

This advice should not be read in isolation. It is important for us to consider other relevant advice and guidance, including the following (which is not intended to be an exhaustive list), as part of our approach to protecting children from sexual violence and sexual harassment:

- [Exclusions From Maintained Schools, Academies and PRUs](#) (statutory guidance)
- [Keeping Children Safe in Education PART 5](#) (statutory guidance)
- [Sex and Relationship Education](#) (statutory guidance for maintained schools and academies)
- [Working Together to Safeguard Children](#) (statutory guidance)
- [Behaviour and Discipline in Schools](#) (advice for schools)
- [Children Missing Education](#) (advice for schools)
- [Cyberbullying](#) (advice for schools)
- [Equality Act 2010](#) and [Public Sector Equality Duty](#) (advice for schools)
- [Mental Health and Behaviour in Schools](#) (advice for schools)
- [Preventing and Tackling Bullying](#) (advice for schools)
- [The Equality and Human Rights Commission](#) (provides advice on avoiding discrimination in a variety of educational contexts). Schools must be aware of their obligations under the Human Rights Act 1998 (HRA). It is unlawful for schools to act in a way that is incompatible with the European Convention on Human Rights.
- Schools and colleges are required to comply with relevant requirements as set out in the Equality Act 2010 (the Equality Act) see [advice for schools](#). Provisions within the Equality Act allow schools to take positive action, where it can be shown that it is proportionate, to deal with particular disadvantages affecting one group.
- [UKCCIS Sexting advice](#) (advice for schools and colleges)
- Compliance with the Public Sector Equality Duty ([PSED](#)) is a legal requirement for schools and colleges that are public bodies and therefore have a general duty to have regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between different groups and to foster good relations between different groups. The duty applies to all protected characteristics and means that whenever significant decisions are being made or policies developed, thought must be given to the equality implications such as, for example, the elimination of sexual violence and sexual harassment.
- Stowe's Sexual Violence and Sexual Harassment Policy
- Stowe's Anti-Bullying Policy.
- Stowe's Pupil Behaviour Policy and School Rules.
- Stowe's Safeguarding and Child Protection Policy

## AIMS AND VALUES

Stowe believes that all children have a right to attend school and learn in a safe environment free from harm by both adults and other pupils. We recognise that some safeguarding concerns can occur via Sexual Violence and Sexual Harassment, especially Sexual Violence and Sexual Harassment amongst pupils.

In order to prevent and tackle Sexual Violence and Sexual Harassment, Stowe adopts a Contextual Safeguarding approach, which is an approach to understanding, and responding to, the risk of harm to which children can be exposed, and/or harm which they can experience, beyond their families. It recognises that the different relationships that children form in their neighbourhoods, schools, and online can feature violence, coercive control and abuse.

The amount of control that parents can exercise in respect of on-line contact between their child varies but in the majority of cases parents feel powerless and have little if any active control or influence in these contexts, and the risk of harm to which children can be exposed, and/or harm which they can experience, outside of the family, can undermine parent-child relationships. Therefore, children's educators and social care practitioners need to engage with individuals and sectors that do have influence over/within extra- familial contexts and recognise that assessment of, and intervention with, these extra-familial contexts, is a critical part of safeguarding practices. Contextual Safeguarding; therefore, expands the objectives of child protection systems in recognition that children are vulnerable to and can experience, abuse in a range of social contexts.

Our purpose is developing students with empathy, understanding and appreciation for other views and opinions. We support the Stoics to develop friendships which will last long beyond their time here and empower them to grow into independent, strong people who are equipped with the flexibility and moral courage to deal with the challenges of the modern world, to be changemakers.

We will endeavour to provide an environment where every student can feel:

- safe;
- healthy;
- able to enjoy and achieve;
- able to contribute to future economic well-being; and
- able to make a positive contribution.

## CONTEXT

Sexual violence and sexual harassment can occur between two children of any age and sex. It can also 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 offline (both physically and verbally) and are never acceptable. All victims will be taken seriously and offered appropriate support.

Children who are victims and survivors of sexual violence and sexual harassment will find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment. We will ensure that victims and survivors are protected, offered appropriate support and every effort is made to ensure their education is not disrupted. Other children and school staff will be supported and protected as appropriate, including the alleged perpetrator.

[The UK report It's just everywhere](#) found that 14% of girls were significantly more likely than boys (7%) to

report that their partner had pressured them to share nude images of themselves in the last year. Girls are also significantly more likely to be victimised with unwanted sexual messages and images from their peers online, with 31% of female respondents aged 13-17 years saying they had experienced this in the last year compared to 11% of male respondents.

Children with Special Educational Needs and Disabilities (SEND) are three times more likely to be abused than their peers. Additional barriers can sometimes exist when recognising abuse in SEND children. These can include:

- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability without further exploration;
- the potential for children with SEND being disproportionately impacted by behaviours such as bullying and harassment, without outwardly showing any signs; and
- communication barriers and difficulties overcoming these barriers.

Any reports of abuse involving children with SEND will involve close liaison with the Designated Safeguarding Lead (or deputy) and the SENCO.

Children who identify as LGBTQQIP2SAA (lesbian, gay, bisexual, transgender, questioning, queer, intersex, pansexual, two-spirit (2S), androgynous and asexual) can be targeted by their peers. In some cases, a child who is perceived by their peers to be LGBTQQIP2SAA (whether they are or not) can be just as vulnerable as children who identify as LGBTQQIP2SAA.

#### STATEMENT OF PRINCIPLES

The best schools take a whole school approach to safeguarding and child protection. This means involving everyone in the school, including the governing body, all the staff, children, and parents and carers. Our approach to sexual violence and sexual harassment therefore reflects and is part of the broader approach to safeguarding.

All staff, pupils and parents should be aware of the importance of:

- making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up;
- not tolerating or dismissing sexual violence or sexual harassment as "banter", "part of growing up", "just having a laugh" or "boys being boys";
- challenging behaviour (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia and flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them; and
- understanding that all of the above can be driven by wider societal factors beyond the school, such as everyday sexist stereotypes and everyday sexist language.

#### TERMS AND PHRASES

##### Harmful sexual behaviour

Children's sexual behaviour exists on a wide continuum, from normal and developmentally expected to inappropriate, problematic, abusive and violent. Problematic, abusive and violent sexual behaviour is developmentally inappropriate and may cause developmental damage. A useful umbrella term is "harmful sexual behaviour". Harmful sexual behaviour can occur online and/or offline and can also occur simultaneously between the two. Harmful sexual behaviour is considered in a child protection context.

When considering harmful sexual behaviour, ages and the stages of development of the children are critical factors to consider. Sexual behaviour between children can be considered harmful if one of the children is much older, particularly if there is more than two years' difference or if one of the children is pre-pubescent and the other is not. However, a younger child can abuse an older child, particularly if they have power over them, for example, if the older child is smaller in stature.

### Sexual violence

When referring to sexual violence in this policy, we do so in the context of child on child sexual violence and referring to sexual offences under the [Sexual Offences Act 2003](#)

### What is consent?

Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another. Consent can be withdrawn at any time during sexual activity and each time activity occurs.

- a child under the age of 13 can never consent to any sexual activity;
- the age of consent is 16;
- sexual intercourse without consent is rape.

### Sexual harassment

Sexual harassment is unwanted conduct of a sexual nature between children that can occur online and offline. Sexual harassment (as set out below) creates an atmosphere that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence. 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.

**Online sexual harassment** refers to a range of behaviours where digital technologies are used to facilitate both virtual and face-to-face sexually based harms. Online sexual harassment may constitute a number of criminal offences, depending on the nature of the online harassment. Whether the conduct constitutes a criminal offence or not, many victim-survivors experience these behaviours as a form of sexual violence. Examples of online sexual harassment can be broadly split into the following areas:

- **Unsolicited sexual content online** refers to any sexual content shared online which is not wanted by the recipient. This could include content seen on apps, messaging services and websites which has not been sought out by the user.
- **Image-based sexual abuse** refers to the non-consensual creation and/or distribution of sexual images.

- **Sexual coercion, threats and intimidation online** could include a person receiving threats of a sexual nature or being coerced to engage in sexual behaviours on or offline via digital technologies.

While there are distinctions between these three categories above, there are evident overlaps and links.

It is important to be aware of some of the terms that are regularly used by the general public and the media when reporting on cases and the impact that the use of these terms may have on victims and survivors of sexual abuse/harassment/violence.

#### **Victims and survivors rather than 'victims' or 'survivors'**

Both these words have very different connotations and varying personal meanings for individuals. Some people identify as victims and some as survivors, therefore it is important to use the words 'victims and survivors' together when collectively referring to people that have been subjected to sexual violence and/or sexual harassment.

#### **Alleged perpetrator**

For the purpose of this document we will use the term 'alleged perpetrator' and where appropriate 'perpetrator'.

These are widely used and recognised terms and the most appropriate to aid the effective writing of policies. Adults should, however, think very carefully about terminology, especially when speaking in front of children.

### **THE LAWS RELEVANT TO ONLINE SEXUAL HARASSMENT IN ENGLAND**

#### **Unsolicited sexual content online**

There are a number of laws in which a person could be prosecuted for sending unsolicited sexual content online, however, the act in and of itself is not yet illegal in England and Wales (though it is in Scotland). Laws which could be applied to this include the Protection from Harassment Act 1997 and some aspects of the Sexual Offences Act 2003 such as 'causing a child to watch a sex act' and 'sexual communication with a child'.

