Policy and Guidance for Peer on Peer Abuse (Child on Child Abuse), Sexual Harassment & Sexual Violence Policy

September 2021

This policy should be reviewed in line with other statutory guidance contained within:

- Keeping Children Safe in Education 2021.

- Working Together to Safeguard Children

- Sexual violence and sexual harassment between children in schools and colleges - Advice for schools and colleges on how to prevent and respond to reports of sexual violence and harassment between children. Sexual Violence and Sexual Harassment, September 2021

- Castleward Spencer Academy Safeguarding Policy

Introduction

Castleward Spencer Academy recognises that children are vulnerable to and capable of abusing their peers. We take such abuse as seriously as abuse perpetrated by an adult. This includes verbal as well as physical abuse. Peer on peer abuse will not be tolerated or passed off as part of "banter" or "growing up".

We are committed to a whole school approach to ensure the prevention, early identification, and appropriate management of peer on peer abuse within our Academy and beyond.

In cases where peer on peer abuse is identified we will follow our child protection procedures, taking a contextual approach to support all children and young people who have been affected by the situation.

We recognise that peer on peer abuse can manifest itself in many ways such as:

- Child Sexual Exploitation

- Sexting or youth produced digital imagery

- Up skirting

- Bullying

- Radicalisation

- Abuse in intimate relationships

- Children who display sexually harmful behaviour

- Gang association and serious violence (County Lines)

- Technology can be used for bullying and other abusive behaviour

We also recognise that these behaviours can occur online as well as face to face.

Some of these behaviours will need to be handled with reference to other policies in the Academy such as the behaviour policy, anti- bullying policy, safeguarding policy and E-Safety policy.

This policy concentrates on peer on peer abuse in the context of sexual harassment and sexual violence. It is compliant with the statutory guidance on peer-on-peer abuse as set out in Keeping Children Safe in Education (September 2021) and should be read in conjunction with the Local Safeguarding Children Partnership (LSCP) Safeguarding Policy and Procedures, and any relevant Practice Guidance issued by it.

Aims

The policy will: -

- Set out our strategies for preventing, identifying, and managing peer on peer abuse

- Take a contextual approach to safeguarding all children and young people involved. Acknowledging that children who have allegedly abused their peers or displayed harmful sexual behaviour are themselves vulnerable and may have been abused by peer, parents, or adults in the community

- Recognise that this behaviour can occur online as well as face to face and both are part of our safeguarding duty of care

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Understanding Peer on Peer abuse

Sexual violence and sexual harassment can occur between two children of any age and sex or a group of children sexually assaulting or sexually harassing a single child or group of children.

The impact of this behaviour on children can be very distressing and have an impact on academic achievement and emotional health and wellbeing.

Sexual harassment and sexual violence may also occur online and offline.

The Context

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 sexual behaviour (Harmful Sexual Behaviour HSB).

We are adopting the NSPCC definition of HSB as: -

"Sexual behaviours expressed by children…that are developmentally inappropriate, may be harmful towards self or others, or be abusive towards another child…or adult."

We will also use Simon Hackett's continuum model to demonstrate the range of sexual behaviours (see Appendix 1).

Vulnerable groups

We recognise that all children can be at risk however we acknowledge that some groups are more vulnerable. This 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.

Whist research tells us girls are more frequently identified as being abused by their peers and, girls are more likely to experience unwanted sexual touching 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.

All staff should be aware of indicators, which may signal that children are at risk from, or are involved with serious violent crime. These may include increased absence from school, a change in friendships or relationships with older individuals or groups, a significant decline in performance, signs of self-harm or a significant change in wellbeing, or signs of assault or unexplained injuries. Unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with, individuals associated with criminal networks or gangs.

Responding to alleged incidents or reports of sexual violence and sexual harassment

All reports of peer on peer abuse will be made on a case by case basis with the Designated Safeguarding Lead (DSL) or their deputy taking a leading role using their professional judgement and supported by other agencies such as social care or the police as required.

The immediate response to a report

• The Acadmey will take all reports seriously and will reassure the victim that they will be supported and kept safe.

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- All staff will be trained to manage a report following the procedures in the Academy safeguarding policy.

