NESTON HIGH SCHOOL

Sexual Violence and Sexual Harassment Policy

Policy owners/leads:	TCA/KRO
Notes:	
Statutory:	No
Website	Yes
Review period:	Yearly

Date	Action	Comments / Follow Up
Nov 23	Policy adopted	Next review: Nov 24
Nov 24	Policy reviewed	Next review: Nov 25
Nov 25	Policy reviewed	Next review: Nov 26

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NESTON HIGH SCHOOL

1. Introduction

1.1 Neston High School recognises that children and young people are vulnerable to and capable of abusing their peers. We take such abuse as seriously as abuse perpetrated by an adult. This includes verbal as well as physical abuse. Child-on-child abuse will not be tolerated or passed off as part of “banter” or “growing up”.

1.2 We are committed to a whole school approach to ensure the prevention, early identification, and appropriate management of child-on-child abuse within our setting and beyond.

1.3 Where child-on-child abuse is identified we will follow our safeguarding procedures, taking a contextual approach to support all children and young people who have been affected by the situation.

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

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

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

1.6 This policy concentrates on child-on-child abuse in the context of sexual harassment and sexual violence. It is compliant with the statutory guidance on child-on-child abuse as set out in Keeping Children Safe in Education (September 2023) and should be read in conjunction with the Cheshire West and Chester Safeguarding Children Partnership’s (SCP) Safeguarding Policy and Procedures, and any relevant Practice Guidance issued by it.

2. Policy Development

2.1 The policy has been developed in consultation with Cheshire West and Chester’s Sexual Violence and Sexual Harassment and communication / training with the following groups: Senior leaders, trustees, staff, parents and children and young people. Our young people also completed an online survey on this issue, the outcomes of which informed this policy.

3. Aims

3.1 The policy will:

3.1.1 Set out our strategies for preventing, identifying, and managing child-on-child abuse

3.1.2 Take a contextual approach to safeguarding all children and young people involved. Acknowledging that children or young people who have allegedly abused their peers or displayed harmful sexual behaviour are themselves vulnerable and may have been abused by peer, parents, or adults in the community.

4. Understanding Child-on-child abuse

4.1 Sexual violence and sexual harassment can occur between two children of any age and sex or a group of children sexually assaulting or sexually harassing a single child or group of children.

4.2 The impact of this behaviour can be very distressing and have an impact on academic achievement and emotional health and wellbeing.

4.3 Sexual harassment and sexual violence may also occur online and offline.

5. The Context

5.1 All behaviour takes place on a spectrum. Understanding where a child or young person's behaviour falls on a spectrum is essential to being able to respond appropriately to it.

5.2 In this policy we recognise the importance of distinguishing between problematic and abusive sexual behaviour (Harmful Sexual Behaviour (HSB)).

5.3 We are adopting the NSPCC definition of HSB as:

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

5.4 We will also use Simon Hackett's continuum model to demonstrate the range of sexual behaviours. (Appendix 1)

6. Vulnerable groups

6.1 We recognise that all children can be at risk however we acknowledge that some groups are more vulnerable. This can include:

- experience of abuse within their family
- living with domestic violence
- young people in care
- children who go missing
- children with additional needs (SEN and/or disabilities)
- children who identify or are perceived as LGBT and/or have other protected characteristics under the Equalities Act 2010.

6.2 Whilst research tells us girls are more frequently identified as being abused by their peers, and girls are more likely to experience unwanted sexual touching in schools, this is not confined to girls. Boys are less likely to report intimate relationship abuse and may display other behaviour such as antisocial behaviour. Boys report high levels of victimisation in areas where they are affected by gangs. We recognise that both boys and girls experience child-on-child abuse, but they do so in gendered ways.

6.3 All staff should be aware of indicators, which may signal that children and young people are at risk from or are involved with serious violent crime. These may include increased absence from school, a change in friendships or relationships with older individuals or groups, a significant decline in performance, signs of self-harm or a significant change in wellbeing, or signs of assault or unexplained injuries. Unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with, individuals associated with criminal networks or gangs.