#### **Image-Based Sexual Abuse**

As of 2015, it is 'an offence for a person to disclose a private sexual photograph or film if the disclosure is made without the consent of an individual who appears in the photograph or film, and with the intention of causing that individual distress'. In April 2017, the Sentencing Council included the 'threat to disclose intimate material or sexually explicit images', within its guideline for offences under the Communications Act 2003 (7); however, prosecuting threats of image-based sexual abuse remains challenging.

Under the Protection of Children Act 1978, creating or sharing indecent images of a child is illegal. It is illegal if the person creating the image is under the age of 18, even if they consent to it being created, or share it with children of the same age. The Home Office Recording Rules 'Outcome 21' (January 2016) allows police to respond in a proportionate way to reports of youth produced sexual imagery. This states that even though a young person has broken the law and the police may have evidence that they have done so, the police can record that they chose not to take further action as it was not in the public interest.

Since April 2019, it has been an offence to take an image or video up a person's skirt without their consent, often referred to as 'upskirting'.

#### **Sexual coercion, threats and intimidation online**

Several sections of the Sexual Offences Act 2003 could be relevant in instances of sexual coercion, threats and intimidation including 'causing or inciting a child to engage in sexual activity'. In situations of demands for sexual

images where threats are made, Section 21 of the Theft Act 1968 (Blackmail) is likely to apply.

All kinds of persistent harassment and stalking are offences under the Protection from Harassment Act 1997. What constitutes harassment or stalking is not explicitly defined, but can include a range of actions when considering the context, nature, and duration of the acts.

### **WHAT'S THE IMPACT OF ONLINE SEXUAL HARASSMENT?**

The experience of online sexual harassment will of course be different for all young people. It is important to recognise that it can have both short- and long-term consequences for victims and survivors which will appear differently for each individual, impacting mental health and wellbeing.

#### **What's the impact of unsolicited sexual content for young people?**

- Severe mental distress - feeling threatened, intimidated and violated
- Violates dignity and autonomy of victims and survivors - it removes the right to control what we see and engage with online
- Leads to older siblings (who are still children) monitoring the content on younger siblings' social media platform to remove any unsolicited content. This puts additional pressure on older siblings to keep younger siblings safe
- Normalisation of non-consensual sexual activity and intimidation.

#### **What's the impact of image-based sexual abuse (IBSA) for young people?**

- Severe mental distress - feeling threatened, violated and anxious regarding repercussions including fearing direct physical attacks, to name but a few
- Violates dignity and privacy of victims - it removes right to control who we share intimate images with
- Impacts on feelings of self-worth and self-esteem levels: IBSA can relate strongly to issues of body image and self-esteem
- Takes away right to freedom of sexual expression - feelings of shame from culture of blaming victim for their own abuse
- Normalisation of non-consensual sexual activity and sexual violence
- Social stigma can negatively impact peer relationships leading to risk of isolation
- School refusal if issues of social stigma begin to prevent a young person from feeling comfortable in the school setting
- Victims fear chances of employment and other opportunities will be put at risk if images are put online or if there is police involvement.

#### **What's the impact of sexual coercion, threats and intimidation for young people?**

- Severe mental distress - feeling threatened, violated and anxious regarding repercussions including fearing direct physical attacks, to name but a few
- Violates dignity and privacy of victims - it removes right to control what we do online
- Impacts on feelings of self-worth and self-esteem levels: threatening IBSA can relate strongly to issues of body image and self-esteem
- Normalisation of non-consensual sexual activity and sexual violence
- Victim's fear chance of employment and other opportunities will be put at risk if employers or potential employers find images and police involvement

## PREVENTION

Schools play an important role in preventative education. [Keeping Children Safe in Education](#) sets out that all schools should ensure children are taught about safeguarding, including how to stay safe online. Schools should consider this as part of providing a broad and balanced curriculum.

Addressing inappropriate behaviour can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future. Children displaying harmful sexual behaviour have often experienced their own abuse and trauma. It is important that they are offered appropriate support.

### A planned curriculum as part of a whole school approach

The most effective preventative education programme will be through a whole-school approach that prepares pupils for life in modern Britain. The school will have a clear set of values and standards, and these will be upheld and demonstrated throughout all aspects of school life. This will be underpinned by the school's behaviour policy and pastoral support system, and by a planned programme of evidence-based content delivered through the whole curriculum. Such a programme should be developed to be age and stage of development appropriate (especially when considering SEND children and their cognitive understanding), and may tackle such issues as:

- healthy and respectful relationships;
- what respectful behaviour looks like;
- recognising and resisting pressure/seeking help;
- [consent](#);
- gender roles, stereotyping, equality;
- body confidence and self-esteem;
- practising assertiveness techniques;
- prejudiced behaviour;
- recognising and managing risk;
- understanding acceptable/unacceptable physical contact;
- that sexual violence, abuse and sexual harassment is always wrong; and
- addressing cultures of sexual harassment;
- human rights – the idea that all individuals have a right to fairness and to having their privacy respected;
- **digital defence** - educating young people on how to navigate online platforms and digital devices safely and effectively. It can include aspects of digital literacy related to privacy settings, reporting and blocking other users, identifying and addressing issues of online sexual harassment and recognising misinformation. Students should understand about:
  - Using technology including learning how to use and manage social media apps and web platforms. This includes supporting the creation of youth-led change-making and awareness raising resources and providing resources and commitment to youth led gender activism including girls' rights and LGBTQ+ rights.
  - Online privacy (data protection) including how to use privacy settings on their most-used platforms (e.g. Instagram, Snapchat, Tiktok), and knowing how to identify fake profiles.
  - Digital defence strategies, such as reporting, blocking and being aware of the Internet Watch foundation, CEOP and Report Harmful Content (links below).
  - Being a bystander: providing young people with an understanding of what they could do if they witnessed someone being harassed or bullied.

Our school will deliver this content through planned, high-quality, Sex and Relationship Education (SRE) and Personal, Social, Health and Economic (PSHE) lessons; form time activities and assemblies; and Activity Days (when necessary). As part of our curriculum offer, we may engage with appropriate, well established external

agencies to deliver materials to students

### **MONITORING, EVALUATION AND REVIEW**

This policy will be promoted and implemented throughout the school.

The DSL will ensure that accurate records of all incidents of sexual violence and harassment are logged on MyConcern and reported to the Governors termly. This data will be analysed by the DSL who will review this policy to assess its implementation and effectiveness and re-design further strategies to improve procedures if necessary.

It is the responsibility of the Head to implement the school's Sexual Violence and Harassment strategy, to ensure that all stakeholders are aware of the school policy, and that they know how to identify and deal with incidents of sexual violence and harassment. The Head can also report to the Governing Body about the effectiveness of the Policy on request.

The Governing Body will monitor incidents of sexual violence and harassment that do occur, and review the effectiveness of this policy and the school's strategies annually. The Governing Body supports the Head in all attempts to eliminate sexual violence and harassment from the school. The Governing Body will not condone any sexual violence and harassment at all, and any incidents that do occur will be taken very seriously, and dealt with appropriately.

A parent/carer who is dissatisfied with the way the school has dealt with an incident can make a complaint to the Chair of Governors. The complaint will be dealt with in accordance with the complaints policy which can be accessed from the school's website.

### **Combatting Sexual Violence and Sexual Harassment**

In order to minimise the risk of Sexual Violence and Sexual Harassment taking place, Stowe must adopt a **whole school approach** and:

- Deliver PSHE to include teaching pupils about how to keep safe and understanding what acceptable behaviour looks like. This may include covering relevant issues for schools through Relationships and Sex Education (for all secondary pupils) and Health Education (for all pupils in state-funded schools) which was made compulsory from September 2020. The statutory guidance can be found here: [Statutory guidance: relationships education, relationships and sex education \(RSE\) and health education](#).
- Ensure that pupils know that all members of staff will listen to them if they have concerns and will act upon them
- Have systems in place for any pupil to be able to voice concerns
- Develop robust risk assessments if appropriate
- Refer to any other relevant policies when dealing with incidents, such as the Pupil Code of Conduct and/or the **Child on Child Abuse Policy, Digital Safety Policy and Stowe's Safeguarding and Child Protection Policy**.
- Ensure staff, governors, pupils and parents are appropriately trained in recognising the signs that Sexual Violence and Sexual Harassment is happening.

This includes:

- (i) Contextual Safeguarding
- (ii) The identification and classification of specific behaviours, including digital behaviours
- (iii) The importance of taking seriously all forms of Sexual Violence and Sexual Harassment abuse (no matter how 'low level' they may appear) and ensuring that no form of peer-on-peer abuse is ever dismissed as horseplay or teasing.



(iv) Social media and online safety, including how to encourage children to use social media in a positive, responsible and safe way, and how to enable them to identify and manage abusive behaviour online. Training includes educating pupils about the nature and prevalence of Sexual Violence and Sexual Harassment abuse, positive, responsible and safe use of social media, and the unequivocal facts about consent, via PSHE and the wider curriculum.

- Ensure pupils are supported adequately through mental health provisions such as Therapy, HouseParents, Matrons, and Welfare Prefects.
- Creating conditions in which our students can aspire to, and realise, safe and healthy relationships fostering a whole-school culture:
  - which is founded on the idea that every member of our school community is responsible for building and maintaining safe and positive relationships, and helping to create a safe school environment in which violence and abuse are never acceptable:
  - In which students are able to develop trusting relationships with staff and in which staff understand, through regular discussion and training, the importance of these relationships in providing students with a sense of belonging, which could otherwise be sought in problematic contexts,
  - In which students feel able to share their concerns openly, in a non-judgmental environment, and to be listened to,
  - Which (i) proactively identifies positive qualities in students; (ii) nurtures these qualities; (iii) teaches and encourages students to think about positive hopes for the future; and (vi) supports students in developing small-scale goals that enable realistic ambitions.

