



## Hillcross Primary School

### **Sexual violence and sexual harassment between children in schools**

This advice, published in Sep 2021 for governing bodies, proprietors, headteachers, principals, senior leadership teams and designated safeguarding leads, focuses on child on child sexual violence and sexual harassment at schools and colleges with a view to protecting and supporting children: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1014224/Sexual\\_violence\\_and\\_sexual\\_harassment\\_between\\_children\\_in\\_schools\\_and\\_colleges.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1014224/Sexual_violence_and_sexual_harassment_between_children_in_schools_and_colleges.pdf)

#### **Legal Responsibilities**

**At Hillcross, we embrace our statutory duty to safeguard and promote the welfare of our children.**

As part of this duty, we are required to have regard to guidance issued by the Secretary of State in 'Keeping children safe in education' and 'Working Together to Safeguard Children'.

**Relationships Education** (for all primary pupils) **and Relationships and Sex Education** (for all secondary pupils) **and Health Education** (for all pupils in state-funded schools) is now mandatory.

We also recognise our obligations under the Human Rights Act 1998 (HRA). These rights include:

- Article 3: the right to freedom from inhuman and degrading treatment (an absolute right);
- Article 8: the right to respect for private and family life (a qualified right) includes a duty to protect individuals' physical and psychological integrity;
- Article 14: requires that all of the rights and freedoms set out in the Act must be protected and applied without discrimination;
- Protocol 1, Article 2: protects the right to an effective education.

**Being subjected to sexual violence or sexual harassment may breach any or all of these rights, depending on the nature of the conduct and the circumstances.**

We also comply with relevant requirements as set out in the **Equality Act 2010** (the Equality Act) and the **Public Sector Equality Duty** (PSED).

#### **What is sexual violence and sexual harassment?**

When referring to **sexual violence**, the advice refers to sexual offences under the Sexual Offences Act 2003/14 as described below:

**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.



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**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. (This could include forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party.)

When referring to **sexual harassment** the guidance refers to this as:

*'unwanted conduct of a sexual nature' that can occur online and offline and both inside and outside of school/college'... 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.'*

The following is not an exhaustive list but 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 and displaying pictures, photos or drawings of a sexual nature;
- 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
  - sexualised online bullying;
  - unwanted sexual comments and messages, including, on social media;
  - sexual exploitation; coercion and threats.

The guidance also sets out the following:

- Sexual violence and sexual harassment can occur between two children of any age and sex 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.
- Children who are victims of sexual violence and sexual harassment, wherever it happens, will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment and will be exacerbated if the alleged perpetrator(s) attends the same school or college.

### How do we minimise the risk of it occurring at Hillcross?

**At Hillcross all staff working with children maintain an attitude of 'it could happen here'. We will respond appropriately to all reports and concerns, including those outside of school, or online.**

- ✓ Our **school values** of Aspiration, Challenge, Collaboration, Respect and Responsibility are upheld by all members of our community which help create an environment where all children at our school are supportive and respectful of each other. This is underpinned by our **school behaviour policy**.
- ✓ We recognise that preventative education is crucial and we teach our children about safeguarding and child protection explicitly within our **PSHE curriculum** (which incorporates the **Relationships, Sex and Health Education** curriculum) as well as across other subject areas



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as appropriate. This includes how to stay safe online and is underpinned by our **Nurturing Positive Attachments** and **Emotional Intelligence** programmes.

- Our children are taught that all relationships (e.g. friends, family, online) can be supported by being kind, considerate and respectful, including the use of respectful language; being honest; listening to each other; respecting personal space, privacy and boundaries; accepting each other's differences; focussing on the good things in each other; and praising each other on their achievements
- ✓ Social media can be a forum for sexual harassment and is very likely to play a central role in the fall out from any incident or alleged incident. In addition to our own online safety curriculum, we work with an organisation called **Growth Against Violence (GAV)** who run workshops with children in Year 5 and Year 6 about which include using social media safely.

We have a **zero-tolerance approach to sexual violence and sexual harassment** and it is never acceptable, and it will not be tolerated.

