

# Sexual Violence and Sexual Harassment between Children



This policy and procedure applies to employees of St Dunstan's Trustee Limited on behalf of St Dunstan's Education Foundation & College Hire Limited.

## OVERVIEW

- Sexual violence and sexual harassment can occur between two children of any age and sex from primary through to secondary stage and into colleges. It can occur through a group of children sexually assaulting or sexually harassing a single child or group of children. Sexual violence and sexual harassment exist on a continuum and may overlap; they can occur online and face to face (both physically and verbally) and are never acceptable.
- All staff working with children have been trained to maintain an attitude of 'it could happen here'.
- The College has a zero-tolerance approach to sexual violence and sexual harassment and affirms that this is never acceptable, will not be tolerated and should never be passed off as "banter", "just having a laugh", "part of growing up" or "boys being boys". Dismissing or tolerating challenging inappropriate physical behaviours risks normalising them; and 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. All of the above can be driven by wider societal factors such as everyday sexist stereotypes and everyday sexist language.
- The College recognises that addressing inappropriate behaviour (even if it appears to be relatively innocuous) can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future.
- Children who are victims of sexual violence and sexual harassment, wherever it happens, may find the experience stressful and distressing. This may adversely affect their educational attainment and may be exacerbated if the alleged perpetrator(s) attends the same school.
- The College recognises that safeguarding incidents and/or behaviours can be associated with factors outside of school, including intimate personal relationships.
- The College recognises that victims must always be reassured, supported and kept safe. Victims should never be made to feel ashamed or given the impression that they are creating a problem by making a report. The College also recognises that alleged perpetrators need to be provided with an education and given support, as well as

Reviewed: Michaelmas 2023

Next Review: Michaelmas 2024

being subject to appropriate disciplinary action. This can and should occur at the same time if necessary.

- Children may not disclose abuse directly. A friend may report on their behalf or their behaviour may indicate that there is an issue. Any and all concerns about a child should be reported immediately according to the College Safeguarding and Child Protection Policy. Furthermore, the College recognises that the response to an individual case can affect school-wide culture, peer responses and the willingness of other children to speak out.
- The College recognises that children with SEND are more likely to be abused than their peers and that there are additional barriers to recognising abuse. LGBT pupils are more likely to be targeted by their peers.
- The College recognises that reports of sexual violence and sexual harassment are likely to be complex, requiring difficult professional decisions to be made, often quickly and under pressure and ensures that members of the safeguarding team and other pastoral staff receive regular training to be able to manage a disclosure.

## **STEPS TO TAKE IN THE EVENT OF AN INCIDENT**

### **1) Initial management of a disclosure**

- The College's response to reports of peer-on-peer sexual violence and sexual harassment will be decided on a case-by-case basis with the designated safeguarding lead (DSL) taking a lead role, supported by other agencies as required.
- If a report of sexual abuse, violence or assault is being made, particular care should be taken to ensure an appropriate environment is chosen to receive the report and that at least two members of staff are present, respecting the wishes of the pupil as to the sex/gender of these staff where possible. Preferably one of the members of the staff should be the DSL (Deputy Head Pastoral) or Deputy DSL.
- All victims will be reassured that they are being taken seriously, and that they will be supported and kept safe. Abuse that occurs online or outside of school will be treated equally seriously.
- It is important that the person to whom the child discloses recognises that the child has placed them in a position of trust and are supportive to the child.
- They must recognise 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.
- They must not promise confidentiality as it is likely that information will need to be shared for example with Children's Social Care.
- They must consider that certain children may face additional barriers to telling someone because of their vulnerability, disability, sex, ethnicity and/or sexual orientation
- They must listen carefully to the child, reflecting back, using the child's language, being non-judgmental, being clear about boundaries and how the report will be

progressed, not asking leading questions and only prompting the child where necessary with open questions – where, when, what, etc. It is important to note that whilst leading questions should generally be avoided, staff can ask children if they have been harmed and ask what the nature of that harm was.

- They should write up a thorough summary at the end of the report so that they can devote their full attention to the child and not be distracted. If a second person is present this will facilitate note-taking. Either way, a full written record must be made, reflecting the facts as the child presents them, not the personal opinion of the note taker. These notes may be shared with Children’s Social Care or as part of a criminal investigation.
- If the disclosure is made in the absence of the DSL, they must be informed immediately afterwards.

## 2) **Risk and Needs Assessment**

- When there has been a report of sexual violence, the designated safeguarding lead (or a deputy) should make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis. The risk and needs assessment should consider:
  - the victim, especially their protection and support
  - whether there may have been other victims
  - the alleged perpetrator(s)
  - all the other children (and, if appropriate, adult students and staff) at school, especially any actions that are appropriate to protect them from the alleged perpetrator(s), or from future harms.
- Risk assessments should be recorded (written or electronic) and should be kept under review. At all times, the College will actively consider the risks posed to all their pupils and students and put adequate measures in place to protect them and keep them safe. This will include liaison through the DSL or a Deputy with Children’s Social Care or the Police as necessary.

