

Peer-on-peer abuse, Sexual Violence and Sexual Harassment

Addendum to Safeguarding and Child Protection Policy
Sept 2021





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1.0 Rationale

This peer-on-peer abuse, sexual violence and harassment addendum has been informed by [‘Sexual violence and sexual harassment between children in schools and colleges’ \(DfE, 2021\)](#).

This guidance cannot be separated from the general ethos of the school, which should ensure that all pupils:

- are treated with respect and dignity
- are taught to treat each other with respect

- feel safe
- have a voice and are listened to

All our policies which address issues of power and potential harm will be interlinked to ensure a whole school approach.

It is important that staff can recognise that children are capable of abusing their peers, and that this abuse can include bullying, physical abuse, sharing nudes and semi-nudes, initiation/ hazing, sexual violence, harassment and up skirting.

The Academy’s values, ethos and behaviour policies provide the platform for staff and pupils to clearly recognise that abuse is abuse and it should never be tolerated or diminished in significance. It should be recognised that there is a gendered nature to peer-on-peer abuse i.e. that it is more likely that girls will be victims and boys perpetrators.

The whole school approach to peer-on-peer abuse includes a universal, targeted and specialist approach, as detailed in Appendix 1.



It should be noted that children and young people with Special Educational Needs and Disabilities (SEND) are three times more likely to be abused by their peers. Since most JBA pupils are on the SEND register, it is important to note the barriers to recognising abuse in SEND children:

- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability without further exploration;
- the potential for children with SEND being disproportionately impacted by behaviours such as bullying and harassment, without outwardly showing any signs; and
- communication barriers and difficulties overcoming these barriers.

2.0 Definitions

The Academy recognises the impact of sexual violence, and the fact children/young people can, and sometimes do, abuse their peers in this way. When referring to sexual violence this policy is referring to sexual offences under the Sexual Offences Act 2003 as described below:

- **Rape:** A person (A) commits an offence of rape if: there is intentional penetration of 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, anus or mouth of another person (B) with a part of her/his body or anything else, the penetration is sexual, (B) does not consent to the penetration and (A) does not reasonably believe that (B) consents.
- **Sexual Assault:** A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, (B) does not consent to the touching and (A) does not reasonably believe that (B) consents.

Causing someone to engage in sexual activity without consent: A person (A) commits an offence if: s/he intentionally causes another person (B) to engage in an activity, the activity is sexual, B does not consent to engaging in the activity, and A does not reasonably believe that B consents. (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
- sexual intercourse without consent is rape

Sexual Harassment:

For the purpose of this policy, 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/college. 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;
- 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 videos¹⁹. 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);
 - sexualised online bullying;
 - unwanted sexual comments and messages, including, on social media;
 - sexual exploitation; coercion and threats.

Harmful sexual behaviour (HSB): Children's sexual behaviour exists on a wide continuum, from normal and developmentally expected to inappropriate, problematic, abusive and violent. Problematic, abusive and violent sexual behaviour is developmentally inappropriate and may cause



developmental damage. A useful umbrella term is “harmful sexual behaviour” (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.

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 is disabled or smaller in stature.

Victims and alleged perpetrators:

There are many different ways to describe children who have been subjected to sexual violence and/or sexual harassment and many ways to describe those who are alleged to have carried out any form of abuse.

For the purposes of this policy, the term ‘victim’ is used. It is a widely recognised and understood term. It is important to recognise 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. Staff at JBA should be conscious of this when managing any incident and be prepared to use any term with which the individual child is most comfortable.

For the purpose of this policy, the term ‘alleged perpetrator(s)’ and where appropriate ‘perpetrator(s)’ are used. These are widely used and recognised terms and the most appropriate to aid effective drafting of advice. JBA staff should think very carefully about terminology, especially when speaking in front of children, not least because in some cases the sexual behaviour will have been harmful to the perpetrator as well.

As above, the use of appropriate terminology will be for JBA staff, predominantly DSLs to determine, as appropriate, on a case-by-case basis.

