HARMFUL SEXUAL BEHAVIOUR / PEER ON PEER ABUSE POLICY

APPROVED BY GOVERNORS July 2021

POLICY TO BE REVIEWED July 2023

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BERLESDUNA ACADEMY TRUST

FAIRHOUSE PRIMARY SCHOOL

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1. Introduction

It is normal for some children and young people (CYP) to display sexualised behaviour towards their peers as they develop. However, sexualised behaviour between peers that has become harmful or abusive is unacceptable and must be addressed.

Our school recognises that CYP are vulnerable to and capable of abusing their peers sexually. We consider any allegation of peer on peer sexual abuse seriously and do not tolerate or pass off harmful sexual behaviour as 'banter', 'just having a laugh' or 'part of growing up'. These allegations are managed in the same way as any other child protection concern and follow the same procedures, including seeking advice and support from other agencies as appropriate.

This policy is in line with the safeguarding requirements in Keeping Children Safe in Education (Department for Education ('DfE'), 2020), which we must work to; Part 5 of the Keeping Children Safe in Education statutory guidance sets out how schools should manage reports of child-on-child sexual violence and harassment. This policy also links to the guidance issued by the DfE in 2018: Sexual violence and sexual harassment between children in schools and colleges.

2. Definition of sexual abuse

Forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse. Sexual abuse can take place online, and technology can be used to facilitate offline abuse.

The sexual abuse of children by other children is a specific safeguarding issue in education.

(Keeping children safe in education, DfE, 2020)

3. Harmful sexual behaviour

Harmful sexual behaviour can manifest itself in many ways. This may include:

- inappropriate or unwanted sexualised touching;
- sexual violence and sexual harassment;
- upskirting, which typically involves taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress, or alarm;

- pressurising, forcing, or coercing someone to share nude images (known as sexting or youth produced sexual imagery);
- sharing sexual images of a person without their consent;
- bullying of a sexual nature online or offline, for example sexual or sexist name-calling.

Our school also understands the different gender issues that can be prevalent when dealing with harmful sexual behaviour.

CYP can experience harmful sexual behaviour in various settings. This includes at school, at home (or at another home), in public places, and online. At school, issues can occur in places which are supervised and unsupervised. For example, abuse may occur in toilets, corridors, changing areas, common rooms, outside spaces such as the playground and sports facilities, and when CYP are travelling home.

4. How we seek to minimise the risk of harmful sexual behaviour

The principle aim of our approach is to foster the conditions in which our pupils can aspire to and realise safe and healthy relationships, at school and as they continue in life. We work to a culture in which the voice of our CYP is central, where pupils feel able to share their concerns openly, knowing that they will be listened to, and that they will not be judged.

Children and young people

We use relationships, sex and health education (RE or RSE and Health Education curriculum) to help our pupils understand, in an age-appropriate way, what harmful sexual behaviour is, including by peers. We teach them the knowledge they need to recognise and report abuse, including emotional, physical, and sexual abuse. We also teach them about the importance of making sensible decisions to stay safe (including online), whilst being clear that if a CYP is abused, it is never their fault.

We help our pupils to develop the skills to understand:

- what constitutes harmful sexual behaviour;
- that such behaviour is not acceptable;
- the possible reasons for such behaviour, and vulnerability of perpetrators;
- that they must tell a trusted adult if someone is behaving in a way that makes them feel uncomfortable – and must tell a trusted adult if they witness such behaviour towards others.

We understand our pupils may not always feel able to talk to adults about peer-on-peer sexual abuse. To help them, we will encourage them to share their thoughts and opinions, respond to their concerns, and respect and listen to them. We want our pupils to feel confident that any concerns they raise will be responded to appropriately.

Parents and carers

It is important that parents and carers understand what is meant by harmful sexual behaviour, and reinforce key messages from school at home. We work in partnership with parents to support our pupils and want to help them keep their child/ren safe. Parents and carers should understand:

- the nature of harmful sexual behaviour;
- the effects of harmful sexual behaviour on CYP;
- the likely indicators that such behaviour may be taking place;
- what to do if it is suspected that peer on peer sexual abuse has occurred;

Further information to support parents and carers in relation to harmful sexual behaviour is available online, including on the NSPCC and Lucy Faithfull Foundation websites.

Staff

Our staff undertake annual safeguarding training where the different types of abuse and neglect are discussed; this includes information about harmful sexual behaviour and our expectations for staff vigilance about this and other potential types of abuse. Staff also receive updates on safeguarding issues throughout the school year, including about the nature and prevalence of harmful sexual behaviour, where appropriate.

