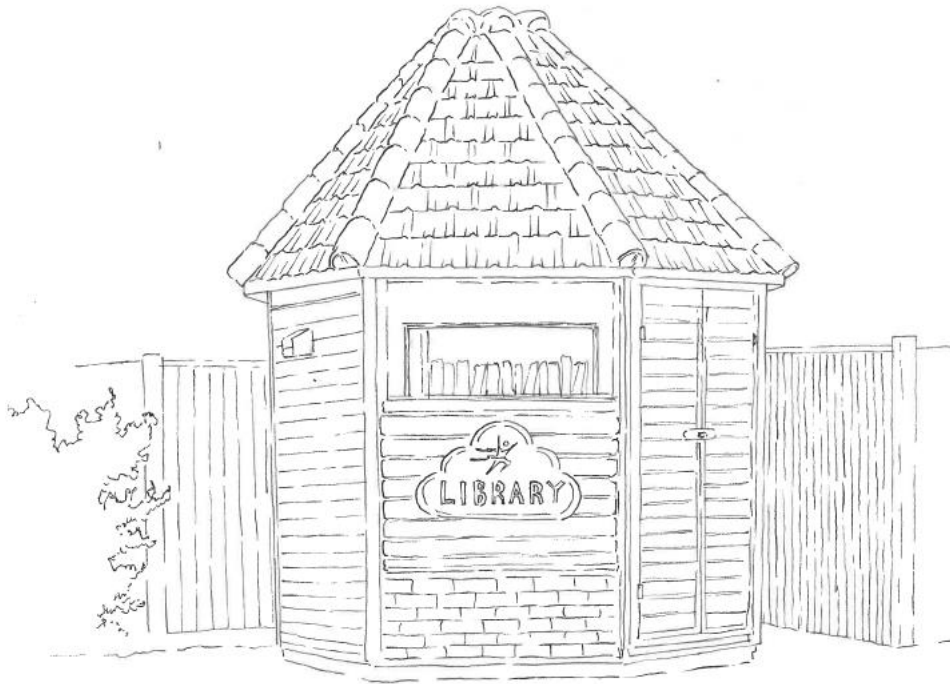




## Brown's School Peer on Peer Abuse Policy



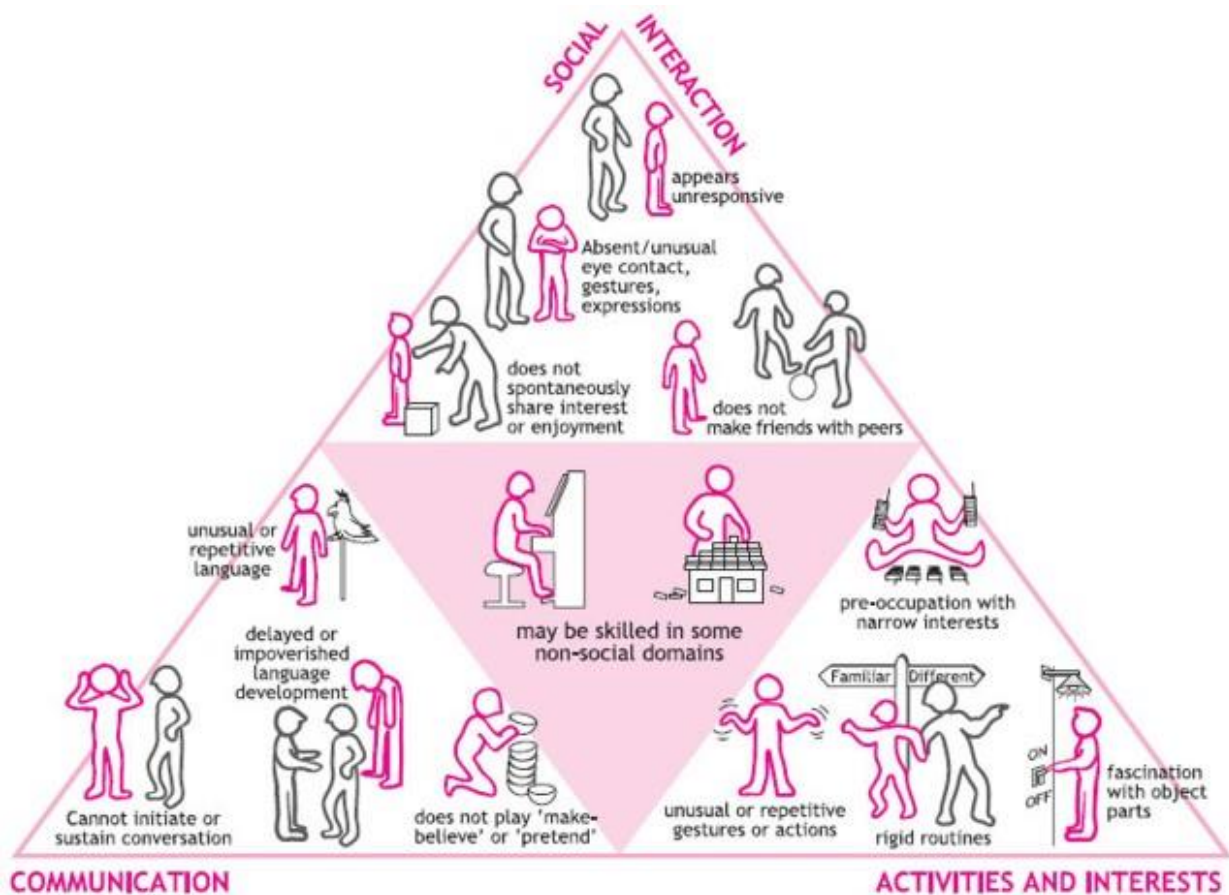
<b><u>Full Name of Policy</u></b>	Peer on Peer Abuse Policy
<b><u>Date of Approval</u></b>	January 2021
<b><u>Date of Next Formal Review</u></b>	September 2021



