

SAMWORTH
CHURCH
ACADEMY



DIOCESE OF SOUTHWELL
& NOTTINGHAM
MULTI ACADEMY TRUST

Child-on-Child Abuse Policy

Policy:	Child on Child Abuse Policy
Approved by:	SNMAT/Local Governing Body
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VERSION CONTROL		
DATE	AUTHOR	CHANGES
Oct 2022	Sam Dennis/ Adam Cave	New Policy Academy variations to SNMAT template: <ul style="list-style-type: none"> • Vision added to introduction • Version control template added to start of document • Pupils replaced with students • Headteacher replaced with principal • SLT replaced with Executive Team • Policies updated to reflect those of the academy
Dec 2023	Adam Cave/ Hannah Crosby	Section 1 – Updating of relevant statutory and non-statutory guidance. Section 9 – Change of age of absolute consent to 13. Replacement of appendix 1 & 2 with the Academy's Risk Management Plan for Harmful Sexual Behaviour.

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Our vision is to create a distinctively Christian and values driven environment that provides the best start to the 70 or more great years our students should enjoy when they leave our school. Our students should have the opportunity to live life in all its fullness and be good citizens wherever they may be.

Statement of intent

The Samworth Church Academy is committed to safeguarding and promoting the welfare of every student, both inside and outside of the academy premises, and is aware that abuse against students can be inflicted by other students. We implement a whole-school preventative approach to managing child-on-child abuse, ensuring that the wellbeing of students is at the forefront of all action taken. As a Church of England Academy we believe that each child is unique and made in the image of God, therefore every individual should be treated with respect and dignity.

I give you a new commandment, that you love one another. Just as I have loved you, you also should love one another. By this everyone will know that you are my disciples, if you have love for one another." *John 13:34-35*

This policy sets out a clear and consistent framework for delivering this promise, in line with safeguarding legislation and statutory guidance.

It will be achieved by:

- Creating a culture of mutual respect amongst students, irrespective of protected characteristics.
- Teaching students about behaviour that is acceptable and unacceptable.
- Identifying and making provision for any student that has been subject to abuse.
- Ensuring that members of the governing board, the principal and staff members understand their responsibilities under safeguarding legislation and statutory guidance, are alert to the signs of child-on-child abuse and know to refer concerns to the DSL.

The DSL is: Adam Cave In the absence of the DSL, child protection matters will be dealt with by: Hannah Crosby, deputy DSL.

1. Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Equality Act 2010
- Sexual Offences Act 2003
- The UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- Voyeurism (Offences) Act 2019
- DfE (2023) 'Keeping children safe in education 2023'

The policy also has regard to the following non-statutory guidance:

- DfE (2015) 'What to do if you're worried a child is being abused'
- DfE (2023) 'Working together to safeguard children'
- DfE (2018) 'Information sharing'
- DfE (2020) 'Sharing nudes and semi-nudes: advice for education settings working with children and young people'

This policy operates in conjunction with the following academy policies:

- Child Protection Policy
- Student Behaviour Policy
- Data Protection Policy
- Anti-Bullying Procedure
- Student Exclusion Policy
- E Safeguarding Policy
- ICT Policy and Acceptable Use Agreement
- Social Media Policy
- Risk Management Policy and Strategy

2. Definitions

"Child-on-child abuse" is defined, for the purposes of this policy, as any form of abuse inflicted by one child or a group of children, i.e. individuals under the age of 18, against another child or group of children. This policy covers child-on-child abuse both in and outside of the academy and both in person and online.

"Harmful sexual behaviour" is defined as any sexual behaviour which:

- Does not observe and respect any individuals on the receiving end of the behaviour, e.g. touching someone without their consent.
- Is inappropriate for the age or stage of development of the student.
- Is problematic, abusive or violent.

The policy will use the following terms to describe students involved in child-on-child abuse:

- **those impacted by the behaviour** – the individual(s) against whom the abuse has, or has allegedly, been inflicted, or those who have witnessed the abuse
- **those instigating the behaviour** – the individual(s) exhibiting abusive behaviour against other children.
- **those alleged of instigating the behaviour** – individual(s) against whom a report of abusive behaviour has been made, where guilt has not yet been ascertained.

Note: The use of the word ‘alleged’ does not mean that the student in question is not guilty of child-on-child abuse, that the academy does not believe the allegation, or that the allegation will not be taken seriously. Staff will remember that the academy has a legal duty of care to all instigators of behaviour and alleged instigators of behaviour who are students at the academy, including a requirement to ensure they can access their education. Staff will think very carefully about terminology when speaking in front of students. Those impacted by the behaviour will be reassured that use of the term ‘alleged instigator of the behaviour’ is not an attempt to discredit their allegation.

3. Roles and responsibilities

The governing board has a duty to:

- Ensure that the academy complies with its duties under the above child protection and safeguarding legislation.
- Guarantee that the policies, procedures and training opportunities in the academy are effective and comply with the law at all times.
- Guarantee that the academy contributes to multi-agency working in line with the statutory guidance ‘Working Together to Safeguard Children’.
- Confirm that the academy’s arrangements for handling child-on-child abuse take into account the procedures and practices of the LA as part of the inter-agency safeguarding procedures and of the Southwell and Nottingham Multi Academy Trust.
- Appoint a member of staff from the Executive Team to the role of DSL as an explicit part of the role-holder’s job description.
- Appoint one or more deputy DSL(s) to provide support to the DSL and ensure that they are trained to the same standard as the DSL, and that the role is explicit in their job description(s).
- Make sure that students are taught about child-on-child abuse, including online (including when they are online at home), through teaching and learning opportunities, as part of providing a broad and balanced curriculum.
- Ensure that staff members are appropriately trained to support students to be themselves at the academy, e.g. if they are LGBTQ+.
- Ensure the academy has clear systems and processes in place for identifying possible risk of harm in students, including clear routes to escalate concerns and clear referral and accountability systems.
- Guarantee that there are procedures in place to handle students’ allegations against other students.
- Ensure that appropriate disciplinary procedures are in place, as well as policies pertaining to the behaviour of students.

