

Child-on-Child abuse, Sexual Violence and Sexual Harassment - addendum to the BGS Safeguarding and Child Protection Policy April 2021

This addition to the main policy is written in conjunction with Part 5 of [Sexual violence and sexual harassment between children in schools and colleges](#) advice.

Purpose

In recent weeks (prior to April 2021) many current and former school pupils across the UK have reported their experiences of child-on-child abuse such as sexual violence and sexual harassment during their time at school. These have mainly been disclosures, particularly, (but not exclusively) by female students, posted on the website Everybody's Invited. One of our former students has recollected that the school could have offered her more support at the time of a disclosure of sexual harassment and assault. Whilst it is difficult to review the situation given the author's anonymity, it is imperative for us as a school to review our practice in this area and ensure that all students who have experienced sexual violence or harassment in school feel that they have been listened to and supported following a disclosure. One negative experience is one too many - child on child abuse is not acceptable in our school. This policy will run concurrently with our Safeguarding and Child Protection Policy, which specifically references peer-on-peer abuse and sexual violence and sexual harassment, to inform our practice and feed into better targeted staff training. Alongside a plan of action to improve the day to day experiences of our young people and make our reporting systems easier for young people to access, our intention is that we listen, learn and become better in this important area; the harm caused by this abuse is not something our students should have to experience.

Press Statement on Child on Child sexual violence and Sexual Harassment

We are very aware of our safeguarding duties. The welfare of our pupils is of utmost importance. *Keeping Children Safe in Education 2020* (statutory guidance) contains specific guidance on managing reports of child on child sexual violence and sexual harassment and we recognise that schools have an important part to play, both in educating and responding to concerns and disclosures. We, of course, take all reports of assault extremely seriously and follow statutory and other guidance in dealing with them promptly.

Our pupils are educated on healthy relationships, respectful behaviour and consent and challenging and responding to inappropriate behaviour. Our staff are appropriately trained in safeguarding, including peer to peer abuse.

It is important to us to take steps to ensure that the school's culture is one which promotes and educates on positive, healthy and respectful relationships, and enables everyone to feel safe in calling out and reporting inappropriate behaviours.

Context

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. The purpose of this policy is to support the school's staff in being trained and prepared with a calm, considered and appropriate response to any reports.

Multi agency support (particularly children's social care and the police) may be engaged to help. Where a report of rape, assault by penetration or sexual assault is made, children's social care and the police should be informed by the school. However, before doing so, it is important to discuss this with the victim, explaining why it is important for other agencies to know and how these agencies will be able to support the victim.

Other allegations can be managed within the school and/or with support from children's social care providers.

Ultimately, any decisions are for the school to make on a case-by-case basis, with the Designated Safeguarding Lead, Hugh Gilmore (or a deputy - Vicky Ellis or Stephen Elphick), taking a leading role and using their professional judgement, supported by other agencies, such as children's social care and the police as required.

Victims and alleged perpetrators

There are many different terms to describe children who have been subjected to sexual violence and/or sexual harassment and many terms 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 that school staff 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, school staff should be conscious of this when managing any incident and be prepared to use any term with which the individual child is most comfortable.

For the purpose of this policy we use the term 'alleged perpetrator' and where appropriate 'perpetrator'. These are widely used and recognised terms and the most appropriate to aid effective advice. However, school staff should think very carefully about terminology, especially when speaking in front of children. As above, the use of appropriate terminology will be for school staff to determine, as appropriate, on a case-by-case basis.

Forms of Abuse

1. Sexual violence

It is important that school staff are aware of sexual violence and the fact children can, and sometimes do, abuse their peers in this way. When referring to sexual violence in this advice, we do so in the context of child on child sexual violence.

For the purpose of this advice, when referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 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**.

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.

2. Sexual harassment

For the purpose of this advice, 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.

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 (schools should be considering when any of this crosses a line into sexual violence - it is important to talk to and consider the experience of the victim) and displaying pictures, photos or drawings of a sexual nature; and
- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
 - non-consensual sharing of sexual images and videos. (UKCCIS sexting advice provides detailed advice for schools and colleges);
 - sexualised online bullying;
 - unwanted sexual comments and messages, including, on social media; and sexual exploitation; coercion and threats.

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

3. Harmful sexual behaviour

Children’s sexual behaviour exists on a wide continuum, from normal and developmentally expected to inappropriate, problematic, abusive and violent.

Problematic, abusive and violent sexual behaviour is developmentally inappropriate and may cause developmental damage. A useful umbrella term is “harmful sexual behaviour”. The term has been widely adopted in child protection and is used in this advice. Harmful

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

When considering harmful sexual behaviour, ages and the stages of development of the children are critical factors to consider. Sexual behaviour between children can be considered harmful if one of the children is much older, particularly if there is more than two years' difference or if one of the children is pre-pubescent and the other is not.