- Staff will not promise confidentiality as the concern will need to be shared further (for example, with the DSL or social care) staff will, however, only share the report with those people who are necessary to progress it.

- A written report will be made as soon after the interview as possible, recording the facts as presented by the child. These may be used as part of a statutory assessment if the case is escalated later.

- Where the report includes an online element, the Academy will follow advice on searching, screening and confiscation. The staff will not view or forward images unless unavoidable and only if another member of staff (preferably the DSL) is present. (Further guidance can be found here: Sharing nudes and semi-nudes advice for education settings working with children and young people).

- The DSL will be informed as soon as possible.

Risk Assessment

When there has been a report of sexual violence, the DSL (or a deputy) will make an immediate risk and needs' assessment (see Appendix 3). 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 will consider:

- The victim, especially their protection and support.

- The alleged perpetrator; and

- All the other children (and, if appropriate, adult students and staff) at the school or college, especially any actions that are appropriate to protect them.

Risk and needs assessments will be recorded electronically and stored on CPOMS and will be kept under review.

The DSL (or a deputy) will ensure they are engaging with First Contact Team at Derby City Council.

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

Following an incident, we 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.

- The nature of the alleged incident(s), including whether a crime may have been committed and consideration of harmful sexual behaviour.

- The ages of the children involved.

- The developmental stages of the children involved.

- Any power imbalance between the children. For example, is the 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.

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- Are there ongoing risks to the victim, other children, adult students or school or college staff, and other related issues and wider context?

Follow up Actions

Children sharing a classroom:

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

- The alleged perpetrator will be removed from any classes they share with the victim.

- We will consider how best to keep the victim and alleged perpetrator a reasonable distance apart on the Academy premises and on transport to and from the Academy (in cases where this is required).

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.

Options to manage the report

Manage internally

1. In some cases of sexual harassment, for example, one-off incidents, we may decide that the children concerned are not in need of early help or statutory intervention and that it would be appropriate to handle the incident internally, perhaps through utilising the behaviour and bullying policies and by providing pastoral support.

This decision will be made based on the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated. All decisions, and discussions around making these decisions will be recorded and stored by the DSL on CPOMS.

2. In line with point 1 above, we may decide that the children involved do not require statutory interventions 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. Providing early help is more effective in promoting the welfare of children than reacting later. Early help can be particularly useful to address non-violent harmful sexual behaviour and may prevent escalation of sexual violence.

3. Where a child has been harmed, is at risk of harm, or is in immediate danger, we will make a referral to the First Contact Team following our locally agreed protocols.

Where statutory assessments are appropriate, the DSL or a deputy will be working alongside, and cooperating with, the relevant lead social worker. Collaborative working will help ensure the best possible package of coordinated support is implemented for the victim and, where appropriate, the alleged perpetrator and any other children that require support.

Reporting to the Police

Any report to the police will generally be made in conjunction with a referral to the First Contact Team as above. The DSL (and their deputies) will follow local processes for referrals.

Where a report of rape, assault by penetration or sexual assault is made, the starting point will be contact with 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.

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Where a report has been made to the police, the Academy will consult the police and agree what information can be disclosed to staff and others, the alleged perpetrator and their parents or carers. They will also discuss the best way to protect the victim and their anonymity.

Where there is a criminal investigation, we will work closely with the relevant agencies to support all children involved (especially potential witnesses). Where required, advice from the police will be sought to help us.

Whilst protecting children and/or taking any disciplinary measures against the alleged perpetrator, we will work closely with the police (and other agencies as required), to ensure any actions the school or college take do not jeopardise the police investigation.

The end of the criminal process

If a child is convicted or receives a caution for a sexual offence, the Academy will update its needs and risk assessment, ensuring relevant protections are in place for all children. We will consider any suitable action following our behaviour policy. If the perpetrator remains in the Academy we will be very clear as to our expectations regarding the perpetrator now they have been convicted or cautioned. This could include expectations regarding their behaviour and any restrictions we think are reasonable and proportionate about the perpetrator's timetable.

Any conviction (even with legal anonymity reporting restrictions) is potentially going to generate interest among other pupils or students in the Academy.