- ✓ It is never passed off as "banter", "just having a laugh", "part of growing up" or "boys being boys".
- ✓ We challenge physical behaviour (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, pulling down trousers, flicking bras and lifting up skirts.
- ✓ We always address inappropriate behaviour (even if it appears to be relatively innocuous) can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future.
- ✓ We understand that sexual violence and sexual harassment can be driven by wider societal factors beyond the school, such as everyday sexist stereotypes and everyday sexist language. These are challenged and will not be tolerated.
- ✓ DSLs closely monitor behaviour incidents and safeguarding concerns to ascertain if there are any elements of sexual violence or sexual harassment.
- ✓ We encourage and foster healthy and respectful relationships between boys and girls in a range of ways including through our Relationships, Sex and Health Education curriculum.
- ✓ Systems are in place that are well promoted, easily understood and easily accessible for children to confidently report abuse, sexual violence and sexual harassment.
- ✓ Children know their concerns will be treated seriously, and that they can safely express their views and give feedback.

### **What to do when it does occur or is alleged to have occurred**

At Hillcross we recognise that 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. We also recognise that it is important that other children, staff and parents are also supported and protected as appropriate.

At Hillcross:

- Allegations/incidents of sexual violence and sexual harassment will be managed in line with existing policies with particular reference to the Safeguarding and Children Protection Policy and the Behaviour Policy.
- For more complex needs, or where there are child protection concerns a referral to children's social care should be made. The police will be important partners where a crime might have been committed.
- Confidentiality for all involved is maintained throughout.
- Accurate records are kept.



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- Designated Safeguarding Leads (DSLs), including Deputy DSLs, closely liaise with all appropriate adults who work regularly the children e.g. the class teacher, a key worker, the SENDCO.

### The immediate response to a report

Our initial response to a report from a child is incredibly important. How the school or college respond to a report can encourage or undermine the confidence of future victims of sexual violence and sexual harassment to report or come forward.

All victims are reassured that they are being taken seriously and that they will be supported and kept safe. At Hillcross a victim will never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor will a victim ever be made to feel ashamed for making a report or their experience minimalised.

### **Responding to the report**

- **We will follow the same principles and procedures when dealing with all safeguarding disclosures** including not promising confidentiality, being supportive and respectful, listening carefully, only asking open questions, considering the best way to record the report and only recording the facts as they are presented.
- Allegations/incidents of sexual violence and sexual harassment are **immediately shared with a DSL**.
- If possible, there will be two members of staff present when managing reports (with at least one of them being a DSL).
- Where the report includes an online element, staff will be aware of their responsibilities in relation to searching screening and confiscation advice (for schools) and the UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people. **The key consideration is for staff not to view or forward illegal images of a child** and the guidance provides more details on what to do when viewing an image is unavoidable.
- If there are devices in school containing any evidence they will be confiscated in order to preserve this and handed to the police for inspection.
- If the victim requests that the information is not shared, the DSL will balance the victim's wishes against their duty to protect the victim and other children. The basic safeguarding principle 'if a child is at risk of harm, is in immediate danger, or has been harmed' will be applied and, if this is the case, a referral will be made to children's social care and/or the police as appropriate.
- **Parents or carers will normally be informed.** The exception to this rule is if there is a reason to believe informing a parent or carer will put a child at additional risk.
- In most instances, we engage with both the victim's and the alleged perpetrator's parents or carers when there has been a report of sexual violence (this might not be necessary or proportional in the case of sexual harassment and will be considered on a case-by-case basis). We may not be able to share all the information that we hold to the respective parents or carers about the other child involved. We will work with relevant agencies to ensure a consistent approach is taken to information sharing.
- We meet with parents or 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.
- We will also meet with alleged perpetrator's parents or carers to discuss any arrangements that are being put into place that impact an alleged perpetrator, such as, for example, moving



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them out of classes with the victim and what this means for their education. The reason behind any decisions will be explained.

