

Child on Child Abuse Policy

## Document Control:

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## Statement of intent

Apex Collaborative Trust is committed to safeguarding and promoting the welfare of every pupil, both inside and outside of the school premises, and is aware that abuse against children can be inflicted by other children. We implement a whole-school preventative approach to managing child-on-child abuse, ensuring that the wellbeing of pupils is at the forefront of all action taken.

This policy sets out a clear and consistent framework for delivering this promise, in line with safeguarding legislation and statutory guidance.

It will be achieved by:

- Creating a culture of mutual respect amongst all pupils.
- Teaching pupils about behaviour that is acceptable and unacceptable.
- Identifying and making provision for any pupil that has been subject to abuse.
- Ensuring that members of the governing board, the headteacher and staff members understand their responsibilities under safeguarding legislation and statutory guidance, are alert to the signs of child-on-child abuse and know to refer concerns to the DSL.
- Ensuring that safeguarding policies and procedures are transparent, clear and easy to understand for staff, pupils and parents.

The DSL is Zoe Sims. In the absence of the DSL, child protection matters will be dealt with by Amanda Coward or Cathy Bridges.

## 1. Legal framework

This policy has due regard to the same legislation and statutory guidance as the Child protection and Safeguarding Policy Definitions.

## 2. Definitions

“**Child-on-child abuse**” is defined, for the purposes of this policy, as any form of abuse inflicted by one child or a group of children, i.e. individuals under the age of 18, against another child or group of children. This policy covers child-on-child abuse both inside and outside of school and both in person and online.

“**Harmful sexual behaviour**” is defined as any sexual behaviour which:

- Does not observe and respect any individuals on the receiving end of the behaviour, e.g. touching someone without their consent.
- Is inappropriate for the age or stage of development of the pupil.
- Is problematic, abusive or violent.
- May cause developmental damage.

**Please note:** Harmful sexual behaviour can occur online and/or face-to-face and can also occur simultaneously between the two.

This policy will use the following terms to describe pupils involved in child-on-child abuse:

- **Victim(s)** – the individual(s) against whom the abuse has, or has allegedly, been inflicted.
- **Child that harms** – the individual(s) exhibiting abusive behaviour against their peers.
- **Child suspected of harming** – individual(s) against whom a report of abusive behaviour has been made, where guilt has not yet been ascertained.

**Please note:** The use of the word ‘suspected’ does not mean that the pupil in question is not guilty of child-on-child abuse, that the school does not believe the allegation, or that the allegation will not be taken seriously. Staff will remember that the school has a legal duty of care to all children that harm and children suspected of harming who are pupils at the school, including a requirement to ensure they can access their education. Staff will also keep in mind that, in some cases, the abusive behaviour will have been harmful to the child that harms as well. Victims will be reassured that use of the term ‘child suspected of harming’ is not an attempt to discredit their allegation.

Staff will also be conscious of the fact that not everyone who has been subjected to abuse considers themselves a victim or would want to be described this way. Staff will be prepared to use any term which the individual child is most comfortable. Staff will think very carefully about terminology when speaking in front of pupils, and the use of appropriate terminology will be determined on a case-by-case basis.

## 3. Roles and responsibilities

**Trustees** have a duty to:

Fulfil all duties as set out in the Safeguarding and Child Protection Policy, and:

- Ensure that procedures are in place to eliminate unlawful discrimination, harassment and victimisation in relation to child-on-child abuse.
- Make sure that pupils' wishes and feelings are taken into account when determining what action to take and what services to provide to protect individual pupils.
- Guarantee that there are systems in place for pupils to express their views and give feedback.

**The headteacher** has a duty to:

Fulfil all duties as set out in the Safeguarding and Child Protection Policy, and:

- Ensure this policy and associated procedures is disseminated, understood and followed by all staff members.

**The DSL** has a duty to:

Fulfil all duties as set out in the Safeguarding and Child Protection Policy, and:

- Act as a source of support for pupils who have been abused by, or who have abused, other pupils.
- Lead the school in taking a preventative approach to child-on-child abuse.

**All staff members** have a responsibility to:

Fulfil all duties as set out in the Safeguarding and Child Protection Policy, and:

- Act in accordance with school procedures with the aim of eliminating unlawful discrimination, harassment and victimisation in relation to child-on-child abuse.
- Understand and adhere to the procedure to follow in the event that a child confides they are being abused by a peer.
- Understand the importance of challenging inappropriate behaviours between children that are abusive in nature.

## 4. Types of child-on-child abuse

Staff will familiarise themselves with the forms that child-on-child abuse can take, including but not limited to:

### Physical abuse

A form of abuse which may involve actions such as hitting, throwing, burning, drowning and poisoning, or otherwise causing physical harm to another child.

### Sexual abuse

A form of abuse involving sexual activity between children – sexual abuse, for the purposes of this policy, is divided into two categories: sexual violence and sexual harassment.

