

Policy for

Peer on peer Abuse

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| Prepared by: | Adopted by Board of Directors |
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**Statement of intent**

The Aspire Educational Trustis committed to safeguarding and promoting the welfare of every pupil, both inside and outside of the trust’s academy premises, and is aware that abuse against children can be inflicted by other children. We implement a whole trust approach to addressing and preventing peer on peer abuse, ensuring that the wellbeing of pupils is at the forefront of all action taken.

This policy sets out a clear and consistent framework for delivering this promise, in line with safeguarding legislation and statutory guidance.

It will be achieved by:

* Creating a culture of mutual respect amongst pupils, irrespective of protected characteristics.
* Having clear procedure in place to minimise the risk of peer on peer abuse.
* Teaching pupils about behaviour that is acceptable and unacceptable.
* Having effective behaviour policies with appropriate sanctions and pastoral support.
* Having a carefully sequenced relationship, sex and health education curriculum which covers consent.
* Being alert to factors that increase children’s vulnerability or potential vulnerability.
* Creating safe physical environments.
* Leaders, trustees and local academy committee governors assuming that sexual harassment, online sexual abuse and sexual violence are happening in our trust schools, even when there are no specific reports.
* Identifying and making provision for any pupil that has been subject to abuse.
* Ensuring that members of the board of trustees, local academy committee, the principal and staff members understand their responsibilities under safeguarding legislation and statutory guidance, are alert to the signs of peer-on-peer abuse and are confident about what to do if a child reports they have been harmed, sexually abused or harassed by a peer or asked to share sexual imagery.

# Legal framework

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

* Equality Act 2010
* Sexual Offences Act 2003
* The UK General Data Protection Regulation (UK GDPR)
* Data Protection Act 2018
* Voyeurism (Offences) Act 2019
* [DfE (2021) ‘Keeping children safe in education 2021’](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2)

The policy also has regard to the following non-statutory guidance:

* [DfE (2015) ‘What to do if you’re worried a child is being abused’](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/419604/What_to_do_if_you_re_worried_a_child_is_being_abused.pdf)
* [DfE (2018) ‘Information sharing’](https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice)
* [DfE (2021) ‘Sexual violence and sexual harassment between children in schools and colleges’](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1014224/Sexual_violence_and_sexual_harassment_between_children_in_schools_and_colleges.pdf)
* [DfE (2020) ‘Sharing nudes and semi-nudes: advice for education settings working with children and young people’](https://www.gov.uk/government/publications/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people)

This policy operates in conjunction with the following school and trust policies and guidance:

* Child Protection and Safeguarding Policy
* Behavioural Policy
* Data Protection Policy
* Anti-Bullying Policy
* Exclusion Policy
* Online Safety Policy
* Data and Cyber-Security Breach Prevention and Management Plan
* AET Safeguarding and Child Protection Record Keeping and Information Sharing Guidance

# Definitions

**“Peer on peer abuse”** is defined, for the purposes of this policy, as any form of abuse inflicted by one child or a group of children, i.e. individuals under the age of 18, against another child or group of children. This policy covers peer on peer abuse both in and outside of school and both in person and online.

**“Harmful sexual behaviour”** is defined as any sexual behaviour which:

* Does not observe and respect any individuals on the receiving end of the behaviour, e.g. touching someone without their consent.
* Is inappropriate for the age or stage of development of the pupil.
* Is problematic, abusive or violent.

For the purpose of the policy we will use the following terms to describe pupils involved in peer on peer abuse:

* **Victim(s)** – the individual(s) against whom the abuse has, or has allegedly, been inflicted. The school recognises that not everyone who has been subjected to sexual violence and/or sexual harassment considers themselves a victim or would want to be described in this way. The school is conscious of this when managing any incident and will use any term with which the individual child is most comfortable such as ‘person impacted by the behaviour’.
* **Perpetrator(s)** – the individual(s) exhibiting abusive behaviour against their peers. However, the school will think very carefully about terminology, especially when speaking in front of children, not least because in some cases the sexual behaviour will have been harmful to the perpetrator as well. The school is conscious of this when managing any incident and will use appropriate terminology, on a case-by-case basis such as ‘person displaying or instigating the behaviour’.
* **Alleged perpetrator(s)** – individual(s) against whom a report of abusive behaviour has been made, where guilt has not yet been ascertained.

**Note:** The use of the word ‘alleged’ does not mean that the pupil in question is not guilty of peer on peer abuse, that the school does not believe the allegation, or that the allegation will not be taken seriously. Staff will remember that the school has a legal duty of care to all perpetrators and alleged perpetrators who are pupils at the school, including a requirement to ensure they can access their education. Staff will think very carefully about terminology when speaking in front of pupils. Victims will be reassured that use of the term ‘alleged perpetrator’ is not an attempt to discredit their allegation.

