Anti-Bullying &
Child-on-Child Abuse Policy

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ANTI-BULLYING POLICY

1. Introduction

This policy is based on DfE guidance "*Preventing and Tackling Bullying. Advice for headteachers, staff and governing bodies*", March 2014 and it is recommended that schools read this guidance: https://www.gov.uk/government/publications/preventing-and-tackling-bullying

Section 89 of the Education and Inspections Act 2006 provides that maintained schools must have measures to encourage good behaviour and prevent all forms of bullying amongst pupils.

Under the Children Act 1989 a bullying incident should be addressed as a child protection concern when there is 'reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm'. Where this is the case, the school staff should follow the school's safeguarding procedures. Even where safeguarding is not considered to be an issue, schools may need to draw on a range of external services to support the pupil who is experiencing bullying, or to tackle any underlying issue which has contributed to a child engaging in bullying.

In line with the Equality Act 2010 it is essential that our school: Eliminates unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act; advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it.

2. Aims

We aim to

- Maintain an ethos of respect for all, which discourages bullying and unpleasant behaviour towards other pupils in this school.
- Treat any reports of bullying seriously and investigate them carefully.
- Deal with any incidents in a proactive and sensitive way to avoid increasing any distress felt by bullied pupils.
- Work closely with parents to help to deal with any incidents which arise.
- Develop an ethos where children to tell someone when they, or someone else, are bullied.

At Ferry Lane Primary School we are committed to providing a warm, caring and safe environment for all our children so that they can learn and play in a relaxed and secure environment. Bullying of any kind is unacceptable and will not be tolerated in our school.

3. Definition

There is no legal definition of bullying. However, it's usually defined as behaviour that is:

- repeated
- intended to hurt someone either physically or emotionally
- often aimed at certain groups, eg because of race, religion, gender or sexual orientation

Bullying can be:

- Emotional hurt
- Physical hurt
- Racial hurt
- Sexual hurt
- Homophobic hurt
- Verbal hurt
- Cyber bullying
-

4. Signs and symptoms which may be noticed

- Change of friendship groups
- Lack of friends
- Unwilling to go to school
- “Illness” at certain times of the day
- Change in standard of work
- Withdrawn/sudden lack of confidence
- Severe cases of depression
- Begins truanting
- Has unexplained cuts or bruises
- Becomes aggressive, disruptive or unreasonable
- Problems sleeping or bed wetting
- Gives improbable excuses for any of the above.

5. Strategies

When dealing with any problems we will use a variety of strategies which suit the situation and the children involved. These will include some of the following:

- Increase vigilance of all adults involved with the child/ren.
- Logging of all incidents of concern
- Adopt a no-blame approach to encourage all children to talk about events.
- Listen to children when they tell us about problems.
- Talk with parents of children involved and enlist their support when dealing with issues.
- Where a child is being deliberately aggressive, remove them from the playground or classroom so that others can enjoy their break or lessons. Then gradually re-introduce the child to the playground or classroom, monitoring their progress carefully.
- Develop some clear behaviour modification strategies for the perpetrator (sanctions and rewards)
- Involve other children in supporting the child who feels threatened – buddy system.
- Use of the learning mentor/HLTA to discuss bullying and strategies for dealing with it (whole classes or groups and individuals).
- Deliver units of work on bullying in PSHE and the use of circle time throughout school to discuss issues and raise self-esteem.
- If necessary the imposition of fixed term exclusions for those who are bullying others.

6. Advice for parents

If you think your child is being bullied:

- Encourage your child to talk about it, but be patient as she or he may be distressed.
- Stay calm but show that you are supportive and working with the school to solve the problem.
- Avoid dwelling on sensitive issues and asking leading questions.
- Reassure your child that you are sympathetic and will do something about it.
- Explain that it happens to many people at some time or another.
- Try to help him or her to see the difficulty as a problem that can be solved.
- Ask your child if they can see ways of changing things.

Discuss your concerns with us in the following way;

- Firstly make an appointment to speak to you child’s teacher, at the meeting outline your concerns. Arrange to meet again in 24 to 48 hours so that the teacher can talk to the child/children involved and then let you know what he/she has found out and is proposing to do.
- If after a few more days you do not think the issue has been resolved, make an appointment to speak to one of our senior leaders. Explain your concerns; explain what actions have been taken so far and the issues that your child is still experiencing.

- The senior leader will look into it and report back to you within 24 to 48 hours. They will inform you of the outcomes of their investigations into the matter, these may include, but are not limited to;

    - Sanctions and support for the perpetrator
    - The involvement of parents of perpetrators and or victims
    - Support for the victim in terms of strategies and reporting arrangements
    - Whole class circle times and work around friendships

7. Associated Polices

The following policies provide guidance on matters which may relate to bullying and should be read in conjunction with this policy;

- Behaviour
- E.Safety
- Safeguarding and Child Protection
- Complaints Policy

8. Monitoring

All serious incidents of unacceptable behaviour, including bullying, are reported to the SLT and parents will be contacted to come into school and discuss the incidents. All incidents of bullying are recorded so that patterns can be identified.

Governors will be informed in part 2 of governing body meetings of any reported incidences of bullying and any incidents where fixed term exclusion has been imposed

9. Supporting Organisations and Guidance

- Anti-Bullying Alliance: www.anti-bullyingalliance.org.uk
- Beat Bullying: www.beatbullying.org
- Childline: www.childline.org.uk
- DfE: “Preventing and Tackling Bullying. Advice for headteachers, staff and governing bodies”, and “Supporting children and young people who are bullied: advice for schools” March 2014: https://www.gov.uk/government/publications/preventing-and-tackling-bullying
- DfE: “No health without mental health”: https://www.gov.uk/government/publications/no-health-without-mental-health-a-cross-government-outcomes-strategy
- Family Lives: www.familylives.org.uk
- Kidscape: www.kidscape.org.uk
- MindEd: www.minded.org.uk
- NSPCC: www.nspcc.org.uk
- PSHE Association: www.pshe-association.org.uk
- Restorative Justice Council: www.restorativejustice.org.uk
- The Diana Award: www.diana-award.org.uk
- Victim Support: www.victimsupport.org.uk
- Young Minds: www.youngminds.org.uk
- Young Carers: www.youngcarers.net

Cyberbullying

- Childnet International: www.childnet.com
- Digizen: www.digizen.org
- Internet Watch Foundation: www.iwf.org.uk