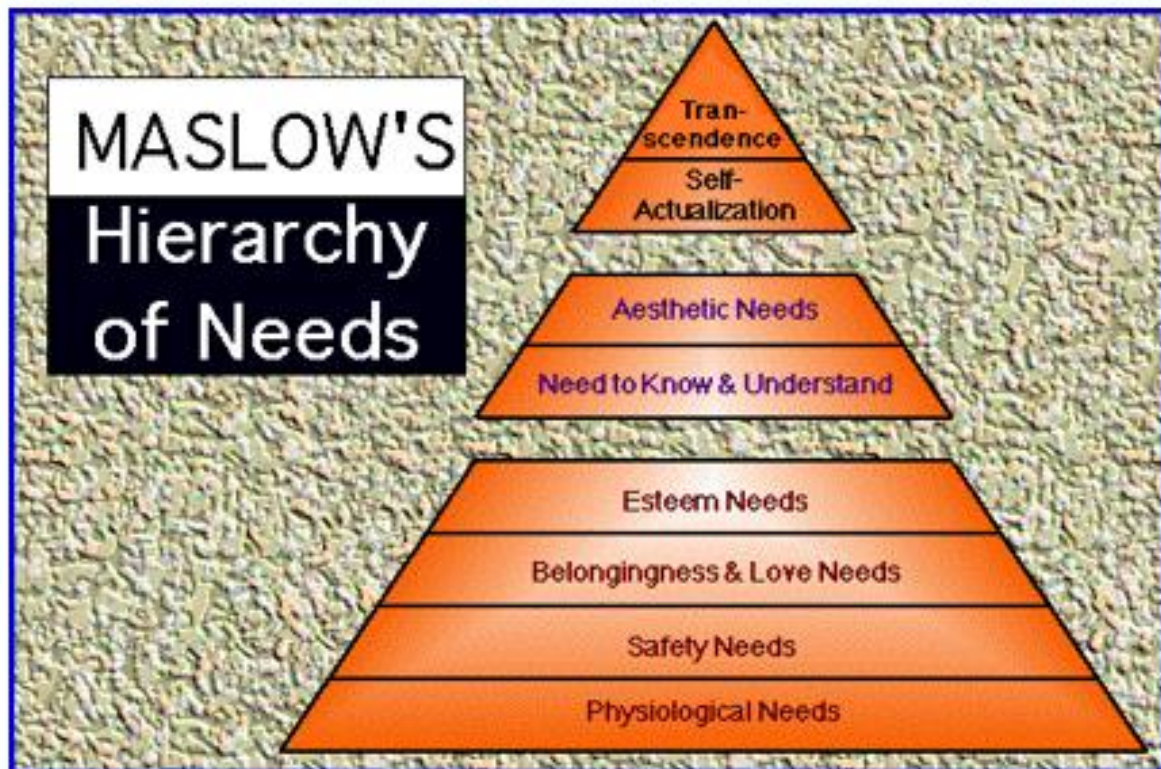
## Philosophy of the school

Brown's School believes that all students have the right to be taught in a safe environment to enable them to optimise their learning and achievement. We expect all students to develop self-discipline and respect for others and to feel valued and supported. The school promotes the values of honesty, tolerance and fairness within a caring and nurturing environment.

Students at the school have a variety of complex needs and the school provides a high level of pastoral care for all students in order to encourage appropriate and cooperative behaviour. As a result of this ongoing support, students are expected to take responsibility for their own behaviour but as a staff group we understand that we need to utilise numerous strategies to achieve this.



The triad of impairment (Figure 1, above, originally devised in 1979 by Lorna Wing and Judy Gould) is a useful tool to refer to when educating students with complex needs (especially those with an ASD diagnosis). It is important to identify behaviours that may be perceived as “rude” but are actually a symptom of a student's diagnosed difficulties.



Brown's School aims to work with students to modify undesirable behaviour through therapeutic intervention and staff recognise that behaviour associated with ASD/ADHD/ODD take time to change.

