



Child on Child Abuse (Anti Bullying) Policy



**Produced by the Safeguarding in Education team
for Herefordshire Council in consultation with the
University of Bedford**

**Adapted for Leintwardine Primary School and Nursery
by N Gorry**

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Introduction

Leintwardine Primary School and Nursery recognises that children are vulnerable to and capable of abusing their peers. We take such abuse as seriously as abuse perpetrated by an adult. This includes verbal as well as physical abuse.

The School's responsibilities

The governors, senior leadership team, and all staff are committed to the prevention, early identification, and appropriate management of child on child abuse (as defined below) both within and beyond the School.

In particular, we:

- Believe that in order to protect children, all schools should (a) be aware of the nature and level of risk to which their students are or may be exposed, and put in place a clear and comprehensive strategy which is tailored to their specific safeguarding context; and (b) take a whole-school community Contextual Safeguarding approach to preventing and responding to child on child abuse,
- Regard the introduction of this policy as a preventative measure. We (a) do not feel it is acceptable merely to take a reactive approach to child on child abuse in response to alleged incidents of it; and (b) believe that in order to tackle child on child abuse proactively, it is necessary to focus on all four of the following areas: (i) systems and structures; (ii) prevention; (iii) identification; and (iv) response/intervention
- Recognise national and increasing concern about this issue, and wish to implement this policy in order to mitigate harmful attitudes and child on child abuse in the school setting, and
- Encourage parents to hold us to account on this issue, so that if their child is feeling unsafe as a result of the behaviour of any of their peers, they should inform the School so that it can ensure that appropriate and prompt action is taken in response.

This policy:

- Is the School's overarching policy for any issue that could constitute child on child abuse. It relates to, and should be read alongside, the School's child protection policy and any other relevant policies including, but not limited to, bullying (including cyber-bullying), youth involved sexual imagery, online safety, IT use, data protection and retention of records, children missing in education, student behaviour and discipline, exclusions, and (where relevant) weapons
- Sets out our strategy for improving prevention, and identifying and appropriately managing child on child abuse.
- Applies to all [governors, the senior leadership team, and staff]. It is reviewed annually, and updated in the interim, as may be required, to ensure that it continually addresses the risks to which students are/or may be exposed.

What is child on child abuse?

Child on child abuse is sexual, emotional or physical abuse that happens between children of a similar age or stage of development. It can happen between any number of children, and can affect any age group (Department for Education (DfE), 2021).

It can be harmful to the children who display it as well as those who experience it. Children can experience child on child abuse in a wide range of settings, including: at school at home or in someone else's home in public spaces online (NSPCC, 2018).

It can take place in spaces which are supervised or unsupervised. Within a school context, for example, child on child abuse might take place in spaces such as toilets, the playground, corridors and when children are walking home (Contextual Safeguarding Network, 2020).

As children develop healthily, it's normal for them to display certain types of behaviour. It's important that adults who work or volunteer with children can identify if any behaviour has become harmful or abusive, and respond proportionally to keep all the children involved safe.

We recognise that child on child abuse can manifest itself in many ways such as:

- Child Sexual Exploitation
- Sexting or youth produced digital imagery
- Upskirting
- Bullying
- Radicalisation
- Abuse in intimate relationships
- Children who display sexually harmful behaviour
- Gang association and serious violence (County Lines)
- Technology can be used for bullying and other abusive behaviour

Some of these behaviours will need to be handled with reference to other policies in school such as the behaviour policy, anti- bullying policy, child protection policy and online safety policy.

This policy concentrates on child on child abuse in the context of sexual harassment and sexual violence, physical abuse and emotional abuse. It is compliant with the statutory guidance on child on child abuse as set out in Keeping Children Safe in Education (September 2022) and should be read in conjunction with the Safeguarding Partnership regional policy and procedures, and any relevant Practice Guidance issued by it.

In regard to Harmful Sexual behaviour we are adopting the NSPCC definition of HSB as:

"Sexual behaviours expressed by children...that are developmentally inappropriate, may be harmful towards self or others, or be abusive towards another child...or adult."

We will also use Simon Hackett's continuum model to demonstrate the range of sexual behaviours and the Brook Traffic Lights (Appendix 3).

Physical Abuse

While a clear focus of child on child abuse is around sexual abuse and harassment, physical assaults and initiation violence and rituals from pupils to pupils can also be abusive.

These are equally not tolerated and if it is believed that a crime has been committed, will be reported to the police.

The principles from the anti-bullying policy will be applied in these cases, with recognition that any police investigation will need to take priority.