- Think U Know: www.thinkuknow.co.uk
- UK Safer Internet Centre: www.saferinternet.org.uk

LGBT

- EACH: www.eachaction.org.uk
- Pace: www.pacehealth.org.uk
- Schools Out: www.schools-out.org.uk
- Stonewall: www.stonewall.org.uk

SEND

- Changing Faces: www.changingfaces.org.uk
- Mencap: www.mencap.org.uk
- DfE: SEND code of practice: https://www.gov.uk/government/publications/send-code-of-practice-0-to-25

Racism and Hate

- Anne Frank Trust: www.annefrank.org.uk
- Kick it Out: www.kickitout.org
- Report it: www.report-it.org.uk
- Stop Hate: www.stophateuk.org
- Show Racism the Red Card: www.srtrc.org/educational

Child-on-child Abuse

Introduction

Ferry Lane Primary School recognises that children are vulnerable to and capable of abusing their peers. We take such abuse as seriously as abuse perpetrated by an adult. This includes verbal as well as physical abuse.

The School's responsibilities

The governors, senior leadership team, and all staff (which term shall apply to all volunteer staff members) at Ferry Lane Primary School (the School) are committed to the prevention, early identification, and appropriate management of child-on-child abuse (as defined below) both within and beyond the School.

In particular, we:

- believe that in order to protect children, all schools should (a) be aware of the nature and level of risk to which their students are or may be exposed, and put in place a clear and comprehensive strategy which is tailored to their specific safeguarding

context; and (b) take a whole-school community Contextual Safeguarding approach to preventing and responding to child-on-child abuse,

- regard the introduction of this policy as a preventative measure. We (a) do not feel it is acceptable merely to take a reactive approach to child-on-child abuse in response to alleged incidents of it; and (b) believe that in order to tackle child-on-child abuse proactively, it is necessary to focus on all four of the following areas: (i) systems and

structures; (ii) prevention; (iii) identification; and (iv) response/intervention

- recognise national and increasing concern about this issue, and wish to implement this policy in order to mitigate harmful attitudes and child-on-child abuse in

the school setting, and

- encourage parents to hold us to account on this issue, so that if their child is feeling unsafe as a result of the behaviour of any of their peers, they should inform the School so that it can ensure that appropriate and prompt action is taken in response.

This policy:

- is the School's overarching policy for any issue that could constitute child-on-child abuse. It relates to, and should be read alongside, the School's child protection policy and any other relevant policies including, but not limited to, bullying (including cyber-bullying), youth involved sexual imagery, online safety, IT use, data protection and retention of records, children missing in education, student behaviour and discipline, exclusions, and (where relevant) weapons

- sets out our strategy for improving prevention, and identifying and appropriately managing child-on-child abuse. It is the product of a comprehensive consultation – which has involved students, staff and parents, and a risk assessment. In producing this policy we have taken guidance from Keeping Children Safe in Education (updated 2021) and Haringey Education Partnership.

- applies to all [governors, the senior leadership team, and staff]. It is reviewed annually, and updated in the interim, as may be required, to ensure that it continually addresses the risks to which students are/or may be exposed. A number of staff and students are involved in each annual review which involves, and is informed by, an assessment of the impact and effectiveness of this policy over the previous years.

What is child-on-child abuse?

Child-on-child abuse is sexual, emotional or physical abuse that happens between children of a similar age or stage of development. It can happen between any number of children, and can affect any age group (Department for Education (DfE), 2021).
It can be harmful to the children who display it as well as those who experience it. Children can experience child-on-child abuse in a wide range of settings, including: at school
at home or in someone else's home
in public spaces
online
(NSPCC, 2018).
It can take place in spaces which are supervised or unsupervised. Within a school context, for example, child-on-child abuse might take place in spaces such as toilets, the playground, corridors and when children are walking home (Contextual Safeguarding Network, 2020).
As children develop healthily, it's normal for them to display certain types of behaviour. It's important that adults who work or volunteer with children can identify if any behaviour has become harmful or abusive, and respond proportionally to keep all the children involved safe.

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

- Child Sexual Exploitation
- Sexting or youth produced digital imagery
- Upskirting
- Bullying
- Radicalisation
- Abuse in intimate relationships
- Children who display sexually harmful behaviour
- Gang association and serious violence (County Lines)
- Technology can be used for bullying and other abusive behaviour

Some of these behaviours will need to be handled with reference to other policies in school such as the behaviour policy, anti- bullying policy, child protection policy and online safety policy.

This policy concentrates on child-on-child abuse in the context of sexual harassment and sexual violence, physical abuse and emotional abuse. It is compliant with the statutory guidance on child-on-child abuse as set out in Keeping Children Safe in Education (September 2021) and should be read in conjunction with the Safeguarding Partnership regional policy and procedures, and any relevant Practice Guidance issued by it.

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

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

We will also use Simon Hackett's continuum model to demonstrate the range of sexual behaviours and the Brook Traffic Lights (Appendix 3).

Physical Abuse

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

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

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

Online Behaviour

Many forms of child-on-child abuse have an element of online behaviour including behaviours such as cyberbullying and sexting.

Policies and procedures concerning this type of behaviour can be found in our anti- bullying and e-safety policy.

Vulnerable groups

We recognise that all children can be at risk however we acknowledge that some groups are more vulnerable. This can include: experience of abuse within their family; living with domestic violence; young people in care; children who go missing; children with additional needs (SEN and/or disabilities); children who identify or are perceived as LGBT and/or have other protected characteristics under the Equalities Act 2010.

Whilst research tells is us girls are more frequently identified as being abused by their peers and, girls are more likely to experience unwanted sexual touching in schools this is not confined to girls.

Boys are less likely to report intimate relationship abuse and may display other behaviour such as antisocial behaviour. Boys report high levels of victimisation in areas where they are affected by gangs. We recognise that both boys and girls experience child-on-child abuse, but they do so in gendered ways.

Identifying child-on-child abuse

All staff should be aware of indicators, which may signal that children are at risk from, or are involved with serious violent crime. These may include;

- increased absence from school
- a change in friendships or relationships with older individuals or groups
- a significant decline in performance
- signs of self-harm
- a significant change in wellbeing
- signs of assault or unexplained injuries.
- unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with, individuals associated with criminal networks or gangs.

