

# Child on Child Abuse Policy

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## 1 Definitions:

For the purposes of this Policy and procedures any young person under the age of 18 would be referred to a 'child', 'student' or 'pupil'. Wherever the term 'parent' is used this includes any person with parental authority over the child concerned e.g. carers, legal guardians etc. Wherever the term 'Principal' is used this also refers to the Head of School post. In the case of our academy, the proprietor is the academy trust of South Downs Education Trust. Child on child abuse was previously referred to as 'peer on peer abuse' or child on child sexual violence and sexual harassment and should be taken to include child on child abuse of any description.

## 2 Introduction

Child on child abuse left unaddressed, can have a devastating effect on individuals and their families. It can be a barrier to their learning and have serious consequences for their mental health. Such abuse which takes place at school does not only affect an individual during childhood but can have a lasting effect on their lives well into adulthood. By effectively preventing and tackling abuse, we can help to create a safe, disciplined environment where our students are able to learn and fulfil their potential.

There is no clear boundary between incidents that should be regarded as abusive, and those that are more properly dealt with as bullying, sexual experimentation etc. This is a matter of professional judgement. In the main, therefore, this document refers to child on child abuse.

If one child or young person causes harm to another, this should not necessarily be dealt with as 'abuse'. Bullying, fighting and harassment between children are not generally seen as child protection issues and would normally be dealt with in line with the academy's Behaviour Policy and procedures which includes anti-bullying procedures. However, it may be appropriate to regard a young person's behaviour as 'abusive' if:

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

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. Addressing inappropriate behaviour (even if it appears to be relatively innocuous) can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future. The DfE statutory guidance 'Keeping Children Safe in Education' is our first point of reference for child protection and child welfare issues within the SDET.

## 3 Ethos

At South Downs Education Trust (hereinafter referred to as 'SDET') the health, safety and well-being of all our children is of paramount importance to all the adults who work or volunteer here. All our children have the right to protection, regardless of age, disability, gender reassignment, pregnancy, race, religious belief, ethnicity or sexual orientation/identity. They have a right to be safe in our community; this is enhanced by the adoption of a robust Child Protection Policy and procedures, the Behaviour Policy which includes our procedures for preventing and dealing with cases of bullying

(including cyber-bullying, prejudice-based and discriminatory bullying) and an Online Safety Policy and procedures. Copies of these Policies are available from our website or on request.

We have adopted a whole academy approach to safeguarding and child protection, which includes close liaison between our different DSL's within our respective schools that is overseen by our strategic DSL for the SDET. This means involving everyone, including the trustees, governing bodies, the staff and other adults working within the SDET, the students and their parents.

All staff receive regular safeguarding training which includes recognising, responding to, recording and reporting all incidents of child on child abuse. Furthermore, all staff have been advised to maintain an attitude of 'it could happen here' and we will respond appropriately to all reports and concerns about sexual violence and/or sexual harassment both online and offline.

We wish to make it clear to parents, students and staff that we have effective prevention measures in place to tackle child on child abuse including sexual violence and sexual harassment and all other forms of abuse between children both within and outside the SDET. Our approach to sexual violence and sexual harassment is reflected in, and is part of, our wider approach to safeguarding. If an incident arises, we will deal with it robustly, quickly and appropriately. We will not tolerate any form of child on child abuse within the SDET or by association.

## 4 Aims

Keeping Children Safe in Education 2022, Part 1, 32-42 clearly states the requirements of all staff and adults working within the education setting to be well versed on what constitutes child on child abuse, the differing types of child on child abuse, how this presents, and how to maintain an environment which will always challenge any behaviours that are deemed inappropriate or abusive. It further states that "Governing bodies and proprietors should ensure their child protection policy includes procedures to minimise the risk of child on child abuse and sets out how allegations will be dealt with along with clear processes as to how victims, perpetrators and any other child affected by such abuse will be supported".

Whilst it is recommended that child on child abuse is dealt with as part of the Child Protection Policy and procedures, due to the sensitive nature and specific issues involved particularly with child on child sexual violence and sexual harassment, this policy has been formulated and is designed to be read in conjunction with the overarching principles of the academy's Child Protection Policy and procedures.

The aim of this policy is therefore to ensure that any form of child on child abuse or harmful behaviour is dealt with immediately and consistently. Consequently, when allegations are made and appropriate responses put in place, this will reduce the extent of harm to those involved and minimise the potential impact on emotional and mental health and well-being.

## 5 Entitlement

We accept and embrace our legal responsibilities under the Equality Act 2010 (for example, the provisions on reasonable adjustments). Each child with the SDET, regardless of their background or home circumstances could be the victim of child on child abuse. They are therefore all entitled to the same degree of protection and support. Each child with the SDET will also develop the skills appropriate to their age and understanding which could enable prevention of abuse by learning about keeping safe and who to ask for help if their safety is threatened.