# Roles and responsibilities

The board of trustees supported by local academy committees have a duty to:

* Recognise that pupils are capable of abusing their peers and that this risk is covered in trust and academy child protection policies.
* Assume that sexual harassment, online sexual abuse and sexual violence are happening in and around trust academies, even when there are no reports.
* Ensure that trust academies have effective whole school approaches to addressing all types of peer on peer abuse
* Confirm that trust academies’ arrangements for handling peer on peer abuse take into account the procedures and practices of the local safeguarding partners as part of the inter-agency safeguarding procedures.
* Ensure that the appointed DSL(s) in trust academies and their deputies have undertaken appropriate peer on peer abuse training including training that enables them to develop the skills to assess and manage reports of sexualised behaviour.
* Make sure that pupils are taught about peer-on-peer abuse, including online (including when they are online at home), through teaching and learning opportunities, as part of providing a broad and balanced curriculum.
* Make sure the relationship, sex and health education curriculums are carefully planned and cover consent.
* Ensure that staff members are appropriately trained to support pupils to be themselves at trust academies, e.g. if they are LGBTQ+.
* Ensure that procedures are in place to eliminate unlawful discrimination, harassment and victimisation in relation to peer on peer abuse.
* Ensure trust schools have clear systems and processes in place for identifying possible risk of harm in pupils, including clear routes to escalate concerns and clear referral and accountability systems.
* Ensure that there are effective procedures in place to handle pupils’ allegations against other pupils.
* Ensure that appropriate disciplinary procedures are in place, as well as policies pertaining to the behaviour of pupils.
* Ensure there are supportive systems in place for pupils to report their concerns.
* Ensure staff in trust academies are trained to understand how to handle reports of all types of peer on peer abuse and in particular sexual abuse and sexual harassment both on and outside the school’s premises.
* Ensure staff are confident about what to do if a child reports they have been sexually abused or harassed by a peer or asked to share sexual imagery.
* Ensure concerns are taken seriously and dealt with swiftly and appropriately, and pupils are confident this is the case.
* Ensure trust academies keep comprehensive records of all concerns and allegations.

The principal has a duty to:

* Assume that sexual harassment, online sexual abuse and sexual violence are happening in and around the school, even when there are no reports.
* Develop a culture within their school where all kinds of peer on peer abuse are recognised and not tolerated.
* Create an environment in their schools where staff model respectful and appropriate behaviour and where children are clear about what is acceptable and unacceptable behaviour.
* Promote and support children’s safety.
* Create an environment where children are confident to report a concern and ask for support and help when they need it.
* Establish a whole approach to addressing all types of peer on peer abuse.
* Ensure policies are in place to cover the risks of peer on peer abuse, including an effective behaviour policy, child protection and safeguarding policy and peer on peer abuse policy, that are followed by staff members.
* Ensure a broad and balanced and a carefully sequenced RSHE curriculum is taught, based on the DfE statutory guidance and covers consent.
* Make sure that pupils are taught about peer-on-peer abuse, including online (including when they are online at home), through teaching and learning opportunities, as part of providing the broad and balanced curriculum.
* Ensure teachers receive high quality training to deliver RSHE
* Ensure staff receive training and are confident about what to do if a child reports they been abused or harassed by a peer or asked to share sexual imagery.

The DSL a duty to:

* Assume that sexual harassment, online sexual abuse and sexual violence are happening in and around the school, even when there are no reports.
* Understand and keep up-to-date with relevant guidance as detailed in part 1 of this policy.
* Understand and keep up-to-date with local safeguarding arrangements.
* Act as the main point of contact with the three safeguarding partners and the child death review partner.
* Ensure there is effective and clear reporting of all peer on peer abuse by staff.
* Receive staff reports of concerns and make informed decisions on the effective and appropriate action to take. Make the necessary referrals to appropriate agencies.
* Understand when they should consider calling the police, in line with the National Police Chiefs’ Council (NPCC) [guidance](https://www.npcc.police.uk/documents/Children%20and%20Young%20people/When%20to%20call%20the%20police%20guidance%20for%20schools%20and%20colleges.pdf).
* Analyse records to identify patterns and intervene early to prevent abuse.
* Liaise with the principal to inform them of safeguarding issues and ongoing enquiries.
* Create an environment where children are confident to report a concern and ask for support and help when they need it.
* Act as a source of support for pupils who have been abused by, or who have abused, other pupils.
* Lead the school in taking a proactive whole school approach to managing the risks of all types of peer on peer abuse, including online.
* Attend training to develop the skills to lead on assessing and managing incidents of sexualised behaviour within your school.
* Attend training to have a good understanding of harmful sexual behaviours.
* Be confident as to what local specialist support is available to support all of the children involved (including victims and alleged perpetrators) in sexual violence and sexual harassment and be confident as to how to access this support when required.
* Ensure staff have the appropriate knowledge of Part 5 of Keeping Safe in Education.
* Ensure staff have training to make sure they are able to
* Better understand peer on peer abuse especially sexual harassment and sexual violence, including online sexual abuse
* Identify early signs of all types of peer on peer abuse, especially peer on peer sexual abuse
* Consistently uphold standards in their responses to sexual harassment, sexual violence and online sexual abuse.

