



**Oxford Sixth Form College**

A NORD ANGLIA EDUCATION SCHOOL

# **Sexual violence and sexual harassment between children**

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## **Introduction**

The safety and well-being of all our students is our highest priority. Students have a right to be free from Harmful Sexual behaviour (HSB) which includes sexual harassment and sexual abuse or violence.

This policy applies to all students at Oxford Sixth Form College, irrespective of age. This policy is available to all students and parents on our website; <https://www.oxfordsixthformcollege.com/the-college/policies/> and by request.

The purpose of this policy is to set out clear guidelines and procedures for reporting concerns to senior staff. These procedures should be followed by all teaching and non-teaching staff (whether full or part-time, permanent, temporary or supply), Houseparents and Homestays, volunteers and governors at Oxford Sixth Form College whenever there is concern about possible or actual harmful sexual behaviour or abuse. The college will take seriously and respond to all signs, reports and concerns of child-on-child sexual violence and sexual harassment, including those that have happened outside of the college premises, and/or online.

This policy, and the procedures within are written in line with Keeping Children Safe in Education 2023 (KCSiE), and our legal obligations, including the Human Rights Act 1998 and the Equality Act 2010, especially the Public Sector Equality Duty, and our local multi-agency safeguarding arrangements.

This policy should not be read in conjunction with the College Safeguarding and Child Protection policy, KCSiE and Working Together to Safeguard Children 2018.

## **Victims and alleged perpetrator(s)**

There are many different ways to describe young people who have been subjected to sexual violence and/or sexual harassment and many ways to describe those who are alleged to have carried out any form of abuse.

For the purposes of this policy, we use the term 'victim'. It is a widely recognised and understood term. It is important to recognise that not everyone who has been subjected to sexual violence and/or sexual harassment considers themselves a victim or would want to be described in this way. Ultimately, we should be conscious of this when managing any incident and be prepared to use any term with which the individual student is most comfortable.

For the purpose of this policy, we use the term 'alleged perpetrator(s)' and where appropriate 'perpetrator(s)'. These are widely used and recognised terms and the most appropriate to aid effective drafting of advice. However, we need to think very carefully about terminology, especially when speaking in front of students, not least because in some cases the sexual behaviour will have been harmful to the perpetrator as well.

## **What do we mean by sexual violence and sexual harassment between children?**

Sexual violence and sexual harassment can occur between two children of any age and sex. It can 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 face to face (both physically and verbally) and are never acceptable. As set out in Part one of KCSiE 2023, all staff in the College are advised to maintain an attitude of 'it could happen here'.

Addressing inappropriate behaviour (even if it appears to be relatively innocuous) can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future.

Students who are victims of sexual violence and sexual harassment, wherever it happens, will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment and will be exacerbated if the alleged perpetrator(s) attends the same College. As set out in KCSIE, we should be aware that safeguarding incidents and/or behaviours can be associated with factors outside the College, including intimate personal relationships.

It is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report. It is important to explain that the law is in place to protect children and young people rather than criminalise them, and this should be explained in such a way that avoids alarming or distressing them.

Along with providing support to students who are victims of sexual violence or sexual harassment, we need to provide the alleged perpetrator(s) with an education, safeguarding support as appropriate and implement any disciplinary sanctions. A student abusing another student may be a sign they have been abused themselves or a sign of wider issues that require addressing within the culture of the College. Taking disciplinary action and providing appropriate support, can, and should, occur at the same time if necessary.

Reports of sexual violence and sexual harassment are extremely complex to manage. We will ensure that victims are protected, offered appropriate support and every effort is made to ensure their education is not disrupted. It is also important that other students and college staff are supported and protected as appropriate.

Whilst any report of sexual violence or sexual harassment should be taken seriously, staff should be aware it is more likely that girls will be the victims of sexual violence and sexual harassment and more likely it will be perpetrated by boys.

## **What all staff should know**

Sexual violence and sexual abuse can happen anywhere, and all staff working in College should maintain an attitude of 'it could happen here'. We are aware of, and will respond appropriately to all reports and concerns, including those outside the College, and or online. We recognise the need, and importance of:

- making clear that there is a zero-tolerance approach to sexual violence and sexual harassment and it is never acceptable, and it will not be tolerated and it will never be passed off as "banter", "just having a laugh", "part of growing up" or "boys being boys". We will challenge physical behaviour (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, pulling down trousers, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them; and
- not recognising, acknowledging or understanding the scale of harassment and abuse and/or downplaying some behaviours related to abuse as it can lead to a culture of unacceptable behaviour, an unsafe environment and in worst case scenarios a culture that normalises abuse leading to students accepting it as normal and not coming forward to report it; and
- understanding that all of the above can be driven by wider societal factors beyond the College, such as everyday sexist stereotypes and everyday sexist language.

Children with Special Educational Needs and Disabilities (SEND) are three times more likely to be abused than their peers. Additional barriers can sometimes exist when recognising abuse in SEND children. These can include:

- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the students disability without further exploration;
- the potential for students with SEND being disproportionately impacted by behaviours such as bullying and harassment, without outwardly showing any signs; and
- communication barriers and difficulties overcoming these barriers.

Any reports of abuse involving students with SEND will therefore require close liaison with the designated safeguarding lead (or deputy) and the special educational needs co-ordinators (SENCOs).