However, a younger child can abuse an older child, particularly if they have power over them, for example, if the older child is disabled or smaller in stature.

See [Understanding Sexual Behaviour in Children](#) for more information on what is harmful sexual behaviour.

A whole school preventative approach

Bexley Grammar School's approach to sexual violence and sexual harassment reflects and is part of the broader approach to safeguarding. It is our intention to make the schools safeguarding procedures with regard to sexual violence and sexual harassment transparent, clear and easy to understand for staff, pupils, students, parents and carers.

We will ensure the following measures are in place:

- Children are taught about safeguarding, including how to stay safe online, as part of a broad and balanced curriculum.
- Access to a maintained reporting system for students who want to disclose an experience.
- Continued access to trained and experienced safeguarding, pastoral and school counselling teams.
- Regular staff training in place to ensure that staff are aware of the different types of abuse and neglect. Training will also 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 if they need support.
- An audit of our current PSHCE programme to ensure that children are taught about healthy and respectful relationships; what respectful behaviour looks like; consent; gender roles, stereotyping, equality; body confidence and self-esteem; prejudiced behaviour; that sexual violence and sexual harassment is always wrong; and addressing cultures of sexual harassment.
- A student-inspired campaign to raise awareness of sexual harassment and sexual violence, focusing on issues such as asking inappropriate questions, ignoring someone's discomfort at comments, groping and touching, inappropriate jokes and games, and pornography education.

Managing reports relating to current students

School staff are advised to maintain an attitude of 'it could happen here' where safeguarding is concerned (*BGS Safeguarding Policy - Introduction p.3*). When concerned about the welfare of a child, staff should always act in the best interests of the child. If staff have any concerns about a child's welfare, they should act on them immediately. When reports of sexual violence or sexual harassment are made, the school will act in accordance with Part 5 of *Keeping Children Safe in Education (2021)*.

There may be reports where the alleged sexual violence or sexual harassment involves pupils or students from the same school, but is alleged to have taken place away from the

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 individual schools' and colleges' duties to safeguard and promote the welfare of their pupils and students, remain the same.

Schools should carefully consider any report of sexual violence and/or sexual harassment. The initial response to a report from a child is important. 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.

When it comes to action to manage the report, the needs and wishes of the victim take centre stage. The starting point regarding any report should always be that sexual violence and sexual harassment is not acceptable and will not be tolerated. Especially important is not to pass off any sexual violence or sexual harassment as 'banter', 'part of growing up' or 'having a laugh'.

All staff should be trained to manage a report in line with other disclosures related to safeguarding, the school's *Safeguarding and Child Protection Policy* and this guidance.

Effective safeguarding practice includes:

- not promising confidentiality at this initial stage as it is very likely a concern will have to be shared further (for example, with the designated safeguarding lead 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 a child is likely to disclose to someone they trust: this could be anyone on the school or college staff. It is important that the person to whom the child discloses recognises that the child has placed them in a position of trust. They should be supportive and respectful of the child;
- listening carefully to the child, being non-judgmental, being clear about boundaries and how the report will be progressed, not asking leading questions and only prompting the child where necessary with open questions – where, when, what, etc;
- 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 child and to listen to what they are saying. It may be appropriate to make notes during the report (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 child and not appear distracted by the note taking. Either way, it is essential a written record is made;
- only recording the facts as the child presents them. The notes should not reflect the personal opinion of the note taker. Schools 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;
- where the report includes an online element, being aware of *searching, screening and confiscation advice* (for schools) and *UKCCIS sexting advice* (for schools and colleges). The

key consideration is for staff not to view or forward illegal images of a child. The highlighted sources of advice provide more details on what to do when viewing an image is unavoidable.

- if possible, managing reports with two members of staff present (preferably one of them being the designated safeguarding lead or a deputy). However, this might not always be possible; and
- informing the Designated Safeguarding Lead (or Deputy), as soon as practically possible, if the Designated Safeguarding Lead (or Deputy) is not involved in the initial report.

**A dedicated NSPCC helpline is now available to offer advice to children and adults:
0800 136 663.**

Following a report to the Designated Safeguarding Lead (or Deputy), how the investigation proceeds will be managed in consultation with other agencies such as the Bexley Local Authority Safeguarding Lead, the Safer Schools Officer and the MASH team. At all stages what support the victim requires and how they would like the investigation to proceed will be considered. 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;
- the nature of the alleged incident(s), including: whether a crime may have been committed and consideration of harmful sexual behaviour;
- the ages of the children involved;
- the developmental stages of the children involved;
- any power imbalance between the children. For example, is the alleged perpetrator significantly older, more mature or more confident? Does the victim have a disability or learning difficulty?;
- if the alleged incident is a one-off or a sustained pattern of abuse;
- are there ongoing risks to the victim, other children, adult students or school or college staff; and
- other related issues and wider context.

