



# **SEXUAL VIOLENCE AND PHYSICAL HARRASSMENT BETWEEN CHILDREN IN THE SCHOOL POLICY**

CREATED BY

PCC

RATIFIED BY THE GOVERNING BODY

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## **Introduction**

Schools have an obligation to deal with sexual harassment along with all other forms of bullying. All pupils are entitled to an education free of sexual harassment and violence and it is not acceptable or tolerated in this school. The school, its leadership team and governing body are committed to ensuring that the working and learning environment is free from sexual violence and harassment and action will be taken against those who breach this policy.

The same applies to teachers – they are entitled to a workplace free from harassment. This school also accepts that it is unlawful for a teacher to sexually harass pupils of any age and will refer any incidents of this nature to both the police and the local authority in line with its safeguarding policy.

Regardless of age, sexual violence and harassment is against the law. Under the Equality Act 2010 it is a criminal offence to cause sexual harassment, alarm or distress by a course of conduct on more than one occasion and conduct can include speech.

Certain types of bullying, about sex or sex-based characteristics, may also be sexual harassment. Anyone aged over 16 years is considered an 'adult student', which means they are personally liable if they sexually harass another pupil or teacher. A complaint of sexual harassment cannot be made against another pupil if the harasser is under 16 years. In these circumstances, however, the school still has a duty of care to protect pupils from harassment and discrimination.

Sexual violence and harassment is not behaviour that is based on mutual attraction, friendship or respect. If the interaction is consensual, welcomed and reciprocated it is not sexual harassment. Sexual violence and harassment is a non-consensual act and therefore is considered to be abuse or bullying.

Consent to sexual activity may be given to one sort of sexual activity but not another, or consent may be given with some conditions to the sexual activity. However, consent can be withdrawn at any time during sexual activity and each time activity occurs

**What is meant by sexual violence and sexual harassment?**

*‘Sexual harassment is unwanted behaviour of a sexual nature which: violates your dignity, makes you feel intimidated, degraded or humiliated or creates a hostile or offensive environment. Sexual harassment commonly takes place in public, including workplaces, public spaces and schools. It can be targeted at anyone regardless of gender’.*

Sexual violence and sexual harassment can occur between children or young people of any sex. They can also occur through a group of children or young people sexually assaulting or sexually harassing a single child or group of children.

Victims of sexual violence or sexual harassment will likely find the experience stressful and distressing. This could adversely affect their educational attainment. This school will aim to support these students to access their education and access the correct specialist support, working in partnership with the police and children’s services.

## **What we do in school to educate our children**

This school aims to foster a culture in which pupils and staff take sexual violence and harassment seriously. Key topics such as consent, healthy relationships, safeguarding, and domestic violence are covered in our curriculum.

The school will always challenge behaviour or language that seeks to normalise sexual harassment or violence in school. Sanctions can be applied in accordance with our behaviour policy.

The aims of the school are:

- to create a working and learning environment that is free from sexual harassment and where all pupils are treated with courtesy, dignity and respect
- to promote appropriate standards of conduct at all times
- to implement strategies to ensure that all members of the school community know their rights and responsibilities in this area
- to encourage the reporting of sexual harassment
- to provide an effective complaints procedure based on principles of natural justice

- to treat all complaints in a serious, sensitive, fair, timely and confidential manner
- to guarantee against victimisation or reprisals

We deliver a planned programme of evidence-based content through the curriculum and assemblies. Our programme is developed to be age and stage of development appropriate, and tackles such issues as:

- Healthy and respectful relationships, including information on consent;
- What respectful behaviour looks like;
- Gender roles, stereotyping, and equality;
- Body confidence and self-esteem;
- Prejudiced behaviour;
- Non tolerance of sexual violence and sexual harassment
- The law about sexual violence and harassment including social media issues

We also invite external organisations to deliver information sessions to our pupils and parents. We ensure our Designated safeguarding Person (DSP) has appropriate and regular training and all staff are trained to recognise abuse and harmful sexual behaviours.