## 3) **Action**

- The College will carefully consider any report of sexual violence and/or sexual harassment. The designated safeguarding lead (or deputy) is likely to have a complete safeguarding picture and be the most appropriate person to advise on the initial response. Important considerations will include:
  - the wishes of the victim in terms of how they want to proceed. This is especially important in the context of sexual violence and sexual harassment. Victims should be given as much control as is reasonably possible over decisions regarding how any investigation will be progressed and any support that they will be offered. This will however need to be balanced with the duty and responsibilities to protect other children
  - the nature of the alleged incident(s), including: whether a crime may have been committed and/or whether HSB has been displayed
  - the ages of the children involved
  - the developmental stages of the children involved
  - any power imbalance between the children. For example, is an alleged perpetrator significantly older, more mature or more confident? Does the victim have a disability or learning difficulty?

- if the alleged incident is a one-off or a sustained pattern of abuse (sexual abuse can be accompanied by other forms of abuse and a sustained pattern may not just be of a sexual nature)
- that sexual violence and sexual harassment can take place within intimate personal relationships between peers
- are there ongoing risks to the victim, other children, or staff
- other related issues and wider context, including any links to child sexual exploitation and child criminal exploitation.
- As always when concerned about the welfare of a child, all staff should act in the best interests of the child. Immediate consideration should be given as to how best to support and protect the victim and the alleged perpetrator(s) (and any other children involved/impacted).
- The starting point regarding any report should always be that there is a zero tolerance approach to sexual violence and sexual harassment and it is never acceptable and it will not be tolerated.
- There are four likely scenarios to consider when managing reports of sexual violence and/or sexual harassment
  - Manage internally
  - Early Help
  - Referral to children's social care
  - Report to the police

#### 4) **Manage internally**

- In some cases of sexual harassment, for example, one-off incidents, the College may take the view that the children concerned are not in need of early help or require referrals to be made to statutory services and that it would be appropriate to handle the incident internally, through utilising behaviour and bullying policies and by providing pastoral support.
- Whatever the response, it will be underpinned by the principle that there is a zero-tolerance approach to sexual violence and sexual harassment and it is never acceptable and will not be tolerated.
- All concerns, discussions, decisions and reasons for decisions should be recorded on MyConcern or in writing as appropriate.

#### 5) **Early Help**

- The College may decide that the children involved do not require referral to statutory services but may benefit from early help, particularly in cases of non-violent harmful sexual behaviour.
- Whatever the response, it will be underpinned by the principle that there is a zero-tolerance approach to sexual violence and sexual harassment and it is never acceptable and will not be tolerated.
- All concerns, discussions, decisions and reasons for decisions should be recorded on MyConcern or in writing as appropriate.

#### 6) **Referral to Children's Social Care**

- Where a child has been harmed, is at risk of harm, or is in immediate danger, The College will make a referral to local children's social care.
- At the point of referral to children's social care, the College will generally inform parents or carers, unless there are compelling reasons not to (if informing a parent or

carer is going to put the child at additional risk). Any such decision should be made with the support of children's social care.

- If a referral is made, children's social care will then make enquiries to determine whether any of the children involved are in need of protection or other services. Where statutory assessments are appropriate, the College (especially the designated safeguarding lead or a deputy) should work alongside, and cooperate 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 alleged perpetrator(s) and any other children that require support.
- We will not wait for the outcome (or even the start) of a children's social care investigation before protecting the victim and other children. It will be important for the designated safeguarding lead (or a deputy) to work closely with children's social care (and other agencies as required) to ensure any actions the College takes do not jeopardise a statutory investigation. Consideration of safeguarding the victim, the alleged perpetrator(s), any children directly involved in the reported incident and all children will be immediate.
- In some cases, children's social care will review the evidence and decide a statutory intervention is not appropriate. The designated safeguarding lead or a deputy should be prepared to refer again if they believe the child remains in immediate danger or at risk of harm. If a statutory assessment is not appropriate, the designated safeguarding lead (or a deputy) should consider other support mechanisms such as early help, specialist support and pastoral support.
- Whatever the response, it will be underpinned by the principle that there is a zero-tolerance approach to sexual violence and sexual harassment and it is never acceptable and will not be tolerated.
- All concerns, discussions, decisions and reasons for decisions should be recorded on MyConcern or in writing as appropriate.

