

## **Sexual Harassment and Sexual Violence**

Sexual violence and sexual harassment can occur between two children of any age and sex from primary through to secondary stage and into colleges. It can occur through a group of children sexually assaulting or sexually harassing a single child or group of children. This may happen inside or outside the academy. Sexual violence and sexual harassment exist on a continuum and may overlap; they can occur online and face to face (both physically and verbally) and are never acceptable.

At Discovery Primary Academy, a victim will never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Victims will never be made to feel ashamed for making a report.

A child abusing another child may be a sign they have been abused themselves. Taking disciplinary action and providing appropriate support will occur at the same time, if necessary.

Any report of sexual violence or sexual harassment will be taken seriously, but we are 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. Children with SEND are three times more likely to be abused than their peers. 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.

There is a zero tolerance approach to sexual violence and sexual harassment at Discovery Primary Academy. It is never acceptable and it will not be tolerated. Sexual violence or sexual harassment will not be passed off as 'banter', 'just having a laugh', 'part of growing up' or 'boys being boys' as this can lead to a culture of unacceptable behaviours and an unsafe environment for children.

## **Sexism**

We want everyone to feel included, respected and safe in our academy. We will not tolerate verbal abuse, which includes name-calling and sexist comments.

**Sexist comments** are those which discriminate based on sex, particularly against women.

**Sexism** also includes behaviour or attitudes that create stereotypes of social roles based on sex.

All staff and pupils are encouraged to act upon and report this behaviour. If pupils make these comments, we will:

- Ask them to apologise to anyone the comment was directed at
- Support and educate them to improve their behaviour
- Monitor their behaviour for any recurrence
- Escalate the sanction to if the pupil refuses to apologise in the first instance

Our Relationship and Sex Education curriculum will cover what healthy and respectful behaviour towards one another looks like.

## **Sexual Violence**

When referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003/14 as described below:

**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. Sexual assault covers a very wide range of behaviour so a single act of kissing someone without consent or touching someone's bottom/breasts/genitalia without consent, can still constitute sexual assault.

**Causing someone to engage in sexual activity without consent:** A person (A) commits an offence if: s/he intentionally causes another person (B) to engage in an activity, the activity is sexual, B does not consent to engaging in the activity, and A does not reasonably believe that B consents. This could include forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party.

**Consent:** Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g. to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.

- a child under the age of 13 can never consent to any sexual activity;
- the age of consent is 16; 17
- sexual intercourse without consent is rape.

### **Sexual Harassment**

When referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur online and offline and both inside and outside of school/college.

**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.

**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 and displaying pictures, photos or drawings of a sexual nature;
- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. This can take the form of abusive, harassing, and misogynistic messages, the

non-consensual sharing of indecent images, especially around chat groups, and the sharing of abusive images and pornography, to those who do not want to receive such content.

### **Responding to reports of child on child sexual harassment or sexual violence**

- Victims will be reassured that they are being taken seriously, they will be supported and kept safe.
- Sexual harassment or violence that takes online or outside of the academy will be taken equally as seriously.
- If any member of staff becomes aware of child on child sexual harassment or abuse, they should record their concerns on CPOMS and inform the Designated Safeguarding Lead (DSL) as soon as possible.
- If a child makes a disclosure, the member of staff should not ask any leading questions. Best practise is to listen to the child's report then write it up as soon as possible afterwards. Facts should be recorded as the child presents them.
- Where a report of rape, assault by penetration or sexual assault is made, the starting principle is that this will be referred 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.
- Where the report includes an online element, staff will be aware of searching screening and confiscation advice (for schools) and the UKCIS Sharing nudes and seminudes: advice for education settings working with children and young people. The key consideration is for staff not to view or forward illegal images of a child. Advice is included in the guidance when viewing an image is unavoidable. In some cases, it may be more appropriate to confiscate any devices to preserve any evidence and hand them to the police for inspection;
- Confidentiality will not be promised when a report is made, however, staff will only share the report with those people who are necessary in order to progress it.
- The person to whom the child makes a disclosure will recognise that the child has placed them in a position of trust. They will be supportive and respectful of the child.
- Staff will recognise that an initial disclosure may only be the first incident reported, rather than representative of a singular incident.
- Parents or carers will normally be informed (unless this would put the victim at greater risk).
- Basic safeguarding principles will be followed - 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
- When a report of child on child sexual abuse or harassment is made, the DSL will make an immediate risk and needs assessment. The risk and needs assessment will consider -
  - protection and support for the victim
  - whether there may have been other victims
  - the alleged perpetrator(s)
  - all the other children at the school, especially any actions that are appropriate to protect them from the alleged perpetrator(s) or from future harms.
- The risk assessments will be recorded on CPOMS and will be kept under review.
- Subsequent professional assessments that will be made will be used to inform the schools approach to supporting and protecting our children.
- The wishes of the victim in terms of how they want to proceed will be considered. 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. This will however need to be balanced with the academy's duty and responsibilities to protect other children.

