HCAT

Child on Child Abuse Policy

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Version Number	Version Description	Date of Revision
1	Original	September 2021
2	Updated in line with Keeping Children Safe in Education (September 2023). The DfE advice 'Sexual violence and sexual harassment between children in schools and colleges was withdrawn and the information is incorporated into KCSiE.	September 2023
3	Reviewed and Rebranded	June 2024

HCAT Child on Child Abuse Policy

1. Introduction

Child-on-child abuse left unaddressed, can have a devastating effect on individuals and their families. It can be a barrier to their learning and have serious consequences for their mental health. Such abuse which takes place at school does not only affect an individual during childhood but can have a lasting effect on their lives well into adulthood. By effectively preventing and tackling abuse, we can help to create a safe, disciplined environment where our pupils or students are able to learn and fulfil their potential.

There is no clear boundary between incidents that should be regarded as abusive, and those that are more properly dealt with as bullying, sexual experimentation etc. This is a matter of professional judgement. In the main, therefore, this document refers to child-on-child sexual violence and sexual harassment.

If one child or young person causes harm to another, this should not necessarily be dealt with as 'abuse'. Bullying, fighting and harassment between children are not generally seen as child protection issues and would normally be dealt with in line with the school's Behaviour Policy and procedures which includes anti-bullying procedures. However, it may be appropriate to regard a young person's behaviour as 'abusive' if:

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

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

Addressing inappropriate behaviour (even if it appears to be relatively innocuous) can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future.

The DfE statutory guidance 'Keeping Children Safe in Education 2023' is our first point of reference for child protection and child welfare issues in the school.

2. Ethos

At HCAT (hereinafter referred to as 'the trust') the health, safety and well-being of all our children is of paramount importance to all the adults who work or volunteer here. All our children have the right to protection. They have a right to be safe in our school; this is enhanced by the adoption of a robust Safeguarding Policy and procedures, the Behaviour Policy and procedures which includes our procedures for preventing and dealing with cases of bullying (including cyber-bullying, prejudice-based and discriminatory bullying) and an Online Safety Policy and procedures.

We have adopted a whole school approach to safeguarding and child protection. This means involving everyone, including the Local Committees, the staff and other adults working in the school, the pupils or students and their parents. All staff have been advised to maintain an attitude of 'it could happen here' and we will respond appropriately to all reports and concerns about sexual violence and/or sexual harassment both online and offline.

We wish to make it clear to parents, pupils or students and staff that we have effective prevention measures in place to tackle child-on-child abuse including sexual violence and sexual harassment and all other forms of abuse between children both within and outside the school. Our approach to sexual violence and sexual harassment is reflected in, and is part of, our wider approach to safeguarding.

If an incident arises, we will deal with it robustly, quickly and appropriately. We will not tolerate any form of child-on-child abuse within our school or by association.

3. Aims

Keeping Children Safe in Education 2023 states that "Governing bodies and proprietors should ensure their child protection policy includes procedures to minimise the risk of child-on-child abuse and sets out how allegations will be dealt with along with clear processes as to how victims, perpetrators and any other child affected by such abuse will be supported".

Whilst it is recommended that child-on-child abuse is dealt with as part of the Safeguarding Policy and procedures, due to the sensitive nature and specific issues involved particularly with child-on-child sexual violence and sexual harassment, this Policy has been formulated and is designed to be read in conjunction with the overarching principles of the school's Safeguarding Policy and procedures.

The aim of this Policy is therefore to ensure that any form of child-on-child abuse or harmful behaviour is dealt with immediately and consistently. Consequently, when allegations are made and appropriate responses put in place, this will reduce the extent of harm to those involved and minimise the potential impact on emotional and mental health and well-being.

4. Entitlement

Human Rights Act 1998 (HRA) which sets out the fundamental right and freedoms that everyone is entitled to. Being subjected to harassment, violence and or abuse, including that of a sexual nature may breach any or all of the rights made under the HRA depending on the nature of the conduct and the circumstances.

We also have obligations under the Equality Act 2010. We will not unlawfully discriminate against pupils or students because of their sex, race, disability, religion or belief, gender reassignment, pregnancy and or sexual orientation (protected characteristics). Each child in our school, regardless of their background or home circumstances could be the victim of child-on-child abuse. They are therefore all entitled to the same degree of protection and support. Each child in our school will also develop the skills appropriate to their age and understanding which could enable prevention of abuse by learning about keeping safe and who to ask for help if their safety is threatened.

5. Implementation

This Policy and supporting procedures applies to all who come into contact with children in the School, including: teachers, supply teachers, learning support staff, teaching assistants, mid-day supervisors, admin staff, meals supervisors, caretaker, cleaners, visiting students, parent helpers/volunteers, governors and other visitors including contractors.

This Policy should be read in conjunction with other related school Policies and procedures including:

- Overarching Safeguarding Statement
- Safeguarding Policy and procedures
- Online Safety Policy and procedures
- Behaviour Policy and procedures for preventing and dealing with bullying (including cyber-bullying,
- prejudice-based and discriminatory bullying and the potential for radicalisation) and racism, drug misuse, positive handling, support and physical intervention etc.
- Relationships Education, Relationships and Sex Education (RSE) and Health Education Policy.
- Single Equality Scheme/Objectives
- Supporting Pupils or Students with Medical Conditions Policy and procedures
- Special Educational Needs Policy/Information Report
- Attendance procedures
- Missing Child procedure

6. Procedures

What is child-on-child abuse?

Child-on-child abuse is behaviour by an individual or group of individuals which can be a one-off incident or repeated over time. Child-on-child abuse is behaviour that intentionally hurts another individual or group either physically or emotionally. It is generally considered more likely that girls will be victims and boys' perpetrators, but we consider all child-on-child abuse to be unacceptable and will take any concerns/allegations seriously.