School staff should refer to p.25-31 of the [Sexual violence and sexual harassment between children in schools and colleges](#) advice for further direction on the following options:

1. Manage Internally
2. Early Help
3. Referral to Children's Social Care
4. Reporting to the police

This section of the guidance also gives schools direction on how to respond to a criminal investigation should option 4 be taken.

It should be noted that the advice remains to look at each report on a case-by-case basis.

Risk Assessment

When there has been a report of sexual violence, the Designated Safeguarding Lead (or a deputy) 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, especially their protection and support;
- the alleged perpetrator; and
- all the other children (and, if appropriate, adult students and staff) at the school, especially any actions that are appropriate to protect them.

Risk assessments should be recorded (written or electronic) and should be kept under review. At all times, the school will be actively considering the risks posed to all their pupils and students and putting adequate measures in place to protect them and keep them safe. The Designated Safeguarding Lead (or a deputy) will ensure that 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. Any such professional assessments will be used to inform the school's approach to supporting and protecting our students and updating its own risk assessment.

Safeguarding and supporting the victim

The following principles are based on effective safeguarding practice found in *Keeping Children Safe in Education 2021* and should help shape any decisions regarding safeguarding and supporting the victim.

- Consider the age and the developmental stage of the victim, the nature of the allegations and the potential risk of further abuse. Schools and colleges should be aware that, by the very nature of sexual violence and sexual harassment, a power imbalance is likely to have been created between the victim and alleged perpetrator.
- The needs and wishes of the victim should be paramount (along with protecting the child) in any response. It is important they feel in as much control of the process as is reasonably possible. Wherever possible, the victim, if they wish, should be able to continue in their normal routine. Overall, the priority should be to make the victim's daily experience as normal as possible, so that the school or college is a safe space for them.
- The victim should never be made to feel they are the problem for making a report or made to feel ashamed for making a report.
- Consider the proportionality of the response. Support should be tailored on a case-by-case basis. The support required regarding a one-off incident of sexualised name-calling is likely to be vastly different from that for a report of rape.

Support can include:

- Children and Young People's Independent Sexual Violence Advisors (ChISVAs) provide emotional and practical support for victims of sexual violence. They are based within the specialist sexual violence sector and will help the victim understand what their options are and how the criminal justice process works if they have reported or are considering reporting to the police. ChISVAs will work in partnership with schools and colleges to ensure the best possible outcomes for the victim.
- Police and social care agencies can signpost to ChISVA services (where available) or referrals can be made directly to the ChISVA service by the young person or school or college. Contact details for ChISVAs can be found at *Rape Crisis* and *The Survivors Trust*.
- *Child and adolescent mental health services* (CAMHS)
- Rape Crisis Centres can provide therapeutic support for children who have experienced sexual violence.
- *Internet Watch Foundation* (to potentially remove illegal images).

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, schools should ask the victim if they would find it helpful to have a designated trusted adult (for example, their form tutor or designated safeguarding lead) to talk to about their needs. The choice of any such adult should be the victim's. Schools should respect and support this choice.

A victim of sexual violence is likely to be traumatised and, in some cases, may struggle in a normal classroom environment. While schools should avoid any action that would have the effect of isolating the victim, in particular from supportive peer groups, there may be times when the victim finds it difficult to maintain a full-time timetable and may express a wish to withdraw from lessons and activities. This should be because the victim wants to, not because it makes it easier to manage the situation. If required, schools should provide a physical space for victims to withdraw.

It may be necessary for schools to maintain arrangements to protect and support the victim for a long time. Schools should be prepared for this and should work with children's social care and other agencies as required.

It is important that the school does everything it reasonably can to protect the victim from bullying and harassment as a result of any report they have made.

Whilst they should be given all the necessary support to remain in their school, if the trauma results in the victim being unable to do this, alternative provision or a move to another school should be considered to enable them to continue to receive suitable education. This should only be at the request of the victim (and following discussion with their parents or carers).

It is important that if the victim does move to another educational institution (for any reason), that the new educational institution is made aware of any ongoing support needs. The Designated Safeguarding Lead should take responsibility to ensure this happens (and should discuss with the victim and, where appropriate, their parents or carers as to the most suitable way of doing this) as well as transferring the child protection file.

