



Sir Alexander Fleming Primary School and Nursery

Peer on Peer Abuse: Managing allegations against other children

Reviewed September 2019
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Guidance taken from:

Sexual violence and sexual harassment between children in schools and colleges

Advice for governing bodies, proprietors, headteachers, principals, senior leadership teams and designated safeguarding leads

Introduction

At Sir Alexander Fleming Primary School and Nursery, we believe that children have a right to attend school and learn in a safe environment. Children should be free from harm by adults in the school and other children.

We recognise that some children will sometimes negatively affect the learning and wellbeing of others and their behaviour will be dealt with under the school's Behaviour Policy.

Key definitions

Bullying: Behaviour by an individual or group, repeated over time, that intentionally hurts another individual or group either physically or emotionally. This includes any repeated words or actions, which are aimed at causing someone to feel frightened, miserable and helpless. Bullying can take many forms, including:

- Verbal: e.g. name calling, sarcasm, threatening & teasing
- Physical: e.g. pushing, hitting, kicking, punching or any use of physical aggressive contact
- Social: e.g. ignoring, spreading rumours or treating someone like an outsider
- Psychological: e.g. stalking & intimidation

Cyber-bullying: 'Virtual' bullying using technology (e.g. chat rooms, instant messaging, email & mobile phone) which can occur in or outside College. Cyber-bullying can happen at all times of the day, with a potentially bigger audience, as people can forward on content very quickly and easily.

Sexting: Whilst professionals refer to the issue as 'sexting' there is no clear definition. Many professionals consider sexting to be sending or posting sexually suggestive images, including nude or semi-nude photographs, via mobiles or over the Internet but learners may be more likely to interpret sexting as writing and

sharing explicit messages with people they know. Creating and sharing sexual photos and videos of under-18s, including selfies, is illegal.

Harassment: Any conduct which is unwanted by a learner, which affects the dignity of the pupil or groups of pupils. Harassment may be repetitive or an isolated occurrence against one or more pupils.

The Equality Act 2010

The Equality Act 2010 replaced previous anti-discrimination laws with a single Act. A key provision was a new public sector Equality Duty, which came into force on 5 April 2011. This requires Sir Alexander Fleming Primary School and Nursery to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the act
- Advance equality of opportunity between people who share a protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and people who do not share it
- Foster good relations between people who share a protected characteristic and people who do not share it
- Peer on peer abuse often involves an imbalance of power between the perpetrator and the victim. This could involve perpetrators having control over the relationship which makes it difficult for those they abuse to defend themselves. This imbalance of power can manifest itself in several ways. It may be physical, psychological (knowing what upsets someone), or social (e.g. isolating or excluding someone). It could also include issues such as posting nude or semi nude pictures online or what are often gender issues (e.g. pupils being touched or boys being involved in initiation activities).

Safeguarding allegations:

Very occasionally, allegations may be made against children by others in the school, which are of a safeguarding nature. Though very rare, safeguarding issues raised in this way may include physical abuse, emotional abuse both in person and via social media, sexual abuse and sexual exploitation.

We recognise that children who have disabilities and/ or SEND may have additional barriers to disclosing incidents of a Child Protection nature. Similarly, professionals may also experience barriers when recognising signs of abuse and neglect with these particular children. Staff are trained to a high level in recognising signs of abuse and neglect and are fully aware of the policies and procedures to be followed in these instances.

It is likely that to be considered a safeguarding allegation against a child, some of the following features will be found.

The allegation:-

- Is made against an older child and refers to their behaviour towards a younger child
- or a more vulnerable child.
- Is of a serious nature, possibly including a criminal offence.
- Raises risk factors for other children in the school.
- Indicates that other children may have been affected by this child.
- Indicates that young people outside the school may be affected by this child.

Peer on peer abuse can take many forms.

Examples of safeguarding issues against a child could include:

(We appreciate that the risk of this happening in primary school is low, however it is still deemed a risk).