7. Responding to Alleged Incidents

7.1 Responding to reports of sexual violence and sexual harassment **(see additional flowchart)**

7.2 All reports of child-on-child abuse will be made on an individual needs basis, with the designated safeguarding lead or their deputy taking a leading role using their professional judgement and supported by other agencies such as social care or the police as required.

7.3 **The immediate response to a report:**

7.3.1 The school or college will take all reports seriously and will reassure the victim that they will be supported and kept safe.

7.3.2 All staff will be trained to manage a report.

7.3.3 Staff will not promise confidentiality as the concern will need to be shared further (for example, with the designated safeguarding lead, police and/or social care), staff will, however, only share the report with those people who are necessary to progress it.

7.3.4 A written report will be made on internal safeguarding records as soon after the disclosure as possible, recording the facts as presented by the child or young person. These may be used as part of a statutory assessment if the incident is escalated later.

7.3.5 Where the report includes an online element the school or college will follow advice on searching, screening and confiscation. The staff will not view or forward images.

7.3.6 The Designated Safeguarding Lead and wider safeguarding team will be informed as soon as possible.

8. Risk Assessment

8.1 When there has been a report of sexual violence, harassment or peer to peer abuse, the designated safeguarding lead (or a deputy) will make an immediate risk and needs' assessment for both the alleged victim and alleged perpetrator. Ideally settings will not complete these in isolation, but they will be informed by parents and other multi-agency partners. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on an individual needs basis. The risk and needs' assessment should consider:

8.1.1 The victim, especially their protection and support

8.1.2 The alleged perpetrator

8.1.3 All the other children (and, if appropriate, adult students and staff) at the school or college, especially any actions that are appropriate to protect them

8.2 Risk assessments will be recorded on internal safeguarding records and be kept under review. The Designated Safeguarding Lead (or a deputy) will ensure they are engaging with multi-agency partners e.g. i-Art, police, though their exact role and remit will vary greatly depending on the context of the case.

9. Action following a report of sexual violence and/or sexual harassment

9.1 **Following an incident, we will consider:**

9.1.1 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

9.1.2 The nature of the alleged incident(s), including whether a crime may have been committed and consideration of harmful sexual behaviour

9.1.3 The ages of the children involved

9.1.4 The developmental stages of the children involved

9.1.5 Any power imbalance between the children. For example, is the alleged perpetrator significantly older, more mature, or more confident? Does the victim or alleged perpetrator have a disability or learning difficulty

9.1.6 If the alleged incident is a one-off or a sustained pattern of abuse

9.1.7 Are there ongoing risks to the victim, other children, adult students or school or college staff, or other related issues in the wider context?

9.2 **Follow up Actions**

9.2.1 <u>Children sharing a classroom:</u>

9.2.1.1 Whilst the school or college establishes the facts and starts the process of liaising with children's social care and the police:

9.2.1.1.1.1 Separation of the alleged perpetrator and victim from the same classes will be given careful consideration, and a resolution agreed which is just and reasonable on all parties.

9.2.1.1.1.2 We will consider how best to keep the victim and alleged perpetrator a reasonable distance apart on school premises and on transport to and from the school.

9.2.1.2 These actions are in the best interests of both children and should not be perceived to be a judgment on the guilt of the alleged perpetrator should this be the student who is removed from classes.

10. Options to manage the report

10.1 **Manage internally**

10.1.1.1 In some instances of sexual harassment, for example, one-off incidents, we may decide that the children concerned are not in need of early help or statutory intervention and that it would be appropriate to handle the incident internally, perhaps through utilising the behaviour and bullying policies and by providing pastoral support. This decision will be made based on the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated. All decisions, and discussions around making these decisions will be recorded and stored by the safeguarding team on internal safeguarding records.

10.1.1.2 In line with 1 above, we may decide that the children involved do not require statutory interventions but may benefit from early help. Early help means providing support as soon as a problem emerges, at any point in a child's life. Providing early help is more effective in promoting the welfare of children than reacting later. Early help can be particularly useful to address non-violent harmful sexual behaviour and may prevent escalation of sexual violence.