We recognise that 'Upskirting' involves taking a photograph under an individual's clothing without their knowledge. We understand that it causes the victim distress and humiliation. Staff recognise that 'Upskirting' is a criminal offence under the Voyeurism (Offences) Act 2019 and must promptly report any such incidence to the Head, DSL or most senior member of staff. Sending nudes and/or semi nudes can also amount to sexual harassment.

Reference will be made to the following government guidance in **Keeping Children Safe in Education, 2023** to ensure that all staff have an understanding of the serious nature of sexual violence and sexual harassment between children in schools.

### **Dealing with a Sexual Violence and Sexual Harassment Incident/Disclosure**

#### **General Principles:**

Addressing inappropriate behaviour (even if it appears to be relatively innocent) can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future.

It is essential that all concerns and allegations of Sexual Violence and Sexual Harassment are handled sensitively, appropriately and promptly. The way in which they are responded to can have a significant impact on our School environment. There is recognition that Sexual Violence and Sexual Harassment will more likely affect girls than boys; however, staff and fellow pupils should be alert for Sexual Violence and Sexual Harassment involving both genders and non-binary identifying students.

Staff taking a report should never promise confidentiality, as it is very likely that it will be in the best interests of the victim to seek advice and guidance from others in order to provide support and engage appropriate agencies. All concerns should be reported immediately onto MyConcern.

Ultimately, the designated safeguarding lead (or a deputy) will have to balance the victim's wishes against their duty to protect the victim and other children.

If the designated safeguarding lead (or a deputy) decides to go ahead and make a referral to children's social care and/or a report to the police against the victim's wishes, this should be handled extremely carefully, the reasons should be explained to the victim and appropriate specialist support should be offered. The DSL knows there is a statutory duty to cooperate with the safeguarding partnerships.

Any response should:

- Include a thorough investigation of the concern(s) or allegation(s) and the wider context in which it/they may have occurred (as appropriate) – depending on the nature and seriousness of the alleged incident(s), it may be appropriate for the police and/or children's social care to carry out this investigation,
- Treat all children involved as being at potential risk
- While the child allegedly responsible for the abuse may pose a significant risk of harm to other children, s/he may also have considerable unmet needs and be at risk of harm themselves.
- Stowe will ensure that a safeguarding response is in place for both the child who has allegedly experienced the abuse, and the child who has allegedly been responsible for it, and additional sanctioning work may be required for the latter,
- Where an incident of Sexual Violence and Sexual Harassment has happened outside of Stowe, Stowe will still treat the disclosure seriously and investigate thoroughly and best safeguard the pupils involved as much as possible.
- NO response from Stowe will ever seek to downplay abusive behaviours as it can lead to a culture of unacceptable behaviour, an unsafe environment and a culture that normalises abuse. Stowe will also never underestimate the scale of how much Sexual Violence and Sexual Harassment could be happening.
- It is important to explain that the law is in place to protect children and young people rather than criminalise them, and this should be explained in such a way that avoids alarming or distressing them.

### **The Role of the DSL**

In each case of Sexual Violence and Sexual Harassment, the appropriate response and the level of intervention will depend upon the nature, gravity and complexity of the issues raised.

However, in each reported case, the role of the DSL must be considered and the following factors considered;

#### **Communication between the DSL and others.**

1. Should the DSL speak to the child making the allegation?

Factors to take into account will be;

- To whom has the child spoken and in what degree of detail?
- Has the child spoken to another member of staff/houseparent?
- Does the child have a preference as to whom he/she wishes to speak, based on for example, relationship with the member of staff or gender?
- Would further conversations be comforting/reassuring to the child or distressing to have to repeat conversations?
- Is an investigation necessary?
- Who will be conducting the investigation?

There is a balance to be struck between ongoing support and speaking with a child (and repeated questioning) particularly if there is any prospect of the matter triggering a criminal investigation.

In cases where other teachers/staff are taking the lead in speaking with the child, the DSL should consider whether it is appropriate to speak with the child to make clear his/her role and to explain that the child can

Speak with the DSL in addition to whomever is dealing with the allegation. This can be seen as a supportive role rather than as an active part of the investigation.

2. Should the DSL speak to the child against whom the allegation(s) is made?

- Is an investigation necessary?
- Who is conducting the investigation?
- Who is co-ordinating the investigation if it is complex and involves several/multiple individuals?

**In cases where other teachers/staff are taking the lead in speaking with the child, the DSL should consider whether it is appropriate to speak with the child to make clear his/her role and to explain that the child can speak with the DSL in addition to whomever is dealing with the allegation.**

### **Communication with the relevant parents**

The DSL must clarify in each case which member of staff is taking the lead in communicating with the parents of the child making and the allegation and the parents of the children against whom the allegations are being made.

The DSL should contact the relevant parents setting out who is dealing with the complaint, in what capacity and who will communicate actions taken. For example, if the Head is taking an active role in an investigation and ultimately issues sanctions, he/she will wish to communicate those decisions.

### **Any investigation will consider;**

That the incident may indicate wider safeguarding concerns for any of the children involved and consider and address the effect of wider sociocultural contexts.

Factors to be considered are;

- the child's/ children's peer group (both within and outside the school)
- the child's experiences of family life (whether the child perceives or has experienced a nurturing/abusive family life)
- the school environment
- their experience(s) of crime and victimisation in the local community; and the child/children's online presence.

All of the above will need to be considered to assess whether changes may need to be made to the arrangements for the child to address the child/ children's needs and to mitigate risk.

### **Risk Assessment:**

When there has been a report of Sexual Violence and Sexual Harassment, 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;
- The alleged perpetrator; and
- All the other children (and, if appropriate, adult students and staff) at the Stowe and it is not the role of Stowe to provide legal advice or support to victims, alleged perpetrators or parents in respect of a criminal justice process. Rather, Stowe should be aware of its own position and responsibilities.

The risk assessment will be documented on the form known as "Child on Child risk assessment form" which will evidence the factors considered in any particular case. This process will identify the need (if any) for any changes to the living or teaching arrangements for any pupil within the school environment. It is recognised

that in a boarding school, the victim may not be able to escape their perpetrator as frequently or for as long periods of time as if they were at a 'day' school. This needs to be taken into account in the Risk Assessment.

**Where there is an alleged incident of Sexual Violence and Sexual Harassment between pupils within the same boarding house.**

A risk assessment will need to be made immediately after the incident to ensure the safety for all those involved. This needs to take into account the physical geography of the house is restrictions on movement is needed to further safeguard pupils. The school will always reserve the right to remove pupils if they are assessed to be a genuine danger to themselves or others.

It is not the role of Stowe to provide legal advice or support to victims, alleged perpetrators or parents in respect of a criminal justice process. Stowe will act in accordance with its statutory duties and codes of practise to safeguard the children mindful of its own position and responsibilities.

Risk assessments will be recorded (written or electronic) and will be kept under review. At all times, Stowe School will be actively considering the risks posed to all their pupils and putting adequate measures in place to protect them and keep them safe.

**Sexual Violence and Sexual Harassment can only be stopped if information is shared.**

A pupil who is a victim of Sexual Violence and Sexual Harassment or who sees another pupil being subjected to Sexual Violence and Sexual Harassment is urged to approach any member of staff or other responsible person. There is an online option to report Sexual Violence and Sexual Harassment/safeguarding concern on Stowe's VLE.

Those who can help might include:

- Deputy Heads/ HouseParents /Head of PSHE
- A friend
- A responsible older boy or girl (school prefects or house prefects)
- A member of L6 Mentors / Welfare Prefects
- Parents
- HouseParents, Matron or other member of the House staff
- Tutor
- Any member of staff or trusted adult
- The Chaplaincy team
- Independent Listener
- The School Therapists
- The School Doctor or Medical Centre staff
- Childline
- Children's Commissioner

In all cases, pupils, parents and staff can expect that they will be taken seriously and that the information they give will be dealt with as confidentially as possible with a victim centred approach to the investigation and subsequent actions. Punishment will depend upon the severity of the incident. Very severe or persistent cases of Sexual Violence and Sexual Harassment may be punished by Head's Sanctions, suspension, or ultimately expulsion, as determined by the Head.

Role of Parents that suspect their child is being subjected to Sexual Violence and Sexual Harassment:

1. Parents with concerns about Sexual Violence and Sexual Harassment should contact the Houseparent, DSL, Senior Deputy Head, Deputy Head Pastoral, Head of PSHE or Tutor as soon as they feel they need to.

2. In cases of serious Sexual Violence and Sexual Harassment, the incidents will be recorded by staff and the Headmaster notified. They will be recorded on MyConcern.
3. If necessary, parents will be asked to come in to a meeting to discuss the Sexual Violence and Sexual Harassment.
4. The Sexual Violence and Sexual Harassment behaviour or threats of Sexual Violence and Sexual Harassment will be investigated and every attempt will be made to ensure that the Sexual Violence and Sexual Harassment stops immediately.
5. In addition to any necessary disciplinary measures, Stowe will implement pastorally supportive measures to endeavour to help the pupil carrying out the Sexual Violence and Sexual Harassment, to change their behaviour.

Parents should not:

1. Attempt to resolve the issue by speaking to the child whom they think may be acting as the perpetrator, or by speaking to their parents.
2. Encourage their child to be abusive back. Both of these will only make the problem much harder to resolve.

