



CHILD ON CHILD ABUSE POLICY

**(Including Child on Child Abuse and
Sexual Violence/Sexual Harassment
between Children and Sexting In School)**

Policy area

Students, Staff Parents

Statutory regulation

Keeping Children Safe In Education, Sept 2023

Sexual Violence & Sexual Harassment Between Children in Schools, Sept 2021

SLT Lead

Designated Safeguarding Lead (Tracy Preston)

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(INCLUDING CHILD ON CHILD ABUSE AND SEXUAL VIOLENCE/SEXUAL HARASSMENT BETWEEN CHILDREN AND SEXTING IN SCHOOLS POLICY)

This policy is for the whole school including EYFS.

The policy has been written with regards to:

- Keeping Children Safe in Education
- Sexual Violence & Sexual Harassment between Children in Schools (Sept 2021)
- Working Together to Safeguard Children (Dec 2023)
- ISI Framework 23
- Voyeurism & Sexual Offences Act (Feb 2019)
- Barnet Social Care Services – Multi Agency Safeguarding Procedures
- Sexual Offences Act 2003
- Sexting In Schools & Colleges (August 2016)
- Children's Act 1989
- DoFE Preventing & Tackling Bullying July 2017

This policy should be read in conjunction with the following school policies:

- Acceptable IT Use Policy
- Anti-Bullying Policy
- Behaviour Policy
- E - Safety Policy Including Youth Produced Sexual Imagery & Sexting
- Pastoral Policy
- Safeguarding & Child Protection Policy

INTRODUCTION

We believe that all child on child abuse is unacceptable.

King Alfred School (KAS) believes that all students have the right to be taught in a safe environment to enable them to optimise their learning and achievement. We expect all students to develop respect for others and to feel valued and supported. KAS promotes the values of honesty, tolerance and fairness within a caring and nurturing environment.

All staff maintain an attitude of "it could happen here" and understand that some of these incidents can be associated with factors outside of school including intimate personal relationships.

It is most important to ensure opportunities are sought to hear the voice of the child, and KAS will ensure the child's wishes and feelings are always taken into account when determining what action to take and what services to provide. Systems are in place for children to express their views and give feedback.

All staff should have an awareness of safeguarding issues that can put children at risk of harm. Behaviours linked to issues such as drug taking, alcohol abuse, deliberately missing education and youth produced sexual imagery put children in danger.

All staff should be aware that safeguarding issues can manifest themselves via child or child abuse. This is most likely to include, but may not be limited to:

- bullying (including cyberbullying);
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;
- sexual violence such as rape, assault by penetration and sexual assault;

- sexual harassment such as sexual comments, remarks, jokes and online sexual harassment which may be stand-alone or part of a broader pattern of abuse;
- Upskirting, which typically involves taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm;
- Sexting (known as youth produced sexual imagery);
- AI Generated imagery of a sexually explicit nature
- Initiation/hazing type violence & rituals;
- Gender based harassment.

In cases of same sex sexual violence and sexual harassment between children, the school's response will be robust.

Aim

This policy encapsulates a Contextual Safeguarding approach and takes into account all other school policies relating to children's behaviour and safety.

Children and young people may be harmful to one another in a number of ways which would be classified as child on child abuse. The purpose of this policy is to explore the many forms of child on child abuse and include a planned and supportive response to the issues.

At KAS we are committed to the prevention, early identification and appropriate management of child on child abuse. In particular, we work to ensure that school staff protect our children by being aware of the nature and level of risk that children are exposed to, wherever possible. Having a clear and comprehensive strategy which is specific to that child's safeguarding context and having a whole school contextual safeguarding approach to preventing and responding to child on child abuse, is paramount.

KAS will respond appropriately to all reports and concerns, including those involving situations outside of school and/or online. We understand that recognising, acknowledging and understanding the scale of harassment and abuse, and/or downplaying some behaviours related to abuse can lead to a culture of unacceptable behaviour, an unsafe environment and in worst case scenarios a culture that normalises abuse leading to children accepting it as normal and not coming forward to report it.

The school's approach is preventative by raising awareness of issues, supporting staff in identifying them with children, and providing appropriate response and intervention that is followed consistently across the whole school workforce. The school also encourages parents to share information about any risk of harm to their child and be clear on the school's expectations of how this will be managed.

Children and young people may be harmful to one another in a number of ways which would be classified as child on child abuse, and research has shown that many children who present with harmful behaviour towards others, in the context of child on child abuse, are themselves vulnerable and may have been victimised by peers, parents or adults in the community prior to their abuse of peers.

Definition

There is no clear boundary between incidents that should be regarded as child on child abuse and incidents that would be considered as bullying, sexual experimentation etc. Staff should use their professional judgement in these matters. However, we would consider a child or young person's behaviour as being abuse if:

- There is a large difference in power between the young people concerned (e.g. age, size, ability, development).
- The perpetrator has repeatedly tried to harm one or more other children.
- There are concerns about the intention of the alleged perpetrator.