Other staff members have a responsibility to:

* Assume that sexual harassment, online sexual abuse and sexual violence are happening in and around the school, even when there are no reports.
* Maintain an attitude of ‘it could happen here’.
* Provide a safe and respectful environment in which pupils can learn.
* Always respond to any concerns or observation of peer on peer abuse
* Be aware of the early signs of peer on peer abuse.
* Be aware of the early help process and understand their role in it.
* Be aware of and understand the procedure to follow in the event that a child confides they are being abused by a peer.
* Follow the school’s Child Protection and Safeguarding policy and procedures.
* Support social workers in making decisions about individual children, in collaboration with the DSL.
* Maintain appropriate levels of confidentiality when dealing with individual cases, and always act in the best interest of the child.

# Types of peer on peer abuse

Staff will familiarise themselves with the forms that peer on peer abuse can take, including:

**Physical abuse**

A form of abuse which may involve actions such as hitting, throwing, burning, drowning and poisoning, or otherwise causing physical harm to another child.

**Sexual abuse**

A form of abuse involving sexual activity between children – sexual abuse, for the purposes of this policy, is divided into two categories: sexual violence and sexual harassment.

“Sexual violence” encompasses the definitions provided in the Sexual Offenses Act 2003, including rape, assault by penetration, sexual assault, i.e. non-consensual sexual touching, and causing another child to engage in sexual activity without consent, e.g. forcing someone to touch themselves sexually.

“Sexual harassment” refers to any sexual behaviour that could violate another child’s dignity, make them feel intimidated, degraded or humiliated, and/or create a hostile, offensive or sexualised environment, including:

* Sexualised jokes, taunting or comments.
* Physical behaviour, e.g. deliberately brushing against someone.
* Online sexual harassment, including
  + Upskirting
  + Sexualised online bullying
  + Unwanted sexual comments and messages, including on social media.
  + Sexual threats or coercion.

The “sharing of sexualised imagery” can also constitute sexual harassment – thisrefers to the consensual and non-consensual sharing between pupils of sexually explicit content, including that which depicts:

* Another child posing nude or semi-nude
* Another child touching themselves in a sexual way
* Any sexual activity involving another child
* Someone hurting another child sexually

Staff will be aware that children creating, possessing, and distributing indecent imagery of other children is a criminal offence, even where the imagery is created, possessed, and distributed with the permission of the child depicted, or by the child themselves. Incidents of sharing sexualised imagery will be handled in line with the Child Protection and Safeguarding Policy.

**Bullying**

Many kinds of behaviour can be considered bullying, and bullying can be related to almost anything.

Bullying is acted out through the following mediums:

* Verbally
* Physically
* Emotionally
* Online (cyberbullying)

Bullying will generally be handled in line with the school’s Anti-bullying Policy; however, particularly severe instances will be handled in line with this policy and the Child Protection and Safeguarding Policy.

**Online abuse**

This involves the use of technology and the internet in order to harass, threaten or intimidate another child. Instances of online abuse will be managed in line with this policy, the Online Safety Policy and the Anti-bullying Policy.

**Discriminatory behaviour**

Discriminatory behaviour encompasses abuse inflicted on a pupil because of their protected characteristics, e.g. religion, ethnicity, gender, sexual orientation, culture, or SEND. Discriminatory behaviour is never acceptable, and all cases will be handled in line with this policy and the Child Protection and Safeguarding Policy.

**Intimate partner abuse**

This involves a romantic partnership between children in which one or both partners are emotionally, physically or sexually abusive to the other. This could include:

* Repetitive insults
* Controlling behaviour, e.g. preventing a child from socialising with others or deliberately isolating them from sources of support.
* Sexual harassment.
* Threats of physical or sexual abuse.

The school will manage intimate partner abuse in the same way as a case of abuse between any other children, i.e. via the processes outlined in [section 9](#_Handling_allegations_of) of this policy, and in line with the Child Protection and Safeguarding Policy.

# A whole-school approach to peer on peer abuse

The school will continue to involve all members of the school community, including the board of trustees, local academy committee, staff, pupils, parents and other stakeholders, in creating a whole-school approach to peer on peer abuse.

The board of trustees will ensure that keeping children safe and protected from harm, including peer on peer abuse, is central to all policies and procedures implemented across the trust. The school will ensure that procedures for handling peer on peer abuse are transparent, clear and understandable, and are readily accessible to any member of the school community who wishes to access them.

The school will implement a contextual approach to safeguarding pupils against peer on peer abuse and will ensure that all procedures take into account incidents of peer on peer abuse that occur outside of school, beyond the family or online.

The principal will ensure that all staff receive regular and adequate training on peer on peer abuse, particularly sexual violence and sexual harassment, including online.