Figure 1: Maslow's Hierarchy of Needs, Huitt (2007)

Maslow's Hierarchy of Needs is another useful tool for educators. Many of the students at Brown's have a diagnosis of complex, co-occurring difficulties. Often behaviours displayed by our students are consistent with their individual diagnosis and make achieving and learning difficult. For example, one of the common behaviours displayed by a pupil with ADHD is impulsivity. This behaviour could lead to a pupil not feeling safe in a classroom and therefore mean he/she is not able to access the learning of the lesson. In addition to this, students with difficulties in the classroom are well documented to struggle with "fitting in" and identifying with others. These are important factors to remember when a pupil exhibits undesired behaviour.

### Introduction

This policy has been developed in accordance with The Children's Act 1989 and 2004 and related guidance including, Keeping Children Safe in Education DfE 2020 and Working Together to Safeguarding Children DfE 2018 (including updates in February 2019 and December 2020). It takes account of the advice in Sexual violence and Sexual Harassment between Children in Schools and Colleges (DfE 2018)

While it is recommended that peer on peer abuse is part of the Safeguarding & Child Protection Policy, due to the sensitive nature and specific issues relating to sexual violence and sexual harassment, we have decided to separate it from the main policy.

All members of staff at Brown's School recognise that children are capable of abusing their peers. The school believes that abuse is abuse and it will never be tolerated. We continue to ensure that any form of abuse or harmful behaviour is dealt with immediately and consistently to reduce the extent of harm to the child or young person, with full consideration to the impact on that individual child's emotional and mental health and well-being. All victims will be taken seriously and offered appropriate support, regardless of where the abuse takes place.



## Definition

There is no clear boundary between incidents that should be regarded as peer on peer abuse and incidents that would be considered as bullying, sexual experimentation, etc. Staff should use their professional judgement in these matters. However, we would consider a child or young person's behaviour as being abusive if:

- ∞ there is a large difference in power between the young people concerned (e.g. age, size, ability, development); or
- ∞ the perpetrator has repeatedly tried to harm one or more other children; or
- ∞ there are concerns about the intention of the alleged perpetrator.

If the evidence suggests that there was an intention to cause severe harm to the victim, this should be regarded as abusive whether or not severe harm was actually caused.

## Types of abuse

There are many forms of abuse which may occur between peers. Staff need to be aware of the following;

- ∞ Physical abuse which causes physical harm to another person.
- ∞ Sexual violence and sexual harassment
- ∞ Sexual abuse/sexually harmful behaviour which includes inappropriate sexual language and touching.
- ∞ Bullying, including aggressive verbal and physical behaviour which is repetitive and where there is an imbalance of power.
- ∞ Cyberbullying which is the use of phones, instant messaging, e-mail, chat rooms or social networking sites such as Facebook, Instagram and Twitter to threaten or intimidate.
- ∞ Youth produced sexual imagery (sharing nudes and semi-nudes) which is when someone sends or receives a sexually explicit text, image or video. Making, possessing and distributing sexual imagery of someone under 18 which is 'indecent' is **illegal**. This includes imagery of the young person themselves if they are under 18.
- ∞ Upskirting, which typically involves taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm. Upskirting is a criminal offence.
- ∞ Initiation/hazing type violence and rituals.
- ∞ Teenage relationship abuse which is defined as a pattern of actual or threatened acts of physical, sexual and/or emotional abuse perpetrated by an adolescent (between the ages of 13 and 18) against a current or former partner. The perpetrator uses a pattern of violent and coercive behaviour in order to gain power and maintain control over the victim.
- ∞ Prejudiced behaviour, which refers to a range of hurtful behaviour, physical, emotional or both, which causes someone to feel powerless, worthless, excluded or marginalised and which is connected with prejudices around belonging, identity and equality in wider society. This particularly refers to prejudices due to disabilities and special educational needs, ethnic, cultural and religious backgrounds, gender, home life and sexual identity.



### **Expectations of staff**

- ∞ Staff recognise that peer on peer abuse can occur despite the robust policies and procedures put in place by the school.
- ∞ Staff understand that it is important to deal with a situation of peer on peer abuse immediately and sensitively.
- ∞ Staff are trained in dealing with incidents of peer on peer abuse and have an understanding of what constitutes, for example, cyberbullying, sharing nudes and semi-nudes and physical and verbal abuse.
- ∞ Staff understand that all allegations of peer on peer abuse are treated as safeguarding concerns and that outside agencies may need to be involved.
- ∞ Staff understand the school's procedures on reporting safeguarding concerns.
- ∞ Staff acknowledge that they should not be prejudiced, judgemental or dismissive when dealing with such sensitive issues, but should offer immediate support in a calm and consistent manner.
- ∞ Staff are aware of the added vulnerability of children and young people who have themselves been abused and the risk that they may respond to this by abusing their peers, particularly those who are weaker or younger.