Importantly, the training also ensures that our staff know what to do if they receive a report that harmful sexual behaviour may have occurred, including how to support CYP.

5. Our response to an incident / allegation

The wellbeing of our pupils is always central to our response to an allegation or incident of harmful sexual behaviour. Any CYP reporting a concern will be treated respectfully. We will reassure them that they are being taken seriously and that they will be supported and kept safe; no CYP will be given the impression that they are creating a problem by reporting abuse or made to feel ashamed.

Our staff will never promise confidentiality to the CYP as the concern will need to be shared further. The school's Designated Safeguarding Lead will need to be informed as soon as possible of any incident and the details may also need to be shared with Children's Social Care / the police and other specialist agencies. We have in place effective working relationships with our safeguarding partners, which are essential to ensuring that concerns are appropriately managed.

We will explain next steps to the CYP so they understand what will happen, including who will be informed. Where the CYP already has Social Care involvement, such as a Looked After Child, a Child In Need or a child with a Child Protection Plan, we will inform the child's Social Worker and work in partnership with them as appropriate.

Whilst we establish the facts of the case and start the process of liaising with other agencies as appropriate, we will consider how best to keep the victim and alleged perpetrator a reasonable distance apart on school premises, and where applicable, on transport to and from the school.

Where an incident includes an online element, we will always work in accordance with appropriate guidance, taking advice from other partners as necessary. Our staff will not view an indecent image of a CYP unless absolutely necessary, nor forward it for any reason.

Recording

It is essential that information relating to allegations about harmful sexual behaviour are recorded within our school, as with any other child protection concern – and in line with our Child Protection Policy. The record may form part of a statutory assessment by Children's Social Care or by another agency.

Any member of staff receiving a disclosure of harmful sexual behaviour or noticing signs or indicators of this, will record it as soon as possible, noting what was said or seen (if appropriate, using a body map to record), giving the date, time and location. The facts will be recorded as the CYP presents them.

The record will then be presented to the Designated Safeguarding Lead (or Deputy), who will decide on appropriate action and record this accordingly.

If a CYP is at immediate risk of harm, staff will speak with the Designated Safeguarding Lead or Deputy first, and deal with recording as soon as possible afterwards.

All related concerns, discussions, decisions, and reasons for decisions will be dated and signed and will include the action taken.

Investigation

The Designated Safeguarding Lead will be responsible for leading investigations, and for liaising with other agencies as appropriate, for example Children's Social Care and the police. They will also be the main point of contact for parents and carers. The Designated Lead will ensure there are accurate records of each stage of the investigation and that any supporting information is included in the Child Protection files.

Risk Assessment

We will complete a risk assessment following a report of harmful sexual behaviour, considering all CYP involved in an incident. We will also consider all other pupils at our school and any actions that may be appropriate to protect them.

Risk assessments will be regularly reviewed to ensure they remain relevant and fit for purpose. Where appropriate, the affected CYP and their parents and carers will be invited to contribute to the completion and review of the risk assessment.

6. Guiding principles

The safety of our pupils is paramount. We will use a proportionate approach, basing our actions on the principle that harmful sexual behaviour is not acceptable and will not be tolerated.

All concerns will be considered carefully and on a case by case basis, underpinned by robust risk assessments. Our actions will not be judgemental about the guilt of the alleged perpetrator and will always be taken in the interests of all CYP concerned.

Our approach will help us to ensure that all pupils are protected and supported appropriately. The following principles will guide us:

- the wishes of the CYP in terms of how they want to proceed – the victim will 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;
- the nature of the alleged incident(s), including whether a crime may have been committed;
- the ages and developmental stages of all CYP involved;
- consideration of any power imbalance between the CYP – for example, is the alleged perpetrator significantly older, more mature, or more confident / does the victim have a disability or learning difficulty;
- consideration of whether the alleged incident a one-off or a sustained pattern of abuse;
- consideration of any ongoing risks to the victim, other CYP, or staff;
- consideration of any other related issues and wider context.

Supporting the CYP who has allegedly experienced harmful sexual behaviour

We will assess what short-term and long-term support a CYP may need to help them manage the immediate aftermath of an incident, and to recover from what they have experienced. The CYP's existing support network will be central to this work; we will work with other partners as appropriate and in accordance with the CYP's wishes and, wherever appropriate, in discussion with parents / carers.