3.0 Responsibilities

This means that at James Brindley Academy:

- We will safeguard and promote the wellbeing of the children and young people
- Co-operate with safeguarding partnerships
- Have a positive behaviour policy and Child Protection and Safeguarding Policy that prevents all forms of bullying



- We will have a Relationships and Sex Education and Health Education curriculum that follows the mandatory guidelines.
- We will be aware and comply with the following:
 - Human Rights Act 1998 (HRA)
 - European Convention on Human Rights
 - Equality Act 2010
 - Public Sector Equality Duty (PSED)

All staff:

- Will receive training on peer-on-peer abuse, including focussing on ‘rape culture’.
- Will adopt the ‘whole school approach’ to tackling sexism.
- Will not tolerate instances of peer-on-peer abuse and will not pass it off as “banter”, “just having a laugh” or “part of growing up”.
- Will recognise that “child on child abuse” can occur between and across different age ranges.
- Will address inappropriate behaviour and language (even if it appears to be relatively innocuous).
- Will report any incidents of peer-on-peer abuse on CPOMS and verbally inform their DSL as soon as practically possible.
- Will be aware that safeguarding incidents and/or behaviours can be associated with factors outside the Academy, taking into account contextual safeguarding. All staff should consider whether children are at risk of exploitation in situations outside their families.
- Should be aware that technology is a significant component in many safeguarding and wellbeing issues. Abuse that occurs online or outside of the Academy should not be downplayed and should be treated equally seriously.
- When a report involves an online element, **staff should not view or forward illegal images of a child.**



Assistant Principal, Safeguarding & Inclusion:

- Will make it clear to all staff that there is a zero-tolerance approach to sexual violence and sexual harassment.
- Will be aware of and ensure that DSLs are responding appropriately to all reports and concerns, including those outside the Academy, and or online.
- Will understand that even if there are no reports of peer-on-peer abuse in school it may be happening. As such all our staff and pupils are supported to:
 - be alert to peer-on-peer abuse (including sexual harassment)
 - understand how the school views and responds to peer-on-peer abuse
 - stay safe and be confident that reports of such abuse will be taken seriously.

DSLs:

- Centre DSLs will liaise with the Senior DSL to discuss all concerns and allegations regarding pupils in their centre and to determine decisions and actions moving forward.
- Will reassure victims that are they are being taken seriously, regardless of how long it has taken them to come forward; that they will be supported and kept safe.
- Will follow both national and local guidance and policies to support any children/young people subject to peer-on-peer abuse
- Will follow the guidance on managing reports of child-on-child sexual violence and sexual harassment in schools.
- Will utilise the [Children who pose a Risk to Children School Safety Plan](#) produced by the local authority. This should include consideration of school transport.
- Will follow local guidance to enable provision of effective support to any child/young person affected by this type of abuse.
- In assessing and responding to harmful sexualised behaviour, will follow the local good practice guidance <https://westmidlands.procedures.org.uk/%20pkoso/regional-safeguardingguidance/children-who-abuse-othersincluding-peer-on-peer-abuse->



[harmfulsexual-behaviour](#) to enable provision of effective support to any child or young person affected by this type of abuse.

- Will ensure that victims are protected, offered appropriate support and every effort is made to ensure their education is not interrupted.
- Will provide the alleged perpetrator(s) with an education, safeguarding support as appropriate and implement any disciplinary sanctions. 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 Academy. Taking disciplinary action and providing appropriate support, can, and should, occur at the same time if necessary.
- Will ensure that other children and young people and Academy staff are supported and protected as appropriate.
- Will take into account the SEND needs of children and young people at JBA when dealing with concerns and allegations.
- When considering incidents or concerns around harmful sexual behaviour, ages and stages of development of the children or young person should be considered. DSLs will use the [Brook screening tool](#) to support this. DSLs will also seek specialist advice on HSB when appropriate.
- Will receive training around HSB and use of the Brook screening tool.
- Will co-operate with safeguarding partnerships. DSLs should only engage staff and agencies who required to support the children or young people involved and/or be involved in an investigation.
- When an allegation is made by a pupil against another pupil, the Designated Safeguarding Lead (DSL) should be informed both verbally and on CPOMS. The allegation should then be investigated by the DSL, taking into account the 'Response to reports' flowchart. Decisions and responses are made on a case-by-case basis, with the DSL making professional judgements, supported by other agencies, such as children's social care and the police as required. Appropriate recommendations should be made in terms of actions and support for both the 'perpetrator' and the 'victim'.
- Will refer to [When to call the police](#) where appropriate. Rape, assault by penetration and sexual assaults are crimes. Where a report is made, this should be referred to the police.



