

# Child-on-Child Sexual Violence or Sexual Harassment Policy



**ADOPTED** September 2022

**NEXT REVIEW** September 2023

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# 1 Policy Statement and Principles

We recognise our moral and statutory responsibilities to safeguard and promote the welfare of all students. We endeavour to provide a safe and welcoming environment where children are respected and valued. We are alert to the signs of abuse and follow our procedures to ensure that children receive effective support, protection and justice.

Our principles:

- ▲ The welfare of the child is paramount
- ▲ All children, regardless of age, gender, ability, culture, race, language, religion or sexual identity, have equal rights to protection
- ▲ All staff have an equal responsibility to act on any suspicion or disclosure that may suggest a child is at risk of harm
- ▲ Students and staff involved in child protection issues will receive appropriate support

We aim to ensure that:

- ▲ Appropriate action is taken in a timely manner to safeguard and promote children's welfare
- ▲ All staff are aware of their statutory responsibilities with respect to safeguarding
- ▲ Staff are properly training in recognising and reporting safeguarding issues

We recognise that children are capable of abusing their peers. Abuse will never be tolerated or passed off as 'banter', 'just having a laugh' or 'part of growing up', as this can lead to a culture of unacceptable behaviours, an unsafe environment for students and, in the worst case scenario, a culture that normalises abuse.

We recognise that an absence of reports of child-on-child sexual violence and harassment does not mean that it is not happening.

Sexual violence and sexual harassment can occur:

- ▲ Between two children of any age and sex
- ▲ Through a group of children sexually assaulting or sexually harassing a single child or group of children
- ▲ Online or face to face (both physically and verbally) and simultaneously between the two

Sexual violence and sexual harassment exist on a continuum and may overlap.

We recognise the gendered nature of peer-on-peer abuse. However, all peer-on-peer abuse is unacceptable and will be taken seriously.

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

- ▲ Assuming that indicators of abuse, such as mood and behaviour, relate to the child's disability
- ▲ Children with SEND being disproportionately impacted by bullying and harassment without showing any outward signs
- ▲ Communication barriers

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

Most cases of students hurting other students will be dealt with under our College's Behaviour Policy, but this Policy and the Safeguarding Policy will apply to any allegations that raise safeguarding concerns.

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.

If a victim reports an incident, it is essential that staff make sure they 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.

Some groups are potentially more at risk. Evidence shows that girls, children with SEN and/or disabilities, and lesbian, gay, bisexual and transgender (LGBT) children are at greater risk.

Staff should be aware of the importance of:

- ▲ Challenging inappropriate behaviours
- ▲ Making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up
- ▲ Challenging physical behaviours (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, pulling down trousers, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them

If staff have any concerns about child-on-child sexual violence or sexual harassment, or a child makes a report to them, they will follow the procedures set out in this Policy and in Section 7 of the College's Safeguarding Policy.

This policy applies to all staff (all those working for or on behalf of the College, full time or part time, temporary or permanent, in either a paid or voluntary capacity) and all governors.

## 2 Legislation and Guidance

This policy has been created with due regard to all relevant legislation, statutory guidance and non-statutory guidance including, but not limited to, the following:

### 2.1 Legislation

[Children Act 1989](#)

[Children Act 2004](#)

[Safeguarding Vulnerable Groups Act 2006](#)

[Sexual Offences Act 2003](#)

### 2.2 Statutory Guidance

[DfE \(2018\) Working together to safeguard children](#)

[DfE \(2022\) Keeping children safe in education](#)

### 2.3 Non-Statutory Guidance

[DfE \(2015\) What to do if you're worried a child is being abused](#)

[DfE \(2018\) Information sharing](#)

[DfE \(2021\) Sexual violence and sexual harassment between children in schools and colleges](#)

## 3 Definitions

### 3.1 Sexual Harassment

Sexual harassment refers to unwanted conduct of a sexual nature that occurs online or offline. Sexual harassment violates a student's dignity and makes them feel intimidated, degraded or humiliated, and can create a hostile, sexualised or offensive environment. If left unchallenged, sexual harassment can create an atmosphere that normalises inappropriate behaviour and may lead to sexual violence. 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 (the College will consider when any of this crosses a line into sexual violence: it is important to talk to and consider the experience of the victim) and displaying pictures, photographs 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
  - sharing unwanted explicit content
  - sexualised online bullying
  - unwanted sexual comments and messages, including on social media
  - sexual exploitation, coercion and threats
- ▲ Upskirting, which typically involves taking a picture under a person's clothing without their permission, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm

### 3.2 Sexual Violence

Sexual violence refers to the three following offences:

- ▲ **Rape:** A person (A) commits an offence of rape if he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, 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 violence and sexual harassment can occur online and offline (both physically and verbally) and are never acceptable. Where children abuse their peers online, this can take the form of, for example, abusive, harassing, and misogynistic messages; the non-consensual sharing of indecent images, especially around chat groups; and the sharing of abusive images and pornography, to those who don't want to receive such content. Sexual violence and harassment can also occur in intimate personal relationships between children (sometimes known as 'teenage relationship abuse').

