

Managing Allegations of Peer on Peer Abuse Policy



St Vincent's Catholic Primary School

The School Mission Statement

To love, serve and learn as Jesus shows us

DOCUMENT STATUS

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Links to other Policies and Guidance Documentation:

This Policy should be read in conjunction with or reference to:

DfE (2018) 'Working Together to Safeguard Children'	DfE (2018) 'Sexual violence and sexual harassment between children in schools and colleges'
DfE (2019) 'Keeping children safe in education'	Safeguarding and Child Protection Policy
Behaviour Policy	Anti-bullying Policy

Definitions:

For the purposes of this policy, the term "harmful sexual behaviour" is used to describe behaviour that is problematic, abusive and violent, and that may cause developmental damage. Harmful sexual behaviour may include, but is not limited to, the following actions:

- Using sexually explicit words and phrases
- Inappropriate touching
- Sexual violence or threats
- Full penetrative sex with other children or adults
- Sexual interest in adults or children of very different ages to their own.
- Forceful or aggressive sexual behaviour.
- Compulsive habits.
- Sexual behaviour affecting progress and achievement.
- Using sexually explicit words and phrases.
- Inappropriate touching.
- Sexual violence or threats.

In accordance with the DfE's guidance, 'Sexual violence and sexual harassment between children in schools and colleges' (2018), and for the purposes of this policy, the term "sexual harassment" is used within this policy to describe any unwanted conduct of a sexual nature, both online or offline. Sexual harassment violates a pupil's dignity and makes them feel intimidated, degraded or humiliated, and can create a hostile, sexualised or offensive environment. If left unchallenged, sexual harassment can create an atmosphere that normalises inappropriate behaviour and may lead to sexual violence. Sexual harassment includes:

- Sexual comments.
- Sexual "jokes" and taunting.
- Physical behaviour, such as deliberately brushing against another pupil.
- Online sexual harassment, including non-consensual sharing of images and videos and consensual sharing of sexual images and videos (often known as sexting), inappropriate comments on social media, exploitation, coercion and threats – online sexual harassment may be isolated or part of a wider pattern.

For the purpose of this policy, the term "sexual violence" encompasses the definitions provided in the Sexual Offences Act 2003, including those pertaining to rape, assault by penetration and sexual assault.

For the purposes of this policy, "upskirting" refers to the act of taking a picture or video under another person's clothing, without their knowledge or consent, with the intention of viewing that person's genitals or buttocks (with or without clothing). Despite the name, anyone (including both pupils and teachers), and any gender, can be a victim of upskirting.

Introduction

Allegations where both the alleged victim and the perpetrator are pupils at the same school are amongst the most difficult to manage. Most allegations of physical violence between pupils would be dealt with within the school's Behaviour policy, however allegations of peer on peer sexual violence and sexual harassment need to follow Safeguarding and Child Protection procedures.

Reports of sexual violence and sexual harassment are likely to be complex and require difficult professional decisions to be made, often quickly and under pressure. The procedure outlined below aims to support the Designated Senior Lead or any staff to whom a disclosure is made make calm, considered and appropriate response to any reports.

The starting point regarding any report should always be that sexual violence and sexual harassment is not acceptable and will not be tolerated. Especially important is not to pass off any sexual violence or sexual harassment as 'banter', 'part of growing up' or 'having a laugh'.

As always when concerned about the welfare of a child, all staff should act in the best interests of the child and immediate consideration must be given as to how best to support and protect the victim and the alleged perpetrator (and any other children involved/impacted).

All staff will be aware that peer-on-peer abuse can be manifested in many different ways, including sexting and gender issues.

All staff will be made aware of the heightened vulnerability of pupils with SEND, who are three times more likely to be abused than their peers. Staff will not assume that possible indicators of abuse relate to the pupil's SEND and will always explore indicators further.

LGBTQ+ children can be targeted by their peers. In some cases, children who are perceived to be LGBTQ+, whether they are or not, can be just as vulnerable to abuse as LGBTQ+ children.

The school's response to boy-on-boy and girl-on-girl sexual violence and sexual harassment will be equally as robust as it is for incidents between children of the opposite sex.

A preventative approach

In order to prevent peer-on-peer abuse and address the wider societal factors that can influence behaviour, the school will educate pupils about abuse, its forms and the importance of discussing any concerns and respecting others through the curriculum, assemblies and PSHE lessons.