Physical Abuse

Violence, particularly pre-planned
Forcing others to use drugs or alcohol
Emotional Abuse
Blackmail or extortion
Threats and intimidation either in person or via social media platforms.
Sexual Abuse
Indecent exposure, indecent touching or serious sexual assaults
Forcing others to watch pornography or take part in sexting
Sexual Exploitation
Encouraging other children to attend inappropriate parties
Photographing or videoing other children performing indecent acts.
In areas where gangs are prevalent, older children may attempt to recruit younger children using any or all of the above methods. Young people suffering from sexual exploitation themselves may be forced to recruit other young people under threat of violence.

What is meant by sexual violence and sexual harassment between children?

Taken from: *Sexual violence and sexual harassment between children in schools and colleges 2018*

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

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

Children who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment. Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physically and verbally) and are never acceptable. It is important that all victims are taken seriously and offered appropriate support.

Reports of sexual violence and sexual harassment are extremely complex to manage. It is essential that victims are protected, offered appropriate support and every effort is made to ensure their education is not disrupted. It is also important that other children and school staff are supported and protected as appropriate. Evidence highlights why it is important that all staff have an understanding of what sexual violence and sexual harassment might look like and what to do if they have a concern or receive a report. Whilst any report of sexual violence or sexual harassment should be taken seriously, staff should be aware it is more likely that girls will be the victims of sexual violence and sexual harassment and more likely it will be perpetrated by boys.

- The Women and Equalities committee (WEC) found a number of large scale surveys find girls consistently reporting high levels of sexual harassment and sexual violence in schools and colleges
- Girlguiding's Girls' Attitudes Survey 2017 found 64% of girls aged 13-21 had experienced sexual violence or sexual harassment at school or college in the past year. This included 39% having their bra strap pulled by a boy and 27% having their skirts pulled up within the last week.
- Over a third (37%) of female students and 6% of male students at mixed-sex schools have personally experienced some form of sexual harassment at school.⁷
- Almost a quarter (24%) of female students and 4% of male students at mixed-sex schools have been subjected to unwanted physical touching of a sexual nature while at school.⁸

- Girls (14%) were significantly more likely than boys (7%) to report that their partner had pressured them to share nude images of themselves in the last year.⁹
- Girls are significantly more likely to be victimised with unwanted sexual messages and images from their peers online, with 31% of female respondents aged 13-17 years saying they had experienced this in the last year compared to 11% of male respondents.¹⁰
- In 2016/17 the NSPCC childline service provided over 3000 counselling sessions to children and young people concerned about being sexually assaulted by their peers.

What we should be aware of

Schools should be aware of the importance of:

- making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up;
- not tolerating or dismissing sexual violence or sexual harassment as “banter”, “part of growing up”, “just having a laugh” or “boys being boys”;
- challenging behaviour (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia and flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them;

• 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.

Children with Special Educational Needs and Disabilities (SEND) are three times more likely to be abused than their peers. Additional barriers can sometimes exist when recognising abuse in SEND children. These can include:

- 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;
- communication barriers and difficulties overcoming these barriers.

Children who are lesbian, gay, bi, or trans (LGBT) can be targeted by their peers. In some cases, a child who is perceived by their peers to be LGBT (whether they are or not) can be just as vulnerable as children who identify as LGBT.

Sexual violence

It is important that schools are aware of sexual violence and the fact children can, and sometimes do, abuse their peers in this way. 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 2003¹³. For full definitions of Rape, Assault by penetration and sexual assault please refer to the *Sexual violence and sexual harassment between children in schools and colleges 2018* link on page 4.

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. 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 (schools 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.¹⁸ It may include:
- non-consensual sharing of sexual images and videos. (UKCCIS sexting advice provides detailed advice for schools and colleges);
- sexualised online bullying;
- unwanted sexual comments and messages, including, on social media; and
- sexual 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". The term has been widely adopted in child protection and is used in this advice. Harmful sexual behaviour can occur online and/or offline and can also occur simultaneously between the two. Harmful sexual behaviour should be considered in a child protection context.

When considering harmful sexual behaviour, ages and the stages of development of the children are critical factors to consider. 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. See NSPCC: Harmful sexual behaviour for more information on what is harmful sexual behaviour.