Students who are lesbian, gay, bi, or trans (LGBT) can be targeted by their peers. In some cases, a child who is perceived by their peers to be LGBT (whether they are or not) can be just as vulnerable as children who identify as LGBT.

We are also aware that their staff can be victims of sexual violence and sexual harassment. Staff who experience sexual violence or harassment should contact the DSL or Principal.

### **Sexual violence**

It is important to be aware of sexual violence and the fact children can, and sometimes do, abuse their peers in this way and that it can happen both inside and outside of College. When referring to sexual violence, we do so in the context of child-on-child sexual violence, and sexual offences under the Sexual Offences Act 2003.

**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. (Schools should be 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.)

**What is 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. Further information about consent can be found here: Rape Crisis England & Wales - Sexual consent <https://rapecrisis.org.uk/>

- a child under the age of 13 can never consent to any sexual activity;
- the age of consent is 16; and
- sexual intercourse without consent is rape.

## **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 College. 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 (this can cross the 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. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
  - consensual and non-consensual sharing of nude and semi-nude images and videos. As set out in UKCIS Sharing nudes and semi-nudes <https://www.gov.uk/government/publications/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people> advice for education settings working with children and young people (which provides detailed advice for schools and colleges) taking and sharing nude photographs of U18s is a criminal offence;
  - sharing of unwanted explicit content;
  - upskirting (is a criminal offence);
  - sexualised online bullying;
  - unwanted sexual comments and messages, including, on social media;
  - sexual exploitation; coercion and threats.

Sexual harassment (as set out above) creates a culture that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence.

## **Harmful sexual behaviour**

Children’s sexual behaviour exists on a wide continuum, from normal and developmentally expected to be 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” (HSB). The term has been widely adopted in child protection and is used in this policy. HSB can occur online and/or face

to face and can also occur simultaneously between the two. HSB should be considered in a child protection context.

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 disabled or smaller in stature. Confidential, specialist support and advice on HSB is available from the specialist sexual violence sector:

- contact Rape Crisis (England & Wales) <https://rapecrisis.org.uk/> or The Survivors Trust <https://www.thesurvivorstrust.org/> for information, advice, and details of local specialist sexual violence organisations.
- NICE guidance <https://www.nice.org.uk/guidance> contains information on, amongst other things: developing interventions; working with families and carers; and multi-agency working.
- The Lucy Faithfull Foundation <https://www.lucyfaithfull.org.uk/> has developed a HSB toolkit, which amongst other things, provides support, advice and information on how to prevent it, links to organisations and helplines, resources about HSB by children, internet safety, sexual development and preventing child sexual abuse.
- The NSPCC provides free and independent advice about HSB: NSPCC Learning: <https://learning.nspcc.org.uk/child-abuse-and-neglect/harmful-sexual-behaviour> and <https://learning.nspcc.org.uk/research-resources/2019/harmful-sexual-behaviour-framework>
- Contextual Safeguarding Network – Beyond Referrals <https://contextualsafeguarding.org.uk/portfolio-items/beyond-referrals-2-project-to-address-harmful-behaviour-in-schools/> provides a school self-assessment toolkit and guidance for addressing HSB in schools and colleges.
- StopItNow [https://www.stopitnow.org.uk/helpline/?utm\\_source=bing&utm\\_medium=ad&utm\\_campaign=stop-helpline](https://www.stopitnow.org.uk/helpline/?utm_source=bing&utm_medium=ad&utm_campaign=stop-helpline) Preventing harmful sexual behaviour in children - Stop It Now provides a guide for parents, carers and professionals to help everyone do their part in keeping children safe, they also run a free confidential helpline.

We will ensure that all College staff are trained in HSB, and that the DSL and her deputies and the Senior Tutors (STs) have a good understanding of HSB so that they are able to plan preventative education, implementing preventative measures, and implementing this policy effectively, incorporating the approach to sexual violence and sexual harassment into the whole College's approach to safeguarding.

### **Our legal responsibilities**

The College, and those working in it have a statutory duty to safeguard and promote the welfare of the students College. As part of this duty, we are required to have regard to guidance issued by the Secretary of State. All schools and colleges must have regard to KCSiE 2023 and Working Together to Safeguard Children 2018.

Furthermore, we have a statutory duty to co-operate with safeguarding partnerships once designated as relevant agencies. Equally, safeguarding partners are expected to name schools and colleges as relevant agencies and engage with them in a meaningful way.

We are required by law to have a behaviour policy and measures in place to prevent all forms of bullying (including cyberbullying, prejudice-based and discriminatory bullying).

Delivery of Relationships and Sex Education (RSE) (for all secondary pupils) is now mandatory. The Department for Education (DfE) has produced a one-stop page for teachers on GOV.UK, which can be accessed here: <https://www.gov.uk/guidance/teaching-about-relationships-sex-and-health> This includes teacher training modules on the RSHE topics and non-statutory implementation guidance.

## **Legal responsibilities and equality policies**

All schools and colleges should be aware of their obligations under the Human Rights Act 1998 (HRA).

