# Southerly Point Co-operative Multi-Academy Trust

# Peer on Peer Abuse [Managing allegations against other pupils, including sexual harassment and sexual abuse] Policy

## Equality Impact Assessment

| | |
|---|---|
| The EIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.* | ✓ |
| The EIA has not identified any conflict with the Trust's co-operative values and the Church Schools' values. | ✓ |
| Adjust the policy to remove barriers identified by the EIA or better promote equality. | ✓ |

*Inclusive of protected characteristics

| Provenance | Date |
|---|---|
| Working Party | Oct 2021 |
| HR checks | |
| Union Consultation | |
| Trustees' Ratification | Oct 2021 |
| Implementation | Oct 2021 |

| Review Date |
|---|
| **September 2022** |
| |

| | |
|---|---|
| **To be read in conjunction with:** | **Please see full list of related policies on Page 2.** |

**Self Help Self Responsibility Equity Equality Democracy Solidarity**
**Social Responsibility Honesty Openness Caring for Others**

**SOUTHERLY POINT CO-OPERATIVE MULTI-ACADEMY TRUST**

**PEER ON PEER ABUSE [MANAGING ALLEGATIONS AGAINST OTHER PUPILS, INCLUDING SEXUAL HARASSMENT AND SEXUAL ABUSE] POLICY**

As part of Southerly Point Co-operative Multi-Academy Trust, Helston Community College has adopted the following policy agreed by the Trust Board.

# "Safeguarding is everyone's responsibility"

Keeping Children Safe in Education, 2021 states that 'Governing bodies and proprietors should ensure their child protection policy includes procedures to minimise the risk of peer on peer abuse and sets out how allegations of peer on peer abuse will be investigated and dealt with' [paragraph 144 - 146]. The document also states it is most important to ensure opportunities of seeking the voice of the child are heard: 'Governing bodies, proprietors and school or college leaders should ensure the child's wishes and feelings are taken into account when determining what action to take and what services to provide. Systems should be in place for children to express their views and give feedback. Ultimately, all systems and processes should operate with the **best** interests of the child at heart.' While it is recommended that Peer on Peer abuse is part of the Child Protection & Safeguarding Policy, due to the sensitive nature and specific issues involved with peer on peer abuse we have completed this separate policy.

In Keeping Children Safe in Education September 2018 Part Five was added to include child on child sexual violence and sexual harassment. We have therefore incorporated the key guidance from this section which should be accessed for more information.

There is additional advice available to schools in the guidance Sexual Violence and sexual harassment between children in schools and colleges September 2021.

In early 2021 Ofsted was asked by the government to carry out a rapid review of the extent of sexual harassment and sexual abuse in schools and colleges following the setting up of a website called 'Everyone's Invited'. The website asked those who had experienced sexual harassment and sexual abuse by their peers to share their testimonials on the site. Over 50,000 have been shared to date. The report summarised the findings and recommendations.

This will now be a focus of future Ofsted and ISI inspections.

**Context**

At the school we believe that all children have a right to attend school and learn in a safe environment. Children should be free from harm by adults in the school and other children.

All behaviour 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. In this policy, we recognise the importance of distinguishing between problematic and abusive.

Peer on peer abuse can happen both inside and outside of school and online. We have a responsibility to consider peer on peer abuse in all contexts and ensure we record factual information of incidents reported to us from outside of school. This information may then be included in any referral or passing on of information to partner agencies.

**Vulnerable Groups**

We recognise that all children can be at risk. However we acknowledge that some groups are more vulnerable. These 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 it is girls who are more frequently identified as being abused by their peers and girls are more likely to experience unwanted sexual harassment 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 peer on peer abuse but they do so in gendered ways.

**Policies**

We have the following policies in place that should be read in conjunction with this policy:

- Safeguarding and Child Protection Policy
  Online Safety and Data Security Policy
- Pupil Health and Wellbeing
- Anti-Bullying Policy
  Exclusions Policy
- Behaviour Policy
- Student Confidentiality Policy
- Personal, Social, Health, Citizenship and Economic Education ("PSHCEE") Policy
- Relationship and Sex Education Policy

**What is Peer on Peer Abuse**

Peer on peer abuse occurs when a young person is exploited, bullied and /or harmed by their peers who are the same or a similar age; everyone directly involved with peer on peer abuse is under the age of 18 which defines the legal definition for a child in England.