If the evidence suggests that there was an intention to cause severe harm to the victim, this should be regarded as abusive whether or not severe harm was actually caused.

Abuse is abuse and should never be passed off as “banter” or “part of growing up”. Equally abuse issues can sometimes be gender specific e.g. girls being sexually touched/assaulted and boys being subject to initiation/hazing type violence. It is important to consider the forms abuse may take and the subsequent actions required.

Preventative Strategies

KAS recognises that child on child abuse can and will occur on any site even with the most stringent of policies and support mechanisms in place. We ensure that KAS is an open and supportive environment for pupils where pupils and staff feel safe to share information about anything that is upsetting or worrying them. This is fundamental to the character of the school at all times. This is particularly done through our strong RSE/PSHE curriculum and giving children an open forum to talk things through. We always allow students to have the opportunity to talk through these things that they have learnt in these lessons knowing that these discussions can lead to increased safeguarding reports. In addition staff will ALWAYS challenge inappropriate behaviour.

Children are made aware through signposting, the website and Callovers, how to raise concerns.

We encourage all students to feel confident to challenge perceptions including the use of inappropriate language and behaviour towards one another with an underlying reference to Mutual Respect which is a strong part of the KAS ethos.

In the unlikely event that a pupil felt unable to raise a concern with a member of staff, then they can talk to the School counsellor or member of the School Six or one of the 6th form mentors who are trained in managing disclosures. These services for students are signposted via notices and regular Callovers, Canvas and the school website.

In addition through Pupil voice – all pupils are encouraged to support changes in school and develop rules of acceptable behaviour which creates a positive ethos where all students understand the boundaries of behaviour to prevent it becoming abusive.

Relationship and Sex Education (RSE) lessons for all pupils is now mandatory and parents are informed of PSHE/RSE lessons. Parents are involved by the school through open and frank conversations and parent forums and the school has an open communication system for parents to contact form tutors and heads of year creating an atmosphere of working together to support children and deal with issues.

Partnership Working

Schools now have a statutory duty to co-operate with safeguarding partners. Multi agency working can consolidate in house procedures in schools/settings. By accessing advice, support and guidance, effective decisions can be made in collaboration to improve outcomes for children who may be at risk of harm. Seeking advice and guidance can act as a preventative measure so that the right course of action is taken at the earliest opportunity. It is also necessary that the school actively refers concerns/allegations of child on child abuse where necessary to front door services/children’s social care and the police where appropriate. This is particularly

important because child on child abuse can be a complex issue, and even more so where wider safeguarding concerns exist. "It is often not appropriate for one single agency (where the incident cannot be managed internally) to try to address the issue alone – it requires effective partnership working" (Farrer & Co. 2019)

WHAT IS SEXUAL VIOLENCE & SEXUAL HARASSMENT BETWEEN CHILDREN?

Sexual violence and sexual harassment can occur between two children of any age and sex from primary to secondary school. It can also occur online and can 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 or sexual harassment will likely find the experience stressful and distressing. This will, in all likelihood adversely affect their educational attainment and will be exacerbated if the alleged perpetrator(s) attend the school. 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. The school recognises that technology is a significant component in sexual violence and sexual harassment.

The school also understands that these behaviours can also be associated with factors outside of school - extra familial harms. These can include Child Sexual Exploitation and Criminal Exploitation, sexual abuse, serious youth violence and county lines.

WHAT IS CHILD ON CHILD ABUSE?

For these purposes, child on child abuse is any form of physical, sexual, emotional, financial abuse, and coercive control, exercised between children and within children's relationships (both intimate and non-intimate), friendships and wider peer associations.

Children's experience of abuse and violence are rarely isolated events, and they can often be linked to other things that are happening in their lives and spaces in which they spend their time. Any response to child on child abuse therefore needs to consider the range of possible types of child on child abuse and capture the full context of children's experiences. This can be done by adopting a Contextual Safeguarding approach and by ensuring that our response to incidents of child on child abuse takes into account any potential complexity.

Children with Special Educational Needs

Children with special educational needs (SEN) and disabilities can face additional safeguarding challenges.

These can include:

- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability without further exploration;
- being more prone to peer group isolation than other children;
- the potential for children with SEN and disabilities being disproportionately impacted by behaviours such as bullying, without outwardly showing any signs;
- communication barriers and difficulties in overcoming these barriers.

To address these additional challenges additional pastoral support is provided for children with SEN and disabilities particularly when investigating any form of child on child abuse.

What Is 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. 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 they agree by choice to that penetration and has the freedom and capacity to make that choice.

Causing someone to engage in sexual activity without consent: could include forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party.

Sexual intercourse without consent is rape, creating or sharing sexual images or videos of under 18s is illegal, including children making or sharing these themselves. The legal age of consent is 16 but a child under the age of 13 can never legally consent to sexual activity.

Types of abuse

There are many types of abuse which may occur between peers and this list is not exhaustive. These types of abuse are never tolerated or passed off as "banter" or "part of growing up".