## 6 Implementation

This Policy and supporting procedures applies to all who come into contact with children within the SDET, including: teachers, supply teachers, learning support staff, mid-day supervisors, admin staff, meals supervisors, caretaker, cleaners, visiting students, parent helpers/volunteers, governors, trustees and other visitors including contractors.

This policy should be read in conjunction with other related policies and procedures including:

- Overarching Safeguarding Statement
- Child Protection Policy and procedures
- Online Safety Policy and procedures
- Behaviour Policies and procedures for preventing and dealing with bullying (including cyber-bullying and the potential for radicalisation) and racism, drug misuse, positive handling, support and physical intervention etc.
- Relationships Education, Relationships and Sex Education (RSE) and Health Education Policy
- Supporting Pupils with Medical Conditions Policy and procedures
- Inclusion Policy/SEND Information Report
- Attendance policy

### 6.1 Review

This Policy will be reviewed annually and more often should legislation or statutory guidance change and in order to keep up to date with safeguarding issues as they emerge and evolve, including lessons learnt.

### 6.2 Procedures

**WHAT IS CHILD ON CHILD ABUSE?** Child on child abuse is behaviour by an individual or group of individuals which can be a one-off incident or repeated over time. Child on child abuse is behaviour that intentionally hurts another individual or group either physically or emotionally. It is more likely that girls will be victims and boys' perpetrators, but all child on child abuse is unacceptable and will be taken seriously.

Child on child abuse can take many forms including serious bullying (including cyberbullying, prejudice-based and discriminatory bullying); physical harm; abuse within intimate partner relationships; domestic abuse; child sexual exploitation; youth and serious youth violence; financial abuse; initiation/hazing type violence and rituals; harmful sexual behaviour (sexual violence and sexual harassment - Part five of Keeping Children Safe in Education) and Sexual Violence and sexual harassment between children in schools and colleges; upskirting; sharing nude and semi-nude images and/or gender-based violence and is often motivated by prejudice against particular groups steered by a dislike for a person's:

- race;
- religion;
- gender;
- sexual orientation;
- special educational needs or disabilities;

or where a child:

- is adopted or in care;
- has caring responsibilities;
- is suffering from a health problem;
- is frequently on the move (e.g. those from military families or the travelling community);
- is experiencing a personal or family crisis;
- has actual or perceived differences, (e.g. physical or cultural differences).

These types of abuse rarely take place in isolation and often indicate wider safeguarding concerns.

Abusive behaviour can happen to children in schools and settings and it is necessary to consider what abuse is and looks like, how it can be managed and what support and intervention can be put in place to meet the needs of the individual and what preventative strategies may be put in place to reduce further risk of harm.

There may be reports where the alleged incident is between two pupils from the same or different schools but is alleged to have taken place away from the academy premises. The safeguarding principles, and the SDET's duty to safeguard and promote the welfare of their pupils remain the same regardless of where the incident took place and regardless of whether the incident was online or offline.

Abuse is abuse and will never be tolerated or passed off as 'banter', 'just having a laugh', 'part of growing up' or 'boys being boys' which essentially downplays certain behaviours and can lead to a culture of unacceptable behaviours, an unsafe environment for children and possibly a culture that normalises abuse leading to children accepting it as normal and not coming forward to report it. Equally, abuse issues can sometimes be gender specific e.g. girls being sexually touched/assaulted and boys being subject to initiation/hazing type violence. We will not dismiss abusive behaviour between children as 'normal' and our thresholds for investigating claims and concerns/allegations are the same as for any other type of abuse.

Preventing violence and abuse and ensuring immediate physical safety is the SDET's first priority but we also acknowledge that emotional abuse can be just as damaging, if not more so, than physical abuse. We recognise that abuse often involves an imbalance of power between the perpetrator and the victim. This could involve perpetrators of abuse having control over the relationship which makes it difficult for the victim to defend themselves. The imbalance of power can manifest itself in several ways, it may be physical, psychological (knowing what upsets someone), derive from an intellectual imbalance, or by having access to the support of a group, or the capacity to socially isolate. It can result in the intimidation of a person or persons through the threat of violence or by isolating them either physically or online.

Children with Special Educational Needs and Disabilities (SEND) or certain health conditions are three times more likely to be abused or exploited than their peers. Additional barriers can sometimes exist when recognising abuse in SEND children. These can include:

- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability or health condition without further exploration;
- the potential for children with SEND being disproportionately impacted by behaviours such as bullying and harassment, without outwardly showing any signs;
- communication barriers and difficulties overcoming these barriers.