Harmful sexual behaviour can, in some cases, progress on a continuum. Addressing inappropriate behaviour can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future. Children displaying harmful sexual behaviour have often experienced their own abuse and trauma. It is important that they are offered appropriate support.

Minimising the risk of safeguarding concerns towards children from other children:- These children will need an individual risk management plan to ensure that other children are kept safe and they themselves are not laid open to malicious allegations. There is a need to balance the tension between privacy and safeguarding.

What to do:-

Our initial response to a report from a child is important. It is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. 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.

When an allegation is made by a child against another student, members of staff should consider whether the complaint raises a safeguarding concern. If there is a safeguarding concern, the Designated Safeguarding Lead (DSL) should be informed immediately.

In some cases, the victim may not make a direct report. For example, a friend may make a report or a member of school staff may overhear a conversation that suggests a child has been harmed. As with all safeguarding concerns, it is important that in such instances staff take appropriate action in accordance with their child protection policy. They should not assume that someone else is responding to any

incident or concern. If in any doubt, they should speak to the designated safeguarding lead (or a deputy). In such cases, the basic safeguarding principles remain the same, but it is important for the school to understand why the victim has chosen not to make a report themselves. This discussion should be handled sensitively and with the support of children's social care if required.

There may be reports where the alleged sexual violence or sexual harassment involves pupils or students from the same school, but is alleged to have taken place away from the school, or online. There may also be reports where the children concerned attend two or more different schools. The safeguarding principles, and individual schools' duties to safeguard and promote the welfare of their pupils and students, remain the same. In such circumstances, appropriate information sharing and effective multi-agency working will be especially important.

As per Part one of Keeping Children Safe in Education, all staff should be trained to manage a report. Local policies (and training) will dictate exactly how reports should be managed.

However, effective safeguarding practice includes:

- not promising confidentiality at this initial stage as it is very likely a concern will have to be shared further (for example, with the designated safeguarding lead or children's social care) to discuss next steps. Staff should only share the report with those people who are necessary in order to progress it. It is important that the victim understands what the next steps will be and who the report will be passed to;
- recognising a child is likely to disclose information to someone they trust: this could be anyone on the school staff. It is important that the person to whom the child discloses recognises that the child has placed them in a position of trust. They should be supportive and respectful of the child;
- listening carefully to the child, 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.;
- considering the best way to make a record of the report. Best practice is to wait until the end of the report and immediately write up a thorough summary.

This allows the staff member to devote their full attention to the child and to listen to what they are saying. It may be appropriate to make notes, especially if a second member of staff is present. However, if making notes, staff should be conscious of the need to remain engaged with the child and not appear distracted.

At Sir Alexander Fleming, a factual record will be made of the allegation, but no attempt at this stage should be made to investigate the circumstances. The incident will be recorded on CPOMS.

- only recording the facts as the child presents them. The notes should not reflect the personal opinion of the note taker. Schools should be aware that notes of such reports could become part of a statutory assessment by children's social care and/or part of a criminal investigation;

Considering confidentiality and anonymity

Staff taking a report should never promise confidentiality as it is very likely that it will be in the best interests of the victim to seek advice and guidance from others in order to provide support and engage appropriate agencies. The school should only engage staff and agencies who are required to support the children involved and/or be involved in any investigation.

The victim may ask the school not to tell anyone about the sexual violence or sexual harassment. There are no easy or definitive answers when a victim makes this

request. If the victim does not give consent to share information, staff may still lawfully share it, if it can be justified to be in the public interest, for example, to protect children from harm and to promote the welfare of children. The designated safeguarding lead (or a deputy) should consider the following:

- parents or carers should normally be informed (unless this would put the victim at greater risk);
- the basic safeguarding principle is: if a child is at risk of harm, is in immediate danger, or has been harmed, a referral should be made to children's social care;
- rape, assault by penetration and sexual assaults are crimes. Where a report of rape, assault by penetration or sexual assault is made, this should be referred to the police. Whilst the age of criminal responsibility is ten, if the alleged perpetrator is under ten, the starting principle of referring to the police remains. The police will take a welfare, rather than a criminal justice approach, in these cases.

