

# Woodchurch High School

*A Church of England Academy*



## **SEXUAL VIOLENCE, SEXUAL HARASSMENT & CHILD ON CHILD ABUSE POLICY DOCUMENT**

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## Introduction

Keeping Children Safe in Education, 2021 (KCSIE 2021) Part 5 states that Sexual violence and sexual harassment can occur between two children of any age and gender, from primary through to secondary stage and into colleges.

It can occur through a group of children sexually assaulting or sexually harassing a single child or group of children. Sexual violence and sexual harassment exist on a continuum and may overlap; they can occur online and face to face (both physically and verbally) and are never acceptable. As set out in Part one of this guidance, all staff working with children are advised to maintain an attitude of ‘**it could happen here**’.

***This policy was written in line with the guidance from KCSIE 2021 and Sexual Violence and Sexual Harassment in Schools and Colleges 2021 and these should be referred to for further detail when dealing with an allegation.***

## What Schools Should be Aware of

At Woodchurch High School we recognise that 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, including those outside the school, and or online.

At Woodchurch High School there is a uniform approach. It is made clear that there is a zero-tolerance approach to sexual violence and sexual harassment and it is never acceptable, and it will not be tolerated and it should never be passed off as “banter”, “just having a laugh”, “part of growing up” or “boys being boys”, or “it’s just what girls of their age do”.

Staff challenge physical behaviour (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, pulling down trousers, flicking bras and lifting up skirts.

Dismissing or tolerating such behaviours risks normalising them; and not recognising, acknowledging or understanding the scale of harassment and abuse and/or downplaying some behaviours related to abuse as it can lead to a culture of unacceptable behaviour, an unsafe environment and in worst case scenarios a culture that normalises abuse leading to children accepting it as normal and not coming forward to report it.

There is an understanding that all of the above can be driven by wider societal factors beyond the school, such as everyday sexist stereotypes and everyday sexist language. This is why a whole school approach (especially preventative education) is so vital.

## Sexual Violence

It is important that school is aware of sexual violence and the fact children can, and sometimes do, abuse other children in this way and that it can happen both inside

and outside of school. When referring to sexual violence in this advice, we do so in the context of child on child sexual violence.

For the purpose of this advice, when referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003<sup>14</sup> as described below:

## **Rape**

A person (A) commits an offence of rape if: they intentionally penetrate the vagina, anus or mouth of another person (B) with their 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: they intentionally penetrate 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: they intentionally touch another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents. (Schools should be aware that sexual assault covers a very wide range of behaviour so a single act of kissing someone without consent or touching someone's bottom/breasts/genitalia without consent, can still constitute sexual assault.)

## **Causing someone to Engage in Sexual Activity Without Consent**

A person (A) commits an offence if: they intentionally cause 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. (This could include forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party.)

## **What is 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.

- a child under the age of 13 can never consent to any sexual activity;
- the age of consent is 16; 17

- sexual intercourse without consent is rape.

## Sexual Harassment

For the purpose of this advice, when referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur online and offline and both inside and outside of school.

When we reference sexual harassment, we do so 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. Whilst not intended to be an exhaustive list, sexual harassment 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;
- physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes (school should be considering when any of this crosses a line into sexual violence - it is important to talk to and consider the experience of the victim) and displaying pictures, photos or drawings of a sexual nature; and
- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence.

It may include:

- consensual and non-consensual sharing of nude and semi-nude images and/or videos. As set out in UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people (which provides detailed advice for schools and colleges) taking and sharing nude photographs of U18s is a criminal offence;
- sharing of unwanted explicit content;
- upskirting (is a criminal offence<sup>20</sup>);
- sexualised online bullying;
- unwanted sexual comments and messages, including, on social media;
- exploitation; coercion and threats.

## Harmful Sexual Behaviour

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" (HSB). The term has been widely adopted in child protection and is used in this advice. HSB can occur online and/or face to face and can also occur simultaneously between the two. HSB should be considered in a child protection context.

When considering HSB, ages and the stages of development of the children are critical factors. Sexual behaviour between children can be considered harmful if one of the children is much older, particularly if there is more than two years' difference or if one of the children is pre-pubescent and the other is not.

