

# **Sexual Violence and Sexual Harassment between Pupils Policy**



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**Date: October 2021  
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## Introduction

**This policy should always be read in conjunction with the school's Safeguarding and Child Protection Policy and the Peer on Peer/Child on Child Abuse Policy**

The Sexual Violence and Sexual Harassment between Children in Schools and Colleges DFE -Sept 2021 statutory guidance sets out the requirement for schools to address the issue of peer on peer sexual violence and sexual harassment. Keeping Children Safe in Education 2021 Part 1 clearly sets out what to look out for, and indicators of abuse.

In addition, the specific section of the statutory guidance Part Five: Child on child sexual violence and sexual harassment details how schools and colleges should respond **to all reports and concerns** of child on child sexual violence and sexual harassment, including those that have happened outside of the school or college premises, and or online.

- 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 are advised to maintain an attitude of '**it could happen here**'.
- Addressing inappropriate behaviour (even if it appears to be relatively innocuous) will 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, will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment and will be exacerbated if the alleged perpetrator(s) attends the same school.
- The school will be aware that safeguarding incidents and/or behaviours can be associated with factors outside the school, including intimate personal relationships.
- Whilst **any** report of sexual violence or sexual harassment will be taken seriously, staff will be aware it is more likely that girls will be the victims of sexual violence and sexual harassment and more likely it will be perpetrated by boys.
- All victims will be reassured that they are being taken seriously and that they will be supported and kept safe. A victim will never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor will a victim ever be made to feel ashamed for making a report.

*Keeping Children Safe in Education 2021. (page 100 para 428 -433)*

Following the 'Everyone's Invited' website responses from 16,000 young people who shared their experiences of peer on peer sexual abuse and harassment, both in school as well as in out of school hours, the government commissioned Ofsted to carry out and review and provide recommendations. The '*Review of sexual abuse in schools and colleges*' was published on 10<sup>th</sup> June 2021. In response to the review, on the 28th June 2021, Ofsted published revised inspection handbooks with effect from September 2021. This was followed by publication of 'Sexual violence and sexual harassment between

children in schools and colleges. Advice for governing bodies, proprietors, headteachers, principals, senior leadership teams and designated safeguarding leads' effective September 2021.

The updated documents have highlighted the following issues: -

- How prevalent peer on peer sexual harassment and on-line sexual abuse are for children and young people.
- Incidents are so commonplace that young people see no point in reporting them.
- Schools are underestimating the frequency with which peer sexual abuse and harassment occurs, both on site and during out-of-school hours.
- Children and young people are rarely positive about the RSHE they had previously received. They feel that it was too little, too late and that the curriculum is not equipping them with the information and advice they needed to navigate the reality of their lives
- Sexualised language and insults are an everyday occurrence and homophobic language is also commonly used in school. Many feel that staff either are not aware of this language, dismissed it as 'banter' or simply are not prepared to tackle it.
- Young people are open and honest about where sexual violence occurs. They identified it most often happens in unsupervised spaces outside of school, such as parties or parks without adults present.
- Although, some young people also experience sexual abuse and harassment in unsupervised school corridors.

#### **Ofsted recommendations include:**

- School and college leaders should create a culture where sexual harassment and online sexual abuse are not tolerated, and where they identify issues and intervene early to better protect children and young people.
- In order to do this, they should assume that sexual harassment and online sexual abuse are happening in their setting, even when there are no specific reports, and put in place a whole-school approach to address them.
- School leaders should identify where there might be 'hot-spots' or "no go" areas in the school.
- All staff delivering the RSHE programme should have access to high quality training.
- **All staff** should have a clear understanding of the prevalence of peer on peer sexual abuse and harassment.
- Schools should put in place robust structures to address peer on peer sexual abuse and harassment.
- The Relationships, Sex and Health Education (RSHE) curriculum must be robust and provide specific focus on consent, respect and navigating friendships and intimate relationships.
- Routine record-keeping and analysis of sexual harassment and sexual violence, including online, to identify patterns and intervene early to prevent abuse

It is within this context that the Sexual Violence and Sexual Harassment between Pupils Policy aims to enhance the Peer on Peer Abuse Policy, but also to ensure the school has a comprehensive preventative strategy.

While it is recommended that peer on peer sexual abuse and harassment is associated with the School Safeguarding and Child Protection Policy, due to the sensitive nature and specific issues involved with tackling sexual abuse in schools, this separate policy has been completed to annex our current School Safeguarding and Child Protection Policy.

At Primrose Hill Primary School we are committed to the prevention, early identification and appropriate management of peer on peer sexual abuse and harassment and to ensure that any form of peer on peer abuse or sexually harmful behaviour is dealt with immediately and consistently. This will reduce the extent of harm to the young person and minimise the potential impact on that individual child's emotional and mental health and well-being. This must be achieved within the context of ensuring that any young person exhibiting sexually harmful behaviours is also provided with appropriate safeguarding and therapeutic support.

This policy applies to governors and all members of staff including volunteers.