All victims should be taken seriously and offered appropriate support. Victims of sexual violence and harassment are likely to find the experience distressing and stressful, and it will, in all likelihood, adversely affect their education.

### 3.3 Harmful Sexual Behaviours

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

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

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

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

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

The **Brook sexual behaviours traffic light tool** (see also Appendix 2) can help with making decisions about whether sexual behaviour is harmful or a natural part of healthy development and no cause for concern. However, this tool is only designed to be used by those that have completed the accompanying training.

### 3.4 Child

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

### 3.5 Alleged Perpetrator

'Alleged perpetrator(s)' and 'perpetrator(s)' are widely used and recognised terms, but the College will think carefully about what terminology is used (especially in front of children) as, in some cases, abusive behaviour can be harmful to the perpetrator too. For the purposes of this Policy, **alleged perpetrator** and, where appropriate **perpetrator**, is used to describe a child accused of carrying out sexual violence and/or sexual harassment. It is important to note that any alleged perpetrator is entitled to, and deserves, a different level of support to that which might be provided to an adult alleged to have abused a child. The College will decide what is appropriate and which terms to use on a case-by-case basis.

### 3.6 Victim

'Victim' is a widely understood and recognised term, but not everyone who has been subjected to abuse considers themselves a victim or would want to be described that way. For the purposes of this Policy, the term **victim** is used to describe children who have been subjected to sexual violence and/or sexual harassment; however, when using the term in college, college staff should be conscious of the fact that some children may not consider themselves a victim and may not wish to be described this way. The

College should be prepared to use any term the child feels most comfortable with when managing an incident.

## 4 Prevention

We recognise the importance of taking proactive action to minimise the risk of peer-on-peer abuse, and of creating a supportive environment where victims feel confident in reporting incidents.

To achieve this, we will:

- ▲ Challenge any form of derogatory or sexualised language or inappropriate behaviour between peers, including requesting or sending sexual images
- ▲ Be vigilant to issues that particularly affect different genders – for example, sexualised or aggressive touching or grabbing towards female pupils, and initiation or hazing type violence with respect to boys
- ▲ Ensure our curriculum helps to educate students about appropriate behaviour and consent
- ▲ Ensure students are able to easily and confidently report abuse using our reporting systems (as described in Section 5 below)
- ▲ Ensure staff reassure victims that they are being taken seriously
- ▲ Ensure staff are trained to understand:
  - How to recognise the indicators and signs of peer-on-peer abuse, and know how to identify it and respond to reports
  - That even if there are no reports of peer-on-peer abuse in the College, it does not mean it is not happening – staff should maintain an attitude of “it could happen here”
  - That if they have any concerns about a child's welfare, they should act on them immediately rather than wait to be told, and that victims may not always make a direct report. For example:
    - Children can show signs or act in ways they hope adults will notice and react to
    - A friend may make a report
    - A member of staff may overhear a conversation
    - A child's behaviour might indicate that something is wrong
  - That certain children may face additional barriers to telling someone because of their vulnerability, disability, gender, ethnicity and/or sexual orientation
  - That a student harming a peer could be a sign that the child is being abused themselves, and that this would fall under the scope of this policy
  - The important role they have to play in preventing peer-on-peer abuse and responding where they believe a child may be at risk from it
  - That they should speak to the DSL if they have any concerns

Students are taught about the issues surrounding the sharing of nudes and semi-nudes as part of our Personal Development curriculum. Teaching covers the following in relation to 'sexting':

- ▲ What it is
- ▲ How it is most likely to be encountered
- ▲ The consequences of requesting, forwarding or providing such images, including when it is and is not abusive
- ▲ Issues of legality
- ▲ The risk of damage to people's feelings and reputation.