However, a younger child can abuse an older child, particularly if they have power over them, for example, if the older child has a diagnosis of SEND or is smaller in stature.

While it is recommended that child on child abuse is part of the Child Protection Policy, due to the sensitive nature and specific issues involved with child on child abuse we have completed this separate policy guidance template.

## **Child on Child Abuse**

At Woodchurch High School we continue to ensure that any form of abuse or harmful behaviour is dealt with immediately and consistently to reduce the extent of harm to the young person, with full consideration to impact on that individual child's emotional and mental health and well-being.

Children and young people may be harmful to one another in a number of ways which would be classified as child on child abuse. The purpose of this policy is to explore the many forms of child on child abuse and include a planned and supportive response to the issues.

At Woodchurch High School we have the following policies in place that should be read in conjunction with this policy:

- Anti-Bullying Policy
- Safeguarding Policy
- Cyber Bullying Policy
- Sexting Policy
- Online Safety Policy
- Wellbeing Policy
- Behaviour Policy

## **Child on Child Abuse and Discriminating Between Exploratory Play and Child Sex Abuse**

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.

The Safeguarding Lead will use their professional judgement to determine whether an incident between children is abusive. 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.

However, it may be appropriate to regard a young person's behaviour as abusive if:

- There is a large difference in "power", i.e. age, size, issues over vulnerability, SEND or development, between the children.
- The alleged perpetrator has repeatedly tried to harm another child or other children.
- There are concerns about the intention of the alleged perpetrator. • If the evidence suggests that there was an intention to cause severe harm to the victim, this should be regarded as abusive whether or not severe harm was actually caused.
- Allegations of child on child abuse will be taken as seriously as allegations of abuse perpetrated by an adult.
- The age and understanding of the alleged perpetrator must be considered throughout the decision making process.
- The circumstances of the alleged perpetrator must be assessed separately from those of the alleged victim, and the reasons for his/her behaviour must be explored.
- All allegations of abuse made against a person under 18 years old should be passed to children's social care.
- The possible impact on the child/victim.
- Any disparity in age between the alleged abusing child and abused child.
- Whether there is any element of coercion or violence involved.

Exploratory play can be dealt with in school, but allegations of child on child sex abuse should be referred to children's social care.

The Safeguarding Lead should consider the continuum of sexual behaviours and also that exploratory play can be handled in school. Also staff may want to consult the Wirral Council's Local Safeguarding Board sets out information on sexually harmful behaviour by children, which includes guidance on referral to local children's specialist services, and incidents involving children under 10.

[http://wirrallscb.proceduresonline.com/chapters/p\\_ch\\_yp\\_sex\\_harm\\_behv.html#sexually\\_harm](http://wirrallscb.proceduresonline.com/chapters/p_ch_yp_sex_harm_behv.html#sexually_harm)

## Types of Abuse

There are many forms of abuse that may occur between children and this list is not exhaustive. Each form of abuse or prejudiced behaviour is described in detail followed by advice and support on actions to be taken.

### **Physical abuse e.g. (biting, hitting, kicking, hair pulling etc.)**

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 young person has engaged in such behaviour, including accidentally before considering the action or punishment to be undertaken.

### **Bullying (physical, name calling, homophobic etc.)**

Bullying is unwanted, aggressive behaviour among school aged children that involves a real or perceived power imbalance. The behaviour is repeated, or is sustained over

time. Both young people 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: Young people 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 and are sustained.

Bullying includes actions such as making threats, spreading rumours, attacking someone physically or verbally or for a particular reason e.g. size, hair colour, gender orientation, sexual orientation, and excluding someone from a group on purpose.

### **Cyber bullying**

Cyberbullying is the use of phones, instant messaging, e-mail, chat rooms or social networking sites such as Facebook and Twitter to harass threaten or intimidate someone for the same reasons as stated above.

It is important to state that cyber bullying can very easily fall into criminal behaviour under the Malicious Communications Act 1988 under section 1 which states that 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 be criminal. This is also supported by the Communications Act 2003, Section 127 which states that electronic communications which are grossly offensive or indecent, obscene or menacing, or false, used again for the purpose of causing annoyance, inconvenience or needless anxiety to another could also be deemed to be criminal behaviour.

