

Procedure for dealing with allegations of child on child sexual violence and sexual harassment (including online)

Introduction

1. Sexual violence and sexual harassment can occur between two students of any age and sex. It can occur through a group of children sexually assaulting or harassing a single young person or a group of young people. Issues exist on a continuum and can occur face to face and online. The college maintains an attitude of **it can happen here**.
2. Addressing inappropriate behaviour (even if it appears relatively low level) is important in developing a culture where harassment of any kind is not tolerated, where concerns are taken seriously and appropriate action taken to keep young people safe.
3. Students who are victims of sexual violence and sexual harassment are likely to find the experience stressful and distressing. This may adversely affect their educational attainment and these factors are likely to be exacerbated if the alleged perpetrator also attends college.
4. Along with providing support to victims, the college will weigh the need to provide the alleged perpetrator with an education, with welfare support and the need to implement any disciplinary sanctions.
5. The college has a zero tolerance to any form of abuse or harassment and this extends to sexual violence and sexual harassment. The college recognises that abuse is abuse and will never be tolerated or passed off as 'banter', 'having a laugh' or 'just part of growing up'. The college recognises the gendered nature of child on child abuse but will take all forms of peer on peer abuse seriously.
6. Children with special educational needs and disabilities (SEND) are three times more likely to be abused by their peers. Additional barriers can exist to identifying abuse and this may include dismissing indicators of abuse as part of an individual's identified need. It is therefore essential that we never dismiss concerns raised by young people with SEND.

Definitions

7. **Sexual violence**, these are largely offences under the Sexual Offences Act 2003 and include:
 - Rape – intentional sexual penetration of the vagina, anus or mouth of the victim with the perpetrator's penis without consent.
 - Assault by penetration – intentional sexual penetration of the vagina or anus with a part of his/her body or other object without consent.
 - Sexual assault - intentionally touching another person in a sexual way without consent, this covers a wide range of behaviour in that a single act of kissing or touching of the bottom or breast without consent can still be considered sexual assault.

- Causing someone to engage in sexual activity without consent – this can include forcing someone to strip, to touch themselves sexually, or to engage in sexual activity with a third party.
8. **Sexual Harassment** – this relates to unwanted conduct of a sexual nature that can occur online and both inside and outside of college. Sexual harassment is likely to violate a student’s dignity and/or make them feel intimidated, degraded and/or humiliated. Sexual harassment can include but is not limited to:
- Sexual comments – telling stories, making lewd comments, making sexual remarks about clothes or appearance and calling someone sexualised names;
 - Sexual jokes or taunting;
 - Physical behaviour such as deliberately brushing against someone, interfering with someone’s clothes, displaying pictures, photos, or drawings of a sexual nature; and/or
 - Online sexual harassment, this may be standalone or part of a wider pattern and may include consensual or non-consensual sharing of nudes or semi-nudes, sharing explicit and unwanted content, upskirting, sexualised online bullying, unwanted sexual comments and messages and sexual coercion or threats.
9. **Harmful sexual behaviour** – sexual behaviour exists on a wide continuum from normal and developmentally appropriate to problematic abusive or violent. Figure 1 below provides more detail. Harmful sexual behaviour is an umbrella term widely used in child protection that deals with behaviour that is developmentally inappropriate and may cause developmental damage.

Figure 1

Normal	Inappropriate	Problematic	Abusive	Violent
<ul style="list-style-type: none"> - Developmentally expected - Socially acceptable - Consensual, mutual, reciprocal - Shared decision-making 	<ul style="list-style-type: none"> - Single instances of inappropriate sexual behaviour - Socially acceptable behaviour within peer group - Context for behaviour may be inappropriate - Generally consensual and reciprocal 	<ul style="list-style-type: none"> - Problematic and concerning behaviour - Developmentally unusual and socially unexpected - No overt elements of victimisation - Consent issues may be unclear - May lack reciprocity or equal power - May include levels of compulsivity 	<ul style="list-style-type: none"> - Victimising intent or outcome - Includes misuse of power - Coercion and force to ensure victim compliance - Intrusive - Informed consent lacking or not able to be freely given by victim - May include elements of expressive violence 	<ul style="list-style-type: none"> - Physically violent sexual abuse - Highly intrusive - Instrumental violence that is psychologically and/or sexually arousing to the perpetrator - Sadism

Source: Hackett, S, 'Children, young people and sexual violence' in 'Children behaving badly? Exploring peer violence between children and young people', 2010.

10. **Consent** - Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g. to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.
 - A child under the age of 13 can never consent to any sexual activity
 - The age of consent is 16
 - Sexual intercourse without consent is rape.

