

# Hornsea School & Language College



## Inappropriate Sexual Behaviour, Harassment and Violence between Children Policy

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### **This policy is supported by:**

- Sexual violence and sexual harassment between children in school and colleges (2021) DfE
- Keeping Children Safe in Education 2022
- Ofsted review of sexual abuse in schools and colleges (June 2021)
- ERSCP Guidance to school and education settings for managing incidents of Inappropriate sexual behaviours, including sexual harassment and violence.
- Dfe Sharing nudes and semi-nudes: advice for education settings working with children and young people, December 2020
- The Children Act 1989
- Working Together to Safeguarding Children 2018

### **Introduction**

Hornsea School and Language College (HSLC) adopts a whole school approach underpinned by zero tolerance of inappropriate sexual behaviour, harassment and violence. In so doing, school adheres to the principle outlined in Keeping Children Safe in Education (KCSiE 2022) (DfE), Part 5.

HSLC places overriding emphasis upon this responsibility which will extend to information received covering alleged incidents and behaviour(s) across the school community, in and out of school, in person and online.

### **Background**

In April 2021, the government asked Ofsted to undertake an immediate review of safeguarding policies in state and independent schools and colleges in relation to sexual abuse (Harassment and Violence). The catalyst for the above is the information emerging from testimonials submitted to the web site '**Everyone's Invited**' which provided a place where victims, mostly in schools, are

encouraged to record their experiences of sexual assault and abuse. As of 31 March 2021, over 11,000 testimonies had been submitted.

The Ofsted review looked at the extent and severity of the issue and how to ensure schools have appropriate processes in place and whether schools have appropriate processes in place to allow pupils to report sexual abuse concerns freely, knowing these will be taken seriously and dealt with swiftly, sensitively, seriously and appropriately. This is linked to the Government's wider 'Tackling Child Sexual Abuse Strategy' published in January 2021.

This Policy serves to outline the school approach to managing and addressing any such concerns that come to light.

Whilst this Policy should be viewed as an addendum to and read in conjunction with

- HSLC Child Protection and Safeguarding Policy
- Peer Conflict / Unpleasantness and Child on Child Abuse (Anti-Bullying) Policy

It is also a standalone Policy in its own right. Where appropriate, relevant law, statutory guidance and HSLC policies have been used to inform the creation of this policy. This includes:

The approach of HSLC and school procedures are outlined below. It is characterised by:

- Acceptance of the impact of such harmful behaviour(s) and a school wide commitment, led by the Senior Leadership Team, to support and address any concerns through prompt action
- The inherent complexity of such behaviour and need for a carefully considered and informed approach that is child centred.
- Adherence to the procedures outlined in the HSLC Child Protection and Safeguarding policy
- Allegations will be taken seriously (this will be stressed to the student making the allegation), not dismissed as 'banter', 'having a laugh' or 'part of growing up'. Victims will be 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.
- A recognition, acknowledgement and understanding of the identified scale of harassment and abuse and implications of this for HSLC, that this will not be downplayed and as such there will not inadvertently be developed a culture that supports unacceptable behaviour, an unsafe environment or a culture that normalises such abuse
- An acknowledgement of the importance of 'contextual safeguarding' and the influence of factors outside of school and family that can cause concern
- A whole school approach that incorporates preventative education in the curriculum and is reinforced continually by pro-social, positive staff role models
- Awareness of the potential for children with SEND being disproportionately impacted by child on child abuse and harassment
- Maintenance of established, robust, well publicised Pastoral and Safeguarding procedures and high profile presence across school of senior staff
- Adherence to statutory guidance and local safeguarding protocols
- A prompt, proportionate, structured response that is objective, evidence based and provides context and substantiation to any allegations
- Multi-agency working with the involvement of, and referral to, relevant agencies
- Information sharing during the process of addressing concerns
- Planning / intervention to support victim and perpetrator

- Development of robust risk management arrangements and adjustments needed within school
- A cycle of review and maintaining accurate and timely recording
- Incorporating the voice, wishes and feelings of the victim
- Maintaining a school wide culture and ethos that champions and reinforces tolerance, inclusivity and respect for all, with emphasis upon acceptable behaviour and standards of conduct.

Every effort will be made to prioritise the safety and protection of the victim(s) and other HSLC students and young people. This approach will nestle within and support the work delivered within the school curriculum.