We will ensure all children involved are protected, especially from any bullying or harassment (including online).

Where cases are classified as "no further action" (NFA'd) by the police or Crown Prosecution Service, or where there is a not guilty verdict, we will continue to offer support to the victim and the alleged perpetrator for as long as is necessary. A not guilty verdict or a decision not to progress with their case will likely be traumatic for the victim. The fact that an allegation cannot be substantiated does not necessarily mean that it was unfounded. We will continue to support all parties in this instance.

Support for Children Affected by Sexual Assault

Support for victims of sexual assault is available from a variety of agencies (see Appendix 2).

We will support the victim of sexual assault to remain in school but if they are unable to do so we will seek to 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.

Where there is a criminal investigation the alleged perpetrator will be removed from any shared classes with the victim and we will also consider how best to keep them a reasonable distance apart on the school premises or on school transport. This is in the best interest of the children concerned and should not be perceived to be a judgement of guilt before any legal proceedings. We will work closely with the police.

Where a criminal investigation into a rape or assault by penetration leads to a conviction or caution, we may take suitable action, if we have not already done so. In all but the most exceptional of circumstances, the rape or assault is likely to constitute a serious breach of discipline and lead to the view that allowing the perpetrator to remain in the same Academy would seriously harm the education or welfare of the victim (and potentially other pupils or students).

Where a criminal investigation into sexual assault leads to a conviction or caution, we may, if we have not already done so, consider any suitable sanctions using our behaviour policy, including consideration of permanent exclusion.

Where the perpetrator is going to remain at the Academy, the principle would be to continue keeping the victim and perpetrator in separate classes and continue to consider the most appropriate way to manage potential contact on the Academy 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. This will be reflected in the needs and risk assessments.

Reports of sexual assault and sexual harassment will, in some cases, not lead to a report to the police (for a variety of reasons). In some cases, rape, assault by penetration, sexual assault or sexual harassment are reported to the police and the case is not progressed or are reported to the police and ultimately result in a not guilty verdict. None of this means the offence did not happen or that the victim lied. The process will have affected both victim and alleged perpetrator. Appropriate support will be provided to both as required and consideration given to sharing classes and potential contact as required on a case-by-case basis.

All the above will be considered with the needs and wishes of the victim at the heart of the process (supported by parents and carers as required). Any arrangements should be kept under review through the needs and risk assessment process.

Physical Abuse

While a clear focus of peer on peer abuse is around sexual abuse and harassment, physical assaults and initiation violence and rituals from pupils to pupils can also be abusive.

These are equally not tolerated and if it is believed that a crime has been committed, will be reported to the police.

The principles from the anti-bullying policy will be applied in these cases, with recognition that any police investigation will need to take priority.

When dealing with other alleged behaviour which involves reports of, for example, emotional and/or physical abuse, staff can draw on aspects of Hackett's continuum (Appendix 1) to assess where the alleged behaviour falls on a spectrum and to decide how to respond. This could include, for example, whether it:

• is socially acceptable

• involves a single incident or has occurred over a period of time

• is socially acceptable within the peer group

• is problematic and concerning

• involves any overt elements of victimisation or discrimination e.g. related to race, gender, sexual orientation, physical, emotional, or intellectual vulnerability

• involves an element of coercion or pre-planning

• involves a power imbalance between the child/children allegedly responsible for the behaviour

• involves a misuse of power

Online Behaviour

Many forms of peer on peer abuse have an element of online behaviour including behaviours such as cyberbullying and sharing of nude or semi-nude images through social media platforms.

Policies and procedures concerning this type of behaviour can be found in the Academy safeguarding policy and E-Safety policy.

Prevention

Castleward Spencer Academy actively seeks to raise awareness of and prevent all forms of peer-on-peer abuse by:

• Educating all Governors, staff, and volunteers, pupils, and parents about this issue. This will include training all Governors, staff and volunteers on the nature, prevalence, and effect of peer-on-peer abuse, and how to prevent, identify and respond to it. This includes

(a) Contextual Safeguarding.

