident.
- The ages and developmental stages of the children involved.
- Any power imbalance between the children.
- Whether the incident is a one-off or part of a pattern.
- Any ongoing risks.
- Any related issues and the wider context, such as whether there are wider environmental factors in a child's life that threaten their safety and/or welfare.
- The best interests of the child.
- That sexual violence and sexual harassment are always unacceptable and will not be tolerated.

Immediate consideration will be given as to how to support the victim, alleged perpetrator and any other children involved. For reports of rape and assault by penetration, whilst the school establishes the facts, the alleged perpetrator will be removed from any classes shared with the victim. The school will consider how to keep the victim and alleged perpetrator apart on school premises, and on transport where applicable. These actions will not be seen as a judgement of guilt on the alleged perpetrator. For reports of sexual violence and sexual harassment, the proximity of the victim and alleged perpetrator and the suitability of shared classes, premises and transport will be considered immediately. In all cases, the initial report will be carefully evaluated and the wishes of the victim, nature of the allegations and requirement to protect all children will be taken into consideration.

12. Managing the Report

The decision of when to inform the alleged perpetrator of a report will be made on a case-by-case basis. If a report is being referred to Children's Social Care or the Police, the school will speak to the relevant agency to discuss informing the alleged perpetrator.

There are four likely outcomes when managing reports of sexual violence or sexual harassment:

- Managing internally
- Providing Early Help
- Referring to Children's Social Care
- Reporting to the Police

Whatever outcome is chosen, it will be underpinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated. All concerns, discussion, decisions and reasons behind decisions will be recorded either on paper or electronically.

The following situations are statutorily clear and do not allow for contrary decisions:

- A child under the age of 13 can never consent to sexual activity.
- The age of consent is 16.
- Sexual intercourse without consent is rape.
- Rape, assault by penetration and sexual assault are defined in law.
- Creating and sharing sexual photos and videos of children under 18 is illegal – including children making and sending images and videos of themselves.

13. Managing Internally

In some cases, e.g. one-off incidents, the school may decide to handle the incident internally through behaviour and bullying policies and by providing pastoral support, if this is the case a safety plan will be created.

Creating a safety plan:

The designated safeguarding lead (or a deputy) will make an immediate risk and needs' assessment (safety plan). Where there has been a report of sexual harassment, a safety plan must be completed and submitted to the MASH. The safety plan should consider:

- The victim, especially their protection and support;
- The child alleged to have caused harm; and
- All the other children (and, if appropriate, adult students and staff) at the school, especially any actions that are appropriate to protect them;

Safety plans will be recorded in the Safeguarding file under 'peer-on-peer abuse – safety plans' and be kept under review. The designated safeguarding lead (or a deputy) will ensure they are engaging with MASH.

Gathering the Facts:

When making young people aware of an allegation it is essential that before you speak to them any further you offer them the option to have parents or a person they trust present. You should make them aware that parents will be informed even if they wish to progress without parents present. Speak to all the young people involved separately in order to gain a statement of facts from them. Use consistent language and open questions for each account. Ask the young people to tell you what happened. Use open questions, 'where, when, why, who'. (What happened? Who observed the incident? What was seen? What was heard? Did anyone intervene?). Do not interrogate or ask leading questions.

14. Providing Early Help

The school may decide that statutory interventions are not required, but that pupils may benefit from Early Help – providing support as soon as a problem emerges. This approach can be particularly useful in addressing non-violent harmful sexual behaviour and may prevent escalation of sexual violence.

15. Referring to Children's Social Care

If a child has been harmed, is at risk of harm or is in immediate danger, the school will make a referral to Children's Social Care. Parents will be informed unless there is a compelling reason not to do so (if referral will place the victim at risk). This decision will be made in consultation with Children's Social Care.

The school will not wait for the outcome of an investigation before protecting the victim and other children.

The DSL or DDSLs will work closely with Children's Social Care to ensure that the school's actions do not jeopardise any investigation. Any related risk assessment will be used to inform all decisions.

