



Child on child sexual violence and sexual harassment policy

This Policy applies to the entire setting including the EYFS.

Staff Responsible for policy review: Head, Deputy Head & Head of Pastoral

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Last Review	Updates made

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1. Policy Statement

The issue of child on child Sexual Violence and Sexual Harassment, although covered in our safeguarding policy, warrants a separate and supporting policy for two purposes:

1. To give more detailed and nuanced guidance and support for this particularly challenging area of safeguarding.
2. To encourage all adults working in or on behalf of the school (including supply teachers, volunteers and contractors) to recognise that this form of peer and peer abuse can happen in our school, regardless of the child's gender, age or background.

All members of The Mead School community recognise that all forms of Sexual Violence/Sexual Harassment are unacceptable. We are committed to addressing inappropriate sexualized behaviour in the moment (regardless of intent), thereby creating a culture of intolerance for such behaviour and consequently reducing the risk of it occurring. We recognise that Sexual Violence/Sexual Harassment can have damaging effects on a victim's education as well as a lifelong impact on their health and happiness. Moreover, sexual violence/harassment is a breach on human rights and potentially a crime. The school therefore recognises it's legal and moral duty to prevent SVSH and all reports of Sexual Violence/Sexual Harassment will therefore be treated both seriously and sensitively. This policy has been written with regard to the schools' Safeguarding, Online safety, RSE/PSHE, Behaviour and Bullying policies as well as the following statutory guidance:

- [Keeping children safe in education](#) (statutory guidance for schools and colleges)
- [Relationship Education, Relationships and Sex Education and Health Education](#) (statutory guidance for schools)
- [Working Together to Safeguard Children](#) (statutory guidance for schools and colleges)
- [Exclusions from maintained schools, academies and PRUs](#) (statutory guidance for schools)
- [Behaviour and Discipline in Schools](#) (advice for schools)
- [Children Missing Education](#) (advice for schools)
- [Cyberbullying](#) (advice for schools)
- [The Equality and Human Rights Commission](#) (provides advice on avoiding discrimination in a variety of educational contexts)
- [Equality Act 2010](#)
- [Public Sector Equality Duty](#) (advice for schools)
- [Equality Act 2010 Technical Guidance](#) (advice for further and higher education providers)
- [Mental Health and Behaviour in Schools](#) (advice for schools)
- [Rise Above](#) (advice by Public Health England for schools)
- [Preventing and Tackling Bullying](#) (advice for schools)
- [Promoting children and young people's emotional health and wellbeing](#) (advice for schools)
- [Teaching about relationships sex and health](#) (guidance for schools)
- [UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people](#)

2. What is meant by sexual violence and sexual harassment between children?

Sexual violence and sexual harassment can occur between two children of any age and sex from primary through to secondary stage and into colleges. It can occur through a group of children sexually assaulting or sexually harassing a single child or group of children. Sexual violence and sexual harassment exist on a continuum and may overlap; they can occur online and face to face (both physically and verbally) and are never acceptable. As set out in Part one of Keeping children safe in education (KCSIE), all staff working at The Mead School maintain an attitude of 'it could happen here'.

Addressing inappropriate behaviour (even if it appears to be relatively innocuous) can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future. Children who are victims of sexual violence and sexual harassment, wherever it happens, will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment and will be exacerbated if the alleged perpetrator(s) attends the same school. As set out in Part one of KCSIE, we are aware that safeguarding incidents and/or behaviours can be associated with factors outside the school, including intimate personal relationships (see also sections of child sexual exploitation and coercive and controlling behaviour at paragraph 32 of KCSIE). But it is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim will never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor will a victim ever be made to feel ashamed for making a report.

Along with providing support to children who are victims of sexual violence or sexual harassment, The Mead School will provide the alleged perpetrator(s) with an education, safeguarding support as appropriate and implement any disciplinary sanctions. A child abusing another child may be a sign they have been abused themselves or a sign of wider issues that require addressing within the culture of the school. Taking disciplinary action and providing appropriate support, can, and will, occur at the same time if necessary. Reports of sexual violence and sexual harassment are extremely complex to manage. It is essential that victims are protected, offered appropriate support and every effort is made to ensure their education is not disrupted. It is also important that other children, adult students and school staff are supported and protected as appropriate.