## HOW TO TACKLE SEXUAL VIOLENCE AND SEXUAL HARASSMENT

### 1. Prevention

- Through the promulgation of this policy.
- Through the PSHE/RSE programme and through chapel services, assemblies, tutor group discussions and by engaging with outside agencies and groups (e.g. *Active Bystander/Beyond Equality/Everyone's Invited*) aimed at raising awareness of Sexual Violence and Sexual Harassment at Stowe. This will include explicit teaching on fostering healthy and respectful relationships. It will also be made clear the robustness with which the school will tackle Sexual Violence and Sexual Harassment, especially sexual harassment and sexual violence between different or same sexes.
- By openly discussing differences between people that could motivate bullying, such as religion, ethnicity, disability, gender, sexuality or appearance related difference. Also children with different family situations, such as looked after children or those with caring responsibilities. Stowe will also teach its pupils that using any prejudice based language is unacceptable.
- Through the promotion of L6 Mentors, Welfare Prefects and the wider school and house prefect system.
- By ensuring that all new staff are made aware of the School's Sexual Violence and Sexual Harassment policy through the new staff induction programme.
- By raising awareness amongst staff through frequent training opportunities and ensuring they are active in supervising situations/areas in which Sexual Violence and Sexual Harassment can take place.
- By raising awareness amongst pupils, encouraging solidarity amongst them and making them realise that adults do have the ability to stop Sexual Violence and Sexual Harassment.
- Work with the wider community such as the police and children's services to agree a clearly understood approach to cases where bullying is particularly serious or persistent and where a criminal offence may have been committed. Successful schools also work with other agencies and the wider community to tackle bullying that is happening outside school
- Creating an inclusive environment, which promotes mutual respect and celebrates diversity. Through PSHE, Tutorials and House Meetings, Stowe will look to create a safe environment where pupils can openly discuss the cause of their bullying, without fear of further bullying or discrimination. Celebrating success is an important way of creating a positive school ethos around the issue.
- Implementing changes recommended following the risk assessments undertaken.

### 2. Action to stop Sexual Violence and Sexual Harassment which is happening

(a) The immediate aims of this action must be:

- To prevent further Sexual Violence and Sexual Harassment.

- To encourage the pupil involved to take control over what happens next.

(b) The eventual aims of this action must be:

- To increase the empathy, self-esteem and assertiveness of the pupils involved
- To make the perpetrator acknowledge and accept responsibility for his/her actions.

Therefore:

- A Sexual Violence and Sexual Harassment incident must be communicated to those who can deal with it effectively.
- The HouseParent(s) must be informed, and he/she has the responsibility for ensuring that an investigation takes place, or in very serious cases, for passing on that responsibility to the Head, Senior Deputy Head, Deputy Head and DSL. The Houseparent should also consider at what stage to consult with parents.
- The Houseparent may share information about the incident at the next Houseparent's meeting, or at the next staff meeting as advised by the Senior Deputy Head or Deputy Head Pastoral.
- At all stages of an investigation into an incident accurate written notes and relevant correspondence between parties must be kept by staff (ideally using MyConcern). The member of staff investigating the incident must work with the victim and if possible obtain his/her consent for any further action; a written record of the details of the incident(s) must be kept, preferably on MyConcern.

(c) Possible courses of action

Every incident of Sexual Violence and Sexual Harassment is different and will need sensitive handling by the member of staff dealing with it. An investigation must take account of the fact that the victim's point of view is inevitably subjective. In all cases, the pupils involved might feel immediately supported by any or all of the following:

- Encouraging the pupils involved to talk about the incident and, in particular, their feelings and taking them seriously.
- Suggesting that a friend or group of friends is brought in to talk about the incident.
- Identifying the times/places/situations where the bullying happens and thinking of ways of avoiding these.
- Suggesting ways in which the bully can be confronted/dealt with, including
- asking friends and other pupils to stand by the victim and to report incidents of bullying to staff
- 'Discovery' of the bullying in progress by a member of staff
- Staff-led group discussion in which the bully is involved but not identified
- Using the services of the School Counsellors or another member of staff to help the pupils involved to be more assertive or socially skilled.
- Using the services of the School Counsellors or another member of staff to help bullies to control their aggression and to be more empathetic.
- Using the services of L6 Mentors / School Welfare Prefects / House Prefects.

**Safeguarding and supporting the victim:**

- By offering them an immediate opportunity to talk about the experience with their HouseParent(s), tutor, or another teacher/adult if they choose.
- Counselling service\*.
- By talking about what happened, to discover why they became involved.
- Informing the bullies' parents/guardians.
- L6 Mentors/House Prefects & School Welfare Prefects.

- Informing the victims' parents/guardians.
- By offering continuing support when they feel they need it.
- By offering restorative justice as a mediation service.
- By taking the disciplinary steps described below to prevent more Sexual Violence and Sexual Harassment
- \*CBT is available through private arrangement between parents and CBT therapist.
- The Victim should also be given the opportunity to frequently feedback about their experiences of Stowe's handling of the incident and subsequent investigation and its outcomes.

**Other Considerations:**

- Stowe will think carefully about the terminology it uses to describe the "victim".
- Consider the age and the developmental stage of the victim, the nature of the allegations and the potential risk of further abuse. Stowe 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.
- Acknowledgement that victims will likely find the experience stressful and distressing, and that this will be particularly exacerbated if the victim and alleged perpetrator are both at Stowe/in the same peer group.
- 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 Stowe is a safe space for them.
- 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.
- Consider the proportionality of the response. Support should be tailored on a case-by-case basis. The support required regarding a one-off incident of name-calling is likely to be vastly different from that for a report of rape.
- Staff need to be aware that pupils may not tell staff verbally and may instead exhibit signs that they hope adults will react to. A report may also come about following an overheard conversation. As per Part One of KCSIE 2023, staff should act immediately on any concerns about a child's welfare. It is essential that all victims are reassured that they are being taken seriously, regardless of how long it has taken them to come forward.

**Supporting the Perpetrator:**

The following principles are based on effective safeguarding practice and should help shape any decisions regarding safeguarding and supporting the alleged perpetrator(s):

- The position of the perpetrator if found to have perpetrated Sexual Violence and Sexual Harassment is one that will be carefully considered and often requires a careful balancing of many factors. There is always the need to safeguard the victim (and the wider pupil/student body) and whilst providing the alleged perpetrator(s) with an education, safeguarding support as appropriate and implement any disciplinary sanctions. To complete this difficult balancing task the school will;
- Consider the age and the developmental stage of the alleged perpetrator(s) and nature of the allegations. Any child is likely to experience stress as a result of being the subject of allegations and/or negative reactions by their peers to the allegations against them.
- Consider the proportionality of the response. Support (and sanctions) should be considered on a case-by-case basis. The 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. Harmful sexual behaviours 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 if an alleged perpetrator 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 and staff. The designated safeguarding lead should take responsibility to ensure this happens as well as transferring the child protection file.
- [The National Organisation for the Treatment of Abusers \(NOTA\)](#) provides support for professionals involved in work with, or related to, sexual offending.

#### **DISCIPLINARY STEPS**

- As well as taking steps to change the bully's pattern of behaviour through discussion and counselling\* if necessary, the following disciplinary measures will be used as appropriate:
  - Officially warning the perpetrator that their behaviour must stop.
  - Informing the bully's parents/guardians.
  - Sanctions.
  - In more serious cases or where the bullying persists following other disciplinary measures,:
    - Suspension for a fixed period of time
    - Permanent exclusion.
- CBT is available through private arrangement between parents and the CBT therapist.
- Taking disciplinary action against the alleged perpetrator(s) should however be undertaken in conjunction with providing support to the perpetrator(s); they are not mutually exclusive and it is important that the perpetrator(s) is given the correct support to try to stop reoffending and to address any trauma which may be causing the behaviour

#### **Unsubstantiated, unfounded, false or malicious reports**

As set out in paragraph 68 of Part one of KCSIE 2023, all concerns, discussions and decisions made, and the reasons for those decisions, should be recorded in writing. Records should be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified, and addressed.

If a report is determined to be unsubstantiated, unfounded, false or malicious, the designated safeguarding lead should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to local authority children's social care may be appropriate.

If a report is shown to be deliberately invented or malicious, the school or college, should consider whether any disciplinary action is appropriate against the individual who made it as per their own behaviour policy.



### Sexual violence and sexual harassment Specialist Organisations

[Barnardo's](#) - UK charity caring for and supporting some of the most vulnerable children and young people through their range of services.

[Lucy Faithful Foundation](#) - UK-wide child protection charity dedicated to preventing child sexual abuse. They work with families affected by sexual abuse and also run the confidential Stop it Now! Helpline.

[Marie Collins Foundation](#) – Charity that, amongst other things, works directly with children, young people, and families to enable their recovery following sexual abuse.

[NSPCC](#) - Children's charity specialising in child protection with statutory powers enabling them to take action and safeguard children at risk of abuse.

[Rape Crisis](#) - National charity and the umbrella body for their network of independent member Rape Crisis Centres.

[UK Safer Internet Centre](#) - Provides advice and support to children, young people, parents, carers and schools about staying safe online.

#### *Harmful sexual behaviour*

[Harmful Sexual Behaviour Support Service | SWGfL](#) – provides expert-led advice and guidance in tackling harmful sexual behaviours to professionals working with children and young people.

[Rape Crisis \(England & Wales\)](#) or [The Survivors Trust](#) for information, advice, and details of local specialist sexual violence organisations.

[NICE guidance](#) contains information on, amongst other things: developing interventions; working with families and carers; and multi-agency working.

[HSB toolkit](#) The Lucy Faithfull Foundation - designed for parents, carers, family members and professionals, to help everyone play their part in keeping children safe. It has links to useful information, resources, and support as well as practical tips to prevent harmful sexual behaviour and provide safe environments for families.