There is no clear boundary between incidents that should be regarded as abusive and incidents that are more properly dealt with as bullying, sexual experimentation etc. This is a matter of professional judgement. If one child 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. However, it may be appropriate to regard a child's behaviour as abusive if:

- There is a large difference in power [for example age, size, ability, development] between the children concerned; or
- The perpetrator has repeatedly tried to harm one or more other children; or

- There are concerns about the intention of the alleged child. If the evidence suggests that there was an intention to cause severe harm to the victim or to exploit them, this should be regarded as abusive whether or not severe harm was actually caused.

Reports of sexual violence and sexual harassment are extremely complex to manage. It is essential that victims are protected, offered appropriate support and every effort is made to ensure their education is not disrupted. It is also important that other children and school staff are supported and protected as appropriate.

**Prevention**

As a school we will minimise the risk of allegations against other children by:

- Having a zero tolerance approach to abuse. Sexual harassment should never be passed off as "banter", "just having a laugh", "part of growing up", or "boys being boys" as this can lead to a culture of unacceptable behaviours and create an unsafe environment for children.
- Providing a developmentally appropriate PSHE and RSHE curriculum which develops children's understanding of acceptable behaviour and keeping themselves safe.
- Having a robust online safety programme which develops children's knowledge, understanding and skills, to ensure personal safety and self-protection when using the internet and social networking.
- Having robust monitoring and filtering systems in place to ensure children are safe and act appropriately when using information technology in school.
- Having systems in place for any child to raise concerns with staff, knowing that they will be listened to, believed and valued.
- Delivering targeted work on assertiveness and keeping safe to those children identified as being at risk.
- Developing robust risk assessments & providing targeted work for pupils identified as being a potential risk to other children.
- We will ensure that there are clear and consistent boundaries to what is considered to be acceptable behaviour and children will understand the consequences of unacceptable behaviour or language.
- The school will ensure that parents have a clear understanding of behaviours and language that are not acceptable within school.

**Allegations against other children which are safeguarding issues**

Occasionally, allegations may be made against children by other children in the school which are of a safeguarding nature. Safeguarding issues raised in this way may include physical abuse, emotional abuse, sexual abuse, teenage relationship abuse and sexual exploitation, bullying, cyber bullying, the taking and sharing of nude and semi-nude images, sexual violence or sexual harassment. It should be considered as a safeguarding allegation against a child if some of the following features are present. The allegation:

- Is made against an older child and refers to their behaviour towards a younger child or a more vulnerable child
- Is of a serious nature, possibly including a criminal offence
- Raises risk factors for other children in the school

- Indicates that other children may have been affected by this child
- Indicates that children outside the school may be affected by this child.

**Examples of safeguarding issues against a child could include:**

**Physical Abuse**. Physical abuse may include, hitting, kicking, nipping, shaking, biting, hair pulling, or otherwise causing physical harm to another person. There may be many reasons why a child harms another and it is important to understand why a child has engaged in such behaviour, including accidentally, before considering the action or sanctions to be undertaken.

**Bullying [including cyber bullying, prejudice based and discriminatory bullying]**. Bullying is unwanted, aggressive behaviour among school aged children that involves a real or perceived power imbalance. The behaviour is repeated, or has the potential to be repeated, over time. Both children who are bullied and who bully others may have serious, lasting problems. In order to be considered bullying, the behaviour must be aggressive and include:

- An Imbalance of Power: Children who bully use their power—such as physical strength, access to embarrassing information, 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. Bullying includes actions such as making threats, spreading rumours, attacking someone physically or verbally or for a particular reason e. g. size, hair colour, race, gender, sexual orientation, and excluding someone from a group on purpose.