(b) The identification and classification of specific behaviours; and

(c) The importance of taking seriously all forms of peer-on-peer abuse (no matter how low level they may appear) and ensuring that no form of peer-on-peer abuse is ever dismissed as horseplay or teasing.

- Educating children about the nature and prevalence of peer-on-peer abuse via PSHE and the wider curriculum.

- Pupils are frequently told what to do if they witness or experience such abuse, the effect that it can have on those who experience it and the possible reasons for it, including vulnerability of those who inflict such abuse.

- They are regularly informed about the School's approach to such issues, including its zero-tolerance policy towards all forms of peer-on-peer abuse.

- Engaging parents on this issue by:

(a)Talking about it with parents, both in groups and one to one.

(b) Asking parents what they perceive to be the risks facing their child and how they would

  like to see the School address those risks.

 (c) Encouraging parents to hold the School to account on this issue.

• Ensuring that all peer-on-peer abuse issues are fed back to the School's safeguarding team so that they can spot and address any concerning trends and identify pupils who maybe in need of additional support. Any concerns are then discussed at the weekly safeguarding team meeting.

• Challenging the attitudes that underlie such abuse (both inside and outside the classroom).

• Working with Governors, the Trust, all staff and volunteers, pupils and parents to address equality issues, to promote positive values, and to encourage a culture of tolerance and respect amongst all members of the School community;

• Creating conditions in which our pupils can aspire to and realise safe and healthy relationships.

• Creating a culture in which our pupils feel able to share their concerns openly, in a non-judgmental environment, and have them listened to; and

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• Responding to cases of peer-on-peer abuse promptly and appropriately.

Multi-agency working

Castleward Spencer Academy actively engages with its local partners in relation to peer-on-peer abuse, and works closely with our local safeguarding children's board, referral agencies and children's social care, and/or other relevant agencies, and other schools.

The relationships the Academy has built with these partners are essential to ensuring that we are able to prevent, identify early and appropriately handle cases of peer-on-peer abuse. They help us

(a) To develop a good awareness and understanding of the different referral pathways that operate in our local area, as well as the preventative and support services which exist.

(b) To ensure that our pupils can access the range of services and support they need quickly.

(c) To support and help inform our local community's response to peer-on-peer abuse.

(d) To increase our awareness and understanding of any concerning trends and emerging risks in our local area to enable us to take preventative action to minimise the risk of these being experienced by our pupils.

The Academy actively refers concerns/allegations of peer-on-peer abuse where necessary to Derby children's social care, and/or other relevant agencies.

In cases involving children who are subject to risk, harm, and abuse and who have LAC status, the children's social worker must be informed and a coordinated approach to address any incidents or concerns will be required.

Appendix 1

Simon Hackett (2010) has proposed a continuum model to demonstrate the range of sexual behaviours presented by children and young people, from those that are normal, to those that are highly deviant:

Normal	Inappropriate	Problematic	Abusive	Violent
Developmentally expected	• Single instances of inappropriate sexual behaviour	• Problematic and concerning behaviours	• Victimising intent or outcome	• Physically violent sexual abuse
Socially acceptable	• Socially acceptable behaviour within peer group	• Developmentally unusual and socially unexpected	• Includes misuse of power	• Highly intrusive
Consensual, mutual, reciprocal	• Context for behaviour may be inappropriate	• No overt elements of victimisation	• Coercion and force to ensure victim compliance	• Instrumental violence which is physiologically and/ or sexually arousing to the perpetrator
Shared decision making	• Generally consensual and reciprocal	• Consent issues may be unclear	• Intrusive	• Sadism
		• May lack reciprocity or equal power	• Informed consent lacking, or not able to be freely given by victim	
		• May include levels of compulsivity	• May include elements of expressive violence	

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Appendix 2

Useful Publications and Websites

Government Publications

Sexual harassment and sexual violence in schools

www.gov.uk/government/publications/sexual-violence-and-sexual-harassment-between-children-in-schools-and-colleges

Keeping Children safe in Education - www.gov.uk/government/publications/keeping-children-safe-in-education

Preventing youth violence and gang involvement

www.gov.uk/government/publications/advice-to-schools-and-colleges-on-gangs-and-youth-violence