“**Sexual violence**” encompasses the definitions provided in the Sexual Offences Act 2003, including rape, assault by penetration, sexual assault, i.e. non-consensual sexual touching, and causing another child to engage in sexual activity without consent, e.g. forcing someone to touch themselves sexually.

“**Sexual harassment**” refers to any sexual behaviour that could violate another child's dignity, make them feel intimidated, degraded or humiliated, and/or create a hostile, offensive or sexualised environment, including:

- Sexualised jokes, taunting or comments.
- Physical behaviour, e.g. deliberately brushing against someone.
- Online sexual harassment, including:
  - Upskirting.
  - Sexualised online bullying.
  - Unwanted sexual comments and messages, including on social media.
  - Sexual threats or coercion e.g. threats to share intimate photographs.

The “**sharing of sexualised imagery**” can also constitute sexual harassment – this refers to the consensual and non-consensual sharing between pupils of sexually explicit content, including that which depicts:

- Another child posing nude or semi-nude.
- Another child touching themselves in a sexual way.
- Any sexual activity involving another child.
- Someone hurting another child sexually.

Staff will be aware that children creating, possessing, and distributing indecent imagery of other children is a criminal offence, even where the imagery is created, possessed, and distributed with the permission of the child depicted, or by the child themselves. Incidents of sharing sexualised imagery will be handled in line with the Child Protection and Safeguarding Policy.

## **Bullying**

Many kinds of behaviour can be considered bullying, and bullying can be related to almost anything.

Bullying is acted out through the following mediums:

- Verbally
- Physically
- Emotionally
- Online (cyberbullying)

Bullying will generally be handled in line with the Anti-bullying Policy; however, particularly severe instances will be handled in line with this policy and the Child Protection and Safeguarding Policy.

## **Online abuse**

This involves the use of technology and the internet in order to harass, threaten or intimidate another child. Instances of online abuse will be managed in line with this policy, the Online Safety Policy and the Anti-bullying Policy.

## **Discriminatory behaviour**

Discriminatory behaviour encompasses abuse inflicted on a pupil because of their protected characteristics, e.g. religion, ethnicity, gender, sexual orientation, culture, or any SEND. Discriminatory behaviour is never acceptable, and all cases will be handled in line with this policy and the Child Protection and Safeguarding Policy.

In accordance with the Equality Act 2010, schools will not tolerate unlawful discrimination against pupils because of any protected characteristics they may have.

### **Intimate partner abuse**

This involves a romantic partnership between children in which one or both partners are emotionally, physically or sexually abusive to the other (sometimes known as 'teenage relationship abuse'). This could include:

- Repetitive insults.
- Rape and/or Sexual assault
- Coercive and controlling behaviour, e.g. preventing a child from socialising with others or deliberately isolating them from sources of support.
- Sexual harassment (including sharing of sexualised images above).
- Stalking and Harassment (including online).
- Threats of physical or sexual abuse.

The school will manage intimate partner abuse in the same way as a case of abuse between any other children, i.e. via the processes outlined in the [Handling allegations of abuse against pupils](#) section of this policy, and in line with the Child Protection and Safeguarding Policy.

## **5. A whole-school approach to tackling child-on-child abuse**

The school will continue to involve all members of the school community, including the trustees, governors, staff, pupils, parents and other stakeholders, in creating a whole-school approach to child-on-child abuse.

Trustees and governors will ensure that keeping children safe and protected from harm, including child-on-child abuse, is central to all policies and procedures implemented across the school. The school will ensure that procedures for handling child-on-child abuse are transparent, clear and understandable, and are readily accessible to any member of the school community who wishes to access them.

The school will implement a contextual approach to safeguarding pupils against child-on-child abuse, and will ensure that all procedures take into account incidents of child-on-child abuse that occur outside of school or online.

The headteacher will ensure that all staff receive adequate training on handling child-on-child abuse.

### **School culture**

The school will prioritise cultivating a safe and respectful environment amongst pupils, and ensure that all pupils are aware that the school will adopt a **zero-tolerance stance** on child-on-child abuse of any kind.

The school will promote respectful interactions amongst pupils, and all staff will model appropriate and respectful behaviour. Staff will take care to avoid normalising harmful behaviour, particularly harmful sexual behaviour, e.g. by refraining from the use of phrases such as 'boys will be boys' or describing such behaviour as 'just having a laugh' or 'part of

growing up', as these phrases can lead to a culture of unacceptable behaviours and normalised abuse.

The school will ensure that wider societal factors that exacerbate the problem of child-on-child abuse are reflected in its approach to creating a preventative culture. This means that individuals who are more likely to be abused, e.g. girls or LGBTQ+ pupils, or who are at increased risk of acting as a child that harms in abusive situations, e.g. due to abusive home situations or anger management issues, are given additional support from an early stage. The school will have a clear set of values and standards that will be upheld and demonstrated throughout all aspects of school life and will be underpinned by the school's policies, procedures and curriculum.