Prevention

Ferry Lane Primary School actively seeks to raise awareness of and prevent all forms of child-on-child abuse by:

- Educating all Governors, Senior Leadership Team, staff and volunteers, pupils and parents about this issue. This will include training all Governors, Senior Leadership Team, staff and volunteers on the nature, prevalence and effect of child-on-child abuse, and how to prevent, identify and respond to it. This includes:

(a) Contextual Safeguarding;

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

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

- Educating children about the nature and prevalence of child-on-child abuse via PSHE and the wider curriculum.
- Pupils/Students are frequently told what to do if they witness or experience such abuse, the effect that it can have on those who experience it and the possible reasons for it, including vulnerability of those who inflict such abuse.
- They are regularly informed about the School's approach to such issues, including its policy towards all forms of child-on-child abuse.
- Engaging parents on this issue by:

(a)Talking about it with parents, both in groups and one to one;

(b) Asking parents what they perceive to be the risks facing their child and how they would like to see the School address those risks;

(c) Involving parents in the review of School policies and lesson plans; and (d) Encouraging parents to hold the School to account on this issue.

- Ensuring that all child-on-child abuse issues are fed back to the School's safeguarding [team/lead] so that they can spot and address any concerning trends and identify [pupils/students] who maybe in need of additional support. [This is done by way of a weekly staff meeting at which all concerns about [pupils/students] (including child-on-child abuse issues) are discussed];
- Challenging the attitudes that underlie such abuse (both inside and outside the classroom);
- Working with Governors, Academy Trusts, Senior Leadership Team, all staff and volunteers, [pupils/students] and parents to address equality issues, to promote positive values, and to encourage a culture of tolerance and respect amongst all members of the School community;
- Creating conditions in which our [pupils/students] can aspire to and realise safe and healthy relationships;
- Creating a culture in which our [pupils/students] feel able to share their concerns openly, in a non-judgmental environment, and have them listened to; and

- Responding to cases of child-on-child abuse promptly and appropriately.

The Context

Child-on-child abuse takes place on a spectrum. Understanding where a child's behaviour falls on a spectrum is essential to being able to respond appropriately to it. It is essential that responses to incidents are proportionate and contextual.

In this policy we recognise the importance of distinguishing between problematic and abusive sexual behaviour (Harmful Sexual Behaviour HSB). Simon Hackett (2010) has proposed a continuum model to demonstrate the range of sexual behaviours presented by children and young people, from those that are normal, to those that are highly deviant:



Children can abuse other children and it can take many forms. It **can** happen both inside and outside of school/college and online. It is important that all staff recognise the indicators and signs of child-on-child abuse and know how to identify it and respond to reports. This **can** include (but is not limited to):

bullying (including cyberbullying
prejudice-based and discriminatory bullying)
abuse within intimate partner relationships
physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm
sexual violence and sexual harassment; consensual and non-consensual sharing of nudes and semi-nudes images and/or videos
causing someone to engage in sexual activity without consent, such as forcing someone to strip, touch themselves sexually or to engage in sexual activity with a third party
upskirting and initiation/hazing type violence and rituals.

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.

Determining the level of incidents

While determining the level of incidents is not always clear-cut we use this as a guide. In addition to this we consider the following behaviours: (insert bullets from above – involves single incident, misues of power' etc.

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

An example of this is the consensual sharing of an image between 16 year olds might be inappropriate but would sit on the continuum as 'inappropriate', however if these images were shared wider without consent this could be deemed as 'problematic & abusive'.

.When should schools seek support?

Cases of child-on-child abuse are often complex, may involve multiple young people, and consent may be unclear. This is especially difficult when young people may be victims but also involved in the harm of others. In some instances it may be most appropriate, for schools to respond internally. However in other instances, cases may require a referral to the police and/or social care.

We understand that this is not always clear. As such, we suggest that schools refer to the flow chart (Appendix 2) and consider the following when deciding if an incident require referral to:

Cases that may be best responded to in-school sit between 'Normal/Healthy' and the 'inappropriate' section on Hackett's continuum.

- Single instances of inappropriate sexual behaviour
- Socially acceptable behaviour within peer group
- Context for behaviour may be inappropriate
- Generally consensual and reciprocal

Incidents where a referral to police/ social care is always required are defined under Hackett as 'violent and abusive' these will also meet level 4 under the RHRT document.

- Victimising intent or outcome
- Includes misuse of power
- Coercion and force to ensure compliance
- Intrusive
- Informed consent lacking or not able to be freely given
- May include elements of expressive violence

- Physically violent sexual abuse
- Highly intrusive
- Instrumental violence which is psychologically and/or sexually arousing to the child responsible for the behaviour
- Sadism

Cases of child-on-child abuse are not always clear cut and there are many grey areas. These grey areas fall under the inappropriate/ problematic section of the continuum. The Education MASH team and the Education Safeguarding Lead are available via phone and email to offer support to schools in order to ensure the appropriate safety plans/referrals/ support is in place for the victim and child alleged to have caused harm.

- Problematic and concerning behaviour
    - Developmentally unusual and socially unexpected
    - No overt elements of victimisation
    - Consent issues maybe unclear
    - May lack reciprocity or equal power
    - May include levels of compulsivity

When dealing with harmful sexual behaviour to assess where the alleged behaviour falls on a spectrum and to decide how to respond. This could include, for example, whether it:

- is socially acceptable
    - involves a single incident or has occurred over a period of time
    - is socially acceptable within the peer group
    - is problematic and concerning
    - involves any overt elements of victimisation or discrimination e.g. related to race, gender,
- sexual orientation, physical, emotional, or intellectual vulnerability
- involves an element of coercion or pre-planning
- involves a power imbalance between the child/children allegedly responsible for the behaviour
- involves a misuse of power

<u>Response to child-on-child abuse</u>

The designated safeguarding lead or their deputy will take a leading role using their professional judgement and supported by other agencies such as social care or the police as required. All responses to child-on-child abuse will be informed by the flow charts, continuum and by liaising with the Education Safeguarding Lead.

It is important to deal with a situation of peer abuse immediately and sensitively. It is necessary to gather the information as soon as possible to ascertain what has happened and if any other students are aware or involved. It is equally important to deal with it sensitively and think about the language used and the impact of that language on both the children and the parents when they become involved. Avoid language that may create a ‘blame’ culture and leave a child labelled. An example is instead of calling a child a ‘perpetrator’ we may instead say ‘child alleged to have caused harm’.