### **Terminology - Victims and alleged perpetrator(s)**

There are many different ways to describe children who have been subjected to sexual violence and/or sexual harassment and many ways to describe those who are alleged to have carried out any form of abuse. For the purposes of this policy, we use the term 'victim'. It is a widely recognised and understood term.

It is important that the school recognises that not everyone who has been subjected to sexual violence and/or sexual harassment considers themselves a victim or would want to be described in this way. When managing any incident, we will be prepared to use any term with which the individual child is most comfortable.

For the purpose of this policy, we use the term 'young people who sexually harm' and where appropriate 'perpetrator(s)/ 'alleged perpetrators(s). These are widely used and recognised terms and the most appropriate to aid effective drafting of advice. However, we will think very carefully about terminology, especially when speaking in front of children, not least because in some cases the sexual behaviour will have been harmful to the perpetrator as well. The use of appropriate terminology will be determined by the school, as appropriate, on a case-by-case basis

### **Definition**

#### **Sexual Violence**

Children can, and sometimes do, abuse their peers in a sexually violent way. Sexual violence refers to sexual offences under the Sexual Offences Act 2003<sup>105</sup> as described as

**Rape:** A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration and A does not reasonably believe that B consents.

**Assault by Penetration:** A person (A) commits an offence if: s/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents.

**Sexual Assault:** A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents

### **Physical Abuse**

Physical abuse may include hitting, kicking, nipping, shaking, biting, hair pulling or otherwise causing physical harm to another person. There may be many reasons why a child harms another and it is important to understand why a young person has engaged in such behaviour, including accidentally, before considering the action or sanctions to be undertaken.

### **Sexual Harassment**

Child on child Sexual Harassment is unwanted conduct of a sexual nature that can occur online and offline. Sexual harassment is likely to: violate a child's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment.

Sexual harassment can include:

- sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names.
- sexual "jokes" or taunting.
- physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes (schools and colleges should be considering when any of this crosses a line into sexual violence - it is important to talk to and consider the experience of the victim) and displaying pictures, photos or drawings of a sexual nature; and
- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
  - non-consensual sharing of sexual images and videos.
  - sexualised online bullying.
  - unwanted sexual comments and messages, including, on social media; and
  - sexual exploitation; coercion and threats

### **Vulnerabilities**

As a school we will recognise any child can be vulnerable to peer on peer sexual abuse and harassment- both in and out of the school setting, including:

- Individual and situation factors can increase a child's vulnerabilities to abuse by their peers such as the sharing of an image or photograph
- Children who are socially isolated from their peers
- Children who are questioning or exploring their sexuality may also be particularly vulnerable to abuse
- Children with certain characteristics such as sexual orientation, ethnicity, race or religious beliefs
- Children with Special Educational Needs and/or Disabilities (SEND) are three times more likely to be abused than their peers without SEND,

## **Prevention**

Primrose Hill Primary School has a clear set of values and standards. All staff have received training to recognise that instances of sexually inappropriate behaviour are much more common than previously assumed. All staff are equipped with the knowledge and skills to appropriately respond to any instances of sexual abuse or harassment.

Our approach to preventing peer on peer sexual abuse and harassment will be achieved through all aspects of school life, including our school values, aims, and curriculum. It will include an integral link to our: -

- School Code of Conduct
- Pupil Behaviour Policy
- Pastoral support system.
- Class/tutor group discussions
- Assemblies
- Curriculum – both implicit and explicit
- Staff providing positive role models
- The RSHE Policy and programme - topics include:
  - healthy and respectful relationships
  - what respectful behaviour looks like
  - consent
  - gender roles, stereotyping, equality
  - body confidence and self-esteem
  - prejudiced behaviour
  - that sexual violence and sexual harassment is always wrong
  - addressing cultures of sexual harassment

## **Dealing with Incidents**

In the first instance, normal safeguarding procedures of referral will be followed as detailed in the School's Safeguarding and Child Protection Policy). The initial response to a report from the student is important. All victims will be reassured that they are being taken

seriously and that they will be supported and kept safe. Abuse is abuse and should never be tolerated or passed off as “banter”, “just having a laugh” or “part of growing up”. A victim will never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor will a victim ever be made to feel ashamed for making a report.

In some cases, the victim may not make a direct report. For example, a friend may make a report, or a member of the school staff may overhear a conversation that suggests a young person has been harmed. As with all safeguarding concerns, it is important that in such instances staff take appropriate action in accordance with our Child Protection policy. They should not assume that someone else is responding to any incident or concern. Staff will speak to the Designated Safeguarding Lead (or a Deputy). In such cases, the basic safeguarding principles remain the same. “This includes ensuring that comprehensive records of all allegations are kept” (*Ofsted Inspection Framework update- June 21*)

### **School Procedure Following a Report:**

When an allegation is made by a pupil against another member of the peer group, members of staff will consider whether the complaint raises a safeguarding concern. If there is a Safeguarding concern, the Designated Safeguarding Lead (DSL) will be informed. The incident will also be reported on our CPOMS system; school has devised its own category for this type of abuse, enabling it to be reported separately.