The school will manage all early help and intervention for pupils that show early signs of harmful behaviour, or early signs of being the victim of harmful behaviour, in line with the Child Protection and Safeguarding Policy.

### **Early help**

Upon receiving notice of a concern or incident, the DSL or deputy DSL will advise whether the children involved in a child-on-child abuse incident require referral or would benefit from early help. This will be decided on a case-by-case basis after thorough examination of the information available, with the aim of reducing the probability of a problem getting worse.

The rationale for the decision to introduce early help as opposed to a referral will be recorded on CPOMs.

The school will ensure that DSLs and deputy DSLs are suitably trained on the early help process and can access further support.

The school will manage all early help and intervention for pupils that show early signs of harmful behaviour, or early signs of being the victim of harmful behaviour, in line with the Child Protection and Safeguarding Policy.

### **Curriculum**

The school maintains the position that education surrounding respectful and healthy attitudes and behaviour towards others is the best way to combat child-on-child abuse in the school. All staff, not just teaching staff, will be responsible for passing this knowledge on to pupils.

In order to prevent child-on-child abuse and address the wider societal factors that can influence behaviour, the school will educate pupils about abuse, its forms and the importance of discussing any concerns and respecting others through the curriculum and extra-curricular activities.

The school will also ensure that pupils are taught about safeguarding, including online safety, as part of a broad and balanced curriculum. The school will also teach a planned programme of evidence-based RSHE, delivered in regularly timetabled lessons and reinforced throughout the whole curriculum. Such content will be fully inclusive, age and stage of development appropriate (especially when considering the needs of pupils with SEND), and tackle issues such as the following:

- Healthy and respectful relationships

- Boundaries and consent
- Stereotyping, prejudice and equality
- How to recognise an abusive relationship, including coercive and controlling behaviour
- LGBTQ+ identities and relationships
- Body confidence and self-esteem
- The concepts of, the laws relating to, and how to access support for the following:
  - Sexual consent
  - Sexual exploitation
  - Abuse
  - Grooming
  - Coercion
  - Harassment
  - Rape
  - Domestic abuse
  - So called honour-based violence, e.g. forced marriage or FGM
- What constitutes as sexual violence and sexual harassment and why these are always unacceptable

Pupils will be allowed an open forum to talk about concerns and sexual behaviour. They will be taught how to raise concerns and make a report, including concerns about their friends or peers, and how a report will be handled.

The curriculum will ensure that pupils of all ages are taught about and understand the concept of consent and its importance in an age-appropriate way.

## **6. Protecting pupils with increased vulnerability to child-on-child abuse**

The school is aware that, while child-on-child abuse can be perpetrated by, and against, anyone, there are certain groups of pupils who are at an increased risk of being on the receiving end of child-on-child abuse.

Staff will be careful to acknowledge the increased risk certain pupils face while refraining from making assumptions about the nature of any reported, witnessed or suspected abuse. Staff will be aware that pupils who are generally at increased risk of abuse can also be child that harms.

The school will ensure that action is taken, where possible, before major concerns arise; therefore, incidents of low-level abuse related to the characteristics of the below groups will be handled in line with early help procedures, which are laid out within the Child Protection and Safeguarding Policy and the Reporting Low-level Safeguarding Concerns Policy.

### **Girls**

Staff will be aware that girls are more likely to be on the receiving end of child-on-child sexual abuse than their male counterparts, and that sexual violence and harassment against girls is very common and accounts for the majority of cases.

Taking into account that sexual harassment against girls is widespread in society, and largely based in gender inequality, the school will aim to encourage gender equality in all aspects of its operations. The school will aim to promote and nurture healthy attitudes and relationships amongst pupils of all genders, e.g. by challenging and working to deconstruct gender stereotypes in school.

Staff will challenge any incidents of misogynistic language or gender-based abuse, whether of a sexualised nature or not, as holding misogynistic viewpoints can make a pupil more likely to commit sexualised violence or physical violence in the future.

The school will ensure that it is able to provide a safe space for girls to speak out and/or share their concerns. School will provide the choice to speak to a trusted adult and/or a female member of staff.

### **LGBTQ+ pupils**

Staff will be aware that pupils who are LGBTQ+, or are perceived to be LGBTQ+ whether they are or not, are more likely to be targeted by their peers, e.g. for discriminatory bullying.

The school will hold a zero-tolerance policy towards pupils using homophobic, biphobic or transphobic language, regardless of whether or not the language is being directed at another individual. Every staff member will be individually responsible for challenging such behaviour and making clear to all pupils that any abuse towards pupils who are LGBTQ+, or who are perceived to be, is unacceptable.

The school will ensure that it is able to provide a safe space for LGBTQ+ pupils to speak out and/or share their concerns with members of staff.