Preventing and tackling bullying in schools

www.gov.uk/government/publications/preventing-and-tackling-bullying

Ofsted – Review of sexual abuse in schools and colleges June 2021

www.gov.uk/government/publications/review-of-sexual-abuse-in-schools-and-colleges

Other useful documents

Sharing nudes and semi-nudes: advice for education settings working with children and young people December 2020

www.gov.uk/government/publications/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people

Peer-on-peer abuse

Farrer & Co - Peer-on-peer abuse toolkit, guidance on peer-on peer abuse policy and template peer-on-peer abuse policy

www.farrer.co.uk/Global/Peer-on-peer%20abuse%20toolkit%2014.pdf

Anti-bullying Alliance

Sexual Bullying: Developing Effective Anti-bullying Practice

A guide for school staff and other professionals

https://anti-bullyingalliance.org.uk/sites/default/files/uploads/attachments/Sexual%20bullying%20-%20anti-bullying%20guidance%20for%20teachers%20and%20other%20professionals%20-%20FINAL_0_0.pdf

Preventing abuse among children and young people-guidance from Stop it Now

What is Age appropriate?

http://www.stopitnow.org/ohc-content/what-is-age-appropriate

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NSPCC-Harmful sexual behaviour

https://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/harmful-sexual-behaviour/

NCB Harmful sexual behaviour

https://www.ncb.org.uk/resources-publications/resources/workforce-perspectives-harmful-sexual-behaviour

NSPCC –Is this sexual abuse?

https://www.nspcc.org.uk/globalassets/documents/research-reports/nspcc-helplines-report-peer-sexual-abuse.pdf

Online sexual harassment

Project deSHAME- Digital Exploitation and Sexual Harassment Amongst Minors in Europe Understanding, Preventing, Responding

https://www.childnet.com/our-projects/project-deshame

Sexism- It's Just Everywhere- a study on sexism in schools –and how we tackle it

https://ukfeminista.org.uk/wp-content/uploads/2017/12/Report-Its-just-everywhere.pdf

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Appendix 3 – Spencer Academy Trust Needs and Risk Assessment

Version Number					
Pupil Name		**Risk Rating (High/Medium/Low):**			
D.o.B.					
School					
Completed by Reviewed by					

Area of Risk	Considerations	Child A	Child B	Notes	Actions
Details of Risk	• How serious is the incident? Was it a crime? • Do we need to make arrangements to limit contact between the children involved? (If the allegation relates to rape, assault by penetration, or sexual assault, the answer is automatically yes) • How did wel find out about it? Was it reported directly or by someone else with knowledge of the incident?				
Social Risks	• Do the children share a peer group? Are people in their friend group likely to take sides? • Do they both attend our Academy? • Do other people know about the incident? Do those people understand: o Who they can talk to if they have concerns about the people involved, or about their own safety and wellbeing?				

	o The importance of confidentiality o If, and how, they may need to be involved in any further investigations • Are they likely to be the subject of gossip, bullying or further harassment? • Have there been previous incidents of sexually inappropriate behaviour within their peer group(s)? • Do they risk being alienated from their friend group(s) as a result of this incident?				
Physical Risks	• Do they feel, or continue to feel, physically threatened by the other child? • Do we have reason to believe they pose a continued risk to the safety and wellbeing of the victim, or other pupils and staff? • Are they at risk of physical harm as a result of this incident (for example, bullying or 'retribution' by peers) • Do they share classes/break times/etc.? • Are they likely to come into contact with each other (or anyone else involved in/with knowledge of the incident) outside of the Academy? How can such contact be limited?				
Environmental Risks	• Do they live in a home where violence or abuse has occurred? • Do they live in or near an area or location known to police to be high risk for sexual harassment or assault? • Are they active on social media? If so, how? Do they know how to protect themselves from online grooming?				

	• What activities do they take part in out-side of the Academy?
	
	• Are parents clear about:
	
	    o How the school (and part-ner agencies) are handling the incident?
	
	    o Confidentiality?
	
	    o The conduct expected of them while an investiga-tion is ongoing?				

Reviews	Agreed Review frequency:		
Date	Updates Made	Reason for Update	Updated by

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