School will look to adopt a non-judgemental, evidence based, proportionate approach and response, where necessary seeking advice through consultation and referral / reporting to Police and Children's Social Care in line with local safeguarding protocols. This will be done on a case by case basis, taking account of the unique factors involved. Sharing of information in school and externally will be directed by guidance. The context of the behaviour will be established to assist staff in making sense of the situation (e.g. consent issues, intention, repetition, power imbalance, age, developmental stage, potential for criminal offence etc.)

*Keeping Children Safe in Education* (September 2022) - (KCSiE) - maintains emphasis on the duty for schools to guard against the negative impact on children's welfare, happiness and development, caused by child on child abuse. In Annex B of *KCSiE* (September 2022, p.150) the following is stated:

***“Sexual violence and sexual harassment can occur between two children of any age and sex from primary to secondary stage and into colleges. It can also occur online. It can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children. Children who are victims of sexual violence and sexual harassment 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 or college. 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.”***

It is the case that such behaviours can be located on a broad spectrum of severity, impact and risk (potential and actual for victim and perpetrator) and school will always endeavour to make full sense of the situation when making professional judgements and to inform decision making (i.e. in terms of context, pupil response, support required, risk issues and sanctions necessary).

Specific guidance on managing reports of child on child sexual violence and harassment is detailed in *KCSiE*, 2022 in the form of ***Part 5: Child on child sexual violence and harassment and also Sexual violence and sexual harassment between children in schools and colleges (2021) (DfE)***

## **1. The following Key Principles, drawn from *KCSiE 2022*, guide the approach of HSLC**

- Safeguarding and promoting the welfare of children at HSLC is the responsibility of *all* staff.
- Staff should always consider what is in the best interests of pupils
- No single staff member can have a full picture of each child and so prompt action and sharing of information is crucial.
- Staff should be aware that abusive behaviour amongst peers can put children in danger; abuse is abuse and should never be tolerated or passed off as “banter” or “part of growing up”, or “having a laugh”.

- Children are vulnerable to abuse by their peers and all staff should be aware that safeguarding issues can manifest themselves via child on child abuse. This may include, but is not limited to, bullying (including cyber bullying) gender based violence/sexual assaults, youth produced sexual imagery, homophobic, biphobic or transphobic bullying
- Such abuse should be dealt with as seriously as abuse by an adult and must be subject to the same child protection procedures. Abusive behaviour can happen to any pupil in a school setting and may be perpetrated by a child of the same or different sex.
- Regarding any safeguarding issue, all members of the community are asked to cultivate an understanding that ‘it could happen here’ and be prepared to ‘think the unthinkable’
- The alleged perpetrator is likely to have considerable vulnerability and unmet needs as well as posing a risk of harm to other children. It is likely that perpetrators will have suffered considerable disruption in their lives and may have witnessed or been subject to physical or sexual abuse. They may have committed other similar offences and may have problems with their educational development. They may therefore also be at risk of harm and in need of protection and any plans to reduce the risk posed by the perpetrator must take in account their own needs
- The importance of explaining to children that the law is in place to protect rather than criminalise them
- The importance of understanding intra-familial harms, and any necessary support for siblings following incidents
- Finally, staff are aware of the crucial importance of sharing any concerns immediately to allow a timely response and allowing support and management of any risk to be made available as soon as possible

Please see Appendix 1 and 2 for further information

Appendix 1 - Sexual Harassment and Abuse – Further Information

Appendix 2 - Model continuum for sexual behaviour

## **2. Sexual Violence, Consent and Sexual Harassment – Definitions (*Sexual violence and sexual harassment between children in schools and colleges (2021)*) (DfE)**

### **2.1 Sexual Violence**

In the context of child on child sexual violence, this refers to sexual offences under the Sexual Offences Act 2003/14 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. (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.)

## 2.2 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.

Sexual consent

- a child under the age of 13 can never consent to any sexual activity;
- the age of consent is 16; 17
- sexual intercourse without consent is rape.

## 2.3 Sexual Harassment

Sexual harassment is 'unwanted conduct of a sexual nature' that can occur online and offline and both inside and outside of school/college. Child on child 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 (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
- **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. 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 under 18s is a criminal offence;
  - o **sharing of unwanted explicit content;**
  - o **upskirting** (is a criminal offence);
  - o **sexualised online bullying;**
  - o **unwanted sexual comments** and messages, including, on social media;
  - o **sexual exploitation; coercion and threats.**

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.