Students also learn the strategies and skills needed to manage:

- ▲ Specific requests or pressure to provide (or forward) such images
- ▲ The receipt of such images

## 5 Reporting Systems

We recognise the importance of ensuring students feel safe and comfortable to come forward and report any concerns and/or allegations. Students will be made aware of how to raise concerns or make a report and how any reports will be handled. This includes the process for reporting concerns about friends or peers.

To achieve this, we will:

- ▲ Put systems in place for students to confidently report abuse
- ▲ Ensure our reporting systems are well promoted, easily understood and easily accessible for students
- ▲ Make it clear to students that their concerns will be taken seriously, and that they can safely express their views and give feedback

The College has a large Safeguarding and Pastoral team and students can report concerns to any of them. This includes tutors, Pastoral Support Managers, Heads of Year, SLT and the Inclusion team, as well as the DSL and DDSL.

This is facilitated by:

- ▲ Pastoral staff being readily available at unstructured times so that students may approach them. Regular reminders being given in assemblies of this
- ▲ A Safeguarding assembly early each year by the DSL to explain reporting and her accessibility
- ▲ Display boards at the entrance and around the College showing who students can talk to, including photographs
- ▲ Regular reminders in Personal Development and RSE lessons about how to report concerns and of the reception and support they will receive if doing so 16
- ▲ Any student submitting any concerns being given reassurances provided following disclosures so they feel safe and listened to.

## 6 Managing Allegations of Sexual Violence or Harassment

### All staff's responsibilities

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

If a friend of a victim makes a report or a member of staff overhears a conversation, staff will take action: they will never assume that someone else will deal with it. The basic principles remain the same as when a victim reports an incident; however, staff will consider why the victim has not chosen to make a report themselves. If staff are in any doubt, they will speak to the DSL or DDSL.

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

If a student makes an allegation of abuse against another student, you must record the allegation and tell the DSL, but do not investigate it.

### The DSL's responsibilities

The DSL or DDSL will decide the College's initial response, taking into consideration:



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

Immediate consideration will be given as to how to support the victim, alleged perpetrator and any other children involved.

### Managing the report

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

- ▲ Managing internally
- ▲ Providing Early Help
- ▲ Referring to Children's Services
- ▲ Reporting to the Police

Whatever outcome is chosen, it will be underpinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated.

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

- ▲ A child under the age of 13 can never consent to sexual activity
- ▲ The age of consent is 16
- ▲ Sexual intercourse without consent is rape
- ▲ Rape, assault by penetration and sexual assault are defined in law
- ▲ Creating and sharing sexual photos and videos of children under 18 is illegal – including children making and sending images and videos of themselves

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

If referrals to Children's Services, Early Help or external agencies are required DSLs/DDSLs will lead on this.

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

Whilst the age of criminal responsibility is 10 years of age, if the alleged perpetrator is under 10, the principle of referring to the Police remains. In these cases, the Police will take a welfare approach rather than a criminal justice approach.

Online concerns can be especially complicated. The College recognises that there is potential for an online incident to extend further than the local community and for a victim, or the alleged perpetrator, to become marginalised and excluded both online and offline. There is also strong potential for repeat victimisation if the content continues to exist.

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

### **Managing internally**

In some cases (e.g., *one-off incidents*) the College may decide to handle the incident internally through Behaviour and Anti-Bullying policies and by providing pastoral support.

### **Providing Early Help**

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

### **Referring to Children's Services**

If a child has been harmed, is at risk of harm or is in immediate danger, the College will make a referral to Children's Services via the MASH. Parents will be informed unless there is a compelling reason not to do so (if referral will place the victim at risk). This decision will be made in consultation with TESS.

The College will not wait for the outcome of an investigation before protecting the victim and other children.

The DSL or DDSL will work closely with Children's Services to ensure that the College's actions do not jeopardise any investigation. Any related risk assessment will be used to inform all decisions.

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

If the College agrees with the decision made by Children's Services, they will consider the use of other support mechanisms such as Early Help, pastoral support and specialist support.

### **Reporting to the police**

Reports of rape, assault by penetration or sexual assault will be passed on to the Police, even if the alleged perpetrator is under 10 years of age. Generally, this will be in parallel with referral to Children's Services. The DSL or DDSL will follow the local process for referral. Parents will be informed unless there is a compelling reason not to do so. Where parents are not informed, it is essential for the College to support the child with any decision they take, in unison with Children's Services and any appropriate specialist agencies.

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

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

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

### **Further review by the DSL**

If, at the initial review stage, a decision has been made not to refer to police and/or Children's Services, the DSL will conduct a further review. They will hold conversations with the students involved (if appropriate) to establish the facts and assess the risks.