Online Behaviour

Many forms of child on child abuse have an element of online behaviour including behaviours such as cyberbullying and sexting.

Policies and procedures concerning this type of behaviour can be found (online safety policy, mobile device policy and safeguarding policies)

Consensual and non-consensual sharing of nude and semi-nude images and/or videos (also known as sexting or youth produced sexual imagery).

Vulnerable groups

We recognise that all children can be at risk however we acknowledge that some groups are more vulnerable. This can include: experience of abuse within their family; living with domestic violence; young people in care; children who go missing; children with additional needs (SEN and/or disabilities); children who identify or are perceived as LGBT and/or have other protected characteristics under the Equalities Act 2010. Whilst research tells us girls are more frequently identified as being abused by their peers and, girls are more likely to experience unwanted sexual touching in schools this is not confined to girls.

Boys are less likely to report intimate relationship abuse and may display other behaviour such as antisocial behaviour. Boys report high levels of victimisation in areas where they are affected by gangs. We recognise that both boys and girls experience child on child abuse, but they do so in gendered ways.

Identifying child on child abuse

All staff should be aware of indicators, which may signal that children are at risk from, or are involved with serious violent crime. These may include:

- Increased absence from school
- A change in friendships or relationships with older individuals or groups
- A significant decline in performance
- Signs of self-harm
- A significant change in wellbeing
- Signs of assault or unexplained injuries.
- Unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with, individuals associated with criminal networks or gangs.

Prevention

Leintwardine school actively seeks to raise awareness of and prevent all forms of child on child abuse by:

- Educating all Governors, Senior Leadership Team, staff and volunteers, pupils, and parents about this issue. This will include training all Governors, Senior Leadership Team, staff and volunteers on the nature, prevalence and effect of child on child abuse, and how to prevent, identify and respond to it. This includes
 - (a) Contextual Safeguarding;
 - (b) The identification and classification of specific behaviours; and
 - (c) The importance of taking seriously all forms of child on child abuse (no matter how low level they may appear) and ensuring that no form of child on child abuse is ever dismissed as horseplay or teasing.
- Educating children about the nature and prevalence of child on child abuse via PSHE and the wider curriculum
- Pupils/Students are frequently told what to do if they witness or experience such abuse, the effect that it can have on those who experience it and the possible reasons for it, including vulnerability of those who inflict such abuse.
- They are regularly informed about the School's approach to such issues, including its policy towards all forms of child on child abuse.
- Engaging parents on this issue by:
 - (a) Talking about it with parents, both in groups and one to one;
 - (b) Asking parents what they perceive to be the risks facing their child and how they would like to see the School address those risks;
 - (c) Involving parents in the review of School policies and lesson plans; and
 - (d) Encouraging parents to hold the School to account on this issue.

- Ensuring that all child on child abuse issues are fed back to the School's safeguarding lead so that they can spot and address any concerning trends and identify pupils who maybe in need of additional support. This is done on a daily and weekly basis by way of daily conversations and weekly staff meetings at which all concerns about pupils (including child on child abuse issues) are discussed;
- Challenging the attitudes that underlie such abuse (both inside and outside the classroom);
- Working with Governors, Academy Trusts, Senior Leadership Team, all staff and volunteers, pupils and parents to address equality issues, to promote positive values, and to encourage a culture of tolerance and respect amongst all members of the School community;
- Creating conditions in which our [pupils/students] can aspire to and realise safe and healthy relationships;
- Creating a culture in which our [pupils/students] feel able to share their concerns openly, in a non-judgmental environment, and have them listened to; and
- Responding to cases of child on child abuse promptly and appropriately.

The Context

Child on child abuse takes place on a spectrum. Understanding where a child's behaviour falls on a spectrum is essential to being able to respond appropriately to it. It is essential that responses to incidents are proportionate and contextual.

In this policy we recognise the importance of distinguishing between problematic and abusive sexual behaviour (Harmful Sexual Behaviour HSB).

Determining the level of incidents

- Chronological and developmental ages of everyone involved
- Difference in their power or authority in relation to age, race, gender, physical, emotional or intellectual vulnerability
- All alleged physical and verbal aspects of the behaviour and incident
- Whether the behaviour involved inappropriate sexual knowledge or motivation
- What was the degree of physical aggression, intimidation, threatening behaviour or bribery
- The effect on the victim
- Any attempts to ensure the behaviour and incident is kept a secret
- The child or young person's motivation or reason for the behaviour, if they admit that it occurred
- Whether this was a one-off incident, or longer in duration

An example of this is the consensual sharing of an image between 16 year olds might be inappropriate but would sit on the continuum as 'inappropriate', however if these images were shared wider without consent this could be deemed as 'problematic & abusive'.