Ultimately, the designated safeguarding lead (or a deputy) will have to balance the victim's wishes against their duty to protect the victim and other children.

If the designated safeguarding lead (or a deputy) do decide to go ahead and make a referral to children's social care and/or a report to the police against the victim's wishes, this should be handled extremely carefully, the reasons should be explained to the victim and appropriate specialist support should be offered. 10

Anonymity

Where an allegation of sexual violence or sexual harassment is progressing through the criminal justice system, schools should be aware of anonymity, witness support and the criminal process in general so they can offer support and act appropriately. As a matter of effective safeguarding practice, schools should do all they 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.

Schools should also consider the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities.

The DSL should contact Family Connect (Tel: 01952 385385) to discuss the case, if appropriate. It is possible that Family Connect are already aware of safeguarding concerns around this young person. The DSL will follow through the outcomes of the discussion and make a Family Connect referral where appropriate.

The DSL will make a record of the concern on CPOMS (if this has not already been created) and the discussion and any outcome and keep a copy on file.

If the allegation indicates a potential criminal offence has taken place, the police should be contacted at the earliest opportunity and parents informed (of both the student being complained about and the alleged victim).

It may be appropriate to exclude the child being complained about for a period of time according to the school's behaviour policy and procedures.

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;
- the alleged perpetrator; and
- all the other children (and, if appropriate, adult students and staff) at the school, especially any actions that are appropriate to protect them;

Risk assessments should be recorded (written or electronic) and should be kept under review. The plan will be monitored and a date set for a follow-up evaluation with everyone concerned.

At all times, the school should be actively considering the risks posed to all their pupils and students and putting adequate measures in place to protect them and keep them safe.

The designated safeguarding lead (or a deputy) should ensure they are engaging with children's social care and specialist services as required. Where there has been a report of sexual violence, it is likely that professional risk assessments by social workers and or sexual violence specialists will be required.

The risk assessment is not intended to replace the detailed assessments of expert professionals. Any such professional assessments should be used to inform the schools approach to supporting and protecting their pupils and students and updating their own risk assessment.

After the case

No matter what the outcome is of an allegation of abuse against another child, the school will review the case to see if there are any improvements that can be made in its practice or policy that may help to prevent similar cases in the future. Reviews will be ongoing and long lasting, with information being passed at the point of transition.

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

What to consider

Schools should carefully consider any report of sexual violence and/or sexual harassment. The designated safeguarding lead (or deputy) is likely to have a complete safeguarding picture and be the most appropriate person to advise on the schools or college's initial response. Important considerations will include:

- 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;
- 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?;
- is the alleged incident is a one-off or a sustained pattern of abuse?
 - are there ongoing risks to the victim, other children, or school staff?;
- other related issues and wider context.

Options to manage the report

It is important that schools and colleges consider every report on a case-by-case basis. When to inform the alleged perpetrator will be a decision that should be carefully considered.

Where a report is going to be made to children's social care and/or the police, then, as a general rule, the school should speak to the relevant agency and discuss next steps and how the alleged perpetrator will be informed of the allegations.

However, as per general safeguarding principles, this does not and should not stop the school or college taking immediate action to safeguard their children, where required.

There are four likely scenarios for schools and colleges to 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, the school or college may take the view 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 their behaviour and bullying policies and by providing pastoral support.
- Whatever the schools or college's response, it should be underpinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated.
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic using CPOMS).

2. Early help

- In line with point 1 above, the school 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.
- Full details of the early help process are in Chapter 1 of Working Together to Safeguard Children.
- Multi-agency early help will work best when placed alongside strong school or college policies, preventative education as set out in Part three of this advice and engagement with parents and carers.

- Whatever the response, it should be under-pinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated.
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic using CPOMS).