10.1.1.3 Where a child has been harmed, is at risk of harm, or is in immediate danger, we will make a referral to i-Art following locally agreed protocols.

10.1.1.4 Where statutory assessments are appropriate, the designated safeguarding lead or a deputy will be working 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 and any other children that require support.

10.2 Reporting to the Police

10.2.1 Where a report of rape, assault by penetration or sexual assault is made, the starting point is this will 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.

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

10.2.3 Where there is a criminal investigation, we will work closely with the relevant agencies to support all children involved (including potential witnesses). Where required, advice from the police will be sought to help us. However, it is not the role of the school to conduct their own investigation into the allegation alongside any investigations being led by the police.

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

10.2.5 The end of the criminal process:

10.2.5.1 If a child is convicted or receives a caution for a sexual offence, school will update its risk assessment, agreed with parents and other multi-agency partners, and ensure relevant protections are in place for all children. We will consider any suitable action in line with our behaviour policy. If the perpetrator remains in school, we will be very clear as to our expectations regarding the perpetrator now they have been convicted or cautioned. This could include expectations regarding their behaviour and any restrictions we think are reasonable and proportionate about the perpetrator's timetable.

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

10.2.5.3 In instance where no further action is taken by the police or Crown Prosecution Service, or where there is a not guilty verdict, we will continue to offer support to the victim and the alleged perpetrator for as long as is necessary. A not guilty verdict or a decision not to progress with their case will likely be traumatic for the victim. The fact that an allegation cannot be substantiated does not necessarily mean that it was unfounded. We will continue to support all parties in this instance.

11. Support for Children Affected by Sexual-Assault

11.1 Support for victims of sexual assault is available from a variety of agencies (see Appendix 2). We will support the victim of sexual assault to remain in school/college but if they are unable to do so, we will enable them to continue their education elsewhere. This decision will be made only at the request of the child and their family. If they are moved, we will ensure the new school is aware of the ongoing support they may need. The Designated Safeguarding Lead will support this move.

11.2 Where there is a criminal investigation, the children involved will be separated from any shared classes, and we will also consider how best to keep them a reasonable distance apart on the school premises or on school transport. This is in the best interest of the children concerned and should

not be perceived to be a judgement of guilt before any legal proceedings. We will work closely with the police.

11.3 Where a criminal investigation into a rape or assault by penetration leads to a conviction or caution, we will take suitable action, if we have not already done so. In all but the most exceptional of circumstances, the rape or assault is likely to constitute a serious breach of discipline and lead to the view that allowing the perpetrator to remain in the same school or college would seriously harm the education or welfare of the victim (and potentially other pupils or students).

11.4 Where a criminal investigation into sexual assault leads to a conviction or caution, we may, if we have not already done so, consider any suitable sanctions in line with our behaviour policy, including consideration of permanent exclusion. We are not able to sanction alleged perpetrators based on an allegation alone.

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

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

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

12. Physical Abuse

12.1 While a clear focus of child-on-child abuse is around sexual abuse and harassment, physical assaults and initiation violence and rituals from pupils to pupils can also be abusive. These are equally not tolerated and if it is believed that a crime has been committed, will be reported to the police.

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

12.3 When dealing with other alleged behaviour which involves reports of, for example, emotional and/or physical abuse, staff can draw on aspects of Hackett's continuum (Appendix 1) to assess where the alleged behaviour falls on a spectrum and to decide how to respond. This could include, for example, whether it:

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

- involves a power imbalance between the child/children allegedly responsible for the behaviour
- involves a misuse of power

13. Online Behaviour

13.1 Many forms of child-on-child abuse have an element of online behaviour including behaviours such as cyberbullying and sexting (youth produced imagery).

14. Prevention

14.1 Neston high School actively seeks to raise awareness of and prevent all forms of child-on-child abuse by:

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

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

14.1.2 Educating children about the nature and prevalence of child-on-child abuse via PSHE and the wider curriculum.

14.1.3 Students are frequently told what to do if they witness or experience such abuse, the effect that it can have on those who experience it and the possible reasons for it, including vulnerability of those who inflict such abuse.

