

Camrose Primary School with Nursery



2021 Sexual violence and harassment between young people policy

Status	Statutory
Member of staff responsible	Sharon Crick
Date of policy	September 2021
Review date	July 2024

Related Documents/Policies

Title
Behaviour Policy (2021)
Safeguarding Policy (2021)
Online Safety Policy (2021)
PSHCE and RSE policy (2021)
Equality Policy 2021

This advice should not be read in isolation. It is important for us to consider other relevant advice and guidance, including the following (which is not intended to be an exhaustive list), as part of our approach to protecting children from sexual violence and sexual harassment:

- [Exclusions From Maintained Schools, Academies and PRUs](#) (statutory guidance)
- [Keeping Children Safe in Education](#) (statutory guidance)
- [Sex and Relationship Education](#) (statutory guidance for maintained schools and academies)
- [Working Together to Safeguard Children](#) (statutory guidance)
- [Behaviour and Discipline in Schools](#) (advice for schools)
- [Children Missing Education](#) (advice for schools)
- [Cyberbullying](#) (advice for schools)
- [Equality Act 2010](#) and [Public Sector Equality Duty](#) (advice for schools)
- [Mental Health and Behaviour in Schools](#) (advice for schools)
- [Preventing and Tackling Bullying](#) (advice for schools)
- [The Equality and Human Rights Commission](#) (provides advice on avoiding discrimination in a variety of educational contexts). Schools must be aware of their obligations under the Human Rights Act 1998 (HRA). It is unlawful for schools to act in a way that is incompatible with the European Convention on Human Rights.

Schools and colleges are required to comply with relevant requirements as set out in the Equality Act 2010 (the Equality Act) see [advice for schools](#). Provisions within the Equality Act allow schools to take positive action, where it can be shown that it is proportionate, to deal with particular disadvantages affecting one group.

- [UKCCIS Sexting advice](#) (advice for schools and colleges)
- Compliance with the Public Sector Equality Duty ([PSED](#)) is a legal requirement for schools and colleges that are public bodies and therefore have a general duty to have regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between different groups and to foster good relations between different groups. The duty applies to all protected characteristics and means that whenever significant decisions are being made or policies developed, thought must be given to the equality implications such as, for example, the elimination of sexual violence and sexual harassment.

AIMS AND VALUES

This policy will help staff to achieve the vision of the school, which is that the staff and Governors “are committed to the nurture and development of all those who learn here and seek to inspire all to be their best. We embrace the transformative power of education and value a love of learning and intellectual curiosity. We support all within the school to find, develop and enjoy their interests and passions. Our school offers vibrant extracurricular opportunities and participation is both valued and celebrated. We are a happy and caring school which values and takes pride in diversity and celebrates individuality.

Our purpose is developing pupils with empathy, understanding and appreciation for other views and opinions.

We will endeavour to provide an environment where every pupil can feel:

- safe;
- healthy;
- able to enjoy and achieve;
- able to make a positive contribution.

CONTEXT

Sexual violence and sexual harassment can occur between two children of any age and sex. It can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children.

Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physically and verbally) and are never acceptable. All victims will be taken seriously and offered appropriate support.

Children who are victims and survivors of sexual violence and sexual harassment will find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment. We will ensure that victims and survivors are protected, offered appropriate support and every effort is made to ensure their education is not disrupted. Other children and school staff will be supported and protected as appropriate.

STATEMENT OF PRINCIPLES

The best schools take a whole school approach to safeguarding and child protection. This means involving everyone in the school, including the governing body, all the staff, children, and parents and carers. Our approach to sexual violence and sexual harassment therefore reflects and is part of the broader approach to safeguarding.

All staff, pupils and parents should be aware of the importance of:

- making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up;
- not tolerating or dismissing sexual violence or sexual harassment as “banter”, “part of growing up”, “just having a laugh” or “boys being boys”;
- challenging behaviour (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia and flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them; and
- understanding that all of the above can be driven by wider societal factors beyond the school, such as everyday sexist stereotypes and everyday sexist language.

TERMS AND PHRASES

Harmful sexual behaviour

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". Harmful sexual behaviour can occur online and/or offline and can also occur simultaneously between the two. Harmful sexual behaviour is considered in a child protection context.

When considering harmful sexual behaviour, ages and the stages of development of the children are critical factors to consider. Sexual behaviour between children can be considered harmful if one of the children is much older, particularly if there is more than two years' difference or if one of the children is pre-pubescent and the other is not. However, a younger child can abuse an older child, particularly if they have power over them, for example, if the older child is smaller in stature.

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 harassment

Sexual harassment is unwanted conduct of a sexual nature between children that can occur online and offline. Sexual harassment (as set out below) creates an atmosphere that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence. 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. 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 (schools and colleges should be considering when any of this crosses a line into sexual violence - it is important to talk to and consider the experience of the victim) and displaying pictures, photos or drawings of a sexual nature; and
- online sexual harassment.

Online sexual harassment refers to a range of behaviours where digital technologies are used to facilitate both virtual and face-to-face sexually based harms. Online sexual harassment may constitute a number of criminal offences, depending on the nature of the online harassment. Whether the conduct constitutes a criminal offence or not, many victim-survivors experience these behaviours as a form of sexual violence. Examples of online sexual

harassment can be broadly split into the following areas:

- **Unsolicited sexual content online** refers to any sexual content shared online which is not wanted by the recipient. This could include content seen on apps, messaging services and websites which has not been sought out by the user.
- **Image-based sexual abuse** refers to the non-consensual creation and/or distribution of sexual images.
- **Sexual coercion, threats and intimidation online** could include a person receiving threats of a sexual nature or being coerced to engage in sexual behaviours on or offline via digital technologies.

Victims

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.

Alleged perpetrator

For the purpose of this document we will use the term 'alleged perpetrator' and where appropriate 'perpetrator'. These are widely used and recognised terms and the most appropriate to aid the effective writing of policies. Adults should, however, think very carefully about terminology, especially when speaking in front of children.

Prevention

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.

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. 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 is 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 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.

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.

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.

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 DDSs 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 DDSs 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.

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.

Risk Assessment

The DSL or DDSs 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

Taking action following a disclosure

The DSL 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.

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.

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.

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.

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 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.

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 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 and governing body 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 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.

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 will inform the school of any ongoing support needs and transfer the child protection file.

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 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.

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.

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 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.

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.

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

CONSIDERATIONS ACTIONS	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)
What was the nature of the incident?				
Was it a crime?				
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				
• Is there an actual or perceived threat from the alleged perpetrator to the victim and/or others?				
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)?				
Do they share classes?				
Do they share break times?				
Do they share transport to/from school?				
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:

Action	Y / N	Date
Police informed		
Referral to MASH		
Referral to external support service		
Referral to internal support service		
Referral to Early Help		
Other		