## 3. Sharing concerns

There are a variety of established procedures in school that can be accessed to share concerns that staff or students may identify or have. The procedures in school are designed to be easily understood and accessible and are well promoted within school.

Staff based in the Pastoral and Student Support Teams are always readily available across the school day and can offer 1:1 appointments and support, staff in these team's are approachable and able to facilitate immediate support. All students are encouraged to share concerns they may have with school staff (teaching and non-teaching); school staff are familiar with the procedure for reporting safeguarding information and concerns.

Students have access to the '**BIG RED BUTTON**' which is located on the school web site in the Student Tab drop down menu and also via the EDULINK app. This facility offers a secure and confidential means to share information and prompt support.

#### **4. Responding to reports of Inappropriate Sexual Behaviour(s), Sexual Harassment and Violence - 4 levels**

The nature and seriousness of the allegation will largely determine the response. This will be a school-based decision, on case by case basis, involving professional judgement, supported where appropriate by partner agencies. This will assist in identifying in a holistic way, the most appropriate initial way to progress addressing and supporting concerns and risk.

Operating on a case-by-case basis, immediate action should nonetheless be taken to safeguard children and manage any risk issues. This will necessarily involve consideration and ongoing review of basic school arrangements (sharing classes, seating plans, school day, curriculum, unstructured time, supervision, clarification of expectations etc), transport and after school activities across alleged victim(s) and perpetrators.

Although this may initially be on an interim / short term basis, it could be, that such arrangements have to be managed and developed for a longer period of time and may extend to considerations of alternative setting(s) . This is something that would be led by the Head Teacher and DSL, potentially using local Managed Move protocols or reciprocal arrangements. The Safeguarding in Education Team would be available to support with advice. Efforts to minimise disruption to the education of alleged victim(s) / perpetrator(s) can be challenge, both are requiring of support (albeit in a different format) to progress improvements in the situation.

It is important that the perpetrator(s) is/are also given the correct support to try to stop them repeating behaviours of concern 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.

Similarly, careful management of information, with due regard to sensitivity of issues and impact, must be maintained with details shared on a 'need to know' basis, in and out of school.

Informing the alleged perpetrator(s) / family – when an allegation is made about a pupil, the DSL will seek guidance from partner agencies as to the timing and means of how the alleged perpetrator(s) and their parents/carers will be informed.

Level	Support	Details
1	<b>Managing Internally</b>	Guidance is clear that in some cases of sexual harassment, for example, one-off incidents, school may take the view that the children concerned are not in need of Early Help or that no 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.
2	<b>Early Help</b>	<p>In line with 1 above, school may decide that the children involved do not require involvement of statutory services or the Police, but may benefit from Early Help. <b>With the consent of parent / carer, Early Help structures in the ER offer a broad range of tiered support services and can facilitate an effective multi-agency approach straddling school, out of school and home settings and are a means of providing support as soon as a problem emerges, at any point in a child's life.</b></p> <p>Providing Early Help is more effective in promoting the welfare of children than reacting later and can be particularly useful to address non-violent incidents and may prevent escalation of Inappropriate Sexual Behaviour(s), Harassment and Violence. Early Help and the option to manage a report internally do not need to be mutually exclusive. School may determine that concerns can be managed internally and seek early help for both the victim and perpetrator(s).</p>
3	<b>Contact with SaPH - Consultation / Request for Service</b>	<p>As is always the case, where a child has been harmed, is at risk of harm, or is in immediate danger, contact should be made with the Safeguarding and Partnership Hub (or Police using 999 if there is immediate danger), in line with established local safeguarding protocols and procedures.</p> <p>Consultation with SaPH should be sought in the event of significant instances of 'Problematic or Concerning' behaviours and certainly instances of Sexual Abuse and Sexual Violence, where there will be a consideration of Intensive and / or Specialist support and assessment. Potentially, cases of repeated Sexual Harassment would also fall into this category of seeking a consultation.</p> <p>ERSCP advice continues to be "if unsure, Consult" - this is particularly relevant from the point where 'Problematic and Concerning' behaviours are identified, it will involve consideration of the implications in relation to both alleged victim(s) and perpetrator.</p>
4	<b>Reporting to the Police</b>	<p>Any report to the Police will normally be in parallel with contact and advice from SaPH or the allocated Social Worker, if it is an open case. <b>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. (Please see Appendix 3 for definitions). 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.</b></p> <p>Where a report has been made to the Police, school 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</p>