If, at any point in the process, there is a concern that a student has been harmed or is at risk of harm, a referral will be made to the Multi Agency Safeguarding Hub.

### **Informing parents/carers**

The DSL will inform parents at an early stage and keep them involved in the process, unless there is a good reason to believe that involving them would put the student at risk of harm.

## Recording incidents

The DSL maintains a log of allegations to ensure college leaders have an accurate understanding of any area of concern. All concerns, discussion, decisions and reasons behind decisions will be recorded in CPOMS.

# 7 Sharing of Nude and Semi-Nudes

## All staff's responsibilities

If you are made aware of an incident involving the consensual or non-consensual sharing of nude or semi-nude images/videos (also known as 'sexting' or 'youth produced sexual imagery'), you must report it to the DSL immediately.

You must **not**:

- ▲ View, copy, print, share, store or save the imagery yourself, or ask a student to share or download it (if you have already viewed the imagery by accident, you must report this to the DSL)
- ▲ Delete the imagery or ask the student to delete it
- ▲ Ask the student(s) who are involved in the incident to disclose information regarding the imagery (this is the DSL's responsibility)
- ▲ Share information about the incident with other members of staff, the student(s) it involves or their, or other, parents and/or carers
- ▲ Say or do anything to blame or shame any young people involved

You should explain that you need to report the incident, and reassure the student(s) that they will receive support and help from the DSL.

## The DSL's responsibilities

Following a report of an incident, the DSL will hold an initial review meeting with appropriate college staff. This meeting will consider the initial evidence and aim to determine:

- ▲ Whether there is an immediate risk to student(s)
- ▲ If a referral needs to be made to the police and/or Children's Services, via the MASH.
- ▲ If it is necessary to view the imagery in order to safeguard the young person (in most cases, imagery should not be viewed)
- ▲ What further information is required to decide on the best response
- ▲ Whether the imagery has been shared widely and via what services and/or platforms (this may be unknown)
- ▲ Whether immediate action should be taken to delete or remove images from devices or online services
- ▲ Any relevant facts about the students involved which would influence risk assessment
- ▲ If there is a need to contact another school, college, setting or individual
- ▲ Whether to contact parents or carers of the students involved (in most cases parents should be involved)

## Referring to Children's Services

The DSL will make an immediate referral Children's Services, via the MASH, if:

- ▲ The incident involves an adult
- ▲ There is reason to believe that a young person has been coerced, blackmailed or groomed, or if there are concerns about their capacity to consent (for example owing to special educational needs)

- ▲ What the DSL knows about the imagery suggests the content depicts sexual acts which are unusual for the young person's developmental stage, or are violent
- ▲ The imagery involves sexual acts and any child in the imagery is under 13
- ▲ The DSL has reason to believe a student is at immediate risk of harm owing to the sharing of the imagery (for example, the young person is presenting as suicidal or self-harming)

If none of the above apply then the DSL, in consultation with the Principal and other members of staff, as appropriate, may decide to respond to the incident without involving the police or Children's Services.

### Referring to the police

If it is necessary to refer an incident to the police, this will be done through the non-emergency police 101 reporting service, either by telephone, [online](#) or by email.

### Further review by the DSL

If, at the initial review stage, a decision has been made not to refer to police and/or Children's Services, the DSL will conduct a further review. They will hold conversations with the students involved (if appropriate) to establish the facts and assess the risks.

If, at any point in the process, there is a concern that a student has been harmed or is at risk of harm, a referral will be made to the Multi Agency Safeguarding Hub.

### Informing parents/carers

The DSL will inform parents at an early stage and keep them involved in the process, unless there is a good reason to believe that involving them would put the student at risk of harm.

### Recording incidents

All incidents of sharing of nudes and semi-nudes, and the decisions made in responding to them, will be recorded in CPOMS.

## 8 Confidentiality

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

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

- ▲ Parents will be informed unless it will place the victim at greater risk
- ▲ If a child is at risk of harm, is in immediate danger or has been harmed, a referral will be made to Children's Services
- ▲ Rape, assault by penetration and sexual assaults are crimes: reports containing any such crimes will be passed to the police. The DSL and DDSL will weigh the victim's wishes against their duty to protect the victim and others. If a referral is made against the victim's wishes, it will be done so extremely carefully and the reasons for referral will be explained to the victim. Appropriate specialist support will always be offered.