Staff will talk to the children in a calm and consistent manner. Staff will not be prejudiced, judgmental, dismissive or irresponsible in dealing with such sensitive matters. Children should be made aware of who they can talk to should they feel they have not been treated in this manner.

The immediate response to a report

- The school or college will take all reports seriously and will reassure the victim that they will be supported.
- All staff understand the next steps once a child has reported child-on-child abuse and will take the concern to the DSL/DDSL to make them aware.
- Staff will not promise confidentiality as the concern will need to be shared further (for example, with the designated safeguarding lead or social care) staff will however only share the report with those people who are necessary to progress it.
- A written report will be made as soon after the discussion as possible recording the facts as presented by the child. These may be used as part of a statutory assessment if the case is escalated later.
- Assess the needs of the victim and child alleged to have caused harm.
- Where the report includes an online element the school or college will follow advice on searching, screening and confiscation. The staff will not view or forward images unless unavoidable and only if another member of staff (preferably the DSL) is present.
- The DSL will be informed as soon as possible and consider a referral to the police and social care using the flow charts (Appendix 2).
- The DSL must complete a Safety plan (Appendix 5) whereby sexual violence has occurred. This must be shared with the MASH.

When Recording behaviour it is essential that;

- Record as soon as possible, as you can quickly forget or confuse detail
- Be clear, explicit and non-avoidant, and avoid vague statements or euphemisms
- Follow the prompts on your safeguarding and child protection recording form
- Use proper names for body parts but record exactly any language or vocabulary used by the child. Use the child's exact words in quotation marks.
- Note where and when the incident happened and whether anyone else was present.

Gather the Facts

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

Decide on your next course of action

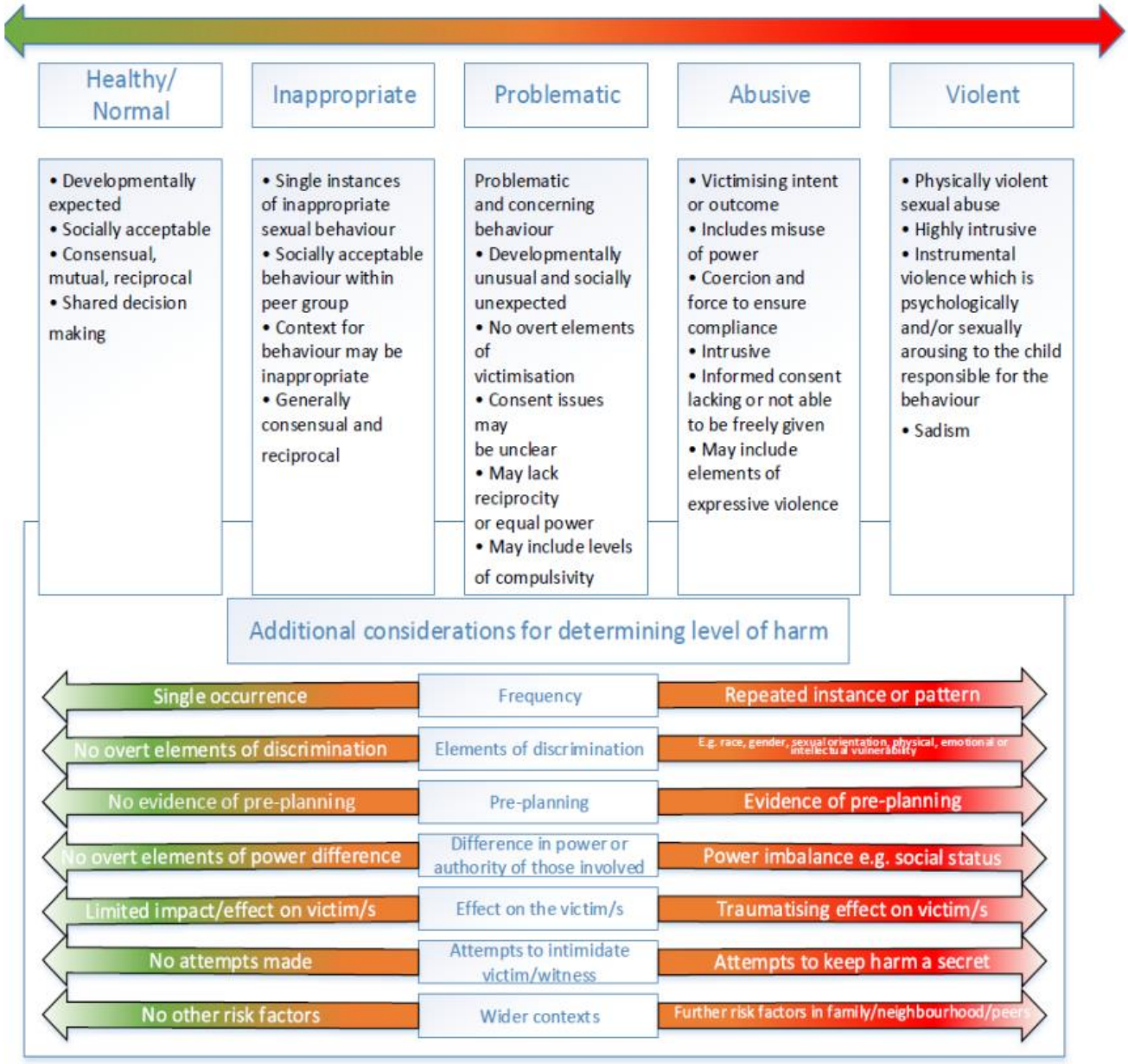
If you believe any young person to be at risk of significant harm you must report to the Designated Safeguarding Lead immediately; they will follow the school's Safeguarding and Child Protection Policy.