**School culture**

The school prioritises cultivating a safe and respectful environment amongst pupils and ensures that all pupils are aware that the school adopts a **zero-tolerance** **stance** on peer on peer abuse of any kind. The school and its staff understand dismissing or tolerating such behaviours can lead to a culture of unacceptable behaviour, an unsafe environment and a culture that normalises abuse leading to children accepting it as normal and not coming forward to report it

The school promotes respectful interactions amongst pupils, and all staff model appropriate and respectful behaviour. Staff will take care to avoid normalising harmful behaviour, particularly harmful sexual behaviour, e.g. by refraining from the use of phrases such as ‘boys will be boys’, passing it off as ‘just banter’ or describing such behaviour as ‘just having a laugh’ or ‘part of growing up’.

The school will ensure that wider societal factors that exacerbate the problem of peer on peer abuse are reflected in its approach to creating a preventative culture. This means that individuals who are more likely to be abused, e.g. girls or LGBT pupils, or who are at increased risk of acting as a perpetrator in abusive situations, e.g. due to abusive home situations or anger management issues, are given additional support from an early stage.

**Curriculum**

The school maintains the position that education surrounding respectful and healthy attitudes and behaviour towards others is the best way to combat peer on peer abuse in the school. All staff, not just teaching staff, are responsible for passing this knowledge on to pupils.

In order to prevent peer on peer abuse and address the wider societal factors that can influence behaviour, the school will educate pupils about abuse, its forms and the importance of discussing any concerns and respecting others through the curriculum and extra-curricular activities.

The school will also ensure that pupils are taught about safeguarding, including online safety, as part of a broad and balanced curriculum. Such content will be age and stage of development specific, and tackle issues such as the following:

* Healthy relationships
* Respectful behaviour
* Stereotyping and equality
* LGBTQ+ identities and relationships
* Body confidence and self-esteem
* Prejudiced behaviour
* That sexual violence and sexual harassment is always wrong
* Addressing cultures of sexual harassment

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

The curriculum will ensure that pupils of all ages are taught about and understand the concept of consent and its importance in an age-appropriate way.

# Channels for reporting abuse

Pupils will be able to report incidents of peer on peer abuse or concerns about the behaviour of their peers through the following channels:

* **[Input a list of the channels through which pupils can report incidents in your school here].**

All channels for reporting abuse will be promoted and publicised throughout the school, and all pupils will be made aware of how, and to whom, to report incidents of abuse. The school will also ensure pupils are aware of the type of behaviour that should be reported, ranging from criminal behaviour, e.g. rape or sexual assault, to everyday harassment, e.g. sexualised jokes or inappropriate comments, to ensure that victims do not view their experience as ‘not serious enough’ to report.

The school will maintain a culture that promotes reporting abuse, whether the individual reporting is the victim, a bystander, or a friend or relative of the victim. Staff will address any incidents of pupils equating reporting abuse to ‘snitching’ or being a ‘tattle-tale’, and will convey to these pupils how important it is to report abuse to help tackle the wider problem of peer on peer abuse in schools.

# Protecting pupils with increased vulnerability to peer on peer abuse

The school is aware that, while peer on peer abuse can be perpetrated by, and against, anyone, there are certain groups of pupils who are at an increased risk of being on the receiving end of peer on peer abuse.

Staff will be careful to acknowledge the increased risk certain pupils face while refraining from making assumptions about the nature of any reported, witnessed or suspected abuse. Staff will be aware that pupils who are generally at increased risk of abuse can also be perpetrators of abuse.

The school will ensure that action is taken, where possible, before major concerns arise; therefore, incidents of low-level abuse related to the characteristics of the below groups will be handled in line with early help procedures, which are laid out within the Child Protection and Safeguarding Policy.

**Girls**

Staff will be aware that girls are more likely to be on the receiving end of peer on peer sexual abuse than their male counterparts, and that sexual violence and harassment against girls is very common and accounts for the majority of cases.

Taking into account that sexual harassment against girls is widespread in society, and largely based in gender inequality, the school will aim to encourage gender equality in all aspects of its operations. The school will aim to promote and nurture healthy attitudes and relationships amongst pupils of all genders, e.g. by challenging and working to deconstruct gender stereotypes in school.

**LGBTQ+ pupils**

Staff will be aware that pupils who are LGBTQ+ or are perceived to be LGBTQ+ whether they are or not, are more likely to be targeted by their peers, e.g. for discriminatory bullying.

The school holds a zero-tolerance policy towards pupils using homophobic, biphobic or transphobic language, regardless of whether or not the language is being directed at another individual. Every staff member is individually responsible for challenging and reporting such behaviour and making clear to all pupils that any abuse towards pupils who are LGBTQ+, or who are perceived to be, is unacceptable.

**Pupils with SEND**

Staff will be aware that pupils with SEND are at increased risk of peer on peer abuse. The school will ensure that there are mechanisms in place to support pupils with SEND in reporting abuse, with due regard paid to the fact that these pupils may face additional barriers to reporting abuse and that spotting signs of abuse in these pupils may be harder.

Staff will avoid assuming that changes in the behaviour of pupils with SEND are as a result of their needs or disability, and will report any concerns to the DSL. The DSL and the SENCO will collaborate in the handling of instances of abuse towards pupils with SEND to ensure that barriers to communication can be effectively managed.