3. What is the definition of sexual violence?

It is important that we are aware of sexual violence and the fact children can, and sometimes do, abuse their peers in this way and that it can happen both inside and outside of school. When referring to sexual violence in this policy, we do so in the context of child on child sexual violence. For the purpose of this policy, when referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003 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.

N.B. We remain 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. (This could include forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party.)

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

- 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.

5. What is sexual harassment?

For the purpose of this policy, 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. 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. 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 (we will consider when any of this crosses a line into sexual violence - it is important to talk to and consider the experience of the victim) and displaying pictures, photos or drawings of a sexual nature; and;
- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
 - consensual and non-consensual sharing of nude and semi-nude images and/or videos¹⁹. As set out in UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people (which provides detailed advice for schools and colleges) taking and sharing nude photographs of U18s is a criminal offence;
 - sharing of unwanted explicit content;
 - upskirting (which is a criminal offence);
 - sexualised online bullying;
 - unwanted sexual comments and messages, including, on social media;
 - sexual exploitation; coercion and threats.

It is important that we 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.

6. What is 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” (HSB). HSB can occur online and/or face to face and can also occur simultaneously between the two. Identifying HSB early is an important factor in preventing sexual harassment from occurring or developing into sexual violence.

When considering HSB, 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. Children displaying HSB have often experienced their own abuse and trauma. It is important that they are offered appropriate support.

Our DSL and their deputies commit to annual training in identifying and preventing HSB, using the range of expert sources/resources below. The safeguarding team then disseminate this training to all staff and to pupils as part of the RSE curriculum:

- [Rape Crisis](#) (England & Wales) or [The Survivors Trust](#) offers 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.
- [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.

7. Preventing SVSH

Our comprehensive and appropriate RSE curriculum ensures all pupils have a clear understanding of the features of both healthy and respectful relationships and harmful sexual behaviour (appropriate to their age). The curriculum includes:

- the characteristics of healthy relationships,
- what respectful behaviour looks like;
- consent;
- stereotyping, equality;
- body confidence and self-esteem;
- prejudiced behaviour;
- that sexual violence and sexual harassment is always wrong; and addressing cultures of sexual harassment.
- building the knowledge and understanding that will enable children to model these behaviours.

The 'Respectful Relationships' module states that pupils will be taught that all relationships (e.g. friends, family, online) can be supported by being kind, considerate and respectful, including the use of respectful language; being honest; listening to each other; respecting personal space, privacy and boundaries; accepting each other's differences; focussing on the good things in each other; and praising each other on their achievements

Teachers will let the designated safeguarding lead and other relevant staff know when they are teaching these topics, so they are prepared to support pupils who disclose or are affected by the issues raised. The focus on healthy relationships will help children who are experiencing or witnessing unhealthy relationships know where to seek help and report abuse.

Furthermore, through assemblies and workshops, the school employs the support of specialists to further educate children in this area.

At The Mead School we aim to utilise the resources from charities and approved specialists these include,

- The one-stop page for teachers on GOV.UK, Teaching about relationships sex and health, bringing together all existing information available to schools including, the statutory guidance, guides for parents and guidance on parental engagement on relationships education
- Using the Department for Education teacher training modules to enable us to support teachers to deliver these topics safely and with confidence.

For Staff 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.
- Lucy Faithfull Foundation HSB Toolkit - 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.
- 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.

For Parents and carers:

- NCA CEOP Thinkuknow advice for parents: - Advice/resources on how to approach and deal with concerns about what children may be doing online including advice about how to help challenge harmful sexual attitudes and how to start a conversation to support positive sexual behaviour
- Childnet: Advice for parents and carers to keep children safe online - Advice and resources to help parents and carers keep children safe online. • How Can I Help My Child? - Marie Collins Foundation – Sexual Abuse Online

- Parentsafe - London Grid for Learning - Detailed advice/resources covering various issues such as online safety, apps, and how to report concerns.
- Parentzone - Provides expert information and resources to help make the internet work for families.