If Children's Social Care decide that a statutory investigation is not appropriate, the school will consider referring the incident again if they believe the child to be in immediate danger or at risk of harm.

If the school agrees with the decision made by Children's Social Care, they will consider the use of other support mechanisms such as early help, pastoral support and specialist support.

16. Reporting to Police

Reports of rape, assault by penetration or sexual assault will be passed on to the Police – even if the alleged perpetrator is under 10 years of age. Generally, this will be in parallel with referral to Children's Social Care. The DSL or DDSLs will follow the local process for referral.

Parents will be informed unless there is a compelling reason not to do so. Where parents are not informed, it is essential for the school to support the child with any decision they take, in unison with Children's Social Care and any appropriate specialist agencies.

The DSL, DDSLs and governing board will agree what information will be disclosed to staff and others, in particular the alleged perpetrator and their parents. They will also discuss the best way to protect the victim and their anonymity.

The DSL and DDSLs will be aware of local arrangements and specialist units that investigate child abuse.

In some cases, it may become clear that the Police will not take further action, for whatever reason. In these circumstances, the school will continue to engage with specialist support for the victim as required.

17. Bail Conditions

Police bail is only used in exceptional circumstances. It is unlikely that a child will be placed on police bail if alternative measures can be used to mitigate risks.

The school will work with Children's Social Care and the police to support the victim, alleged perpetrator and other children (especially witnesses) during criminal investigations. The school will seek advice from the Police to ensure they meet their safeguarding responsibilities. The term 'released under investigation' (RUI) is used to describe alleged perpetrators released in circumstances that do not warrant the application of bail.

Where bail is deemed necessary, the school will work with Children's Social Care and the Police to safeguard children – ensuring that the victim can continue in their normal routine and continue to receive a suitable education.

18. Managing Delays in the Criminal Justice System

The school will not wait for the outcome (or even the start) of criminal proceedings before protecting the victim, alleged perpetrator and other children. The associated risk assessment will be used to inform any decisions made.

The DSL or DDSLs will work closely with the Police to ensure the school does not jeopardise any criminal proceedings, and to obtain help and support as necessary.

19. The End of the Criminal Process

Risk assessments will be updated if the alleged perpetrator receives a caution or is convicted. If the perpetrator remains in the same school as the victim, the school will set out clear expectations regarding the perpetrator, including their behaviour and any restrictions deemed reasonable and proportionate with regards to the perpetrator's timetable.

The school will ensure that the victim and perpetrator remain protected from bullying and harassment (including online).

Where an alleged perpetrator is found not guilty or a case is classed as requiring "no further action", the school will offer support to the victim and alleged perpetrator for as long as is

necessary. The victim is likely to be traumatised and the fact that an allegation cannot be substantiated does not necessarily mean that it was unfounded. The school will discuss decisions with the victim and offer support.

The alleged perpetrator is also likely to require ongoing support, as they have also been through a difficult and upsetting experience.

20. Ongoing support for the victim

Any decisions regarding safeguarding and supporting the victim will be made with the following considerations in mind:

- The terminology the school uses to describe the victim
- The age and developmental stage of the victim
- The needs and wishes of the victim
- Whether the victim wishes to continue in their normal routine
- The victim will not be made to feel ashamed about making a report
- What a proportionate response looks like

Victims may not disclose the whole picture immediately and they may be more comfortable talking about the incident on a piecemeal basis; therefore, a dialogue will be kept open and the victim can choose to appoint a designated trusted adult.

Victims may struggle in a normal classroom environment. Whilst it is important not to isolate the victim, the victim may wish to be withdrawn from lessons and activities at times. This will only happen when the victim wants it to, not because it makes it easier to manage the situation.

The school will provide a physical space for victims to withdraw to.

Victims may require support for a long period of time and the school will be prepared to offer long-term support in liaison with relevant agencies.

Everything possible will be done to prevent the victim from bullying and harassment as a result of any report they have made.