If the behaviour involves the use of 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 choice but to involve the police to investigate these situations.

### **Sexting**

Sexting 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, whatever 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.



## **Initiation/Hazing**

Hazing is a form of initiation ceremony which is used to induct newcomers into an organisation such as a sports team etc. There are a number of 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 members of the organisation, because they all experienced it as part of a rite of passage. Many rituals involve humiliation, embarrassment, abuse, and harassment.

## **Prejudiced Behaviour**

The term prejudice-related 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 to do with disabilities and special educational needs, ethnic, cultural and religious backgrounds, gender, home life (for example in relation to issues of care, parental occupation, poverty and social class) and sexual identity (homosexual, bisexual, transsexual, non-binary).

## **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.

## **School Procedure When dealing with An Allegation of Sexual Harassment or Sexual Violence**

The management of children and young people with sexually harmful behaviour is complex, and the principal and appropriate designated senior person officer will work with other relevant agencies to maintain the safety of the whole school community.

Young people who display such behaviour may be victims of abuse themselves and the child protection procedures will be followed for both victim and perpetrator.

## **What staff should do if an allegation of abuse is made against a child.**

Anyone who has a concern that a child might have been abused by another child should refer their concerns to the Safeguarding Lead, Mr Canham, or the Deputy, Mr Smith.

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 or their experience minimised.

When a member of staff is receiving the allegation they must listening carefully to the child, reflecting back, using the child's language, being non-judgmental, being clear about boundaries and how the report will be progressed, not asking leading questions and only prompting the child where necessary with open questions – where, when, what, etc. It is important to note that whilst leading questions should generally be avoided, staff can ask children if they have been harmed and ask what the nature of that harm was. It would be best practice to make simple notes during the disclosure and write up immediately after and submit to the DSGL both on **My Concern** and in person within the hour.

It is crucial that at this stage that an investigation into the allegation is not started or ask for more information from the alleged victim or other children.

### **What the school will do next**

The Headteacher/Mr Canham/Mr Smith will decide whether the matter should be dealt with under the school's safeguarding policy or bullying/discipline policy.

There are four likely scenarios for schools and colleges to consider when managing any reports of sexual violence and/or sexual harassment. It will be important in all scenarios that decisions and actions are regularly reviewed and that relevant policies are updated to reflect lessons learnt.

These being:

#### **Manage internally**

In some cases of sexual harassment, for example, one-off incidents, the school or college may take the view that the children concerned are not in need of early help or require referrals to be made to statutory services and that it would be appropriate to handle the incident internally, perhaps through utilising their behaviour and bullying policies and by providing pastoral support.

The Headteacher/DSL will speak to each of the pupils involved with their parents/carers present, or to the parents/carers alone if appropriate (but never to the pupils alone) Keep the involved children separate throughout the school day to avoid collusion or intimidation (this may involve them attending on a rota basis until enquiries are complete).

It is important throughout the process to consider 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 or college's duty and responsibilities to protect other children;

It is important not to talk to the children about the incident to avoid distorting the evidence, other than initially establishing what is alleged to have taken place.

Keep a detailed log of actions, discussions and decisions.

### **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 nonviolent HSB and may prevent escalation of sexual violence.

### **Referrals to children's social care**

Where a child has been harmed, is at risk of harm, or is in immediate danger, schools and colleges should make a referral to local children's social care.

At the point of referral to children's social care, schools and colleges will generally inform parents or carers, unless there are compelling reasons not to (if informing a parent or carer is going to put the child at additional risk). Any such decision should be made with the support of children's social care.

If this is the case, once social care has been contacted and made a decision on what will happen next then you will be informed on your next steps.

### **Reporting to the police**

Any report to the police will generally be in parallel with a referral to children's social care (as above).

It is important that the designated safeguarding lead (and their deputies) are clear about the local process for referrals and follow that process.

Where a report of rape, assault by penetration or sexual assault is made, **the starting point is this should be passed on to the police**. Whilst the age of criminal responsibility is ten, if the alleged perpetrator is under ten, the starting principle of reporting to the police remains.

The police will take a welfare, rather than a criminal justice, approach. The following advice may help schools and colleges decide when to engage the Police and what to expect of them when they do: When to call the police.