Physical abuse causes intentional physical harm to another person. Can include hitting, kicking, nipping, shaking, biting, hair pulling or otherwise causing physical harm to another person.

Bullying (incl. of all types), including aggressive verbal and physical behaviour which is repetitive and where there is an imbalance of power. Can include making threats, spreading rumours, attacking someone physically or verbally.

Online bullying which is the use of phones, instant messaging, email, chat rooms or social networking sites such as Facebook, Instagram, Snapchat and Twitter to threaten or intimidate. See e-Safety Policy

Sexting (YPSI Youth Produced Sexual Imagery) which is when someone sends or receives a sexually explicit text, image or video. Making, possessing and distributing sexual imagery of someone under 18 which is "indecent" is **illegal**. This includes imagery of the young person themselves if they are under 18. See the schools E-Safety Policy which includes information on YSPI.

Teenage relationship abuse which is defined as a pattern of actual or threatened acts of physical, sexual and/or emotional abuse perpetrated by an adolescent (between the ages of 13 and 18) against a current or former partner. The perpetrator uses a pattern of violent and coercive behaviour in order to gain power and maintain control over the victim.

Prejudiced behaviour, which refers to a range of hurtful behaviour, physical, emotional or both, which causes someone to feel powerless, worthless, excluded or marginalised and which is connected with prejudices around belonging, identity and equality in wider society. This particularly refers to prejudices due to disabilities and special educational needs, ethnic, cultural and religious backgrounds, gender, home life and sexual identity.

Initiation/Hazing is used to induct newcomers into an organisation such as a private school, sports team etc. Many rituals involve humiliation, embarrassment, abuse and harassment.

Sexual Violence 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 a group of children.

Sexual violence now includes sexual offences under the Sexual Offences Act 2003 which includes:

- **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 penetration and A does not reasonably believe that B consents.
- **Assault by Penetration:** a person (A) commits an offence if they intentionally penetrates the vagina or anus of another person (B) with a part of their 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 they intentionally touch another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents. (A single act of kissing someone without consent, or touching someone's bottom/breasts/genitalia without consent, can still constitute sexual assault).

Sexual Harassment is "unwanted conduct of a sexual nature" that can occur online and offline both in school and outside of school. Sexual harassment is likely to violate a child's dignity and/or make them feel intimidated, de-graded or humiliated and/or create a hostile, offensive of sexualized 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 sexualized names.
- Sexual "jokes" or taunting
- Physical behaviour, such as deliberately brushing against someone, interfering with someone's clothes (we should consider when any of this crosses into a line of sexual violence – it is important to consider the experience of the victim), 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 which may include:
 - Non-consensual sharing of nude and semi-nude and sexual images and videos
 - Sexualized online bullying
 - Unwanted sexual comments and message, including on social media
 - Sexual exploitation – coercion and threats
 - Sharing of unwanted explicit content
 - **Upskirting** typically involves taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm. What may seem like harmless fun can have deeper consequences for both the victim and the perpetrator and everyone should be made aware of this. It is now a criminal offence under the Voyeurism Act 2019.

Harmful Sexual Behaviour (HSB). Children's sexual behaviour exists on a 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.

HSB can occur online and/or face to face and can also occur simultaneously between the two. The ages and stages of development of the children is a critical factor. 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, i.e. if the older child is disabled or smaller in stature.

MEASURING THE BEHAVIOUR

The circumstances around the incident(s) should be considered, including:

The following questions:

- Is the behaviour socially acceptable ?
- Does it involve a single incident or has occurred over a period of time ?
- Is it socially acceptable within the peer group ?
- Is it problematic and concerning ?
- Does it involve any overt elements of victimisation or discrimination e.g. related to race, gender, sexual orientation, physical, emotional or intellectual vulnerability ?
- Does it involve an element of coercion or pre-planning ?
- Does it involve a power imbalance between the child/children allegedly responsible for the behaviour and the child/children allegedly the subject of that power ?
- Does it involve a misuse of power ?

Behaviour which is not abusive at first may potentially become abusive quickly or over time. Intervening early and addressing any inappropriate behaviour, which may be displayed by a child, is vital and could potentially prevent their behaviour from progressing on a continuum to become more problematic, abusive and/or violent – and ultimately requiring (greater/more formal) engagement with specialist external and/or statutory agencies.

RESPONDING TO REPORTS OF CHILD ON CHILD ABUSE FOR SEXUAL VIOLENCE AND SEXUAL HARASSMENT SEE APPENDIX 1

All staff are alert to the well-being of children and young people and to signs of abuse, and know that it is important to deal with a situation of child abuse immediately and sensitively. All cases of suspect child on child abuse should be immediately referred to the Designated Safeguarding Lead (DSL).

Responding to a Report

Children may not find it easy to tell staff about their abuse verbally and can show signs or act in ways that they hope adults will not notice and react to. If staff have any concerns about a child's welfare, they should act immediately.