If the victim is unable to remain in the school, alternative provision or a move to another school will be considered – this will only be considered at the request of the victim and following discussion with their parents.

If the victim does move to another school, the DSL or DDSLs will inform the school of any ongoing support needs and transfer the child protection file.

21. Ongoing Support for the Alleged Perpetrator

When considering the support required for an alleged perpetrator, the school will take into account:

- The terminology they use to describe the alleged perpetrator or perpetrator.
- The balance of safeguarding the victim and providing the alleged perpetrator with education and support.

- The reasons why the alleged perpetrator may have abused the victim – and the support necessary.
- Their age and developmental stage.
- What a proportionate response looks like.
- Whether the behaviour is a symptom of their own abuse or exposure to abusive practices and/or materials.

When making a decision, advice will be taken from Children’s Social Care, specialist sexual violence services and the Police as appropriate.

If the alleged perpetrator moves to another school (for any reason), the DSL or DDSLs will inform the destination school of any ongoing support needs and transfer the child protection file.

The school will work with professionals as required to understand why the abuse took place and provide a high level of support to help the pupil understand and overcome the reasons for their behaviour and reduce the likelihood of them abusing again.

22. Disciplining the Alleged Perpetrator

Disciplinary action can be taken whilst investigations are ongoing and the fact that investigations are ongoing does not prevent the school reaching its own conclusion and imposing an appropriate penalty.

The school will make such decisions on a case-by-case basis, with the DSL taking a leading role. The school will take into consideration whether any action would prejudice an investigation and/or subsequent prosecution. The Police and Children’s Social Care will be consulted where necessary.

The school will also consider whether circumstances make it unreasonable or irrational for the school to make a decision about what happened while an investigation is considering the same facts.

Disciplinary action and support can take place at the same time.

The school will be clear whether action taken is disciplinary, supportive or both.

23. Shared Classes

Once the DSL or DDSLs have decided to progress a report, they will again consider whether the victim and alleged perpetrator will be separated in classes, on school premises and on school transport – balancing the school’s duty to educate against its duty to safeguard. The best interests of the pupil will always come first.

Where there is a criminal investigation into rape or assault by penetration, the alleged perpetrator will be removed from classes with the victim and potential contact on school premises and transport will be prevented.

Where a criminal investigation into rape or assault by penetration leads to a conviction or caution, in all but the most exceptional circumstances, this will constitute a serious breach of discipline and result in the view that allowing the perpetrator to remain in the school would harm the education or welfare of the victim and potentially other pupils.

Where a criminal investigation into sexual assault leads to a conviction or caution, the school will consider suitable sanctions and permanent exclusion. If the perpetrator will remain at the school, the school will keep the victim and perpetrator in separate classes and manage potential contact on school premises and transport. The nature of the conviction or caution, alongside the wishes of the victim, will inform any discussions made.

Where a report of sexual assault does not lead to a police investigation, this does not mean that the offence did not happen or that the victim has lied. Both the victim and alleged perpetrator will be affected and appropriate support will be provided. Considerations regarding sharing classes and potential contact will be made on a case-by-case basis.

In all cases, the school will record its decisions and be able to justify them. The needs and wishes of the victim will always be at the heart of the process.

24. Working with Parents and Carers

In most sexual violence cases, the school will work with the parents of both the victim and alleged perpetrator. For cases of sexual harassment, these decisions will be made on a case-by-case basis.

The school will meet the victim's parents with the victim present to discuss the arrangements being put in place to safeguard the victim, and to understand their wishes in terms of support arrangements and the progression of the report.

Schools will also meet with the parents of the alleged perpetrator to discuss arrangements that will impact their child, such as moving them out of classes with the victim. Reasons behind decisions will be explained and the support being made available will be discussed. The DSL or DDSLs will attend such meetings, with agencies invited as necessary.

Clear policies regarding how the school will handle reports of sexual violence and how victims and alleged perpetrators will be supported will be made available to parents.

25. Safeguarding Other Children

Children who have witnessed sexual violence, especially rape and assault by penetration, will be provided with support.