It is unlawful for schools and colleges to act in a way that is incompatible with the European Convention on Human Rights. These rights include:

- Article 3: the right to freedom from inhuman and degrading treatment (an absolute right);
- Article 8: the right to respect for private and family life (a qualified right) includes a duty to protect individuals' physical and psychological integrity;
- Article 14: requires that all of the rights and freedoms set out in the Act must be protected and applied without discrimination; 27 and
- Protocol 1, Article 2: protects the right to an effective education.

**Being subjected to sexual violence or sexual harassment may breach any or all of these rights, depending on the nature of the conduct and the circumstances.**

We are required to comply with relevant requirements as set out in the Equality Act 2010, see the Equal Opportunities policy.

Provisions within the Equality Act allow schools and colleges to take positive action, where it can be shown that it is proportionate, to deal with particular disadvantages affecting one group. A school or college, could, for example, consider taking positive action to support girls if there was evidence they were being disproportionately subjected to sexual violence or sexual harassment.

## **A whole College approach to preventing child on child sexual violence and sexual harassment**

The best responses to child sexual violence and harassment are those which take a whole College approach to safeguarding and child protection. This means involving everyone in the College, including the governing body, all the staff, students and parents and carers. Safeguarding and child protection is a recurrent theme running through policies and procedures. The College's approach to sexual violence and sexual harassment is reflective and part of the broader approach to safeguarding. Ultimately, all systems, processes and policies operate with the best interests of the student at their heart.

Our safeguarding systems and procedures with regard to sexual violence and sexual harassment are transparent, clear and easy to understand for staff, students, parents and carers. Students should feel confident in reporting abuse, sexual violence and sexual harassment, knowing their concerns will be treated seriously, and that they can safely express their views and give feedback.

## **Extra-familial harms**

All staff should be aware that safeguarding incidents and/or behaviours can be associated with factors outside the College and/or can occur between young people outside of these environments. All staff, but especially the designated safeguarding lead (and deputies) should consider whether children are at risk of abuse or exploitation in situations outside their families. Extra-familial harms take a variety of different forms and students can be vulnerable to multiple harms including (but not limited to), sexual exploitation, criminal exploitation, sexual abuse, serious youth violence and county lines. When working with students who have experienced intra familial harms, staff must consider the possibility that siblings could be at risk and therefore always report incidents or knowledge to the police or MASH team, as appropriate. See the Safeguarding and Child Protection policy.

All staff should be aware that technology is a significant component in many safeguarding and wellbeing issues. Children are at risk of abuse online as well as face to face. In many cases abuse will take place concurrently via online channels and in daily life. Children can also abuse their peers online, this can take the form of abusive, harassing, and misogynistic messages, the non-consensual sharing of indecent images, especially around chat groups, and the sharing of abusive images and pornography, to those who do not want to receive such content. In all cases, if staff are unsure, they should always speak to the designated safeguarding lead (or deputy). See e-safety policy.

When making an external referral the College will provide as much detailed information as possible to enable Children's Social Care, or Adult Social Care to make a considered, contextual approach to addressing such harm.

## **Safeguarding training**

All staff must undertake safeguarding training at an appropriate level. In this College, we consider Level 2 generalist training to be the minimum requirement. For those in the safeguarding team, and for STs it is a requirement to undertake advanced safeguarding training. The DSL and deputy DSL will maintain specialist level. This is to ensure that staff know what to do if they have a concern about a child, how to respond to a report of abuse, how to offer support to children and where to go to if they need support.

## **The role of education in prevention**

The College can play an important role in preventative education. KCSiE 2023 sets out that all schools and colleges should ensure children are taught about safeguarding, including how to stay safe online. We will provide this as part of providing a broad and balanced curriculum.

## **A planned curriculum as part of a whole school approach**

The most effective preventative education programme will be through a whole-college approach that prepares students for life in modern Britain. The College has a clear set of values and standards, and these will be upheld and demonstrated throughout all aspects of College life. This will be underpinned by our Promoting Good Behaviour policy and our pastoral support system, and by a planned programme of evidence-based content delivered through the whole curriculum. Such a programme should be developed to be age and stage of development appropriate (especially when considering SEND children and their cognitive understanding), and may tackle such issues as:

- healthy and respectful relationships;
- what respectful behaviour looks like;



- consent;
- stereotyping, equality;
- body confidence and self-esteem;
- prejudiced behaviour;
- that sexual violence and sexual harassment is always wrong; and
- addressing cultures of sexual harassment.

The topic of 'Being Safe' in RSE, delivered to GCSE and APP groups covers the concepts of, and laws relating to, sexual consent, sexual exploitation, abuse, grooming, coercion, harassment, forced marriage, rape, domestic abuse and FGM and how these can affect current and future relationships. Delivery of some of these topics can be particularly challenging for the teacher and can lead to upset amongst the students, therefore the teacher will always advise the DSL when delivery is to take place. The DSL may take part in some or all of the delivery so that support is immediate. The focus on healthy relationships will help students who are experiencing or witnessing unhealthy relationships know where to seek help and report abuse. Health Education addresses important aspects such as mental wellbeing. Students will be given the opportunity to engage in small group discussions on these topics led by the DSL, ST and/or the Student Council Coordinator. It should be made clear to the students that when they have a concern about a friend or peer they can and should report it. All staff should be aware of how to support children and how to manage a safeguarding report from a child.