### **Preventative Strategies**

- ∞ The school has an open environment where students feel safe. The school conducts regular pupil surveys to ensure that this is the case.
- ∞ All students have an identified listening ear in order to discuss concerns and worries.
- ∞ The school has a dedicated Pastoral Care Team, which includes the school's Designated Safeguarding Lead (DSL).
- ∞ The school's Therapy team and Clinical Psychologist are in-house and support students on a regular basis.
- ∞ The school has separate weekly Personal Social Health Education (PSHE) and Social Skills lessons which teach healthy relationships giving students a forum to talk openly about any difficulties they may have and discuss issues which may affect them.
- ∞ The School Nursing Service visits regularly and gives pupils further information about healthy relationships. The service can also offer 1:1 bespoke sessions when a particular need is identified.
- ∞ The School has an active peer mentoring group which is supervised by the Deputy Headteacher.
- ∞ There is a clear behaviour management system in the school to support students, which includes rewards and sanctions.
- ∞ There is a worry box for students who wish to report concerns without speaking to staff.



### **Procedure for Dealing with Allegations of Peer-on-Peer Abuse**

- ∞ When an allegation is made by a pupil against another, members of staff should treat it as a safeguarding concern. As such, it should be recorded on the appropriate safeguarding concern sheet and the DSL should be informed. It is important that staff do not attempt to investigate the circumstances at this stage.
- ∞ The DSL should gather information from the young person making the allegation and consider whether they are at risk of significant harm.
- ∞ The DSL will make a referral to Children's Social Care (CSC) if the young person has been harmed or is at risk of harm.
- ∞ If the allegation indicates that a potential criminal offence has taken place, the DSL will inform the police.
- ∞ Once advice has been taken from CSC and/or the police, the school will begin its investigation. The DSL will speak separately to the young people involved to gain a statement of facts from them, using consistent language and open questions for each account.
- ∞ Any written evidence or images will be gathered.
- ∞ If the allegation regards sexting, devices containing images should be confiscated, turned off and placed under lock and key until they can be handed over to the police.
- ∞ Parents, of both the alleged perpetrator and the alleged victim, will be informed at an early stage and kept updated on the progress of the referral. If the police/social care are involved the DSL will wait for their agreement before informing parents.
- ∞ The DSL will make a record of the concern, the discussion and any outcome and keep a secure copy on the pupil's safeguarding file.
- ∞ If the allegation highlights a potential risk to the school and the pupil, the school will follow the school's behaviour policy and procedures and take appropriate action.
- ∞ In situations where the school considers a safeguarding risk is present, a risk assessment will be completed, together with a support plan. The plan should be monitored and a date set for a follow-up review with everyone concerned.
- ∞ In some cases, the school may find it necessary to call an urgent review with the local authority to plan a way forward.
- ∞ If there is a criminal investigation ongoing, the school may consider that the young person is unable to be educated on site until the investigation is concluded. The young person will then be provided with appropriate support and education whilst off site.
- ∞ The Headteacher will make the ultimate decision as to whether the perpetrator should be permanently excluded. This will be made on an individual case basis and the local authority will be informed.



### **Support for the child or young person who has been harmed**

The support the young person requires will depend on the individual but the school can offer support to the young person in a number of ways:

- ∞ A support plan in the form of an anxiety management plan will be put in place for the child or young person, naming someone who they can talk to and listing support strategies for managing issues.
- ∞ The child or young person can speak to his/her trusted adult in school.
- ∞ The child or young person may require support from the school's in-house Therapy Team, to improve peer relationships if the incident was of a bullying nature.
- ∞ The child or young person may require counselling from the school's Clinical Psychologist.
- ∞ Support is available from the school's pastoral care team.
- ∞ The school may consider a referral to outside agencies including CAMHS, the Bromley Wellbeing Service, or the local authority's mentoring service.
- ∞ The child or young person may be supported by his/her peer mentor.
- ∞ Parents may also need support from the school's Clinical Psychologist.

### **Support for the child or young person who has displayed harmful behaviour**

It is important to find out why the child or young person has behaved in such a way. It may be that they may have been harmed themselves in a similar way or may be experiencing their own difficulties. The school acknowledges its responsibility to offer support and will consider the following:

- ∞ A risk assessment and support plan will be put into place.
- ∞ The child or young person can speak to his/her trusted adult.
- ∞ The school will identify whether the young person needs support from the school's Therapy Team, including the Clinical Psychologist.
- ∞ The school may complete a CAF to ensure that outside services are made available to the child or young person.
- ∞ A referral to outside agencies, including CAMHS or the Child Sexual Exploitation Team may be a requirement in the case of sexually harmful behaviour.

In cases of bullying, the school will ensure that there is a consequence for this behaviour, including restorative justice, if appropriate.

### **Sexual violence and sexual harassment**

The Headteacher and SLT have accessed and understood the guidance 'Sexual violence and sexual harassment between children in schools and colleges', DfE 2018 and part 5 of Keeping children safe in education 2020.

Children who are the victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. This will, in all likelihood, affect their educational attainment, as well as their emotional wellbeing. Therefore, it is important that staff understand exactly what sexual violence and sexual harassment is, how to report it and how the school deals with it. It is important that students understand that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable 'part of growing up', 'banter' or 'having a laugh'.