It is likely that children will "take sides" following a report, and the school will do everything in its power to protect the victim, alleged perpetrator and witnesses from bullying and harassment.

The school will keep in mind that contact may be made between the victim and alleged perpetrator and that harassment from friends of both parties could take place via social media and do everything in its power to prevent such activity.

As part of the school's risk assessment following a report, transport arrangements will be considered, as it is a potentially vulnerable place for both a victim and alleged perpetrator. Schools will consider any additional support that can be put in place.

26. The Context

Peer-on-peer abuse 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. It is essential that responses to incidents are proportionate and contextual.

In this policy we recognise the importance of distinguishing between problematic and abusive sexual behaviour (Harmful Sexual Behaviour HSB).

Simon Hackett (2010) has proposed a continuum model to demonstrate the range of sexual behaviours presented by children and young people, from those that are normal, to those that are highly deviant:

<https://www.nspcc.org.uk/globalassets/documents/publications/harmful-sexual-behaviour-framework.pdf>

Normal	Inappropriate	Problematic	Abusive	Violent
Developmentally expected	<ul style="list-style-type: none">• Single instances of inappropriate sexual behaviour	<ul style="list-style-type: none">• Problematic and concerning behaviours	<ul style="list-style-type: none">• Victimising intent or outcome	<ul style="list-style-type: none">• Physically violent sexual abuse
Socially acceptable	<ul style="list-style-type: none">• Socially acceptable behaviour within peer group	<ul style="list-style-type: none">• Developmentally unusual and socially unexpected	<ul style="list-style-type: none">• Includes misuse of power	<ul style="list-style-type: none">• Highly intrusive
Consensual, mutual, reciprocal	<ul style="list-style-type: none">• Context for behaviour may be inappropriate	<ul style="list-style-type: none">• No overt elements of victimisation	<ul style="list-style-type: none">• Coercion and force to ensure victim compliance	<ul style="list-style-type: none">• Instrumental violence which is physiologically and/or sexually arousing to the perpetrator
Shared decision making	<ul style="list-style-type: none">• Generally consensual and reciprocal	<ul style="list-style-type: none">• Consent issues may be unclear• May lack reciprocity or equal power• May include levels of compulsivity	<ul style="list-style-type: none">• Intrusive• Informed consent lacking, or not able to be freely given by victim• May include elements of expressive violence	<ul style="list-style-type: none">• Sadism

27. Monitoring and Review

This policy will be reviewed on an annual basis by the DSL in conjunction with the governing board.

Any changes made to the policy will be amended by Mrs H Rees, Mrs H Lynch, Mrs J Keeble and Mrs H Smith-Hughes and will be communicated to all members of staff.

The next scheduled review date for this policy is date May 2022.

Useful definitions

Sexual Harassment

This can be defined as 'unwanted conduct of a sexual nature' that can occur online and offline. In the context of this guidance this means 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.

It 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.

Sexting

Sexting is when someone shares sexual, naked or semi-naked images or videos of themselves or others or sends sexually explicit messages. They can be sent using mobiles, tablets, smartphones, laptops - any device that allows you to share media and messages. This is also known as youth produced sexual imagery

The UK Council for Internet Safety (UKCIS) Education Group has published Advice for Schools and Colleges on Responding to Sexting Incidents

www.gov.uk/government/publications/sexting-in-schools-and-college

Upskirting

This typically involves taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm. It is now a criminal offence and may constitute sexual harassment. Cases of 'up skirting' have a mandatory requirement for being reported.

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.

Consent

Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g. to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.

It is important to know that: -

- A child under the age of 13 can never consent to any sexual activity; •

The age of consent is 16;

- Sexual intercourse without consent is rape.

It is also important to differentiate between consensual sexual activity between children of a similar age and that which involves any power imbalance, coercion or exploitation. Due to their additional training, the designated safeguarding lead (or deputy) should be involved and leading the school or college response. If in any doubt, they should seek expert advice.

It is important that schools and colleges consider sexual harassment in broad terms. Sexual harassment (as set out above) creates an atmosphere that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence.