#### 7) **Referral to the Police**

- Any report to the police will generally be in parallel with a referral to children's social care (as above).
- It is important that the designated safeguarding lead (and their deputies) are clear about the local process for referrals and follow that process.
- Where a report of rape, assault by penetration or sexual assault is made, the starting point is this should be passed on to the police. Whilst the age of criminal responsibility is ten, if the alleged perpetrator is under ten, the starting principle of reporting to the police remains. The police will take a welfare, rather than a criminal justice, approach.
- At this stage, the College will generally inform parents or carers unless there are compelling reasons not to, for example, if informing a parent or carer is likely to put a child at additional risk. In circumstances where parents or carers have not been informed, it will be especially important that the the College supports the child in any decision they take. This should be with the support of children's social care and any appropriate specialist agencies.
- Where a report has been made to the police, the College will consult the police and agree what information can be disclosed to staff and others, in particular, the alleged perpetrator(s) and their parents or carers. We will also discuss the best way to protect

the victim and their anonymity and how to ensure any internal actions do not jeopardise a police investigation.

- In some cases, it may become clear very quickly, that the police (for whatever reason) will not take further action. In such circumstances, it is important that the DSL or Deputy DSLs continues to engage with specialist support for the victim and alleged perpetrator(s) as required.
- Whatever the response, it will be underpinned by the principle that there is a zero-tolerance approach to sexual violence and sexual harassment and it is never acceptable and will not be tolerated.
- All concerns, discussions, decisions and reasons for decisions should be recorded on MyConcern or in writing as appropriate.

#### 8) **Ongoing support: safeguarding and supporting the victim**

- The needs and wishes of the victim should be paramount (along with protecting the child) in any response. It is important they feel in as much control of the process as is reasonably possible. Wherever possible, the victim if they wish, should be able to continue in their normal routine. Overall, the priority should be to make the victim's daily experience as normal as possible, so that the College is a safe space for them.
- The College will consider the age and the developmental stage of the victim, the nature of the allegations and the potential risk of further abuse.
- The College is aware that, by the very nature of sexual violence and sexual harassment, a power imbalance is likely to have been created between the victim and alleged perpetrator(s). The victim should never be made to feel they are the problem for making a report or made to feel ashamed for making a report.
- Support should be tailored on a case by-case basis. The support required regarding a one-off incident of sexualised name-calling is likely to be vastly different from that for a report of rape.
- Support can include:
  - Early help and children social care support
  - Children and Young People's Independent Sexual Violence Advisors
  - Child and adolescent mental health services (CAMHS).
  - The specialist sexual violence sector e.g. Rape Crisis, The Survivors Trust or The Male Survivors Partnership
  - NHS
  - Rape and sexual assault referral centres.
  - Childline provide free and confidential advice for children and young people.
  - Internet Watch Foundation
- Victims may not disclose the whole situation immediately. They may be more comfortable providing information on a piecemeal basis. It is essential that dialogue is kept open and encouraged. When it is clear that ongoing support will be required, The DSL or Deputy DSL should ask the victim if they would find it helpful to have a designated trusted adult (for example, their form tutor or designated safeguarding lead) to talk to about their needs. The choice of any such adult should be the victim's (as far as reasonably possible). The College will respect and support this choice.
- A victim of sexual violence is likely to be traumatised and, in some cases, may struggle in a normal classroom environment. While we will avoid any action that would have the

effect of isolating the victim, in particular from supportive peer groups, there may be times when the victim finds it difficult to maintain a full-time timetable and may express a wish to withdraw from lessons and activities. This should be because the victim wants to, not because it makes it easier to manage the situation. If required, the College will provide a physical space for victims to withdraw. It may be necessary to maintain arrangements to protect and support the victim for a long time. The College will be prepared for this and will work with children's social care and other agencies as required.

- It is important that the College does everything it reasonably can to protect the victim from bullying and harassment as a result of any report they have made.
- Whilst they should be given all the necessary support to remain at St Dunstan's, if the trauma results in the victim being unable to do this, alternative provision or a move to another school or college should be considered to enable them to continue to receive suitable education. This should only be at the request of the victim (and following discussion with their parents or carers). It is important that if the victim does move to another educational institution (for any reason), that the new educational institution is made aware of any ongoing support needs. The designated safeguarding lead should take responsibility to ensure this happens (and should discuss with the victim and, where appropriate, their parents or carers as to the most suitable way of doing this) as well as transferring the child protection file.
- The College will meet the victim's parents or carers with the victim present to discuss what arrangements are being put in place to safeguard the victim and understand their wishes in terms of support they may need and how the report will be progressed. This will usually take place with the DSL.