Child-on-child abuse can take many forms for example:

- bullying (including cyberbullying, prejudice-based and discriminatory bullying);
- abuse in intimate personal relationships between children (also known as teenage relationship abuse);
- physical abuse which can include hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;
- sexual violence and sexual harassment. Part five of Keeping Children Safe in Education 2023 has further guidance on this issue and how schools should respond to incidents;
- consensual and non-consensual sharing of nude and semi-nude images and/or videos (also known as sexting or youth produced sexual imagery);
- causing someone to engage in sexual activity without consent, such as forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party;
- upskirting (which is a criminal offence);
- and initiation/hazing type violence and rituals.

Child-on-child abuse can often be motivated by prejudice against particular groups steered by a dislike for a person's:

- sex ;
- race;
- religion or belief;
- gender reassignment;
- pregnancy and maternity;
- sexual orientation;
- special educational need, health condition or disability;

or where a child:

- is adopted or in care;
- has caring responsibilities;
- is suffering from a health problem;
- is frequently on the move (e.g. those from military families or the travelling community);
- is experiencing a personal or family crisis;
- has actual or perceived differences, (e.g. physical or cultural differences).

These types of abuse rarely take place in isolation and often indicate wider safeguarding concerns. Abusive behaviour can happen to pupils or students in schools and settings and it is necessary to consider what abuse is and looks like, how it can be managed and what support and intervention can be put in place to meet the needs of the individual and what preventative strategies may be put in place to reduce further risk of harm.

There may be reports where the alleged incident is between two pupils or students from the same or different schools but is alleged to have taken place away from the school premises. The safeguarding principles, and the school's duty to safeguard and promote the welfare of their pupils or students remain the same regardless of where the incident took place and regardless of whether the incident was online or offline.

Abuse is abuse and will never be tolerated or passed off as 'banter', 'just having a laugh', 'part of growing up' or 'boys being boys' which essentially downplays certain behaviours and can lead to a culture of unacceptable behaviours, an unsafe environment for children and possibly a culture that normalises abuse leading to children accepting it as normal and not coming forward to report it. Equally, abuse issues can sometimes be gender specific e.g. girls being sexually touched/assaulted and boys being subject to initiation/hazing type violence. We will not dismiss abusive behaviour between children as 'normal' and our thresholds for investigating claims and concerns/allegations are the same as for any other type of abuse. If staff have any concerns regarding any form of child-on-child abuse, they must speak to the DSL (or DDSL).

Preventing violence and abuse and ensuring immediate physical safety is our school's first priority but we also acknowledge that emotional abuse can be just as damaging, if not more so, than physical abuse. We recognise that abuse often involves an imbalance of power between the perpetrator and the victim. This could involve perpetrators of abuse having control over the relationship which makes it difficult for the victim to defend themselves. The imbalance of power can manifest itself in several ways, it may be physical, psychological (knowing what upsets someone), derive from an intellectual imbalance, or by having access to the support of a group, or the capacity to socially isolate. It can result in the intimidation of a person or persons through the threat of violence or by isolating them either physically or online.

Children with Special Educational Needs and Disabilities (SEND) or certain health conditions are three times more likely to be abused or exploited both online and offline than their peers. Additional barriers can sometimes exist when recognising abuse in SEND children. These can include:

- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability or health condition without further exploration;
- the potential for children with SEND being disproportionately impacted by behaviours such as bullying and harassment, without outwardly showing any signs; and
- communication barriers and difficulties in managing or reporting these challenges;
- cognitive understanding – being unable to understand the difference between fact and fiction in online content and then repeating the content/behaviours in school or the consequences of doing so.

Any reports of abuse by other children and involving children with SEND will therefore require close liaison with the DSL (or DDSL) and the SENCO.

The fact that a child or a young person may be LGBT+ is not in itself an inherent risk factor for harm. However, children who are lesbian, gay, bi, or trans (LGBT+) can be targeted by other children. In some cases, a child who is perceived by their peers to be LGBT+ (whether they are or not) can be just as susceptible as children who identify as LGBT+.

We also acknowledge that low level disruption such as grabbing bottoms, breasts and genitalia, pulling down trousers, flicking bras, lifting up skirts etc. and the use of offensive language can have a significant impact on its target. Dismissing or tolerating such behaviours and not challenging them risks normalising them and may result in children being reluctant to report. Additional information on this issue is also available in Part five and Annex B of Keeping Children Safe in Education 2023.

7. Contextual Safeguarding

Safeguarding incidents and/or behaviours can be associated with factors outside the school and/or can occur between children outside the school. All staff, but especially the Designated Safeguarding Lead (DSL) and Deputy Safeguarding Lead (DDSL) should be considering the context within which such incidents and/or behaviours occur. This is known as contextual safeguarding, which simply means assessments of children should consider whether wider environmental factors are present in a child's life that are a threat to their safety and/or welfare.

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

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

- is an approach to safeguarding children that recognises their experiences of significant harm in extra-familial contexts and seeks to include these contexts within prevention, identification, assessment and intervention safeguarding activities;
- recognises that as children enter adolescence they spend increasing amounts of time outside of the home in public environments (including on the internet) within which they may experience abuse; and
- considers interventions to change the systems or social conditions of the environments in which abuse has occurred.

8. Types of abuse

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

8.1 Physical abuse

Physical abuse/violence (particularly pre-planned) may include hitting, kicking, nipping, shaking, biting, hair pulling, or otherwise causing physical harm to another person. This may include an online element which facilitates, threatens and/or encourages physical abuse. There may be many reasons why a child harms another and it is important to understand why a young person has engaged in such behaviour, including accidentally, before considering the action to take or sanctions to introduce.

8.2 Bullying - physical, name calling, taunting, homophobic etc.

Bullying (including prejudice-based and discriminatory bullying) in whatever form is unwanted, aggressive behaviour that involves a real or perceived power imbalance. The behaviour is repeated, or has the potential to be repeated, over time. Young people who bully and those who are bullied can have long-term problems.

To be considered as bullying, the behaviour must be aggressive and include:

- an imbalance of power: young people who bully can use their gender, power (such as physical strength), access to embarrassing information or intimidation, or popularity to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.
- repetition: bullying behaviours happen more than once or have the potential to happen more than once.