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

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

Staff should also be aware of the following:

- ∞ Sexual violence and sexual harassment can occur between two children **of any age and sex** or through a group of children sexually assaulting or sexually harassing a single child or group of children.
- ∞ It is important that **all** victims are taken seriously, offered appropriate support and kept safe.
- ∞ It is more likely that girls will be the victims of sexual violence and sexual harassment and more likely that it will be perpetrated by boys, although **any** report of sexual violence and sexual harassment should be taken seriously.
- ∞ Responses to sexual violence and sexual harassment between children of the same sex should be equally robust as it is for sexual violence and sexual harassment between children of the opposite sex.
- ∞ Sexual harassment can occur online and offline (both physically and verbally) and is never acceptable.
- ∞ Sexual harassment should never be tolerated or dismissed as 'banter'.
- ∞ Children who are lesbian, gay, bi, or trans (LGBT), or perceived to be, can be targeted by their peers.

## Definitions

### *Sexual Violence*

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\*

\* 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.





### *Sexual Harassment*

When referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur online and offline. 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 be considering when any of this crosses a line into sexual violence by talking to and considering the experience of the victim) and displaying pictures, photos or drawings of a sexual nature; and
- ∞ online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
  - non-consensual sharing of sexual images and videos;
  - sexualised online bullying;
  - unwanted sexual comments and messages, including, on social media; and
  - sexual exploitation; coercion and threats.

### **Harmful sexual behaviour**

Children's sexual behaviour exists on a wide continuum, from normal and developmentally expected to inappropriate, problematic, abusive and violent. Problematic, abusive and violent sexual behaviour is developmentally inappropriate and may cause developmental damage. A useful umbrella term is "harmful sexual behaviour".

Harmful sexual behaviour can occur online and/or offline and can also occur simultaneously between the two. Harmful sexual behaviour should be considered in a child protection context.

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

Harmful sexual behaviour can, in some cases, progress on a continuum therefore addressing inappropriate behaviour can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future. Children displaying harmful sexual behaviour have often experienced their own abuse and trauma. It is important that they are offered appropriate support.



### **Youth produced sexual imagery (sharing nudes and semi-nudes)**

- ∞ Brown's School recognises that youth produced sexual imagery (also known as 'sexting'/indecent imagery/sharing nudes and semi-nudes) is a safeguarding issue and all concerns will be reported to and dealt with by the DSL.
- ∞ The DSL will follow the advice as set out in the non-statutory 'Sharing nudes and semi-nudes: advice for education settings working with children and young people' by the UK Council for Internet Safety, UKCCIS, 2020.
- ∞ Youth produced sexual imagery is defined as the production and/or sharing of sexual photos and videos of and by young people who are under the age of 18. It includes nude or nearly nude images and/or sexual acts.
- ∞ The school recognises that it is an offence to possess, distribute, show and make indecent images of children. The Sexual Offences Act 2003 defines a child, for the purposes of indecent images, as anyone under the age of 18.
- ∞ Staff will not view any suspected youth produced sexual imagery, unless there is no other option, or there is a clear safeguarding need or reason to do so. If it is deemed necessary, the imagery will only be viewed by the DSL and any decision making will be clearly documented.
- ∞ Staff will not send, share, save or make copies of content suspected to be an indecent image/video of a child and will not allow or request pupils to do so.
- ∞ If the DSL is made aware of an incident involving the creation or distribution of youth produced sexual imagery, she will respond in line with UKCCIS guidance and store any devices containing potential youth produced sexual imagery securely. If content is contained on pupils' personal devices the DSL will manage this in accordance with the DfE 'Searching Screening and Confiscation' advice. If a potentially indecent image has been taken or shared on the school's network or devices, we will act to block access to all users and isolate the image.
- ∞ The DSL will carry out a risk assessment in line with UKCCIS guidance which considers the age and vulnerability of the pupils involved, including the possibility of carrying out relevant checks with outside agencies.
- ∞ The DSL will make a referral to CSC and/or the police, if appropriate.
- ∞ The DSL will inform parents/carers about the incident and how it is being managed and provide support and signposting, as appropriate.
- ∞ Sanctions will be implemented in accordance with the school's Behaviour Policy and care will be taken not to further traumatise victims where possible.
- ∞ The DSL will consider the deletion of images in accordance with UKCCIS guidance. Images will only be deleted once the DSL has confirmed that other agencies do not need to be involved and are sure that to do so would not place a child at risk or compromise an investigation.

### **Contextual Safeguarding**

Safeguarding incidents and/or behaviours can be associated with factors outside the school and/or can occur between children outside the school. All staff, but particularly the DSL, should be considering the context within which such incidents and/or behaviours occur. This is known as contextual safeguarding, which simply means assessments of children should consider whether wider environmental factors are present in a child's life that are a threat to their safety and/or welfare. Therefore, the school will provide as much information as possible as part of the referral process to CSC.