**Black, Asian and minority ethnic (BAME) pupils**

Staff will be aware that minority ethnic pupils, particularly black pupils, may be less likely to report abuse committed against them, and may be more likely to be misidentified as perpetrators of abuse.

The school holds a zero-tolerance policy towards pupils using racist language, regardless of whether the language is being directed at another individual. Every staff member is individually responsible for challenging such behaviour and making clear to all pupils that any abuse towards pupils from BAME backgrounds is unacceptable.

Staff will also be aware that BAME girls, BAME pupils with SEND, or BAME LGBTQ+, or perceived LGBTQ+ pupils, are likely to face increased abuse due to the intersection of these identities. Staff will be vigilant with regard to these pupils and the ways in which other pupils behave towards them, in order to ensure any incidents or potential incidents can be handled as soon as they occur.

**Boys**

Staff will be aware sexual violence and sexual harassment is more likely to be perpetrated by boys. Staff will challenge any incidents of misogynistic language or gender-based abuse, whether of a sexualised nature or not, as holding misogynistic viewpoints can make a pupil more likely to commit sexualised violence in the future.

# Staff identifying and reporting concerns

Staff will receive safeguarding training as part of their induction, and annual refresher training. This training will include guidance on how to recognise indicators of peer-on-peer abuse of all kinds, and how to distinguish between behaviour, particularly sexual behaviour, that is developmentally appropriate and that which is harmful.

When identifying pupils at risk of potential harm or who have been harmed by their peers, staff members will look out for a number of indicators including, but not limited to, the following:

* Injuries in unusual places, such as bite marks on the neck, that are also inconsistent with their age
* Lack of concentration and acting withdrawn
* Knowledge ahead of their age, e.g. sexual knowledge
* Use of explicit language
* Fear of abandonment
* Depression and low self-esteem
* Changes to their social group, e.g. spending time with older pupils, or social isolation
* Alcohol or substance misuse

Where a pupil is displaying signs of being impacted by peer on peer abuse, or perpetrating peer on peer abuse, staff will report this to the DSL as soon as is reasonably practical.

Staff will immediately and effectively respond all instances of abusive or harmful behaviour displayed by pupils that they witness or are reported to them. Staff will not wait for concerns or situations between pupils to escalate before intervening; minor or singular instances of abusive behaviour will still be brought to the attention of the DSL and the pupil will always be spoken to about their behaviour and disciplined, where appropriate, in line with the Behaviour Policy.

Staff will enforce the school’s policy that no known and substantiated incident of abusive or harmful behaviour between pupils will occur without consequences for the perpetrator(s), although these consequences will be decided on a case-by-case basis and will take into account the views of any victims involved, the context of the behaviour and the severity of the incident.

Staff will be aware that just because a victim of abusive behaviour does not report the behaviour or react to the behaviour negatively, this does not mean that the behaviour is not still harmful; some pupils will be uncomfortable challenging their peers on inappropriate behaviour, or may not be aware themselves that the behaviour is abusive. Staff have a responsibility to ensure that both the perpetrator(s), or alleged perpetrator(s), and the victim(s) understand that such behaviour inflicted by or against them was unacceptable; failing to challenge a pupil on unacceptable behaviour can normalise that behaviour not just for the pupil in question, but for all pupils who see the behaviour going unchallenged.

Staff will remain cognisant that downplaying abusive behaviour can lead to a culture of unacceptable behaviour throughout the school and, as such, will treat all displays or reports of abusive behaviour with the utmost severity and sensitivity in order to reinforce to all pupils that such behaviour will not be tolerated, and to prevent further instances of this behaviour in the future.

# Handling allegations of abuse against pupils

The school will ensure staff respond to all inappropriate behaviours (even if it appears to be relatively innocuous) and all sexual behaviours that are developmentally typical, problematic or harmful.

Staff will always, when handling an incident of alleged abuse, take the report of the victim seriously, reassure them, support them and work to keep them safe. Victims will never be made to feel like they are causing a problem, be made to feel ashamed, or have their experience minimised by staff at the school. Staff will be aware of the importance of not downplaying any reports of abuse; however, will ensure that they remain sympathetic, and observant of the duty of care, to both the alleged perpetrator(s) and victim(s).

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, or wait for a disclosure. The basic principles remain the same as when a victim reports an incident; however, staff will consider why the victim has not chosen to make a report themselves and the discussion will be handled sensitively and with the help of children’s social care where necessary. If staff are in any doubt, they will speak to the DSL.

Where an alleged incident took place away from the school or online but involved pupils from the school, the school’s duty to safeguard pupils remains the same and the incident will be treated equally as seriously and investigated in the same way as an incident that took place in school.