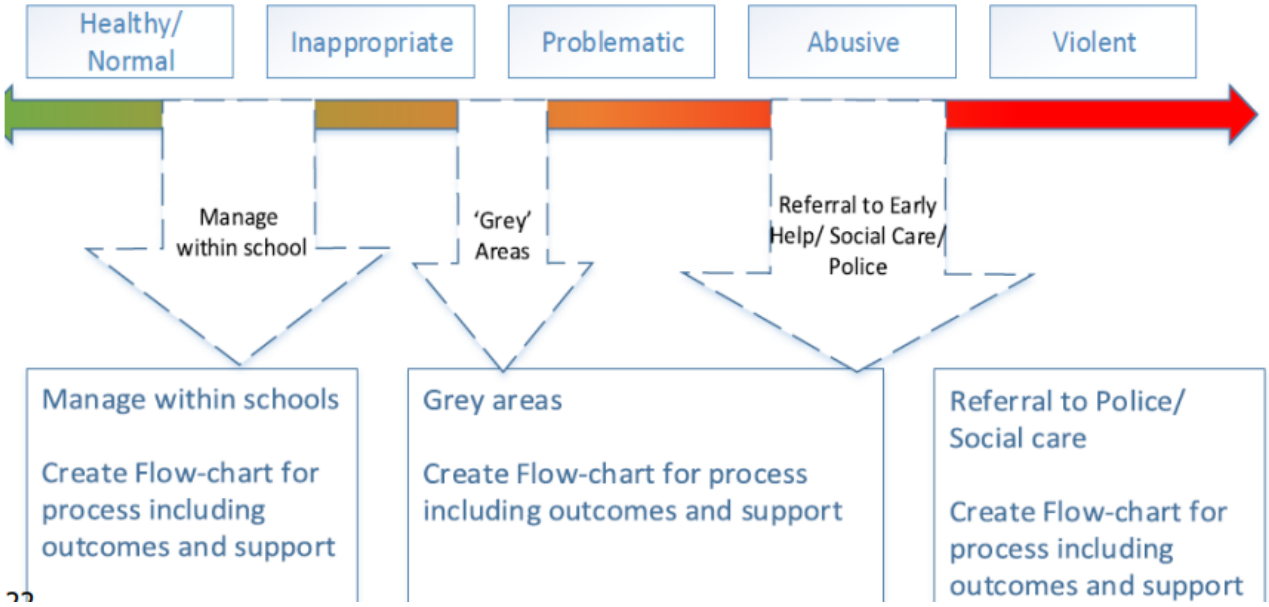
If MASH and the police intend to pursue this further, they may ask to interview the young people in school or they may ask for parents to come to school to be spoken to. It is important to be prepared for every situation and the potential time it may take.

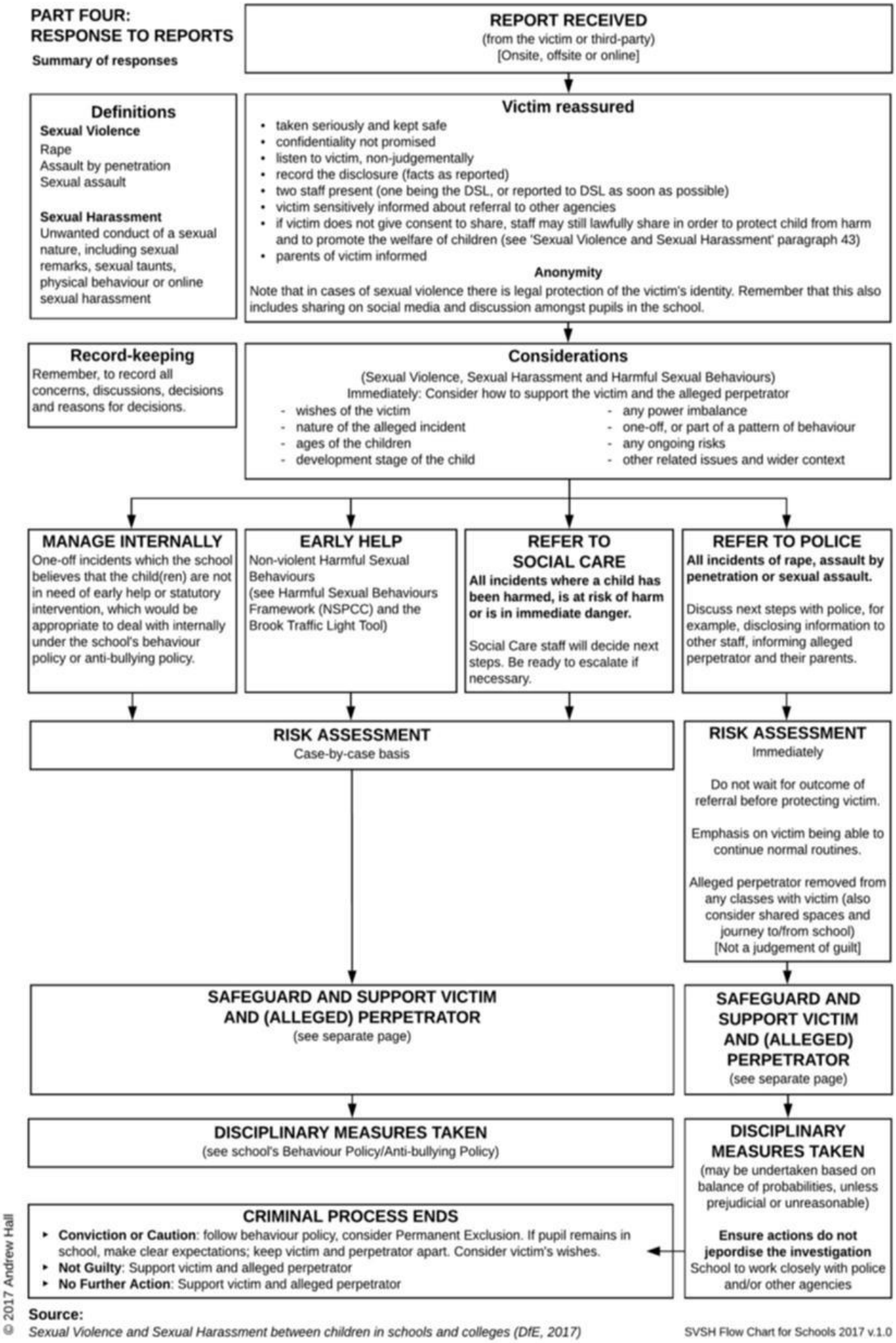
Informing parents/carers

The best way to inform parents/carers is face to face. Although this may be time consuming, the nature of the incident and the type of harm/abuse a young person may be suffering can cause fear and anxiety to parents/carers whether their child is the child who was harmed or who harmed another.