Any reports of abuse by other children and involving children with SEND will therefore require close liaison with the DSL (or deputy) and the SENCO. Children who are lesbian, gay, bi, or trans (LGBTQ+) can be targeted by their peers. In some cases, a child who is perceived by their peers to be LGBTQ+ (whether they are or not) can be just as vulnerable as children who identify as LGBT.

We also acknowledge that low level disruption such as grabbing bottoms, breasts and genitalia, pulling down trousers, flicking bras, lifting up skirts etc. and the use of offensive language can have a significant impact on its target. If left unchallenged or dismissed as ‘banter’ or ‘horseplay’, it can also lead to reluctance to report other behaviour.

### 6.3 Contextual safeguarding

Safeguarding incidents and/or behaviours can be associated with factors outside the SDET and/or can occur between children outside the SDET. All staff, but especially the designated safeguarding lead (and deputies) should be considering the context within which such incidents and/or behaviours occur. This is known as contextual safeguarding, which simply means assessments of children should consider whether wider environmental factors are present in a child’s life that are a threat to their safety and/or welfare.

Children’s experiences 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 abuse set out above 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.

This policy and procedures encapsulate a contextual safeguarding approach, which:

- is an approach to safeguarding children that recognises their experiences of significant harm in extra-familial contexts and seeks to include these contexts within prevention, identification, assessment and intervention safeguarding activities;
- recognises that as children enter adolescence they spend increasing amounts of time outside of the home in public environments (including on the internet) within which they may experience abuse;
- considers interventions to change the systems or social conditions of the environments in which abuse has occurred.

Additional information on contextual safeguarding is available from the Contextual Safeguarding Network.

## 7 Types of abuse

There are many forms of abuse that can occur between children and the following list is not exhaustive:

### 7.1 Physical abuse:

Physical abuse may include hitting, kicking, nipping, shaking, biting, hair pulling, or otherwise causing physical harm to another person. There may be many reasons why a child harms another and it is important to understand why a young person has engaged in such behaviour, including accidentally before considering the action to take or sanctions to introduce.

## 7.2 Bullying- Physical, name calling, homophobic etc.

Bullying in whatever form is unwanted, aggressive behaviour that involves a real or perceived power imbalance. The behaviour is repeated, or has the potential to be repeated, over time. Young people who bully and those who are bullied can have long-term problems. To be considered as bullying, the behaviour must be aggressive and include:

- an imbalance of power: young people who bully use their power, such as physical strength, access to embarrassing information, or popularity to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.
- repetition: bullying behaviours happen more than once or have the potential to happen more than once. Details of our anti-bullying strategies and procedures can be found on our website.

## 7.3 Cyberbullying

The rapid development of, and widespread access to, technology has provided a medium for cyberbullying, which can occur in or outside the SDET. Cyberbullying is a different form of bullying and can happen at all times of the day, with a potentially bigger audience. Cyberbullying involves the use of mobile devices, instant messaging, e-mail, chat rooms or social networking sites such as Facebook, Instagram, Twitter etc. to harass, threaten or intimidate someone for the same reasons as outlined in 3.2 above.

Cyberbullying can fall into criminal behaviour under the Malicious Communications Act 1988 (Section 1) which states that a person who sends electronic communications which are “indecent or grossly offensive, convey a threat or false information or demonstrate that there is an intention to cause distress or anxiety to the victim” would be deemed to have committed an offence. The Communications Act 2003 (Section 127) further supports this and states that a person is guilty of an offence if he/she sends by means of a public electronic communications network a message or other matter that is grossly offensive or of an indecent, obscene or menacing character or if for the purpose of causing annoyance, inconvenience or needless anxiety to another he/she sends a message by means of a public electronic communications network knowing that the message is false.

If the behaviour involves the taking or distributing indecent images of young people under the age of 18 then this is also a criminal offence under the Sexual Offences Act 2003. Outside of the immediate support young people may require in these instances, the academy will have no option but to involve the Police to investigate these allegations. See ‘When to call the Police’ for further guidance.

## 7.4 Bullying which occurs outside the SDET premises

We will follow the procedures outlined in our bullying policy and our disciplinary powers to address the conduct of pupils when they are not on the SDET premises and are not under the lawful control or charge of a member of SDET staff. This may include bullying incidents occurring anywhere off the academy premises, such as on academy or public transport, off site during lunchtimes, during the evening at weekends or during the school holidays.

Where abuse outside of the premises is reported to the SDET, we will investigate and take appropriate action. We will also consider whether it is appropriate to notify the Police if we believe an offence has taken place.