Harmful Sexual Behaviour (HSB)

Children's sexual behaviour exists on a wide continuum, from normal and developmentally expected to inappropriate, problematic, abusive and violent. Problematic, abusive and violent sexual behaviour is developmentally inappropriate and may cause developmental damage. A useful umbrella term is "harmful sexual behaviour". The term has been widely adopted in child protection and is used in this advice. Harmful sexual behaviour can occur online and/or offline and can also occur simultaneously between the two. Harmful sexual behaviour should be considered in a child protection context.

Links:

Brook Sexual Behaviours Traffic Light Tool can be found here:

https://www.enhertscg.nhs.uk/sites/default/files/content_files/policies/Sexual-BehavioursTraffic-Light-Tool.pdf

DFE guidance on sexual violence and harassment can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719902/Sexual_violence_and_sexual_harassment_between_children_in_schools_and_colleges.pdf

West Mercia Rape and Sexual Abuse Support Centre:

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

Risk Assessment for Peer on Peer Sexual Abuse/ Harmful Sexual Behaviour

The terms victim and alleged perpetrator are used to identify the children involved. NB: there should be no assumption of guilt on the part of the alleged perpetrator, pending investigation.

Each section/question will be considered from the perspective of both pupils. Considerations will be given for the impact on, and needs of, the wider school community. All concerns and proposed actions will be recorded.

The school will work with the local multi-agency safeguarding hub (MASH) and other agencies as necessary when completing this risk assessment. This document should be reviewed frequently to ensure it is fit for purpose.

***A risk assessment should be completed for all cases relating to sexual violence or alleged sexual violence. Sexual violence is defined by the sexual offences act 2002 as "criminal acts: rape, assault by penetration and sexual assault".**

***This risk assessment should be completed with reference to Keeping Children Safe In Education, DFE Sexual Violence and Sexual Harassment in schools and colleges and the local West Midlands policy (2.26)**

<https://westmidlands.procedures.org.uk/pkoso/regional-safeguarding-guidance/children-who-abuse-others>

CONSIDERATIONS	RISK (CONSIDER VICTIM, ALLEGED PERPETRATOR, OTHER PUPILS AND STAFF)	RISK LEVEL (HIGH, MEDIUM OR LOW)	ACTIONS TO REDUCE RISK	REVISED RISK LEVEL (HIGH, MEDIUM OR LOW)
<ul style="list-style-type: none"> • What was the nature of the incident? 				
<ul style="list-style-type: none"> • Was it a crime? 				
<ul style="list-style-type: none"> • Is it necessary to limit contact between the children involved? Refer to KCSiE and DFE guidance on sexual harassment and sexual violence in schools and colleges. 				
<ul style="list-style-type: none"> • Is there an actual or perceived threat from the alleged perpetrator to the victim and/or others? 				

<ul style="list-style-type: none"> • Is either the victim or the alleged perpetrator at risk of physical harm as a result of this incident (for example, bullying or 'retribution' by peers)? 				
CONSIDERATIONS	RISK (CONSIDER VICTIM, ALLEGED PERPETRATOR, OTHER PUPILS AND STAFF)	RISK LEVEL (HIGH, MEDIUM OR LOW)	ACTIONS TO REDUCE RISK	REVISED RISK LEVEL (HIGH, MEDIUM OR LOW)
<ul style="list-style-type: none"> • Do they share classes? 				
<ul style="list-style-type: none"> • Do they share break times? 				
<ul style="list-style-type: none"> • Do they share transport to/from school? 				
<ul style="list-style-type: none"> • Are they likely to come into contact with each other (or anyone else involved in/with knowledge of the incident) outside of school? 				

• How can such contact be limited?				
• Is there a risk of harm from social media and gossip?				

Further action taken by the school or college:

Action	YES/NO	Date
Police informed		
Referral to MASH		
Referral to external support services		
Referral to internal support services		
Referral to CAMHS		
Referral to early help		
Other		