It is essential that **all** victims are reassured that they are being taken seriously, regardless of how long it has taken them to come forward, and that they will be supported and kept safe. Abuse that occurs online or outside school should not be downplayed, and should be treated equally seriously. A victim should never be made to feel ashamed or to feel that they are creating a problem by making a report of sexual violence or sexual harassment. It is important to explain that the law is in place to protect children rather than criminalise them, and this should be explained in such a way that avoids alarming or distressing them.

It is necessary to gather the information as soon as possible as to the true facts around what has occurred as soon after the child(ren) may have forgotten. It is equally important to deal with it sensitively and think about the language used and the impact of that language on both children and the parents when they become involved. For example: the school will not use the words victim and/or perpetrator. This is because the school takes a safeguarding approach to all individuals involved in allegations of child on child abuse, and using these words can quickly create a "blame" culture and leave a child labelled.

In all cases it is necessary that all staff involved in these cases are trained in dealing with such incidents, talking to young people and instigating immediate support in a calm and consistent

manner. Staff should not be prejudiced, judgemental, dismissive or irresponsible in dealing with such sensitive matters.

Staff should be mindful of contextual safeguarding and the wider safeguarding concerns that may influence the child's account of the event(s). Alongside this, peer pressure and the impact of sharing information about the incident(s) may also influence a child's account.

Gathering the Facts (by an official appointed member of SLT)

A member of SLT should find the most appropriate member of staff with the best relationship with the child who should then be the one to talk to them – reporting back to SLT. However, staff should always be aware that children may choose to disclose to any member of staff that they feel most comfortable with and therefore all staff need basic training in managing disclosures. In any circumstance the member of staff must make clear to the child that they cannot maintain confidentiality if what is being shared has put or will put the child or another person at risk or harm.

In all circumstances, staff need to speak to all the young people involved separately, gain a statement of facts from them and use consistent language and open questions for each account. The easiest way to do this is not to have a line of questioning but to ask the young people to tell you what happened. Only interrupt the young person to gain clarity with open questions, 'where, when, why, who'. (What happened? Who observed the incident? What was seen? What was heard? Did anyone intervene?) A full and clear record of exactly what the young person has said in their own language should be made (and no individual interpretation of the facts which could impact on the disclosure) and stored following the school's recording protocol and this should be uploaded to the Cpoms safeguarding reporting system.

It is important to note that whilst leading questions should be avoided, staff can ask children if they have been harmed, and what the nature of that harm was. Only record the facts as the child reports them but it is **essential a written record is made**. The notes should be made with an awareness that such reports can become part of a statutory assessment by the local authority children's social care and/or part of a criminal investigation.

Considering the Intent (begin to Risk Assess)

Has this been a deliberate or contrived situation for a young person to be able to harm another?

Deciding on your next course of action

If from the information that you gather you believe any young person to be at risk of significant harm you must make a safeguarding referral to the Barnet MASH team, immediately (where a crime has been committed the police should be involved also). If this is the case, once the MASH Team has been contacted and made a decision on what will happen next, then you will be informed on your next steps.

If the MASH team and the police intend to pursue this further they may ask to interview the young people in school, they may ask for parents to come to school to be spoken to also. It is important to be prepared for every situation and the potential time it may take.

It may also be that the MASH team feel that it does not meet their criteria, in which case you may challenge that decision, with that individual or their line manager. If on discussion however, you agree with the decision, you may then be left to inform parents.

Informing parents

If, once appropriate advice has been sought from police/social care, you have agreement to inform parents or have been allocated that role from the other services involved, then you need to inform the parents as soon as possible. If services are not going to be involved, then equally, this information may need to be shared with parents. Parents would not be informed if by doing so the child was put at further risk of significant harm.

If a young person is deemed to be 'Gillick Competent' following the 'Fraser' guidelines and does not wish you to share the information with parents, then the school must consider this especially for example if the young person is pregnant and this is why they are being bullied.

In all circumstances, where the risk of harm to the child is evident then the school should encourage the young person to share the information with their parent (but be aware they may be reluctant to tell parents that they are being harmed in any way).

The best way to inform parents is face to face. Although this may be time consuming, the nature of the incident and the type of harm/abuse a young person may be suffering can cause fear and anxiety to parents whether their child is the child who was harmed or who harmed another.

Points to consider:

In responding to potential incidents of child on child abuse the following should be considered:

What is the age of the children involved?

How old are the young people involved in the incident and is there any age difference between those involved?

Where did the incident or incidents take place?

Was the incident in an open, visible place to others?

If so was it observed?

If not, is more supervision required within this particular area?

What was the explanation by all children involved of what occurred?

Can each of the young people give the same explanation of the incident and also what is the effect on the young people involved?

Is the incident seen to be bullying for example, in which case regular and repetitive? Is the version of one young person different from another and why?

What is each of the children's own understanding of what occurred?

Do the young people know/understand what they are doing? E.g. do they have knowledge of body parts, of privacy and that it is inappropriate to touch?

Is the young person's explanation in relation to something they may have heard or been learning about that has prompted the behaviour?

Is the behaviour deliberate and contrived?