14.1.4 They are regularly informed about the school's approach to such issues, including its zero-tolerance policy towards all forms of child-on-child abuse.

14.1.5 Engaging parents on this issue by raising the profile of SVSH at year-group Information Evenings.

14.1.6 Ensuring that all child-on-child abuse issues are fed back to the School Safeguarding Team so that they can spot and address any concerning trends and identify students who maybe in need of additional support.

14.1.7 Challenging the attitudes that underlie such abuse (both inside and outside the classroom).

14.1.8 Working with Trustees, Senior Leadership Team, all staff, and volunteers, students, and parents to address equality issues, to promote positive values, and to encourage a culture of tolerance and respect amongst all members of the school community.

14.1.9 Creating conditions in which our students can aspire to and realise safe and healthy relationships.

14.1.10 Creating a culture in which our students feel able to share their concerns openly, in a non-judgmental environment, and have them listened to; and

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

15. Multi-agency working

15.1 The school actively engages with its local partners in relation to child-on-child abuse, and works closely with Cheshire West and Chester's Safeguarding Children Partnership (SCP), i-Art, Children's Social Care, Safeguarding Children in Education team, Early help and Prevention, and/or other relevant agencies, and other schools.

15.2 The relationships the school has built with these partners are essential to ensuring that we are able to prevent, identify early and appropriately handle reports of child-on-child abuse. They help the school:

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

15.2.2 To ensure that our students can access the range of services and support they need quickly

15.2.3 To support and help inform our local community's response to child-on-child abuse

15.2.4 To increase our awareness and understanding of any concerning trends and emerging risks in our local area to enable us to take preventative action to minimise the risk of these being experienced by our students.

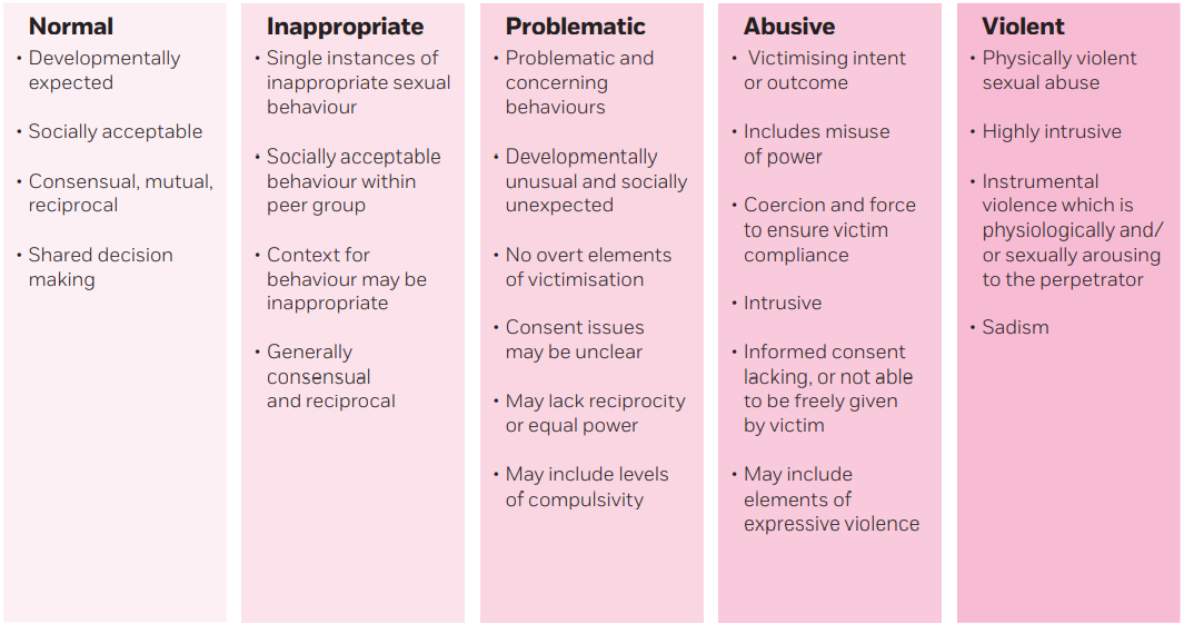
15.3 The school actively refers concerns/allegations of child-on-child abuse where necessary to i-Art and/or other relevant agencies.