If social care and the police intend to pursue this further they may ask to interview the young people in school or they may ask for parents/carers to come to school to be spoken to also.

If the situation warrants it (for example possible press coverage), sending a letter to all parents/carers of children in the school, giving appropriate information about the situation.

If the assessment concludes that the allegations made can be substantiated, the children should not necessarily be expected to continue their education in contact with each other.

The children responsible for the abuse should be moved if necessary. The views and wishes of the children who have been abused and their parents should be appropriately considered in the decision making.

Ongoing support will be offered to victims of abuse in conjunction with any recommendations of agencies involved.

### **Actions Headteachers can take following allegations**

If the assessment concludes that the allegations are substantiated, the children involved should not necessarily be expected to continue their education in contact with each other.

The views and wishes of the children who have been abused, and those of their parents/carers, should be appropriately considered in the decision making. The school may wish to take disciplinary action against the perpetrator, this may depend on any ongoing police investigation or action.

### **Risk Assessment**

When there has been a report of sexual violence, the designated safeguarding lead (or a deputy) should make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis. The risk and needs assessment should consider:

- the victim, especially their protection and support;
- whether there may have been other victims,
- 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.

### **For the young person who has been harmed**

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. If the incidents are of a bullying nature, the young person may need support in improving peer groups/relationships with other young people or some restorative justice work with all those involved may be required.

Other interventions that could be considered may target a whole class or year group for example a speaker on cyber bullying, relationship abuse etc. It may be that through the continued curriculum of PSHE, RSE and SMSC that certain issues can be discussed and debated more frequently.

It is important to consider 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 or college's duty and responsibilities to protect other children.

If the young person feels particularly vulnerable 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.

### **For the young person who has displayed harmful behaviour**

In this circumstance 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 a EMARF/YOT/early help referral and the young person may require additional support from family members.

Once the support required to meet the individual needs of the young person has been met, it is important that young person receives a consequence for their behaviour. This may be in the form of restorative justice e.g. making amends with the young person they have targeted if this has been some form of bullying. 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 cannot be educated on site until the investigation has concluded.

Even following the conclusion of any investigation 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 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 punishment as a consequence Which would have a broad continuum based on the nature of the offence. These would range from Permanent or a fixed term of exclusion or internal exclusion/inclusion/seclusion/ alternative provision for a period of time to allow the young person to reflect on their behaviour and to keep other students safe from harm.

## 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). In which case, regular reviews with the young people following the incident(s) are imperative.

## Preventative Education

Woodchurch High School believes in a whole school approach to tackling Sexual Harassment and Sexual violence. The approach is based on our 3 core principles of **'Personal Responsibility, Zero Tolerance and Awareness'**.

We have a whole school approach that prepares pupils for life in modern Britain. The school has a clear of Christian Values and these are taught and upheld and demonstrated throughout all aspects of school life.

This can be supported by ensuring that Woodchurch High School has an open environment where young people feel safe to share information about anything that is upsetting or worrying them. The school has an established and effective pastoral welfare system and all pupils have a trusted adult in the school they feel confident to approach.

Staff training regarding safeguarding issues including Sexual Harassment and Sexual Violence happens regularly and all staff members are aware of the possible indicators of abuse and the safeguarding procedures around disclosures and reporting.

This is strengthened through a strong and positive PSHE/RSE/SMSC curriculum that tackles such issues as prejudiced behaviour and gives children an open forum to talk things through rather than seek one on one opportunities to be harmful to one another.

To enable such an open and honest environment it is necessary to ensure the whole workforce feels confident and enabled to talk about issues and challenge perceptions of young people including use of inappropriate language and behaviour towards one another.

It is incredibly important that staff do not dismiss issues as 'banter' or 'growing up' or compare them to their own experiences of childhood. It is necessary that staff consider each issue and each individual in their own right before taking action. If staff minimise the concerns raised it may result in a young person seeking no further help or advice.

Finally, we ensure young people are part of changing their circumstances and that of the procedures within schools. Having a school council and pupil voice and encouraging young people to support changes and develop 'rules of acceptable behaviour' go far in helping to create a positive ethos in school and one where all

young people, parents and staff understand the boundaries of behaviour before it becomes abusive.