Does the young person have understanding of the impact of their behaviour on the other person?

Repetition

Other factors to be considered:

- Has the behaviour been repeated to an individual on more than one occasion?
- Has the behaviour persisted after the issue has already been discussed or dealt with and appropriately resolved?

In dealing with an incident of this nature the answers are not always clear cut. If you are concerned or unsure as to whether or not there is any risk involved, please seek advice from the DSL or Barnet MASH.

Intra Familial Harms and the importance of understanding the impact to the families in such incidences and to consider any necessary support for siblings following incidents.**Outcomes**

The outcome of the investigation will follow local threshold guidance. It may have resulted in Children's Services undertaking a further assessment, been referred to the police, or additional non-statutory services/intervention may have been identified and an early help assessment completed.

It may be that on investigation, a decision has been made to handle the incident(s) internally in which case the school may implement a risk assessment plan.

In any of the above outcomes the school has a duty of care to manage the educational needs of both children/young people in which case a risk assessment plan may be needed irrespective of the outcome.

Next Steps

Once the outcome of the incident(s) has been established it is necessary to ensure future incidents of abuse do not occur again and consider the support and intervention required for those involved.

For the young person who has been harmed (alleged victim)

What support they require depends on the individual young person. It may be that they wish to seek counselling or one to one support via a mentor (KAS Peer Learner). It may also be that they feel able to deal with the incident(s) on their own or with support of family and friends, in which case it is necessary that this young person continues to be monitored and offered support should they require it in the future. If the incidents are of a bullying nature, the young person may need support in improving peer groups/relationships with other young people, or some restorative justice work with all those involved may be required.

Other interventions that could be considered may target a whole class or year group for example a speaker on cyber bullying, relationship abuse etc. It may be that through the continued curriculum of Relationship and Sex Education (RSE), Health Education and PSHE that certain issues can be discussed and debated more frequently.

If the young person feels particularly vulnerable it may be that a risk assessment and Pastoral Support Plan can be put in place for them whilst in school so that they have someone named that they can talk to, support strategies for managing future issues and identified services to offer additional support.

For the young person who has displayed harmful behaviour (alleged perpetrator)

In this circumstance it is important to find out why the young person has behaved in such a way. It may be that the young person is experiencing their own difficulties and may even have been harmed themselves in a similar way. In such cases support such as one to one mentoring or counselling may also be necessary. Particular support from identified services may be necessary, through an early help referral, and the young person may require additional support from family members.

In the cases of sexually harmful behaviour it may be a requirement for the young person to engage in one to one work with a particular service or agency (if a crime has been committed

this may be through the police or youth offending service). If there is any form of criminal investigation ongoing it may be that this young person cannot be educated on site until the investigation has concluded. In which case, the young person will need to be provided with appropriate support and education whilst off site.

Even following the conclusion of any investigation the behaviour that the young person has displayed may continue to pose a risk to others in which case an individual risk assessment may be required. This should be completed via a multi-agency response to ensure that the needs of the young person and the risks towards others are measured by all of those agencies involved including the young person and their parents. This may mean additional supervision of the young person or protective strategies if the young person feels at risk of engaging in further inappropriate or harmful behaviour.

It may also be appropriate for certain sanctions to be considered (see section below). Exclusion will only be considered regrettably as a last resort and only in severe cases where necessary.

After care

It is important that following the incident the young people involved continue to feel supported and receive help even if they have stated that they are managing the incident. Sometimes the feelings of remorse, regret or unhappiness may occur at a much later stage than the incident. It is important to ensure that the young people do not engage in any further harmful behaviour either towards someone else or to themselves as a way of coping (e.g. self-harm). Regular reviews with the young people following the incident(s) are imperative.

Early Help

The school, as a relevant agency, will be part of discussions with statutory safeguarding partners to agree the levels for different types of assessment and services to be commissioned and delivered as part of the local arrangements, following an incident. Early help and the option to manage a report internally and seek early help for both parties involved. However, whatever the response, it should be underpinned by the principle that there is a zero-tolerance approach to sexual violence and sexual harassment and it is never accepted and will not be tolerated.

Pastoral/Safety Planning

Safety planning is a positive way of supporting a child who may benefit from a planned approach; this may be either the alleged victim or the alleged perpetrator. Safety plans support the child by considering the behaviours that may be risky and planning ways to manage triggers and to seek support from adults and peers. They are inclusive of parents and staff and are a planned intervention to support young people in feeling secure in the school, helping young people identify behaviours that may leave them feeling anxious or at risk and having strategies that they can apply to keep themselves feeling safe. The language of safety planning is more positive than risk assessment and can give security to the child that a joined up approach is being followed by all in school.

Disciplinary Action

In some circumstances the school may need to consider whether disciplinary action may be appropriate for any child/children involved – any such action should address the abuse, the causes of it and attitudes underlying it.

