

## Information on Child- on- Child Sexual Harassment and Sexual Violence

As stated in Part 5 of the statutory guidance in KCSIE – all staff in schools/colleges must know how to respond to and report all concerns of child-on-child sexual violence and sexual harassment. This includes those that have happened outside of the school premises and/or online.

### What is it?

Sexual violence and sexual harassment can occur between two or more children of any age and sex, from primary through to secondary stage and into college. It can occur also through a group of children sexually assaulting or sexually harassing a single child or group of children. Sexual violence and sexual harassment exist on a continuum and may overlap; they can occur online and face-to-face (both physically and verbally) and are never acceptable.

### What do we need to do? It is important that we all -

- Always make clear that there is a zero-tolerance approach to sexual violence and sexual harassment, that it is never acceptable, and it will not be tolerated.

It should never be passed off as “banter”, “just having a laugh”, “a part of growing up” or “boys being boys”. Failure to do so can lead to a culture of unacceptable behaviour, an unsafe environment and in worst case scenarios a culture that normalises abuse, leading to children accepting it as normal and not coming forward to report it.

- recognise, acknowledge and understand the scale of harassment and abuse and that even if there are no reports it does not mean it is not happening, it may be the case that it is just not being reported.
- challenge physical behaviour (potentially criminal in nature) such as grabbing bottoms, breasts and genitalia, pulling down trousers, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them.

### What is sexual violence? This refers to sexual offences under the Sexual Offences Act 2003

1. Rape – penetration without consent
2. Assault by penetration without consent
3. Sexual Assault- Touching someone in a sexual way without consent – this covers a wide range of behaviour. A kiss or someone touching a bottom without consent can still constitute sexual assault.
4. Causing someone to engage in sexual activity without consent: - Intentionally causing another person to engage in a sexual activity without consent. For example,

forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party.

### **What is consent?**

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

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

### **What is Sexual Harassment?      ‘unwanted conduct of a sexual nature’.**

- It can occur online and offline and both inside and outside of school.
- Sexual harassment is likely to: violate a child’s dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment.
- sexual harassment can include:
  - sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names
  - sexual “jokes” or taunting
  - physical behaviour, such as: deliberately brushing against someone, interfering with someone’s clothes.
  - displaying pictures, photos or drawings of a sexual nature
  - upskirting (this is a criminal offence)
  - online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence.

### **We must all maintain an attitude of ‘it could happen here’ and recognise, respond, record, report**

It is also very important to consider the victims in all cases and offer them support and understanding.

## More Information on Child- on- Child Sexual Harassment and Sexual Violence and APA's response

### **Preventing abuse**

Effective safeguarding practice is demonstrated when schools and colleges are clear, in advance, about what local processes are in place and what support can be accessed when sexual violence or sexual harassment has occurred.

If and when required, the designated safeguarding lead (or a deputy) will discuss the local response to sexual violence and sexual harassment with police and Wandsworth's children's social care colleagues.

The designated safeguarding lead (and the deputies) are confident as to what local specialist support is available to support all children involved (including victims and alleged perpetrators) in sexual violence and sexual harassment and are confident as to how to access this support when required.

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

Systems are in place at APA for children to confidently report abuse, knowing their concerns will be treated seriously. 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. Concerns will be investigated and dealt with by a calm, considered and appropriate response to any reports. Working Together to Safeguard Children provides effective safeguarding practice and principles for schools and colleges to consider in their decision-making process.

Decisions will be made on a case-by-case basis, with the designated safeguarding lead (or a deputy) taking a leading role and using their professional judgement, supported by other agencies, such as Wandsworth's children's social care.

### **The immediate response to a report**

It is important to understand that children may not find it easy to tell staff about their abuse verbally. Children can show signs or act in ways that they hope adults will notice and react to. In some cases, the victim may not make a direct report. For example, a friend may make a report, or a member of school or college staff may overhear a conversation that suggests a child has been harmed or a child's own behaviour might indicate that something is wrong. As per Part one of KCSIE guidance, if staff have any concerns about a child's welfare, they should act on them immediately rather than wait to be told.

The initial response by a school or college to a report from a child is incredibly important. How the school or college responds to a report can encourage or

undermine the confidence of future victims of sexual violence and sexual harassment to report or come forward.

