



Sexual Violence and Sexual Harassment between Children Policy

May 2024

Article 12 – I have the right to be listened to, and taken seriously



Article 28 – I have the right to an education



Article 29 – I have the right to an education which develops my personality, respect for others' rights and the environment



Key Contact Personnel in School

**Nominated Member of Leadership Staff Responsible for the policy:
Sarah Costain**

Designated Safeguarding Lead: Sarah Costain

Named Governor with lead responsibility: Shobha Ravindra

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Date of next review: May 2025

**This policy will be reviewed following any concerns and/or updates to
national and local guidance or procedures**

This policy has been developed alongside the DfE guidance 'Sexual Violence and Sexual Harassment between Children in Schools and Colleges' (published September 2021)

INTRODUCTION:

Sexual violence and sexual harassment can occur between two children of any age and sex from primary through to secondary stage and into colleges. 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 Keeping children safe in education (KCSIE), all staff working with children 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.

Children 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 school or college. As set out in Part one of KCSIE, schools and colleges should be aware that safeguarding incidents and/or behaviours can be associated with factors outside the school or college, including intimate personal relationships (see also sections of child sexual exploitation and coercive and controlling behaviour in KCSIE).

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.

Along with providing support to children who are victims of sexual violence or sexual harassment, Five Acre Wood School will provide the alleged perpetrator(s) with an education, safeguarding support as appropriate. A child abusing another child may be a sign they have been abused themselves or a sign of wider issues that require addressing within the culture of the school or 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. It is essential 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 children, adults, students and school and college staff are supported and protected as appropriate.

Five Acre Wood School will consider the following:

As set out above, sexual violence and sexual abuse can happen anywhere, and all staff working with children are advised to maintain an attitude of 'it could happen here'. Five Acre Wood School will respond appropriately to all reports and concerns, including those outside school or college, and or online.

Five Acre Wood School is aware of the importance of:

- Making clear that there is a zero-tolerance approach to sexual violence and sexual harassment, it is never acceptable, will not be tolerated and it should never be passed off as "banter", "just having a laugh", "part of growing up" or "boys being boys"
- Challenging 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 children accepting it as normal and not coming forward to report it
- Understanding that all of the above can be driven by wider societal factors beyond the school and college, such as everyday sexist stereotypes and everyday sexist language
- This is why a whole school/college approach (especially preventative education) is important

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 child's disability without further exploration
- The potential for children with SEND being disproportionately impacted by behaviours such as bullying and harassment, without outwardly showing any signs
- Communication barriers and difficulties overcoming these
- Five Acre Wood School is aware that their staff can be victims of sexual violence and sexual harassment. Schools and colleges should have arrangements in place to protect their staff from such abuse, including clear reporting and support mechanisms.

Any reports of abuse will require close liaison with the Designated Safeguarding Leads (Sarah Costain, Peggy Murphy, Tim Williams, Janine Hercock, Jamie Cronk,

Kirstie Hemingway, Emma Athwal, Matt Jones, Karen Robinson-Jones, Matt Smith, Emma Russell, Sam Hazle, Demi Lockett, Francesca Newman and Leanne Bowden).

SEXUAL VIOLENCE:

Five Acre Wood School is 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 school/college. When referring to sexual violence it is in the context of child on child sexual violence.

For the purpose of this policy, when referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003 as described below:

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

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

Sexual Assault: A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents. (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.

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

SEXUAL HARRASSMENT:

For the purpose of this policy, when referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur online and offline. 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.

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 and displaying pictures, photos or drawings of a sexual nature;
- 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/or videos. The 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

Five Acre Wood School understands that sexual harassment (as set out above) creates an atmosphere that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence.

