

Sexual Harassment and Sexual Violence Policy

1. Introduction

In December 2017, the Department for Education released advice; Sexual violence and sexual harassment (updated April 2021) to take into account DfE and NSPCC focus on sexual harassment and sexual violence between children in schools and colleges – advice for governing bodies, proprietors, head teachers, principals, senior leadership teams and designated safeguarding leads.

The advice is to be read and referenced alongside Keeping Children Safe in Education which is renewed every year. The focus is sexual violence and sexual harassment between children at school, the guidance seeks to define the issues, minimise risks and what to do if an incident occurs/alleged to have occurred.

2. Victims and alleged perpetrators

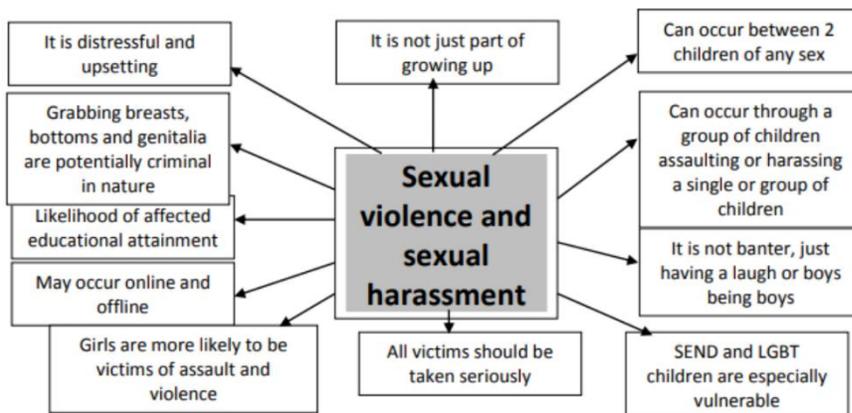
There are many different ways to describe children who have been subjected to sexual violence and/or sexual harassment and many ways to describe those who are alleged to have carried out any form of abuse.

For the purposes of this advice, we use the term ‘victim’ as it is a widely recognised and understood term. We recognise that not everyone who has been subjected to sexual violence and/or sexual harassment considers themselves a victim or would want to be described in this way unless there is a term with which the individual child is most comfortable.

For the purpose of this advice we use the term ‘alleged perpetrator’. It is important to remember that, as a child, any alleged perpetrator is entitled to, deserving of, and should be provided with, a different level of support to that which might be provided to an adult who is alleged to have abused a child.

It should be noted that both victims and alleged perpetrator should have their parents present at all points with the exception of the initial disclosure or at the instruction of the police. Thus terms “victim” and “alleged perpetrator” may well refer to parents in addition.

3. What is sexual harassment and sexual violence?



4. Responsibilities

We have a statutory duty to safeguard and promote the welfare of our children. As part of this duty we are required to have regard to guidance issued by the Secretary of State. All schools are required by law to have a behaviour policy and measures in place to prevent all forms of bullying. All maintained schools must provide relationship education. We recognise that we can play an important role in preventative education and engage in good practice to allow our children an opportunity to talk things through and all staff are aware of how to support children and how to manage a disclosure or how to refer the case to those that do.

5. Teaching, learning and modelling of good practice with regard to sexual violence and harassment.

We aim to provide learning opportunities that promote:

- Healthy and respectful relationships and examples of this
- Positive gender roles
- Positive roles for equality and to avoid stereotyping
- Body confidence and self esteem
- Recognition of incorrect behaviour including harassment, prejudice and violence

6. Responding and taking actions

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. Some situations are clear:

- A child under the age of 13 can never consent to any sexual activity;
- The age of consent is 16;
- Creating and sharing sexual photos and videos of under-18s is illegal, even if this involves children making and sharing images of themselves.

Our school will not hesitate to involve other services such as the police and social services if it is deemed appropriate.

We consider we still have a duty to respond to incidents brought to our attention by other agencies and work with those agencies as required.

We aim to reassure children that they are being taken seriously and will be supported and kept safe as far as is possible. A victim should never be given the impression they are creating a problem, nor should they be made to feel ashamed for making a report.

In addition, we:

- Do not promise confidentiality
- Inform the victim of the next steps
- aim to be supportive and respectful
- aim to be non-judgemental, listen to what the child is saying to you
- Record the disclosure
- Only record the facts as the child presents them, not personal opinions
- Inform the Designated Safeguarding Lead immediately

When and how 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, we would go to the relevant agency and discuss next steps and how the alleged perpetrator will be informed of the allegations.

The Designated Safeguarding Lead will 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. The starting point is that reports should be passed to the police.

The designated safeguarding lead will make a decision whether to contact children's services and the police. If the designated safeguarding lead is not available, it is the most senior member of staff's responsibility to contact children's services and/or the police or a collaborative of staff involved. Staff must not leave school without sharing the information at the first opportunity.

Where there has been a report of sexual violence the Designated Safeguarding Lead should make an immediate risk assessment factoring:

- the victim
- the alleged perpetrator
- other children (and sometimes staff)
- lessons where the victim and alleged perpetrator are together
- transport

Risk assessments should be recorded produced in such circumstances.

Thresholds

In some cases, likely rare, we 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. However, the school would always take account of the views of the victim and victim's family. All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

Where a child has been harmed, is at risk of harm, or is in immediate danger we shall make a referral to local children's social care.

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.

If a child is convicted or receives a caution for a sexual offence, we should update its risk assessment, ensure relevant protections are in place for all the children at the school and consider any suitable action in light of their behaviour policy. If the perpetrator remains as does the victim, we will aim to make the risk assessments and expectations clear.

7. Online harassment

Please see our additional policies with regard to online safety and education.

The school will respond to reports of sexual harassment, sexting and similar abuse that take place outside school. Advice from the police and SSCB will be taken as to the legal boundaries and actions we can undertake from within school.

Parents will be reminded that all social media platforms (known to date) have minimum ages above that of primary aged children.

8. Supporting young people through criminal cases

Where an allegation of sexual violence or sexual harassment is progressing through the criminal justice system, we should be aware of anonymity, witness support and the criminal process in general so they can offer support and act appropriately. Further information for supporting children and young people would be taken from SSCB, Police, the CPS and other agencies.

In addition to the legal protections, as a matter of effective safeguarding practice, we will attempt to do all we 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 in place for the children involved. Schools and colleges should also consider the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities.

9. Ongoing responses

We aim to 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 sexualized name-calling is likely to be vastly different from that for a report of rape.

Victims may not disclose the whole picture 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, will ask the victim if they would find it helpful to have a designated trusted adult (for example their teacher or TA or Designated Safeguarding Lead) to talk to about their needs. The choice of any such adult should be the victim's. Schools and colleges should respect and support this choice.

This should be because the victim wants to, not because it makes it easier to manage the situation. If required, we will aim to provide a physical space for victims to withdraw. If the victim does move to another educational institution (for any reason), the new educational institution must be made aware of any ongoing support needed. The Designated Safeguarding Lead will take responsibility to ensure this happens as well as transferring the child protection file.

Following any report of sexual violence or sexual harassment, it is likely that some children will take "sides". We will attempt to do all we can to ensure both the victim and alleged perpetrator, and any witnesses, are not being bullied or harassed and take appropriate actions if this is the case, seeking advice if needed.