### **Preventative strategies**

As well as the preventative strategies listed under peer on peer abuse, the school will put emphasis on the following:

- ∞ All staff will be regularly trained and updated so that they are aware of the different types of abuse, including sexual violence and sexual harassment.
- ∞ Primary and secondary students will be taught about safeguarding as part of carefully planned and high-quality Relationship and Sex Education (RSE) and Personal Social Health and Economic education (PSHE) programmes, structured to take account of their SEN. The following will be included:
  - healthy and respectful relationships;
  - what respectful behaviour looks like;
  - consent;
  - gender roles, stereotyping, equality;
  - body confidence and self-esteem;
  - prejudiced behaviour;
  - that sexual violence and sexual harassment is always wrong; and
  - addressing cultures of sexual harassment

The school will also consider whether to seek external input to train or support staff and teach students as part of our approach to sexual violence and sexual harassment.



## Responding to reports of sexual violence or sexual harassment

As in all cases of peer on peer abuse, staff should treat a report of sexual violence or sexual harassment as a safeguarding concern and follow the school's usual procedures as outlined under 'Procedure for dealing with allegations of peer on peer abuse'.

Support will be given to the child or young person who has been harmed and also to the child or young person who has displayed harmful behaviour.

The following will apply in cases of reports of sexual violence or sexual harassment:

- ∞ All victims will be reassured by a member of staff that they are being taken seriously and that they will be supported and kept safe.
- ∞ As with all reported safeguarding concerns, staff cannot promise confidentiality. However, staff will share the report with those on a 'need to know' basis only.
- ∞ The victim will be kept informed as to what the next steps will be and who the report will be passed to.
- ∞ Staff will be supportive and respectful of the child or young person making the report, including being non-judgemental and clear about boundaries. They will not ask leading questions and only prompt the child with open questions – where, when, what, etc.
- ∞ Concerns should be immediately written down after speaking to the child and the DSL should be informed as soon as is practically possible. It is important that staff record the facts as the child presents them as these could become part of a statutory assessment by CSC and/or part of a criminal investigation.
- ∞ If the report includes an online element, staff will **not** view or forward illegal images of a child.
- ∞ The DSL will inform parents/carers, unless to do so would put the child at greater risk.
- ∞ If the child is considered at risk of harm, is in immediate danger, or has been harmed, the DSL will make a referral to CSC.
- ∞ The school will do all it reasonably can to protect the anonymity of any children involved in a report of sexual violence or sexual harassment.
- ∞ When there has been a report of sexual violence, the DSL 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. Risk assessments will be recorded and kept under review. The risk and needs assessment should consider:
  - the victim, especially their protection and support,
  - the alleged perpetrator; and
  - all the other children (and, if appropriate, adult students and staff) at the school, especially any actions that are appropriate to protect them.
- ∞ the DSL will engage with CSE and specialist services as required. Any risk assessments by social workers will be used to inform the school's approach to supporting and protecting students.



### **Action to be taken following a report of sexual violence and/or sexual harassment**

All responses by the school will be underpinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated. All concerns, discussions, decisions and reasons for decisions will be recorded.

Any report of sexual violence is likely to be traumatic for the victim. 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 is likely to be especially distressing. Whilst we establish the facts of the case and start the process of liaising with CSC and the police, the alleged perpetrator will be removed from any classes they share with the victim. We will also consider how best to keep the victim and alleged perpetrator at a reasonable distance apart on school premises and on transport to and from the school, where appropriate. These actions are in the best interests of both children and should not be perceived to be a judgment on the guilt of the alleged perpetrator.

For other reports of sexual violence and sexual harassment, the proximity of the victim and alleged perpetrator and considerations regarding shared classes, sharing school premises and school transport, will be considered immediately. In all cases, the initial report will be carefully evaluated. 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 the school considers any immediate actions.

When considering actions, important considerations by the DSL and Senior Leadership Team will include:

- ∞ the wishes of the victim in terms of how they want to proceed. Victims should be given as much control as is reasonably possible over decisions regarding how any investigation will be progressed and any support they will be offered;
- ∞ the nature of the alleged incident(s), including whether a crime may have been committed and consideration of harmful sexual behaviour;
- ∞ the ages of the children involved;
- ∞ the developmental stages of the children involved;
- ∞ any power imbalance between the children. For example, is the 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 of abuse;
- ∞ are there ongoing risks to the victim, other children, adult students or staff; and
- ∞ other related issues and wider context.

The school will consider whether to manage the incident internally, seek early help, refer to CSC or refer to the police.

#### *Manage internally*

In some cases of sexual harassment, for example, one-off incidents, the school may take the view that the children concerned are not in need of early help or statutory intervention and that it would be appropriate to handle the incident internally, through utilising the school's Behaviour and Bullying policies and by providing pastoral support.



### *Early help*

The school may decide that the children involved do not require statutory interventions 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 nonviolent harmful sexual behaviour and may prevent escalation of sexual violence.

### *Referrals to Children's Social Care*

Where a child has been harmed, is at risk of harm, or is in immediate danger the school will make a referral to local CSC. At the referral to CSC stage, we 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 CSC. If a referral is made, CSC 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 DSL will work alongside, and cooperate 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 and any other children that require support.