3. Referrals to children's social care

- Where a child has been harmed, is at risk of harm, or is in immediate danger, schools should make a referral to local children's social care.
- At the referral to children's social care stage, schools 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 a referral is made, children's social care will then make enquiries to determine whether any of the children involved are in need of protection or other services.
- Where statutory assessments are appropriate, the school (especially the designated safeguarding lead or a deputy) should 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.
- Schools should not wait for the outcome (or even the start) of a children's social care investigation before protecting the victim and other children in the school. It will be important for the designated safeguarding lead (or a deputy) to work closely with children's social care (and other agencies as required) to ensure any actions the school takes do not jeopardise a statutory investigation. The risk assessment will help inform any decision. Consideration of safeguarding the victim, alleged perpetrator, any children directly involved in the reported incident and all children (and adult students) at the school or college should be immediate.
- In some cases, children's social care will review the evidence and decide a statutory intervention is not appropriate. The school (generally led by the designated

safeguarding lead or a deputy) should be prepared to refer again if they believe the child remains in immediate danger or at risk of harm. If a statutory assessment is not appropriate, the designated safeguarding lead (or a deputy) should consider other support mechanisms such as early help, specialist support and pastoral support.

- Whatever the response, it should be under-pinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated.
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic via CPOMS).

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.
- At this stage, schools will generally inform parents or carers unless there are compelling reasons not to, for example, if informing a parent or carer is likely to put a child at additional risk. In circumstances where parents or carers have not been informed, it will be especially important that the school or college is supporting the child in any decision they take. This should be with the support of children's social care and any appropriate specialist agencies.
- Where a report has been made to the police, the school should consult the police and agree what information can be disclosed to staff and others, in particular, the alleged perpetrator and their parents or carers. They should also discuss the best way to protect the victim and their anonymity.
- All police forces in England have specialist units that investigate child abuse. The names and structures of these units are matters for local forces. It will be important that the designated safeguarding lead (and their deputies) are aware of their local arrangements.
- In some cases, it may become clear very quickly, that the police (for whatever reason) will not take further action. In such circumstances, it is important that the school continue to engage with specialist support for the victim as required.
- Whatever the response, it should be under-pinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated.
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic CPOMS).

Safeguarding and supporting the victim

The following principles are based on effective safeguarding practice and should help shape any decisions regarding safeguarding and supporting the victim.

- The school should think carefully about the terminology it uses to describe the "victim".
- Consider the age and the developmental stage of the victim, the nature of the allegations and the potential risk of further abuse. Schools should be aware that, by the very nature of sexual violence and sexual harassment, a power imbalance is likely to have been created between the victim and alleged perpetrator.
- The needs and wishes of the victim should be paramount (along with protecting the child) in any response. It is important they feel in as much control of the process as is reasonably possible. Wherever possible, the victim, if they wish, should be able to continue in their normal routine. Overall, the priority should be to make the victim's

daily experience as normal as possible, so that the school or college is a safe space for them.

- The victim should never be made to feel they are the problem for making a report or made to feel ashamed for making a report.
- Consider the proportionality of the response. Support should be tailored on a case-by-case basis. The support required regarding a one-off incident of sexualised name-calling is likely to be vastly different from that for a report of rape. Support can include:
 - Children and Young People's Independent Sexual Violence Advisors (ChISVAs) provide emotional and practical support for victims of sexual violence. They are based within the specialist sexual violence sector and will help the victim understand what their options are and how the criminal justice process works if they have reported or are considering reporting to the police. ChISVAs will work in partnership with schools and colleges to ensure the best possible outcomes for the victim.
 - Police and social care agencies can signpost to ChISVA services (where available) or referrals can be made directly to the ChISVA service by the young person or school or college. Contact details for ChISVAs can be found at Rape Crisis and The Survivors Trust.
 - Child and adolescent mental health services (CAMHS).
 - Rape Crisis Centre's can provide therapeutic support for children who have experienced sexual violence.
 - Internet Watch Foundation (to potentially remove illegal images)

Victims may not disclose the whole situation immediately. They may be more comfortable providing information on a piecemeal basis. It is essential that dialogue is kept open and encouraged. When it is clear that ongoing support will be required, schools should ask the victim if they would find it helpful to have a designated trusted adult (for example, their form tutor or designated safeguarding lead) to talk to about their needs. The choice of any such adult should be the victim's. Schools should respect and support this choice.