The school will also ensure that pupils are taught about safeguarding, including online safety, as part of a broad and balanced curriculum in PSHE lessons, RSE and group sessions. Such content will be age and stage of development specific, and tackle issues such as the following:

- Healthy relationships
- Respectful behaviour
- Gender roles, stereotyping and equality
- Body confidence and self-esteem
- Prejudiced behaviour
- That sexual violence and sexual harassment is always wrong
- Addressing cultures of sexual harassment

Pupils will be allowed an open forum to talk about concerns and sexual behaviour. They are taught how to raise concerns and make a report, including concerns about their friends or peers, and how a report will be handled.

Handling disclosures of peer on peer sexual violence or sexual harassment

Safeguarding and Child Protection Procedures should be followed if a child makes a disclosure of sexual violence or harassment.

When a child discloses information about abuse to a member of staff, it may be done obliquely rather than directly and be limited in detail. Children should not be pressed to disclose any further information than they are comfortable and willing to disclose.

DO

- Be accessible and receptive
- Listen to the pupil but try not to show your reaction as this may influence the information that they disclose
- Take it seriously
- Remain calm so that the pace of disclosure is dictated by the pupil without them being pressed for detail
- Use open questions such as "is there any thing else you want to tell me?"
- Reassure the child that they are right to tell
- It is acceptable to observe injuries but do not to ask a pupil to remove their clothing in order to do this
- Inform the Designated Safeguarding Lead and seek their support
- Take careful records of what was said using the child's own words as soon as is practicable following the disclosure. Date, time and sign the record (Pink form). This record may be used in any subsequent legal proceedings.

DO NOT

- Jump to conclusions
- Ask leading questions – it is not your role to investigate but to listen
- Press for further details
- Burden the pupil with guilt by asking questions like "why didn't you tell me before?"

- Speculate, accuse or criticise the perpetrator or make verbal judgement – the pupil might have a relationship with them
- Make promises you cannot keep
- Promise confidentiality but explain who you need to tell and why

In addition to these general safeguarding and child protection procedures, when a disclosure is made of sexual violence or harassment:

- Where possible, 2 member of staff should be present (preferably the Designated Senior Lead or Deputy). Where this is not possible, it is vital that any disclosures are reported to the Designated Senior Lead (or a Deputy) immediately.
- It is especially important that all victims are reassured that they are being taken seriously and that they will be supported and kept safe.
- A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment.
- A victim should never be made to feel ashamed for making a report.
- Where the report includes an online element, staff should not view or forward any images
 - The Designated Senior Lead should follow the searching screening and confiscation advice (for schools) and UKCCIS sexting advice (for schools and colleges). The key consideration is for staff not to view or forward illegal images of a child.

The immediate response to a disclosure of sexual violence or harassment

Victims will always be taken seriously, reassured, supported and kept safe. Victims will never be made to feel like they are causing a problem or made to feel ashamed.

If a friend of a victim makes a report or a member of staff overhears a conversation, staff will take action – they will never assume that someone else will deal with it. The basic principles remain the same as when a victim reports an incident; however, staff will consider why the victim has not chosen to make a report themselves and the discussion will be handled sensitively and with the help of Children's Social Care where necessary. If staff are in any doubt, they will speak to the DSL.

Where an alleged incident took place away from the school or online but involved pupils from the school, the school's duty to safeguard pupils remains the same.

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 focus on any action required to protect and support:

- The victim;
- The alleged perpetrator;
- All the other children, and
- If appropriate, adult students and staff at the school

Risk assessments should be recorded (written or electronic) and should be kept under review to ensure that adequate measures are in place to protect and support all involved.

The risk assessment completed internally, will not replace that completed by external professions – it is the duty of the Designated Safeguarding Lead (or a Deputy) to work with children's social care and specialist services as required and then use any external risk assessment to inform action taken within school.

Where the victim and alleged perpetrator are in the same school, arrangements will be put in place to keep them apart during school hours, and consideration should be given to arrival at, and leaving school premises. 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.

Managing a disclosure of sexual violence or harassment

Ultimately, any decisions will be made on a case-by-case basis, with the Designated Safeguarding Lead (or a deputy) taking a leading role and using their professional judgement, supported by other agencies, such as children's social care and the police as required.

When making any decisions in relation to a report, 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?;
- if the alleged incident is a one-off or a sustained pattern of abuse;
- are there ongoing risks to the victim, other children, adult students or school or college staff; and
- other related issues and wider context, including the full safeguarding background of all children involved

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 will be recorded.

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

- Manage internally
 - In some cases of sexual harassment, it may be decided 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, through behaviour and bullying policies and by providing pastoral support.
- Refer to Early Help
 - In some cases of sexual harassment, it may be decided that the children involved do not require statutory interventions, but may benefit from early help.