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

The College has good systems in place to enable safeguarding disclosures, these include:

- Safeguarding team posters on the backs of toilet cubicles, in boarder's rooms and on general notice boards around the College which enable students to contact members directly.
- Posters on notice boards depicting sexual violence and harassment support students to identify what is and isn't acceptable.
- Exposure to the safeguarding team at Induction helps students to identify who we are and what we do.
- Indirect contact with the safeguarding team via teachers, managers, boarding staff and STs.
- Direct contact via the safeguarding team email: [safeguarding@oxfordsixthformcollege.com](mailto:safeguarding@oxfordsixthformcollege.com)
- Inclusion of HSB in the curriculum, along with small group discussions will prompt students to disclose.

It is important to note that students may not find it easy to tell staff about their abuse verbally. Students can show signs or act in ways that they hope adults will notice and react to. In some cases, the victim may not make a direct report. For example, a friend may make a report or a member of College staff may overhear a conversation that suggests a student has been harmed, or a student's own behaviour might indicate that something is wrong.

The College's initial response to a report from a student is incredibly important. How the College respond to a report can encourage or undermine the confidence of future victims of sexual violence and sexual harassment to report or come forward.

It is essential that all victims are reassured that they are being taken seriously, regardless of how long it has taken them to come forward and that they will be supported and kept safe. Abuse that occurs online or outside of the College should not be downplayed and should be

treated equally seriously. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report or their experience minimised.

As with all safeguarding concerns, it is important that in such instances staff take appropriate action in accordance with our Safeguarding and Child Protection policy. Staff should not assume that someone else is responding to any incident or concern. If in any doubt, you should speak to the DSL (or a deputy). In such cases, the basic safeguarding principles remain the same, but it is important for the College to understand why the victim has chosen not to make a report themselves. This discussion should be handled sensitively and with the support of children's social care if required.

There may be reports where the alleged sexual violence or sexual harassment involves students at the College but is alleged to have taken place away from the College premises, or online. There may also be reports where the student concerned attend two or more different schools or colleges. The safeguarding principles, and College's duties to safeguard and promote the welfare of their pupils and students, remain the same. In such circumstances, appropriate information sharing and effective multi-agency working will be especially important.

As per Part one of KCSiE 2023, if staff have any concerns about a student's welfare, they should act on them immediately rather than wait to be told. However, effective safeguarding practice includes:

- if possible, managing reports with two members of staff present, (preferably one of them being the DSL or a deputy). However, this might not always be possible;
- where the report includes an online element, being aware of the Searching Screening and Confiscation policy and the UKCIS Sharing nudes and semi-nudes: <https://www.gov.uk/government/publications/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people> advice for education settings working with children and young people. The key consideration is for staff **not to view or forward illegal images of a child**. The highlighted advice provides more details on what to do when viewing an image is unavoidable. In some cases, it may be more appropriate to confiscate any devices to preserve any evidence and hand them to the police for inspection;
  - not promising confidentiality at this initial stage as it is very likely a concern will have to be shared further (for example, with the DSL or children's social care) to discuss next steps. Staff should only share the report with those people who are necessary in order to progress it. It is important that the victim understands what the next steps will be and who the report will be passed to;
  - recognising that a child is likely to disclose information to someone they trust: this could be anyone on the College staff. It is important that the person to whom the student discloses recognises that the student has placed them in a position of trust. They should be supportive and respectful of the student;
  - recognising that an initial disclosure to a trusted adult may only be the first incident reported, rather than representative of a singular incident and that trauma can impact memory and so students may not be able to recall all details or timeline of abuse;
  - keeping in mind that certain students may face additional barriers to telling someone because of their vulnerability, disability, sex, ethnicity and/or sexual orientation;
  - listening carefully to the student, reflecting back, using the student's language, being non-judgmental, being clear about boundaries and how the report will be progressed, not asking leading questions and only prompting the student where necessary with

open questions – where, when, what, etc. It is important to note that whilst leading questions should generally be avoided, staff can ask the student if they have been harmed and ask what the nature of that harm was;

- considering the best way to make a record of the report. Best practice is to wait until the end of the report and immediately write up a thorough summary. This allows the staff member to devote their full attention to the student and to listen to what they are saying. It may be appropriate to make notes, especially if a second member of staff is present. However, if making notes, staff should be conscious of the need to remain engaged with the student and not appear distracted by the note taking. Either way, it is essential a written record is made;
- only recording the facts as the student presents them. The notes should not reflect the personal opinion of the note taker. You should be aware that notes of such reports could become part of a statutory assessment by children’s social care and/or part of a criminal investigation; and
- informing the DSL (or deputy), as soon as practically possible, if the DSL (or deputy) is not involved in the initial report.

All disclosures, including those that are historical or happened in a different school or college must be reported to the safeguarding team immediately so that action can be taken to support those involved. The DSL and safeguarding team will decide if the incident should be reported externally. This may require a no names consultation with the MASH team to enable that decision to be made.

## **Considering confidentiality and anonymity**

### **Confidentiality**

Staff taking a report should never promise confidentiality as it is very likely that it will be in the best interests of the victim to seek advice and guidance from others in order to provide support and engage appropriate agencies.

The College should only engage staff and agencies who are required to support the student involved and/or be involved in any investigation.