In all circumstances where the risk of harm to the child is evident then the school should encourage the young person to share the information with their parent/carer (they may be scared to tell parents/carers that they are being harmed in any way).


Healthy/ Normal
Inappropriate
Problematic
Abusive
Violent
• Developmentally expected
• Socially acceptable
• Consensual, mutual, reciprocal
• Shared decision making
• Single instances of inappropriate sexual behaviour
• Socially acceptable behaviour within peer group
• Context for behaviour may be inappropriate
• Generally consensual and reciprocal
Problematic and concerning behaviour
• Developmentally unusual and socially unexpected
• No overt elements of victimisation
• Consent issues may be unclear
• May lack reciprocity or equal power
• May include levels of compulsivity
• Victimising intent or outcome
• Includes misuse of power
• Coercion and force to ensure compliance
• Intrusive
• Informed consent lacking or not able to be freely given
• May include elements of expressive violence
• Physically violent sexual abuse
• Highly intrusive
• Instrumental violence which is psychologically and/or sexually arousing to the child responsible for the behaviour
• Sadism
Additional considerations for determining level of harm
Single occurrence
Frequency
Repeated instance or pattern
No overt elements of discrimination
Elements of discrimination
E.g. race, gender, sexual orientation, physical, emotional or intellectual vulnerability
No evidence of pre-planning
Pre-planning
Evidence of pre-planning
No overt elements of power difference
Difference in power or authority of those involved
Power imbalance e.g. social status
Limited impact/effect on victim/s
Effect on the victim/s
Traumatising effect on victim/s
No attempts made
Attempts to intimidate victim/witness
Attempts to keep harm a secret
No other risk factors
Wider contexts
Further risk factors in family/neighbourhood/peers


Healthy/ Normal
Inappropriate
Problematic
Abusive
Violent
Manage within school
'Grey' Areas
Referral to Early Help/ Social Care/ Police
Manage within schools
Create Flow-chart for process including outcomes and support
Grey areas
Create Flow-chart for process including outcomes and support
Referral to Police/ Social care
Create Flow-chart for process including outcomes and support


PART FOUR:
RESPONSE TO REPORTS
Summary of responses
REPORT RECEIVED
(from the victim or third-party)
[Onsite, offsite or online]
Definitions
Sexual Violence
Rape
Assault by penetration
Sexual assault
Sexual Harassment
Unwanted conduct of a sexual nature, including sexual remarks, sexual taunts, physical behaviour or online sexual harassment
Victim reassured
taken seriously and kept safe
confidentiality not promised
listen to victim, non-judgementally
record the disclosure (facts as reported)
two staff present (one being the DSL, or reported to DSL as soon as possible)
victim sensitively informed about referral to other agencies
if victim does not give consent to share, staff may still lawfully share in order to protect child from harm and to promote the welfare of children (see 'Sexual Violence and Sexual Harassment' paragraph 43)
parents of victim informed
Anonymity
Note that in cases of sexual violence there is legal protection of the victim's identity. Remember that this also includes sharing on social media and discussion amongst pupils in the school.
Record-keeping
Remember, to record all concerns, discussions, decisions and reasons for decisions.
Considerations
(Sexual Violence, Sexual Harassment and Harmful Sexual Behaviours)
Immediately: Consider how to support the victim and the alleged perpetrator
wishes of the victim
nature of the alleged incident
ages of the children
development stage of the child
any power imbalance
one-off, or part of a pattern of behaviour
any ongoing risks
other related issues and wider context
MANAGE INTERNALLY
One-off incidents which the school believes that the child(ren) are not in need of early help or statutory intervention, which would be appropriate to deal with internally under the school's behaviour policy or anti-bullying policy.
EARLY HELP
Non-violent Harmful Sexual Behaviours
(see Harmful Sexual Behaviours Framework (NSPCC) and the Brook Traffic Light Tool)
REFER TO SOCIAL CARE
All incidents where a child has been harmed, is at risk of harm or is in immediate danger.
Social Care staff will decide next steps. Be ready to escalate if necessary.
REFER TO POLICE
All incidents of rape, assault by penetration or sexual assault.
Discuss next steps with police, for example, disclosing information to other staff, informing alleged perpetrator and their parents.
RISK ASSESSMENT
Case-by-case basis
RISK ASSESSMENT
Immediately
Do not wait for outcome of referral before protecting victim.
Emphasis on victim being able to continue normal routines.
Alleged perpetrator removed from any classes with victim (also consider shared spaces and journey to/from school)
[Not a judgement of guilt]
SAFEGUARD AND SUPPORT VICTIM AND (ALLEGED) PERPETRATOR
(see separate page)
SAFEGUARD AND SUPPORT VICTIM AND (ALLEGED) PERPETRATOR
(see separate page)
DISCIPLINARY MEASURES TAKEN
(see school's Behaviour Policy/Anti-bullying Policy)
DISCIPLINARY MEASURES TAKEN
(may be undertaken based on balance of probabilities, unless prejudicial or unreasonable)
Ensure actions do not jepordise the investigation
School to work closely with police and/or other agencies
CRIMINAL PROCESS ENDS
Conviction or Caution: follow behaviour policy, consider Permanent Exclusion. If pupil remains in school, make clear expectations; keep victim and perpetrator apart. Consider victim's wishes.
Not Guilty: Support victim and alleged perpetrator
No Further Action: Support victim and alleged perpetrator
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Source:
Sexual Violence and Sexual Harassment between children in schools and colleges (DfE, 2017)
SVSH Flow Chart for Schools 2017 v.1.0

Manage internally

1.In some cases of sexual harassment, for example, one-off incidents, it may be appropriate to handle the incident internally, perhaps through utilising the behaviour and bullying policies and by providing pastoral support. This decision is considered on the outcome of contact with the MASH and submission of a completed safety plan.

This decision will be made based on the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated. All decisions, and discussions around making these decisions will be recorded and stored by the DSL on the child's CP File.

It is important to ensure that details of sanctions for the child alleged to have caused harm are not shared with any other persons other than those providing care for them. This is to maintain confidentiality and privacy for the child involved.

2. In line with 1 above, we may decide that the children involved do not require statutory interventions but may benefit from early help. Early help means providing support as soon as a problem emerges, at any point in a child'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 harmful sexual behaviour and may prevent escalation of sexual violence.

3. Where a child has been harmed, is at risk of harm, or is in immediate danger, we will make a referral to the MASH following locally agreed protocols.