## 7.5 Sharing nude and semi-nude images (formerly known as sexting)

Sharing of nude or semi-nude images is when someone sends or receives a sexually explicit text, image or video via the internet or mobile device. This includes sending 'nude/semi-nude pics' or 'rude pics' or 'nude/semi-nude selfies'. Pressuring someone into sending a nude picture can happen in any relationship and to anyone, whatever their age, gender or sexual preference.

Once the image is taken and sent, the sender has lost control of the image and the image could end up anywhere. By having in their possession or distributing to others indecent images of a person under 18, many young people are not aware that they could be committing a criminal offence under the Sexual Offences Act 2003.

Any direct disclosure by a pupil (male or female) will be taken very seriously. A child who discloses they are the subject of sexual imagery is likely to be embarrassed and worried about the consequences. It is likely that disclosure with the SDET is a last resort and they may have already tried to resolve the issue themselves. When an incident involving the inappropriate sharing of images via the internet or mobile device comes to a school's attention the SDET will follow the guidance as set out in the UK Council for Internet Safety (UKCIS) publication outlined below. **The key consideration here is for staff not to view or forward illegal images of a child.** In some cases, it may be more appropriate to confiscate any devices to preserve any evidence and hand them to the Police for inspection. See DfE advice on searching, screening and confiscation.

When considering appropriate action regarding the sharing of inappropriate images, the DSL will take the age of the child involved and the context into account. Children under 13 are given extra protection from sexual abuse. The law makes it clear that sexual activity with a child under 13 is never acceptable and that children of this age can never legally give consent to engage in sexual activity. Any situations involving pupils in this academy and the sharing of nude and semi-nude images will be taken seriously as potentially being indicative of a wider child protection concern or as being problematic sexual behaviour. Further and more specific advice is contained within the UKCIS document 'Sharing nudes and semi-nudes - Advice for education settings working with children and young people' which also includes advice on responding to incidents and safeguarding children and young people. A copy of this document is held in the DSL's office. The UKCIS advice outlines how to respond to an incident of nudes and semi-nudes being shared including:

- risk assessing situations;
- safeguarding and supporting children and young people;
- handling devices and images;
- recording incidents, including the role of other agencies.
- informing parents and carers

The types of incidents which this advice covers are:

- a person under the age of 18 creates and shares nudes and semi-nudes of themselves with a child under the age of 18;
- a person under the age of 18 shares nudes and semi-nudes created by another person under the age of 18 with a child under the age of 18;
- a person under the age of 18 is in possession of nudes and semi-nudes created by another person under the age of 18.

## 7.6 Initiation/Hazing

Hazing is a form of initiation ceremony which is used to induct newcomers into an organisation such as a school or sports team etc. Hazing can also be used as initiation into a street or other 'gang'. There are several different forms, from relatively mild rituals to severe and sometimes violent ceremonies.

The idea behind this practice is that it welcomes newcomers by subjecting them to a series of trials which promote a bond between them. After the hazing is over, the newcomers also have something in common with older or established members of the organisation or 'gang', because they have all experienced this as part of a 'rite of passage'. Many rituals involve humiliation, embarrassment, abuse and harassment.

## 7.7 Prejudiced-based and discriminatory bullying/behaviour

The term prejudiced-based or discriminatory bullying refers to a range of hurtful behaviour, physical or 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 – in particular, prejudices related to disabilities and special educational needs, ethnic, cultural and religious backgrounds, gender, home life, (for example in relation to issues of care, parental occupation, poverty and social class) and sexual identity (homosexual, bisexual, transsexual).

## 7.8 Teenage relationship abuse

Teenage relationship abuse 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. Abuse may include insults, coercion, social sabotage, sexual harassment, threats and/or acts of physical or sexual abuse. Abuse can occur online and offline and is never acceptable.

## 7.9 Upskirting

'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. It is now a criminal offence.

## 7.10 Child on child sexual violence and sexual harassment

Sexual violence and sexual harassment can occur between two children of any sex. They can also 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 and sexual harassment will likely find the experience stressful and distressing. Children's sexual behaviours exist on a wide continuum, from normal and developmentally expected to highly abnormal and abusive. We recognise the importance of distinguishing between problematic and abusive sexual behaviour.

A model continuum to demonstrate the range of sexual behaviours presented by children can be used when seeking to understand a pupil's sexual behaviour and deciding how to respond to it. If staff have any concerns about a child's welfare, they should act on them immediately. Staff within the SDET will follow the Child Protection Policy and procedures and speak to the DSL (or deputy) and log their concerns onto CPOMS. In the absence of the DSL, staff should raise their concern with a member of the Senior leadership Team (SLT).

