

Fair Ways School

Managing allegations and sexual violence between children Policy

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Fair Ways Values

As a charity we measure our wealth by making a difference, not by making a profit.

By creating a culture that values every individual, we can harness and develop their potential so that they may achieve great things.

1. Make a difference
2. Never give up
3. Value every individual
4. Listen to each other, develop each other, and reach our potential
5. Quality and passion in what we do

1 Introduction

- 1.1 DfE guidance Keeping Children Safe in Education (2018) says that ‘governing bodies should ensure that there are procedures in place to handle allegations against other children’. The guidance also states the importance of minimising the risks of peer-on- peer abuse.
- 1.2 In most instances, the conduct of students towards each other will be covered by the school’s behaviour policy. Some allegations may be of such a serious nature that they may raise safeguarding concerns. These allegations are most likely to include physical abuse, emotional abuse, sexual abuse and sexual exploitation.
- 1.3 It is also likely that incidents dealt with under this policy will involve older students and their behaviour towards younger students or those who are vulnerable.

2 The safeguarding implications of sexual activity between young people

- 2.1 The intervention of child protection agencies in situations involving sexual activity between children can require difficult professional judgments. Some situations are statutorily clear – for example, a child under the age of 13 cannot consent to sexual activity, but it will not necessarily be appropriate to initiate safeguarding procedures where sexual activity involving children and young people below the age of legal consent (16 years) comes to notice.
- 2.2 In our society generally the age at which children become sexually active has steadily dropped. It is important to distinguish between consensual sexual activity between children of a similar age (where at least one is below the age of consent) and sexual activity involving a power imbalance, or some form of coercion or exploitation. It may also be difficult to be sure that what has or has been alleged to have taken place definitely does have a sexual component.
- 2.3 As usual, important decisions should be made on a case by case basis, on the basis of an assessment of the children’s best interests. Referral under safeguarding arrangements may be necessary, guided by an assessment of the extent to which a child is suffering, or is likely to suffer, significant harm. Key specific considerations will include:
 - The age, maturity and understanding of the children.
 - Any disability or special needs of the children.
 - Their social and family circumstance.
 - Any evidence in the behaviour or presentation of the children that might suggest they have been harmed.

- Any evidence of pressure to engage in sexual activity.
 - Any indication of sexual exploitation.
- 2.4 There are also contextual factors. Gender, sexuality, race and levels of sexual knowledge can all be used to exert power. A sexual predator may sometimes be a woman or girl and the victim a boy.

3 Sexual violence and sexual harassment between children in schools and colleges

<https://www.gov.uk/government/publications/sexual-violence-and-sexual-harassment-between-children-in-schools-and-colleges>

3.1 Context

- Sexual violence and sexual harassment can occur between two children of **any** age and sex. It can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children.
- 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. Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physical and verbal) and are never acceptable. It is important that **all** victims are taken seriously and offered appropriate support. Staff should be aware that some groups are potentially more at risk. Evidence shows girls, children with SEND and LGBT children are at greater risk.
- Staff should be aware of the importance of:
 - Making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up.
 - Not tolerating or dismissing sexual violence or sexual harassment as “banter”, “part of growing up”, “just having a laugh” or “boys being boys.”
 - Challenging behaviours (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them.

3.2 What is Sexual violence and sexual harassment?

Sexual violence

It is important that school and college staff are aware of sexual violence and the fact children can, and sometimes do, abuse their peers in this way. When referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003/105 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.

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.

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 (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:
 - Non-consensual sharing of sexual images and videos.
 - Sexualised online bullying.
 - Unwanted sexual comments and messages, including, on social media.
 - Sexual exploitation; coercion and threats.

3.3 **The response to a report of sexual violence or sexual harassment**

The initial response to a report from a child is important. It is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment, nor should a victim ever be made to feel ashamed for making a report.

If staff have a concern about a child or a child makes a report to them, they should report to the school DSL and Childrens Services should be contacted using the referral process.

4. **Policy**

- 4.1 At Fair Ways School we believe that all children have a right to attend school and learn in a safe environment. Children should be free from harm by adults in the school and other students.
- 4.2 We recognise that some students will sometimes negatively affect the learning and wellbeing of others and their behaviour will be dealt with under the school's behaviour policy.

5 **Prevention**

- 5.1 As a school we will minimise the risk of allegations against other pupils by:
 - Providing a developmentally appropriate PSHE / SMSC syllabus which develops students understanding of acceptable behaviour and keeping themselves safe.

- Having systems in place for any student to raise concerns with staff, knowing that they will be listened to, believed and valued.
- Delivering targeted work on assertiveness and keeping safe to those pupils identified as being at risk.
- Developing robust risk assessments & providing targeted work for pupils identified as being a potential risk to other pupils.

6 Allegations against other pupils which are safeguarding issues

6.1 Occasionally allegations may be made against students by others in the school which are of a safeguarding nature. Safeguarding issues raised in this way may include physical abuse, emotional abuse, sexual abuse and sexual exploitation. It is likely that, to be considered a safeguarding allegation against a pupil, some of the following features will be found.

6.2 If the allegation:

- Is made against an older pupil and refers to their behaviour towards a younger pupil or a more vulnerable pupil.
- Is of a serious nature, possibly including a criminal offence.
- Raises risk factors for other pupils in the school.
- Indicates that other pupils may have been affected by this student.
- Indicates that young people outside the school may be affected by this student.

6.3 Examples of safeguarding issues against a student could include:

Physical Abuse

- Violence, particularly pre-planned.
- Forcing others to use drugs or alcohol.

Emotional Abuse

- Blackmail or extortion.
- Threats and intimidation.

Sexual Abuse

- Indecent exposure, indecent touching or serious sexual assaults.
- Forcing others to watch pornography or take part in sexting.

Sexual Exploitation

- Encouraging other children to engage in inappropriate sexual behaviour (For example - having an older boyfriend / girlfriend, associating with unknown adults or other sexually exploited children, staying out overnight.)
- Photographing or videoing other children performing indecent acts.

7 Procedure

7.1 When an allegation is made by a pupil against another student, members of staff should consider whether the complaint raises a safeguarding concern. If there is a safeguarding concern the Designated Safeguarding Lead (DSL) should be informed. These are the following:

- Laura Willis – Head of Education – SEMH
- Victoria Horner – Head of Education – ASC
- Martyn Horner – Deputy Head – Wallington
- Charlie Leech – Deputy Head – SEMH
- Sophie Owen – Deputy Head - ASC

7.2 A factual record should be made of the allegation, but no attempt at this stage should be made to investigate the circumstances.

7.3 The DSL should contact the children’s reception team (CRT) to discuss the case. The DSL will follow through the outcomes of the discussion and make a referral where appropriate.

7.4 If the allegation indicates that a potential criminal offence has taken place, CRT will refer the case to the multi-agency agency safeguarding hub where the police will become involved.

7.5 Parents, of both the student being complained about and the alleged victim, should be informed and kept updated on the progress of the referral.

7.6 The DSL will make a record of the concern, the discussion and any outcome and keep a copy in the files of both pupils’ files.

7.7 It may be appropriate to exclude the pupil being complained about for a period of time according to the school’s behaviour policy and procedures.

- 7.8 Where neither social services nor the police accept the complaint, a thorough school investigation should take place into the matter using the school's usual disciplinary procedures.
- 7.9 In situations where the school considers a safeguarding risk is present, a risk assessment should be prepared along with a preventative, supervision plan.
- 7.10 The plan should be monitored and a date set for a follow-up evaluation with everyone concerned.

Evaluation will take place on an annual basis.