The victim may ask the College not to tell anyone about the sexual violence or sexual harassment. There are no easy or definitive answers when a victim makes this request. If the victim does not give consent to share information, staff may still lawfully share it, if it can be justified to be in the public interest, for example, to protect children from harm and to promote the welfare of children. The designated safeguarding lead (or a deputy) should consider the following:

- parents or carers should normally be informed (unless this would put the victim at greater risk);
- the basic safeguarding principle is: if a student is at risk of harm, is in immediate danger, or has been harmed, a referral should be made to children’s social care; and
- rape, assault by penetration and sexual assaults are crimes. Where a report of rape, assault by penetration or sexual assault is made, this should be referred to the police. Whilst the age of criminal responsibility is ten, if the alleged perpetrator is under ten, the starting principle of referring to the police remains. The police will take a welfare, rather than a criminal justice approach, in these cases.

Ultimately, the DSL (or a deputy) will have to balance the victim’s wishes against their duty to protect the victim and other children.

If the DSL (or a deputy) decide to go ahead and make a referral to children's social care and/or a report to the police against the victim's wishes, this should be handled extremely carefully, the reasons should be explained to the victim and appropriate specialist support should be offered.

### **Anonymity**

Where an allegation of sexual violence or sexual harassment is progressing through the criminal justice system, schools and colleges should be aware of anonymity, witness support and the criminal process in general so they can offer support and act appropriately. Information is at: CPS: Safeguarding Children as Victims and Witnesses <https://www.cps.gov.uk/legal-guidance/safeguarding-children-victims-and-witnesses>

As a matter of effective safeguarding practice, we will do all we can reasonably do to protect the anonymity of any students involved in any report of sexual violence or sexual harassment. Amongst other things, this will mean carefully considering, based on the nature of the report, which staff should know about the report and any support that will be put in place for the student involved.

The College will also consider the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities.

### **Risk Assessment**

When there has been a report of sexual violence, the DSL (or a deputy) will make an immediate risk and needs assessment. 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 and needs assessment should consider:

- the victim, especially their protection and support;
- whether there may have been other victims,
- the alleged perpetrator(s); and
- all the other students (and, if appropriate, adult students and staff) at the College, especially any actions that are appropriate to protect them from the alleged perpetrator(s), or from future harms.

Risk assessments will be recorded (written or electronic) and will be kept under review. At all times, the College will be actively considering the risks posed to all of our students and put adequate measures in place to protect them and keep them safe.

The DSL (or a deputy) should ensure they are engaging with children's social care and specialist services as required. Where there has been a report of sexual violence, it is likely that professional risk assessments by social workers and or sexual violence specialists will be required. The above College risk assessment is not intended to replace the detailed assessments of expert professionals. Any such professional assessments should be used to inform the College's approach to supporting and protecting our students and updating our own risk assessment.

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

### **What to consider**

We will carefully consider any report of sexual violence and/or sexual harassment both online and offline, including those that have happened outside of the College The DSL (or deputy) is

likely to have a complete safeguarding picture and be the most appropriate person to advise on the College's initial response. Important considerations will include:

- 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. Victims should be given as much control as is reasonably possible over decisions regarding how any investigation will be progressed and any support that they will be offered. This will however need to be balanced with the school or college's duty and responsibilities to protect other children;
- the nature of the alleged incident(s), including: whether a crime may have been committed and/or whether HSB has been displayed (as set out on paragraphs 18-22);
  - the ages of the students involved;
  - the developmental stages of the students involved;
  - any power imbalance between the students. For example, is an 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 (sexual abuse can be accompanied by other forms of abuse and a sustained pattern may not just be of a sexual nature);
  - that sexual violence and sexual harassment can take place within intimate personal relationships between peers;
  - are there ongoing risks to the victim, other students, or College staff; and
  - other related issues and wider context, including any links to child sexual exploitation and child criminal exploitation.

As always, when concerned about the welfare of the student, all staff should act in the best interests of the student. In all cases, the Colleges will follow general safeguarding principles as per KCSiE 2023. Immediate consideration should be given as to how best to support and protect the victim and the alleged perpetrator(s) (and any other students involved/impacted).

The starting point regarding any report is always 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 young people.

### **Options to manage the report**

The College will consider every report on a case-by-case basis. When to inform the alleged perpetrator(s) will be a decision that should be carefully considered. Where a report is going to be made to children's social care and/or the police, then, as a general rule, the College should speak to the relevant agency and discuss next steps and how the alleged perpetrator(s) will be informed of the allegations. However, as per general safeguarding principles, this does not and should not stop the College taking immediate action to safeguard our students, where required.

There are four likely scenarios for the College to consider when managing any reports of sexual violence and/or sexual harassment. It will be important in all scenarios that decisions and actions are regularly reviewed and that relevant policies are updated to reflect lessons learnt. It is particularly important to look out for potential patterns of concerning, problematic or inappropriate behaviour. Where a pattern is identified, the College will decide on a course of action. Consideration should be given to whether there are wider cultural issues within the College that enabled the inappropriate behaviour to occur and where appropriate extra

teaching time and/or staff training could be delivered to minimise the risk of it happening again. The four scenarios are:

## **1. Manage internally**

- In some cases of sexual harassment, for example, one-off incidents, the College may take the view that the children concerned are not in need of early help or require referrals to be made to statutory services and that it would be appropriate to handle the incident internally, perhaps through utilising their behaviour and the Anti-bullying policy and by providing pastoral support.
- Whatever the College's response, it will be underpinned by the principle that there is a zero-tolerance approach to sexual violence and sexual harassment and it is never acceptable and will not be tolerated.
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