LEGAL RESPONSIBILITIES:

Five Acre Wood School has a statutory duty to safeguard and promote the welfare of the children at the school. As part of this duty, the school is required to have regard to guidance issued by the Secretary of State. All schools and colleges must have regard to:

- Keeping children safe in education
- Working together to safeguard children

The school will also adhere to their obligations under:

- Human Rights Act 1998

- Equality Act 2010
- Public Sector Equality Duty (PSED)

The policy states that Five Acre Wood School will:

- Consider the makeup of their own student body, including the gender and age range of its pupils, and whether additional support for children with protected characteristics - who are potentially at greater risk - is appropriate
- Consider what they can do to foster healthy and respectful relationships between boys and girls including through relationship and sex education (RSE) and personal, social, health and economic education (PSHE)
- Ensure that their response to boy on boy and girl on girl sexual violence and sexual harassment is equally robust as it is for sexual violence and sexual harassment between children of the opposite sex.

Five Acre Wood School delivers this currently, through planned, high-quality, Sex and Relationship Education (SRE) and Personal, Social, Health and Economic (PSHE) education programmes as appropriate to the pupils needs and level of development.

SAFEGUARDING AND CHILD PROTECTION:

Five Acre Wood School takes a whole school approach to safeguarding and child protection. This means involving everyone in the school, including the governing body, all staff, children and their parents or carers.

Safeguarding and child protection is a recurrent theme running through the schools policies and procedures. The school's approach to sexual violence and sexual harassment is reflected and is part of the broader approach to safeguarding.

The school's safeguarding procedures with regard to sexual violence and sexual harassment are transparent, clear and easy to understand for staff, pupils, parents and carers.

PREVENTION:

Five Acre Wood School will ensure all children are taught about safeguarding, including how to stay safe online, and as part of providing a broad and balanced curriculum.

The school plays an important role in preventative education which will be through a whole school approach. A school programme may tackle such issues as:

- Healthy and respectful relationships
- What respectful behaviour looks like
- Gender roles, stereotyping, equality
- Body confidence and self-esteem
- Prejudiced behaviour
- Sexual violence and sexual harassment are always wrong

- Addressing cultures of sexual harassment.

Five Acre Wood School will deliver this through its planned SRE and PSHE curriculum.

SPECIALIST SUPPORT AND INTERVENTIONS:

As part of the schools approach to sexual violence and sexual harassment, Five Acre Wood School will consider carefully if external input is necessary to train and/or support staff, teach children and/or provide support to the children.

Reports of sexual violence and sexual harassment are likely to be complex and require difficult professional decisions to be made, often quickly and under pressure.

Five Acre Wood School will respond to reports of sexual violence and sexual harassment through planning, training and policies which will provide the school with the foundation for a calm, considered and appropriate response to any reports.

When making decisions, the school will do this on a case-by-case basis ensuring the schools child protection policy is followed and this will be undertaken with one of the designated safeguarding leads taking a leading role, supported by other agencies, such as children's social care and the police as required.

MANAGING A DISCLOSURE:

It is important to note that children may not find it easy to tell staff about their abuse verbally. Children 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 school or college staff may overhear a conversation that suggests a child has been harmed, or a child's own behaviour might indicate that something is wrong. As per Part one of Keeping children safe in education, if staff have any concerns about a child's welfare, they should act on them immediately rather than wait to be told.

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 school or 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 the Five Acre Wood School child protection policy. They should not assume that someone else is responding to any incident or concern. If in any doubt, they should speak to the designated safeguarding lead (or a deputy). In such cases, the basic safeguarding principles remain the same, but it is important for the staff at Five Acre Wood School 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 pupils or students from the same school or college but is alleged to have taken place away from Five Acre Wood School premises, or online. There may also be reports where the children concerned attend two or more different schools or colleges. The safeguarding principles, and schools and college's duties to safeguard and promote the welfare of their pupils and students, remain the same.

The schools safeguarding practice will include:

- Not promising confidentiality at this initial stage as it is very likely a concern will have to be shared further
- Listening carefully to the child, being non-judgmental, being clear about boundaries and how the disclosure will be progressed
- Only recording the facts as the child presents them
- Informing the designated safeguarding lead as soon as practically possible

CONFIDENTIALITY:

The victim may ask staff 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 child 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

The designated safeguarding lead will balance the child or young person's wishes against their duty to protect them and other children.

If the designated safeguarding lead decides 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 offered.