## How do we respond?

Reports of sexual violence and sexual harassment are likely to be complex and require difficult professional decisions to be made and this school will implement its safeguarding process and procedure to ensure all reports of this nature are dealt with seriously and fairly including online sexual harassment. This may include being supported by other agencies, such as Children's Services and the Police as required.

Some situations 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

- Creating and sharing sexual photos and videos of under-18s is illegal (often referred to as sexting). This includes children making and sharing sexual images and videos of themselves.

Our safeguarding principle is that if a child has been harmed, is in immediate danger, or is at risk of harm a referral will be made to the Child Care Assessment Team (CCAT). We will usually inform parents that we are making a referral but it may be that a referral is made without parental knowledge in order to safeguard students involved. Advice on this issue will be taken from the CCAT. We will also work closely with the Police if the sexual violence or harassment has been considered to constitute a crime.

We will always reassure victims that they are being taken seriously and that they will be supported and kept safe. As with all safeguarding concerns, our staff are trained to follow the school safeguarding policy and will speak to our Designated Safeguarding Person (DSP). This discussion will be handled sensitively and with the support of Children's Services if required.

In some cases of sexual harassment, e.g. one-off incidents, the report may not meet threshold for statutory intervention and that it would be appropriate to handle the incident internally in school, perhaps through implementing our behavior and bullying policies and by providing pastoral support. Some families may feel they need some extra support in this circumstance and can be referred or make a self-referral to Team Around the Family (TAF) for support.

Incidents of online sexual violence and sexual harassment can introduce a number of complex factors. These include the potential for the incident to take place across a number of social media platforms and to move from platform to platform. It also includes the potential for the impact of the incident to extend further than our local community (e.g. for images or content to be shared around neighbouring schools/colleges) and for a victim (or alleged perpetrator) to become marginalised and excluded by both online and offline communities. There is also the strong potential for repeat victimisation in the future if abusive content continues to exist somewhere online.

We will act in accordance with our Bullying Policy if we are made aware that our students are using online platforms, which in any way jeopardises the safety of other members of our school community.

## **Confidentiality**

Staff will always maintain confidentiality for both victim and alleged perpetrator as far as it is able and will only share a report of sexual violence or harassment with relevant staff or agencies that are required to provide an appropriate response and support for both the pupil and parents.

There are no definitive answers if a pupil asks the school not to tell anyone about the sexual violence or sexual as there may still be a lawful requirement to share it if the activity has constituted a crime and the schools has a duty to protect children from harm.

If a decision is made to make a referral to Children's Services and/or a report to the Police against the victim's wishes, this will be handled extremely carefully, the reasons will in most cases be explained to the victim and appropriate support offered.

We will also act in accordance with our Bullying Policy when considering the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities.

## **Risk Assessment**

Following a report of sexual violence, the DSP will undertake a risk assessment taking into consideration any other agency's professional risk assessment. Where there has been a report of sexual harassment, the need for a risk assessment will be considered on a case-by-case basis. The risk assessment should consider the needs of the victim, the alleged perpetrator and any other children (and, if appropriate, staff) at school.

Where there is a criminal investigation into a sexual assault the school will consider removing the perpetrator from any classes they share with

the victim and maintain a reasonable distance apart on school premises and on school transport where appropriate. 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.

As there may be delays in progressing any alleged crime through the criminal justice system, the school will not wait for the outcome (or even the start) of a police investigation before protecting the victim, alleged perpetrator and other children in the school. The risk assessment will help inform any decision. The risk assessment will be recorded (written or electronic) and will be kept under regular review, reflecting any changes in circumstances.

The risk assessment will include consideration of:

- 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.
- The nature of the alleged incident(s), including whether a crime might have been committed and consideration of harmful sexual behaviour;
- The ages and developmental stages of the pupils involved;
- Any power imbalance between the students (e.g. is the alleged perpetrator significantly older) or ongoing risk
- If the alleged incident is a one off or a sustained pattern of abuse (where this may be known);

## **Police Involvement**

When there is a criminal investigation, early engagement and joined up working between the School, the CCAT and the Police will be critical to support the victim, alleged perpetrator and other pupils involved (especially potentially witnesses). Where required, advice from the Police will be sought to agree what information can be disclosed to staff and others and to help the school manage our safeguarding responsibilities. We will also discuss the best way to protect the victim and their anonymity.