Our open culture of pastoral support creates an environment where staff and children feel confident in raising concerns and children are offered both open and private forums to confidently and safely disclose concerns or allegations.

This culture identifies issues early and reduces the risk of abuse as potential perpetrators are fully aware of behavioural expectations and the likelihood that any inappropriate comments or behaviour will be reported.

8. The immediate response to a report - Managing the disclosure.

A disclosure of Sexual Violence/Sexual Harassment will be dealt with in accordance with the school's safeguarding policy, in line with any other allegation of abuse. Abuse has no boundaries and, as is the case with other abusive behaviour, Sexual Violence/Sexual Harassment that occurs online/off-site will be treated as seriously as alleged on-site incidents.

In addition to the procedure outlined in the safeguarding policy for recording a report/disclosure of abuse, any adult receiving a report of Sexual Violence/Sexual Harassment (by either the victim or a third party) must pay particular attention to their own openness and objectivity during the disclosure. Age, timescale, frequency, past behaviour and the relationship between the victim and the alleged must not be factors during the disclosure and the written report sent to the DSL must be a verbatim account of everything the person said in response to open, non-leading questions. The victim must never be questioned over the validity of their claims nor made to feel a burden for making a report.

9. How will the DSL and safeguarding team respond to reports of sexual violence and sexual harassment?

A core thread running through our response will always be that there is a zero tolerance approach to sexual violence and sexual harassment and it is never acceptable and it will not be tolerated. It is especially important not to pass off any sexual violence or sexual harassment as "banter", "just having a laugh", "part of growing up" or "boys being boys" as this can lead to a culture of unacceptable behaviours and an unsafe environment for children.

When deciding on the most appropriate response, method of investigation and action plan, the DSL and any relevant staff (the Head and Proprietor will be kept continuously involved/up to date on the investigation and actions taken) will initially ask themselves some key questions:

- Has an alleged crime being committed and do the police (and therefore the alleged perpetrator, both sets of parents and children's social care) need to be informed (N.B. Even alleged crimes committed by U10 year olds need to be reported to the police);
- Has a child been harmed or is at risk of harm and do children's social care (and therefore the alleged perpetrator and both sets of parents) need to be informed;
- Is there any risk to the safety of the alleged victim/perpetrator or any other member of the school community and what actions need to be carried out to safeguard those at risk (e.g. was the incident allowed to happen by a cultural/procedural failing of the school and how can this be put right immediately)?
- What are the ages and developmental stages of the children involved and is there any power imbalance between the children? For example, is the alleged perpetrator(s) significantly older, more mature or more confident? Does the victim have a disability or learning difficulty?

- Is the alleged incident 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)?
- What are 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 will be given as much control as is reasonably possible over decisions regarding how any investigation will be progressed and any support that they will be offered. This will however need to be balanced with the school's duty and responsibilities to protect other children and the context given by the answers to all of the proceeding key questions.

The DSL's initial report will include the full original disclosure, answers to the key questions above and an initial risk assessment (see below) to ensure no further harm can occur (N.B. If there is any risk of immediate harm then action might have to be taken before the report and risk assessment are published). It is school policy that the DSL will be given the necessary time to make such an allegation their priority.

If the DSL decides (in agreement with the head/proprietor) that the incident(s) does not reach the threshold for the involvement of the police or social services and that the matter can be handled internally, then thorough reasoning must be given in their report.

All updates, meetings, conversations relating to the allegation must be recorded in full and kept in one central file.

At all stages, the school will refer to specialist support and advice whenever possible. Continuous contact with Early Help, Social Services or the Police (when relevant) will be maintained and experts in issues relating to sexual violence/harassment will be used when needed. School staff will not attempt to resolve any issues for which they are unqualified. At all times, the risk assessment will be updated to reflect the current situation, e.g. continuously reflecting on whether victim and accused are safe to be in school/the same classroom together.