Creating a culture of zero tolerance

11. **All** staff have a responsibility to challenge inappropriate sexual comments and actions whenever they observe them. This enables the college to foster a culture where students feel confident that whilst this behaviour may happen, swift action is taken to address it.
12. At induction all students will be made aware of our expectations, where firm ground rules are set and students understand what constitutes abuse and harassment and the actions that will be taken to address issues.
13. Visual displays in corridors and classrooms will highlight our zero tolerance approach and signpost students to where they can go to report a concern, which includes an online reporting mechanism.
14. Within our tutorial programme students will be provided information about healthy relationships, sexual violence, harassment and consent as well as wider advice and guidance on how to keep themselves safe.
15. A student is likely to disclose abuse to an adult that they trust and it is therefore important that all staff are aware that they may receive a disclosure from a student. **All** staff have a responsibility to report concerns to the safeguarding team, using our safeguarding procedures where they feel those concerns or issues are putting a young person at risk of harm, if in doubt staff should seek advice from the safeguarding team. It is important that the staff member receiving the initial disclosure reassures the student they have done the right thing in coming forward but should never promise confidentiality as it may well be in the best interests of the victim to share information with parents and report concerns to external agencies.

Responding to an allegation of sexual violence or harassment

16. The safeguarding team and in serious or complex cases the Senior DSL will take the lead in response to allegations of sexual violence or harassment.
17. It is important that victims are assured that they are being taken seriously and they will be supported and kept safe. Abuse that occurs outside of college should not be downplayed and be treated equally as seriously.

18. The safeguarding team will consider the wishes of the victim in terms of how they want to proceed. Victims will be given as much control as reasonably possible but this will be balanced against the college's legal duty to act to protect children and vulnerable adults.
19. The safeguarding team will be responsible for putting in place a risk assessment that considers the proximity of victim and alleged perpetrator and steps and safeguards that need to be taken to keep both parties separate from each other. Where there is an allegation of sexual violence (especially rape or assault by penetration) and both students share the same classes, immediate steps will be taken to remove the alleged perpetrator from the class and alternative arrangements made for them to continue with their studies. Risk assessments will be done using the template attached to this procedure and will be shared with the Senior DSL.
20. The safeguarding manager, with, if necessary advice from the Senior DSL, will make an assessment, in consultation with the victim, about whether a crime has been committed and therefore the allegation needs reporting to the police. If this is the case the victim will be supported to do so. If it is not clear whether a crime has been committed but allegations meet thresholds for social care intervention then a referral will be made to the relevant social care team for the student.
21. Consent would be sought prior to making the referral, however, for young people aged between 16-18 referrals can be made without consent, parents would usually be informed of allegations for young people aged 16-18. For allegations made for students over the age of 18 the college **would not** make referral or reports to external agencies without the consent of the individual.
22. The safeguarding team will make an assessment of when to inform the alleged perpetrator of the allegations. Where a report is going to be made to either the police or social care advice would be sought from the relevant agency and next steps considered and led by that agency. This does not stop the college taking steps to safeguard students (e.g. separating the victim from alleged perpetrator).
23. There are largely four routes through which the college may choose to manage allegations:
 - Internal investigation – where incidents are one-off, are relatively low-level and where no crime has been committed. Students are not in need of early help and no referral is necessary to external agencies. Outcomes of the investigation will be recorded and investigations conducted in line with a zero tolerance approach. Disciplinary sanction where necessary will be used.
 - Early help – this can link to the internal investigation and may include early help from within the college or more formally through an early help referral to social care. Decisions, discussions and reasons for decisions should be recorded.
 - Referral to children's social care – where a child has been harmed, is at risk of harm or is in immediate danger a referral should be made to children's social care. At the point of referral the college will work alongside the statutory agencies. Steps to minimise risk to student in college will still be taken by the college in liaison with social care with care taken that any measures put in place by the college do not jeopardise the investigation. The investigation will be led by social care with the support of the college. Details of reports, concerns will be logged by the safeguarding team.
 - Reporting to the police – Any report to the police is likely to be in parallel to a report to social care and will be made when a crime has been committed. The team will consult with

police and what information can be shared with staff and others. They will also discuss the best ways to protect the victim and their anonymity. The police will consider what action to take and this may be the imposition of bail conditions that limits the alleged perpetrator's access to the college. Consideration will need to be given as to how to enable the alleged perpetrator to continue with their studies.

24. When concerns are referred to external agencies the college will be led by them in terms of the information the alleged perpetrator is given of concerns raised. It is often the case that the police or social care want to take the lead in communicating with the perpetrator. In this case agencies will keep the college informed and advise on any additional measures that need to be put in place to protect the victim.
25. On conclusion of the investigation, even where statutory agencies report no further action, the college will consider what steps it needs to take to continue to support and protect the victim. Considerations will include what ongoing support they need to come to terms with what is likely to be a traumatic incident. Consideration should be given to the victim's wishes and a desire wherever possible to keep them in the college and learning.
26. The college will also consider what action needs to be taken to support the alleged perpetrator. Consideration should be given as to whether the perpetrator themselves could be a victim of abuse and what can and should be done to stop reoffending behaviour. It is likely that a risk assessment will remain in place, the safeguarding team will meet with the parents of the alleged perpetrator (for students under the age of 18) to explain the risk assessment and any measures that have been put in place.
27. If allegations are found to be malicious, unfounded or false the safeguarding team will consider whether the victim may need support, whether the allegation was a cry for help or where clear evidence exists that allegations were deliberately invented or malicious whether any disciplinary action needs to be taken.
28. Finally, the college will consider what support and action needs to be taken to protect and safeguard other students who may have witnessed incidents or may have been supporting either the victim or alleged perpetrator.

For further advice guidance

29. Please make contact with the safeguarding team.