15.4 Children resident out of county but attending a Cheshire West and Chester school will be reported to Children's Social Care in the area where they live.

15.5 In instances involving children who are subject to risk, harm, and abuse and who are a Child in Care, the children's social worker must be informed and a coordinated approach to address any incidents or concerns will be required.

16. Appendix 1

Simon Hackett (2010) has proposed a continuum model to demonstrate the range of sexual behaviours presented by children and young people, from those that are normal, to those that are highly deviant:



Harmful sexual behaviour framework | NSPCC Learning

A continuum of behaviours

It is vital for professionals to distinguish normal from abnormal sexual behaviours. Chaffi n, Letourneau and Silovsky (2002, p208) suggest a child's sexual behaviour should be considered abnormal if it:

- occurs at a frequency greater than would be developmentally expected
- interferes with the child's development
- occurs with coercion, intimidation, or force
- is associated with emotional distress
- occurs between children of divergent ages or developmental abilities
- repeatedly recurs in secrecy after intervention by caregivers.

A continuum of responses

As identified in Hackett's model, above, children and young people with harmful sexual behaviours are a varied and complex group with diverse needs that cannot be addressed by a 'one size fits all' model of service provision.

The diverse needs of these children and young people include the fact that many of them have hitherto unrecognised learning difficulties, specific educational needs, a range of psychosocial risk factors and co-occurring mental health problems (Bladon et al, 2005).

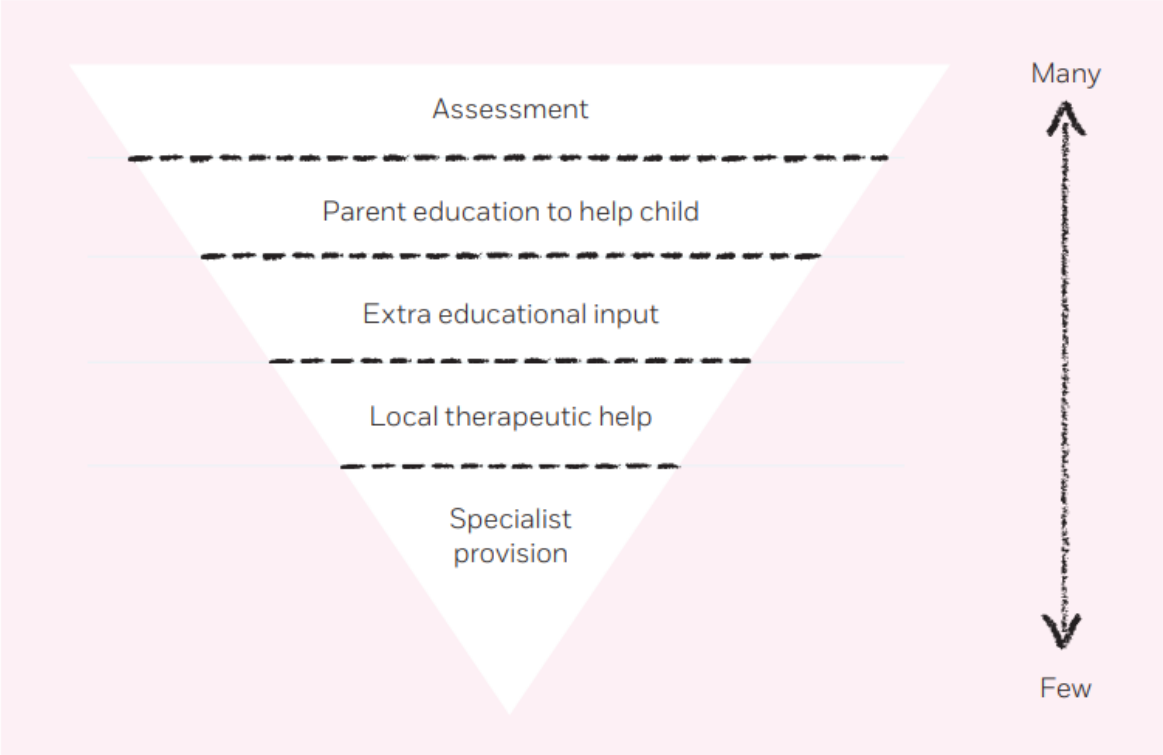
The wide range of harmful sexual behaviours shown by children and young people means their needs should be met in a variety of different placement contexts. These range from their own homes (most children and young people), general looked-after or care settings (the more disadvantaged and hard-to-manage young people with moderate risk profiles), and more specialist or secure provision (young people who pose a high risk of serious, significant harm to others).

