

CALSHOT PRIMARY SCHOOL

Managing Sexual Violence and Sexual Harassment (child on child) Policy



'At Calshot we aim to provide the highest quality of learning and care for ALL children in a safe and enjoyable environment, nurturing personal values, in partnership with parents, carers and the wider community. We expect everyone in our school to strive to achieve their full potential.'

Policy Lead	Head Teacher
Sub Committee	FGB
Link Governor	None
Date of Last Review	3 rd February 2025
Next Review Date	Spring 2027

Definitions

Sexual harassment

Sexual harassment refers to unwanted conduct of a sexual nature that occurs online or offline. Sexual harassment violates a pupil's dignity and makes them feel intimidated, degraded or humiliated, and can create a hostile, sexualised or offensive environment. If left unchallenged, sexual harassment can create an atmosphere that normalises inappropriate behaviour and may lead to sexual violence.

Sexual harassment includes:

- Sexual comments.
- Sexual "jokes" and taunting.
- Physical behaviour, such as deliberately brushing against another pupil.
- Online sexual harassment, including non-consensual sharing of images and videos and consensual sharing of sexual images and videos (often known as sexting), inappropriate comments on social media, exploitation, coercion and threats - online sexual harassment may be isolated or part of a wider pattern.

Sexual violence

Sexual violence refers to the three following offences:

- 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.
- Harmful sexual behaviours

Sexual violence and sexual harassment can occur online and offline (both physically and verbally), and are never acceptable. All victims should be taken seriously and offered appropriate support. Victims of sexual violence and harassment are likely to find the experience distressing and stressful, and it will, in all likelihood, adversely affect their education.

Harmful sexual behaviours

The term "harmful sexual behaviour" is used to describe behaviour that is problematic, abusive and violent, and that may cause developmental damage. Harmful sexual behaviour may include:

- Using sexually explicit words and phrases.
- Inappropriate touching.
- Sexual violence or threats.
- Full penetrative sex with other children or adults.
- Sexual interest in adults or children of very different ages to their own.
- Forceful or aggressive sexual behaviour.
- Compulsive habits.
- Sexual behaviour affecting progress and achievement.
- Using sexually explicit words and phrases.
- Inappropriate touching.
- Sexual violence or threats.

It is important to note that harmful sexual behaviours can occur both online and offline, and sometimes simultaneously between the two.

Children displaying harmful sexual behaviour have often experienced their own abuse and trauma, and it is imperative that they are offered appropriate support.

When considering whether behaviour is harmful, take into account the ages and stages of development of the children. Sexual behaviour can be harmful if one of the children is much older (especially where there is two years or more difference, or where one child is prepubescent and the other is not). Keep in mind that it is possible for a younger child to abuse an older child, particularly where they have power over them, such as where the older child has disabilities or is small in stature.

Child

This policy refers to anyone under the age of 18 as a 'child'.

Alleged perpetrator

For the purposes of this policy, 'alleged perpetrator', and where appropriate 'perpetrator', is used to describe a child accused of carrying out sexual violence and/or sexual harassment. It is important to note that any alleged perpetrator is entitled to, and deserves, a different level of support to that which might be provided to an adult alleged to have abused a child.

Victim

For the purposes of this policy, the term 'victim' is used to describe children who have been subjected to sexual violence and/or sexual harassment; however, when using the term in a school, school staff should be conscious of the fact that some children may not consider themselves a victim and may not wish to be described this way.