### **Pupils with SEND**

Staff will be aware that pupils with SEND are at increased risk of child-on-child abuse, as they are three times more likely to be abused than their peers. The school will ensure that there are mechanisms in place to support pupils with SEND in reporting abuse, with due regard that these pupils may face additional barriers to reporting abuse and that spotting signs of abuse in these pupils may be harder.

Staff will avoid assuming that changes in the behaviour of pupils with SEND are as a result of their needs or disability, and will report any concerns to the DSL. The DSL and the SENCO will collaborate in the handling of instances of abuse towards pupils with SEND to ensure that barriers to communication can be effectively managed.

### **Black, Asian and minority ethnic (BAME) pupils**

Staff will be aware that minority ethnic pupils, particularly black pupils, may be less likely to report abuse committed against them, and may be more likely to be misidentified as a child that harms.

The school will hold a zero-tolerance policy towards pupils using racist language, regardless of whether the language is being directed at another individual. Every staff member will be individually responsible for challenging such behaviour and making clear to all pupils that any abuse towards pupils from BAME backgrounds is unacceptable.

Staff will also be aware that BAME girls, BAME pupils with SEND, or BAME LGBTQ+, or perceived LGBTQ+ pupils, are likely to face increased abuse due to the intersection of these identities. Staff will be vigilant with regard to these pupils and the ways in which other pupils behave towards them, in order to ensure any incidents or potential incidents can be handled as soon as they occur.

## **7. Channels for pupils to report abuse**

Pupils will be able to report incidents of child-on-child abuse or concerns about the behaviour of their peers through the following channels:

- Through Report It button on the school website
- By emailing [safeguarding@parkhigh.apex-trust.org](mailto:safeguarding@parkhigh.apex-trust.org)
- Through a Trusted Adult
- Through Wellbeing Lead – Danielle Wood
- Through Director of House, Pastoral Support Worker or Form Tutor
- Disclosing to the DSL- Zoe Sims, in person during set walk-in hours.
- See also appendix 1 for local agency contacts and other referral pathways

All channels for reporting abuse will be promoted and publicised throughout the school, and all pupils will be made aware of how, and to whom, to report incidents of abuse. The school will also ensure pupils are aware of the type of behaviour that should be reported, ranging from criminal behaviour, e.g. rape or sexual assault, to everyday harassment, e.g. sexualised jokes or inappropriate comments, to ensure that victims do not view their experience as 'not serious enough' to report.

The school will maintain a culture that promotes reporting abuse, whether the individual reporting is the victim, a bystander, or a friend or relative of the victim. Staff will address any incidents of pupils equating reporting abuse to 'snitching' or being a 'tattle-tale', and will convey to these pupils how important it is to report abuse to help tackle the wider problem of child-on-child abuse in schools.

## **8. Staff identifying and reporting concerns**

Staff will receive safeguarding training as part of their induction, and annual refresher training. This training will include guidance on how to recognise indicators of child-on-child abuse of all kinds, and how to distinguish between behaviour, particularly sexual behaviour, that is developmentally appropriate and that which is harmful.

When identifying pupils at risk of potential harm or who have been harmed by their peers, staff members will look out for a number of indicators including, but not limited to, the following:

- Injuries in unusual places, such as bite marks on the neck, that are also inconsistent with their age
- Lack of concentration and acting withdrawn
- Knowledge ahead of their age, e.g. sexual knowledge
- Use of explicit language
- Fear of abandonment

- Depression, low self-esteem or self-harm
- Changes to their social group, e.g. spending time with older pupils, or social isolation
- Alcohol or substance misuse

Where a pupil is displaying signs of being impacted by child-on-child abuse, or perpetrating child-on-child abuse, staff will report this to the DSL as soon as is reasonably practical.

Staff will challenge all instances of abusive or harmful behaviour displayed by pupils that they witness or are reported to them. Staff will not wait for concerns or situations between pupils to escalate before intervening; minor or singular instances of abusive behaviour will still be brought to the attention of the DSL and the pupil will always be spoken to about their behaviour and disciplined, where appropriate, in line with the Behaviour Policy.

Staff will enforce the school's policy that no known and substantiated incident of abusive or harmful behaviour between pupils will occur without consequences for the child that harms(s), although these consequences will be decided on a case-by-case basis and will take into account the views of any victims involved, the context of the behaviour and the severity of the incident.

Staff will be aware that just because a victim of abusive behaviour does not report the behaviour or react to the behaviour negatively, this does not mean that the behaviour is not still harmful; staff will be made aware that some pupils will be uncomfortable challenging their peers on inappropriate behaviour, or may not be aware themselves that the behaviour is abusive.

Staff will ensure that both the child that harms, or child suspected of harming and the victim(s) understand that such behaviour inflicted by or against them was unacceptable; staff will be made aware that failing to challenge a pupil on unacceptable behaviour can normalise that behaviour not just for the pupil in question, but for all pupils who see the behaviour going unchallenged.