- A victim of sexual violence is likely to be traumatised and, in some cases, may struggle in a normal classroom environment. While schools should avoid any action that would have the effect of isolating the victim, in particular from supportive peer groups, there may be times when the victim finds it difficult to maintain a full-time timetable and may express a wish to withdraw from lessons and activities. This should be because the victim wants to, not because it makes it easier to manage the situation. If required, schools should provide a physical space for victims to withdraw.
- It may be necessary for schools to maintain arrangements to protect and support the victim for a long time. Schools should be prepared for this and should work with children's social care and other agencies as required.
- It is important that the school does everything they reasonably can to protect the victim from bullying and harassment as a result of any report they have made.
- Whilst they should be given all the necessary support to remain in their school or college, if the trauma results in the victim being unable to do this, alternative provision or a move to another school should be considered to enable them to continue to receive suitable education. This should only be at the request of the victim (and following discussion with their parents or carers).
- It is important that if the victim does move to another educational institution (for any reason), that the new educational institution is made aware of any ongoing support needs. The designated safeguarding lead should take responsibility to ensure this happens (and should discuss with the victim and, where appropriate, their parents or carers as to the most suitable way of doing this) as well as transferring the child protection file.

Safeguarding and supporting the alleged perpetrator

The following principles are based on effective safeguarding practice and should help shape any decisions regarding safeguarding and supporting the alleged perpetrator:

- The school will have a difficult balancing act to consider. On one hand they need to safeguard the victim (and all other children, adult students and staff at the school or college) and on the other hand provide the alleged perpetrator 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 school or college. Schools should work with professionals as required to understand why a child may have abused a peer. It is important to remember that, as a child, any alleged perpetrator is entitled to, deserving of, and should be provided with, a high level of support to help them understand and overcome the reasons for their behaviour and help protect other children by limiting the likelihood of them abusing again.
- Consider the age and the developmental stage of the alleged perpetrator and nature of the allegations. Any child will likely experience stress as a result of being the subject of allegations and/or negative reactions by their peers to the allegations against them.
- Consider the proportionality of the response. Support (and sanctions) should be considered on a case-by-case basis. An alleged perpetrator may potentially have unmet needs (in some cases these may be considerable) as well as potentially posing a risk of harm to other children. Harmful sexual behaviour in young children may be (and often are) a symptom of either their own abuse or exposure to abusive practices and or materials. Advice should be taken, as appropriate, from children's social care, specialist sexual violence services and the police.
- It is important that if the alleged perpetrator does move to another educational institution (for any reason), that the new educational institution is made aware of any ongoing support needs and where appropriate, potential risks to other children, adult students and staff. The designated safeguarding lead should take responsibility to ensure this happens as well as transferring the child protection file.

Discipline and the alleged perpetrator

Schools

With regard to the alleged perpetrator, advice on behaviour and discipline in schools is clear that teachers can discipline pupils whose conduct falls below the standard which could be reasonably expected of them.

Disciplinary action can be taken whilst other investigations by the police and/or children's social care are ongoing. The fact that another body is investigating or has investigated an incident does not in itself prevent a school from coming to its own conclusion, on the balance of probabilities, about what happened, and imposing a penalty accordingly. This is a matter for the school and should be carefully considered on a case-by-case basis.

The designated safeguarding lead (or a deputy) should take a leading role. The school should consider if, by taking any action, they would prejudice an investigation and/or any subsequent prosecution. Careful liaison with the police and/or children's social care should help the school make a determination.

It will also be important to consider whether there are circumstances that make it unreasonable or irrational for the school to reach their own view about what happened while an independent investigation is considering the same facts.

Discipline and support

Taking disciplinary action and still providing appropriate support are not mutually exclusive actions. They can, and should, occur at the same time if necessary. The school or college should be very clear as to what its approach is.

On the one hand there is preventative or forward-looking action to safeguard the victim and/or the perpetrator, especially where there are concerns that the perpetrator themselves may have been a victim of abuse; and, on the other, there is disciplinary action to punish a perpetrator for their past conduct.

The school should be very clear as to which category any action they are taking falls or whether it is really both, and should ensure that the action complies with the law relating to each relevant category.