[NSPCC Learning: Protecting children from harmful sexual behaviour](#) and [NSPCC -Harmful sexual behaviour framework](#)- free and independent advice about HSB.

[Contextual Safeguarding Network – Beyond Referrals \(Schools\)](#) provides a school self-assessment toolkit and guidance for addressing HSB in schools.

[Preventing harmful sexual behaviour in children - Stop It Now](#) provides a guide for parents, carers and professionals to help everyone do their part in keeping children safe, they also run a free confidential helpline.

### Support for Victims

[Anti-Bullying Alliance](#) - Detailed information for anyone being bullied, along with advice for parents and schools. Signposts to various helplines and websites for further support.

[Rape Crisis](#) - Provide and signpost to a range of services to support people who have experienced rape, child

abuse or any kind of sexual violence.

[The Survivors Trust](#) - UK-wide national umbrella agency with resources and support dedicated to survivors of rape, sexual violence and child sex abuse.

[Victim Support](#) - Supporting children and young people who have been affected by crime. Also provides support to parents and professionals who work with children and young people – regardless of whether a crime has been reported or how long ago it was.

[Childline](#) provides free and confidential advice for children and young people.

### Toolkits

[ask AVA](#) - The Ask AVA prevention platform has been created to support education practitioners across the UK to develop and deliver a comprehensive programme to stop Violence Against Women and Girls.

[NSPCC](#) - Online Self-assessment tool to ensure organisations are doing everything they can to safeguard children.

[NSPCC](#) - Resources which help adults respond to children disclosing abuse.

NSPCC also provides free and independent advice about HSB: [NSPCC - Harmful sexual behaviour framework](#)

[Safeguarding Unit, Farrer and Co. and Carlene Firmin, MBE, University of Bedfordshire](#) - Peer-on-Peer Abuse toolkit provides practical guidance for schools on how to prevent, identify early and respond appropriately to peer-on-peer abuse.

[Contextual Safeguarding Network](#) – self-assessment toolkit for schools to assess their own response to HSB.

[Childnet - STAR SEND Toolkit](#) equips, enables and empowers educators with the knowledge to support young people with special educational needs and disabilities.

[Childnet - Just a joke?](#) provides lesson plans, activities, a quiz and teaching guides designed to explore problematic online sexual behaviour with 9-12 year olds.

[Childnet - Step Up, Speak Up](#) a practical campaign toolkit that addresses the issue of online sexual harassment amongst young people aged 13-17 years old.

[NSPCC - Harmful sexual behaviour framework](#) An evidence-informed framework for children and young people displaying HSB.

[Contextual Safeguarding Network – Beyond Referrals - Schools](#) levers for addressing HSB in schools.

### Sharing nudes and semi-nudes

[London Grid for Learning-collection of advice](#) - Various information and resources dealing with the sharing of nudes and semi-nudes.

[UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people](#) - Advice for schools and colleges on responding to incidents of non-consensual sharing of nudes and semi-nudes.

**Support for parents/carers**

NCA CEOP [Thinkuknow](#): Advice/resources on how to deal with concerns about what children may be doing online including advice on how to help challenge harmful sexual attitudes and start a conversation to [support positive sexual behaviour](#).

**Specific Guidance from KCSIE 2023 Part 5**

1. This part of the statutory guidance is about how schools and colleges **should respond to all signs, 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 (what to look out for and indicators of abuse are set out in Part one of this guidance). As set out in Part one of this guidance, all staff working with children are advised to maintain an attitude of **'it could happen here'**, and this is especially important when considering child-on-child abuse.

What schools and colleges should be aware of

2. Sexual violence and sexual harassment can occur between two or more children of any age and sex, from primary through to secondary stage and into college. It can occur also 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. Schools and colleges should be aware of the importance of:

- ☑ making clear that there is a **zero-tolerance** approach to sexual violence and sexual harassment, that it is never acceptable, and it will not be tolerated. It should **never** be passed off as "banter", "just having a laugh", "a part of growing up" or "boys being boys". Failure to do so 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 it.
- ☑ recognising, acknowledging, and understanding the scale of harassment and abuse and that even if there are no reports it does not mean it is not happening, it may be the case that it is just not being reported.
- ☑ challenging physical behaviour (potentially criminal in nature) such as grabbing bottoms, breasts and genitalia, pulling down trousers, flicking bras and lifting upskirts. Dismissing or tolerating such behaviours risks normalising them.

3. Children who are victims of sexual violence and sexual harassment wherever it happens, may 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 or college.

4. Whilst **any** report of sexual violence or sexual harassment should be taken seriously, staff should 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. Children

with special educational needs and disabilities (SEND) are also three times more likely to be abused than their peers.

5. Ultimately, it is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe.

#### Sexual violence

6. It is important that schools and colleges are aware of sexual violence and the fact children can, and sometimes do, abuse other children in this way and that it **can happen both inside and outside of school/college**. When referring to sexual violence in this advice, we do so in the context of child-on-child sexual violence.

When referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003<sup>132</sup> as described below:

**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. (NOTE- Schools and colleges should be aware that sexual assault covers a very wide range of behaviour so a single act of kissing someone without consent, or touching someone's bottom/breasts/genitalia without consent, can still constitute sexual assault.)

**Causing someone to engage in sexual activity without consent:** A person (A) commits an offence if: s/he intentionally causes another person (B) to engage in an activity, the activity is sexual, B does not consent to engaging in the activity, and A does not reasonably believe that B consents. (NOTE – this could include forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party.)

**What is consent?**<sup>133</sup> Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g. to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.<sup>134</sup>

- a child under the age of 13 can never consent to any sexual activity
- the age of consent is 16<sup>135</sup>
- sexual intercourse without consent is rape.

Further information about consent can be found here: [Rape Crisis England & Wales -Sexual consent](#)

## Sexual harassment

7. When referring to sexual harassment we mean ‘unwanted conduct of a sexual nature’ that can occur online and offline and both inside and outside of school/college. When we reference sexual harassment, we do so in the context of child-on-child sexual harassment. 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.

8. Whilst not intended to be an exhaustive list, 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.
- ☐ displaying pictures, photos or drawings of a sexual nature
- ☐ upskirting (this is a criminal offence), and
- ☐

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<sup>133</sup> It is important school and college staff (and especially designated safeguarding leads and their deputies) understand consent. This will be especially important if a child is reporting they have been raped or sexually assaulted in any way. Further information can be found at [Rape Crisis](#)

<sup>134</sup> [PSHE Teaching about consent](#) from the PSHE association provides advice and lesson plans to teach consent at Key stage 3 and 4.

<sup>135</sup> It is important to differentiate between consensual sexual activity between children of a similar age and that which involves any power imbalance, coercion or exploitation. Due to their additional training, the designated safeguarding lead (or deputy) should be involved and generally speaking leading the school or college response. If in any doubt, they should seek expert advice.

- ☒ online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
- consensual and non-consensual sharing of nude and semi-nude images and/or videos.<sup>138</sup> Taking and sharing nude photographs of U18s is a criminal offence. [UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people](#) provides detailed advice for schools and colleges.
  - sharing of unwanted explicit content
  - sexualised online bullying
  - unwanted sexual comments and messages, including, on social media
  - sexual exploitation; coercion and threats, and
  - coercing others into sharing images of themselves or performing acts they're not comfortable with online.

9. It is important that schools and colleges consider sexual harassment in broad terms. Sexual harassment (as set out above) creates a culture that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence.

#### Harmful sexual behaviour

10. Children's sexual behaviour exists on a wide continuum, ranging from normal and developmentally expected to inappropriate, problematic, abusive and violent. Problematic, abusive and violent sexual behaviour is developmentally inappropriate and may cause developmental damage. A useful umbrella term is "harmful sexual behaviour" (HSB). The term has been widely adopted in child protection and is used in this advice. **HSB can occur online and/or face-to-face and can also occur simultaneously between the two.** HSB should be considered in a child protection context.

11. When considering HSB, both ages and the stages of development of the children are critical factors. Sexual behaviour between children can be considered harmful if one of the children is much older, particularly if there is more than two years' difference or if one of the children is pre-pubescent and the other is not. However, a younger child can abuse an older child, particularly if they have power over them, for example, if the older child is disabled or smaller in stature. Confidential specialist support and advice on HSB is available from the specialist sexual violence sector and sources are listed in Annex B.

12. It is effective safeguarding practice for the designated safeguarding lead (and their deputies) to have a good understanding of HSB. This could form part of their safeguarding training. This will aid in planning preventative education, implementing preventative measures, drafting and implementing an effective child protection policy and incorporating the approach to sexual violence and sexual harassment into the whole school or college approach to safeguarding.

13. HSB **can**, in some cases, progress on a continuum. Addressing inappropriate behaviour **can** be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future. Children displaying HSB have often experienced their own abuse and trauma. It is important that they are offered

appropriate support.

#### Preventing abuse

14. Effective safeguarding practice is demonstrated when schools and colleges are clear, in advance, about what local processes are in place and what support can be accessed when sexual violence or sexual harassment has occurred. It is important to prepare for this in advance and review this information on a regular basis to ensure it is up to date. As such:

- ☐ if required, the designated safeguarding lead (or a deputy) should discuss the local response to sexual violence and sexual harassment with police and local authority children's social care colleagues in order to prepare the school's or college's policies (especially the child protection policy) and responses, and
- ☐ the designated safeguarding lead (and their deputies) should be confident as to what local specialist support is available to support all children involved (including victims and alleged perpetrators) in sexual violence and sexual harassment and be confident as to how to access this support when required. Further information on specialist support and interventions can be found in Annex B in the additional advice and support section under sexual violence and sexual harassment.