Disciplinary action may sometimes be appropriate

- to ensure the child/children take(s) responsibility for and realise(s) the seriousness of their behaviour;

- to demonstrate to the child/children and others that child on child abuse can never be tolerated;

Once the support required to meet the individual needs of the young person has been met, it is important that the young person receives a consequence for their behaviour. This may be in the form of restorative justice e.g. making amends with the young person they have targeted if this has been some form of bullying.

The school may choose exclusion or internal exclusion for a period of time to allow the young person to reflect on their behaviour.

However, these considerations must be balanced against the child's/children's own potentially unmet needs and any safeguarding concerns. Before, deciding on appropriate action the school will always consider its duty to safeguard all children from harm; the underlying reasons for a child's behaviour; any unmet needs, or harm or abuse suffered by the child; the risk that the child may pose to other children; and the severity of the child on child abuse and the causes of it.

Review of Incident

Following any incident of harm, it is necessary for the school to consider if anything could have been done differently. The school will look for internal lessons learnt, to support in identifying what changes within the school/setting need to occur.

For Responses Specifically to Sexual Violence & Sexual Harassment (See Appendix 1)

APPENDIX 1 - RESPONDING SPECIFICALLY TO REPORTS OF SEXUAL VIOLENCE OR SEXUAL HARASSMENT

When reports of Sexual Violence or Sexual Harassment are made, the school will act in accordance with Part 5 of Keeping Children Safe in Education 2020.

It is important that all victims are taken seriously and offered appropriate support. Staff should be aware that some groups are potentially more at risk i.e. girls, children with SEND and LGBT children are at greater risk.

All staff will:

- Make it clear that sexual violence and sexual harassment is not acceptable, will never be tolerated, and is not an inevitable part of growing up.
- Not tolerate or dismiss sexual violence or sexual harassment as “banter”, “part of growing up”, “just having a laugh”, or “boys being boys”.
- Challenge behaviours (potentially criminal in nature) such as grabbing bottoms, breasts and genitalia, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalizing them.
- Challenge verbal insults such as body shaming.

If staff have a concern about a child or a child makes a report to them, they should immediately inform the DSL or Deputy DSL. Staff should not assume that someone else is dealing with the incident and should discuss concerns with the DSL.

In cases specifically relating to sexual violence and sexual harassment, part 5 of Keeping Children Safe in Education 2020 states that two members of staff (preferably one being the Designated Safeguarding Lead) should be present to manage the report, where possible.

The immediate response to a report from a child is important. It is essential that all alleged victims are reassured that they are being taken seriously and that they will be supported and kept safe. An alleged victim will never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor will be the alleged victim ever be made to feel ashamed for making a report.

Reports of sexual violence are often complex and require difficult decisions to be made. Decisions are ultimately made on a case-by-case basis with the DSL taking a leading role but with support from other agencies such as children’s social care or the police. The school is aware that online sexual violence or sexual harassment are more complex, such as images shared at another school, or the victim being excluded offline as well as online and will take advice accordingly from outside agencies.

Where an incident between two pupils takes place away from the school, the school’s duties remain the same.

After a Disclosure

KAS will carefully consider any report of sexual violence and/or sexual harassment.

Reports of Sexual Violence and Sexual Harassment particularly are complex and require difficult professional decisions to be made. Decisions are made on a case-by-case basis with the DSL and Head taking a leading role.

Council and the school will ensure that the school contributes to multi-agency working in line with Working together To Safeguard Children (2018).

The school may involve its safeguarding partners for advice and support including local authority children's social care. For more complex needs a referral to children's social care should be made.

ALL STAFF SHOULD BEAR IN MIND:

- How the school responds initially is extremely important and can encourage or undermine the confidence of future victims to report and come forward.
- It is essential that all alleged victims are reassured that they are being taken seriously, regardless of how long it has taken them to come forward, and that they will be supported and kept safe.
- Abuse that occurs online or outside of school should not be downplayed and should be treated equally seriously.
- Staff should recognise that an initial disclosure to a trusted adult may only be the first incident reported, rather than representative of a singular incident and that trauma can impact memory and so children may not be able to recall all details or the timeline of abuse
- Staff should keep in mind that certain children may face additional barriers to telling someone because of their vulnerability, disability, sex, ethnicity and/or sexual orientation.
- Staff have been trained in managing disclosures as per KCSIE 2021.
- Staff will never promise confidentiality.
- The school is aware of anonymity in cases where an allegation is progressing through the criminal justice system.
- The school will do all they reasonably can to protect the anonymity of any children involved in any report of sexual violence or sexual harassment, including considering the impact on social media.
- The school will make a risk assessment and consider the alleged victim, alleged perpetrator and other children at the school.
- The school will act in the best interest of the child at all times.
- Whilst the facts are being established, the school will remove the alleged perpetrator from any classes shared with the alleged victim and consider how best to keep them a reasonable distance apart, in the interests of both children.
- The school considers it of paramount importance that both the alleged victim and alleged perpetrator remain protected, especially from bullying or harassment. Where no further action is taken, or a child found not guilty, the school will continue to support the alleged victim and alleged perpetrator.