Where physical behaviour is alleged, such as deliberately brushing against someone, interfering with someone's clothes etc., this may cross the line into sexual violence therefore it is important to talk to and consider the experience of the victim.

Details of our anti-bullying strategies and procedures can be found in our Behaviour Policy and procedures.

8.3 Cyberbullying

The rapid development of, and widespread access to, technology has provided a medium for cyberbullying, which can occur in or outside school. Cyberbullying is a different form of bullying and can happen at all times of the day, with a potentially bigger audience. Cyberbullying involves the use of mobile devices, instant messaging, e-mail, chat rooms or social networking sites such as Facebook, Instagram, Twitter etc. to harass, taunt, threaten or intimidate someone for the same reasons as outlined in 3.2 above.

Cyberbullying can fall into criminal behaviour under the Malicious Communications Act 1988 (Section 1) which states that a person who sends electronic communications which are "indecent or grossly offensive, convey a threat or false information or demonstrate that there is an intention to cause distress or anxiety to the victim" would be deemed to have committed an offence. The Communications Act 2003 (Section 127) further supports this and states that a person is guilty of an offence if he/she sends by means of a public electronic communications network a message or other matter that is grossly offensive or of an indecent, obscene or menacing character or if for the purpose of causing annoyance, inconvenience or needless anxiety to another he/she sends a message by means of a public electronic communications network knowing that the message is false.

Online sexual harassment includes the sharing of unwanted explicit content, sexualised online bullying, unwanted sexual comments and messages (including on social media), coercing others into sharing images of themselves or performing acts they are not comfortable with online.

If the behaviour involves the taking or distributing indecent images of young people under the age of 18 then this is also a criminal offence under the Sexual Offences Act 2003. Outside of the immediate support young people may require in these instances, the school will have no option but to involve the Police to investigate these allegations. See 'When to call the Police' for further guidance.

8.4 Bullying which occurs outside the school premises

We will follow the procedures outlined in our Behaviour Policy and procedures and our disciplinary powers to address the conduct of pupils or students when they are not on school premises and are not under the lawful control or charge of a member of school staff. This may include bullying incidents occurring anywhere off the school premises, such as on school or public transport, off site during lunchtimes, during the evening at weekends or during the school holidays and includes all forms of bullying including cyberbullying.

Where abuse outside of school is reported to the school, we will investigate and take appropriate action. We will also consider whether it is appropriate to notify the Police if we believe an offence has taken place. If the school receives an allegation relating to an incident that happened when an individual or organisation was using the school premises for the purposes of running activities for children (for example community groups, sports associations or service providers that run extra-curricular activities), as with any safeguarding allegation, we will follow our safeguarding policies and procedures, including informing the LADO.

8.5 Sharing nude and semi-nude images (formerly known as sexting)

Sharing of nude or semi-nude images is when someone sends or receives a sexually explicit text, image or video via the internet or mobile device. This includes sending 'nude/semi-nude pics' or 'rude pics' or 'nude/semi-nude selfies'. Pressuring someone into sending a nude picture can happen in any relationship and to anyone, whatever their age, gender or sexual preference.

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

Any direct disclosure by a pupil or students (male or female) will be taken very seriously. A child who discloses they are the subject of sexual imagery is likely to be embarrassed and worried about the consequences. It is likely that disclosure in school is a last resort and they may have already tried to resolve the issue themselves. When an incident involving the inappropriate sharing of images via the internet or mobile device comes to a school's attention the school will follow the guidance as set out in the UK Council for Internet Safety (UKCIS) publication outlined below. The key consideration here is for staff not to view or forward illegal images of a child. If staff view the imagery by accident (e.g. a young person has showed it to them before they could ask them not to) this must be reported immediately to the DSL (or DDSL). In some cases, it may be appropriate to confiscate any devices to preserve any

evidence and hand them to the Police for inspection. See DfE advice on Searching, screening and confiscation at school.

When considering appropriate action regarding the sharing of inappropriate images, the DSL (or DDSL) will take the age of the child involved and the context into account. Children under 13 are given extra protection from sexual abuse. The law makes it clear that sexual activity with a child under 13 is never acceptable and that children of this age can never legally give consent to engage in sexual activity. Any situations involving pupils or students in this school and the sharing of nude and semi-nude images will be taken seriously as potentially being indicative of a wider child protection concern or as being problematic sexual behaviour. Further and more specific advice is contained within the UKCIS document 'Sharing nudes and semi-nudes - Advice for education settings working with children and young people' which also includes advice on responding to incidents and safeguarding children and young people.

The UKCIS advice outlines how to respond to an incident of nudes and semi-nudes being shared including:

- risk assessing situations;
- safeguarding and supporting children and young people;
- handling devices and images;
- recording incidents, including the role of other agencies;
- informing parents and carers.
- The types of incidents which this advice covers are:
- a person under the age of 18 creates and shares nudes and semi-nudes of themselves with a child under the age of 18;
- a person under the age of 18 shares nudes and semi-nudes created by another person under the age of 18 with a child under the age of 18;
- a person under the age of 18 is in possession of nudes and semi-nudes created by another person under the age of 18.

8.6 Initiation/Hazing

Hazing is a form of initiation ceremony which is used to induct newcomers into an organisation such as a school or sports team etc. Hazing can also be used as initiation into a street or other 'gang'. There are several different forms, from relatively mild rituals to severe and sometimes violent ceremonies.

The idea behind this practice is that it welcomes newcomers by subjecting them to a series of trials which promote a bond between them. After the hazing is over, the newcomers also have something in common with older or established members of the organisation or 'gang', because they have all experienced this as

part of a 'rite of passage'. Many rituals involve humiliation, embarrassment, abuse and harassment and may also include an online element.