A factual record will be made of the allegation, but no attempt at this stage will be made to investigate the circumstances. The DSL will contact The Bridge Partnership to discuss the case. The DSL will follow through the outcomes of the discussion and make a referral where appropriate.

If the allegation indicates that a potential criminal offence has taken place, the school will refer the case to The Bridge and where appropriate the police will become involved. Parents of both the student being complained about and the alleged victim, should be informed and kept updated on the progress of the referral.

The DSL will make a record of the concern, the discussion and any outcome and keep a copy in both the pupil’s files.

It may be appropriate to carry out a risk assessment to identify potential risks to both the victim and the young person/people who have sexually harmed.

The risk and needs assessment should consider:

- The victim, especially their protection and support.
- The alleged perpetrator; and
- All the other children (and, if appropriate staff) at the school This **must include** any actions that are appropriate to protect the young people involved.

If the situation presents risks to any pupils involved, it may be necessary to consider Suspension as a last resort.

Where neither Social Services nor the police accept the complaint, a thorough school investigation should take place into the matter using the usual disciplinary procedures. Situations where the school considers a safeguarding risk is present, a risk assessment will be prepared along with a preventative, supervision plan. The plan will be monitored and a date set for a follow-up evaluation with everyone concerned.

Following the outcome of an allegation there are several ways in which students will be supported in school:

1. Social Services support.
2. Early Help Team
3. 1:1 session with school counsellor/pupil support officer.
4. Support from Form Tutor and Head of Year
5. Completion and revision of a Preventative Supervision Plan.
6. Through RSHE and a whole school approach to challenging sexual violence and harassment

**Links with other policies: -**

- Safeguarding Policy
- Peer on Peer Abuse Policy
- Pupil Behaviour Policy
- On-line Safety Policy



## APPENDIX 1:

# PRIMROSE HILL PRIMARY SCHOOL

Phoebe Street, Ordsall, Salford, M5 3PJ

## Procedures for dealing with child-on-child abuse

In our school, 'child on child abuse' is a term we will use when ONE CHILD does something to harm or upset ANOTHER CHILD. Please see the Key Definitions below for examples of what this could look like.

### ALWAYS:

- ✓ Listen and reassure the child that they will be supported and kept safe
- ✓ Make a written record as soon as possible, stating only the facts
- ✓ Tell our designated safeguarding lead (DSL) urgently & with IMMEDIACY, NEVER delay or wait until the next day: **SUE DOOLAN** or **LEE ASHTON**. If unavailable contact **NATHALIE MARSHALL**

Where appropriate, take action yourself:

- If the child is in immediate danger or at risk of harm, make a referral to children's social care
- If an offence has been committed, report it to the police (even if the alleged perpetrator is under 10 – the age of criminal responsibility)
- Find out whether the victim and alleged perpetrator share classes, premises or transport, and consider how best to deal with this to ensure no further incidents can take place.

### NEVER:

- ✗ Dismiss the incident as 'banter', 'part of growing up' or 'having a laugh'
- ✗ Ask leading questions
- ✗ Promise total confidentiality – explain who you will need to tell and why
- ✗ View photos or videos of a sexual nature; If you do so by accident or think you might need to in order to deal with the issue effectively, talk to our DSL
- ✗ Take notes while the child is talking, if at all possible
- ✗ Tell anyone about the disclosure unless they need to know in order to progress it

Worried? Concerned? Unsure?

**"NEVER DELAY OR WAIT UNTIL THE NEXT DAY"**

### KEY DEFINITIONS

*Child on child abuse is most likely to include, but may not be limited to:*

- **bullying** (including cyberbullying, racist, homophobic, prejudice-based and discriminatory bullying);
- abuse in intimate personal relationships between peers;
- **physical abuse** such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm (this may include an online element which facilitates, threatens and/or encourages physical abuse);
- sexual violence, 11 such as rape, assault by penetration and sexual assault; (this may include an online element which facilitates, threatens and/or encourages sexual violence);
- sexual harassment, 12 such as sexual comments, remarks, jokes and online sexual harassment, which may be standalone or part of a broader pattern of abuse;
- causing someone to engage in sexual activity without consent, such as forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party;
- consensual and non-consensual sharing of nude and semi-nude images and/or videos<sup>13</sup> (also known as sexting or youth produced sexual imagery);
- upskirting, which typically involves taking a picture under a person's clothing without their permission, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm; and
- initiation/hazing type violence and rituals (this could include activities involving harassment, abuse or humiliation used as a way of initiating a person into a group and may also include an online element)

**WE MUST CHALLENGE & RESPOND TO ANY REPORT OF BULLYING**

THE NSPCC has launched dedicated helpline for children and young people who have experienced sexual harassment or abuse at school, and for worried adults and professionals that need support and guidance. The helpline number is **0800 136 663**.