There are four likely routes to consider when there has been a report of sexual violence or sexual harassment:

1. **Managing Internally:** in some cases of sexual harassment (such as one-off incidents) the school may manage the incident internally.
2. **Early Help:** this is particularly useful in addressing non-violent, harmful sexual behaviour and may prevent escalation.
3. **Referrals to children's social care:** in cases where there has been harm, or there is an immediate risk, a referral will be made to children's social care.
4. **Reporting to the Police:** in cases where rape, assault by penetration or sexual assault are reported, the school will not wait for the outcome of a police investigation before protecting the alleged victim, alleged perpetrator and other children in the school. The DSL and Deputies will work closely with the police to ensure that the school's actions do not jeopardise the police investigation. If a child is convicted or cautioned, the school will update the risk assessment and consider suitable action through the behaviour policy.

Ongoing Response:

- Support for the alleged victim will consider their age, the nature of the allegations and risk of further abuse.
- The needs and wishes of the alleged victim are considered paramount and they should be able to continue their normal routine as far as possible.
- The school will be prepared to support the alleged victim over a long period of time.
- Where the alleged victim or alleged perpetrator moves to another school the new school will be made aware of ongoing support needs.
- The school will ensure that the alleged victim is safeguarded but will still provide the alleged perpetrator with an education and support as necessary.
- Support for the alleged perpetrator will also consider their age, the nature of the allegations. An alleged perpetrator may have unmet needs themselves.
- The school may discipline the alleged perpetrator, including while the investigation is ongoing, although they will liaise with the police and social care to assist in determining sanctions.
- The school will be clear about when their actions are to support the alleged victim or the alleged perpetrator, and when their actions are to discipline the alleged perpetrator for their past conduct.

After Care

In the cases of sexually harmful behaviour it may be a requirement for the young person to engage in one to one work with a particular service or agency (if a crime has been committed this may be through the police or youth offending service). If there is any form of criminal investigation ongoing it may be that this young person cannot be educated on site until the investigation has concluded. In which case, the young person will need to be provided with appropriate support and education whilst off site.

Working with Parents & Carers

The school will engage with the parents of both alleged victim and alleged perpetrator and will consider carefully what information they provide to those involved. The school will always meet with the alleged victim's parents with the alleged victim present to discuss safeguarding arrangements. The school will also meet with the alleged perpetrators parents to discuss what arrangements are being put in place, such as moving them out of classes.

Other children in the school may also need support, especially if they have witnessed sexual violence. Children may take "sides" following an incident and the school will do all they can to ensure neither alleged victim nor alleged perpetrator (or witnesses) are bullied or harassed.

Unsubstantiated, Unfounded, False or Malicious Reports

If a report is determined to be unsubstantiated, unfounded, false or malicious, the DSL should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children's social care may be appropriate.

If a report is shown to be deliberately invented or malicious, the school will consider whether any disciplinary action is appropriate against the individual who made it

APPENDIX 2 – SEXTING IN SCHOOLS

Definition of 'Sharing nudes and semi-nudes'

This advice uses the term 'sharing nudes and semi-nudes' to mean the sending or posting of nude or semi-nude images, videos or live streams by young people under the age of 18 online. This could be via social media, gaming platforms, chat apps or forums. It could also involve sharing between devices via services like Apple's AirDrop which works offline.

The term 'nudes' is used as it is most commonly recognised by young people and more appropriately covers all types of image sharing incidents. Alternative terms used by children and young people may include 'dick pics' or 'pics'.

The motivations for taking and sharing nude and semi-nude images, videos and live streams are not always sexually or criminally motivated. Such images may be created and shared consensually by young people who are in relationships, as well as between those who are not in a relationship. It is also possible for a young person in a consensual relationship to be coerced into sharing an image with their partner. Incidents may also occur where:

- children and young people find nudes and semi-nudes online and share them claiming to be from a peer.
- children and young people digitally manipulate an image of a young person into an existing nude online.
- images created or shared are used to abuse peers e.g. by selling images online or obtaining images to share more widely without consent to publicly shame.

Alternative definitions

Many professionals may refer to 'nudes and semi-nudes' as:

- youth produced sexual imagery or 'youth involved' sexual imagery (YPSI).
- indecent imagery. This is the legal term used to define nude or semi-nude images and videos of children and young people under the age of 18 (IIOC).
- 'sexting'. Many adults may use this term, however some young people interpret sexting as 'writing and sharing explicit messages with people they know' rather than sharing images.
- image-based sexual abuse. This term may be used when referring to the non-consensual sharing of nudes and semi-nudes.
- Terms such as 'revenge porn' and 'upskirting' are also used to refer to specific incidents of nudes and semi-nudes being shared. However, these terms are more often used in the context of adult-to-adult non-consensual image sharing offences outlined in s.33-35 of

the Criminal Justice and Courts Act 2015, Voyeurism (Offences) Act 2019 and s.67A of the Sexual Offences Act 2003.

Creating and sharing nudes and semi-nudes of under-18s (including those created and shared with consent) is illegal which makes responding to incidents involving children and young people complex. There are also a range of risks which need careful management from those working in education settings.