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

* Never promising confidentiality at the initial stage.
* Only sharing the report with those necessary for its progression.
* Explaining to the victim what the next steps will be and who the report will be passed to.
* Recognising that the person the pupil chose to disclose the information to is in a position of trust.
* Being clear about boundaries and how the report will be progressed.
* Not asking leading questions and only prompting the pupil with open questions.
* Waiting until the end of the disclosure to immediately write a thorough summary. If notes must be taken during the disclosure, it is important to still remain engaged and not appear distracted. See for Annex A for example NSPCC recording form for NSPCC example sexualised behaviour recording form template.
* Only recording the facts as the pupil presents them – not the opinions of the note taker. For further guidance on reporting see AET Guidance for Child Protection and Safeguarding Reporting.
* Where the report includes an online element, being aware of searching, screening and confiscation advice.
* Wherever possible, managing disclosures with two staff members present (preferably with the DSL or a deputy).
* Informing the DSL or deputy as soon as possible after the disclosure if they could not be involved in the disclosure.

The school’s procedures will inform the DSL of any allegations of abuse against pupils. They will ensure sexual behaviours are assessed on the continuum of sexual behaviour. All concerns relating to the incident will be identified. Concerns will consider all involved including the victim, perpetrator and others involved in, impacted by or witnessing the incident. The DSL will identify and action the next steps to take, in line with the Child Protection and Safeguarding Policy. For pupils with SEND they work with the SENCO, to decide what course of action is necessary, with the best interests of the pupil in mind at all times. The DSL may determine reports involving physical harm or bullying, that do not involve sexual behaviours, will be handled in line with school’s Behaviour or Anti-Bullying Policy.

**Confidentiality**

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

The DSL will consider the following when making confidentiality decisions:

* Parents will be informed unless it will place the victim at greater risk.
* If a pupil is at risk of harm, is in immediate danger or has been harmed, a referral will be made to children’s social care.
* Rape, assault by penetration and sexual assault are crimes – reports containing any such crimes will be passed to the police.

The DSL 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.

**Anonymity**

There are legal requirements for anonymity where a case is progressing through the criminal justice system. The school 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 school will consider the role of social media in potentially exposing victims’ identities and facilitating the spread of rumours.

**Risk assessment**

The DSL or a deputy will make an immediate 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 pupils at the school, especially any actions that are appropriate to protect them.

Risk and needs assessment will:

* Be proportionate and not stigmatise the child/children involved.
* Help to reduce risk, both specifically and more widely.
* Be completed with the wider professional network and parents.
* Reflect the child’s view and gives the child an explanation of the plan. It is important the child receives positive messages about the plan and positive behaviour is supported.
* Include recommended outcomes such a preventative work or understanding body boundaries.
* Allow for other/future incidents to be recorded
* Be recorded on the school’s safeguarding reporting system and kept under review in accordance with the school’s Data Protection Policy. Risk assessments will be reviewed at least every 3 months or more frequently if risk or concerns change.

**Taking action following a disclosure**

The DSL or a deputy will decide the school’s initial response, taking into consideration:

* The victim’s wishes.
* The nature of the incident.
* The ages and developmental stages of the pupils involved.
* Any power imbalance between the pupils.
* 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 pupil’s life that threaten their safety and/or welfare.
* The best interests of the pupil.
* 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 pupils involved.

For reports of rape and assault by penetration, the alleged perpetrator will be removed from any classes shared with the victim whilst the school establishes the facts. The school will consider how to keep the victim and alleged perpetrator apart on school premises, and on transport where applicable. These actions will not be seen as a judgement of guilt on the alleged perpetrator.

For reports of sexual violence and sexual harassment, the proximity of the victim and alleged perpetrator and the suitability of shared classes, premises and transport will be considered immediately. In all cases, the initial report will be carefully evaluated and the wishes of the victim, nature of the allegations and requirement to protect all children will be taken into consideration.

Where a pupil is found to have been involved in harmful sexual behaviour, e.g. behaviours judged to be problematic or harmful on the continuum of sexual behaviours, non-consensually sharing indecent imagery of another pupil, the school will help the pupil to move forward from the incident by supporting them in adopting more positive behaviour patterns and attitudes.

**Managing the report**

Every report will be considered on a case-by-case basis. The decision of when to inform the alleged perpetrator will be a decision to be carefully considered. If a report is being referred to children’s social care or the police, the school will speak to the relevant agency to discuss informing the alleged perpetrator. However, as per general safeguarding principles, this does not stop the school taking immediate action to safeguard their children, where required.

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

* Managing internally.
* Providing early help.
* Referring to children’s social care.
* Reporting to the police.

Whatever outcome is chosen, it will be underpinned by the principle that sexual violence and sexual harassment are never acceptable and will not be tolerated. All concerns, discussions, decisions and reasons behind decisions will be recorded on the school’s safeguarding reporting system.

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

* The age of consent is 16.
* A child under the age of 16 can **never** consent to sexual activity.
* Sexual intercourse without consent is **always** 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.

**Managing internally**

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

**Providing early help**

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

**Referral to children’s social care**

If a pupil has been harmed, is at risk of harm or is in immediate danger, the school will make a referral to children’s social care. Parents will be informed unless there is a compelling reason not to do so (if referral will place the victim at risk). This decision will be made in consultation with children’s social care.