Assessing children and young people and meeting their needs in the context of the notion of a continuum of responses is the subject of the third domain of this framework: effective assessment and referral pathways.

In addition to the initial response and support offered to low level cases in frontline settings, several levels of service response and intensity are required to address various levels of need and concern, as highlighted in the following model developed by Morrison and colleagues (2001).

Hence a small network of regional, highly specialised assessment and treatment services may be required to meet some of the more specialised needs shown by a smaller number of more complex cases.

Figure 2: Continuum of service intensity, Morrison and colleagues (2001) adapted from Ryan (1999)



17. Appendix 2

Support for Young People: Local and National

- Internet Watch Foundation (to potentially remove illegal images) www.iwf.org.uk
- RASASC
- SARC
- Lucy Faithful Foundation
- Brook Tool
- Harmful Sexual Behaviour Support Service, run by SWGfL
- Marie Collins Foundation,
- Proud Trust

Useful Publications and Websites

Government Publications
Sexual harassment and sexual violence in schools - Sexual violence and sexual harassment between children in schools and colleges - GOV.UK (www.gov.uk)
Keeping Children safe in Education - Statutory guidance overview: Keeping children safe in education - GOV.UK (www.gov.uk)
Preventing youth violence and gang involvement - Guidance overview: Advice to schools and colleges on gangs and youth violence - GOV.UK (www.gov.uk)
Preventing and tackling bullying in schools Preventing bullying - GOV.UK (www.gov.uk)

Other useful documents

Sexting
Sharing nudes and semi-nudes: advice for education settings working with children and young people - Guidance overview: Sharing nudes and semi-nudes: advice for education settings working with children and young people - GOV.UK (www.gov.uk)

Child-on-child abuse
Farrer &Co - Peer-on-peer abuse toolkit, guidance on peer-on peer abuse policy and template peer-on-peer abuse policy - peer-on-peer-abuse-toolkit-14.pdf (farrer.co.uk)

Anti-bullying and Harmful Sexual Behaviour

There are some useful links on the section on sexual bullying
Sexual bullying: developing effective anti-bullying practice- A guide for school staff and other Professionals - Sexual bullying - anti-bullying guidance for teachers and other professionals.pdf (anti-bullyingalliance.org.uk)
Preventing abuse among children and young people-guidance from Stop it Now - stop_booklets_childs_play_preventing_abuse_among_children_and_young_people01_14.pdf (stopitnow.org.uk)
What is Age appropriate? - What is Age-Appropriate? | Stop It Now
NSPCC-Harmful sexual behaviour - Understanding Sexual Behaviour in Children | NSPCC
NCB Harmful sexual behaviour - Workforce perspectives on harmful sexual behaviour (ncb.org.uk)
NSPCC –Is this sexual abuse? - "Is this sexual abuse?" | NSPCC Learning
Shore Space - Home - Shore

Online sexual harassment

Project deSHAME- Digital Exploitation and Sexual Harassment Amongst Minors in Europe Understanding, Preventing, Responding - Project deSHAME - Childnet

Sexism
It's Just Everywhere- a study on sexism in schools –and how we tackle it - Report-Its-just-everywhere.pdf (ukfeminista.org.uk)

RSE
Relationship Education , Relationship and Sex Education and Health education - Relationships and sex education (RSE) and health education - GOV.UK (www.gov.uk)

This policy will be reviewed on an annual basis.