#### 9) **Ongoing support: safeguarding and supporting the alleged perpetrator**

- The College must both safeguard the victim (and all other children and staff) and provide the alleged perpetrator(s) with an education, safeguarding support as appropriate and implement any disciplinary sanctions.
- Taking disciplinary action and still providing appropriate support are not mutually exclusive actions. They can, and should, occur at the same time if necessary.
- A child abusing another child may be a sign they have been abused themselves or a sign of wider issues that require addressing within the culture of the school. The College will work with professionals as required to understand why a child may have abused a peer. It is important to remember that, as a child, any alleged perpetrator(s) is entitled to, deserving of, and should be provided with, a high level of support to help them understand and overcome the reasons for their behaviour and help protect other children by limiting the likelihood of them abusing again.
- The College will consider the age and the developmental stage of the alleged perpetrator(s) and nature and frequency of the allegations. Any child will likely experience stress as a result of being the subject of allegations and/or negative reactions by their peers to the allegations against them.
- Support (and sanctions) will be considered on a case-by-case basis. An alleged perpetrator(s) may potentially have unmet needs (in some cases these may be considerable) as well as potentially posing a risk of harm to other children. HSB in young children may be (and often are) a symptom of either their own abuse or exposure to abusive practices and or materials. Advice should be taken, as appropriate, from children's social care, specialist sexual violence services and the police.
- It is important that the perpetrator(s) is also given the correct support to try to stop them re-offending and to address any underlying trauma that may be causing this behaviour.

Addressing inappropriate behaviour can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future.

- Teachers can discipline pupils whose conduct falls below the standard which could be reasonably expected of them. If the perpetrator(s) is to be excluded the decision must be lawful, reasonable and fair. The fact that another body is investigating or has investigated an incident does not in itself prevent the College from coming to its own conclusion, on the balance of probabilities, about what happened, and imposing a penalty accordingly. The designated safeguarding lead (or a deputy) should take a leading role. The College should consider if, by taking any action, it would prejudice an investigation and/or any subsequent prosecution. Careful liaison with the police and/or children's social care will help the College make a determination. It will also be important to consider whether there are circumstances that make it unreasonable or irrational for the school to reach its own view about what happened while an independent investigation is considering the same facts.
- School can be a significant protective factor for children who have displayed HSB, and continued access to school, with a comprehensive safeguarding management plan in place, is an important factor to consider before final decisions are made.
- It is important that if an alleged perpetrator(s) does move to another educational institution (for any reason), that the new educational institution is made aware of any ongoing support needs and where appropriate, potential risks to other children, adult students and staff. The designated safeguarding lead should take responsibility to ensure this happens as well as transferring the child protection file.
- The College will meet with alleged perpetrator's parents or carers to discuss any arrangements that are being put into place that impact an alleged perpetrator, such as, for example, moving them out of classes with the victim and what this means for their education. The reason behind any decisions should be explained. Support for the alleged perpetrator should be discussed. This will usually take place with the DSL.

#### 10) **Ongoing support: safeguarding and supporting the community**

- Consideration will be given to supporting children (and adult students) who have witnessed sexual violence, especially rape and assault by penetration. Witnessing
- such an event is likely to be traumatic and support may be required.
- Following any report of sexual violence or sexual harassment, it is likely that some children will take "sides". The College should do all they can to ensure both the victim and alleged perpetrator(s), and any witnesses, are not being bullied or harassed.
- Social media is very likely to play a central role in the fall out from any incident or alleged incident. There is the potential for contact between victim and alleged perpetrator(s) and a very high likelihood that friends from either side could harass the victim or alleged perpetrator(s) online and/or become victims of harassment themselves.
- School transport is a potentially vulnerable place for a victim or alleged perpetrator(s) following any incident or alleged incident.
- A whole school approach to safeguarding, a culture that makes clear that there is a zero-tolerance approach to sexual violence and sexual harassment and that it is never acceptable, and it will not be tolerated, and a strong preventative education programme will help create an environment in which all children are supportive and



respectful of their peers when reports of sexual violence or sexual harassment are made.

- The College will keep its policies, processes, and curriculum under constant review to protect all children. Reports of sexual violence and/or harassment (especially where there is evidence of patterns of behaviour) may point to environmental and or systemic problems that could and should be addressed by updating relevant policies, processes, or relevant parts of the curriculum.

## **EDUCATING CHILDREN AND YOUNG PEOPLE ABOUT APPROPRIATE SEXUAL BEHAVIOURS**

- The College ensures children are taught about appropriate sexual behaviours in the following ways:
  - teaching of the College Values – the 5 C's
  - Tutor/form time activities
  - Vetted visiting speakers
  - The Stuart additional curriculum lessons
  - Other curriculum areas as appropriate
- Content is age appropriate and includes
  - healthy and respectful relationships
  - what respectful behaviour looks like
  - consent
  - stereotyping, equality
  - online safety
  - body confidence and self-esteem
  - prejudiced behaviour
  - that sexual violence and sexual harassment is always wrong
  - addressing cultures of sexual harassment.
- For further information see *Cyberbullying and RSE* policies.