8.7 Prejudiced-based and discriminatory bullying/behaviour

The term prejudiced-based or discriminatory bullying refers to a range of hurtful behaviour, physical or emotional or both, which causes someone to feel powerless, worthless, excluded or marginalised, and which is connected with prejudices around belonging, identity and equality in wider society – in particular, prejudices related to disabilities/other health conditions and special educational needs, ethnicity, cultural and religious belief, sex, sexual orientation, gender reassignment, home life, (for example in relation to issues of care, parental occupation, poverty and social class).

8.8 Teenage relationship abuse

Teenage relationship abuse is defined as a pattern of actual or threatened acts of physical, sexual and/or emotional abuse perpetrated by an adolescent (between the ages of 13 and 18) against a current or former partner. Abuse may

include insults, coercion, social sabotage, sexual harassment, threats and/or acts of physical or sexual abuse. Abuse can occur online and offline and is never acceptable.

8.9 Upskirting

'Upskirting' (which is a criminal offence) typically involves taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm.

8.10 Child-on-child sexual violence and sexual harassment

In all cases of reported alleged child-on-child sexual violence and sexual harassment, reference will be made to Part five of Keeping Children Safe in Education 2023.

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

A model continuum to demonstrate the range of sexual behaviours presented by children can be used when seeking to understand a pupil's or student's sexual behaviour and deciding how to respond to it. This model is replicated at Appendix A.

If staff have any concerns about a child's welfare, they should act on them immediately. Staff in this school will follow the school's Child Protection Policy and procedures and speak to the DSL (or DDSL) in the first instance. In the absence of the DSL (or DDSL), staff should raise their concern with a member of the School Leadership Team or contact the Trust's Safeguarding Lead.

All concerns, discussions, decisions and reasons for decisions relating to child-on-child abuse and/or sexual violence and sexual harassment between children will be recorded (written or electronic).

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

Ultimately any decisions on how to proceed with an allegation of sexual violence and sexual harassment will be made on a case-by-case basis with the DSL (or DDSL) taking a leading role and using their professional judgement, supported by other agencies, such as Local Authority Children's Social Care and the Police as required.

We have a zero tolerance approach to sexual violence and sexual harassment. It is never acceptable and will not be tolerated. All staff have been made aware that even if there are no reports in our school, it does not mean it is not happening – it may be the case that it is just not being reported. If staff have any concerns regarding such abuse they must speak to the DSL (or DDSL) as soon as possible.

We will ensure that pupils or students are aware of the NSPCC dedicated helpline (report abuse in education – 0800 136 663) for children and young people who have experienced abuse at school, and for worried adults and professionals that need support and guidance.

Decisions about what action to take will consider:

- the wishes of the victim in terms of how they want to proceed;
- the nature of the alleged incident – might a crime have been committed and/or has HSB been displayed;

- the ages of the children involved (a child under the age of 13 can never consent to any sexual activity);
- the developmental stages of the children involved;
- any power imbalance between the children for example, is/are the alleged perpetrator(s) significantly older, more mature, confident and well-known social standing? Does the victim have a disability, learning difficulty or other health related issues;
- whether it was a one-off alleged incident or a pattern of behaviour by the alleged perpetrator;
- that sexual violence and sexual harassment can take place within intimate personal relationships between children (sometimes known as 'teenage relationship abuse');
- the importance of understanding intra familial harms and any necessary support for siblings following incidents;
- are there ongoing risks to the victim, other children or school staff;
- and other related issues and wider context, including any links to child sexual exploitation and child criminal exploitation.

Some situations, however, are statutorily clear:

- a child under the age of 13 can never consent to any sexual activity;
- the age of consent is 16;
- sexual intercourse without consent is rape;
- rape, assault by penetration and sexual assault are defined in law;
- and creating and sharing sexual photos and videos of under-18s is illegal (see para 3.5 – Sharing nude or semi-nude images and/or videos). This includes children making and sharing sexual images and videos of themselves.

9. Minimising the risk of child-on-child safeguarding concerns

On occasion, some pupils or students may present a safeguarding risk to other pupils or students. The school may well be informed by the relevant agency (either Police or Social Care) that the young person raises safeguarding concerns. These pupils or students will need an Individual Behaviour (or Risk)

Management Plan to ensure that other pupils or students are kept safe and they themselves are not laid open to malicious allegations.

Where necessary, we will discuss in advance, the local response to sexual violence and sexual harassment with Police and the Local Authority Children's Social Care colleagues in order to ensure we have the correct responses in place. Ultimately, any decisions are for the school to make on a case-by-case basis, with the DSL (or DDSL) taking a leading role and using their professional judgement, supported by other agencies, such as Local Authority Children's Social Care and the Police as required). See 'When to call the Police' for further guidance.

Pupils or students are encouraged to report child-on-child abuse and sexual violence and sexual harassment, and the issue is discussed as part of RSHE curriculum to the extent that all children are made aware of what behaviour is unacceptable and to enable all children to have the confidence to report issues which may be worrying or concerning to them and to whom those reports should be made.

It is essential that all victims are reassured that they are being taken seriously (regardless of how long it has taken them to come forward) 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 any form of abuse and/or neglect. Nor should a victim ever be made to feel ashamed for making a report. We will explain to children in a way that avoids alarming or distressing them that the law is in place to protect children and young people rather than criminalise them.

10. Managing the disclosure/report

Our initial response to a report from a child is incredibly important. How we respond to a report can encourage or undermine the confidence of future victims of sexual violence and sexual harassment to report or come forward. Therefore, a report of an incident from a child will always be taken seriously. It is important to understand that children may not find it easy to tell staff about their abuse verbally. Children can show signs or act in ways that they hope adults will notice and react to. In some cases, the victim may not make a direct report. For example, a friend may make a report, or a member of school staff may overhear a conversation that suggests a child has been harmed or a child's own behaviour might indicate that something is wrong. All our staff know how to complete a Safeguarding Referral on CPOMS, a vital part of gathering critical information from a child relating to their report of abuse. Staff will also be trained in how to manage a report.