### **Managing Internally**

- In some cases of sexual harassment, for example, one-off incidents, the academy may take the view that it would be appropriate to handle the incident internally through utilising the behaviour and bullying policies and by providing pastoral support. There will be a zero-tolerance approach to sexual violence and sexual harassment. It is never acceptable and will not be tolerated.
- All concerns, discussions, decisions and reasons for decisions will be recorded on CPOMs.

### **Early Help**

- The academy may decide that the children involved do not require referral to statutory services 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 nonviolent Harmful Sexual Behaviour and may prevent escalation of sexual violence. School may manage an issue internally and seek early help for both the victim and perpetrator(s).
- All concerns, discussions, decisions and reasons for decisions should be recorded on CPOMs.

### **Referrals to children's social care**

- Where a child has been harmed, is at risk of harm, or is in immediate danger, the academy will make a referral to local children's social care.
- The academy 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 is appropriate, the academy will work alongside, and cooperate with, the relevant lead social worker.
- The academy will not wait for the outcome of a children's social care investigation before protecting the victim and other children in the school or college.
- All concerns, discussions, decisions, and reasons for decisions will be recorded on CPOMs.

### **External Agency Support**

The external agencies below can be useful sources of information and support when responding to reports of child on child sexual violence and sexual harassment.

- Rape Crisis (England & Wales) or The Survivors Trust provide information, advice, and details of local specialist sexual violence organisations.
- NICE guidance contains information on, amongst other things: developing interventions; working with families and carers; and multi-agency working.

- The Lucy Faithfull Foundation has developed a HSB toolkit, which amongst other things, provides support, advice and information on how to prevent it, links to organisations and helplines, resources about HSB by children, internet safety, sexual development and preventing child sexual abuse.
- The NSPCC provides free and independent advice about HSB: NSPCC Learning: Protecting children from harmful sexual behaviour and NSPCC - Harmful sexual behaviour framework. The NSPCC also provides a helpline for professionals at 0808 800 5000 and [help@nspcc.org.uk](mailto:help@nspcc.org.uk). The helpline provides expert advice and support for school and college staff and will be especially useful for the designated safeguarding lead (and their deputies).
- Contextual Safeguarding Network – Beyond Referrals (Schools) provides a school self-assessment toolkit and guidance for addressing HSB in schools.
- StopItNow - Preventing harmful sexual behaviour in children - Stop It Now provides a guide for parents, carers and professionals to help everyone do their part in keeping children safe, they also run a free confidential helpline.
- The UK Safer Internet Centre provides an online safety helpline for professionals at 0344 381 4772 and [helpline@saferinternet.org.uk](mailto:helpline@saferinternet.org.uk). The helpline provides expert advice and support for school and college staff with regard to online safety issues and will be especially useful for the designated safeguarding lead (and their deputies) when a report of sexual violence or sexual harassment includes an online element.
- Internet Watch Foundation: If the incident/report involves sexual images or videos that have been made and circulated online, the victim can be supported to get the images removed the Internet Watch Foundation (IWF). The IWF will make an assessment of whether the image is illegal in line with UK Law. If the image is assessed to be illegal, it will be removed and added to the IWF's Image Hash list.
- Childline/IWF: Remove a nude image shared online Report Remove is a free tool that allows children to report nude or sexual images and videos of themselves that they think might have been shared online, to see if they can be removed from the internet.
- UKCIS Sharing nudes and semi-nudes advice: Sharing indecent images of a child (including by children) is a crime. UKCIS Sharing nudes and seminudes: advice for education settings working with children and young people provides support in responding to reports of children sharing nonconsensual nude and semi-nude images and or videos (also known as sexting and youth produced sexual imagery). Please see footnote 17 for further information.
- Thinkuknow from NCA-CEOP provides support for the children's workforce, parents and carers on staying safe online.