	<p>carers. They should also discuss the best way to protect the victim and their anonymity.</p> <p>At this stage, it is probable that school will 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 school 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.</p> <p>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). 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.</p>
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## 5. HSLC school based response to incidents

Although sequential, the process is multi-faceted and will involve simultaneous and coordinated action by key staff. Emphasis here is on the overall process that is followed:

1	School made aware of (this may be from a variety of sources and relate to alleged incidents and behaviours in and out of school – in person and via social media) and log concerns using CPOMS and Child on child Abuse tracker
2	Information logged and initially evaluated and profiled, and HSLC Safeguarding Team (DSL / SLT and DDSL) take responsibility for managing the school response to any allegation, including risk management and safety planning – immediate and ongoing.
3	Risk management - Immediate action will be taken to ensure the safety of students involved (victim(s) and perpetrator(s)) in the allegation and the wider school community.
4	Although depending upon the nature of the allegation / behaviours, at this point, it is highly likely that guidance* from Children's Social Care / Safeguarding will be requested to direct information sharing and any requirement for Police involvement as well as how best to proceed to support the situation in terms of actions within school and communication with both students and parents (see 6. below) *Guidance will be sought to ensure that any school actions will not potentially compromise any Police or Children's Social Care investigation
4	In line with 3. above, any alleged behaviours that are judged by school to involve inappropriate sexualised behaviour in any form will be thoroughly investigated* (for example, taking statements from all concerned, checking school CCTV etc). Information will be recorded at every stage
5	Ongoing consideration and implementation of Risk Management and support arrangements for students involved
6	School decision making response formulated, recorded and put in place – involving designated staff or partner agency involvement to lead and undertake specific work – investigate / report / feedback / share information via contact home / complete identified follow up work / establish safety and risk management plans where necessary for those involved / follow up review (pupils / home) In line with guidance the following will be considered, possibly in conjunction:

	1 – Manage internally 2 – Early Help 3 – Referral to Children’s Social care 4 – Reporting to the Police Consider school based sanctions if appropriate, including whether a managed move for the duration of the investigation is appropriate through consultation with the Safeguarding in Education Team
7	Consider school based intervention e.g. ELSA or targeted work (potentially involving external partner agencies and specialist support) to support identified need (victim and perpetrator)
8	Confirmation of how to access ongoing support if required and agreed arrangements and expectations
9	Subsequent post incident review to ensure that concerns remain resolved at 2 weekly intervals up until all issues have been resolved
10	Review by DSL and DDSL of ‘lessons learned’ to inform ongoing practice and any required actions

## 6. Incident Management Strategies

Whilst clearly challenging, and dependent upon the potential available for altering arrangements resulting from the context of any incident, there can be, nonetheless, considerable scope within an education setting to manage arrangements on a case by case and proportionate basis, until an outcome is determined.

Whilst this will normally be an interim approach, born of necessity, arrangements could last for some time as a wider and more targeted intervention is formulated and progressed.

There could also be the backdrop of ongoing police investigation and potential criminal proceedings that can lengthen the process considerably.

School will endeavour to maintain strong communication with respective parents/carers of alleged perpetrator(s) and victim(s) to agree expectations unless there is a belief that so doing would put a child at additional risk. This will be considered on a case by case basis and in line with guidance on information that can be shared, from agencies involved, especially Police and Children’s Social Care where relevant, ensuring care be taken to avoid the risk of potentially compromising any ongoing investigation involving the Police.