Legal Framework

This policy has been created with due regard to all relevant legislation including, but not limited to, the following Legislation:

- Children Act 1989
- Children Act 2004
- Safeguarding Vulnerable Groups Act 2006
- The Education (School Teachers' Appraisal) (England) Regulations 2012 (as amended)
- Sexual Offences Act 2003
- The General Data Protection Regulation (GDPR)
 - Data Protection Act 2018 Statutory guidance
- DfE (2018) 'Working Together to Safeguard Children'
- DfE (2022) 'Keeping children safe in education'
- DfE (2015) 'What to do if you're worried a child is being abused'
 - DfE (2018) 'Information sharing'
- DfE (2018) 'Sexual violence and sexual harassment between children in schools and colleges'

Prevention

In order to prevent child-on-child abuse and address the wider societal factors that can influence behaviour, the school will educate pupils about abuse, its forms and the importance of discussing any concerns and respecting others through the curriculum, assemblies and PSHE. The school will also ensure that pupils are taught about safeguarding, including online safety, as part of a broad and balanced curriculum in PSHE lessons, RSE and group sessions. Such content will be age and stage of development specific, and tackle issues such as the following:

- Healthy relationships
- Respectful behaviour
- Gender roles, stereotyping and equality
- Body confidence and self-esteem
- Prejudiced behaviour
- That sexual violence and sexual harassment is always wrong

Pupils will be allowed an open forum to talk about concerns and sexual behaviour. They are taught how to raise concerns and make a report, including concerns about their friends or peers, and how a report will be handled.

Awareness

All staff are aware that pupils of any age and sex are capable of abusing their peers and will never tolerate abuse as "banter" or "part of growing up".

All staff are aware that child-on-child abuse can be manifested in many different ways, including sexting and gender issues, such as girls being sexually touched or assaulted, and boys being subjected to hazing/initiation type of violence which aims to cause physical, emotional or psychological harm.

All staff are aware of the heightened vulnerability of pupils with SEND, who are three times more likely to be abused than their peers. Staff will not assume that possible indicators of abuse relate to the pupil's SEND and will always explore indicators further. Additional barriers to recognising abuse in children with SEND include:

- Assuming that indicators of abuse, such as mood and behaviour, relate to the child's disability.

- Children with SEND being disproportionately impacted by bullying and harassment without showing any outward signs.
- Communication barriers.

LGBTQ+ children can be targeted by their peers. In some cases, children who are perceived to be LGBTQ+, whether they are or not, can be just as vulnerable to abuse as LGBTQ+ children. The school's response to boy-on-boy and girl-on-girl sexual violence and sexual harassment will be equally as robust as it is for incidents between children of the opposite sex.

Pupils will be made aware of how to raise concerns or make a report and how any reports will be handled. This includes the process for reporting concerns about friends or peers.

Support available if a child has been harmed, is in immediate danger or at risk of harm

If a child has been harmed, is in immediate danger or is at risk of harm, a referral will be made to Children's Social Care/MASH. Within one working day, a Social Worker will respond to the referrer to explain the action that will be taken.

If Early Help, Section 17 and/or Section 47 statutory assessments, under the Children Act 1989, are appropriate, school staff may be required to support external agencies.

Rape, assault by penetration and sexual assaults are crimes. Where a report includes such an act, the Police will be notified, often as a natural progression of making a referral to Children's Social Care. The DSL and Deputy DSLs are aware of the local process for referrals to both Children's Services and the Police.

Whilst the age of criminal responsibility is 10 years of age, if the alleged perpetrator is under 10, the principle of referring to the Police remains. In these cases, the Police will take a welfare approach rather than a criminal justice approach. The school has a close relationship with the local Police force and the DSL and Deputy DSLs will liaise closely with the local Police presence.

Online concerns can be especially complicated. The school recognises that there is potential for an online incident to extend further than the local

community and for a victim, or the alleged perpetrator, to become marginalised and excluded both online and offline. There is also strong potential for repeat victimisation if the content continues to exist.

Staff will not view or forward illegal images of a child. If they are made aware of such an image, they will contact the DSL or Deputy DSLs.

Managing Disclosures

Victims will always be taken seriously, reassured, supported and kept safe. Victims will never be made to feel like they are causing a problem or made to feel ashamed.