#### Responding to reports of sexual violence and sexual harassment

15. Part two of this guidance is clear that systems should be in place (and they should be well promoted, easily understood and easily accessible) for children to confidently report abuse, knowing their concerns will be treated seriously.

16. Reports of sexual violence and sexual harassment are likely to be complex and require difficult professional decisions to be made, often quickly and under pressure. Pre-planning, effective training and effective policies will provide schools and colleges with the foundation for a calm, considered and appropriate response to any reports. Governing bodies and proprietors should ensure that the school or college contributes to multi-agency working in line with statutory guidance [Working Together to Safeguard Children](#) (and as summarised in Part 2 of this guidance).

17. This part of the guidance does not attempt to provide (nor would it be possible to provide) detailed guidance on what to do in any or every case. The guidance provides effective safeguarding practice and principles for schools and colleges to consider in their decision-making process.

18. Ultimately, any decisions are for the school or college to make on a case-by-case basis, with the designated safeguarding lead (or a deputy) taking a leading role and using their professional judgement, supported by other agencies, such as local authority children's social care and the police as required.

19. The guidance also provides case studies. These are not intended to offer a step-by-step guide, but to provide an indication of some of the various options that are available to respond to reports of sexual violence and sexual harassment.



Support for schools and colleges

20. Schools and colleges should not feel that they are alone in dealing with sexual violence and sexual harassment.

21. **Local authority children's social care** and **the police** will be important partners where a crime might have been committed. Referrals to the police will often be a natural progression of making a referral to local authority children's social care. The designated safeguarding lead (or a deputy) should lead the school or college response and should be aware of the local process for referrals to children's social care and making referrals to the police (also see the section "reporting to the police" on page 119 for further information). Schools and colleges may also find the following resources helpful:

- ② **Child Exploitation and Online Protection** command: [CEOP](#) is a law enforcement agency which aims to keep children and young people safe from sexual exploitation and abuse. Online sexual abuse can be reported on their website and a report made to one of its Child Protection Advisors
- ② **The NSPCC** provides a helpline for professionals at 0808 800 5000 and [help@nspcc.org.uk](mailto:help@nspcc.org.uk). The helpline provides expert advice and support for school and college staff and will be especially useful for the designated safeguarding lead (and their deputies)
- ② Support from **specialist sexual violence sector organisations** such as [RapeCrisis](#) or [The Survivors Trust](#)
- ② **The Anti-Bullying Alliance** has developed guidance for schools about [Sexual and sexist bullying](#).

**Online:** Schools and colleges should recognise that sexual violence and sexual harassment occurring online (either in isolation or in connection with face-to-face incidents) can introduce a number of complex factors. Amongst other things, this can include widespread abuse or harm across a number of social media platforms that lead to repeat victimisation. Online concerns can be especially complicated and support is available from:

- ② **The UK Safer Internet Centre** provides an online safety helpline for professionals at 0344 381 4772 and [helpline@saferinternet.org.uk](mailto:helpline@saferinternet.org.uk). The helpline provides expert advice and support for school and college staff with regard to online safety issues
- ② **Internet Watch Foundation:** If the incident/report involves sexual images or videos that have been made and circulated online, the victim can be supported to get the images removed by the [Internet Watch Foundation](#) (IWF)
- ② **Childline/IWF Report Remove** is a free tool that allows children to report nude or sexual images and/or videos of themselves that they think might have been shared online
- ② **UKCIS Sharing nudes and semi-nudes advice:** [Advice for education settings working with children and young people](#) on responding to reports of children sharing non-consensual nude and semi-nude images and/or videos (also known as sexting and youth produced sexual imagery). Please see footnote 8 for further information
- ② **Thinkuknow** from NCA-CEOP provides support for the children's workforce, parents and carers on staying safe online
- ② LGFL '[Undressed](#)' provided schools advice about how to teach young children about being tricked into getting undressed online in a fun way without scaring them or explaining the motives of sex

offenders.

Additional sources of support are listed at the end of Annex B.

### The immediate response to a report

#### *Responding to the report*

22. It is important to understand that children may not find it easy to tell staff about their abuse verbally. Children can show signs or act in ways that they hope adults will notice and react to. In some cases, the victim may not make a direct report. For example, a friend may make a report, or a member of school or college staff may overhear a conversation that suggests a child has been harmed or a child's own behaviour might indicate that something is wrong. As per Part one of this guidance, if staff have **any** concerns about a child's welfare, they should act on them immediately rather than wait to be told.

23. The initial response by a school or college to a report from a child is incredibly important. How the school or college responds to a report can encourage or undermine the confidence of future victims of sexual violence and sexual harassment to report or come forward.

24. It is essential that **all** victims are reassured that they are being taken seriously, regardless of how long it has taken them to come forward, and that they will be supported and kept safe. Abuse that occurs online or outside of the school or college should not be downplayed and should be treated equally seriously. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report. It is important to explain that the law is in place to protect children and young people rather than criminalise them, and this should be explained in such a way that avoids alarming or distressing them.

25. As per Part one of this guidance, all staff should be trained to manage a report. Local policies (and training) will dictate exactly how reports should be managed. However, effective safeguarding practice includes:

- ☐ if possible, managing reports with two members of staff present, (preferably one of them being the designated safeguarding lead or a deputy)
- ☐ careful management and handling of reports that include an online element. Including being aware of [searching screening and confiscation](#) advice (for schools) and [UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people](#). **The key consideration is for staff not to view or forward illegal images of a child.** The highlighted advice provides more details on what to do when viewing an image is unavoidable. In some cases, it may be more appropriate to confiscate any devices to preserve any evidence and hand them to the police for inspection
- ☐ not promising confidentiality at this initial stage as it is very likely a concern will have to be shared further (for example, with the designated safeguarding lead (or deputy) or local authority children's social care) to discuss next steps. Staff should only share the report with those people who are necessary in order to progress it. It is important that the victim understands what the next steps will be and who the report will be passed to

- ② recognising that a child is likely to disclose to someone they trust: this could be **anyone** on the school or college staff. It is important that the person to whom the child discloses recognises that the child has placed them in a position of trust. They should be supportive and respectful of the child
- ② recognising 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
- ② keeping in mind that certain children may face additional barriers to telling someone because of their vulnerability, disability, sex, ethnicity, and/or sexual orientation
- ② listening carefully to the child, reflecting back, using the child's language, being non-judgemental, 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 be avoided, staff can ask children if they have been harmed and what the nature of that harm was
- ② considering the best way to make a record of the report. Best practice is to wait until the end of the report and immediately write up a thorough summary. This allows the staff member to devote their full attention to the child and to listen to what they are saying. It may be appropriate to make notes during the report (especially if a second member of staff is present). However, if making notes, staff should be conscious of the need to remain engaged with the child and not appear distracted by the note taking. Either way, **it is essential a written record is made.**
- ② only recording the facts as the child presents them. The notes should not reflect the personal opinion of the note taker. Schools and colleges should be aware that notes of such reports could become part of a statutory assessment by local authority children's social care and/or part of a criminal investigation, and
- ② informing the designated safeguarding lead (or deputy), as soon as practically possible, if the designated safeguarding lead (or deputy) is not involved in the initial report.

#### Considering confidentiality and anonymity

##### Confidentiality

26. Staff taking a report should never promise confidentiality as it is very likely that it will be in the best interest of the victim to seek advice and guidance from others in order to provide support and engage appropriate agencies.
27. The school or college should only engage staff and agencies who are required to support the children involved and/or be involved in any investigation.
28. The victim may ask the school or college not to tell anyone about the sexual violence or sexual harassment. There are no easy or definitive answers when a victim makes this request. If the victim does not give consent to share information, staff may still lawfully share it, if there is another legal basis under the UK GDPR that applies. For example, the public task basis may apply, where the overall purpose is to perform a public interest task or exercise official authority, and the task or authority has a clear basis in law. Advice should be sought from the designated safeguarding lead (or deputy), who should consider the following:

- ☐ parents or carers should normally be informed (unless this would put the victim at greater risk)
- ☐ the basic safeguarding principle is: if a child is at risk of harm, is in immediate danger, or has been harmed, a referral should be made to local authority children's social care, and
- ☐ rape, assault by penetration and sexual assaults are crimes. Where a report of rape, assault by penetration or sexual assault is made, this should be referred to the police. Whilst the age of criminal responsibility is ten, if the alleged perpetrator is under ten, the starting principle of referring to the police remains. The police will take a welfare, rather than a criminal justice approach, in these cases.

29. Ultimately, the designated safeguarding lead (or a deputy) will have to balance the victim's wishes against their duty to protect the victim and other children.

30. If the designated safeguarding lead (or a deputy) decide to go ahead and make a referral to local authority children's social care and/or a report to the police against the victim's wishes, this should be handled extremely carefully, the reasons should be explained to the victim and appropriate specialist support should be offered.

31. Additional information on confidentiality and information sharing is available at [Safeguarding Practitioners Information Sharing Advice](#) and [NSPCC: Information sharing and confidentiality for practitioners](#).

#### Anonymity

32. Where an allegation of sexual violence or sexual harassment is progressing through the criminal justice system, schools and colleges should be aware of anonymity, witness support, and the criminal process in general so they can offer support and act appropriately. <sup>141</sup> Relevant information can be found in: [CPS: Safeguarding Children as Victims and Witnesses](#).

33. As a matter of effective safeguarding practice, schools and colleges should do all they reasonably can to protect the anonymity of any children involved in any report of sexual violence or sexual harassment. Amongst other things, this will mean carefully considering, based on the nature of the report, which staff should know about the report and any support that will be put in place for the children involved.