Staff will remain cognisant that downplaying abusive behaviour can lead to a culture of unacceptable behaviour throughout the school and, as such, will treat all displays or reports of abusive behaviour with the utmost severity and sensitivity in order to reinforce to all pupils that such behaviour will not be tolerated, and to prevent further instances of this behaviour in the future.

## **9. Handling allegations of abuse against pupils**

Staff will always, when handling an incident of alleged abuse, take the report of the victim seriously, reassure them, support them and work to keep them safe. Victims will never be made to feel like they are causing a problem by reporting **any** form of abuse, be made to feel ashamed, or have their experience minimised by staff at the school. Staff will be aware of the importance of not downplaying any reports of abuse; however, will ensure that they remain sympathetic, and observant of the duty of care, to both the child suspected of harming and victim(s).

If a friend of a victim makes a report or a member of staff overhears a conversation, staff will take action – they will never assume that someone else will deal with it, or wait for a disclosure.

The basic principles remain the same as when a victim reports an incident; however, staff will consider why the victim has not chosen to make a report themselves, and the discussion will be handled sensitively and with the help of children's social care where necessary. If staff are in any doubt, they will speak to the DSL. All staff will be aware that pupils may not feel ready or know how to tell someone that they are being abused, and/or they may not recognise their experiences as harmful. This will not prevent staff from having a professional curiosity and speaking to the DSL if they have any concerns.

Where an alleged incident took place away from the school or online but involved pupils from the school, the school's duty to safeguard pupils remains the same and the incident will be treated equally as seriously and investigated in the same way as an incident that took place in school.

All staff will be trained to handle disclosures. Effective safeguarding practice includes:

- Never promising confidentiality
- Only sharing the report with those necessary for its progression.
- Explaining to the victim what the next steps will be and who the report will be passed to.
- Recognising that the person the pupil chose to disclose the information to is in a position of trust.
- Being clear about boundaries and how the report will be progressed.
- Not asking leading questions and only prompting the pupil with open questions.
- Waiting until the end of the disclosure to immediately write a thorough summary. If notes must be taken during the disclosure; staff will ensure they remain engaged and not appear distracted.
- Understanding that victims may not disclose the whole picture immediately and may be more comfortable providing information on a step-by-step basis.
- Ensuring that dialogue is kept open and encouraged.
- Only recording the facts as the pupil presents them – not the opinions of the note taker.
- Where the report includes an online element, being aware of searching, screening and confiscation advice.
- Wherever possible, managing disclosures with two staff members present (preferably with the DSL or a deputy).
- Informing the DSL or deputy as soon as possible after the disclosure if they could not be involved in the disclosure.

The DSL will be informed of any allegations of abuse against pupils with SEND. They will record the incident in writing and, working with the SENCO, decide what course of action is necessary, with the best interests of the pupil in mind at all times.

### **Confidentiality**

The school will only engage staff and agencies required to support the victim and/or be involved in any investigation. If a victim asks the school not to tell anyone about the disclosure, the school will not make this promise. The school will adhere to the principle that, even without the victim's consent, the information may still be lawfully shared if it is in the public interest and protects children from harm.

The DSL will consider the following when making confidentiality decisions:

- Parents will be informed unless it will place the victim at greater risk
- If a pupil is at risk of harm, is in immediate danger or has been harmed, a referral will be made to children's social care
- Rape, assault by penetration and sexual assault are crimes – reports containing any such crimes will be passed to the police

The DSL will weigh the victim's wishes against their duty to protect the victim and others. If a referral is made against the victim's wishes, it will be done so extremely carefully and the reasons for referral will be explained to the victim. Appropriate specialist support will always be offered.

### **Anonymity**

There are legal requirements for anonymity where a case is progressing through the criminal justice system. The school will do all it can to protect the anonymity of children involved in any report of sexual violence or sexual harassment. It will carefully consider, based on the nature of the report, which staff will be informed and what support will be in place for the children involved. When deciding on the steps to take, the school will consider the role of social media in potentially exposing victims' identities and facilitating the spread of rumours.

### **Risk assessment**

The DSL or a deputy will make an immediate risk and needs assessment any time there is a report of sexual violence. For reports of sexual harassment, a risk assessment will be considered on a case-by-case basis. Risk assessments are not intended to replace the detailed assessments of experts, and for incidents of sexual violence it is likely that a professional risk assessment by a social worker or sexual violence specialist will be required.

Risk assessments will consider:

- The victim.
- The child suspected of harming/ child that harms.
- Other pupils at the school, especially any actions that are appropriate to protect them.

Risk assessments will be recorded, either on paper or electronically, and kept under review in accordance with the school's Data Protection Policy.