- When the report involves an online element, DSLs should be aware of searching screening and confiscation advice. **Staff should not view or forward illegal images of a child.** In these cases, it may be appropriate to confiscate any devices to preserve evidence and hand them to the police for inspection.

4.0 Response to a Report

See main policy Section 22: Allegations against a pupil and Appendix 10: Dealing with a disclosure of abuse.

See Appendix 2: Response to reports flow chart

5.0 Working with Parents/Carers and other Professionals

The Academy will engage with both the victim's and the alleged perpetrator's parents or carers when there has been a report of sexual violence or sexual harassment. 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. DSLs at JBA will carefully consider what information they provide to the respective parents or carers about the other child involved and when they do so. In some cases, children's social care and/or the police will have a very clear view and it will be important for the Academy to work with relevant agencies to ensure a consistent approach is taken to information sharing.

The Centre's DSL will meet the victim's 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.

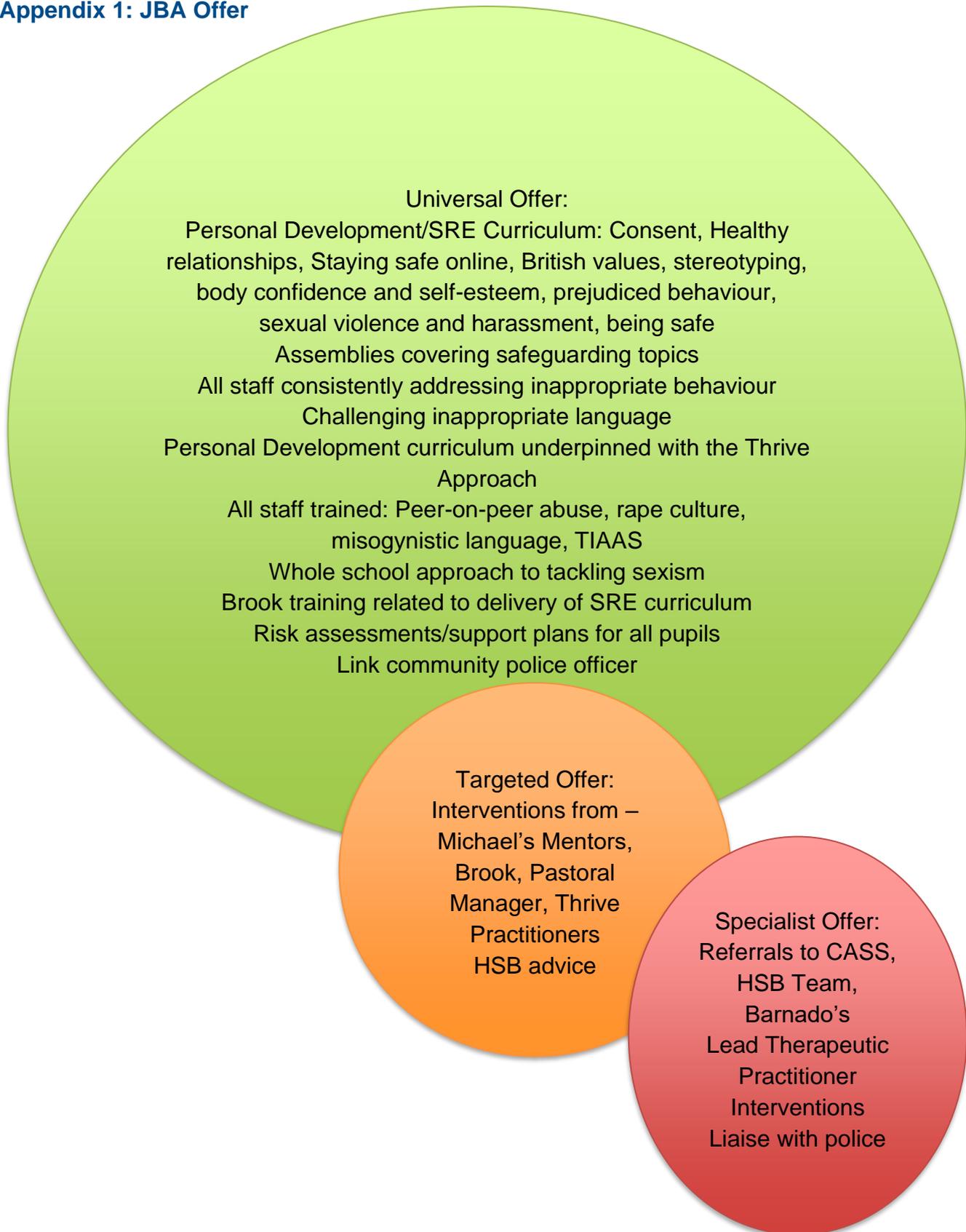
The Centre's DSL will also meet with the alleged perpetrator's parents or carers to discuss any arrangements that are being put into place that impact an alleged perpetrator, such as, for example, moving them out of classes with the victim and what this means for their education. The reason behind any decisions should be explained. Support for the alleged perpetrator should be discussed.