We will ensure that systems are put in place, promoted, easily understood and easily accessible for children to confidently report abuse, knowing their concerns will be treated seriously. Ultimately, any decisions or actions will be taken on a case-by-case basis, with the DSL taking a lead role and using their professional judgement, supported by other agencies.

Immediate consideration will be given as to how best to support and protect the victim and the alleged perpetrator(s) and any other children involved/impacted including siblings and other close relatives. Consideration will also be given to the wishes of the victim in terms of how they want to proceed. This is especially important in the context of sexual violence and sexual harassment. Victims will be given as much control as is reasonably possible over decisions regarding how any investigation will be progressed and any support that they will be offered. This will, however, be balanced with the school's duty and responsibilities to protect other children.

We will do all we reasonably can to protect the anonymity of any children involved in any report of sexual violence or sexual harassment, carefully considering, based on the nature of the report, which staff should know about the report and any support that will be put in place for the children involved. We will also consider the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities.

- Staff who observe or suspect any form of child-on-child abuse (including sexual violence or sexual harassment) must inform the DSL (or DDSL) as soon as possible so that further investigations can take place. It is important to understand that children may not find it easy to tell staff about their abuse verbally and that additional barriers much as the child's susceptibility, disability, sex, ethnicity and/or sexual orientation may be a factor.
- Staff, and this could be anyone in the school who the child trusts, must not promise confidentiality at the initial stage as it is very likely a concern will have to be shared with the DSL (or DDSL) to discuss next steps. Information must only be shared with those people who are necessary in order to progress the report and the child should be informed what the next steps will be and who the report will be passed to.
- When an allegation is made by a pupil or student against another pupil or student, members of staff should consider whether the complaint raises a child protection concern. If there is a child protection concern the DSL (or DDSL) must be informed as soon as possible.
- Reports that include an online element will be carefully managed in line with the DfE advice for schools on searching screening and confiscation. Staff will not view or forward illegal images of a child but will discuss with the DSL (or DDSL) whether it may be more appropriate to confiscate any devices to preserve any evidence and hand them to the Police for inspection.
- A factual written or electronic record will be made of the concern/allegation, but no attempt at this stage should be made to investigate the circumstances.
- The DSL (or DDSL) should contact Social Care (see details above) to discuss the case. It is possible that Social Care are already aware of child protection concerns around this young person. The DSL (or DDSL) will follow

through the outcomes of the discussion and make a referral of either one or all of the pupils or students involved where appropriate.

- The DSL (or DDSL) will make a written or electronic record of the concern, the discussion and any outcome and keep a copy in the files of both/all pupils or students.
- If the concern/allegation indicates a potential criminal offence has taken place e.g. rape, assault by penetration, sexual assault, sexual violence or sexual harassment (regardless of the age of the alleged perpetrator(s), the Police must be contacted at the earliest opportunity and parents informed (of both the pupil or students being complained about and the alleged victim). See 'When to call the Police' for further guidance.
- The school will consider how best to keep victims and alleged perpetrators of sexual violence a reasonable distance apart while on school premises and, where relevant, on transport to and from school. While the facts are being investigated, the alleged perpetrator should be removed from any classes that they share with the victim. This is in the best interests of both children and should not be perceived to be a judgement on the guilt of the alleged perpetrator.
- It may be appropriate to exclude the pupil or student being complained about for a period of time according to the school's Behaviour Policy and procedures.
- Where a criminal investigation into sexual assault leads to a conviction or caution, we will consider any additional sanctions in light of our Behaviour Policy and procedures including consideration of permanent exclusion. In any action we take, the nature of the conviction or caution and wishes of the victim will be taken into account.
- Both the immediate and future needs of the victim, the alleged perpetrator and any other children involved/affected will be assessed and, where necessary appropriate plans and strategies put in place.
- Where neither Social Care nor the Police accept the complaint, a thorough school investigation should take place into the matter using the School's usual disciplinary procedures.
- In situations where the school considers a child protection risk is present, a risk assessment should be prepared along with a preventative, supervision plan.
- The plan should be monitored, and a date set for a follow-up evaluation with everyone concerned.

11. Gathering the facts

We recognise that a child is likely to disclose to someone they trust. This could be anyone on the school staff. It is important that the person to whom the child discloses recognises that the child has placed them in a position of trust and staff should be supportive and respectful of the child. It is important to gather a broad view of the facts at an early stage.

- Wherever possible, manage the disclosure and subsequent interviews of those involved with two members of staff present (preferably one being the DSL or DDSL).
- All those involved in the alleged incident should be spoken to individually and separately.
- Gain a statement of facts from those involved using consistent language and open questions for each account. The easiest way to do this is not to have a line of questioning but to ask the children to tell you in their own words what happened. Reflect back on what has been said in a non-judgemental manner and be clear about boundaries and how the report will be progressed (to whom and for what reason).
- Only interrupt the child to gain clarity with open questions – where, when, why, who. (What happened? Who observed the incident? What was seen? What was heard? Did anyone intervene? etc.)
- Staff will not promise confidentiality at the initial stage and will inform those involved who the report will be passed on to.
- The report should be recorded either in writing or electronically. Best practice is to wait until the end of the report and immediately write up a thorough summary. It may be appropriate to make notes during the

report (especially if a second member of staff is present) but making notes should not distract the staff member from engaging with the child. Notes should not reflect the person opinion of the note taker.
- Where the report includes and online element, staff will be aware of the DfE advice on searching, screening and confiscation for schools and guidance issued by UKCIS - Sharing nudes and semi-nudes: advice for education settings. Under no circumstances should staff view or forward illegal images of a child.

12. Considering confidentiality and anonymity

Staff will never promise confidentiality as it is likely that it will be in the best interests of the victim to seek advice and guidance from others to provide support and engage appropriate agencies.

We will only engage staff and other agencies who are required to support the children involved or will be involved in any investigation.