10. Responding to reports of sexual violence and sexual harassment online.

In addition to the procedures above, where the report includes an online element, our DSL will ensure they are 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 linked advice above provides more details on what to do when viewing an image is unavoidable. In such cases, it may be more appropriate to confiscate any devices to preserve any evidence and hand them to the police for inspection

11. Considering confidentiality and anonymity a) Confidentiality b) Anonymity.

12. Risk Assessment.

When there has been a report of sexual violence, the DSL (or a deputy) will make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment will be considered on a case-by-case basis. The risk and needs assessment will consider:

- the victim, especially their protection and support;
- whether there may have been other victims,
- the alleged perpetrator(s); and
- all the other children, (and, if appropriate, adult students and staff) at the school, especially any actions that are appropriate to protect them from the alleged perpetrator(s), or from future harms.

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

It is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. 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. However, reports of rape and assault by penetration are likely to be especially difficult with regard to the victim and close proximity with the alleged perpetrator(s) is likely to be especially distressing. Whilst the school or college establishes the facts of the case and starts the process of liaising with children's social care and the police, the alleged perpetrator(s) should be removed from any classes they share with the victim. The school or college should also carefully consider how best to keep the victim and alleged perpetrator(s) a reasonable distance apart on school or college premises (including during any before or after school-based activities) and on transport to and from the school or college, where appropriate. These actions are in the best interests of all children involved and should not be perceived to be a judgment on the guilt of the alleged perpetrator(s). For other reports of sexual violence and sexual harassment, the proximity of the victim and alleged perpetrator(s) and considerations regarding shared classes, sharing school or college premises and school or college transport, should be considered immediately. In all cases, the initial report should be carefully evaluated, reflecting the considerations set out at paragraph 75. The wishes of the victim, the nature of the allegations and the protection of all children in the school or college will be especially important when considering any immediate actions.

The DSL (or a deputy) will ensure they are engaging with 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 risk assessment is not intended to replace the detailed assessments of expert professionals. Any such professional assessments will be used to inform the school's approach to supporting and protecting our pupils and students and updating our own risk assessment.

13. Managing the report

a) 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 need to be made to statutory services and that it would be appropriate to handle the incident internally, perhaps through utilising their behaviour policy and by providing pastoral support.

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).

b) Early help

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 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. 107 • 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).

c) Referrals to 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 children's social care.

- At the point of referral to 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 children's social care.
- If a referral is made, children's social care will then make enquiries to determine whether any of the children involved are in need of protection or other services.
- Where statutory assessments are appropriate, the 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 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 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 444-446 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, children's social care will review the evidence and decide 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. If a statutory assessment is not appropriate, the designated safeguarding lead (or a deputy) 108 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 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)

d) Reporting to the police.

Any report to the police will generally be in parallel with a referral to children's social care (as above).

- It is important that the designated safeguarding lead (and their deputies) are clear about the local process for referrals and follow that process.
- Where a report of rape, assault by penetration or sexual assault is made, the starting point is 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 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. 109
- 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 under-pinned 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)

14. 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.

15. 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 110 perpetrator(s) and other children in the school or college. The risk assessment as per paragraph 444-446 will help inform any decision.

16. 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" (NFA'd) 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 also likely to require ongoing support for what will have likely been a difficult experience.

17. Unsubstantiated, unfounded, false or malicious allegations

As set out in paragraph 71 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. 453. 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 111 and this is a cry for help. In such circumstances, a referral to children's social care may be appropriate. 454. 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.

18. Ongoing response - Safeguarding and supporting the victim.

The needs and wishes of the victim will be paramount (along with protecting the child) in any response. Overall, the priority will be to make the victim's daily experience as normal as possible, so that the school is a safe space for them. Support will 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. We will maintain awareness 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 support from a range of organisations:

- 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.
- 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 Rape Crisis and The Survivors Trust.
- Our local Child and adolescent mental health services (CAMHS) is a good source of advice and support.
- The specialist sexual violence sector can provide therapeutic support for children who have experienced sexual violence, e.g. Rape Crisis (England & Wales) or The Survivors Trust.
- The Male Survivors Partnership can provide details of services which specialise in supporting men and boys.
- The 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 can contact their GP or call the NHS on 111.