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

The DSL will work closely with children’s social care to ensure that the school’s actions do not jeopardise any investigation. Any related risk assessment will be used to inform all decisions. If children’s social care decide that a statutory investigation is not appropriate, the school will consider referring the incident again if they believe the pupil to be in immediate danger or at risk of harm. If the school agrees with the decision made by children’s social care, they will consider the use of other support mechanisms such as early help, pastoral support and specialist support.

**Reporting to 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 social care. The DSL and deputies 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 school to support the pupil with any decision they take, in unison with children’s social care and any appropriate specialist agencies.

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

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

**Bail conditions**

Pupils against whom further action is taken by the police may be released under bail conditions or ‘released under investigation’ (RUI) in circumstances that do not warrant the application of bail. Where this occurs and the perpetrator returns to school, the school’s primary focus will be conducting an assessment of the risk the perpetrator poses to the victim or other pupils and staff at the school, both physically and in terms of trauma or emotional stress, and implementing any mitigating measures necessary to reduce the harm caused.

The school will work with children’s social care and the police to support the victim, alleged perpetrator and other pupils (especially witnesses) during criminal investigations. The school will seek advice from the police to ensure they meet their safeguarding responsibilities.

The school will liaise with police investigators to develop a balanced set of arrangements whereby both the alleged perpetrator and the victim can continue to receive a suitable education without compromising any ongoing investigations or the emotional state of the victim.

**Managing delays in the criminal justice system**

The school 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 will work closely with the police to ensure the school does not jeopardise any criminal proceedings, and to obtain help and support as necessary.

**The end of the criminal process**

Risk assessments will be updated if the alleged perpetrator receives a caution or is convicted. If the perpetrator remains in the same school as the victim, the school will set out clear expectations regarding the perpetrator, including their behaviour and any restrictions deemed reasonable and proportionate with regards to the perpetrator’s timetable. The school will ensure that the victim and perpetrator remain protected from bullying and harassment (including online).

Where an alleged perpetrator is found not guilty or a case is classed as requiring “no further action”, the school will offer support to the victim and alleged perpetrator for as long as is necessary. The victim is likely to be traumatised and the fact that an allegation cannot be substantiated does not necessarily mean that it was unfounded. The school will discuss decisions with the victim and offer support. The alleged perpetrator is also likely to require ongoing support, as they have also been through a difficult and upsetting experience.

The principal will carefully consider, on a case-by-case basis, whether allowing the victim and the alleged perpetrator to share classes or attend the same activities is conducive to either party’s effective education, and will implement alternative arrangements, in consultation with the DSL (and SENCO where the victim or alleged perpetrator has SEND), where necessary.

**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 school 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 school will provide a physical space for victims to withdraw to.

Victims may require support for a long period of time and the school 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 school, alternative provision or a move to another school 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, the DSL will inform the school of any ongoing support needs and transfer the child protection file.

**Ongoing support for the alleged perpetrator**

Any decisions made regarding the support required for an alleged perpetrator will be made with the following considerations in mind:

* The terminology the school uses to describe the alleged 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
* Their age and developmental stage
* What a proportionate response looks like
* Whether the behaviour is a symptom of their own abuse or exposure to abusive practices and/or materials
* What the outcome of the investigation was

When making a decision, advice will be taken from children’s social care, specialist sexual violence services and the police as appropriate. If the alleged perpetrator moves to another school (for any reason), the DSL will inform the destination school of any ongoing support needs and transfer the child protection file.

If the reported abuse is found to have taken place, the school will work with professionals as required to understand why the abuse took place and provide a high level of support to help the pupil understand and overcome the reasons for their behaviour and reduce the likelihood of them abusing again.

**Disciplining the alleged perpetrator**

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

The school will make such decisions on a case-by-case basis, with the DSL taking a leading role. The school will take into consideration whether any action would prejudice an investigation and/or subsequent prosecution. The police and children’s social care will be consulted where necessary. The school will also consider whether circumstances make it unreasonable or irrational for the school to make a decision about what happened while an investigation is considering the same facts.

Disciplinary action and support can take place at the same time. The school will be clear whether action taken is disciplinary, supportive or both.

**Unsubstantiated, unfounded, false or malicious reports**

If a report is determined to be unsubstantiated, unfounded, false or malicious, the designated safeguarding lead will consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children’s social care may be appropriate.

If a report is shown to be deliberately invented or malicious, the school will consider whether any disciplinary action is appropriate against the individual who made it as per their behaviour policy.

**Shared classes**

Once the DSL has decided to progress a report, they will again consider whether the victim and alleged perpetrator will be separated in classes, on school premises and on school transport – balancing the school’s duty to educate against its duty to safeguard. The best interests of pupils will always come first.

Where there is a criminal investigation into rape or assault by penetration, the alleged perpetrator will be removed from classes with the victim and potential contact on school premises and transport will be prevented.