In relation to any reports or disclosures of sexual violence and sexual harassment between children we will:

- make it clear that sexual violence and sexual harassment is never acceptable, will never be tolerated and is not an inevitable part of growing up;
- challenge behaviours (which are potentially criminal in nature), such as grabbing bottoms, breasts and other private areas of the body.

Ultimately any decisions on how to proceed with an allegation of sexual violence and sexual harassment will be made on a case by case basis with the DSL (or 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.

**We have a zero tolerance approach to sexual violence and sexual harassment. It is never acceptable and will not be tolerated.** All staff have been made aware that even if there are no reports in our academy, it does not mean it is not happening – it may be the case that it is just not being reported. If staff have any concerns regarding such abuse they must speak to the DSL (or deputy) as soon as possible.

We will ensure that students are aware of the NSPCC dedicated helpline (report abuse in education – 0800 136 663) for children and young people who have experienced abuse at school, and for worried adults and professionals that need support and guidance. Decisions about what action to take will consider:

- the wishes of the victim in terms of how they want to proceed;
- the nature of the incident – might a crime have been committed? the ages of the children involved;
- any power imbalance between the children for example, if one child is much older, more mature or more confident.
- Does the victim have a disability, learning difficulty or other health related issues; whether it was a one-off incident or a pattern of behaviour by the alleged perpetrator;
- that sexual violence and sexual harassment can take place within intimate personal relationships between children;
- other related issues and wider context, including any links to child sexual exploitation and child criminal exploitation.

Some situations, however, are statutorily clear:

- a child under the age of 13 can never consent to any sexual activity;
- the age of consent is 16;
- sexual intercourse without consent is rape;
- rape, assault by penetration and sexual assault are defined in law;
- creating and sharing sexual photos and videos of under-18s is illegal (see para 3.5 – Sharing nude or semi-nude images). This includes children making and sharing sexual images and videos of themselves.

## 8 Managing the Disclosure/ report

Our initial response to a disclosure or report of an incident from a child is that the disclosure will be taken seriously. All our staff know how to record concerns using CPOMS which is a vital part of gathering critical information from a child relating to their disclosure. Staff have also received training on how to manage a disclosure/report. All records are stored securely on CPOMS with clear actions identifiable.

- The member of staff to whom the disclosure is made will reassure the child and any other victims that they will be supported throughout and kept safe.
- A victim will never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment nor will a victim ever be made to feel ashamed for making a report.
- Staff will never assume that someone else is dealing with the alleged incident. If in doubt, they will speak to the Designated Safeguarding Lead (DSL).
- Details of the disclosure will be passed to the DSL or deputy immediately or as soon as practically possible in the form of a written record. Staff will then be supported in recording this information onto CPOMS.
- Only the facts as the child presents them will be recorded and staff will be made aware that notes of such reports could become part of a statutory assessment by Children's Social Care and/or part of a criminal investigation.
- The DSL or deputy will manage the concern/allegation from the member of staff, child or parent.
- Consideration will be given to how best to keep the victims and alleged perpetrators of sexual violence a reasonable distance apart while on the academy premises and, where relevant, on transport to and from the academy.
- While the facts are being investigated, the alleged perpetrator will be removed from any classes that they share with the victim. This is in the best interests of both children and should not be perceived to be a judgement on the guilt of the alleged perpetrator.
- Both the immediate and future needs of the victim, the alleged perpetrator and any other children involved/affected (particularly if they are closely related to the victim or the alleged perpetrator) will be assessed and, where necessary appropriate plans and strategies put in place.
- It may be appropriate to exclude the pupil being complained about for a period of time according to the Behaviour Policy and procedures.
- Where a criminal investigation into sexual assault leads to a conviction or caution, we will consider any additional sanctions in light of our Behaviour Policy including consideration of permanent exclusion. In any action we take, the nature of the conviction or caution and wishes of the victim will be taken into account where appropriate.
- The DSL will follow the Child Protection procedures which will ensure they gather as much information and context relating to the disclosure as possible. Where necessary, advice will be sought from the Safeguarding Hub who will advise on how to proceed with the concern.
- Other agencies such as Police and Social Care will be notified and become involved if appropriate.

## 8.1 Gathering the facts

It is important to gather a broad view of the facts at an early stage.

- Wherever possible, manage the disclosure and subsequent interviews of those involved with two members of staff present (preferably one being the DSL or deputy DSL).
- All those involved in the alleged incident should be spoken to individually and separately.
- Gain a statement of facts from those involved using 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 children to tell you in their own words what happened.
- Only interrupt the child 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? etc.)
- Staff will not promise confidentiality at the initial stage and will inform those involved who the report will be passed on to.
- Where the report includes any online element, staff will be aware of the DfE advice on searching, screening and confiscation for schools and guidance issued by UKCIS.