## 9 Anonymity

There are legal requirements for anonymity where a case is progressing through the criminal justice system. The College will do all it can to protect the anonymity of children involved in any report of sexual violence or sexual harassment. It will carefully consider, based on the nature of the report, which staff will be informed and what support will be in place for the children involved.

When deciding on the steps to take, the College will consider the role of social media in potentially exposing victims' identities and facilitating the spread of rumours.

## 10 Risk Assessment

The DSL or DDSLs will make a risk and needs assessment any time there is a report of sexual violence. For reports of sexual harassment, a risk assessment will be considered on a case-by-case basis. Risk assessments are not intended to replace the detailed assessments of experts, and for incidents of sexual violence it is likely that a professional risk assessment by a social worker or sexual violence specialist will be required.

Risk assessments will consider:

- ▲ The victim
- ▲ The alleged perpetrator
- ▲ Other children at the College, especially any actions that are appropriate to protect them.

Risk assessments will be recorded in CPOMS and kept under review.

See Risk Assessment for Peer-on-Peer Sexual Abuse/ Harmful Sexual Behaviour at *Appendix 1*.

## 11 Bail Conditions

Police bail is only used in exceptional circumstances. It is unlikely that a child will be placed on police bail if alternative measures can be used to mitigate risks. The College will work with Children's Services and the Police to support the victim, alleged perpetrator and other children (especially witnesses) during criminal investigations. The College will seek advice from the Police to ensure they meet their safeguarding responsibilities.

The term 'released under investigation' (RUI) is used to describe alleged perpetrators released in circumstances that do not warrant the application of bail.

Where bail is deemed necessary, the College will work with Children's Services and the Police to safeguard children, ensuring that the victim can continue in their normal routine and continue to receive a suitable education.

## 12 Managing Delays in the Criminal Justice System

The College will not wait for the outcome (or even the start) of criminal proceedings before protecting the victim, alleged perpetrator and other children. The associated risk assessment will be used to inform any decisions made.

The DSL or DDSL will work closely with the Police to ensure that the College does not jeopardise any criminal proceedings, and to obtain help and support as necessary.

## 13 Ongoing Support for the Victim

Any decisions regarding safeguarding and supporting the victim will be made with the following considerations in mind:

- ▲ The terminology the College uses to describe the victim
- ▲ The age and developmental stage of the victim
- ▲ The needs and wishes of the victim
- ▲ Whether the victim wishes to continue in their normal routine
- ▲ The victim will not be made to feel ashamed about making a report
- ▲ What a proportionate response looks like

Victims may not disclose the whole picture immediately and they may be more comfortable talking about the incident on a piecemeal basis; therefore, a dialogue will be kept open and the victim can choose to appoint a designated trusted adult.

Victims may struggle in a normal classroom environment. Whilst it is important not to isolate the victim, the victim may wish to be withdrawn from lessons and activities at times. This will only happen when the victim wants it to, not because it makes it easier to manage the situation. The College will provide a physical space for victims to withdraw to.

Victims may require support for a long period of time and the College will be prepared to offer long-term support in liaison with relevant agencies.

Everything possible will be done to prevent the victim from bullying and harassment as a result of any report they have made.

If the victim is unable to remain in the College, alternative provision or a move to another school or college will be considered. This will only be considered at the request of the victim and following discussion with their parents.

If the victim does move to another school or college, the DSL or DDSL will inform the school or college of any ongoing support needs and transfer the child protection file.

## 14 Ongoing Support for the Alleged Perpetrator

When considering the support required for an alleged perpetrator, the College will take into account:

- ▲ The terminology they use to describe the alleged perpetrator or perpetrator
- ▲ The balance of safeguarding the victim and providing the alleged perpetrator with education and support
- ▲ The reasons why the alleged perpetrator may have abused the victim and the support necessary
- ▲ Whether the behaviour is a symptom of their own abuse or exposure to abusive practices and/or materials
- ▲ Their age and developmental stage
- ▲ What a proportionate response looks like

When making a decision, advice will be taken from Children's Services, specialist sexual violence services and the Police as appropriate. If the alleged perpetrator moves to another school or college (for any reason), the DSL or DDSL will inform the destination school or college of any ongoing support needs and transfer the child protection file.

The College will work with professionals as required to understand why the abuse took place and provide a high level of support to help the student understand and overcome the reasons for their behaviour and reduce the likelihood of them abusing again.