When should schools seek support?

Cases of child on child abuse are often complex, may involve multiple young people, and consent may be unclear. This is especially difficult when young people may be victims but also involved in the harm of others. In some instances it may be most appropriate, for schools to respond internally. However in other instances, cases may require a referral to the police and/or social care.

We understand that this is not always clear. As such, we suggest that schools refer to the flow chart (Appendix 2) and consider the following when deciding if an incident require referral:

Cases that may be best responded to in-school sit between 'Normal/Healthy' and the 'inappropriate' section on Hackett's continuum.

- Single instances of inappropriate sexual behaviour
- Socially acceptable behaviour within child group
- Context for behaviour may be inappropriate
- Generally consensual and reciprocal Incidents where a referral to police/ social care is always required are defined under Hackett as 'violent and abusive' these will also meet level 4 under the RHRT document.
- Victimising intent or outcome
- Includes misuse of power
- Coercion and force to ensure compliance
- Intrusive
- Informed consent lacking or not able to be freely given
- May include elements of expressive violence
- Physically violent sexual abuse
- Highly intrusive

- Instrumental violence which is psychologically and/or sexually arousing to the child responsible for the behaviour
- Sadism

Cases of child on child abuse are not always clear cut and there are many grey areas. These grey areas fall under the inappropriate/ problematic section of the continuum. The Education MASH team and the Education Safeguarding Lead are available via phone and email to offer support to schools in order to ensure the appropriate risk assessments/referrals/ support is in place for the victim and child alleged to have caused harm.

- Problematic and concerning behaviour
- Developmentally unusual and socially unexpected
- No overt elements of victimisation
- Consent issues maybe unclear
- May lack reciprocity or equal power
- May include levels of compulsivity

When dealing with harmful sexual behaviour to assess where the alleged behaviour falls on a spectrum and to decide how to respond. This could include, for example, whether it:

- Is socially acceptable
- Involves a single incident or has occurred over a period of time
- Is socially acceptable within the child group
- Is problematic and concerning
- Involves any overt elements of victimisation or discrimination e.g. related to race, gender, sexual orientation, physical, emotional, or intellectual vulnerability
- Involves an element of coercion or pre-planning
- Involves a power imbalance between the child/children allegedly responsible for the behaviour
- Involves a misuse of power

Response to child on child abuse

The designated safeguarding lead or their deputy will take a leading role using their professional judgement and supported by other agencies such as social care or the police as required. All responses to child on child abuse will be informed by the flow charts, continuum and by liaising with the Education Safeguarding Lead.

It is important to deal with a situation of child abuse immediately and sensitively. It is necessary to gather the information as soon as possible to ascertain what has happened and if any other students are aware or involved. It is equally important to deal with it sensitively and think about the language used and the impact of that language on both the children and the parents when they become involved. Avoid language that may create a 'blame' culture and leave a child labelled. An example is instead of calling a child a 'perpetrator' we may instead say 'child alleged to have caused harm'.

Staff will talk to the children in a calm and consistent manner. Staff will not be prejudiced, judgmental, dismissive or irresponsible in dealing with such sensitive matters. Children should be made aware of who they can talk to should they feel they have not been treated in this manner.

The immediate response to a report

- The school or college will take all reports seriously and will reassure the victim that they will be supported.
- All staff understand the next steps once a child has reported child on child abuse and will take the concern to the DSL/DDSL to make them aware.
- Staff will not promise confidentiality as the concern will need to be shared further (for example, with the designated safeguarding lead or social care) staff will however only share the report with those people who are necessary to progress it.
- A written report will be made as soon after the discussion as possible recording the facts as presented by the child. These may be used as part of a statutory assessment if the case is escalated later.
- Assess the needs of the victim and child alleged to have caused harm.
- Where the report includes an online element the school or college will follow advice on searching, screening and confiscation. The staff will not view or forward images unless unavoidable and only if another member of staff (preferably the DSL) is present.
- The DSL will be informed as soon as possible and consider a referral to the police and social care using the flow charts (Appendix 2).
- The DSL must complete a Risk assessment (Appendix 5) whereby sexual violence has occurred. This must be shared with the MASH.

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.

Abuse that occurs online or outside of the school or college should not be downplayed and should be treated equally seriously. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report. It is important to explain that the law is in place to protect children and young people rather than criminalise them, and this should be explained in such a way that avoids alarming or distressing them. 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. Abuse that occurs online or outside of the school or college should not be downplayed and should be treated equally seriously. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report. It is important to explain that the law is in place to protect children and young people rather than criminalise them, and this should be explained in such a way that avoids alarming or distressing them.