If the pupil is dual registered, the home school will be informed of any concerns or allegations and will be involved in decisions and actions moving forward.

If the pupil has a social worker they will be informed of any concerns or allegations and will be involved in decisions and actions moving forward.

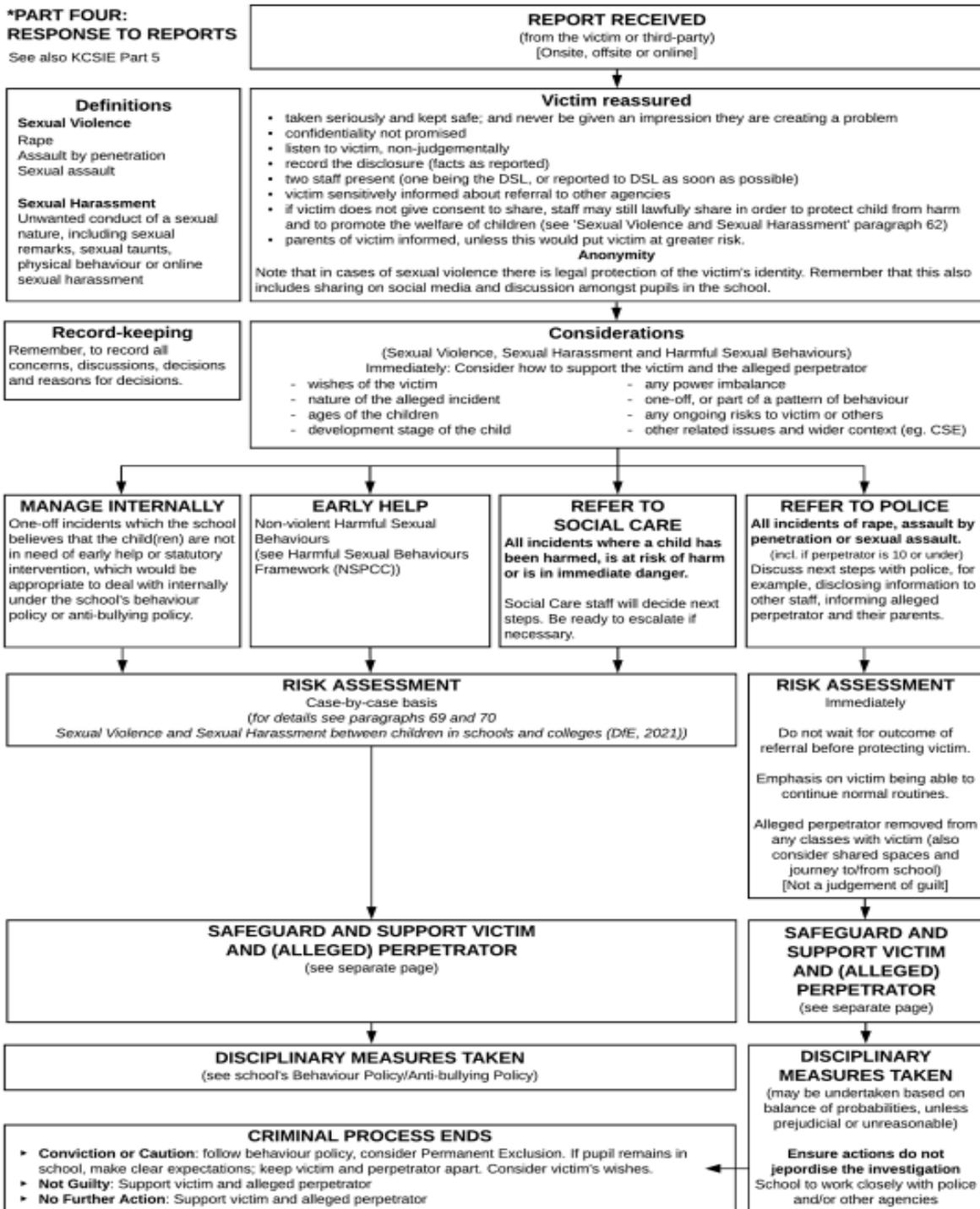
Parents/Carers should be signposted to external agencies to support them, where appropriate