## 15 Disciplining the Alleged Perpetrator

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

The College will make such decisions on a case-by-case basis, with the Principal taking a leading role. The College will take into consideration whether any action would prejudice an investigation and/or subsequent prosecution. The Police and Children's Services will be consulted where necessary.

The College will also consider whether circumstances make it unreasonable or irrational for the College to make a decision about what happened while an investigation is considering the same facts.

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

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

## 16 Shared Classes

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

## 17 Working with Parents and Carers

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

The College will contact the victim's parents/carers to discuss the arrangements being put in place to safeguard the victim, and to understand their wishes in terms of support arrangements and the progression of the report.

The College will also contact the parents/carers of the alleged perpetrator to discuss arrangements that will impact their child, such as moving them out of classes with the victim. Reasons behind decisions will be explained and the support being made available will be discussed.

## 18 Safeguarding Other Children

Children who have witnessed sexual violence, especially rape and assault by penetration, will be provided with support.

It is likely that children will 'take sides' following a report, and the College will do everything in its power to protect the victim, alleged perpetrator and witnesses from bullying and harassment.

The College will keep in mind that contact may be made between the victim and alleged perpetrator and that harassment from friends of both parties could take place via social media and do everything in its power to prevent such activity.

The College will consider any additional support that can be put in place.

## 19 Links With Other Policies

This policy links to the following policies and procedures:

- ▲ Student Behaviour Policy
- ▲ Anti-Bullying Policy
- ▲ Online Safety Policy
- ▲ Equality and Diversity Policy Statement
- ▲ Relationships and Sex Education Policy
- ▲ Supporting Students with Medical Conditions Policy
- ▲ ICT Acceptable Use Policies
- ▲ SEND Policy

## **20 Monitoring and Review**

This Policy will be reviewed on an annual basis.

Any changes made to the Policy will be communicated to all members of staff.



## Appendix 1: Risk Assessment for Child-on-Child Abuse/ Harmful Sexual Behaviour

The terms victim and alleged perpetrator are used to identify the children involved. *NB. There should be no assumption of guilt on the part of the alleged perpetrator, pending investigation.*

Each section/question will be considered from the perspective of both students. Considerations will be given for the impact on, and needs of, the wider college community. All concerns and proposed actions will be recorded.

The College will work with the local multi-agency safeguarding hub (MASH) and other agencies as necessary when completing this risk assessment. This document should be reviewed frequently to ensure it is fit for purpose.

A risk assessment should be completed for all cases relating to sexual violence or alleged sexual violence. Sexual violence is defined by the [Sexual Offences Act 2002](#) as “rape, assault by penetration and sexual assault”.

\*This risk assessment should be completed with reference to [Keeping Children Safe in Education](#) and [Sexual Violence and Sexual Harassment in Schools and Colleges](#) (DfE).

<b>Considerations</b>	<b>Risk</b> (Consider victim, alleged perpetrator, other students and staff)	<b>Risk Level</b> (High, Medium or Low)	<b>Actions to reduce risk</b>	<b>Revised Risk Level</b> (High, Medium or Low)
What was the nature of the incident?				
Was it a crime?				
Is it necessary to limit contact between the children involved? (Refer to KCSiE and DfE guidance on Sexual Harassment and Sexual Violence in Schools and Colleges.)				
Is there an actual or perceived threat from the alleged perpetrator to the victim and/or others?				
Is either the victim or the alleged perpetrator at risk of physical harm as a result of this incident (e.g., <i>bullying</i> or <i>'retribution'</i> by peers)?				
Do they share classes?				

<b>Considerations</b>	<b>Risk</b> (Consider victim, alleged perpetrator, other students and staff)	<b>Risk Level</b> (High, Medium or Low)	<b>Actions to reduce risk</b>	<b>Revised Risk Level</b> (High, Medium or Low)
Do they share break times?				
Do they share transport to/from college?				
Are they likely to come into contact with each other (or anyone else involved in/with knowledge of the incident) outside of college?				
How can such contact be limited?				
Is there a risk of harm from social media and gossip?				

**Further action taken by the College:**

Action	Yes/No	Date
Police informed		
Referral to MASH		
Referral to external support services		
Referral to internal support services		
Referral to CAMHS		
Referral to Early Help		
Other		

## Appendix 2: The Brook Sexual Behaviours Traffic Light Tool

This tool is only to be used by personnel who have completed the training that comes with the tool.

Name	Date Training Completed

## Behaviours: age 0 to 5 years

All green, amber and red behaviours require some form of attention and response. It is the level of intervention that will vary.