Action following a report of sexual violence and/or sexual harassment

Sexual violence and sexual abuse can happen anywhere, and all staff working with children are advised to maintain an attitude of 'it could happen here'. Schools and colleges should be aware of and respond appropriately to all reports and concerns about sexual violence and/or sexual harassment both online and offline, including those that have happened outside of the school/college. The designated safeguarding lead (or deputy) is likely to have a complete safeguarding picture and be the most appropriate person to advise on the initial response by the school or college.

Important considerations will include:

- 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 should 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 need to be balanced with the school's or college's duty and responsibilities to protect other children
- The nature of the alleged incident(s), including whether a crime may have been committed and/or whether HSB has been displayed
- The ages of the children involved
- 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 or learning difficulty?
- If the alleged incident is a one-off or a sustained pattern of abuse (sexual abuse can be accompanied by other forms of abuse and a sustained pattern may not just be of a sexual nature)
- That sexual violence and sexual harassment can take place within intimate personal relationships between children
- Importance of understanding intra familial harms and any necessary support for siblings following incidents
- are there ongoing risks to the victim, other children, adult students or school or college staff, and
- Other related issues and wider context, including any links to child sexual exploitation and child criminal exploitation.

Children displaying HSB have often experienced their own abuse and trauma. It is important that they are offered appropriate support.

As always when concerned about the welfare of a child, all staff should act in the best interests of the child. In all cases, schools and colleges should follow general safeguarding principles as set out throughout this guidance. Immediate consideration should be given as to how best to support and protect the victim and the alleged perpetrator(s) (and any other children involved/impacted

When recording behaviour it is essential to:

- Record as soon as possible, as you can quickly forget or confuse detail
- Be clear, explicit and non-avoidant, and avoid vague statements or euphemisms
- Follow the prompts on your safeguarding and child protection recording form
- Use proper names for body parts but record exactly any language or vocabulary used by the child. Use the child's exact words in quotation marks.
- Note where and when the incident happened and whether anyone else was present.

Gather the facts When making young people aware of an allegation it is essential that before you speak to them any further you offer them the option to have parents or a person they trust present. You should make them aware that parents will be informed even if they wish to progress without parents present. Speak to all the young people involved separately in order to gain a statement of facts from them. Use consistent language and open questions for each account. Ask the young people to tell you what happened. Use open questions, 'where, when, why, who'. (What happened? Who observed the incident? What was seen? What was heard? Did anyone intervene?). Do not interrogate or ask leading questions.