### Approaches to consider:

- Separating the alleged perpetrator and victim from shared classes (certainly 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)
- Careful consideration should be given as to how best to keep the victim and alleged perpetrator(s) a reasonable distance apart on school premises - including during before and after school-based activities - and on transport to and from school or college where appropriate)
- Ensure that both parties are supported (the type of support is liable to be very different) and disruption to education minimised
- Identify a designated trusted adult to support the victim / alleged victim (ensuring any such person is suitably skilled and able to discharge such a role and supported to do so)
- Adjusted seating plan
- Introduction of 1:1 support via TA to support and supervise as necessary and accessible
- Written expectations and explicit arrangements, including unstructured time (areas / staff supervision etc)
- Consideration of sanctions where appropriate
- Revised timing of school day and transport arrangements
- Regular review and update meetings
- At the request of the victim consider timetable adjustments and possible move to another school or college
- Bespoke Risk Assessment / Risk Management Plan

### **Sanctions**

Incidents of Inappropriate Sexual Behaviour(s), Sexual Harassment and Violent are likely to constitute what could ultimately be a serious breach of school Behaviour Policy. This would certainly be the case where criminal investigation leads to a conviction or caution for a sexual assault. The nature of the conviction or caution and wishes of the victim will be especially important in determining how to proceed in such cases.

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. The situation may necessarily extend to unavoidable considerations of following the process leading to Permanent Exclusion, in the event of serious breaches of Behaviour Policy. The clear and explicit expectation that there is a school wide , 'zero tolerance' culture and approach means that as part of the proactive strategies and procedures to prevent and / or manage incidents of Inappropriate Sexualised Behaviour(s), Sexual Harassment and Sexual Violence, it may be necessary to consider sanctions in line with the Behaviour Policy.

### **7. Contextual Safeguarding**

Children's experiences of abuse and violence are rarely isolated events, and they can often be linked to other things that are happening in their lives and spaces in which they spend their time. Any response to child on child abuse therefore needs to consider the range of possible types of child on child abuse set out above and capture the full context of children's experiences. This can be done by adopting a 'contextual safeguarding' approach and by ensuring that our response to incidents of child on child abuse takes into account any potential complexity.

This Policy and procedures encapsulate a contextual safeguarding approach, which:

- 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

controls 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 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 abusive and violent behaviours are evident
- The ages of the children involved
- The development stages of the children involved
- Any power imbalance between children. For example, is an alleged perpetrator significantly older, more mature or more confident? Does the victim have a disability or learning difficulty?
- If the alleged incident is a one off or a sustained pattern or 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 relationships between children
- Are there ongoing risks to the victim, other children, adult students or school or college staff?
- Other related issues and wider context, including any links to child sexual exploitation and child criminal exploitation

## **7. Preventative Strategies**

At HSLC we recognise that it is important to develop appropriate strategies in order to prevent the issue of child on child abuse rather than manage the issues in a reactive way.

Firstly, and most importantly we recognise that child on child abuse can occur on any site even with the most stringent of policies and support mechanisms. In which case it is important to continue to recognise and manage such risks and learn how to improve and move forward with strategies in supporting young people to talk about any issues and through sharing information with all staff.

This is done by ensuring that we have an open environment where young people feel safe to share information about anything that is upsetting or worrying them. This is linked to the requirement explicitly placed upon staff to be "*useful*", "*kind*" and to "*make a difference*" to the lives of the young people attending HSLC.

This is supported by our strong and positive Life Studies curriculum (PHSE) that tackles such issues as prejudiced behaviour and gives children an open forum to talk things through rather than seek one on one opportunities to be harmful to one another. The Life Studies Curriculum is robust and class based teaching is supplemented by guest speakers and targeted themed events. Students cover a variety of related topics, incorporating:

- healthy and respectful 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
- addressing cultures of sexual harassment
- Children's rights as set out in the Human Rights Act

We also strive to have an open and honest environment and school community where all staff feel confident and able to talk about issues and challenge perceptions of young people including use of inappropriate language and behaviour towards one another. All staff treat each other with respect, and everyone is encouraged to listen to each others' views, needs and concerns.

Finally, our pupils are given a voice in changing their circumstances and that of the procedures within school. HSLC is further developing student participation and plans a school council to build upon the 'pupil voice' arrangements, this will encourage pupils to support changes and aims to develop 'rules of acceptable behaviour' and will help to create a positive ethos in school and one where all young people understand the boundaries of behaviour before it becomes abusive.

## **8. Review**

This Policy will be reviewed annually and by exception should legislation or statutory guidance change.