Where conditions have been placed on the alleged perpetrator, the school will work with the CCAT and the police to manage any implications, and safeguard their pupils whilst not undermining the criminal investigation. An important consideration will be to ensure that the victim can continue in their normal routine, including continuing to receive a suitable education.

If a pupil 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 pupils at the school and, if it has not already, and consider any suitable action in light of our Behaviour Policy.

If the perpetrator remains in school we will be very clear as to our expectations regarding them now they have been convicted or cautioned. This could include expectations regarding their behaviour and any restrictions we think are reasonable and proportionate with regard to the perpetrator's timetable and movement around the school. Our risk assessment will continue to be revised where necessary.

Any conviction (even with legal anonymity reporting restrictions) is potentially going to generate interest among other students in the school. We will do our utmost to ensure that the victim and alleged perpetrator remain protected, especially from any bullying or harassment (including online). Where necessary we will invoke sanctions from our Behaviour and Bullying Policies.

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 alleged perpetrator for as long as is necessary. The fact that an allegation cannot be substantiated or does not lead to a conviction or caution does not necessarily indicate innocence or guilt. We will discuss any decisions with the victim and continue to offer support in order for them to access their education. The alleged perpetrator is also likely to require ongoing support for what will have likely been a difficult experience.

## Ongoing Considerations

Overall, the priority should be to make the victim's daily experience after a report as normal as possible, so that their school is a safe space for them and will tailor support as required on a case by case basis according to proportionality. The school will consider whether a physical space is required for victims to withdraw and avoid any action that would have the effect of isolating the victim, in particular from supportive peer groups.

It may be necessary for us to maintain arrangements to protect and support the victim for a long time. We will do our best to continue to support this need and will aim to do all we can to reasonably protect the victim from any bullying or harassment because of any report they have made. If the trauma results in the victim being unable remain in the school we will support a move to another school if requested by the victim and parents/carers.

Where a criminal investigation into a sexual assault leads to a conviction or caution, the school will take suitable action including consideration of whether or not the perpetrator should remain in the same school.

The process will have affected both victim and alleged perpetrator and the school is required to provide both the victim and alleged perpetrator with an education. The school must also offer safeguarding support as appropriate whilst implementing any disciplinary sanctions. The alleged perpetrator may also experience stress as a result of being the subject of allegations and/or negative reactions by their peers to the allegations against them. If the alleged perpetrator is moved to another educational institution (either by request or decision made in best interest), then we will ensure that the new educational institution is made aware of any ongoing support needs.

## **Parental/Carer Involvement**

We understand that parents and carers may well struggle to cope with a report that their child has been the victim of an assault or is alleged to have assaulted another child. The school will consult with both the victim's and the alleged perpetrator's parents or carers when there has been a report of sexual violence or harassment. The exception to this

rule is if there is a reason to believe informing a parent/carer will put a child at additional risk in line with our safeguarding policy.

The school will carefully consider what information they provide to the respective parents or carers about the other child involved for safeguarding purposes.

The school will meet the victim's parents/carers 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.

The school will also meet with the alleged perpetrator's parents/carers to discuss any arrangements that are being put into place that impact the 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 and support for the alleged perpetrator will be discussed.

## **Safeguarding other children**

The school will consider any support needed for pupils who have witnessed sexual violence. Witnessing such an event is likely to be traumatic and support may be required. We will signpost agencies and support services available where need.

Following any report of sexual violence or sexual harassment, it is likely that some children will take "sides". The school will do all we can to ensure both the victim and alleged perpetrator, and any witnesses, are not being bullied or harassed.

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 and a very high likelihood that friends from either side could well harass the victim or alleged perpetrator online. Any evidence we obtain of students using social media inappropriately will be sanctioned according to our Behaviour and Bullying Policies.

## Policy Review

This policy will be reviewed and ratified three yearly at a full governing body meeting and recorded in the minutes.

	Name	Signature	Date
Originator			
Originator			

Review Date	
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