Decide on your next course of action

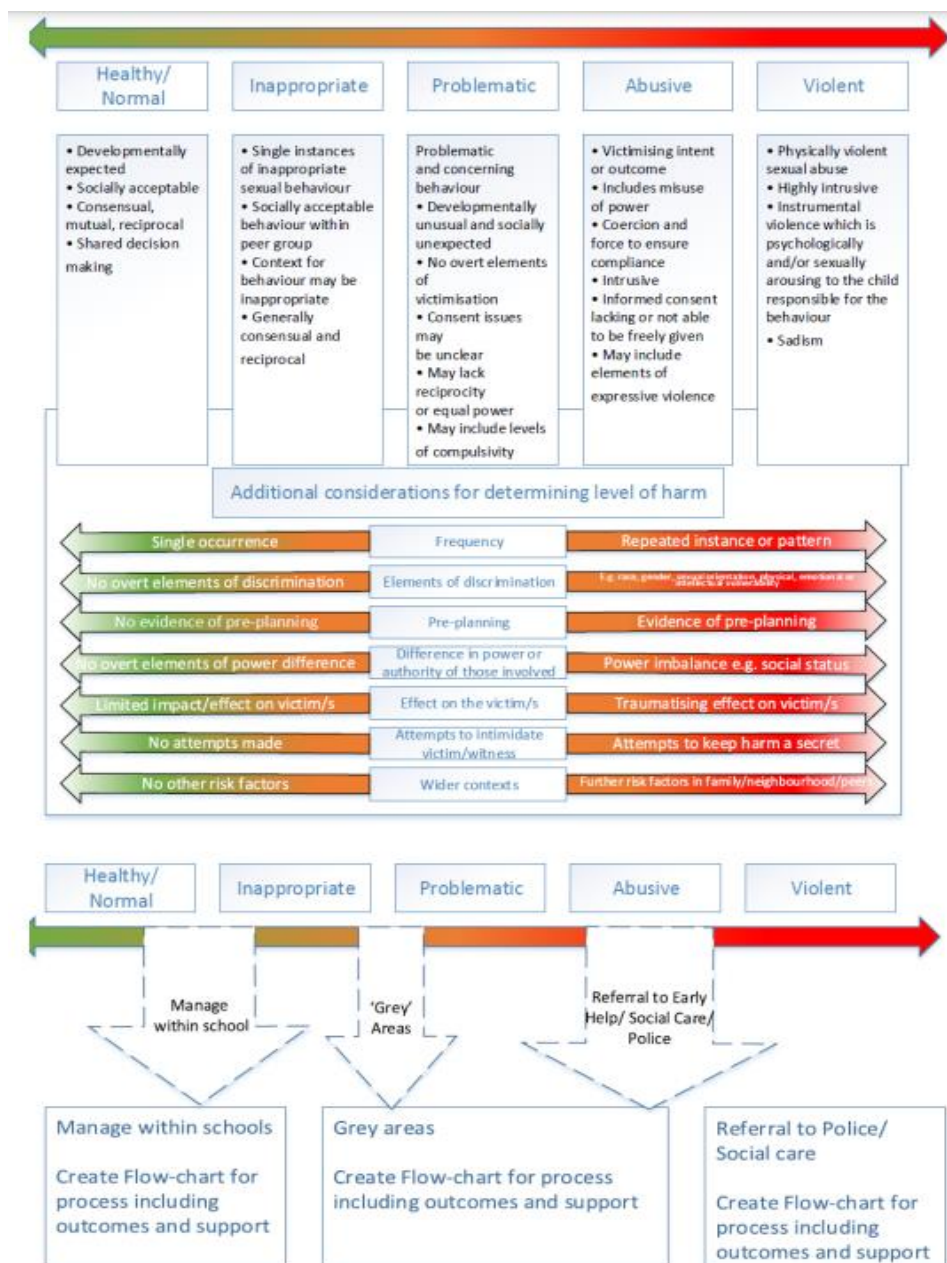
If you believe any young person to be at risk of significant harm you must report to the Designated Safeguarding Lead immediately; they will follow the school's Safeguarding and Child Protection Policy.

If MASH and the police intend to pursue this further, they may ask to interview the young people in school or they may ask for parents to come to school to be spoken to. It is important to be prepared for every situation and the potential time it may take.

Informing parents/carers

The best way to inform parents/carers is face to face. Although this may be time consuming, the nature of the incident and the type of harm/abuse a young person may be suffering can cause fear and anxiety to parents/carers whether their child is the child who was harmed or who harmed another.

In all circumstances where the risk of harm to the child is evident then the school should encourage the young person to share the information with their parent/carer (they may be scared to tell parents/carers that they are being harmed in any way).



Manage internally

1. In some cases of sexual harassment, for example, one-off incidents, it may be appropriate to handle the incident internally, perhaps through utilising the behaviour and bullying policies and by providing pastoral support (you may wish to give details here). This decision is considered on the outcome of contact with the MASH and submission of a completed risk assessment.

This decision will be made based on the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated. All decisions, and discussions around making these decisions will be recorded and stored by the DSL on the child's CP File (by whom, where).

It is important to ensure that details of sanctions for the child alleged to have caused harm are not shared with any other persons other than those providing care for them. This is to maintain confidentiality and privacy for the child involved.

2. In line with 1 above, we may decide that the children involved do not require statutory interventions but may benefit from early help. Early help means providing support as soon as a problem emerges, at any point in a child's life. Providing early help is more effective in promoting the welfare of children than reacting later. Early help can be particularly useful to address non-violent harmful sexual behaviour and may prevent escalation of sexual violence.

2. Where a child has been harmed, is at risk of harm, or is in immediate danger, we will make a referral to the MASH following locally agreed protocols.

Where statutory assessments are appropriate, the designated safeguarding lead or a deputy will be working alongside, and cooperating with, the relevant lead social worker. Collaborative working will help ensure the best possible package of coordinated support is implemented for the victim and, where appropriate, the child alleged to have caused harm and any other children that require support.

Risk assessment

When there has been a report of child on child abuse that sits under the abusive and violent sections on the flow chart, the designated safeguarding lead (or a deputy) will make an immediate risk and needs' assessment (risk assessment). Where there has been a report of sexual harassment, a risk assessment must be completed and submitted to the MASH. The risk assessment should consider:

- The victim, especially their protection and support;
- The child alleged to have caused harm; and
- All the other children (and, if appropriate, adult students and staff) at the school or college, especially any actions that are appropriate to protect them;

Risk assessments will be recorded (written or electronic say where these are filed) and be kept under review. The designated safeguarding lead (or a deputy) will ensure they are engaging with MASH.