ANONYMITY:

Where an allegation of sexual violence or sexual harassment is progressing through the criminal justice system, Five Acre Wood School will need to be aware of anonymity, witness support and the criminal process in general so they can offer support and act appropriately. Information is available from CPS: Safeguarding children as victims and witnesses. The school will 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 designated safeguarding lead should 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, their protection and support
- Whether there have been other victims
- Alleged perpetrator
- Both other children and, if appropriate, staff at the school or college
- Any actions needed to protect from future harm

Risk assessments should be recorded, either written or electronically, and should be kept under review. Five Acre Wood School will actively consider the risks posed to all pupils and put adequate measures in place to protect and keep children safe. The designated safeguarding lead will ensure they are engaging with children's social care and specialist services as required.

ACTION FOLLOWING A REPORT OF SEXUAL VIOLENCE / HARASSMENT

The designated safeguarding lead will complete a safeguarding picture and decide on the school's initial response. In all cases, the school will follow its own safeguarding policy and procedures including the principles as stated in Keeping Children Safe in Education.

Important considerations will include:

- The ages of the children involved
- The developmental stages of the children involved
- Any power imbalance between the children. 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)

- Sexual violence and sexual harassment can take place within intimate personal relationships between peers
- Are there ongoing risks to the victim, other children, adult students or school or college staff?
- Other related issues and wider context, including any links to child sexual exploitation and child criminal exploitation.

SEXUAL VIOLENCE AND SEXUAL HARASSMENT ARE NOT ACCEPTABLE AND WILL NOT BE TOLERATED AT FIVE ACRE WOOD SCHOOL

OPTIONS TO MANAGE THE REPORT

It is important that schools and colleges consider every report on a case-by-case basis. When to inform the alleged perpetrator 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 school or college should speak to the relevant agency and discuss next steps and how the alleged perpetrator will be informed of the allegations

There are four likely scenarios for schools and colleges to consider when managing any reports of sexual violence and/or sexual harassment.

School

- In one-off incidents, Five Acre Wood School will take the view that the children concerned are not in need of early help or statutory intervention and that it would be appropriate to handle the incident internally
- Whatever the schools or college's response, it should be underpinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic)

Early help

- If the school decides that the children involved do not require statutory interventions but may benefit from early help. An Early help referral to provide support as soon as a possible will be submitted.
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).
- Multi-agency early help will work best when placed alongside strong school or college policies, preventative education as set out in Part three of this advice and engagement with parents and carers
- Whatever the response, it should be under-pinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated

Referrals to children's social care

- Where a child has been harmed, is at risk of harm, or is in immediate danger Five Acre Wood School will follow its own safeguarding policy and inform the designated safeguarding lead who will make a referral to children's social care.

- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic)
- At the referral to children's social care stage, schools and 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
- Whatever the response, it should be under-pinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated
- If a statutory assessment is not appropriate, the designated safeguarding lead (or a deputy) should consider other support mechanisms such as early help, specialist support and pastoral support

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 designated safeguarding lead (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, reporting to the police will generally be in parallel with referrals to children's social care. The school will follow its own safeguarding policy and inform the designated safeguarding lead
- At this stage, schools and colleges 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 child at additional risk.
- Whatever the response, it should be under-pinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated.
- 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 designated safeguarding lead (and their deputies) are aware of their local arrangements
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic)

CLASSROOM SUPPORT:

If children are sharing a classroom following a report of sexual violence, sexual harassment and during a criminal investigation, the proximity of the victim and alleged perpetrator and considerations regarding shared classes, sharing school premises and school transport, should be considered immediately.

In all cases, Five Acre Wood School will record the decision, ensuring consideration with the needs and wishes of the victim are at the heart of the process, and that it is supported by parents and carers as required.

All arrangements will be kept under review.

SAFEGUARDING AND SUPPORTING THE VICTIM:

Victims may not disclose the whole picture immediately. They may be more comfortable providing information on a piecemeal basis. It is essential that dialogue is kept open and encouraged. When it is clear that ongoing support will be required, Five Acre Wood School will ask the pupil if they would find it helpful to have a designated trusted adult, for example their teacher or designated safeguarding lead, to talk to about their needs.