34. Schools and colleges should also consider the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities. In addition, the principles described in [Childnet's cyberbullying guidance](#) could be helpful.

#### Risk assessment

35. 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 for a report of sexual violence 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 the school or college, especially any actions that are appropriate to protect them from the alleged perpetrator(s), or from future harms, and
- ☐ The time and location of the incident, and any action required to make the location safer.

**36.** Risk assessments should be recorded (paper or electronic) and should be kept under review. At all times, the school or college should be actively considering the risks posed to all their pupils and students and put adequate measures in place to protect them and keep them safe.

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<sup>141</sup>It is not the role of schools and colleges to provide legal advice or support to victims, alleged perpetrators or parents in respect of a criminal justice process. Rather, schools and colleges should be aware of their own position and responsibilities.

37. The designated safeguarding lead (or a deputy) should ensure they are engaging with local authority children's social care and specialist services as required. Where there has been a report of sexual violence, it is likely that professional risk assessments by social workers and or sexual violence specialists will be required. The above school or college risk assessment is not intended to replace the detailed assessments of expert professionals. Any such professional assessments should be used to inform the school or college approach to supporting and protecting their pupils and students and updating their own risk assessment.

#### Action following a report of sexual violence and/or sexual harassment

##### *What to consider*

38. As set out above, sexual violence and sexual abuse can happen anywhere, and all staff working with children are advised to maintain an attitude of '**it could happen here**'. Schools and colleges should be aware of and respond appropriately to **all** reports and concerns about sexual violence and/or sexual harassment both online and offline, including those that have happened outside of the school/college. 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 by the school or college. 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 school's or college's 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/are the alleged perpetrator(s) significantly older, more mature, confident and well known social standing? 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 children
- ☐ importance of understanding intra familial harms and any necessary support for siblings following incidents
- ☐ are there ongoing risks to the victim, other children, adult students or school or college staff, and
- ☐ 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. In all cases, schools and colleges should follow general safeguarding principles as set out throughout this guidance. **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).

#### Options to manage the report

1. It is important that schools and colleges consider every report on a case-by-case basis as per paragraph 483. When to inform the alleged perpetrator(s) will be a decision that should be carefully considered. Where a report is going to be made to local authority children's social care and/or the police, then, as a general rule, the DSL should speak to the local authority children's social care and the police and discuss next steps and how the alleged perpetrator(s) will be informed of the allegations. However, as per general safeguarding principles, this does not and should not stop the school or college taking immediate action to safeguard its children, where required.
2. There are four likely scenarios for schools and colleges to consider when managing any reports of sexual violence and/or sexual harassment. The four scenarios are:

1. *Manage internally*

In some cases of **sexual harassment**, for example, one-off incidents, the school or college may take the view that the children concerned are not in need of early help or that referrals to statutory services are not required, and that it would be appropriate to handle the incident internally, perhaps through utilising their behaviour policy and by providing pastoral support.

487. Whatever the response, it should 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.

488. **All** concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

#### Early help

In line with managing internally, the school or college may decide that the children involved do not require referral to statutory services 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 HSB and may prevent escalation of sexual violence. It is particularly important that the designated safeguarding lead (and their deputies) know what the local early help process is and how and where to access support.

More information on early help is set out in Part one of this guidance with full details of the early help process in Chapter one of [Working Together to Safeguard Children](#).

Multi-agency early help will work best when placed alongside strong school or college policies, preventative education and engagement with parents and carers.

Schools and colleges, as relevant agencies, should be part of discussions with statutory safeguarding partners to agree the levels for the different types of assessment and services to be commissioned and delivered, as part of the local arrangements. Safeguarding partners should publish a local threshold document which includes the process for the local early help assessment and the type and level of early help services to be provided, and DSLs (and their deputies) will need to familiarise themselves with this document.

Early help and the option to manage a report internally do not need to be mutually exclusive: a school could manage internally and seek early help for both the victim and perpetrator(s).

Whatever the response, it should be under-pinned by the principle that there is **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 (written or electronic).

### 3. *Referrals to local authority children's social care*

Where a child has been harmed, is at risk of harm, or is in immediate danger, schools and colleges should make a referral to local authority children's social care.

At the point of referral to local authority children's social care, schools and colleges 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 local authority children's social care.

If a referral is made, local authority 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 school or college (especially the designated safeguarding lead or a deputy) should be working alongside, and cooperating 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.

Schools and colleges should not wait for the outcome (or even the start) of a local authority children's social care investigation before protecting the victim and other children in the school or college. It will be important for the designated safeguarding lead (or a deputy) to work closely with local authority children's social care (and other agencies as required) to ensure any actions the school or college takes do not jeopardise a statutory investigation. The risk assessment as per paragraph 480-482 will help inform any decision. Consideration of safeguarding the victim, alleged perpetrator(s), any other children directly involved in the safeguarding report, and all children at the school or college should be **immediate**.

In some cases, local authority children's social care will review the evidence and decide that a statutory intervention is not appropriate. The school or college (generally led by 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 or if circumstances change. 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 should be under-pinned by the principle that there is **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 (written or electronic).

### 4. *Reporting to the Police*

**Any report** to the police will generally be in parallel with a referral to local authority 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 that this should be passed on to the police. Whilst the age of criminal responsibility is ten, if the alleged perpetrator(s) is under ten, the starting principle of reporting to the police remains. The police will take a welfare, rather than a criminal justice, approach. The following advice may help schools and colleges decide when to engage the Police and what to expect of them when they do: [When to call the police](#).

Where a report has been made to the police, the school or college should 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. They should also discuss the best way to protect the victim and their anonymity.

At this stage, schools and colleges 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 school or college is supporting the child in any decision they take. This should be with the support of local authority children's social care and any appropriate specialist agencies.

All police forces in England have specialist units that investigate child abuse. The names and structures of these units are matters for local forces. It will be important that the designated safeguarding lead (and their deputies) are aware of their local arrangements.

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 school or college continue to engage with specialist support for the victim and alleged perpetrator(s) as required.

Whilst protecting children and/or taking any disciplinary measures against the alleged perpetrator(s), it will be important for the designated safeguarding lead (or a deputy) to work closely with the police (and other agencies as required), to ensure any actions the school or college take do not jeopardise the police investigation.

If schools or colleges have questions about the investigation, they should ask the police. The police will help and support the school or college as much as they can (within the constraints of any legal restrictions).

Whatever the response, it should 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 (written or electronic).

### *Considering bail conditions*

The police will consider what action to take to manage the assessed risk of harm. This could involve the use of police bail with conditions, prior to a suspect appearing in court, or court bail with or without conditions after the first appearance.

Alternatively, the person suspected of an offence could be 'released under investigation' (RUI). People released under RUI can have no conditions attached to their release from custody and it is possible for a person on bail also to have no conditions.

Whatever arrangements are in place, the school or college will need to consider what additional measures may be necessary to manage any assessed risk of harm that may arise within their institution.

Particular regard should be given to: the additional stress and trauma that might be caused to a victim within the institution; the potential for the suspected person to intimidate the victim or a witness; the need to ensure that any risk management measures strike a balance between management of risk and the rights of an unconvicted person (e.g. rights to privacy, family life, etc).

Careful liaison with the police investigators should help to develop a balanced set of arrangements.

#### *Managing any delays in the criminal process*

There may be delays in any case that is being progressed through the criminal justice system. Schools and colleges **should not wait** for the outcome (or even the start) of a police investigation before protecting the victim, alleged perpetrator(s) and other children in the school or college. The risk assessment as per paragraph 480-482 will help inform any decision.

Considering any disciplinary action against the alleged perpetrator(s) whilst an investigation is ongoing is discussed below in the alleged perpetrator(s) section.

Whilst protecting children and/or taking any disciplinary measures against the alleged perpetrator(s), it will be important for the designated safeguarding lead (or a deputy) to work closely with the police (and other agencies as required), to ensure any actions the school or college take do not jeopardise the police investigation.

If schools or colleges have questions about the investigation, they should ask the police. The police will help and support the school or college as much as they can (within the constraints of any legal restrictions).

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

If a child is convicted or receives a caution for a sexual offence, the school or college should update its risk assessment, ensure relevant protections are in place for all the children at the school or college and, if it has not already, consider any suitable action in line with their behaviour policy. This process should include a review of the necessary actions to keep all parties safe and meet their needs. If the perpetrator(s) remains in the same school or college as the victim, the school or college should be very clear as to their expectations regarding the perpetrator(s) now they have been convicted or cautioned. This could include expectations regarding their behaviour and any restrictions the school or college thinks are reasonable and proportionate with regard to the perpetrator(s)' timetable.

Any conviction (even with legal anonymity reporting restrictions) is potentially going to generate interest among other pupils or students in the school or college. It will be important that the school or college ensure both the victim and perpetrator(s) remain protected, especially from any bullying or harassment (including online).

Where cases are classified as "no further action" by the police or Crown Prosecution Service, or where there is a not guilty verdict, the school or college should continue to offer support to the victim and the alleged perpetrator(s) 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 or was withdrawn does not necessarily mean that it was unfounded. Schools and colleges should discuss any decisions with the victim in this light and continue to offer

support. The alleged perpetrator(s) is/are also likely to require ongoing support for what will have likely been a difficult experience.

#### Unsubstantiated, unfounded, false or malicious reports

As set out in paragraph 68 of Part one of this guidance, **all** concerns, discussions and decisions made, and the reasons for those decisions, should be recorded in writing. Records should be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified, and addressed.