Reporting to the Police

DSL's have a responsibility to report all alleged crimes to the police. The designated safeguarding lead (and their deputies) will also follow local processes for safeguarding referrals.

Where a report of rape, assault by penetration or sexual assault is made, the starting point is this will be passed on to the police as a matter of urgency. Whilst the age of criminal responsibility is ten, if the child alleged to have caused harm is under ten, the starting principle of reporting to the police remains.

Where a report has been made to the police, the school or college will consult the police and agree what information can be disclosed to staff and others, the child alleged to have caused harm and their parents or carers. They will also discuss the best way to protect the victim and their anonymity.

Where there is a criminal investigation, we will work closely with the relevant agencies to support all children involved (especially potential witnesses). Where required, advice from the police will be sought in order to help us.

Whilst protecting children and/or taking any disciplinary measures against the child alleged to have caused harm, we will work closely with the police (and other agencies as required), to ensure any actions the school or college take do not jeopardise the police investigation.

Separation

If the children involved are in the same class, the school will need to consider carefully whether to separate them while the concerns are being investigated. In situations of alleged rape and assault by penetration, the statutory guidance is clear that the child alleged to have caused harm should always be removed from classes they share with the victim.

Schools and colleges need to consider how best to keep the victim and child alleged to have caused harm a reasonable distance apart while they are on the same premises, as well as on transport to and from school or college, where appropriate. The school will need to consider how long these measures should be in place, especially if any police investigation is inconclusive. Lack of a conviction is not the same as the allegation being unfounded.

The school or college must continue to provide support to the victim and child alleged to have caused harm for as long as necessary. Therefore, any separation arrangements must also be continued with for as long as is necessary to make sure children are safe.

There are different factors which must be considered prior to the separation of children occurring. These factors are the allegation itself, the context of the allegation, the rights, wishes and feelings of the victim(s), and the threshold the allegation meets.

As part of the consideration as to whether or not the children are separated in school, safety mapping is recommended so that the victim can clearly identify where they feel safest in school and any areas they do not feel safe. This will also allow school to map out areas each child can frequent without concern or worry that the other will be there. These actions are in the best interests of both children and should not be perceived to be a judgment on the guilt of the child alleged to have caused harm.

It is essential that the victim is able to express their rights, wishes and feelings in respect of the action the school takes, in some circumstances the victim may state that they do wish for separation to occur but rather that a seating plan is implemented. This is again considered alongside the context, the allegation itself and the threshold that is met.

If multiple young people are involved then the school will need to complete child mapping and consult with the victim(s) regarding safety mapping both within school and outside of school.

The end of the criminal process

If a child is convicted or receives a caution for a sexual offence, the school /academy will update its risk assessment, ensure relevant protections are in place for all children. We will consider any suitable action following our behaviour policy. If the child alleged to have

caused harm remains in school/academy we will be very clear as to our expectations regarding the child alleged to have caused harm now they have been convicted or cautioned. This could include expectations regarding their behaviour and any restrictions we think are reasonable and proportionate about the child alleged to have caused harm's timetable.

Any conviction (even with legal anonymity reporting restrictions) is potentially going to generate interest among other pupils or students in the school or college. We will ensure all children involved are protected, especially from any bullying or harassment.

Where cases are classified as "no further action" (NFA'd) by the police or Crown Prosecution Service, or where there is a not guilty verdict, we will continue to offer support to the victim and the child alleged to have caused harm for as long as is necessary. A not guilty verdict or a decision not to progress with their case will likely be traumatic for the victim. The fact that an allegation cannot be substantiated does not necessarily mean that it was unfounded. We will continue to support all parties in this instance.

It is also important to note that by law every child has the right to an education and therefore in instances where allegations have been withdrawn, NFA'd, unfounded or unsubstantiated children may be placed back into lessons together with a seating plan and safety mapping in place. This is decided on a case by case basis and with consideration to the rights, wishes and feelings of the victim.

Support to victims and those instigating harm

Support for Children Affected by Sexual-Assault

What support they require depends on the individual young person. It may be that they wish to seek counselling or one to one support via a mentor. It may also be that they feel able to deal with the incident(s) on their own or with support of family and friends; in which case it is necessary that this young person continues to be monitored and offered support should they require it in the future. Within school children will be offered a named member of staff they can talk to and pastoral support.

Other interventions that could be considered may be that through the continued curriculum of Relationship and Sex Education (from 2020), PSHE and SMSC that certain issues can be discussed and debated more frequently.