**Nude or semi-nude images.** This is when someone sends or receives a sexually explicit text, image or video. This includes sending 'nude pics', 'rude pics' or 'nude selfies'. Pressuring someone into sending a nude picture can happen in any relationship and to anyone, regardless of their age, gender or sexual preference. However, once the image is taken and sent, the sender has lost control of the image and these images could end up anywhere. By having in their possession, or distributing, indecent images of a person under 18 on to someone else, young people are not even aware that they could be breaking the law as stated as these are offences under the Sexual Offences Act 2003.

The UKCIS Education Group has published Sharing nudes and semi-nudes: advice for education settings working with children. Consensual image sharing, especially between older children of the same age, may require a different response. It might not be abusive but children still need to know it is illegal, whilst non-consensual is illegal and abusive. UKCIS provides detailed advice about sharing of nude and semi-nude images and videos.

**'Upskirting'**. Upskirting is a criminal offence – it is defined in Keeping Children Safe in Education 2021 as '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.

**Emotional Abuse.** This can include blackmail or extortion and may also include threats and intimidation. This harmful behaviour can have a significant impact on the mental health and emotional well-being of the victim and can lead to self-harm.

**Sexual Abuse.** Sexually harmful behaviour from children is not always contrived or with the intent to harm others. It 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. There may be many reasons why a child engages in sexually harmful behaviour and it may be just as distressing to the child who instigates it as well as the child it is intended towards.

Sexually harmful behaviour may range from inappropriate sexual language, inappropriate role play, to sexually touching another or sexual assault/abuse. It can also include indecent exposure, indecent touching /serious sexual assaults or forcing others to watch pornography or take part in sexting.

**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. The abusive teen uses this pattern of violent and coercive behaviour, in a heterosexual or same gender relationship, in order to gain power and maintain control over the partner.

**Sexual Exploitation**. This can include encouraging other children to engage in inappropriate sexual behaviour or grooming and recruiting members of the peer group into being sexually exploited by other children or adults. It can also include photographing or videoing other children performing indecent acts.

**Child sexual violence and sexual harassment.** Please consider in conjunction with Part 5 of KCSIE September 2021 and the Departmental advice: Sexual Violence and Sexual Harassment Between Children in Schools and Colleges.

Sexual violence and sexual harassment can occur between two children of any age and sex. It can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children. We should assume it is happening in our school.

Sexual harassment refers to 'unwanted conduct of a sexual nature' that can occur online as well as off line. Children's sexual behaviour exists on a continuum, from normal and developmentally expected to inappropriate, problematic, abuse and violent. When considering harmful sexual behaviours, it is very important to consider the age and stage of development of the individual child.

Children who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. This is likely to adversely affect their educational attainment. Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline [both physically and verbally] and are never acceptable. It is important that all victims are taken seriously and offered appropriate support. Examples of what would constitute sexual violence and sexual harassment can be found on pages 11 and 12 of Sexual violence and sexual harassment between children in schools and colleges.

Any form of sexual violence and harassment should not be passed off as 'banter' or 'part of growing up' or a bit of fun' and must always be taken seriously. Evidence shows that girls, children with special educational needs and disabilities [SEND] and LGBT children are at greater risk.

All incidents of sexual harassment of a child as well as sexual abuse **must be recorded.** Ofsted/ISI would expect to see that the school are recording all incidents and analysing these carefully.

**Consent**

Consent is about having the freedom and capacity to choose. 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 should be involved and leading the school response. If in any doubt, they should seek expert advice.

**Procedure for Dealing with Allegations of Peer on Peer Abuse**

When an allegation is made by a child against another child, members of staff should consider whether the complaint raises a safeguarding concern.

All children should feel confident to report peer on peer abuse. Reporting systems should be made clear to children, well promoted and easily accessible. They need to feel confident that their concerns will be taken seriously.

If there is a safeguarding concern the Designated Safeguarding Lead [DSL] should be informed. **IF YOU ARE AT ALL IN DOUBT YOU SHOULD DISCUSS IT WITH YOUR DSL.**

A factual record should be made of the allegation but no attempt at this stage should be made to investigate the circumstances.

The Designated Safeguarding Lead should contact the MARU to discuss the case.

The Designated Safeguarding Lead will follow through the outcomes of the discussion and make a referral where appropriate. If the allegation indicates that a potential criminal offence has taken place, the police will become involved.