- Childline provides free and confidential advice for children and young people. 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 113 themselves that they think might have been shared online, to see if they can be removed from the internet.
- 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.

Victims may not talk about 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, we will 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 will be the victim's (as far as reasonably possible).

A victim of sexual violence is likely to be traumatised and, in some cases, may struggle in a normal classroom environment. 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 will be because the victim wants to, not because it makes it easier to manage the situation. If required, we will provide a physical space for victims to withdraw.

We will do everything they reasonably can to protect the victim from bullying and harassment as a result of any report they have made. Whilst they will 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 will be considered to enable them to continue to receive suitable education. This will only be at the request of the victim (and following discussion with their parents or carers). Any new school will be made fully aware of the victim's needs.

19. Ongoing Considerations: Victim and alleged perpetrator sharing classes.

Once the designated safeguarding lead (or a deputy) has decided what the next steps will be in terms of progressing the report, they should carefully consider again the question of the victim and alleged perpetrator(s) sharing classes and sharing space at school or college. This will inevitably involve complex and difficult professional decisions, including considering their duty to safeguard children and their duty to educate them. It is important each report is considered on a case-by-case basis and risk assessments are updated as appropriate. As always when concerned about the welfare of a child, the best interests of the child should come first. In all cases, schools and colleges should follow general safeguarding principles as per this guidance. Where there is a criminal investigation into a rape, assault by penetration or sexual assault, the alleged perpetrator(s) should be removed from any classes they share with the victim. The school or college should also consider how best to keep the victim and alleged perpetrator(s) a reasonable distance apart on school or college premises (including during before and after school-based activities) and on transport to and from school or college where appropriate. This is in the best interests of both children and should not be perceived to be a judgement on the guilt of the alleged perpetrator(s). As per paragraph 450, close liaison with the police is essential. Where a criminal investigation into a rape or assault by penetration leads to a conviction or caution, the school or college should take suitable action, if they have not already done so. In all but the most exceptional of circumstances, the rape or assault is likely to constitute a serious breach of discipline and lead to the view that allowing the perpetrator(s) to remain in the same school or college would seriously harm the education or welfare of the victim (and potentially other pupils or students). Where a criminal investigation into sexual assault leads to a conviction or caution, the school or college should, if it has not already, consider any suitable sanctions in light of their behaviour policy, including consideration of permanent exclusion.¹²⁵ Where the

perpetrator(s) is going to remain at the school or college, the principle would be to continue keeping the victim and perpetrator(s) in separate classes and continue to consider the most appropriate way to manage potential contact on school and college premises and transport. The nature of the conviction or caution and wishes of the victim will be especially important in determining how to proceed in such cases. In all cases, schools and colleges should record and be able to justify their decision making.

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

20. Safeguarding and supporting the alleged perpetrator.

The school will have a difficult balancing act to consider here. On one hand, we 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 will, occur at the same time if necessary.

We will consider the age and the developmental stage of the alleged perpetrator(s), the nature of the allegations and frequency of allegations. Support (and sanctions) will be considered on a case-by-case basis.

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. The alleged perpetrator(s) may also 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 a signpost that they themselves are a potential victim of abuse.

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. Permanent exclusion is always an option as a sanction but consideration will be given for the future consequences on the perpetrator's education and safety (Hackett et al 2013 study of children and young people with harmful sexual behaviour suggests that 2/3 had experienced some kind of abuse or trauma).

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

21. Discipline and the alleged perpetrator.

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 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 46 92. 93. 94. 95. 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 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.

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.

22. 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 proportional 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, 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 an assault or is alleged to have assaulted another child. Details of organisations that support parents are provided in Annex A. Schools and colleges should consider signposting parents and carers to this support.

23. 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. Specialist online safety support is discussed at paragraph 53. 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 48 105. 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.

Appendix 1:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1014224/Sexual_violence_and_sexual_harassment_between_children_in_schools_and_colleges.pdf