## **2. Early help**

- In line with point 1 above, we may decide that the student/s involved do not require referral to statutory services but may benefit from early help. Early help means providing support as soon as a problem emerges, at any point in a student'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 HSB and may prevent escalation of sexual violence. It is particularly important that the DSL (and their deputies) know what the Early Help process is and how and where to access support; Full details of the early help process are in Chapter 1 of Working Together to Safeguard Children 2018.
- Multi-agency early help will work best when placed alongside strong College policies, preventative education and engagement with parents and/or carers.
- Early help and the option to manage a report internally do not need to be mutually exclusive: the College may choose to manage the disclosure internally and seek early help for both the victim and perpetrator(s).
- Whatever the response, it should be under-pinned by the principle that there is a zero-tolerance approach to sexual violence and sexual harassment, and it is never acceptable and will not be tolerated.
- All concerns, discussions, decisions and reasons for decisions will be recorded (written or electronic).

## **3. Referrals to children's social care**

- Where a child has been harmed, is at risk of harm, or is in immediate danger, the Colleges will make a referral to local children's social care.
- At the point of referral to children's social care, the Colleges will generally inform parents or carers, unless there are compelling reasons not to (if informing a parent or carer is going to put the child at additional risk). Any such decision should be made with the support of children's social care.
- If a referral is made, children's social care will then make enquiries to determine whether any of the children involved are in need of protection or other services.
- Where statutory assessments are appropriate, the College (especially the DSL or a deputy) will work alongside, and cooperate with, the relevant lead social worker. Collaborative working will help ensure the best possible package of coordinated support is implemented for the victim and, where appropriate, the alleged perpetrator(s) and any other student's that require support.

- The College will not wait for the outcome (or even the start) of a children's social care investigation before protecting the victim and other students in the College. It will be important for the DSL (or a deputy) to work closely with children's social care (and other agencies as required) to ensure any actions the College take do not jeopardise a statutory investigation. The risk assessment will help inform any decision. Consideration of safeguarding the victim, the alleged perpetrator(s), any student's directly involved in the reported incident and all children (and adult students) at the College should be immediate.
- In some cases, children's social care will review the evidence and decide a statutory intervention is not appropriate. The College (generally led by the DSL or a deputy) will be prepared to refer again if they believe the student remains in immediate danger or at risk of harm. If a statutory assessment is not appropriate, the DSL (or a deputy) will consider other support mechanisms such as early help, specialist support and pastoral support.
- Whatever the response, it should be under-pinned by the principle that there is a zero-tolerance approach to sexual violence and sexual harassment, and it is never acceptable and will not be tolerated.
- All concerns, discussions, decisions, and reasons for decisions should be recorded (written or electronic).

#### **4. Reporting to the police**

- Any report to the police will generally be in parallel with a referral to children's social care (as above).
- It is important that the DSL (and their deputies) are clear about the local process for referrals and follow that process.
- Where a report of rape, assault by penetration or sexual assault is made, the starting point is this should be passed on to the police. 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.
- At this stage, the College will generally inform parents or carers unless there are compelling reasons not to, for example, if informing a parent or carer is likely to put a student at additional risk. In circumstances where parents or carers have not been informed, it will be especially important that the College is supporting the student in any decision they take. This should be with the support of children's social care and any appropriate specialist agencies.
- Where a report has been made to the police, the school or college should consult the police and agree what information can be disclosed to staff and others, in particular, the alleged perpetrator(s) and their parents or carers. They should also discuss the best way to protect the victim and their anonymity.
- All police forces in England have specialist units that investigate child abuse. The names and structures of these units are matters for local forces. It will be important that the DSL (and their deputies) are aware of their local arrangements.
- In some cases, it may become clear very quickly, that the police (for whatever reason) will not take further action. In such circumstances, the College will continue to engage with specialist support for the victim and alleged perpetrator(s) as required.
- Whatever the response, it will be under-pinned by the principle that there is a zero-tolerance approach to sexual violence and sexual harassment, and it is never acceptable and will not be tolerated.
- All concerns, discussions, decisions, and reasons for decisions should be recorded (written or electronic).

### **Children sharing a classroom:** Initial considerations when the report is made

Any report of sexual violence is likely to be traumatic for the victim. It is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.

However, reports of rape and assault by penetration are likely to be especially difficult for the victim, and close proximity to the alleged perpetrator(s) is likely to be especially distressing. Whilst the College establishes the facts of the case and starts the process of liaising with local authority children's social care and the police, the alleged perpetrator(s) should be removed from any classes they share with the victim. The College should also carefully consider how best to keep the victim and alleged perpetrator(s) a reasonable distance apart on College premises (including during, before or after College-based activities) and on transport to and from the College, where appropriate. These actions are in the best interests of all children involved and should not be perceived to be a judgement on the guilt of the alleged perpetrator(s).

For other reports of sexual violence and sexual harassment, the proximity of the victim and alleged perpetrator(s) and considerations regarding shared classes, sharing common areas in College premises, including boarding houses, should be considered immediately.