Working with parents and carers

The school will, in most instances, 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 should be considered on a case-by-case basis). 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.

Schools should 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 school or college to work with relevant agencies to ensure a consistent approach is taken to information sharing.

It is good practice for the school to 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.

It is also good practice for the school to meet with the alleged perpetrator's parents or carers to discuss any arrangements that are being put into place that impact the 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.

The designated safeguarding lead (or a deputy) would generally attend any such meetings. Consideration to the attendance of other agencies should be considered on a case-by-case basis.

Clear behaviour policies and child protection policies, especially policies that set out the principles of how reports of sexual violence will be managed and how victims and perpetrators are likely to be supported, that parents and carers have access to, will, in some cases, help manage what are inevitably very difficult conversations.

Parents and carers may well struggle to cope with a report that their child has been the victim of an assault or is alleged to have assaulted another child. Details of organisations that support parents are provided in Annex A of *Sexual violence and sexual harassment between children in schools and colleges Advice for governing bodies, proprietors, headteachers, principals, senior leadership teams and designated safeguarding leads May 2018*; Schools and colleges should consider signposting parents to this support.

Safeguarding other children

Consideration should be given to supporting children (and adult students) who have witnessed sexual violence, especially rape and assault by penetration.

Witnessing such an event is likely to be traumatic and support may be required.

Following any report of sexual violence or sexual harassment, it is likely that some children will take "sides". The school should be doing all they can to ensure both the victim and alleged perpetrator, and any witnesses, are not being bullied or harassed.

Social media is very likely to play a central role in the fall out from any incident or alleged incident. There is the potential for contact between victim and alleged perpetrator and a very high likelihood that friends from either side could harass the victim or alleged perpetrator online and/or become victims of harassment themselves.

School transport is a potentially vulnerable place for a victim or alleged perpetrator following any incident or alleged incident. The school or college, as part of its risk assessment, should consider any additional potential support needs to keep all of their children safe.

A whole school or college approach to safeguarding, a culture that makes clear that sexual violence and sexual harassment is always unacceptable, and a strong preventative education programme will help create an environment in which all children at the school or college are supportive and respectful of their peers when reports of sexual violence or sexual harassment are made.

It is important that schools and colleges keep their policies, processes and curriculum under constant review to protect all their children. Reports of sexual violence and/or harassment (especially where there is evidence of patterns of behaviour) may point to environmental and or systemic problems that could and should be addressed by updating relevant policies, processes or relevant parts of the curriculum.

The role of education in prevention

The most effective preventative education programme will be through a whole-school approach that prepares pupils for life in modern Britain. Newdale has a clear set of values and standards, and these will be upheld and demonstrated throughout all aspects of school life. This is underpinned by the school's behaviour policy and pastoral support system, and by a planned programme of evidence-based content delivered through the whole curriculum.

Such a programme has been developed to be age and stage of development appropriate (especially when considering SEND children and their cognitive understanding), and may tackle such issues as:

- healthy and respectful relationships;
- what respectful behaviour looks like;
- consent;
- gender roles, stereotyping, equality;
- body confidence and self-esteem;
- prejudiced behaviour;
- that sexual violence and sexual harassment is always wrong; and
- addressing cultures of sexual harassment.

Good practice allows children an open forum to talk things through. Such discussions can lead to increased safeguarding reports. Children should be made aware of the processes to raise their concerns or make a report and how any report will be handled. This should include processes when they have a concern about a friend or peer.

Other advice and guidance

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

- Exclusions From Maintained Schools, Academies and PRUs (statutory guidance)
- Keeping Children Safe in Education (statutory guidance)

- Sex and Relationship Education (statutory guidance for maintained schools and academies)
- Working Together to Safeguard Children (statutory guidance)
- Behaviour and Discipline in Schools (advice for schools)
- Children Missing Education (advice for schools)
- Cyberbullying (advice for schools)
- Equality Act 2010 and Public Sector Equality Duty (advice for schools)
- Equality Act 2010 Technical Guidance (advice for further and higher education providers)
- Mental Health and Behaviour in Schools (advice for schools)
- Preventing and Tackling Bullying (advice for schools)
- The Equality and Human Rights Commission (provides advice on avoiding discrimination in a variety of educational contexts)
- UKCCIS Sexting advice (advice for schools and colleges)

Appendices

- Strategy Discussion / Meeting agenda – specifically for use in children who harm others.