## **Appendix 1 – Sexual Harassment and Abuse – Further Information**

There are many forms of abuse that can occur between peers and the following list is not exhaustive:

### **Youth produced sexual imagery (previously known as ‘sexting’)**

Youth produced sexual imagery is when someone sends or receives a sexually explicit text, image or video. This includes sending ‘nude pics’ or ‘rude pics’ or ‘nude selfies’. Pressuring someone into sending a nude picture can happen in any relationship and to anyone, whatever their age, gender or sexual preference.

Once the image is taken and sent, the sender has lost control of the image and the image could end up anywhere. By having in their possession or distributing to others indecent images of a person under 18, many young people are not aware that they could be committing a criminal offence under the Sexual Offences Act 2003.

Any direct disclosure by a pupil (male or female) will be taken very seriously. A child who discloses they are the subject of sexual imagery is likely to be embarrassed and worried about the consequences. It is likely that disclosure in school is a last resort and they may have already tried to resolve the issue themselves. When an incident involving youth produced sexual imagery comes to a school’s attention we will follow the guidance as set out in the UKCCIS publication Youth produced sexual imagery in Schools and Colleges: Responding to incidents and safeguarding young people and Dfe Sharing nudes and semi-nudes: advice for education settings working with children and young people, December 2020

### **Sexual violence and sexual harassment between children**

Sexual violence and sexual harassment can occur between two children of any sex. They can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children. Children who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. Children’s sexual behaviours exist on a wide continuum, from normal and developmentally expected to highly abnormal and abusive. We recognise the importance of distinguishing between problematic and abusive sexual behaviour.

A model continuum to demonstrate the range of sexual behaviours presented by children can be used when seeking to understand a pupil’s sexual behaviour and deciding how to respond to it. This model is replicated below in Appendix 3. In relation to any reports or disclosures of sexual violence and sexual harassment between children we will:

- make it clear that sexual violence and sexual harassment is never acceptable, will never be tolerated and is not an inevitable part of growing up;
- challenge behaviours (which are potentially criminal in nature), such as grabbing bottoms, breasts and other private areas of the body.

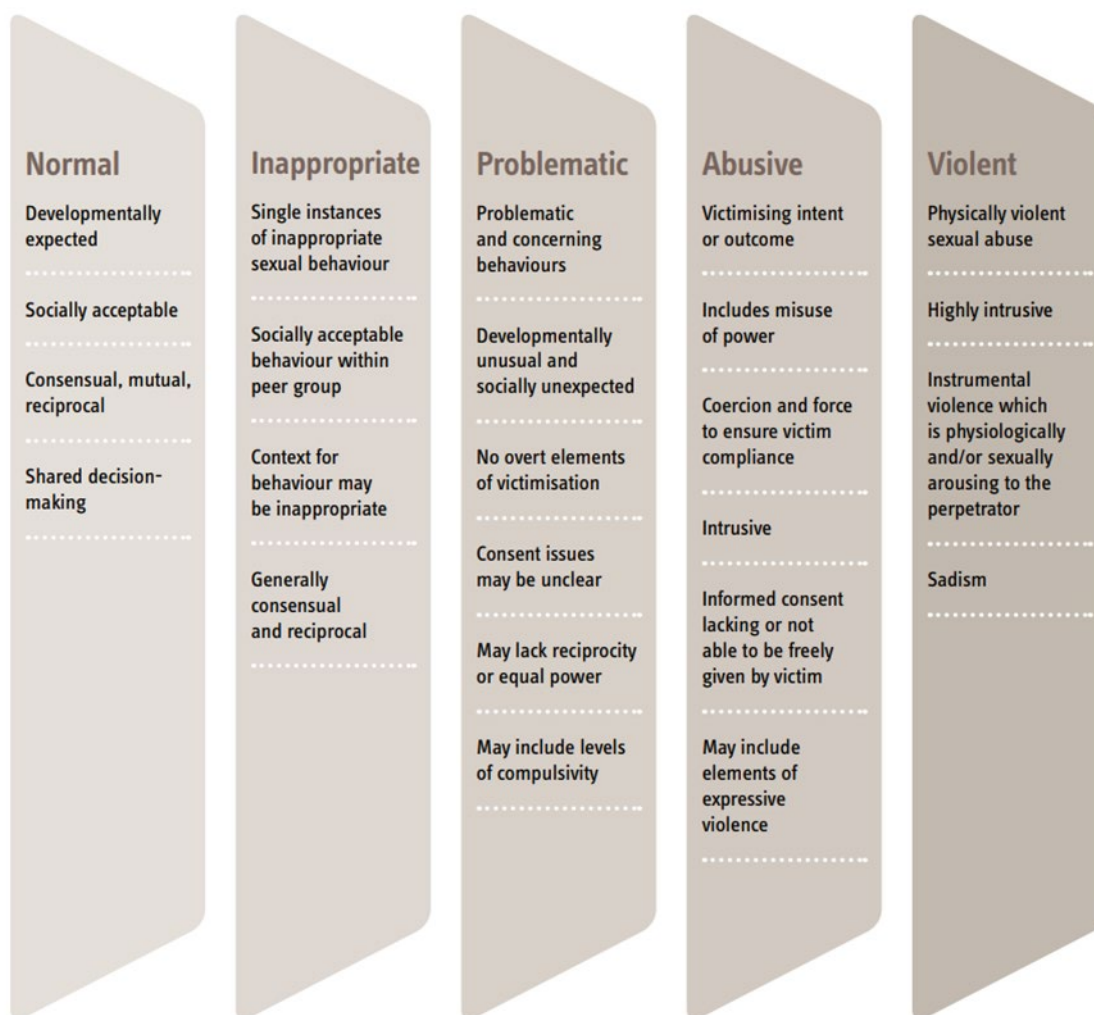
Ultimately any decisions on how to proceed with an allegation of sexual violence and sexual harassment will be made on a case by case basis with the DSL (or deputy) taking a leading role and using their professional judgement, supported by other agencies, such as children’s social care and the Police as required.