Where a criminal investigation into rape or assault by penetration leads to a conviction or caution, in all but the most exceptional circumstances, this will constitute a serious breach of discipline and result in the view that allowing the perpetrator to remain in the school would harm the education or welfare of the victim and potentially other pupils.

Where a criminal investigation into sexual assault leads to a conviction or caution, the school will consider suitable sanctions and permanent exclusion. If the perpetrator remains at the school, the school will keep the victim and perpetrator in separate classes and manage potential contact on school premises and transport. The nature of the conviction or caution, alongside the wishes of the victim, will inform any discussions made.

Where a report of sexual assault does not lead to a police investigation, this does not mean that the offence did not happen or that the victim has lied. Both the victim and alleged perpetrator will be affected and appropriate support will be provided. Considerations regarding sharing classes and potential contact will be made on a case-by-case basis.

In all cases, the school will record its decisions and be able to justify them. The needs and wishes of the victim will always be at the heart of the process.

**Working with parents**

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

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

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

Clear policies regarding how the school will handle reports of sexual violence and how victims and alleged perpetrators will be supported will be made available to parents.

**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 school will do everything in its power to protect the victim, alleged perpetrator and witnesses from bullying and harassment.

The school 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 will do everything in its power to prevent such activity.

As part of the school’s risk assessment following a report, transport arrangements will be considered, as it is a potentially vulnerable place for both the victim and alleged perpetrator. Schools will consider any additional support that can be put in place.

# Regular reviews of peer on peer abuse

Decisions and actions in relation to peer on peer abuse at the school are regularly reviewed and relevant policies are updated to reflect lessons learnt. Trust schools are required to submit an annual safeguarding data return to the trust’s safeguarding lead. Peer on peer abuse is categorised on the data return. This data is shared with trustees and senior leaders in the trust. Schools will also keep their own records and analysis of reported incidents that can be further interrogated.

The trust and its schools will look out for potential patterns of concerning, problematic or inappropriate behaviour. Where a pattern is identified, the trust and its schools will decide on a course of action. Consideration will be given to whether there are wider cultural issues within the school that enabled the inappropriate behaviour to occur and where appropriate extra teaching time and/or staff training could be delivered to minimise the risk of it happening again.

# Monitoring and review

This policy is reviewed annually by the trust safeguarding lead and each academy’s DSL and the principal. Any changes made to this policy will be communicated to all members of staff. All members of staff are required to familiarise themselves with all processes and procedures outlined in this policy as part of their induction programme. The next scheduled review date for this policy is Autumn 2022.

# Annex A Sexualised behaviour recording form template

(This form is a model from NSPCC that AET schools may wish to consider adopting)

Form to be completed by person who witnessed the incident or had the incident reported to them. This can be done with support, e.g. from the safeguarding lead. This template can be used each time there is an incident of concerning sexual behaviour.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| BEHAVIOUR RECORDING FORM NUMBER: | | |  | | |
| Details of child/young person | | | | | |
| Name: | |  | | | |
| DOB: | |  | | | |
| Any specific vulnerabilities: | |  | | | |
| Any other behavioural concerns: | |  | | | |
| Any other previous incidents of sexualised behaviour: | |  | | | |
| Details of the Incident:  *Detail anything of note that took place before the behaviour. Describe in detail what was observed or reported. Use quotation marks to describe the child’s/children’s words. Avoid terms such as ‘inappropriate touch, sexualised behaviour’ etc. as they are too vague.* | | | | | |
|  | | | | | |
| Other significant factors:  *Describe if there was any observed planning, physical force, coercion, secrecy, any adult sexual behaviour i.e. not age appropriate. Oral, penetration/attempted penetration or mutual, consenting, light hearted, sexual behaviour, exploratory.* | | | | | |
|  | | | | | |
| Power imbalances:  *Describe any power difference between the children/young people involved in the incident, e.g. age, relationship, social status, developmental differences, size, learning disabilities, physical disabilities etc.* | | | | | |
|  | | | | | |
| Reaction of the children/young people involved in the incident:  *Describe individually for all children involved e.g. fear, tearful, anxiety, happy, playful, embarrassed, angry, regretful, taking responsibility.*  *Anonymise where necessary when attaching the recording to an individual’s school records.* | | | | | |
|  | | | | | |
| Behaviour management:  *How was behaviour addressed in the immediacy? Was SDSE used/discussed?*  *How will the behaviour be addressed in the future, e.g. whole class/school response – PANTS, pastoral support?*  *Report/referral to other agencies, including social care.*  *What support will be offered if necessary to the children/young people involved?* | | | | | |
|  | | | | | |
| Reaction of parents/carers:  *Record individually the parents/carers’ reactions for each child – you may need to record their initial response and their subsequent response. For example, a parent may react negatively initially, but then responds in a more supportive manner in time.*  *Supportive/concerned/caring/rejecting/angry/shocked.*  *Have they similar concerns at home?*  *Anonymise where necessary when attaching the recording to an individual’s school records.* | | | | | |
|  | | | | | |
| Completed by: |  | | | Date: |  |