Appendix 1: JBA Offer



Appendix 2: Academy response

***PART FOUR:
RESPONSE TO REPORTS**
See also KCSIE Part 5



Source:

*Sexual Violence and Sexual Harassment between children in schools and colleges (DfE, 2021)

SVSH Flow Chart for Schools 2021 v.1.0



Appendix 3: Agencies who provide support

Specialist Organisations

- [Barnardo's](#) - UK charity caring for and supporting some of the most vulnerable children and young people through their range of services.
- [Lucy Faithful Foundation](#) - UK-wide child protection charity dedicated to preventing child sexual abuse. They work with families affected by sexual abuse and also run the confidential Stop it Now! Helpline.
- [Marie Collins Foundation](#) – Charity that, amongst other things, works directly with children, young people, and families to enable their recovery following sexual abuse.
- [NSPCC](#) - Children's charity specialising in child protection with statutory powers enabling them to take action and safeguard children at risk of abuse.
- [Rape Crisis](#) - National charity and the umbrella body for their network of independent member Rape Crisis Centres.
- [UK Safer Internet Centre](#) - Provides advice and support to children, young people, parents, carers and schools about staying safe online.

Support for Victims

- [Anti-Bullying Alliance](#) - Detailed information for anyone being bullied, along with advice for parents and schools. Signposts to various helplines and websites for further support.
- [Rape Crisis](#) - Provide and signpost to a range of services to support people who have experienced rape, child abuse or any kind of sexual violence.
- [The Survivors Trust](#)- UK-wide national umbrella agency with resources and support dedicated to survivors of rape, sexual violence and child sex abuse.
- [Victim Support](#) - Supporting children and young people who have been affected by crime. Also provides support to parents and professionals who work with children and young people – regardless of whether a crime has been reported or how long ago it was.
- [Childline](#) provides free and confidential advice for children and young people.

Support for parents/carers

- NCA CEOP [Thinkuknow](#) advice for parents: - Advice/resources on how to approach and deal with concerns about what children may be doing online including advice about how to help challenge harmful sexual attitudes and how to start a conversation to support positive sexual behaviour
- [Childnet: Advice for parents and carers to keep children safe online](#) - Advice and resources to help parents and carers keep children safe online.
- [How Can I Help My Child?](#) - Marie Collins Foundation – Sexual Abuse Online
- [Parentsafe](#) - London Grid for Learning - Detailed advice/resources covering various issues such as online safety, apps, and how to report concerns.



- [Parentzone](#) - Provides expert information and resources to help make the internet work for families.