- Support for the alleged perpetrator will also be discussed as appropriate as well as any disciplinary sanctions that will be implemented. We recognise that a child abusing another child may be a sign they have been abused themselves or a sign of wider issues that require addressing within the culture of the school, college or their life outside of school. **Taking disciplinary action and providing appropriate support will usually occur at the same time.**
- We do all we reasonably can to protect the anonymity of any children involved in any report of sexual violence or sexual harassment. Amongst other things, this will mean carefully considering, based on the nature of the report, which staff should know about the report and any support that will be put in place for the children involved. We also consider the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities.

### Risk Assessment

- When there has been a report of sexual violence, the DSL will make an immediate risk and needs 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 and needs assessment will consider:
- the victim, especially their protection and support; whether there may have been other victims, the alleged perpetrator(s); and all the other children at the school. The focus will be on the risks posed to all children and any actions that need to be taken, or safety measures put in place, to protect them and keep them safe from the alleged perpetrator(s), or from future harms. Risk assessments will be kept under review.

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

Consideration will be given as to how best to support and protect the victim and the alleged perpetrator(s) (and any other children involved/impacted). We will be proportionate in our response. Support (and sanctions) should be considered on a case-by-case basis.

### Key Considerations:

- The proximity of the victim and alleged perpetrator(s) including considerations regarding shared classes and sharing school premises, should be considered immediately.
- When to inform the alleged perpetrator(s) will be a decision that is carefully considered. This will often involve liaison with relevant agencies such as children's social care and/or the police.

There are four likely scenarios we consider when managing any reports of sexual violence and/or sexual harassment.

1. **Manage Internally** - in some cases of sexual harassment, for example, one-off incidents, we 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.
2. **Early Help** - we may decide that the children involved do not require referral to statutory services 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. Early help can be particularly useful to address nonviolent HSB and may prevent escalation of sexual violence.



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*Early help and the option to manage a report internally may not be mutually exclusive: we may manage internally and seek early help for both the victim and perpetrator(s).*

3. **Referral 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.
4. **Reporting to the police** - 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.

Before deciding on the actions to take following a report, DSLs will 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;
- the nature of the alleged incident(s), including: whether a crime may have been committed and/or whether HSB has been displayed (as set out on paragraphs 18- 22);
- the ages of the children involved;
- the developmental stages of the children involved;
- any power imbalance between the children. For example, is an alleged perpetrator significantly older, more mature or more confident? 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 peers;
- if there are there ongoing risks to the victim, other children, adult students or school or college staff?
- other related issues and wider context, including any links to child sexual exploitation and child criminal exploitation.

Ultimately, any decisions we make with regard to responding to allegations/incidents will be made on a case-by-case basis, with the DSL taking a leading role, using their professional judgement, and being supported by other agencies, such as children's social care and the police as required. As always we will act in the best interests of all the children involved.

### **Ongoing Response**

We will maintain arrangements to protect and support the victim for as long as necessary, continuing to work with children's social care and other agencies as required. We recognise that this may change over time. The needs and wishes of the victim will be paramount (along with protecting the child) in any responses so that they feel in as much control of the process as is reasonably possible. Wherever possible, the victim if they wish, will be able to continue in their normal routine. Overall, the priority will be to make the victim's daily experience as normal as possible, so that the school is a safe space for them.

We will offer appropriate support to children who have witnessed sexual violence or sexual harassment.



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We will address situations that result from a report of sexual violence or sexual harassment such as other children taking “sides”. We will do all we can to ensure both the victim and alleged perpetrator(s), and any witnesses, are not being bullied or harassed.

### **Key Vocabulary:**

At Hillcross, we use the term **victim** to describe children who have been subjected to sexual violence and/or sexual harassment, however we know that not everyone who has been subjected to sexual violence and/or sexual harassment considers themselves a victim or would want to be described in this way. In these instances, we will use an alternative term which the individual child is most comfortable with.

At Hillcross, we use the term **‘alleged perpetrator(s)’** and where appropriate **‘perpetrator(s)’** for the purposes of recording but we will rarely, if ever, use this term when speaking in front of children because in some cases the sexual behaviour will have been harmful to the perpetrator as well. The appropriate terminology will be determined by DSLs, as appropriate, on a case-by-case basis.

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).