## 8.2 Considering confidentiality and anonymity

Staff will never promise confidentiality as it is likely that it will be in the best interests of the victim to seek advice and guidance from others to provide support and engage appropriate agencies.

We will only engage staff and other agencies who are required to support the children involved or will be involved in any investigation.

If the victim asks the SDET not to tell anyone about the sexual violence or sexual harassment, staff may still lawfully share it, if it can be justified to be in the public interest, for example, to protect children from harm and to promote the welfare of children. Staff should only share the report with those people who are necessary in order to progress it. It is important that the victim understands what the next steps will be and who the report will be passed to. In this event, the DSL will consider the following:

- parents 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 via the Safeguarding Hub;
- rape, assault by penetration and sexual assaults are crimes. The starting point is that reports should be passed to the Police.

Ultimately, it is for the DSL (or deputy) to balance the victim's wishes against their duty to protect the victim and other children. If the decision is taken to go ahead and report the incident, the reasons should be explained to the victim and appropriate specialist support offered. Additional information on confidentiality and information sharing is available from DfE advice 'Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers'.

We will do all we reasonably can to protect the anonymity of any children involved in any report of sexual violence or sexual harassment and will carefully consider which staff should know about the report and any support that will be in place for the children involved.

Full consideration will also be given to the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities and the support which may be required by the victim and his/her family should this situation arise.

### 8.3 Response to the disclosure/ report

The SDET's initial response to a report from a child is incredibly important. How the SDET responds to a report can encourage or undermine the confidence of future victims of sexual violence and sexual harassment to report or come forward.

It is essential that all victims are reassured that they are being taken seriously, regardless of how long it has taken for them to come forward and that they will be supported and kept safe. Abuse that occurs online or outside of the academy will not be downplayed and will be treated equally seriously. All concerns/allegations of child on child abuse will be handled sensitively, appropriately and promptly. The way in which they are responded to can have a significant impact on the academy environment. Any response will:

- include a thorough investigation of the concerns/allegations and the wider context in which they may have occurred (as appropriate);
- treat all children involved as being at potential risk – whilst the child allegedly responsible for the abuse may pose a significant risk of harm to other children, s/he may also have considerable unmet needs and at risk of harm themselves. We will ensure that a safeguarding response is in place for both the child who has allegedly experienced the abuse and the child who has allegedly been responsible for it.

We will take into account:

- that the abuse may indicate wider safeguarding concerns for any of the children involved, and consider and address any wider contexts such as the child/children's peer group (both within and outside the academy); family; the school environment; the experiences of crime and victimisation in the local community; and the child/children's online presence;
- the changes that may need to be made to the above contexts to address the child/children's needs and to mitigate risk;
- the views of the child/children affected. Unless it is considered unsafe to do so, the DSL should discuss the proposed action with all those involved and their parents and obtain consent to any referral before it is made, unless informing the parent will put the child at risk of harm.
- Any decision not to inform the parents will generally be made in conjunction with other services such as children's social care and/or the Police, who would take the lead in deciding when the parents should be informed.
- the child/children's expectations about information sharing, and keep them and their parents informed of developments, where appropriate and safe to do so.

If a pupil is in immediate danger, or at risk of significant harm, a referral to the Safeguarding Hub (if the pupil is aged under 18) and/or the Police will be made immediately. Anyone can make a referral. Where referrals are not made by the DSL, the DSL should be informed as soon as possible that a referral has been made.

If a member of staff believes for whatever reason that child may be at risk of or experiencing abuse by another child or children, or that a child may be at risk of abusing or may be abusing another child or children, they should discuss their concern with the DSL without delay so that a course of action can be agreed.

#### 8.4 Internal Management

Ultimately, any decisions are for the academy to make on a case-by-case basis, with the DSL (or 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.

Where behaviour between children is abusive or violent, the incident will be dealt with using methods set out with KCSIE 5.2-5.4. However, where support from local agencies is not available or the incident is considered to be inappropriate or problematic, SDET may need to handle allegations/concerns internally. It may be appropriate to handle the incident using the whole academy behaviour policy and procedures which includes procedures to be followed in the case of bullying. All concerns, discussions, decisions and reasons for the decisions will be recorded either in writing or electronically. The services of external specialists may be required to support the process.

#### 8.5 Early Help Assessment

Where appropriate and necessary, SDET may undertake or contribute to an interagency early help assessment with targeted early help services provided to address the assessed needs of a child/children and their family.

#### 8.6 Referral to the Integrated Front Door (IFD)

Where a decision is made to make a referral to the Multi-Agency Safeguarding Hub (MASH) (either Section 17 or Section 47), and a strategy meeting is convened, then SDET will hold every professional involved in the case accountable for their safeguarding response, including themselves, to both the child who has experienced the abuse, and the child who was responsible for it.