### **Taking action following a disclosure**

The DSL or a deputy will decide the school's initial response, taking into consideration:

- The victim's wishes.
- The nature of the incident.
- The ages and developmental stages of the pupils involved.
- Any power imbalance between the pupils.
- Whether the incident is a one-off or part of a pattern.
- Any ongoing risks.

- Any related issues and the wider context, such as whether there are wider environmental factors in a pupil's life that threaten their safety and/or welfare.
- The best interests of the pupil.
- That sexual violence and sexual harassment are always unacceptable and will not be tolerated.

Immediate consideration will be given as to how to support the victim, the child suspected of harming and any other pupils involved.

For reports of rape and assault by penetration, the child suspected of harming will be removed from any classes shared with the victim whilst the school establishes the facts. The school will consider how to keep the victim and the child suspected of harming apart on school premises, and on transport where applicable. These actions will not be seen as a judgement of guilt on the child suspected of harming.

For reports of sexual violence and sexual harassment, the proximity of the victim and the child suspected of harming and the suitability of shared classes, premises and transport will be considered immediately. In all cases, the initial report will be carefully evaluated and the wishes of the victim, nature of the allegations and requirement to protect all children will be taken into consideration.

Where a pupil is found to have been involved in harmful sexual behaviour, e.g. non-consensually sharing indecent imagery of another pupil, the school will help the pupil to move forward from the incident by supporting them in adopting more positive behaviour patterns and attitudes.

### **Managing the report**

The decision of when to inform the child suspected of harming of a report will be made on a case-by-case basis. If a report is being referred to children's social care or the police, the school will speak to the relevant agency to discuss informing the child suspected of harming.

There are four likely outcomes when managing reports of sexual violence or sexual harassment:

- Managing internally
- Providing early help
- Referring to children's social care
- Reporting to the police

Whatever outcome is chosen, it will be underpinned by the principle that sexual violence and sexual harassment are never acceptable and will not be tolerated. All concerns, discussions, decisions and reasons behind decisions will be recorded either on paper or electronically.

The following situations are statutorily clear and do not allow for contrary decisions:

- The age of consent is 16.
- A child under the age of 13 can **never** consent to sexual activity.
- Sexual intercourse without consent is **always** rape.
- Rape, assault by penetration and sexual assault are defined in law.

- Creating and sharing sexual photos and videos of children under 18 **is illegal** – including children making and sending images and videos of themselves.

### **Managing internally**

In some cases, e.g. one-off incidents, the school may decide to handle the incident internally through behaviour and bullying policies and by providing pastoral support.

### **Providing early help**

The school may decide that statutory interventions are not required, but that pupils may benefit from early help – providing support as soon as a problem emerges. This approach can be particularly useful in addressing non-violent harmful sexual behaviour and may prevent the escalation of sexual violence.

All staff will be aware of their local early help process and understand their role in it.

### **Referral to children's social care**

If a pupil has been harmed, is at risk of harm or is in immediate danger, the school will make a referral to children's social care. Parents will be informed unless there is a compelling reason not to do so, e.g. if the referral will place the victim at risk. This decision will be made in consultation with children's social care.

The school will not wait for the outcome of an investigation before protecting the victim and other children.

The DSL will work closely with children's social care to ensure that the school's actions do not jeopardise any investigation. Any related risk assessment will be used to inform all decisions. If children's social care decides that a statutory investigation is not appropriate, the school will consider referring the incident again if they believe the pupil to be in immediate danger or at risk of harm. If the school agrees with the decision made by children's social care, they will consider the use of other support mechanisms such as early help, pastoral support and specialist support.

### **Reporting to the police**

Reports of rape, assault by penetration or sexual assault will be passed on to the police – even if the child suspected of harming is under 10 years of age. Generally, this will be in parallel with referral to children's social care. The DSL and deputies will follow the local process for referral.

Parents will be informed unless there is a compelling reason not to do so. Where parents are not informed, it is essential for the school to support the pupil with any decision they take, in unison with children's social care and any appropriate specialist agencies.

The DSL and governing board will agree what information will be disclosed to staff and others, in particular the child suspected of harming and their parents. They will also discuss the best way to protect the victim and their anonymity. The DSL will be aware of local arrangements and specialist units that investigate child abuse.

In some cases, it may become clear that the police will not take further action, for whatever reason. In these circumstances, the school will continue to engage with specialist support for the victim as required.

### **Bail conditions**

Pupils against whom further action is taken by the police may be released under bail conditions or 'released under investigation' (RUI) in circumstances that do not warrant the application of bail. Where this occurs and the child suspected of harming returns to school, the school's primary focus will be conducting an assessment of the risk the child suspected of harming poses to the victim or other pupils and staff at the school, both physically and in terms of trauma or emotional stress, and implementing any mitigating measures necessary to reduce the harm caused.

The school will work with children's social care and the police to support the victim, the child suspected of harming and other pupils, especially witnesses, during criminal investigations. The school will seek advice from the police to ensure they meet their safeguarding responsibilities.