Parents, of both the child/ren being complained about and the alleged victim/s, should be informed and kept updated on the progress of the referral.

The Designated Safeguarding Lead will make a record of the concern, the discussion and any outcome and keep a copy in the Secure Safeguarding records.

If the allegation highlights a potential risk to the school and the child, the school will follow the school's behaviour policy and procedures and take appropriate action.

In situations where the school considers a safeguarding 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.

Best practice in relation to record keeping and confidentiality should be adhered to at all times.

If the child has disclosed any potential harm staff need to ensure the principles and best practice of dealing with a disclosure of abuse are followed

**Risk Assessment**

Where there has been a report of physical or sexual violence the Designated Safeguarding Lead should make an immediate risk and needs assessment.

If the allegation is of a verbal nature, then the need for a risk assessment should be decided on a case by case basis.

All decisions need to be carefully documented and these records kept securely by the Designated Safeguarding Lead.

It is important to consider the wishes and feelings of the alleged victim, but these should not override any actions in relation to potential safeguarding risks to other children. The potential

for ongoing risk of harm towards children and staff should be considered. Sensitivity however is key.

Other related issues and the wider context should be considered as part of the risk assessment

Consideration about how best to support and protect the alleged perpetrator will also be considered. Referrals where appropriate will be made to Early Help or Children's Social Care [MARU] through the Designated Safeguarding Lead.

If it is considered necessary to involve the police, this will be done in parallel with a referral to children's social care.

**Follow up Actions - children sharing a classroom**

Whilst the school establishes the facts of the case and starts the process of liaising with children's social care and the police:

- We will consider how best to keep the victim and alleged perpetrator a reasonable distance apart on school premises and on transport to and from the school. This is likely to include removing the alleged perpetrator from any classes they share with the victim.

These actions are in the best interests of both children and should not be perceived to be a judgment on the guilt of the alleged perpetrator.

**Manage Internally**

In some cases, the Designated Safeguarding Lead may make the decision that this is a one-off incident with no significant harm to the child and deal with it internally. The behaviour and bullying policy may be referred to in these incidents. All decisions as well as the alleged incident should be clearly recorded.

**Support for Children**

The age and developmental stage of the alleged victim need to be considered and the risk of any further harm. It is likely that a power imbalance may have been created between the victim and the alleged perpetrator.

Support for children can be available from a variety of agencies. We will support the victim of any 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.

If the offence is of a sexual nature there may be a criminal investigation and guidance about the schools' response to both the victim and the perpetrator would be considered in discussion with the local authority and police.

Where the alleged perpetrator is going to remain at the school, the principle would be to undertake a further risk assessment to consider whether there is a need to continue keeping the victim and perpetrator in separate classes and continue to consider the most appropriate way to manage potential contact on school 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.

**Recommended Resources**

This advice should not be read in isolation. It is important for schools and colleges to consider other relevant advice and guidance, including the following [which is not intended to be an exhaustive list], as part of their approach to protecting children from bullying and sexual harassment and sexual abuse.

Useful guidance/advice includes:

- Keeping children safe in education [statutory guidance for schools and colleges]
- Sexual violence and sexual harassment between children in schools and colleges [guidance for schools]
- Teaching about relationships sex and health [guidance for schools]
- Relationship Education, Relationships and Sex Education and Health Education [statutory guidance for schools]
- Working Together to Safeguard Children [statutory guidance for schools and colleges]
- Exclusions from maintained schools, academies and PRUs [statutory guidance for schools]
- Behaviour and Discipline in Schools [advice for schools]
- Children Missing Education [advice for schools]
- Preventing and Tackling Bullying [advice for schools], including Cyberbullying [advice for schools]
- The Equality and Human Rights Commission [provides advice on avoiding discrimination in a variety of educational contexts]
- Mental Health and Behaviour in Schools [advice for schools]
- Rise Above [advice by Public Health England for schools]
- Promoting children and young people's emotional health and wellbeing [advice for schools]
- UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people

This policy is based on the model policy by CAPH [Cornwall Association of Primary Heads], revised in August / September 2021. It was written on behalf of CAPH by Helen Trelease [Independent Safeguarding Trainer and Advisor].