#### 8.7 Reporting to the Police

If the concern/allegation indicates a potential criminal offence has taken place e.g. rape, assault by penetration, sexual assault, sexual violence or sexual harassment (regardless of the age of the alleged perpetrator(s), the Police must be contacted at the earliest opportunity and parents informed (of both the pupil being complained about and the alleged victim).

Any report to the Police will generally be in parallel with a referral to the IFD. It is important that the DSL (and their deputy/ies) are clear about the local process and arrangements for referrals. Further guidance on this issue is provided in the NPCC guidance for Academies document 'When to call the Police'.

Alleged criminal behaviour will ordinarily be reported to the Police. There are, however, some circumstances where it may not be appropriate to report such behaviour to the Police e.g. where the existence of youth produced sexual imagery does not involve any aggravating factors. All concerns/allegations will be assessed on a case by case basis and considering the wider context. Whatever the response, it will be underpinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated.



## 9 Individual risk and needs assessment

Where there is an incident of child on child abuse, including sexual violence and sexual harassment, SDET will undertake a robust risk and needs assessment in respect of each child affected by the abuse including the alleged perpetrator. The risk assessment will:

- consider the victim in the first instance, especially their protection and support;
- consider whether there may have been other victims;
- assess and address the nature and level of risks that are posed and/or faced by the alleged perpetrator(s) and all the other children (and, if appropriate, adult students and staff) at the academy, especially any actions that are appropriate to protect them from the alleged perpetrator(s), or from future harms;
- engage the child's parents (unless informing the parent will put the child at risk of harm) and draw upon local services and agencies to ensure that the child's needs are met in the long-term. Where there has been a report of sexual violence, it is likely that professional risk assessments by social workers and/or sexual violence specialists will be required. Any such professional assessments will be used to inform the academy's approach to supporting and protecting their pupils and updating their own risk assessment;
- consider whether any targeted interventions are needed to address the underlying attitudes or behaviour of any child involved;
- and be recorded (written or electronic) and be reviewed at regular intervals in the light of the child's on-going needs to ensure that progress is being made which benefits the child.

If a child is convicted or receives a caution for a sexual offence, SDET will update its risk assessment, ensure relevant protections are in place for all the children (and, if appropriate, adult students and staff) and consider any suitable action in light of the Behaviour Policy and procedures. If at any stage the child's needs escalate, the DSL should contact the IFD to determine the appropriate course of action.

## 10 Safeguarding and supporting the victim

The following principles are based on effective safeguarding practice and will help our decision-making process regarding safeguarding and supporting the victim. The DSL (or deputy) is likely to have a complete safeguarding picture and be the most appropriate person to advise on the academy's initial response. We will:

- consider the age and the developmental stage of the victim, the nature of the allegations and the potential risk of further abuse;
- consider the needs and wishes of the victim. The victim will be listened to and acknowledged. It is important they feel in as much control of the process as is possible. Where a pupil feels able to deal with the incident on their own or with support of family and friends, the pupils will continue to be monitored and offered support should they require it in the future;
- ensure that the victim will never be made to feel they are the problem for making a report or made to feel ashamed for making a report;
- consider interventions that target a whole class or year group e.g. work on cyberbullying/relationship abuse etc.;



- support the child in improving peer group relationships where bullying is a factor in the abuse and consider restorative justice work with all those concerned;
- ensure that sensitive issues are explored through the use of the curriculum (PSHE and Sex and Relationships Education).

## 11 Safeguarding and supporting the alleged perpetrator

The following principles are based on effective safeguarding practice and will support our decision-making process regarding safeguarding and supporting the alleged perpetrator. In relation to this we will consider:

- how we will continue to provide the alleged perpetrator with an education, safeguarding support as appropriate and implementing any disciplinary sanctions. 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 pupil 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 the agencies involved including the pupil and their parents.
- the age and developmental stage of the alleged perpetrator and nature of the allegations. Any child will likely experience stress as a result of them being the subject of allegations and/or negative reactions by other children to the allegations made against them, the proportionality of the response. Support (and sanctions) will be considered on a case-by-case basis. An alleged perpetrator may potentially have unmet needs (in some cases these may be considerable) as well as potentially posing a risk of harm to other children. Harmful sexual behaviour in young children may be a symptom of either their own abuse or exposure to abusive practices or materials.

Advice will be sought, as appropriate, from the IFD, the Police and any other agencies or specialist services in order to commission the right support for the child/children concerned.

## 12 Consequences

Before deciding on appropriate action, SDET 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 abuse and the causes of it.