If the victim asks the school not to tell anyone about the sexual violence or sexual harassment, staff may still lawfully share it, if it can be justified to be in the public interest, for example, to protect children from harm and to promote the welfare of children. Staff should only share the report with those people who are necessary in order to progress it. It is important that the victim understands what the next steps will be and who the report will be passed to. In this event, the DSL (or DDSL) will consider the following:

- parents should normally be informed (unless this would put the victim at greater risk);
- the basic safeguarding principle is: if a child is at risk of harm, is in immediate danger or has been harmed a referral should be made to children's social care;
- rape, assault by penetration and sexual assaults are crimes. The starting point is that reports should be passed to the Police.

Ultimately, it is for the DSL (or DDSL) to balance the victim's wishes against their duty to protect the victim and other children. If the decision is taken to go ahead and report the incident, the reasons should be explained to the victim and appropriate specialist support offered.

Additional information on confidentiality and information sharing is available from DfE advice 'Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers'.

We will do all we reasonably can to protect the anonymity of any children involved in any report of sexual violence or sexual harassment and will carefully consider which staff should know about the report and any support that will be in place for the children involved.

Full consideration will also be given to the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities and the support which may be required by the victim and his/her family should this situation arise.

13. Response to the disclosure/report

Victims will be reassured as outlined in section 5. above. Abuse that occurs online or outside of the school will not be downplayed and will be treated equally seriously. All concerns/allegations of child-on-child abuse will be handled sensitively, appropriately and promptly. The way in which the school responds to a report can have a significant impact on the school environment.

Any response will:

- include a thorough investigation of the concerns/allegations and the wider context in which they may have occurred (as appropriate);
- treat all children involved as being at potential risk – whilst the child allegedly responsible for the abuse may pose a significant risk of harm to other children, s/he may also have considerable unmet needs and at risk of

harm themselves. We will ensure that a safeguarding response is in place for both the child who has allegedly experienced the abuse and the child who has allegedly been responsible for it.

We will take into account:

- that the abuse may indicate wider safeguarding concerns for any of the children involved, and consider and address any wider contexts such as the child/children's peer group (both within and outside the school); family; the school environment; the experiences of crime and victimisation in the local community; and the child/children's online presence;
- the changes that may need to be made to the above contexts to address the child/children's needs and to mitigate risk;
- the views of the child/children affected. Unless it is considered unsafe to do so, the DSL (or DDSL) should discuss the proposed action with all those involved and their parents and obtain consent to any referral before it is made, unless informing the parent will put the child at risk of harm. Any decision not to inform the parents will generally be made in conjunction with other services such as children's social care and/or the Police, who would take the lead in deciding when the parents should be informed.
- the child/children's expectations about information sharing, and keep them and their parents informed of developments, where appropriate and safe to do so.

If a pupil or student is in immediate danger, or at risk of significant harm, a referral to Social Care (if the pupil or student is aged under 18) and/or the Police will be made immediately. Anyone can make a referral. Where referrals are not made by the DSL, the DSL should be informed as soon as possible that a referral has been made. See Child Protection procedures for additional information.

If a member of staff believes for whatever reason that child may be at risk of or experiencing abuse by another child or children, or that a child may be at risk of abusing or may be abusing another child or children, they should discuss their concern with the DSL (or DDSL) without delay so that a course of action can be agreed.

14. Internal Management

Ultimately, any decisions are for the school to make on a case-by-case basis, with the DSL (or DDSL) taking a leading role and using their professional judgement, supported by other agencies, such as Children's Social Care and the Police as required.

Whatever the response, it will be underpinned by the principle that there is a zero-tolerance approach to sexual violence and sexual harassment and it is never acceptable and will not be tolerated. Where behaviour between children is abusive or violent, the incident will be dealt with using methods set out in 6.2-6.4 below. However, where support from local agencies is not available or the incident is considered to be inappropriate or problematic, the school may need to handle allegations/concerns internally. It may be appropriate to handle the incident using the school's Behaviour Policy and procedures which includes procedures to be followed in the case of bullying. All concerns, discussions, decisions and reasons for the decisions will be recorded either in writing or electronically. The services of external specialists may be required to support the process.

15. Early Help Assessment

Where appropriate and necessary, the school may undertake or contribute to an inter-agency early help assessment with targeted early help services provided to address the assessed needs of a child/children and their family.

Early help and the option to manage a report internally do not need to be mutually exclusive; we could manage internally and seek early help for both the victim and perpetrator(s).

16. Referral to LA Children's Social Care

Where a child has been harmed, is at risk of harm, or is in immediate danger, we will make a referral to LA Children's Social Care. At this point we will generally inform parents unless this is going to put the child at additional risk). Where a decision is made to make a referral to the LA Children's Social Care, and a strategy meeting is convened, then the school will hold every professional involved in the case accountable for their safeguarding response, including themselves, to both the child who has experienced the abuse, and the child who was responsible for it. The DSL will work closely with the LA Children's Social Care (and other agencies as required) to ensure any actions the school takes do not jeopardise a statutory investigation.

Should the outcome of the initial referral be that a statutory intervention is not appropriate, the DSL (or DDSL) will be prepared to refer again if they believe the child remains in immediate danger or at risk of harm or if circumstances change.

In the above circumstances we will not wait for the outcome (or even the start) of a LA Children's Social Care investigation before protecting the victim and other children in the school.

17. Reporting to the Police

If the concern/allegation indicates a potential criminal offence has taken place e.g. rape, assault by penetration, sexual assault, sexual violence or sexual harassment (regardless of the age of the alleged perpetrator(s)), the Police must be contacted at the earliest opportunity. The DSL will consult with the Police and will agree what information can be disclosed to staff and others, in particular the alleged perpetrator(s) and their parents. This will include a discussion on the best way to protect the victim and their anonymity. In circumstances where parents have not been informed, it will be especially important that the school supports the child in any decision they take. This will be with the support of LA Children's Social Care and any appropriate specialist agencies. Whatever the circumstances or outcome, it is important that the DSL works closely with the Police to ensure that any actions the school takes does not jeopardise the Police investigation.