It is essential that all victims are reassured that they are being taken seriously, regardless of how long it has taken them to come forward, and that they will be supported and kept safe. Abuse that occurs online or outside of the school or college should not be downplayed and should be treated equally seriously. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report. It is important to explain that the law is in place to protect children and young people rather than criminalise them, and this should be explained in such a way that avoids alarming or distressing them.

As per Part one of KCSIE guidance, all staff are trained to manage a report. Effective safeguarding practice includes:

- if possible, managing reports with two members of staff present, (preferably one of them being the designated safeguarding lead or a deputy)
- careful management and handling of reports that include an online element. Including being aware of searching screening and confiscation advice (for schools) and UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people. **The key consideration is for staff not to view or forward illegal images of a child.**
- 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 a deputy) or local authority children's social care) to discuss next steps. Staff should only share the report with those people who are necessary in order to progress it. It is important that the victim understands what the next steps will be and who the report will be passed to
- recognising that a child is likely to disclose 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
- recognising that an initial disclosure to a trusted adult may only be the first incident reported, rather than representative of a singular incident and that trauma can impact memory and so children may not be able to recall all details or timeline of abuse
- keeping in mind that certain children may face additional barriers to telling someone because of their vulnerability, disability, sex, ethnicity, and/or sexual orientation
- listening carefully to the child, reflecting back, using the child's language, being non-judgemental, 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. It is important to note that

whilst leading questions should be avoided, staff can ask children if they have been harmed and what the nature of that harm was

- considering the best way to make a record of the report. Best practice is to wait what to do when viewing an image is unavoidable. In some cases, it may be more appropriate to confiscate any devices to preserve any evidence and hand them to the police for inspection 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 and colleges should be aware that notes of such reports could become part of a statutory assessment by local authority children's social care and/or part of a criminal investigation, and
- informing the designated safeguarding lead (or a deputy), as soon as practically possible, if the designated safeguarding lead (or a deputy) is not involved in the initial report.

### **Considering Confidentiality**

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

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

The victim may ask the school or college not to tell anyone about the sexual violence or sexual harassment. There are no easy or definitive answers when a victim makes this request. If the victim does not give consent to share information, staff may still lawfully share it, if there is another legal basis under the UK GDPR that applies. For example, the public task basis may apply, where the overall purposes is to perform a public interest task or exercise official authority, and the task or authority has a clear basis in law. Advice should be sought from the designated safeguarding lead (or a deputy), who should consider the following:

- parents or carers should normally be informed (unless this would put the victim at greater risk)
- the basic safeguarding principle is: if a child is at risk of harm, is in immediate danger, or has been harmed, a referral should be made to local authority children's social care, and
- rape, assault by penetration and sexual assaults are crimes. Where a report of rape, assault by penetration or sexual assault is made, this should be referred to the police.

Whilst the age of criminal responsibility is ten, if the alleged perpetrator is under ten, the starting principle of referring to the police remains. The police will take a welfare, rather than a criminal justice approach, in these cases.

Ultimately, the designated safeguarding lead (or a deputy) will have to balance the victim's wishes against their duty to protect the victim and other children.

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

Additional information on confidentiality and information sharing is available at Safeguarding Practitioners Information Sharing Advice and NSPCC: Information sharing and confidentiality for practitioners.

### **Sexual Harassment and Abuse – the Academy's response**

Following the Ofsted [review of sexual abuse in schools and colleges](#) in the wake of the Everyone's Invited website and the murder of Sarah Everard in 2021, the school has taken the following action:

- Provided safeguarding training for all staff on these issues and the implications for schools
- Ensured that these issues are covered as part of education ie through the Personal Development/PSHE and Relationships, Sex and Health Education content
- Flagging up the issues and why this needs change through assemblies and other work; this will include what this means for both the Academy and society in terms of what is, and is not, acceptable
- Ensuring staff know to challenge any breach of expectations

Responding to any breach appropriately.

### **What will the Academy do if a matter is reported?**

This depends very much on what the incident is. The response to a sexual insult will be different to an incident of reported sexual assault. Some matters are so serious that police and social services must be involved. Others may be approached through explanation and education and a warning of what will happen if any repeat. Parents/carers will be contacted for all students concerned and the victim offered support.