The school will liaise with police investigators to develop a balanced set of arrangements whereby both the child suspected of harming and the victim can continue to receive a suitable education without compromising any ongoing investigations or the emotional state of the victim.

### **Managing delays in the criminal justice system**

The school will not wait for the outcome, or even the start, of criminal proceedings before protecting the victim, child suspected of harming and other children. The associated risk assessment will be used to inform any decisions made. The DSL will work closely with the police to ensure the school does not jeopardise any criminal proceedings, and to obtain help and support as necessary.

### **The end of the criminal process**

Risk assessments will be updated if the child suspected of harming receives a caution or is convicted. If the child that harms remains in the same school as the victim, the school will set out clear expectations regarding the child that harms, including their behaviour and any restrictions deemed reasonable and proportionate with regards to the child that harms' timetable. The school will ensure that the victim and child that harms remain protected from bullying and harassment (including online).

Where a child suspected of harming is found not guilty or a case is classed as requiring 'no further action', the school will offer support to the victim and child suspected of harming for as long as is necessary. Staff will be aware that the victim is likely to be traumatised and the fact that an allegation cannot be substantiated does not necessarily mean that it was unfounded. The school will discuss decisions with the victim and offer support. The child suspected of harming will also be offered ongoing support if needed, as they have also been through a difficult and upsetting experience.

The headteacher will carefully consider, on a case-by-case basis, whether allowing the victim and the child suspected of harming to share classes or attend the same activities is conducive

to either party's effective education, and will implement alternative arrangements, in consultation with the DSL (and SENCO where the victim or child suspected of harming has SEND), where necessary.

### **Ongoing support for the victim**

Any decisions regarding safeguarding and supporting the victim will be made with the following considerations in mind:

- The terminology the school uses to describe the victim
- The age and developmental stage of the victim
- The needs and wishes of the victim
- Whether the victim wishes to continue in their normal routine
- The victim will not be made to feel ashamed about making a report
- What a proportionate response looks like

Victims may not disclose the whole picture immediately and they may be more comfortable talking about the incident on a step-by-step basis; therefore, a dialogue will be kept open and the victim can choose to appoint a designated trusted adult.

Staff will be aware that victims may struggle in a normal classroom environment. Whilst the school will understand that it is important not to isolate the victim, the victim may wish to be withdrawn from lessons and activities at times. The school will ensure that this will only happen when the victim wants it to, not because it makes it easier to manage the situation. The school will provide a physical space for victims to withdraw to.

The school will be aware that victims may require support for a long period of time and will be prepared to offer long-term support in liaison with relevant agencies. The school will ensure that everything possible will be done to prevent the victim from bullying and harassment as a result of any report they have made. If the victim is unable to remain in the school, alternative provision or a move to another school will be considered – this will only be considered at the request of the victim and following discussion with their parents. If the victim does move to another school, the DSL will inform the school of any ongoing support needs and transfer the child protection file.

### **Ongoing support for the child suspected of harming**

Any decisions made regarding the support required for a child suspected of harming will be made with the following considerations in mind:

- The terminology the school uses to describe the child suspected of harming
- The balance of safeguarding the victim and providing the child suspected of harming with education and support
- The reasons why the child suspected of harming may have abused the victim – and the support necessary
- Their age and developmental stage
- What a proportionate response looks like
- Whether the behaviour is a symptom of their own abuse or exposure to abusive practices and/or materials
- What the outcome of the investigation was

When making a decision, advice will be taken from children's social care, specialist sexual violence services and the police as appropriate. If the child suspected of harming moves to another school, for any reason, the DSL will inform the destination school of any ongoing support needs and transfer the child protection file.

If the reported abuse is found to have taken place, the school will work with professionals, as required, to understand why the abuse took place and provide a high level of support to help the pupil understand and overcome the reasons for their behaviour and reduce the likelihood of them abusing again.

### **Disciplining the child suspected of harming**

Disciplinary action can be taken whilst investigations are ongoing and the fact that investigations are ongoing will not prevent the school reaching its own conclusion and imposing an appropriate penalty.

The school will make such decisions on a case-by-case basis, with the DSL taking a leading role. The school will take into consideration whether any action would prejudice an investigation and/or subsequent prosecution. The police and children's social care will be consulted where necessary. The school will also consider whether circumstances make it unreasonable or irrational for the school to make a decision about what happened while an investigation is considering the same facts.

Disciplinary action and support can take place at the same time. The school will be clear whether action taken is disciplinary, supportive or both.

### **Shared classes**

Once the DSL has decided to progress a report, they will again consider whether the victim and child suspected of harming will be separated in classes, on school premises and on school transport – balancing the school's duty to educate against its duty to safeguard. The best interests of pupils will always come first.

Where there is a criminal investigation into rape or assault by penetration, the child suspected of harming will be removed from classes with the victim and potential contact on school premises and transport will be prevented.