Some situations, however, are statutorily clear:

- 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;
- rape, assault by penetration and sexual assault are defined in law; and
- creating and sharing sexual photos and videos of under-18s is illegal (see above info – Youth produced sexual imagery / youth produced sexual imagery). This includes children making and sharing sexual images and videos of themselves.

## **Appendix 2 - Model continuum for Sexual Behaviour**

This framework is designed to differentiate between behaviours across a continuum ranging from 'Normal' to 'Violent' using age and development characteristics to locate behaviours accordingly. This will help to differentiate between healthy sexual behaviours and those that are inappropriate, problematic or harmful. Where appropriate, in line with a tiered approach to support and risk management that accompanies the 'continuum', a more specialist risk assessment may be required by a suitably qualified member of a specialist service.



Chaffin, Letourneau and Silovsky (2002, p208) suggest it is vital for professionals to distinguish 'normal' from 'abnormal' sexual behaviours and a child's sexual behaviour should be considered abnormal if it:

- occurs at a frequency greater than would be developmentally expected
- interferes with the child's development
- occurs with coercion, intimidation, or force
- is associated with emotional distress
- occurs between children of divergent ages or developmental abilities
- repeatedly recurs in secrecy after intervention by caregivers

## It is helpful to distinguish between problematic and abusive sexual behaviour:

### Problematic

- Problematic behaviours don't include overt victimisation of others may be disruptive to the child's development and can cause distress, rejection or increase victimisation of the child displaying the behaviour. They include behaviours involving sexual body parts that are developmentally inappropriate or potentially harmful to the child or others. They range from problematic self-stimulation and nonintrusive behaviours, to sexual interactions with other children that include behaviours more explicit than sex play, and aggressive sexual behaviours. Sometimes, the term 'problematic sexual behaviour' is used to describe behaviours that may be developmentally appropriate but that are expressed inappropriately in a given context.

- When this type of behaviour appears to be trauma-related – for example when symptoms originate from sexual abuse the child has experienced – the behaviour may be termed sexually reactive. Sexually reactive and sexually problematic behaviours are more commonly associated with children in the pre-adolescent age range.

### Abusive

- Abusive behaviours involve an element of coercion or manipulation and a power imbalance that means the victim cannot give informed consent, and where the behaviour has potential to cause physical or emotional harm. Power imbalance may be due to age, intellectual ability, disability or physical strength. Abusive sexual behaviour may or may not have resulted in a criminal conviction or prosecution.

Such behaviours are more commonly associated with young people over the age of criminal responsibility or those in puberty.

As both problematic and abusive sexual behaviours are developmentally inappropriate and may cause developmental damage, a useful umbrella term is 'harmful sexual behaviour' or HSB. This term has been adopted widely in the field, and is used throughout this framework.