If a friend of a victim makes a report or a member of staff overhears a conversation, staff will take action - they will never assume that someone else will deal with it. The basic principles remain the same as when a victim reports an incident; however, staff will consider why the victim has not chosen to make a report themselves and the discussion will be handled sensitively and with the help of Children's Social Care where necessary. If staff are in any doubt, they will speak to the DSL or Deputy DSLs.

Where an alleged incident took place away from the school or online but involved pupils from the school, the school's duty to safeguard pupils remains the same.

All staff will be trained to handle disclosures. Effective safeguarding practice includes:

- Never promising confidentiality at the initial stage.
- Only sharing the report with those necessary for its progression.
- Explaining to the victim what the next steps will be and who the report will be passed to.
- Recognising that the person the child chose to disclose the information to is in a position of trust.
- Being clear about boundaries and how the report will be progressed.
- Not asking leading questions and only prompting the child with open questions.
- Waiting until the end of the disclosure to immediately write a thorough summary. If notes must be taken during the disclosure, it is important to still remain engaged and not appear distracted.

- Only record the facts as the child presents them - not the opinions of the note taker.
- Informing the DSL or Deputy DSLs as soon as possible after the disclosure if they could not be involved in the disclosure.

The DSL or Deputy DSLs will be informed of any allegations of abuse against pupils with SEND. They will record the incident in writing and, working with the SENDCO, decide what course of action is necessary, with the best interests of the pupil in mind at all times.

Confidentiality

The school will only engage staff and agencies required to support the victim and/or be involved in any investigation. If a victim asks the school not to tell anyone about the disclosure, the school cannot make this promise. Even without the victim's consent, the information may still be lawfully shared if it is in the public interest and protects children from harm.

The DSL and Deputy DSLs will consider the following when making confidentiality decisions:

- Parents will be informed unless it will place the victim at greater risk.
- If a child is at risk of harm, is in immediate danger or has been harmed, a referral will be made to Children's Social Care
- Rape, assault by penetration and sexual assaults are crimes - reports containing any such crimes will be passed to the police.

The DSL and Deputy DSLs will weigh the victim's wishes against their duty to protect the victim and others. If a referral is made against the victim's wishes, it will be done so extremely carefully and the reasons for referral will be explained to the victim. Appropriate specialist support will always be offered.

Taking action following a disclosure

The DSL or Deputy DSLs will decide the school's initial response, taking into consideration:

- The victim's wishes.
- The nature of the incident.
- The ages and developmental stages of the children involved.
- Any power imbalance between the children.

- Whether the incident is a one-off or part of a pattern.
- Any ongoing risks.
- Any related issues and the wider context, such as whether there are wider environmental factors in a child's life that threaten their safety and/or welfare.
- The best interests of the child.
- That sexual violence and sexual harassment are always unacceptable and will not be tolerated.

Immediate consideration will be given as to how to support the victim, alleged perpetrator and any other children involved. For reports of rape and assault by penetration, whilst the school establishes the facts, the alleged perpetrator will be removed from any classes shared with the victim. The school will consider how to keep the victim and alleged perpetrator apart on school premises, and on transport where applicable. These actions will not be seen as a judgement of guilt on the alleged perpetrator. For reports of sexual violence and sexual harassment, the proximity of the victim and alleged perpetrator and the suitability of shared classes, premises and transport will be considered immediately. In all cases, the initial report will be carefully evaluated and the wishes of the victim, nature of the allegations and requirement to protect all children will be taken into consideration.

Managing the Report

The decision of when to inform the alleged perpetrator of a report will be made on a case-by-case basis. If a report is being referred to Children's Social Care or the Police, the school will speak to the relevant agency to discuss informing the alleged perpetrator.

There are four likely outcomes when managing reports of sexual violence or sexual harassment:

- Managing internally
- Providing Early Help
- Referring to Children's Social Care
- Reporting to the Police

Whatever outcome is chosen, it will be underpinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated. All concerns, discussion, decisions and reasons behind decisions will be recorded either on paper or electronically.