Where statutory assessments are appropriate, the designated safeguarding lead or a deputy will be working alongside, and cooperating 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 child alleged to have caused harm and any other children that require support.

Safety Plan

When there has been a report of child-on-child abuse that sits under the abusive and violent sections on the flow chart , the designated safeguarding lead (or a deputy) will make an immediate risk and needs' assessment (safety plan). Where there has been a report of sexual harassment, a safety plan must be completed and submitted to the MASH. The safety plan should consider:

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

Safety plans will be recorded and be kept under review. The designated safeguarding lead (or a deputy) will ensure they are engaging with MASH.

Reporting to the Police

DSL's have a responsibility to report all alleged crimes to the police. The designated safeguarding lead (and their deputies) will also follow local processes for safeguarding referrals.

Where a report of rape, assault by penetration or sexual assault is made, the starting point is for this to be passed top the police as a matter of urgency. Whilst the criminal age of responsibility is ten, if the child alleged to have caused harm is under ten, the starting principle of reporting to the police remains.

Where a report has been made to the police, the school or college will consult the police and agree what information can be disclosed to staff and others, the child alleged to have caused harm and their parents or carers. They will also discuss the best way to protect the victim and their anonymity.

Where there is a criminal investigation, we will work closely with the relevant agencies to support all children involved (especially potential witnesses). Where required, advice from the police will be sought in order to help us.

Whilst protecting children and/or taking any disciplinary measures against the child alleged to have caused harm, we will work closely with the police (and other agencies as required), to ensure any actions the school or college take do not jeopardise the police investigation.

Separation

If the children involved are in the same class, the school will need to consider carefully whether to separate them while the concerns are being investigated. In situations of alleged rape and assault by penetration, the statutory guidance is clear that the child alleged to have caused harm should always be removed from classes they share with the victim.

Schools and colleges need to consider how best to keep the victim and child alleged to have caused harm a reasonable distance apart while they are on the same premises, as well as on transport to and from school or college, where appropriate.

The school will need to consider how long these measures should be in place, especially if any police investigation is inconclusive. Lack of a conviction is not the same as the allegation being unfounded. The school or college must continue to provide support to the victim and child alleged to have caused harm for as long as necessary. Therefore, any separation arrangements must also be continued with for as long as is necessary to make sure children are safe.

There are different factors which must be considered prior to the separation of children occurring. These factors are the allegation itself, the context of the allegation, the wishes and feelings of the victim(s), and the threshold the allegation meets.

As part of the consideration as to whether or not the children are separated in school, safety mapping is recommended so that the victim can clearly identify where they feel safest in school and any areas they do not feel safe. This will also allow school to map out areas each child can frequent without concern or worry that the other will be there. These actions are in the best interests of both children and should not be perceived to be a judgment on the guilt of the child alleged to have caused harm.

It is essential that the victim is able to express their wishes and feelings in respect of the action the school takes, in some circumstances the victim may state that they do wish for separation to occur but rather that a seating plan is implemented. This is again considered alongside the context, the allegation itself and the threshold that is met.

If multiple young people are involved then the school will need to complete peer mapping and consult with the victim(s) regarding safety mapping both within school and outside of school.

The end of the criminal process

If a child is convicted or receives a caution for a sexual offence, the school /academy will update its safety plan, ensure relevant protections are in place for all children. We will consider any suitable action following our behaviour policy. If the child alleged to have caused harm remains in school/academy we will be very clear as to our expectations regarding the child alleged to have caused harm now they have been convicted or cautioned. This could include expectations regarding their behaviour and any restrictions we think are reasonable and proportionate about the child alleged to have caused harm's timetable.

Any conviction (even with legal anonymity reporting restrictions) is potentially going to generate interest among other pupils or students in the school or college. We will ensure all children involved are protected, especially from any bullying or harassment.

Where cases are classified as "no further action" (NFA'd) by the police or Crown Prosecution Service, or where there is a not guilty verdict, we will continue to offer support to the victim and the child alleged to have caused harm for as long as is necessary. A not guilty verdict or a decision not to progress with their case will likely be traumatic for the victim. The fact that an allegation cannot be substantiated does not necessarily mean that it was unfounded. We will continue to support all parties in this instance.

It is also important to note that by law every child has the right to an education and therefore in instances where allegations have been withdrawn, NFA'd, unfounded or unsubstantiated children may be placed back into lessons together with a seating plan and safety mapping in place. This is decided on a case by case basis and with consideration to the wishes and feelings of the victim.

<u>Support to victims and those instigating harm</u>

Support for Children Affected by Sexual-Assault

What support they require depends on the individual young person. It may be that they wish to seek counselling or one to one support via a mentor. It may also be that they feel able to deal with the incident(s) on their own or with support of family and friends; in which case it is necessary that this young person continues to be monitored and offered support should they require it in the future. Within school children will be offered a named member of staff they can talk to and pastoral support.

Other interventions that could be considered may be that through the continued curriculum of Relationship and Sex Education (from 2020), PSHE and SMSC that certain issues can be discussed and debated more frequently.

If the young person needs further support it may be that a safety plan can be put in place for them whilst in school so that they have someone named that they can talk to, support strategies for managing future issues and identified services to offer additional support.

Support for victims of sexual assault is available from a variety of agencies (see Appendix 3).

We will support the victim of sexual assault to remain in school but if they are unable to do so we will enable them to continue their education elsewhere. This decision will be made only at the request of the child and their family. If they are moved, we will ensure the new school is aware of the ongoing support they may need. The DSL will support this move.

Where a criminal investigation into a rape or assault by penetration leads to a conviction or caution, we may take suitable action, if we have not already done so in line with the Behaviour policy. In all

but the most exceptional of circumstances, the rape or assault is likely to constitute a serious breach of discipline and lead to the view that allowing the child alleged to have caused harm to remain in the same school or college would seriously harm the education or welfare of the victim (and potentially other pupils or students).

Where a criminal investigation into sexual assault leads to a conviction or caution, we may, if we have not already done so, consider any suitable sanctions using our behaviour policy, including consideration of permanent exclusion.

Where the child alleged to have caused harm is going to remain at the school or college, the principle would be to continue keeping the victim and child alleged to have caused harm in separate classes and use safety mapping to consider the most appropriate way to manage potential contact on school and college premises and transport. The nature of the conviction or caution and wishes of the victim will be especially important in determining how to proceed in such cases.