Any report to the Police will generally be in parallel with a referral to Social Care. It is important that the DSL (and DDSL) are clear about the local process and arrangements for referrals. Further guidance on this issue is provided in the NPCC guidance for schools document 'When to call the Police'. In some cases, it may become clear very quickly that the Police (for whatever reason) will not take further action. In such circumstances, it is important that we continue to engage with specialist support for the victim and alleged perpetrator(s) as required.

Alleged criminal behaviour will ordinarily be reported to the Police. There are, however, some circumstances where it may not be appropriate to report such behaviour to the Police e.g. where the existence of youth produced sexual imagery does not involve any aggravating factors. See Section 11 below for further guidance. All concerns/allegations will be assessed on a case-by-case basis and considering the wider context.

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

18. Unsubstantiated, unfounded, false or malicious reports

If a report is determined to be unsubstantiated, unfounded, false or malicious, the DSL (or DDSL) should 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 local authority children's social care may be appropriate.

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

19. Individual risk and needs assessment

Where there is an incident of child-on-child abuse, including sexual violence and sexual harassment, the school will undertake a robust risk and needs assessment in respect of each child affected by the abuse including the alleged perpetrator. The risk assessment will:

- consider the victim in the first instance, especially their protection and support;
- consider whether there may have been other victims;
- assess and address the nature and level of risks that are posed and/or faced by the alleged perpetrator(s) and all the other children (and, if appropriate, adult students and staff) at the school, especially any actions that are appropriate to protect them from the alleged perpetrator(s), or from future harms;
- engage the child's parents (unless informing the parent will put the child at risk of harm) and draw upon local services and agencies to ensure that the child's needs are met in the long-term. Where there has been a report of sexual violence, it is likely that professional risk assessments by social workers and/or sexual violence specialists will be required. Any such professional assessments will be used to inform the school's approach to supporting and protecting their pupils or students and updating their own risk assessment;
- consider whether any targeted interventions are needed to address the underlying attitudes or behaviour of any child involved; and
- be recorded (written or electronic) and be reviewed at regular intervals in the light of the child's ongoing needs to ensure that progress is being made which benefits the child.

If a child is convicted or receives a caution for a sexual offence, the school will update its risk assessment, ensure relevant protections are in place for all the children (and, if appropriate, adult students and staff) at the school and consider any suitable action in accordance with our Behaviour Policy and procedures. (See point 11. below).

If at any stage the child's needs escalate, the DSL (or DDSL) should contact Social Care to determine the appropriate course of action.

20. Safeguarding and supporting the victim

It is important to understand that victims may not disclosure the whole picture immediately. They may be more comfortable providing information on a piecemeal basis therefore it is essential that dialogue is kept open and encouraged with the option given to have a designated trusted adult to talk about their needs. Wherever possible, the choice of any such adult should be the victim's. The following principles are based on effective safeguarding practice and will help our decision-making process regarding safeguarding and supporting the victim. The DSL (or DDSL) is likely to have a complete safeguarding picture and be the most appropriate person to advise on the school's initial response. We will:

- ensure the needs and wishes of the victim are paramount (along with protecting the child) in any response. Overall, the priority will be to make the victim's daily experience as normal as possible, so that the school is a safe space for them;
- consider the age and the developmental stage of the victim, the nature of the allegations and the potential risk of further abuse;
- ensure that the victim will be listened to and acknowledged. It is important they feel in as much control of the process as is possible. Where a pupil or student feels able to deal with the incident on their own or with support of family and friends, the pupils or students will continue to be monitored and offered support should they require it in the future. Consideration will also be given to siblings or other close relatives of the victim as to how and in what manner they may have been affected directly or indirectly;
- ensure that the victim will never be made to feel they are the problem for making a report or made to feel ashamed for making a report;
- consider the proportionality of the response with tailored support on a case-by-case basis;

- do everything we reasonably can to protect the victim from bullying and harassment as a result of any report they have made, giving all the necessary support they need to remain in the school. If the trauma results in the victim being unable to do this, other alternatives will be considered to enable them to continue to receive suitable education. This will only be at the request of the victim and following discussion with their parents);
- consider interventions that target a whole class or year group e.g. work on cyberbullying/relationship abuse etc.;
- support the child in improving peer group relationships where bullying is a factor in the abuse and consider restorative justice work with all those concerned. Restorative justice must be considered carefully in cases where sexual violence or sexual harassment are a factor. The wishes of the victim will be paramount and they may not wish to meet face to face with their perpetrator and it would be inappropriate to suggest this;
- ensure that sensitive issues are explored through the use of the curriculum (PSHE and Sex and Relationships Education).

21. Safeguarding and supporting the alleged perpetrator

The following principles are based on effective safeguarding practice and will support our decision-making process regarding safeguarding and supporting the alleged perpetrator. In relation to this we will carefully consider:

- the proportionality of the response which will be considered on a case-by-case basis. The alleged perpetrator(s) may potentially have unmet needs as well as potentially posing a risk of harm to other children;
- at what point it would be appropriate to inform the alleged perpetrator(s). It may be appropriate on a case-by-case basis for the DSL (or DDSL) to speak to the LA Children's Social Care and/or the Police to discuss the next steps and how the alleged perpetrator(s) will be informed of the allegations, all the while taking immediate action to safeguard the other children, where required;
- how we will continue to provide the alleged perpetrator with an education, safeguarding support as appropriate and implementing any disciplinary sanctions. If there is any form of criminal investigation ongoing it may be that this young person cannot be educated on site until the investigation has concluded. In which case, the young person will need to be provided with appropriate support and education whilst off site. Even following the conclusion of any investigation, the behaviour that the pupil or student has displayed may continue to pose a risk to others in which case, an individual risk assessment may be required. This should be completed via a multi-agency response to ensure that the needs of the young person and the risks towards others are measured by all the agencies involved including the pupil or student and their parents;
- the age and developmental stage of the alleged perpetrator and nature of the allegations. Any child will likely experience stress as a result of them being the subject of allegations and/or negative reactions by other children to the allegations made against them. Consideration will also be given to siblings or other close relatives of the perpetrator as to how and in what manner they may have been affected directly or indirectly;
- the proportionality of the response. Support (and sanctions) will be considered on a case-by-case basis. An alleged perpetrator may potentially have unmet needs (in some cases these may be considerable) as well as potentially posing a risk of harm to other children. Harmful sexual behaviour in young children may be a symptom of either their own abuse or exposure to abusive practices or materials.