If the young person needs further support it may be that a risk assessment can be put in place for them whilst in school so that they have someone named that they can talk to, support strategies for managing future issues and identified services to offer additional support.

Support for victims of sexual assault is available from a variety of agencies (see Appendix 3).

We will support the victim of sexual assault to remain in school but if they are unable to do so we will enable them to continue their education elsewhere. This decision will be made only at the request of the child and their family. If they are moved, we will ensure the new school is aware of the ongoing support they may need. The DSL will support this move.

Where a criminal investigation into a rape or assault by penetration leads to a conviction or caution, we may take suitable action, if we have not already done so in line with the Behaviour policy. In all but the most exceptional of circumstances, the rape or assault is likely to constitute a serious breach of discipline and lead to the view that allowing the child alleged to have caused harm to remain in the same school or college would seriously harm the education or welfare of the victim (and potentially other pupils or students).

Where a criminal investigation into sexual assault leads to a conviction or caution, we may, if we have not already done so, consider any suitable sanctions using our behaviour policy, including consideration of permanent exclusion.

Where the child alleged to have caused harm is going to remain at the school or college, the principle would be to continue keeping the victim and child alleged to have caused harm in separate classes and use safety mapping to consider the most appropriate way to manage potential contact on school and college premises and transport. The nature of the conviction or caution and wishes of the victim will be especially important in determining how to proceed in such cases.

Reports of sexual assault and sexual harassment will, in some cases, not lead to a report to the police (for a variety of reasons). In some cases, rape, assault by penetration, sexual assault or sexual harassment are reported to the police and the case is not progressed or are reported to the police and ultimately result in a not guilty verdict. None of this means the offence did not happen or that the victim lied. The process will have affected both victim and child alleged to have caused harm. Appropriate support will be provided to both as required and consideration given to sharing classes and potential contact as required on a case-by-case basis.

All the above will be considered with the needs and wishes of the victim at the heart of the process (supported by parents and carers as required). Any arrangements should be kept under review.

For the young person who has displayed harmful behaviour

It is important to find out why the young person has behaved in such a way. It may be that the young person is experiencing their own difficulties and may even have been harmed themselves in a similar way. In such cases support such as one to one mentoring or counselling may also be necessary.

Particular support from identified services may be necessary through an early help referral and the young person may require additional support from family members (Appendix 4)

Once the support required to meet the individual needs of the young person is in place it is important that the young person receives a consequence for their behaviour in line with the school Behaviour policy. In the cases of sexually harmful behaviour it may be a requirement for the young person to engage in one to one work with a particular service or agency (if a crime has been committed this may be through the police or youth offending service). If there is any form of criminal investigation ongoing it may be that this young person does not

want to 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 elsewhere.

It may be that the behaviour that the young person 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 (via a referral to MASH) to ensure that the needs of the young person and the risks towards others are measured by all of those agencies involved including the young person and their parents. This may mean additional supervision of the young person or protective strategies if the young person feels at risk of engaging in further inappropriate or harmful behaviour.

The school may also choose a consequence such as exclusion or internal exclusion/inclusion/seclusion for a period of time to allow the young person to reflect on their behaviour.

After care

It is important that following the incident the young people involved continue to feel supported and receive help even if they have stated that they are managing the incident. Sometimes the feelings of remorse, regret or unhappiness may occur at a much later stage than the incident. It is important to ensure that the young people do not engage in any further harmful behaviour either towards someone else or to themselves as a way of coping (e.g. self-harm). For this reason, regular reviews with the young people following the incident(s) are imperative.

Multi-agency working

The School actively engages with its local partners in relation to child on child abuse, and works closely with Herefordshire Council children's social care, and/or other relevant agencies, and other schools.

The relationships the School has built with these partners are essential to ensuring that the School is able to prevent, identify early and appropriately handle cases of child on child abuse. They help the School

- (a) To develop a good awareness and understanding of the different referral pathways that operate in its local area, as well as the preventative and support services which exist;
- (b) To ensure that our [pupils/students] can access the range of services and support they need quickly;
- (c) To support and help inform our local community's response to child on child abuse;
- (d) To increase our awareness and understanding of any concerning trends and emerging risks in our local area to enable us to take preventative action to minimise the risk of these being experienced by our pupils. The School actively refers concerns/allegations of child on child abuse where necessary to Herefordshire Council children's social care, and/or other relevant agencies.

Children resident out of county but attending a Herefordshire school/academy will be reported to their home authority Social Care team.

