

# Managing Allegations of Child on Child 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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## **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 child on child 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 child-on-child 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.

## **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 (2020) '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.

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

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) to obtain sexual gratification, or cause the victim humiliation, distress or alarm. It is now a criminal offence. Despite the name, anyone (including both pupils and teachers), and any gender, can be a victim of upskirting.

### **A preventative approach**

In order to prevent child-on-child 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 child on child 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 anything 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 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.

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.
  - Multi-agency early help will work best when placed alongside strong school or college policies, preventative education and engagement with parents and carers.
- 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.
  - 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.
  - School 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 or college. 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 or college

takes do not jeopardise a statutory investigation. The risk assessment will help inform any decision. Consideration of safeguarding the victim, alleged perpetrator, any other children directly involved in the safeguarding report and all children at the school 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.
- 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.
  - 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 or college continue to engage with specialist support for the victim as required.
  - Bail conditions
    - Police bail is only used in exceptional circumstances. It is unlikely that a child will be placed on police bail if alternative measures can be used to mitigate risks.
    - The school will work with CSCS and the police to support the victim, alleged perpetrator and other children (especially witnesses) during criminal investigations. The school will seek advice from the police to ensure they meet their safeguarding responsibilities.
    - The term 'released under investigation' (RUI) is used to describe alleged perpetrators released in circumstances that do not warrant the application of bail.
    - Where bail is deemed necessary, the school will work with CSCS and the police to safeguard children – ensuring that the victim can continue in their normal routine and continue to receive a suitable education.
  - Managing delays in the criminal justice system
    - The school will not wait for the outcome (or even the start) of criminal proceedings before protecting the victim, alleged perpetrator and other children. The associated risk assessment will be used to inform any decisions made.
    - The DSL will work closely with the police to ensure the school does not jeopardise any criminal proceedings, and to obtain help and support as necessary.
  - The end of the criminal process
    - Risk assessments will be updated if the alleged perpetrator receives a caution or is convicted. If the perpetrator remains in the same school as the victim, the school will set out clear expectations regarding the perpetrator, including their behaviour and any restrictions deemed reasonable and proportionate with regards to the perpetrator's timetable.
    - The school will ensure that the victim and perpetrator remain protected from bullying and harassment (including online).
    - Where an alleged perpetrator is found not guilty or a case is classed as requiring "no further action", the school will offer support to the victim and alleged perpetrator for as long as is necessary. The victim is likely to be traumatised and the fact that an

allegation cannot be substantiated does not necessarily mean that it was unfounded. The school will discuss decisions with the victim and offer support.

- The alleged perpetrator is also likely to require ongoing support, as they have also been through a difficult and upsetting experience.

### **Ongoing Safeguarding and support for the victim**

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. .

Any decisions regarding safeguarding and supporting the victim will be made with the following considerations in mind:

- The terminology the school uses to describe the victim
- The age and developmental stage of the victim
- The needs and wishes of the victim
- Whether the victim wishes to continue in their normal routine
- The victim will not be made to feel ashamed about making a report
- What a proportionate response looks like

Victims may not disclose the whole picture immediately and they may be more comfortable talking about the incident on a piecemeal basis; therefore, a dialogue will be kept open and the victim can choose to appoint a designated trusted adult.

Victims may struggle in a normal classroom environment. Whilst it is important not to isolate the victim, the victim may wish to be withdrawn from lessons and activities at times. This will only happen when the victim wants it to, not because it makes it easier to manage the situation.

The school will provide a physical space for victims to withdraw to.

Victims may require support for a long period of time and the school will be prepared to offer long-term support in liaison with relevant agencies.

Everything possible will be done to prevent the victim from bullying and harassment as a result of any report they have made.

If the victim is unable to remain in the school, alternative provision or a move to another school will be considered – this will only be considered at the request of the victim and following discussion with their parents.

If the victim does move to another school, the DSL will inform the school of any ongoing support needs and transfer the child protection file.