Advice will be sought, as appropriate, from the LA Children's Social Care, the Police and any other agencies or specialist services in order to commission the right support for the child/children concerned.

22. Sanctions

Before deciding on appropriate action, the school will always consider its duty to safeguard all children from harm; the underlying reasons for a child's behaviour; any unmet needs, or harm or abuse suffered by the child; the risk that the child may pose to other children; and the severity of the abuse and the causes of it.

Taking disciplinary action and still providing appropriate support are not mutually exclusive actions. They can, and should, occur at the same time if necessary.

It is good practice for the school (DSL or DDSL) to meet the victim's parents with the victim present to discuss what arrangements are being put in place to safeguard the victim and understand their wishes in terms of support they may need and how the report will be progressed.

It is also good practice for the school (DSL or DDSL) to meet with alleged perpetrator's parents to discuss any arrangements that are being put into place that impact an alleged perpetrator, such as, for example, moving them out of classes with the victim and what this means for their education. The reason behind any decisions will be explained. Support for the alleged perpetrator will also be discussed.

Sanctions may include additional supervision of the pupil or student or protective strategies if the pupil or student feels at risk of engaging in further inappropriate or harmful behaviour.

The school response might include a sanction (in accordance with our Behaviour Policy and procedures) such as a detention, SLT supervision or a fixed-term exclusion to allow the pupil or student to reflect on their behaviour.

The school will, where appropriate, consider the potential benefit, as well as challenge, of using managed moves or exclusion as a response, and not as an intervention, recognising that even if this is ultimately deemed to be necessary, some of the measures referred to in this Policy may still be required.

A permanent exclusion will only be considered as a last resort and only where necessary to ensure the safety and wellbeing of other children in the school or, where the Head teacher, in their absolute discretion, considered the actions of the pupil(s) or student(s) has damaged the school's ethos or reputation.

Disciplinary interventions alone are rarely able to solve issues of child-on-child abuse, and the school will always consider the wider actions that may need to be taken, and any lessons that may need to be learnt going forward.

Part five of Keeping Children Safe in Education 2023 provides examples of situations where specific sanctions have been utilised.

23. Whole school approach to prevention

Our school's response to child-on-child abuse will not begin at the point at which a child has been abused. We will proactively gather intelligence about issues between pupils or students which might provoke conflict. This might involve talking to pupils or students about issues of difference, perhaps in lessons, through dedicated events or projects, or through assemblies. Staff themselves will be able to determine what will work best for their pupils or students, depending on the particular issues they need to address.

Our school has created an ethos of good behaviour where pupils or students treat one another and the school staff with respect because they know that this is the right way to behave. Our culture makes it clear that there is a zero-tolerance approach to sexual violence and sexual harassment and that it is never acceptable and it will not be tolerated. That culture extends beyond the classroom to the corridors, the dining hall, the playground, and beyond the school gates including travel to and from school and online.

Values of respect for staff and other pupils or students, an understanding of the value of education, and a clear understanding of how our actions affect others permeate the whole school environment and are reinforced by staff and older pupils or students who set a good example to other pupils or students. Our school will:

- involve parents to ensure they are clear that the school does not tolerate any form of child-on-child abuse. We will make parents aware of the procedures to follow if they believe that their child is being abused by another child or children. We want parents to feel confident that our school will take any complaint about bullying seriously and resolve the issue in a way that protects the child. We will expect parents to reinforce the value of good behaviour at home;
- involve pupils or students. All pupils or students understand the school's approach and are clear about the part they can play to prevent child-on-child abuse, including when they find themselves as bystanders;
- regularly evaluate and update our approach to take account of developments in technology, for instance updating 'acceptable use' agreements for computers and consideration of what can still be improved. Social media is very likely to play a central role in the fall out from any incident or alleged incident. There is the potential for contact between victim and alleged perpetrator(s) and a very high likelihood that friends from either side could harass the victim or alleged perpetrator(s) online and/or become victims of harassment themselves;
- consider how (if at all) the school's physical environment contributed to the abuse, and how this can be addressed going forward, for example by improving the school's safety, security and supervision;
- ensure that any lessons learnt are acted upon swiftly – were there opportunities to intervene earlier or differently and/or to address common themes amongst the behaviour of other children in the school;
- implement disciplinary sanctions. The consequences of child-on-child abuse will reflect the seriousness of the incident so that others see that abuse is unacceptable, will not be tolerated and will be sanctioned;
- openly discuss differences between people that could motivate abuse, such as religion, ethnicity, disability, gender, sexuality or appearance related difference. We will also include children with different family situations, such as looked after children, those with caring responsibilities and those from a migrant or travelling community. We teach children that using any prejudice-based language is unacceptable;
- provide effective staff training on how to deal with child-on-child abuse. All school staff (paid and unpaid) understand the principles and purpose of the school's Policy and procedures, how to resolve and respond to problems, and where and when to seek support from others in the school;
- make it easy for pupils or students to report bullying of any description so that they are assured that they will be listened to and that incidents will be acted on. Pupils or students should feel that they can report abuse which may have occurred outside school including cyber-bullying and the sharing of nude and semi-nude images via the internet or other mobile device;
- create an inclusive environment where pupils or students can openly discuss their experiences of child-on-child abuse, without fear of further abuse or discrimination;
- recognise that some children with special educational needs or disabilities may lack the social or communication skills to report child-on-child abuse incidents and we ensure our training builds in regular awareness of this;
- frequently address the impact of abuse within the school and what constitutes appropriate, safe and acceptable behaviour with our children and staff.