### **Will every incident face a serious sanction or suspension?**

No. Some will. Those that are most serious or where there are ongoing issues despite advice, guidance and warning will lead to serious sanctions including suspensions/exclusions

### **How will the Academy judge when an individual discussion and warning is enough?**

The Academy will take into account the following:

- The nature of the incident and the level of concern that it implies – serious incidents such as assaults would never fall into this category
- The impact on the individual or group as a result of the harassment ie their views on the incident
- Whether this is the first reported incident for the perpetrator and whether there is reason to believe that a discussion and warning should mean there is no repeat
- Whether the individual has had earlier input and explanation through the curriculum or other source

### **Why would we take this approach for some incidents?**

Children make mistakes or don't always realise the implications of their behaviour. Talking this through and explaining on this individual basis and the context of the incident is important if we want children to learn. Where this achieves the desired outcome ie an understanding and reassurance that the lesson has been learnt, then a sanction would only be given when judged necessary to reinforce the seriousness of the incident, taking into account the factors above.

We also know that children reporting lower level matters or one-off incidents want the matter to stop, and those involved to be corrected, but often don't favour what they see as excessive school reaction. We need to take this into account to encourage children to report matters so that we can resolve them.

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### **Is it a problem in the school?**

We have to assume that this is so widespread across the country that we must have children with similar experiences and concerns within the Academy. This means continuing to drive a positive and open safeguarding culture so that children know they can report these concerns and get the support they need.

### **What parents/carers can do?**

We ask parents/carers to be aware of these issues and encourage your children to talk to you about any worries. We would also encourage them to report to us these concerns too.

Children can talk to any trusted member of staff. There are the tutors and year team, as well as our safeguarding team that may be a first port of all but all staff will report on and take seriously any safeguarding concerns and that includes sexual harassment or abuse.

### **Helpful links:**

If you are concerned that your child may have/be experiencing harmful sexual behaviour, or has acted in a way towards another young person that could be sexually harmful, you may find the following links helpful:

<https://www.nspcc.org.uk/keeping-children-safe/sex-relationships/sexual-behaviour-children/>

<https://www.stopitnow.org.uk/concerned-about-a-child-or-young-persons-sexual-behaviour/preventing-harmful-sexual-behaviour/>

**Child Exploitation and Online Protection command: CEOP** is a law enforcement agency which aims to keep children and young people safe from sexual exploitation and abuse. Online sexual abuse can be reported on their website and a report made to one of its Child Protection Advisors



**The NSPCC** provides a helpline for professionals at **0808 800 5000 and help@nspcc.org.uk**. The helpline provides expert advice and support for school and college staff and will be especially useful for the designated safeguarding lead (and their deputies)

Support from specialist sexual violence sector organisations such as **Rape Crisis** or **The Survivors Trust**

**The Anti-Bullying Alliance** has developed guidance for schools about Sexual and sexist bullying. Online: Schools and colleges should recognise that sexual violence and sexual harassment occurring online (either in isolation or in connection with face-to-face incidents) can introduce a number of complex factors. Amongst other things, this can include widespread abuse or harm across a number of social media platforms that leads to repeat victimisation.

Online concerns can be especially complicated and support is available from:

**The UK Safer Internet Centre** provides an online safety helpline for professionals at **0344 381 4772** and [helpline@saferinternet.org.uk](mailto:helpline@saferinternet.org.uk). The helpline provides expert advice and support for school and college staff with regard to online safety issues

**Internet Watch Foundation:** If the incident/report involves sexual images or videos that have been made and circulated online, the victim can be supported to get the images removed by the Internet Watch Foundation (IWF)

**Childline/IWF Report Remove** is a free tool that allows children to report nude or sexual images and/or videos of themselves that they think might have been shared online

**UKCIS Sharing nudes and semi-nudes advice:** Advice for education settings working with children and young people on responding to reports of children sharing non-consensual nude and semi-nude images and/or videos (also known as sexting and youth produced sexual imagery)

**Thinkuknow from NCA-CEOP** provides support for the children's workforce, parents and carers on staying safe online

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