Incidents covered by the UKCCIS guidance:

- Person under 18 creates a sexual image of themselves and shares it with another person under 18.
- A person under 18s shares an image of another under 18 with another person under 18 or an adult.
- A person under 18 is in possession of sexual imagery created by another person under 18.

Incidents not covered by the UKCCIS guidance:

- Under 18s sharing adult pornography.
- Under 18s sharing sexual texts without sexual imagery.
- Adults sharing sexual imagery of under 18s (this is child sexual abuse and must always be reported to the police).

Response to incidents of youth produced sexual imagery (YPSI)

The response should be guided by the principle of proportionality - "The primary concern at all times should be the welfare and protection of the young people involved" (*Sharing Nudes & Semi Nudes: Advice for Schools Dec 2020*).

It is important to place a child's sexual behaviour with the context of their age and development.

The Law

Making, possessing, and distributing any imagery of someone under 18 which is indecent is illegal. This includes images of yourself if you are under 18.

Indecent is not defined in law, but images are likely to be considered indecent if they depict:

- A naked young person
- A topless girl
- An image which displays genitals, and
- Sex acts including masturbation
- Indecent images may also include overtly sexual images of young people in their underwear

These laws weren't created to criminalise young people but to protect them.

Although sharing sexual images of themselves is illegal and risky, it is often the result of curiosity and exploration. Young people need education, support, and safeguarding, not criminalisation.

The National Police Chiefs' Council (NPCC) is clear that "youth-produced sexual imagery should be primarily seen as a safeguarding issue".

Schools may respond to incidents without involving the police (However, in some circumstances the police must always be involved).

Crime Recording

When police are notified about youth-produced sexual imagery, they must record this as a crime. The incident is listed as a crime, and the young person is the suspect. This is, however, not the same as a criminal record.

Every crime report to the police must have an outcome code. The NPCC, Home Office and the DBS have agreed a new outcome code for youth-produced sexual imagery.

Outcome 21: this outcome code allows the police discretion not to take further action if it is not in the public interest, even though there is enough evidence to prosecute. Using this outcome code is likely to mean the offence would not appear on a future Enhanced DBS check, although not impossible, as that disclosure is a risk based decision. Schools can be assured that the police have the discretion they need not to adversely impact young people in the future.

If a crime has been committed then these become either:

- **Section 1 Offence:** Taking, Making & Possessing with intent, distribution and sharing of an image.
- **Section 160 Offence:** Possession of an image, kept on digital chats or camera roll.

Handling Incidents:

- Refer to DSL/Head
- Assess the Risks
- HoYs/DSL meet with the young people involved
- Do not view the image unless it is unavoidable
- Discuss with parents, unless there is an issue where that's not possible
- Any concern the young person is at risk of harm, contact social care or the police
- Support the Young people involved
- Staff can seize any prohibited item found as a result of a search. They can also seize any item they consider harmful or detrimental to the school.

Schools can review phones and delete data **UNLESS REFERRING TO THE POLICE.**

Always refer to the police or social care if incident involves:

- An adult
- Aggravating factors i.e. Coercion, blackmail, grooming, adults, bait sites, exploitation, extensive sharing, inappropriate sharing, malicious intent, persistent behaviour, profit motive (age is not an aggravating factor),
- Concerns about capacity, consent
- Images show atypical sexual behaviour for the child's developmental age
- Violent acts are depicted
- Image shows sex acts and includes a child under 13
- A young at risk of image harm as a result of the disclosure (for example self-harm or suicide)

Once the DSL/Head has enough information, the decision should be made as to whether to deal with the matter in school, refer it to the police or to social care. All information and

decision making should be recorded in line with school policy on My Concern. If the incident has been dealt with in school, a further review should be held to assess risks.

Assessing Risks once the images have been shared:

- Has it been shared with the knowledge of the young person?
- Are adults involved in the sharing?
- Was there pressure to make the image?
- What is the impact to those involved?
- Does the child or children have additional vulnerabilities?
- Has the child taken part in producing sexual imagery before?

Viewing images:

- Avoid viewing youth-produced sexual imagery. Instead, respond to what you have been told the image contains.
- If it is necessary to view, discuss with the head teacher first.
- Never copy, print or share the image (it's illegal)
- View with another member of staff present
- Record the fact that the images were videoed along with reasons and who was present. Sign and date.

Deleting images (from devices and social media)

If the school has decided that involving other agencies is not necessary, consideration should be given to deleting the images. It is recommended that pupils are asked to delete the images themselves to confirm they have done so. This should be recorded, signed and dated. Any refusal to delete the images should be treated seriously, reminding the pupil that possession is unlawful.

Summary:

- Not "sexting" but "youth produced sexual imagery".
- Although illegal, police involvement is not always necessary.
- Images can be deleted and incident managed in school.
- Risk-based approach.
- The safeguarding policy reflects this guidance and relevant safeguarding and pastoral staff are aware of it.