In all cases, the initial report should be carefully evaluated, reflecting the considerations set out above. The wishes of the victim, the nature of the allegations and the protection of all children in the College will be especially important when considering any

## **Unsubstantiated, unfounded, false or malicious reports**

As set out in part one of KCSiE 2023, all concerns, discussions, and decisions made, and the reasons for those decisions, will be recorded in writing. Records will be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified, and addressed.

If a report is determined to be unsubstantiated, unfounded, false or malicious, the DSL will consider whether the student and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children's social care may be appropriate.

If a report is shown to be deliberately invented or malicious, the College will consider whether any disciplinary action is appropriate against the individual who made it as per our Promoting Good Behaviour policy.

## **Safeguarding and supporting the alleged perpetrator(s) and children and young people who have displayed harmful sexual behaviour**

The following principles are based on effective safeguarding practice and should help shape any decisions regarding safeguarding and supporting the alleged perpetrator(s):

The College will have a difficult balancing act to consider. On one hand we need to safeguard the victim (and all other students and staff at the College) 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.

A student abusing another student may be a sign they have been abused themselves or a sign of wider issues that require addressing within the culture of the College. The College will work with professionals as required to understand why a child may have abused a peer. It is important to remember that, as a child, any alleged perpetrator(s) is entitled to, deserving of, and should be provided with, a high level of support to help them understand and overcome the reasons for their behaviour and help protect other children by limiting the likelihood of them abusing again.

Consider the age and the developmental stage of the alleged perpetrator(s) and nature and frequency of the allegations. Any child will likely experience stress as a result of being the subject of allegations and/or negative reactions by their peers to the allegations against them.

Consider the proportionality of the response. Support (and sanctions) should be considered on a case-by-case basis. An alleged perpetrator(s) may potentially have unmet needs (in some cases these may be considerable) as well as potentially posing a risk of harm to other students. HSB in young children may be (and often are) a symptom of either their own abuse or exposure to abusive practices and or materials. Advice should be taken, as appropriate, from children's social care, specialist sexual violence services and the police. However, the NSPCC also provides free and independent advice about HSB: <https://learning.nspcc.org.uk/research-resources/2019/harmful-sexual-behaviour-framework>

It is important that the perpetrator(s) is also given the correct support to try to stop them re-offending and to address any underlying trauma that may be causing this behaviour. Addressing inappropriate behaviour can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future.

The College can be a significant protective factor for students who have displayed HSB, and continued access to College, with a comprehensive safeguarding management plan in place, is an important factor to consider before final decisions are made. It is important that if an alleged perpetrator(s) does move to another educational institution (for any reason), that the new educational institution is made aware of any ongoing support needs and where appropriate, potential risks to other children, adult students and staff. The DSL should take responsibility to ensure this happens as well as transferring the child protection file.

## **Working with parents and carers**

The College will, in most instances, engage with both the victim's and the alleged perpetrator's parents or carers when there has been a report of sexual violence (this might not be necessary or proportional in the case of sexual harassment and should be considered on a case-by-case basis). The exception to this rule is if there is a reason to believe informing a parent or carer will put the student at additional risk. The College will carefully consider what information they provide to the respective parents or carers about the other student involved and when they do so. In some cases, children's social care and/or the police will have a very clear view and it will be important for the College to work with relevant agencies to ensure a consistent approach is taken to information sharing.

It is good practice for the College to meet the victim's parents or carers with the victim present (in the case of International students, or parents that are unable to attend in person, this may need to take place using MST) to discuss what arrangements are being put in place to

safeguard the victim and understand their wishes in terms of support they may need and how the report will be progressed.

It is also good practice for the College to meet with alleged perpetrator's parents or carers (in the case of International students, or parents that are unable to attend in person, this may need to take place using MST) to discuss any arrangements that are being put into place that impact an alleged perpetrator, such as, for example, moving them out of classes with the victim and what this means for their education. The reason behind any decisions will be explained. Support for the alleged perpetrator should be discussed.

The DSL (or a deputy) would generally attend any such meetings. Consideration to the attendance of other agencies should be considered on a case-by-case basis.

Parents and carers may well struggle to cope with a report that their child has been the victim of an assault or is alleged to have assaulted another child. Details of organisations that support parents are provided in Annex A. The College will consider signposting parents and carers to this support.

## **Safeguarding other children**

Consideration will be given to supporting students who have witnessed sexual violence, especially rape and assault by penetration. Witnessing such an event is likely to be traumatic and support may be required.

Following any report of sexual violence or sexual harassment, it is likely that some students will take "sides". The College will do all we can to ensure both the victim and alleged perpetrator(s), and any witnesses, are not being bullied or harassed.

Social media is very likely to play a central role in the fall out from any incident or alleged incident. There is the potential for contact between victim and alleged perpetrator(s) and a very high likelihood that friends from either side could harass the victim or alleged perpetrator(s) online and/or become victims of harassment themselves.

A whole College approach to safeguarding, a culture that makes clear that there is a zero-tolerance approach to sexual violence and sexual harassment and that it is never acceptable, and it will not be tolerated, and a strong preventative education programme will help create an environment in which all children at the College are supportive and respectful of their peers when reports of sexual violence or sexual harassment are made.

All policies, processes, and curriculum will remain under constant review to protect all of our students. Reports of sexual violence and/or harassment (especially where there is evidence of patterns of behaviour) may point to environmental and or systemic problems that could and will be addressed by updating relevant policies, processes, or relevant parts of the curriculum.