We will consider what is necessary to support the CYP straightaway, for example by making adaptations to their timetable and in-school support and taking steps to protect them from attention or peer pressure they may experience due to making a report. This work will be guided by a robust risk assessment process and we will ensure that the CYP and their parents / carers have an opportunity to contribute. We will also ensure there is regular review of arrangements to be confident they meet the needs of all involved.

It may be necessary to make requests for support to mental health and wellbeing services or for therapeutic intervention. We may also need to link with other agencies to remove inappropriate material from the Internet, such as the Internet Watch Foundation.

Supporting the CYP who has allegedly displayed harmful sexual behaviour

We have a duty of care to all pupils and we will protect and support CYP who have displayed abusive or harmful sexual behaviour. We will do this through considering the needs of the CYP, any risks to their safety and what multi-agency responses are needed to support them and their family. This work will be guided by a robust risk assessment process and we will ensure that the CYP and their parents / carers have an opportunity to contribute. We will also ensure there is regular review of arrangements to be confident they meet the needs of all involved.

Some CYP may not realise they have behaved abusively. We will avoid using language that may make them feel judged or criminalised and ensure that any intervention will be at the least intrusive level required to effectively address the behaviour.

We will consider appropriate sanctions using our behaviour policy, and work with the CYP and their support network to consider measures that may help to address the CYP's behaviour.

7. Investigation outcomes

Our investigation of an allegation or incident as set out in this policy will enable us to determine the outcome, working with our safeguarding partners as appropriate. We will always seek to ensure that the outcome of an investigation is appropriate and proportionate to the circumstances in relation to the report. Various options are open to us, as set out below:

Manage internally

In some cases, for example, one-off incidents, we may take the view that the CYP concerned are not in need of early help or statutory intervention. In these cases, we will follow our other school policies in addressing matters, for example our behaviour / anti-bullying policies.

We will also consider what support the CYP involved may need going forward - for example, pastoral support, counselling services, and ensuring that there is a trusted adult for those affected to speak with if they wish to. We will also consider whether any intervention or support is required as part of a whole setting approach or with the wider school community.

Early Help

Where statutory intervention is not required or agreed, we may use early help instead. This means providing support as soon as a problem emerges, at any point in a CYP's life. We will work with parents and carers and other relevant partners when following this approach, which can be particularly useful in addressing non-violent harmful sexual behaviour and may prevent escalation.

Requests for support to Children's Social Care

Where a CYP has been harmed, is at risk of harm, or is in immediate danger, we will make a request for support to Children's Social Care. We will generally inform parents and carers of this unless to do so may put a CYP at additional risk. We will seek advice from other partners on such matters.

If we make a request for support, Children's Social Care will consider whether the CYP involved are in need of protection or other services. Where statutory assessments are appropriate, the school will work with Children's Social Care and other agencies as appropriate. Partnership working helps to ensure the best possible package of coordinated support is implemented for the victim and, where appropriate, the alleged perpetrator and any other CYP that require support.

In some cases, Children's Social Care will review the evidence and decide a statutory intervention is not appropriate. If a statutory assessment is not considered appropriate by Children's Social Care, we will consider what other support may be required. We will make further requests for support to Children's Social Care if we consider that a CYP remains in immediate danger or at risk of harm.

Reporting to the police

Where a report of rape, assault by penetration or sexual assault is made, we will report it to the police. We will generally inform parents or carers about reports of sexual abuse, unless to do so may put a CYP at additional risk. We will seek advice from other partners in individual cases.

In circumstances where parents or carers have not been informed, we will ensure that we support the CYP in any decision we take. This is likely to be with the support of Children's Social Care and any appropriate specialist agencies.

Where we have made a report to the police, we will consult with them and agree what information can be disclosed to staff and others, in particular the alleged perpetrator and their parents or carers. We will also discuss the best way to protect the victim and their anonymity.

Where there is a criminal investigation, we will work closely with the police and other agencies as appropriate to support all CYP involved (including potential witnesses). This will help to ensure that any actions we take do not jeopardise a police investigation. Sometimes the police will decide that further action is not required. In these circumstances we will continue to engage with other agencies to support the CYP involved.

8. Review

All child protection concerns are reviewed regularly, to ensure that everything has been fully addressed, that actions are completed, and to consider whether the CYP involved need any further support. We will continue to work with parents and carers and other agencies as appropriate, and risk assessments will be reviewed and updated as required.