### **APPENDIX 3 - RESOURCES AND SUPPORT**

<b>HSLC</b>	<p>Ask any member of staff to arrange for you to meet with Kay Sullivan (DSL) or Emma Webster (DDSL)            Email – <a href="mailto:support@hslc.co.uk">support@hslc.co.uk</a>  <b>You do NOT need to share any details of your concerns with staff when requesting meeting</b></p> <p><b>Via the HSLC Web Site –</b>            Student Tab            Drop Down Menu – The Big Red Button</p>
<b>School Nurse</b>	<p>Text the confidential helpline for advice and support            07507 332891            Mom-Fri 9am to 5pm</p>
<b>East riding Safeguarding and Child Protection</b> Safeguarding & Partnership Hub (SAPH)	<p>Child Protection initial referral / support &amp; Advice:            Intensive &amp; Specialist Safeguarding support</p> <p>1. Urgent C P concerns            2. Consultation with Social Worker</p> <p>Mon to Thu 8:30am – 5:00pm Fri 8:30am – 4:30pm            01482-395500</p> <p>Out of Hours            01482-393939</p>
<b>NSPCC</b>	<p>Report abuse in education helpline - everyone's invited: 0800 136 663</p> <p>The NSPCC has been commissioned by the DfE to set up an independent helpline for children, parents and professionals to seek expert, sensitive advice from the NSPCC and safely report abuse that has happened or is happening in educational settings. The helpline is a dedicated line for children and young people who have been victims of abuse and for worried adults and professionals that need support and guidance. Run by fully-trained NSPCC helpline staff, NSPCC staff will offer advice for anyone concerned about current or non-recent abuse.</p> <p>Please contact the helpline on 0800 136 663 Monday to Friday 8am – 10pm or 9am – 6pm at the weekends or email</p> <p><a href="mailto:help@NSPCC.org.uk">help@NSPCC.org.uk</a></p>
<b>RAPECRISIS</b>	<b><a href="https://RAPECRISIS.ORG.UK/">HTTPS://RAPECRISIS.ORG.UK/</a></b>
<b>THESURVIVORSTRUST</b>	<b><a href="https://WWW.THESURVIVORSTRUST.ORG/">HTTPS://WWW.THESURVIVORSTRUST.ORG/</a></b>
<b>WOMENAGAINSTRAPE</b>	<b><a href="https://WOMENAGAINSTRAPE.NET/">HTTPS://WOMENAGAINSTRAPE.NET/</a></b>

## APPENDIX 4:

### Appendix 1 - Recommendations for school and college leaders

Ofsted Review of sexual abuse in schools and colleges, (June 2021)

1	A carefully sequenced RSHE curriculum, based on the Department for Education's (DfE's) statutory guidance, that specifically includes sexual harassment and sexual violence, including online. This should include time for open discussion of topics that children and young people tell us they find particularly difficult, such as consent and the sending of 'nudes'
2	High-quality training for teachers delivering RSHE
3	Routine record-keeping and analysis of sexual harassment and sexual violence, including online, to identify patterns and intervene early to prevent abuse
4	A behavioural approach, including sanctions when appropriate, to reinforce a culture where sexual harassment and online sexual abuse are not tolerated
5	Working closely with LSPs in the area where the school or college is located so they are aware of the range of support available to children and young people who are victims or who perpetrate harmful sexual behaviour
6	Support for designated safeguarding leads (DSLs), such as protected time in timetables to engage with LSPs
7	Training to ensure that all staff (and governors, where relevant) are able to: <ul style="list-style-type: none"><li>• better understand the definitions of sexual harassment and sexual violence, including online sexual abuse</li><li>• identify early signs of peer-on-peer sexual abuse</li><li>• consistently uphold standards in their responses to sexual harassment and online sexual abuse</li></ul>

## **APPENDIX 5:**

### **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.

- 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.

Further information about consent can be found here: Rape Crisis England & Wales - Sexual consent <https://rapecrisis.org.uk/get-informed/about-sexual-violence/sexual-consent/>

**(KCSiE 2021 - p.11)**

### **Confidentiality**

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. 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.

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 it can be justified to be in the public interest, for example, to protect children from harm and to promote the welfare of children. The designated safeguarding lead (or a deputy) 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 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.

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) decide 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 offered.