Consequences may include additional supervision of the pupil or protective strategies if the pupil feels at risk of engaging in further inappropriate or harmful behaviour.

SDET response might include a negative consequence (in accordance with the Behaviour Policy and procedures) such as a detention, Tier 1, Tier 2, Tier 3 or a fixed term suspension to allow the pupil to reflect on their behaviour.

SDET will, where appropriate, consider the potential benefit, as well as challenge, of using managed moves or suspension/exclusion as a response, and not as an intervention, recognising that even if this is ultimately deemed to be necessary, some of the measures referred to in this policy may still be required.

A permanent exclusion will only be considered as a last resort and only where necessary to ensure the safety and wellbeing of other children within the SDET or, where the Head of School, in their absolute discretion, considered the actions of the pupil(s) has damaged the SDET ethos or reputation.

Disciplinary interventions alone are rarely able to solve issues of child on child abuse, and the academy will always consider the wider actions that may need to be taken, and any lessons that may need to be learnt going forward.

### 13 SDET approach to prevention

Our academy's response to child on child abuse will not begin at the point at which a child has been abused. We will proactively gather intelligence about issues between pupils which might provoke conflict. We will actively seek feedback from students and embed safeguarding principles throughout our curriculum to support all students in being able to act safely and responsibly within the community which will allow all students to feel safe. This might involve talking to pupils about issues of difference, within lessons, through dedicated events or projects, or through assemblies. Staff themselves will be able to determine what will work best for their pupils, depending on the particular issues they need to address. SDET has created an ethos of excellent behaviour where pupils treat one another and the staff with respect because they know that this is the right way to behave. That culture extends beyond the classroom to the corridors, outside areas, communal areas, and beyond the school gates including travel to and from the school. Values of respect for staff and other pupils, an understanding of the value of education, and a clear understanding of how our actions affect others permeate the whole academy environment and are reinforced by staff and older pupils who set a good example to other pupils. SDET will:

- involve parents to ensure they are clear that SDET does not tolerate any form of child on child abuse. We will make parents aware of the procedures to follow if they believe that their child is being abused by another child or children. We want parents to feel confident that the SDET will take any complaint about bullying seriously and resolve the issue in a way that protects the child. We will expect parents to reinforce the value of excellent behaviour at home;
- involve pupils. All pupils understand the academy's approach and are clear about the part they can play to prevent child on child abuse, including when they find themselves as bystanders;
- regularly evaluate and update our approach to take account of developments in technology, for instance updating 'acceptable use' agreements for computers and consideration of what can still be improved;
- consider how (if at all) the physical environment contributed to the abuse, and how this can be addressed going forward, for example by improving the SDET safety, security and supervision;

- ensure that any lessons learnt are acted upon swiftly – were there opportunities to intervene earlier or differently and/or to address common themes amongst the behaviour of other children in the SDET;
- implement disciplinary sanctions. The consequences of child on child abuse will reflect the seriousness of the incident so that others see that abuse is unacceptable, will not be tolerated and will be sanctioned;
- openly discuss differences between people that could motivate abuse, such as religion, ethnicity, disability, gender, sexuality or appearance related difference. We will also include children with different family situations, such as looked after children, those with caring responsibilities and those from a migrant or travelling community. We teach children that using any prejudice-based language is unacceptable;
- provide effective staff training on how to deal with child on child abuse. All SDET staff (paid and unpaid) understand the principles and purpose of the policy and procedures, how to resolve and respond to problems, and where and when to seek support from others in the academy;
- make it easy for pupils to report bullying of any description so that they are assured that they will be listened to and that incidents will be acted on. Pupils should feel that they can report abuse which may have occurred outside academy including cyberbullying and the sharing of nude and semi-nude images via the internet or other mobile device;
- create an inclusive environment where pupils can openly discuss their experiences of child on child abuse, without fear of further abuse or discrimination;
- recognise that some children with special educational needs or disabilities may lack the social or communication skills to report child on child abuse incidents and we ensure our training builds in regular awareness of this;
- frequently address the impact of abuse within the SDET and what constitutes appropriate, safe and acceptable behaviour with our children and staff.

## 14 References

The following documents were used in the creation of this Policy and procedures and should be read in conjunction with this Policy:

- Keeping Children Safe in Education – Rev September 2022 (DfE)
- Sexual Violence and sexual harassment between children in schools and colleges – Rev Sept 2021 (DfE)
- Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers – Rev July 2018 (HM Government)
- Working together to Safeguard Children – July 2018 (HM Government)
- Sharing nudes and semi-nudes - advice for education settings and responding to incidents – December 2020 (UKCIS)
- Searching, screening and confiscation – January 2018 (DfE)
- When to call the Police: guidance for schools – February 2020 (NPCC)