### Green behaviours

- holding or playing with own genitals
- attempting to touch or curiosity about other children's genitals
- attempting to touch or curiosity about breasts, bottoms or genitals of adults
- games e.g. mummies and daddies, doctors and nurses
- enjoying nakedness
- interest in body parts and what they do
- curiosity about the differences between boys and girls

### Amber behaviours

- preoccupation with adult sexual behaviour
- pulling other children's pants down/skirts up/trousers down against their will
- talking about sex using adult slang
- preoccupation with touching the genitals of other people
- following others into toilets or changing rooms to look at them or touch them
- talking about sexual activities seen on TV/online

### Red behaviours

- persistently touching the genitals of other children
- persistent attempts to touch the genitals of adults
- simulation of sexual activity in play
- sexual behaviour between young children involving penetration with objects
- forcing other children to engage in sexual play

#### What is green behaviour?

Green behaviours reflect safe and healthy sexual development. They are:

- displayed between children or young people of similar age or developmental ability
- reflective of natural curiosity, experimentation, consensual activities and positive choices

#### What is amber behaviour?

Amber behaviours have the potential to be outside of safe and healthy behaviour. They may be:

- unusual for that particular child or young person
- of potential concern due to age, or developmental differences
- of potential concern due to activity type, frequency, duration or context in which they occur

#### What is red behaviour?

Red behaviours are outside of safe and healthy behaviour. They may be:

- excessive, secretive, compulsive, coercive, degrading or threatening
- involving significant age, developmental, or power differences
- of concern due to the activity type, frequency, duration or the context in which they occur

#### What can you do?

Green behaviours provide opportunities to give positive feedback and additional information.

#### What can you do?

Amber behaviours signal the need to take notice and gather information to assess the appropriate action.

#### What can you do?

Red behaviours indicate a need for immediate intervention and action.

## Behaviours: age 5 to 9 years

All green, amber and red behaviours require some form of attention and response. It is the level of intervention that will vary.

### Green behaviours

- feeling and touching own genitals
- curiosity about other children's genitals
- curiosity about sex and relationships, e.g. differences between boys and girls, how sex happens, where babies come from, same-sex relationships
- sense of privacy about bodies
- telling stories or asking questions using swear and slang words for parts of the body

### Amber behaviours

- questions about sexual activity which persist or are repeated frequently, despite an answer having been given
- sexual bullying face to face or through texts or online messaging
- engaging in mutual masturbation
- persistent sexual images and ideas in talk, play and art
- use of adult slang language to discuss sex

### Red behaviours

- frequent masturbation in front of others
- sexual behaviour engaging significantly younger or less able children
- forcing other children to take part in sexual activities
- simulation of oral or penetrative sex
- sourcing pornographic material online

#### What is green behaviour?

Green behaviours reflect safe and healthy sexual development. They are:

- displayed between children or young people of similar age or developmental ability
- reflective of natural curiosity, experimentation, consensual activities and positive choices

#### What is amber behaviour?

Amber behaviours have the potential to be outside of safe and healthy behaviour. They may be:

- unusual for that particular child or young person
- of potential concern due to age, or developmental differences
- of potential concern due to activity type, frequency, duration or context in which they occur

#### What is red behaviour?

Red behaviours are outside of safe and healthy behaviour. They may be:

- excessive, secretive, compulsive, coercive, degrading or threatening
- involving significant age, developmental, or power differences
- of concern due to the activity type, frequency, duration or the context in which they occur

#### What can you do?

Green behaviours provide opportunities to give positive feedback and additional information.

#### What can you do?

Amber behaviours signal the need to take notice and gather information to assess the appropriate action.

#### What can you do?

Red behaviours indicate a need for immediate intervention and action.

## Behaviours: age 9 to 13 years

All green, amber and red behaviours require some form of attention and response. It is the level of intervention that will vary.