In cases involving children who are subject to risk, harm and abuse and who have LAC status, the children's social worker must be informed and a coordinated approach to address any incidents or concerns will be required.

Appendix 1

Useful definitions

Sexual harassment

This can be defined as 'unwanted conduct of a sexual nature' that can occur online and offline. In the context of this guidance this means in the context of child on child sexual harassment. Sexual harassment is likely to: violate a child's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment. It can include:

- Sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
- Sexual "jokes" or taunting.

Sexting

Sexting is when someone shares sexual, naked or semi-naked images or videos of themselves or others or sends sexually explicit messages. They can be sent using mobiles, tablets, smartphones, laptops - any device that allows you to share media and messages. This is also known as youth produced sexual imagery The UK Council for Internet Safety (UKCIS) Education Group has published Advice for Schools and Colleges on Responding to Sexting Incidents

Upskirting

This 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. It is now a criminal offence and may constitute sexual harassment. Cases of 'up skirting' have a mandatory requirement for being reported.

Rape A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration and A does not reasonably believe that B consents.

Assault by Penetration A person (A) commits an offence if: s/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents.

Sexual Assault A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents.

Causing someone to engage in sexual activity without consent: A person (A) commits an offence if: s/he intentionally causes another person (B) to engage in an activity, the activity is sexual, B does not consent to engaging in the activity, and A does not reasonably believe that B consents. (NOTE – this could include forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party.) Jones, L et al. (2012).

Consent Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g. to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice. It is important to know that: -

- 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.

It is also important to differentiate between consensual sexual activity between children of a similar age and that which involves any power imbalance, coercion or exploitation. Due to their additional training, the designated safeguarding lead (or deputy) should be involved and leading the school or college response. If in any doubt, they should seek expert advice. It is important that schools and colleges consider sexual harassment in broad terms. Sexual harassment (as set out above) creates an atmosphere that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence.

Consensual and non-consensual sharing of nude and semi-nude images and/or videos (also known as sexting or youth produced sexual imagery): The DFE provides Searching Screening and Confiscation Advice for schools. The UKCIS Education Group has published Sharing nudes and semi-nudes: advice for education settings working with children and young people which outlines how to respond to an incident of nude and/or semi-nude being shared. Sharing nudes and semi-nudes: advice for education settings working with children and young people from GOV.UK

Harmful Sexual Behaviour (HSB) Children's sexual behaviour exists on a wide continuum, from normal and developmentally expected to inappropriate, problematic, abusive and violent. Problematic, abusive and violent sexual behaviour is developmentally inappropriate and may cause developmental damage. A useful umbrella term is "harmful sexual behaviour". The term has been widely adopted in child protection and is used in this advice.

Harmful sexual behaviour can occur online and/or offline and can also occur simultaneously between the two. Harmful sexual behaviour should be considered in a child protection context. Useful guidance can be found in: - NSPCC's and Research in Practice's Harmful Sexual Behaviour Framework: The Brook Sexual Behaviours Traffic Light Tool can also be very helpful in identifying sexual behaviours by children (Appendix 2) The Harmful Sexual Behaviour Support Service, funded by the Home Office and developed in collaboration with the Department for Education, is hosted by SWGfL and available Monday to Friday, 8am to

8pm, on 0344 225 0623 or hsbsupport@swgfl.org.uk. The service provides advice and resources to education and safeguarding professionals who encounter, or have concerns about, harmful sexual behaviour among the children they work with

Initiation/hazing

Hazing or initiation ceremonies refers to the practice of rituals, challenges, and other activities involving harassment, abuse or humiliation used as a way of initiating a person into a group. Hazing is seen in many different types of social groups, including gangs, sports teams and school groups. The initiation rituals can range from relatively low level pranks, to protracted patterns of behaviour that rise to the level of abuse or criminal misconduct. Hazing may include physical or psychological abuse. It may also include nudity or sexual assault.

Contextual Safeguarding

All staff, but especially the designated safeguarding lead (or deputy) should be considering the context within which 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.

Legislation, guidance and Law

Additional areas for consideration can be found in Sexual Violence and Sexual Harassment between Children in Schools and Colleges guidance 2021

Keeping Children Safe in Education 2022 Human Rights Act 1998

It is essential to note that this guidance adheres to and encourages all persons to ensure that they are adhering to the Human Rights Act 1998, specifically the right to an education, the right to a Fair trial and protection from discrimination.

Equalities Act 2010 This guidance is designed to ensure that the Equalities Act is adhered to at all times. The Equalities Act 2010 provides a basic framework for protection against direct and indirect discrimination, harassment and victimisation in education as well as other sectors.