- Early help provides 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.
- Refer to Children's Social Care
 - Where a child has been harmed, is at risk of harm, or is in immediate danger, a referral will be made to children's social care.
 - Unless there are compelling reasons not to (it is going to put the child at additional risk), parents or carer will be informed of the referral. Any decision about informing parents and carers or not, will be made with the support of children's social care.
 - Children's social care will then manage the investigation, supported by the Designated Senior Lead in school, to ensure that any action taken in school is guided by children's social care and will not jeopardise a statutory investigation.
- Report to the Police
 - Any report to the police will generally be in parallel with a referral to children's social care (as above).
 - 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.
 - Unless there are compelling reasons not to (it is going to put the child at additional risk), parents or carer will be informed of the referral. Any decision about informing parents and carers or not, will be made with the support of children's social care.
 - Where a report has been made to the police, the police will be consulted 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.

It is important to emphasise that every report will be considered on a case-by-case basis.

When a report is to be escalated to children's social care and/or the police, guidance from these agencies will be taken in relation to next steps and how the alleged perpetrator will be informed of the allegations.

Where a report is not immediately escalated, advice and support may be taken from the Education Safeguarding Team.

Once the Designated Safeguarding Lead (or a Deputy) has decided what the next steps will be in terms of progressing the report, contact between the victim and alleged perpetrator within school must also then be given further consideration and the risks must be reviewed and reassessed. Any decision needs to balance the duty to safeguard children and the duty to educate them, however as always when concerned about the welfare of a child, the best interests of the child should come first. In all cases, decisions and justification for those decisions must be recorded.

- Where there is a criminal investigation into a rape, assault by penetration or sexual assault, the alleged perpetrator will be kept separate from the victim and more serious sanctions may also be considered appropriate. This is in the best interests of both children and should not be perceived to be a judgement on the guilt of the alleged perpetrator.
- Where a criminal investigation into a rape, assault by penetration or sexual assault leads to a conviction or caution, suitable disciplinary action will be taken, if this has not already happened, including consideration of permanent exclusion. In all but the most exceptional of circumstances, a conviction of rape or assault would constitute a serious breach of discipline and lead to the view that allowing the perpetrator to remain in the same school would seriously harm the education or welfare of the victim (and potentially other pupils or students).
- 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 contact within school as required on a case-by-case basis.

All of the above should be considered along 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.

Ongoing Safeguarding and support for the victim

Factors for consideration outlined above, should also be given strong consideration when managing support

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 is a safe space for them.

The victim must never be made to feel they are the problem for making a report or made to feel ashamed for making a report.

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.

Within school it is vital that dialogue and pastoral support remains open as victims may not disclose the whole picture immediately. They may be more comfortable providing information on a piecemeal basis.

The victim will be offered the opportunity to choose a designated trusted adult to talk to about their needs.

A victim of sexual violence is likely to be traumatised and, in some cases, may struggle in a normal classroom environment. Whilst the overall aim will be to maintain a normal routine within school, should the victim express a need for it, provision will be made for a reduced timetable, or a space to withdraw. These actions however, will only be taken because the victim wants it, not because it makes it easier to manage the situation.

Support will be maintained for a victim for as long as is necessary, and will be offered with the support and guidance of children's social care and other agencies as required.

External support may also include:

- Children and Young People's Independent Sexual Violence Advisors (ChISVAs) who provide emotional and practical support for victims of sexual violence.
- Child and adolescent mental health services (CAMHS)
- Rape Crisis Centre's who can provide therapeutic support for children who have experienced sexual violence.
- Internet Watch Foundation (to potentially remove illegal images)

A victim will be given all the necessary support to remain in school, however if they (if discussion with parents or carers) decide that the trauma is too great, and feel that they need to move to another school, the new school will be made aware of any ongoing support needs and child protection records will be transferred following normal safeguarding policy and procedures.

Safeguarding and supporting the alleged perpetrator

This potentially difficult balance needs to consider:

- The need to safeguard the victim (and other children) and
- The need to provide the alleged perpetrator with an education, safeguarding support as appropriate and implement any disciplinary sanctions.
- 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.
- 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 behaviours in young children may be (and often are) a symptom of either their own abuse or exposure to abusive practices and or materials. Advice will 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 school (for any reason), that the new school is made aware of any ongoing support needs and where appropriate, potential risks to other children and staff. Child protection records will be transferred following normal safeguarding policy and procedures.