## Annex A: Further information

### Specialist Organisations

- **Barnardo's:** <https://www.barnardos.org.uk/> UK charity caring for and supporting some of the most vulnerable children and young people through their range of services.
- **Lucy Faithful Foundation:** <https://www.lucyfaithfull.org.uk/> UK-wide child protection charity dedicated to preventing child sexual abuse. They work with families affected by sexual abuse and also run the confidential Stop it Now! Helpline.
- **Marie Collins Foundation:** <https://www.mariecollinsfoundation.org.uk/> Charity that, amongst other things, works directly with children, young people, and families to enable their recovery following sexual abuse.
- **UK Safer Internet Centre:** <https://www.saferinternet.org.uk/> Provides advice and support to children, young people, parents, carers and schools about staying safe online.

#### Support for Victims

- **Anti-Bullying Alliance:** <https://anti-bullyingalliance.org.uk/> Detailed information for anyone being bullied, along with advice for parents and schools. Signposts to various helplines and websites for further support.
- **Rape Crisis:** <https://rapecrisis.org.uk/> Provide and signpost to a range of services to support people who have experienced rape, child abuse or any kind of sexual violence.
- **The Survivors Trust:** <https://www.thesurvivorstrust.org/> UK-wide national umbrella agency with resources and support dedicated to survivors of rape, sexual violence and child sex abuse.
- **Victim Support:** <https://www.victimsupport.org.uk/> Supporting children and young people who have been affected by crime. Also provides support to parents and professionals who work with children and young people – regardless of whether a crime has been reported or how long ago it was.
- **Childline:** <https://www.childline.org.uk/> provides free and confidential advice for children and young people.

### Toolkits

- **ask AVA:** <https://ask-ava.org.uk/> The Ask AVA prevention platform has been created to support education practitioners across the UK to develop and deliver a comprehensive programme to stop Violence Against Women and Girls.
- **Lucy Faithfull Foundation HSB Toolkit:** <https://ecsa.lucyfaithfull.org/toolkit> provides support, advice, and information on how to prevent it, links to organisations and helplines, resources about HSB by children, internet safety, sexual development and preventing child sexual abuse.
- **NSPCC - Online Self-assessment tool:** <https://www.egfl.org.uk/news/2021/04/nspcc-self-audit-tool-after-tuesday-4-may-2021-your-account-education-self-assessment> to ensure organisations are doing everything they can to safeguard children.
- **NSPCC also provides free and independent advice about HSB:** <https://learning.nspcc.org.uk/child-abuse-and-neglect/harmful-sexual-behaviour> Harmful sexual behaviour framework

- **Safeguarding Unit, Farrer and Co. and Carlene Firmin, MBE, University of Bedfordshire** - **Peer-on-Peer Abuse toolkit:** <https://www.farrer.co.uk/news-and-insights/peer-on-peer-abuse-toolkit/> provides practical guidance for schools on how to prevent, identify early and respond appropriately to peer-on-peer abuse.

- **Contextual Safeguarding Network** – <https://contextualsafeguarding.org.uk/> self-assessment toolkit for schools to assess their own response to HSB.

## Confidentiality

- **Gillick competency Fraser guidelines** - <https://learning.nspcc.org.uk/child-protection-system/gillick-competence-fraser-guidelines> Guidelines to help with balancing children's rights along with safeguarding responsibilities.

## Sharing information

- **Government information sharing advice** - [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/721581/Information\\_sharing\\_advice\\_practitioners\\_safeguarding\\_services.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721581/Information_sharing_advice_practitioners_safeguarding_services.pdf)

Guidance on information sharing for people who provide safeguarding services to children, young people, parents and carers.

## Further information on sharing nudes and semi-nudes

- **London Grid for Learning-collection of advice** - <https://www.lgfl.net/online-safety/default.aspx> Various information and resources dealing with the sharing of nudes and semi-nudes.

- **UKCIS Sharing nudes and semi-nudes:** <https://www.gov.uk/government/publications/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people> advice for education settings working with children and young people - Advice for schools and colleges on responding to incidents of non-consensual sharing of nudes and semi-nudes. Supporting them in tackling the range of issues which these incidents present.

- **LGFL 'Undressed'** <https://undressed.lgfl.net/> provided schools advice about how to teach young children about being tricked into getting undressed online in a fun way without scaring them or explaining the motives of sex offenders.

## Support for parents/carers

- **NCA CEOP Thinkuknow advice for parents:** - <https://www.thinkuknow.co.uk/parents/> Advice/resources on how to approach and deal with concerns about what children may be doing online including advice about how to help challenge harmful sexual attitudes and how to start a conversation to support positive sexual behaviour

- **Childnet:** <https://www.childnet.com/> Advice for parents and carers to keep children safe online - Advice and resources to help parents and carers keep children safe online.

- **How Can I Help My Child?** - Marie Collins Foundation – Sexual Abuse Online

- **Parentsafe** - <https://parentsafe.lgfl.net/> London Grid for Learning - Detailed advice/resources covering various issues such as online safety, apps, and how to report concerns.

- **Parentzone** - <https://parentzone.org.uk/home> Provides expert information and resources to help make the internet work for families.