- Support list for children who harm other children, victims and their families.

Strategy Discussion/Meeting Agenda

Specifically for use in children who harm others cases

A Local Authority Social worker and their Team Manager, Health Professionals, Youth Offending Service and a Police representative should, as a minimum, be involved in the Strategy Discussion/Meeting.

(Working Together 2015)

1. Welcome and introductions

2. Confirmation of child's details

3. Reason for strategy discussion/meeting (confirmation of alleged abuse category)

4. Confirmation of other children involved and clarification of whether any other strategy meetings are being held in respect of them.

5. Discussion and analysis
 - a. Information relevant to the protection and needs of the alleged victim is gathered
 - b. Any information relevant to any abusive experiences and protection needs of each child who is the alleged abuser, is gathered
 - c. Any criminal aspects of the alleged abuse are investigated
 - d. Any information about the risks to self (both children) and others, including other children in the household, extended family, school, peer group or wider social network, is gathered.
 - e. Where a Strategy Discussion refers to children of more than one family, separate minutes should be produced relating to each family.
 - f. What further information is required and how will this be obtained?
 - g. How will the child/young person's view be gained?
 - h. Are the parents/carers aware of the allegations and how are they being informed.
 - i. Wider considerations:
 - Does it require a notification to Ofsted?
 - Do the notes need to be shared with anyone not invited/attending the meeting?
 - Does a referral to LADO need to be considered?

- Does a referral to MAPPa need to be considered?
- Does a referral to MARAC need to be considered?
- Does the case need to be considered alongside the CSE Care and Support Pathway?
- Are there any media implications?

6. Decisions of the meeting (why, whom and by when):

- a. Start Sec 47 Enquiries – if so, single or joint?
- b. Start C&F Assessment?
- c. What support needs to be provided to each child/young person (including siblings)?
- d. Is legal action required at this point? (If yes what and by whom).
- e. Is a medical examination required? (If yes, how, and has consent been given)
- f. Is an Achieving Best Evidence (ABE) interview required?
- g. Arrange Review Strategy Meeting
- h. Arrange a Resolution meeting
- i. Referral to Other Agency
- j. Any other actions
- k. No Further Action

Please refer to the full procedure for further guidance: Chapter 2.12: Children who harm others 24

Support for Children who harm other Children, Victims and their Families Support for who?	Agency/Organisation	What support is available
Victims	Police	Intermediaries for supporting victims through court proceedings
Youth Justice Service (YJS)		Victim Support Worker
Axis Counselling		Counselling for 12 years + for sexual abuse.
Newstart Networks		Support for 3 – 23 year olds for those who experience trauma. Contact details 01743 or 01743 453517.
BeeU Emotional Health and Wellbeing (0 – 25) service (MPFT)		Referrals need to be made via a single point of access by email at 025SPA@sssft.nhs.uk or telephone at 0300 124 0093.
Access services directory for Kooth, an anonymous 24-hour online service offering peer support, self-help and have trained counsellors to talk to. Anyone aged 11-25, living in Telford and Wrekin can register to access this service and you don't need to be referred or have an appointment.		

Access services directory for The Children's Society, which deliver health promotion, prevention and early help and support as well as working with young people to aid transition/sign posting to other services or resources. Drop in sessions are available in Telford. You don't need to be referred or have an appointment.

Glade	Paediatric: 0800 953 4131, email: info@the glade.org.uk, www.bhamcommunity.nhs.uk/psas .
NSPCC	Seek advice and guidance. 0808 800 5000. www.nspcc.org.uk Email help@nspcc.org.uk
Sexual Health Service	0300 123 0994, www.sexualhealth.sssft.nhs.uk
Midwifery	Vulnerable Midwife
TIMS (Teenage Identified Midwives) support young people during their pregnancy and early months	
Family Nurse Partnership	