The school will not wait for the outcome (or even the start) of a CSE investigation before protecting the victim and other children. We will work closely with CSE (and other agencies as required) to ensure any actions we take do not jeopardise a statutory investigation. The risk assessment will help inform any decision. Consideration of safeguarding the victim, alleged perpetrator, any children directly involved in the reported incident and all children (and adult students) at the school will be immediate.

In some cases, CSC may review the evidence and decide a statutory intervention is not appropriate. The DSL will then 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 DSL should consider other support mechanisms such as early help, specialist support and pastoral support.

### *Reporting to the Police*

Any report to the Police will generally be in parallel with a referral to CSC. 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 is under ten, the starting principle of reporting to the police remains. The police will take a welfare, rather than a criminal justice, approach.

At this stage, the school 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, the school will support the child in any decision they take. This should be with the support of CSC and any appropriate specialist agencies.

Where a report has been made to the police, the school will consult the police and agree what information can be disclosed to staff and others, in particular, the alleged perpetrator and their parents or carers. We will also discuss the best way to protect the victim and their anonymity.

In some cases, it may become clear very quickly, that the police (for whatever reason) will not take further action. In such circumstances, the school will continue to engage with specialist support for the victim as required.



### *Considering bail conditions*

From April 2017, the use of police bail has been dramatically reduced and therefore it is less likely that a child attending school or college will be on police bail with conditions attached if there are alternative measures to mitigate any risk.

In the absence of bail conditions, when there is a criminal investigation, the school will ensure that early engagement and joined up working between us, CSC and the police will be in place to support the victim, alleged perpetrator and other children (and adult students) involved (especially potential witnesses). Where required, the school will seek advice from the police in order to help us manage our safeguarding responsibilities.

The term 'Released Under Investigation' or 'RUI' will replace those previously on bail for offences in circumstances that do not warrant the application of bail to either re-attend on a particular date or to include conditions preventing activity or in some cases ensuring compliance with an administrative process.

Where bail is deemed proportionate and necessary, the school will work with CSC and the police to manage any implications and safeguard our children, adult students and staff. An important consideration will be to ensure that the victim can continue in their normal routine, including receiving a suitable education.

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

If there are delays in any case that is being progressed through the criminal justice system, the school will not wait for the outcome (or even the start) of a police investigation before protecting the victim, alleged perpetrator and other children and adult students in the school or college. The risk assessment will help inform any decision. Whilst protecting children and/or taking any disciplinary measures against the alleged perpetrator, it will be important for the DSL to work closely with the police (and other agencies as required), to ensure any actions we take do not jeopardise the police investigation.

### *The end of the criminal process*

If a child is convicted or receives a caution for a sexual offence, the school will update its risk assessment, ensure relevant protections are in place for all the children at the school and consider any suitable action in light of our Behaviour policy. If the perpetrator remains in school, we will be very clear as to our expectations regarding the perpetrator now they have been convicted or cautioned. This may include expectations regarding their behaviour and any restrictions the school 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. We will therefore ensure both the victim and alleged perpetrator 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 will continue to offer support to the victim and the alleged perpetrator 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 does not necessarily mean that it was unfounded. The school will discuss any decisions with the victim in this light and continue to offer support. The alleged perpetrator is also likely to require ongoing support for what will have likely been a difficult experience.



### **Safeguarding and supporting the victim**

The school will consider the age and the developmental stage of the victim, the nature of the allegations and the potential risk of further abuse.

The needs and wishes of the victim will be paramount (along with protecting the child) in any response. It is important they feel in as much control of the process as is reasonably possible. Wherever possible, the victim, if they wish, should be able to continue in their normal routine. Overall, the priority should be to make the victim's daily experience as normal as possible, so that the school is a safe space for them.

The school will never make the victim feel that they are the problem for making a report or made to feel ashamed for making a report.

Consideration will be given to the proportionality of the response. Support should be tailored on a case-by-case basis. For example, 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.

Victims may not disclose the whole situation 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 ensure that the child's trusted adult is available to talk about their needs.

A victim of sexual violence is likely to be traumatised and, in some cases, may struggle in a normal classroom environment. In such cases, the school will provide a physical space for victims to withdraw. The school will ensure it does everything it 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 at Brown's School, 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).

The DSL will ensure that if the victim does move to another educational institution (for any reason), that the new educational institution is made aware of any ongoing support needs, as well as transferring the child protection file.

### **Safeguarding and supporting the alleged perpetrator**

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. We will work with professionals as required to understand why a child may have abused a peer. It is important to remember that, as a child, any alleged perpetrator is entitled to, deserving of, and should be provided with, a high level of support to help them understand and overcome the reasons for their behaviour and help protect other children by limiting the likelihood of them abusing again.

Consideration will be given to the age and the developmental stage of the alleged perpetrator and nature of the allegations. Any child will likely experience stress as a result of being the subject of allegations and/or negative reactions by their peers to the allegations against them.