Safeguarding and supporting the alleged perpetrator

The following principles are based on effective safeguarding practice found in *Keeping Children Safe in Education 2021* and should help shape any decisions regarding safeguarding and supporting the alleged perpetrator:

- The school or college will have a difficult balancing act to consider. On one hand, they need to safeguard the victim (and the wider pupil/student body) and on the other hand provide the alleged perpetrator with an education, safeguarding support as appropriate and implement any disciplinary sanctions.
- Consider the age and the developmental stage of the alleged perpetrator 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.
- Consider the proportionality of the response. Support (and sanctions) should be considered on a case-by-case basis. An alleged perpetrator may potentially have unmet needs (in some

cases these may be considerable) as well as potentially posing a risk of harm to other children. Harmful sexual behaviours in young children may be 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.

- It is important that if the alleged perpetrator 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 and staff. The Designated Safeguarding Lead should take responsibility to ensure this happens as well as transferring the child protection file.

Discipline and the alleged perpetrator

With regard to the alleged perpetrator, advice on behaviour and discipline in schools is clear that teachers can discipline pupils whose conduct falls below the standard which could be reasonably expected of them. Disciplinary action can be taken whilst other investigations by the police and/or children's social care are ongoing. The fact that another body is investigating or has investigated an incident does not in itself prevent a school from coming to its own conclusion, on the balance of probabilities, about what happened, and imposing a penalty accordingly. This is a matter for the school and should be carefully considered on a case-by-case basis. The Designated Safeguarding Lead (or a deputy) should take a leading role. The school should consider if, by taking any action, they would prejudice an investigation and/or any subsequent prosecution. Careful liaison with the police and/or children's social care should help the school make a determination. It will also be important to consider whether there are circumstances that make it unreasonable or irrational for the school to reach their own view about what happened while an independent investigation is considering the same facts.

Working with parents and carers

When dealing with a complex situation the school 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 a child at additional risk. The school will need to carefully consider what information it provides to the respective parents or carers about the other child involved and when it does 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 school to work with relevant agencies to ensure a consistent approach is taken to information sharing.

It is the intention of the school that, should the circumstances dictate, we will meet the victim's parents or carers with the victim present 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 our intention that the school would meet with the alleged perpetrator's parents or carers to discuss any arrangements that are being put into place that impact the 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 would be explained and support for the alleged perpetrator also discussed.

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

Policies such as this, which set out the principles of how reports of sexual violence will be managed and how victims and perpetrators are likely to be supported, will be available to parents and carers in order to provide transparency and help to manage what are inevitably very difficult conversations.

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. The school will consider signposting parents and carers to this support.

Safeguarding other children

Consideration will be given to supporting children (and adult 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. The school has its own counselling service as well as a strong pastoral network.

Following any report of sexual violence or sexual harassment, it is likely that some children will “take sides”. The school will do all it possibly can to ensure both the victim and alleged perpetrator, 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 and a very high likelihood that friends from either side could harass the victim or alleged perpetrator online and/or become victims of harassment themselves. The school will encourage all parents and carers to monitor their child's social media use carefully and signpost to specialist online safety support.

School transport is a potentially vulnerable place for a victim or alleged perpetrator following any incident or alleged incident. The school, as part of its risk assessment, will consider any additional potential support needs to keep all of the children safe.

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

It is important that the school keep its policies, processes and curriculum under constant review to protect all their children. 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 should be addressed by updating relevant policies, processes or relevant parts of the curriculum.

Managing reports where the alleged perpetrator has left the school

Where the alleged perpetrator never attended or is no longer at our school, it is not possible to carry out a proper investigation into a report of sexual assault or sexual harassment. Instead the focus, as ever, will be on supporting the child and acting in their best interests. This may involve working with children's social care and/or the police, depending on the extent of the allegations. As above, before involving social care or the police, it is important to discuss this with the victim, explaining why it is important for those agencies to know and how they will be able to support the victim.

Previously investigated reports

It is possible that a former or current student could now reconsider their historical report and express their disappointment with the outcome, the investigation or some other aspect of it.

Should such a situation occur, the school will manage these cases as complaints, in the first instance. If the outcome of the complaint is that the investigation was flawed and/or an outcome was not appropriate, then a reinvestigation could be considered. Again, the focus must be on the best interests of the victim, and consideration should also be given to the impact of a second investigation on the alleged perpetrator. A decision will need to be made on a case-by-case basis.

If a reinvestigation is required, the school will engage an independent investigator, to ensure transparency and objectivity.

The option of the victim reporting the issue to the police remains open to them and it may well be that they choose to involve the police. If so, the school will work with the police (and children's social services) as we normally would with safeguarding concerns.

Sources of Support

- The NSPCC
- Childnet
- Internet Matters
- Rape Crisis
- Victim Support