If a report is determined to be unsubstantiated, unfounded, false or malicious, the designated safeguarding lead should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to local authority children's social care may be appropriate.

If a report is shown to be deliberately invented or malicious, the school or college should consider whether any disciplinary action is appropriate against the individual whomade it as per their own behaviour policy.

#### Ongoing response

##### Safeguarding and supporting the victim

The following principles are based on effective safeguarding practice and should help shape any decisions regarding 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 school or college is a safe space for them.
- Consider the age and the developmental stage of the victim, the nature of the allegations and the potential risk of further abuse. Schools and colleges should be 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.
- Consider the proportionality of the response. 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.
- Schools and colleges should be aware that sexual assault can result in a range of health needs, including physical, mental, and sexual health problems and unwanted pregnancy. Children and young people that have a health need arising from sexual assault or abuse can access specialist NHS support from a Sexual Assault Referral Centre (SARC). SARCs offer confidential and non-judgemental support to victims and survivors of sexual assault and abuse. They provide medical, practical, and emotional care and advice to all children and adults, regardless of when the incident occurred.

- It will be important in all scenarios that decisions and actions are regularly reviewed and that relevant policies are updated to reflect lessons learnt. It is particularly important to look out for potential patterns of concerning, problematic or inappropriate behaviour. Where a pattern is identified, the school or college should decide on a course of action. Consideration should be given as to whether there are wider cultural issues within the school or college that enabled the inappropriate behaviour to occur and where appropriate extra teaching time and/or staff training could be delivered to minimise the risk of it happening again.

Support can include:

- Early help and local authority children's social care as set out in Part one of this guidance.
- Children and Young People's Independent Sexual Violence Advisors (ChISVAs) provide emotional and practical support for victims of sexual violence. They are based within the specialist sexual violence sector and will help the victim understand what their options are and how the criminal justice process works if they have reported or are considering reporting to the police. ChISVAs will work in partnership with schools and colleges to ensure the best possible outcomes for the victim.
- Police and social care agencies can signpost to ChISVA services (where available) or referrals can be made directly to the ChISVA service by the young person or school or college. Contact details for ChISVAs can be found at [RapeCrisis](#) and [The Survivors Trust](#).
- Child and young people's mental health services ([CYPMHS](#)) is used as a term for all services that work with children who have difficulties with their emotional or behavioural wellbeing. Services vary depending on local authority. Most CYPMHS have their own website, which will have information about access, referrals and contact numbers.
- The specialist sexual violence sector can provide therapeutic support for children who have experienced sexual violence. Contact [Rape Crisis](#) (England & Wales) or [The Survivors Trust](#) for details of local specialist organisations. The [Male Survivors Partnership](#) can provide details of services which specialise in supporting men and boys. NHS - [Help after rape and sexual assault - NHS \(www.nhs.uk\)](#) provides a range of advice, help and support including advice about the risk of pregnancy, sexually transmitted infections (STI), reporting to the police and forensics.
- Rape and sexual assault referral centres services can be found at: Find [Rape and sexual assault referral centres](#). Sexual assault referral centres (SARCs) offer medical, practical and emotional support. They have specially trained doctors, nurses and support workers. If children, young people, or their families are unsure which service to access, they should contact their GP or call the NHS on 111.
- [Childline](#) provides free and confidential advice for children and young people.
- [Internet Watch Foundation](#) works internationally to remove child sexual abuse online images and videos and offers a place for the public to report them anonymously.
- [Childline / IWF: Remove a nude image shared online](#) Report Remove is a free tool that allows children to report nude or sexual images and videos of themselves that they think might have been shared online, to see if they can be removed from the internet.

Victims may not disclose the whole picture 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, schools and colleges 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 is reasonably possible). Schools and colleges should respect and support this choice.

Children who have experienced sexual violence display a very wide range of responses to their experience, including in some cases clear signs of trauma, physical and emotional responses, or no overt signs at all. Schools should remain alert to the possible challenges of detecting those signs and show sensitivity to the needs of the child (e.g. about attendance in lessons) irrespective of how overt the child's distress is.

While schools and colleges should 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, schools and colleges should provide a physical space for victims to withdraw.

It may be necessary for schools and colleges to maintain arrangements to protect and support the victim for a long time. Schools and colleges should be prepared for this and should work with local authority children's social care and other agencies as required.

It is therefore important that the designated safeguarding lead (or a deputy) knows how and where to seek support.

It is important that the school or college do everything they 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 in their school or college, 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.

#### *Safeguarding and supporting the alleged perpetrator(s) and children and young people who have displayed harmful sexual behaviour*

The following principles are based on effective safeguarding practice and should help shape any decisions regarding safeguarding and supporting the alleged perpetrator(s):

- The school or college will have a difficult balancing act to consider. On one hand, they need to safeguard the victim (and the wider pupil/student body) and on the other hand 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.

- Consider the age and the developmental stage of the alleged perpetrator(s), the nature of the allegations and frequency of 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.
- Consider the proportionality of the response. Support (and sanctions) should be considered on a case-by-case basis. The 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<sup>143</sup>) a symptom of either their own abuse or exposure to abusive practices and or materials.

Advice should be taken, as appropriate, from local authority children's social care, specialist sexual violence services and the police.

- The Lucy Faithfull Foundation has developed a [HSB toolkit](#), which amongst other things, provides support, advice and information on how to prevent it, links to organisations and helplines, resources about HSB by children, internet safety, sexual development and preventing child sexual abuse.
- The NSPCC provides free and independent advice about HSB: [NSPCC Learning: Protecting children from harmful sexual behaviour](#) and [NSPCC - Harmful sexual behaviour framework](#).
- [Contextual Safeguarding Network – Beyond Referrals \(Schools\)](#) provides a school self-assessment toolkit and guidance for addressing HSB in schools.
- StopItNow – [Preventing harmful sexual behaviour in children - Stop It Now](#) provides a guide for parents, carers and professionals to help everyone do their part in keeping children safe, they also run a free confidential helpline.

It is important that the perpetrator(s) is/are 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. Advice on [behaviour and discipline in schools](#) is clear that 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. Further information about exclusions can be found in statutory guidance for schools [Exclusions from maintained schools, academies and PRUs](#).

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 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 and staff. The designated safeguarding lead should take responsibility to ensure this happens as well as transferring the child protection file. Information sharing advice referenced at paragraphs 105-113 will help support this process.

### Discipline and the alleged perpetrator(s)

#### Schools

With regard to the alleged perpetrator(s), advice on [behaviour and discipline in schools](#) is clear that teachers can discipline pupils whose conduct falls below the

standard which could be reasonably expected of them. Exclusions statutory guidance for maintained schools, academies and PRUs is [here](#). Disciplinary action can be taken whilst other investigations by the police and/or local authority children's social care are ongoing. The fact that another body is investigating or has investigated an incident does not in itself prevent a school from coming to its own conclusion, on the balance of probabilities, about what happened, and imposing a penalty accordingly. This is a matter for the school and should be carefully considered on a case-by-case basis. The designated safeguarding lead (or a deputy) should take a leading role. The school should consider if, by taking any action, it would prejudice an investigation and/or any subsequent prosecution. Careful liaison with the police and/or local authority children's social care should help the school 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.

### *Colleges*

Whilst colleges are not under the same legal obligations as schools with regard to behaviour and discipline, the principles set out in paragraph 541 will still be relevant and should be applied to their decision-making process.

### *Discipline and support*

Taking disciplinary action and still providing appropriate support are not mutually exclusive actions. They can, and should, occur at the same time if necessary. The school or college should be very clear as to what its approach is. On the one hand there is preventative or forward-looking action to safeguard the victim and/or the perpetrator(s), especially where there are concerns that a perpetrator themselves may have been a victim of abuse; and, on the other, there is disciplinary action to punish a perpetrator for their past conduct. The school or college should be very clear as to which category any action they are taking falls or whether it is really both and should ensure that the action complies with the law relating to each relevant category.

### *Working with parents and carers*

The school or college will, in most instances, engage with both the victim's and the alleged perpetrator's parents or carers when there has been a report of sexual violence (this **might** not be necessary or proportionate in the case of sexual harassment and should be considered on a case-by-case basis). The exception to this rule is if there is a reason to believe informing a parent or carer will put a child at additional risk. Schools and colleges should carefully consider what information they provide to the respective parents or carers about the other child involved and when they do so. In some cases, local authority children's social care and/or the police will have a very clear view and it will be important for the school or college to work with relevant agencies to ensure a consistent approach is taken to information sharing.

It is good practice for the school or college to 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.

It is also good practice for the school or college to 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.

The designated safeguarding lead (or a deputy) would generally attend any such meetings. Consideration to the attendance of other agencies should be considered on a case-by-case basis.

Clear behaviour policies and child protection policies, especially policies that set out the principles of how reports of sexual violence will be managed and how victims and alleged perpetrators are likely to be supported, that parents and carers have access to, will, in some cases, help manage what are inevitably very difficult conversations.

Parents and carers may well struggle to cope with a report that their child has been the victim of a sexual assault or is alleged to have sexually assaulted another child. Details of organisations that support parents are provided in Annex B. Schools and colleges should consider signposting parents and carers to this support.

### Safeguarding other children

Consideration should 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 school or college should be doing 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. The school or college, as part of its risk assessment, should consider any additional potential support needs to keep all of their children safe.

A whole school or college 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 at the school or college are supportive and respectful of their peers when reports of sexual violence or sexual harassment are made.

It is important that schools and colleges keep their policies, processes, and curriculum under constant review to protect all their 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. Alongside this, patterns identified in schools may also be reflective of the wider issues within a local area and it would be good practice to share emerging trends with safeguarding partners.