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)

### **Safeguarding and ongoing support for the alleged perpetrator**

When considering the support required for an alleged perpetrator, the school will take into account:

- The terminology they use to describe the alleged perpetrator or perpetrator.
- The balance of safeguarding the victim and providing the alleged perpetrator with education and support.
- The reasons why the alleged perpetrator may have abused the victim – and the support necessary.
- Their age and developmental stage.



- What a proportionate response looks like.
- Whether the behaviour is a symptom of their own abuse or exposure to abusive practices and/or materials.

When making a decision, advice will be taken from CSCS, specialist sexual violence services and the police as appropriate.

If the alleged perpetrator moves to another school (for any reason), the DSL will inform the destination school of any ongoing support needs and transfer the child protection file.

The school will work with professionals as required to understand why the abuse took place and provide a high level of support to help the pupil understand and overcome the reasons for their behaviour and reduce the likelihood of them abusing again.

### **Disciplining the alleged perpetrator**

Disciplinary action can be taken whilst investigations are ongoing and the fact that investigations are ongoing does not prevent the school reaching its own conclusion and imposing an appropriate penalty.

The school will make such decisions on a case-by-case basis, with the DSL taking a leading role. The school will take into consideration whether any action would prejudice an investigation and/or subsequent prosecution. The police and CSCS will be consulted where necessary.

The school will also consider whether circumstances make it unreasonable or irrational for the school to make a decision about what happened while an investigation is considering the same facts.

Disciplinary action and support can take place at the same time.

The school will be clear whether action taken is disciplinary, supportive or both.

Once the DSL has decided to progress a report, they will again consider whether the victim and alleged perpetrator will be separated in classes, on school premises and on school transport – balancing the school's duty to educate against its duty to safeguard. The best interests of the pupil will always come first.

Where there is a criminal investigation into rape or assault by penetration, the alleged perpetrator will be removed from classes with the victim and potential contact on school premises and transport will be prevented.

Where a criminal investigation into rape or assault by penetration leads to a conviction or caution, in all but the most exceptional circumstances, this will constitute a serious breach of discipline and result in the view that allowing the perpetrator to remain in the school would harm the education or welfare of the victim and potentially other pupils.

Where a criminal investigation into sexual assault leads to a conviction or caution, the school will consider suitable sanctions and permanent exclusion. If the perpetrator will remain at the school, the school will keep the victim and perpetrator in separate classes and manage potential contact on school premises and transport. The nature of the conviction or caution, alongside the wishes of the victim, will inform any discussions made.

Where a report of sexual assault does not lead to a police investigation, this does not mean that the offence did not happen or that the victim has lied. Both the victim and alleged perpetrator will be affected and appropriate support will be provided. Considerations regarding sharing classes and potential contact will be made on a case-by-case basis.

In all cases, the school will record its decisions and be able to justify them. The needs and wishes of the victim will always be at the heart of the process.

### **Working with parents and carers**

In most sexual violence cases, the school will work with the parents of both the victim and alleged perpetrator. For cases of sexual harassment, these decisions will be made on a case-by-case basis.

The school will meet the victim's parents with the victim present to discuss the arrangements being put in place to safeguard the victim, and to understand their wishes in terms of support arrangements and the progression of the report.

Schools will also meet with the parents of the alleged perpetrator to discuss arrangements that will impact their child, such as moving them out of classes with the victim. Reasons behind decisions will be explained and the support being made available will be discussed. The DSL or a deputy will attend such meetings, with agencies invited as necessary.

Clear policies regarding how the school will handle reports of sexual violence and how victims and alleged perpetrators will be supported will be made available to parents.

### **Safeguarding other children**

Children who have witnessed sexual violence, especially rape and assault by penetration, will be provided with support.

It is likely that children will "take sides" following a report, and the school will do everything in its power to protect the victim, alleged perpetrator and witnesses from bullying and harassment.

The school will keep in mind that contact may be made between the victim and alleged perpetrator and that harassment from friends of both parties could take place via social media and do everything in its power to prevent such activity.

As part of the school's risk assessment following a report, transport arrangements will be considered, as it is a potentially vulnerable place for both a victim and alleged perpetrator. Schools will consider any additional support that can be put in place.