Where a criminal investigation into rape or assault by penetration leads to a conviction or caution, in all but the most exceptional circumstances, this will constitute a serious breach of discipline and result in the view that allowing the child that harms to remain in the school would harm the education or welfare of the victim and potentially other pupils.

Where a criminal investigation into sexual assault leads to a conviction or caution, the school will consider suitable sanctions and permanent exclusion. If the child that harms remains at the school, the school will keep the victim and child that harms in separate classes and manage potential contact on school premises and transport. The nature of the conviction or caution, alongside the wishes of the victim, will inform any discussions made.

Where a report of sexual assault does not lead to a police investigation, this does not mean that the offence did not happen or that the victim has lied. Both the victim and child suspected

of harming will be affected and appropriate support will be provided. Considerations regarding sharing classes and potential contact will be made on a case-by-case basis.

In all cases, the school will record its decisions and be able to justify them. The needs and wishes of the victim will always be at the heart of the process.

### **Working with parents**

In most sexual violence cases, the school will work with the parents of both the victim and child suspected of harming. For cases of sexual harassment, these decisions will be made on a case-by-case basis.

The school will meet the victim's parents with the victim present to discuss the arrangements being put in place to safeguard the victim, and to understand their wishes in terms of support arrangements and the progression of the report.

Schools will also meet with the parents of the child suspected of harming to discuss arrangements that will impact their child, such as moving them out of classes with the victim. Reasons behind decisions will be explained and the support being made available will be discussed. The DSL or a deputy will attend such meetings, with agencies invited as necessary.

Clear policies regarding how the school will handle reports of sexual violence and how victims and the child suspected of harming will be supported will be made available to parents.

### **Safeguarding other pupils**

Pupils who have witnessed sexual violence, especially rape and assault by penetration, will be provided with support. It is likely that pupils will "take sides" following a report, and the school will do everything in its power to protect the victim, the child suspected of harming and witnesses from bullying and harassment.

The school will keep in mind that contact may be made between the victim and the child suspected of harming, and that harassment from friends of both parties could take place via social media and will do everything in its power to prevent such activity.

As part of the school's risk assessment following a report, transport arrangements will be considered, as it is a potentially vulnerable place for both the victim and the child suspected of harming. Schools will consider any additional support that can be put in place.

## **10. Monitoring and review**

This policy will be reviewed annually by the DSL, headteacher and trust safeguarding lead.

Any changes made to this policy will be communicated to all members of staff. All members of staff are required to familiarise themselves with all processes and procedures outlined in this policy as part of their induction programme.

## Appendix 1:

### Contact Details for Local Agencies and Summary of Referral Pathways

**Operation Encompass Teachers Hotline** – 0204 513 9990

**Barnardos**– Offer “positive identities” training to schools to tackle homophobia and transphobia among young people [LGBT+ young people | Barnardo's](#)

**The Birchall Trust**– The Birchall Trust offers counselling and support to survivors of rape, sexual abuse and sexualised violence. They offer counselling to ages 4 years and above (children, young people and adults). They also offer pre-trial counselling too. Their website is [Trauma Informed Support Services | The Birchall Trust | England](#)

**Be Free – PAC (Positive Action in the Community)**– A domestic abuse service which supports victims or witnesses of domestic abuse in the Pendle and Rossendale area. Also, in Pendle, a children’s services team which provides the same support as above to children and young people aged 4-18. Helpline 01282 726000 Email: [info@p-a-c.org.uk](mailto:info@p-a-c.org.uk) Website <https://www.p-a-c.org.uk/be-free-adults/>

**Victim Support** free information and advice to help you cope with the impact and effects of a crime. [Lancashire - Victim Support](#) 01772 410410

**Nest Lancashire** - Nest Lancashire, delivered by Victim Support, has been set up to support young people aged 5 to 18 who have been impacted by crime. Nest Lancashire’s aim is to help young people recover from whatever it is they have experienced and anyone in need of emotional support or practical help can talk to the Nest team in confidence. All services are free of charge. [0300 111 0323](tel:03001110323) Website: [nestlancashire.org](http://nestlancashire.org)

**Power To Be Out (POUT)** in the **Pendle** area Tel: 07876790731 or email [POUTPendle@lancashire.gov.uk](mailto:POUTPendle@lancashire.gov.uk). Providing support for young people who identify as lesbian, gay, bisexual or trans (LGBT).

**LCC Children & Family Wellbeing Targeted Youth Support-** 01282 470 199

**The Wish Centre-** We offer a range of programmes for children and young people, aged 6-18yrs, affected by domestic abuse and those at risk of using abusive behaviours. [Children & Young People Programmes | The Wish Centre 0300 561 0440](#)

**Lancashire Child and Youth Justice Service-** 01772 532047 The service works with children aged 8-18 who have either committed an offence or identified as being at risk of doing so.