A victim of sexual violence is likely to be traumatised and, in some cases, may struggle in a normal classroom environment. There may be times when the pupil finds it difficult to maintain a full-time timetable and may express a wish to withdraw from lessons and activities.

If the trauma results in the pupil being unable to remain in school, alternative provision or a move to another school should be considered to enable them to continue to receive suitable education. This should only be at the request of the pupil and following discussion with their parents or carers.

A dedicated NSPCC helpline is now available to support anyone who has experienced sexual abuse in educational settings or has concerns about someone or the issues raised. The dedicated NSPCC helpline number is 0800 136 663 and more information is available at: [Dedicated helpline for victims of abuse in schools NSPCC](#)

SAFEGUARDING AND SUPPORTING THE ALLEGED PERPETRATOR:

Five Acre Wood School will balance safeguarding, the pupil, the wider student body, and with providing the alleged perpetrator with an education, safeguarding support and implementing any disciplinary sanctions.

Consideration will be given to:

- The age and the developmental stage of the alleged perpetrator (pupil) and nature 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
- Support should be considered on a case-by-case basis
- The school will take appropriate action whilst another investigation by the police and/or children's social care is ongoing.

WORKING WITH PARENTS AND CARERS:

Five Acre Wood School will 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 a child at additional risk.

Five Acre Wood School will meet the victim's parents or carers with the victim present to discuss what arrangements are being put in place to safeguard the pupil and understand their wishes in terms of support they may need and how the report will be progressed.

Five Acre Wood School will meet with the alleged perpetrator's parents or carers to discuss any arrangements that are being put into place that impact the pupil.

SAFEGUARDING OTHER CHILDREN:

Five Acre Wood School will consider what further support should be given to children who have witnessed sexual violence. Witnessing such an event is likely to be traumatic and support may be required.

Five Acre Wood school will ensure both the victim and alleged perpetrator, and any witnesses, are not being bullied or harassed, including online or by social media.

Following any report of sexual violence or sexual harassment, it is likely that some children will take "sides". The school or college should be doing all they can to ensure both the victim and alleged perpetrator(s), and any witnesses, are not being bullied or harassed.

A whole school approach to safeguarding, making it clear that sexual violence and sexual harassment is always unacceptable, and a strong preventative education programme will create an environment in which all children at the school are supportive and respectful of their peers when reports of sexual violence or sexual

School transport is a potentially vulnerable place for a victim or alleged perpetrator(s) following any incident or alleged incident. Five Acre Wood School, as part of its risk assessment, will consider any additional potential support needs to keep all of their children safe harassment are made.

MONITORING AND REVIEW:

The school will keep the policy, processes and curriculum under constant review to protect all children.

Annex A: Further information and support

Specialist Organisations

- Barnardo's
- Lucy Faithfull Foundation
- NSPCC
- Rape Crisis
- University of Bedfordshire: Contextual Safeguarding
- UK Safer Internet Centre

Support for Victims

- Anti-Bullying Alliance
- MoJ Victim Support
- Rape Crisis
- The Survivors Trust
- Victim Support

Toolkits

- Brook
- NSPCC
- Safeguarding Unit, Farrer and Co. and Carlene Firmin, MBE, University of Bedfordshire

Further information on confidentiality and information sharing

- Gillick competency Fraser guidelines
- Government information sharing advice
 - Information Commissioner's Office: Education
 - NSPCC: Things to know and consider

Further information on sexting

- UKCCIS: sexting advice
- London Grid for Learning- collection of advice

Support for parents

- Parentzone
- Parentsafe- London Grid for Learning
- CEOP Thinkuknow advice for parents: Challenging harmful sexual attitudes and their impact Supporting positive sexual behaviour

HSB Support

- Rape Crisis (England & Wales) or The Survivors Trust for information, advice, and details of local specialist sexual violence organisations

- NICE guidance contains information on, amongst other things: developing interventions; working with families and carers; and multi-agency working
- The Lucy Faithfull Foundation 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: Protecting children from harmful sexual behaviour and NSPCC - Harmful sexual behaviour framework
- Contextual Safeguarding Network – Beyond Referrals (Schools) provides a school self-assessment toolkit and guidance for addressing HSB in schools
- StopItNow - 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