Reports of sexual assault and sexual harassment will, in some cases, not lead to a report to the police (for a variety of reasons). In some cases, rape, assault by penetration, sexual assault or sexual harassment are reported to the police and the case is not progressed or are reported to the police and ultimately result in a not guilty verdict. None of this means the offence did not happen or that the victim lied. The process will have affected both victim and child alleged to have caused harm. Appropriate support will be provided to both as required and consideration given to sharing classes and potential contact as required on a case-by-case basis.

All the above will be considered with the needs and wishes of the victim at the heart of the process (supported by parents and carers as required). Any arrangements should be kept under review.

For the young person who has displayed harmful behaviour

It is important to find out why the young person has behaved in such a way. It may be that the young person is experiencing their own difficulties and may even have been harmed themselves in a similar way. In such cases support such as one to one mentoring or counselling may also be necessary.

Particular support from identified services may be necessary through an early help referral and the young person may require additional support from family members (Appendix 4)

Once the support required to meet the individual needs of the young person is in place it is important that the young person receives a consequence for their behaviour in line with the school Behaviour policy. In the cases of sexually harmful behaviour it may be a requirement for the young person to engage in one to one work with a particular service or agency (if a crime has been committed this may be through the police or youth offending service). If there is any form of criminal investigation ongoing it may be that this young person does not want to be educated on site until the investigation has concluded. In which case, the young person will need to be provided with appropriate support and education elsewhere.

It may be that the behaviour that the young person has displayed may continue to pose a risk to others, in which case an individual risk assessment may be required. This should be completed via a multi- agency response (via a referral to MASH) to ensure that the needs of the young person and the risks towards others are measured by all of those agencies involved including the young person and their parents. This may mean additional supervision of the young person or protective strategies if the young person feels at risk of engaging in further inappropriate or harmful behaviour.

The school may also choose a consequence such as exclusion or internal exclusion/inclusion/seclusion for a period of time to allow the young person to reflect on their behaviour.

After care

It is important that following the incident the young people involved continue to feel supported and receive help even if they have stated that they are managing the incident. Sometimes the feelings of remorse, regret or unhappiness may occur at a much later stage than the incident. It is important to ensure that the young people do not engage in any further harmful behaviour either towards someone else or to themselves as a way of coping (e.g. self-harm). For this reason, regular reviews with the young people following the incident(s) are imperative.

Multi-agency working

The School actively engages with its local partners in relation to child-on-child abuse, and works closely with Herefordshire Council children's social care, and/or other relevant agencies, and other schools.

The relationships the School has built with these partners are essential to ensuring that the School is able to prevent, identify early and appropriately handle cases of child-on-child abuse. They help the School

(a) To develop a good awareness and understanding of the different referral pathways that operate in its local area, as well as the preventative and support services which exist;

(b) To ensure that our [pupils/students] can access the range of services and support they need quickly;

(c) To support and help inform our local community's response to child-on-child abuse;

(d) To increase our awareness and understanding of any concerning trends and emerging risks in our local area to enable us to take preventative action to minimise the risk of these being experienced by our [pupils/students].

The School actively refers concerns/allegations of child-on-child abuse where necessary to Herefordshire Council children's social care, and/or other relevant agencies.

Children resident out of county but attending a Herefordshire school/academy will be reported to their home authority Social Care team.

In cases involving children who are subject to risk, harm and abuse and who have LAC status, the children’s social worker must be informed and a coordinated approach to address any incidents or concerns will be required.

Appendix 1

Useful definitions

Sexual Harassment

This can be defined as 'unwanted conduct of a sexual nature' that can occur online and offline. In the context of this guidance this means in the context of child on child sexual harassment. Sexual harassment is likely to: violate a child's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment.

It can include

• Sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;

• Sexual "jokes" or taunting.

Sexting

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

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

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

Upskirting

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

Rape

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

Assault by Penetration

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

Sexual Assault

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

Consent

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

It is important to know that: -
• A child under the age of 13 can never consent to any sexual activity; • The age of consent is 16;
• Sexual intercourse without consent is rape.

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

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

Harmful Sexual Behaviour (HSB)

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

Useful guidance can be found in: -

NSPCC's and Research in Practice's Harmful Sexual Behaviour Framework:

www.nspcc.org.uk/globalassets/documents/publications/harmful-sexual-behaviour- framework.pdf

The Brook Sexual Behaviours Traffic Light Tool can also be very helpful in identifying sexual behaviours by children (Appendix 2)

www.brook.org.uk/our-work/the-sexual-behaviours-traffic-light-tool

Initiation/hazing

Hazing or initiation ceremonies refers to the practice of rituals, challenges, and other activities involving harassment, abuse or humiliation used as a way of initiating a person into a group. Hazing is seen in many different types of social groups, including gangs, sports teams and school groups. The initiation rituals can range from relatively low level pranks, to protracted patterns of behaviour

that rise to the level of abuse or criminal misconduct. Hazing may include physical or psychological abuse. It may also include nudity or sexual assault.

Contextual Safeguarding

All staff, but especially the designated safeguarding lead (or deputy) should be considering the context within which incidents and/or behaviours occur. This is known as contextual safeguarding, which simply means assessments of children should consider whether wider environmental factors are present in a child's life that are a threat to their safety and/or welfare.

Legislation, guidance and Law

Additional areas for consideration can be found in Sexual Violence and Sexual Harassment between Children in Schools and Colleges guidance 2021)

Sexual violence and sexual harassment between children in schools and colleges (publishing.service.gov.uk)

Keeping Children Safe in Education 2021

Keeping children safe in education 2021 (publishing.service.gov.uk)

Human Rights Act 1998

It is essential to note that this guidance adheres to and encourages all persons to ensure that they are adhering to the Human Rights Act 1998, specifically the right to an education, the right to a Fair trial and protection from discrimination.

https://www.equalityhumanrights.com/en/human-rights/human-rights-act

Equalities Act 2010

This guidance is designed to ensure that the Equalities Act is adhered to at all times. The Equalities Act 2010 provides a basic framework for protection against direct and indirect discrimination, harassment and victimisation in education as well as other sectors.

https://www.gov.uk/guidance/equality-act-2010-guidance

West Midlands Procedures for Child-on-child abuse

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