### Green behaviours

- solitary masturbation
- use of sexual language including swear and slang words
- having girl/boyfriends who are of the same, opposite or any gender
- interest in popular culture, e.g. fashion, music, media, online games, chatting online
- need for privacy
- consensual kissing, hugging, holding hands with peer

### Amber behaviours

- uncharacteristic and risk-related behaviour, e.g. sudden and/or provocative changes in dress, withdrawal from friends, mixing with new or older people, having more or less money than usual, going missing
- verbal, physical or cyber/virtual sexual bullying involving sexual aggression
- LGBT (lesbian, gay, bisexual, transgender) targeted bullying
- exhibitionism, e.g. flashing or mooning
- giving out contact details online
- viewing pornographic material
- worrying about being pregnant or having STIs

### Red behaviours

- exposing genitals or masturbating in public
- distributing naked or sexually provocative images of self or others
- sexually explicit talk with younger children
- sexual harassment
- arranging to meet with an online acquaintance in secret
- genital injury to self or others
- forcing other children of same age, younger or less able to take part in sexual activities
- sexual activity e.g. oral sex or intercourse
- presence of sexually transmitted infection (STI)
- evidence of pregnancy

#### What is green behaviour?

Green behaviours reflect safe and healthy sexual development. They are:

- displayed between children or young people of similar age or developmental ability
- reflective of natural curiosity, experimentation, consensual activities and positive choices

#### What is amber behaviour?

Amber behaviours have the potential to be outside of safe and healthy behaviour. They may be:

- unusual for that particular child or young person
- of potential concern due to age, or developmental differences
- of potential concern due to activity type, frequency, duration or context in which they occur

#### What is red behaviour?

Red behaviours are outside of safe and healthy behaviour. They may be:

- excessive, secretive, compulsive, coercive, degrading or threatening
- involving significant age, developmental, or power differences
- of concern due to the activity type, frequency, duration or the context in which they occur

#### What can you do?

Green behaviours provide opportunities to give positive feedback and additional information.

#### What can you do?

Amber behaviours signal the need to take notice and gather information to assess the appropriate action.

#### What can you do?

Red behaviours indicate a need for immediate intervention and action.



## Behaviours: age 13 to 17 years

All green, amber and red behaviours require some form of attention and response. It is the level of intervention that will vary.

### Green behaviours

- solitary masturbation
- sexually explicit conversations with peers
- obscenities and jokes within the current cultural norm
- interest in erotica/pornography
- use of internet/e-media to chat online
- having sexual or non-sexual relationships
- sexual activity including hugging, kissing, holding hands
- consenting oral and/or penetrative sex with others of the same or opposite gender who are of similar age and developmental ability
- choosing not to be sexually active

### Amber behaviours

- accessing exploitative or violent pornography
- uncharacteristic and risk-related behaviour, e.g. sudden and/or provocative changes in dress, withdrawal from friends, mixing with new or older people, having more or less money than usual, going missing
- concern about body image
- taking and sending naked or sexually provocative images of self or others
- single occurrence of peeping, exposing, mooning or obscene gestures
- giving out contact details online
- joining adult-only social networking sites and giving false personal information
- arranging a face to face meeting with an online contact alone

### Red behaviours

- exposing genitals or masturbating in public
- preoccupation with sex, which interferes with daily function
- sexual degradation/humiliation of self or others
- attempting/forcing others to expose genitals
- sexually aggressive/exploitative behaviour
- sexually explicit talk with younger children
- sexual harassment
- non-consensual sexual activity
- use of/acceptance of power and control in sexual relationships
- genital injury to self or others
- sexual contact with others where there is a big difference in age or ability
- sexual activity with someone in authority and in a position of trust
- sexual activity with family members
- involvement in sexual exploitation and/or trafficking
- sexual contact with animals
- receipt of gifts or money in exchange for sex

#### What is green behaviour?

Green behaviours reflect safe and healthy sexual development. They are:

- displayed between children or young people of similar age or developmental ability
- reflective of natural curiosity, experimentation, consensual activities and positive choices

#### What is amber behaviour?

Amber behaviours have the potential to be outside of safe and healthy behaviour. They may be:

- unusual for that particular child or young person
- of potential concern due to age, or developmental differences
- of potential concern due to activity type, frequency, duration or context in which they occur

#### What is red behaviour?

Red behaviours are outside of safe and healthy behaviour. They may be:

- excessive, secretive, compulsive, coercive, degrading or threatening
- involving significant age, developmental, or power differences
- of concern due to the activity type, frequency, duration or the context in which they occur

Brook has taken every care to ensure that the information contained in this publication is accurate and up-to-date at the time of being published. As information and knowledge is constantly changing, readers are strongly advised to use this information for up to one month from print date. Brook accepts no responsibility for difficulties that may arise as a result of an individual acting on the advice and recommendations it contains.

Brook Sexual Behaviours Traffic Light Tool adapted with permission from True Relationships & Reproductive Health. (2012). Traffic Lights guide to sexual behaviours in children and young people: identify, understand and respond. Brisbane: True Relationships & Reproductive Health, Australia.