The following situations are statutorily clear and do not allow for contrary decisions:

- A child under the age of 13 can never consent to sexual activity.
- The age of consent is 16.
- Sexual intercourse without consent is rape.
- Rape, assault by penetration and sexual assault are defined in law.
- Creating and sharing sexual photos and videos of children under 16 is illegal - including children making and sending images and videos of themselves.

Managing Internally

In some cases, e.g. one-off incidents, the school may decide to handle the incident internally through behaviour and bullying policies and by providing pastoral support.

Providing Early Help

The school may decide that statutory interventions are not required, but that pupils may benefit from Early Help - providing support as soon as a problem emerges. This approach can be particularly useful in addressing non-violent harmful sexual behaviour and may prevent escalation of sexual violence.

Referring to Children's Social Care

If a child has been harmed, is at risk of harm or is in immediate danger, the school will make a referral to Children's Social Care.

Parents will be informed unless there is a compelling reason not to do so (if referral will place the victim at risk). This decision will be made in consultation with Children's Social Care.

The school will not wait for the outcome of an investigation before putting measures in place to protect the victim and other children.

The DSL or Deputy DSLs will work closely with Children's Social Care to ensure that the school's actions do not jeopardise any investigation.

Any related risk assessment will be used to inform all decisions.

If Children's Social Care decide that a statutory investigation is not appropriate, the school will consider referring the incident again if they believe the child to be in immediate danger or at risk of harm.

If the school agrees with the decision made by Children's Social Care, they will consider the use of other support mechanisms such as early help, pastoral support and specialist support.

Reporting to Police

Reports of rape, assault by penetration or sexual assault will be passed on to the Police - even if the alleged perpetrator is under 10 years of age. Generally, this will be in parallel with referral to Children's Social Care. The DSL or Deputy DSLs will follow the local process for a referral.

Parents will be informed unless there is a compelling reason not to do so. Where parents are not informed, it is essential for the school to support the child with any decision they take, in unison with Children's Social Care and any appropriate specialist agencies.

The DSL, Deputy DSLs and governing board will agree what information will be disclosed to staff and others, in particular the alleged perpetrator and their parents. They will also discuss the best way to protect the victim and their anonymity.

The DSL and Deputy DSLs will be aware of local arrangements and specialist units that investigate child abuse.

In some cases, it may become clear that the Police will not take further action, for whatever reason. In these circumstances, the school will continue to engage with specialist support for the victim as required.

Disciplining the Alleged Perpetrator

Disciplinary action can be taken whilst investigations are ongoing and the fact that investigations are ongoing does not prevent the school reaching its own conclusion and imposing an appropriate penalty.

The school will make such decisions on a case-by-case basis, with the DSL taking a leading role. The school will take into consideration whether any

action would prejudice an investigation and/or subsequent prosecution. The Police and Children's Social Care will be consulted where necessary. The school will also consider whether circumstances make it unreasonable or irrational for the school to make a decision about what happened while an investigation is considering the same facts.

Disciplinary action and support can take place at the same time.

The school will be clear whether action taken is disciplinary, supportive or both.

Working with Parents and Carers

In most sexual violence cases, the school will work with the parents of both the victim and alleged perpetrator. For cases of sexual harassment, these decisions will be made on a case-by-case basis.

The school will meet the victim's parents with the victim present to discuss the arrangements being put in place to safeguard the victim, and to understand their wishes in terms of support arrangements and the progression of the report.

Schools will also meet with the parents of the alleged perpetrator to discuss arrangements that will impact their child, such as moving them out of classes with the victim. Reasons behind decisions will be explained and the support being made available will be discussed. The DSL or DDSLs will attend such meetings, with agencies invited as necessary.

Monitoring and Review

This policy will be reviewed on an annual basis by the DSL in conjunction with the governing board.

The next scheduled review date for this policy is Spring 2027.