Consideration will also be given the proportionality of the response. Support (and sanctions) will be considered on a case-by-case basis. An alleged perpetrator may potentially have unmet needs (in some cases these may be considerable) as well as potentially posing a risk of harm to other children. Harmful sexual behaviour in young children may be a symptom of either their own abuse or exposure to abusive practices and or materials. Advice will be taken, as appropriate, from CSC, specialist sexual violence services and the police.

It is important that if the alleged perpetrator does move to another educational institution (for any reason), that the new educational institution is made aware of any ongoing support needs and where appropriate, potential risks to other children, adult students and staff. The DSL will take responsibility to ensure this happens as well as transferring the child protection file.

### **Support for the school**

The school recognises that there are a number of guidance documents and organisations to support schools and colleges with cases of sexual violence and sexual harassment which take place both offline and online. These are detailed in Appendix 1 of this policy.

This policy should be read in conjunction with other school policies including:

- ∞ Safeguarding and Child Protection
- ∞ Behaviour
- ∞ Anti-bullying.

Reviewed in Staff Meeting

Personal responsible for editing: Jeanette May in January 2021

-----Signature

----- Date

\_\_\_\_\_ Headteacher

\_\_\_\_\_ Date

This policy will be reviewed in September 2021.



**Appendix 1: Further information and support**

	<b>Organisation/Website/Guidance and what they do</b>	
<b>Specialist Organisations</b>	<u><a href="#">Barnardo's</a></u>	UK charity caring for and supporting some of the most vulnerable children and young people through their range of services.
	<u><a href="#">Lucy Faithfull Foundation</a></u>	UK-wide child protection charity dedicated to preventing child sexual abuse. They work with families affected by sexual abuse and also run the confidential Stop it Now! Helpline.
	<u><a href="#">NSPCC</a></u>	Children's charity specialising in child protection with statutory powers enabling them to take action and safeguard children at risk of abuse.
	<u><a href="#">Rape Crisis</a></u>	National charity and the umbrella body for their network of independent member Rape Crisis Centres.
	<u><a href="#">UK Safer Internet Centre</a></u>	Provides <u>advice and support</u> to children, young people, parents, carers and schools about staying safe online.
<b>Support for Victims</b>	<u><a href="#">Anti-Bullying Alliance</a></u>	Detailed information for anyone being bullied, along with advice for parents and schools. Signposts to various helplines and websites for further support.
	<u><a href="#">Rape Crisis</a></u>	Provide and sign post to a range of services to support people who have experience rape, child abuse or any kind of sexual violence.
	<u><a href="#">The Survivors Trust</a></u>	UK-wide national umbrella agency with resources and support dedicated to survivors of rape, sexual violence and child sex abuse.
	<u><a href="#">Victim Support</a></u>	Supporting children and young people who have been affected by crime. Also provides support to parents and professionals who work with children and young people – regardless of whether a crime has been reported or how long ago it was.
	<u><a href="#">Brook</a></u>	Traffic Light Tool supports professionals working with children and young people by helping them to identify and respond appropriately to sexual behaviours.
	<u><a href="#">NSPCC</a></u>	Online Self-assessment tool to ensure organisations are doing everything they can to safeguard children.



<b>Toolkits</b>	<a href="#">Safeguarding Unit, Farrer and Co. and Carlene Firmin, MBE, University of Bedfordshire</a>	Peer-on-Peer Abuse toolkit provides practical guidance for schools on how to prevent, identify early and respond appropriately to peer-on-peer abuse.
<b>Confidentiality</b>	<a href="#">Gillick competency Fraser guidelines</a>	Guidelines to help with balancing children's rights along with safeguarding responsibilities.
	<a href="#">NSPCC: Things to know and consider</a>	Information sharing and confidentiality for practitioners - things to know and issues to consider.
<b>Information Sharing</b>	<a href="#">Information Commissioner's Office: Education</a>	Information to help schools and colleges comply with General Data Protection Regulation (GDPR).
	<a href="#">Government information sharing advice</a>	Guidance on information sharing for people who provide safeguarding services to children, young people, parents and carers.
<b>Further information on sexting</b>	<a href="#">UKCCIS: Advice for schools and colleges responding to sexting incidents</a>	Advice for schools and colleges on responding to incidents of 'sexting.' Supporting them in tackling the range of issues which these incidents present.
	<a href="#">London Grid for Learning- collection of advice</a>	Various information and resources dealing with sexting.
<b>Support for parents</b>	<a href="#">Parentzone</a>	Provides expert information and resources to help make the internet work for families.
	<a href="#">Childnet: Advice for parents and carers to keep children safe online</a>	Advice and resources to help parents and carers keep children safe online.
	<a href="#">Parentsafe- London Grid for Learning</a>	Detailed advice/resources covering various issues such as online safety, apps, and how to report concerns.
	CEOP <a href="#">Thinkuknow</a> advice for parents:	Advice/resources on how to approach and deal with concerns about what children may be doing online.
	<a href="#">Challenging harmful sexual attitudes and their impact</a>	On the Thinkuknow site, this resource helps challenge harmful sexual attitudes.
<a href="#">Supporting positive sexual behaviour</a>	On the Thinkuknow site, advice on how to start a conversation to support positive sexual behaviour.	