- Ensure that procedures are in place to eliminate unlawful discrimination, harassment and victimisation in relation to child-on-child abuse.
- Make sure that students' wishes and feelings are taken into account when determining what action to take and what services to provide to protect individual students.
- Guarantee that there are systems in place for students to express their views and give feedback.

The principal has a duty to:

- Safeguard students' wellbeing and maintain public trust in the teaching profession.
- Ensure that the policies and procedures adopted by the governing board, particularly concerning referrals of cases of suspected abuse and neglect, are followed by staff members.
- Provide staff, upon induction, with the Child Protection Policy, Staff Code of Conduct, part one and, where appropriate, Annex A of the 'Keeping children safe in education' (KCSIE) guidance, the Behaviour Policy, online safety training, and the identity of the DSL and any deputies.
- Ensure staff receive training on indicators of abuse and handling disclosures or concerns about a student.

The DSL has a duty to:

- Understand and keep up-to-date with local safeguarding arrangements.
- Act as the main point of contact with the three safeguarding partners and the child death review partner.
- Make the necessary child protection referrals to appropriate agencies.
- Understand when they should consider calling the police, in line with the National Police Chiefs' Council (NPCC) guidance.
- Liaise with the principal to inform them of safeguarding issues and ongoing enquiries.
- Liaise with the deputy DSL to ensure effective safeguarding outcomes.
- Act as a source of support for students who have been abused by, or who have abused, other students.
- Leading the academy in taking a preventative approach to child-on-child abuse.

Other staff members have a responsibility to:

- Safeguard students' wellbeing and maintain public trust in the teaching profession as part of their professional duties.
- Provide a safe environment in which students can learn.
- Act in accordance with academy procedures with the aim of eliminating unlawful discrimination, harassment and victimisation in relation to child-on-child abuse.
- Maintain an attitude of 'it could happen here' where safeguarding is concerned.
- Be aware of the signs of abuse.
- Be aware of the early help process and understand their role in it.
- Be aware of and understand the procedure to follow in the event that a student confides they are being abused by another child

- Support social workers in making decisions about individual students, in collaboration with the DSL.
- Maintain appropriate levels of confidentiality when dealing with individual cases, and always act in the best interest of the student.

4. Types of child-on-child abuse

Staff will familiarise themselves with the forms that child-on-child abuse can take, including:

Physical abuse

A form of abuse which may involve actions such as hitting, throwing, burning, drowning and poisoning, or otherwise causing physical harm to another student.

Sexual abuse

A form of abuse involving sexual activity between children – sexual abuse, for the purposes of this policy, is divided into two categories: sexual violence and sexual harassment.

“Sexual violence” encompasses the definitions provided in the Sexual Offences Act 2003, including rape, assault by penetration, sexual assault, i.e. non-consensual sexual touching, and causing another child to engage in sexual activity without consent, e.g. forcing someone to touch themselves sexually.

“Sexual harassment” refers to any sexual behaviour that could violate another child’s dignity, make them feel intimidated, degraded or humiliated, and/or create a hostile, offensive or sexualised environment, including:

- Sexualised jokes, taunting or comments.
- Physical behaviour, e.g. deliberately brushing against someone.
- Online sexual harassment, including
 - Upskirting
 - Sexualised online bullying
 - Unwanted sexual comments and messages, including on social media.
 - Sexual threats or coercion.

The “sharing of sexualised imagery” can also constitute sexual harassment – this refers to the consensual and non-consensual sharing between students of sexually explicit content, including that which depicts:

- Another child posing nude or semi-nude
- Another child touching themselves in a sexual way
- Any sexual activity involving another child
- Someone hurting another child sexually

Staff will be aware that children creating, possessing, and distributing indecent imagery of other children is a criminal offence, even where the imagery is created, possessed, and distributed with the permission of the child depicted, or by the child themselves. Incidents of sharing sexualised imagery will be handled in line with the Child Protection and Safeguarding Policy.

Bullying

Many kinds of behaviour can be considered bullying, and bullying can be related to almost anything.

Bullying is acted out through the following mediums:

- Verbally
- Physically
- Emotionally
- Online (cyberbullying)

Bullying will generally be handled in line with the Anti-bullying Policy; however, particularly severe instances will be handled in line with this policy and the Child Protection and Safeguarding Policy.

Online abuse

This involves the use of technology and the internet in order to harass, threaten or intimidate another child. Instances of online abuse will be managed in line with this policy, the Online Safety Policy and the Anti-bullying Policy.

Discriminatory behaviour

Discriminatory behaviour encompasses abuse inflicted on a student because of their protected characteristics, e.g. religion, ethnicity, gender, sexual orientation, culture, or SEND. Discriminatory behaviour is never acceptable, and all cases will be handled in line with this policy and the Child Protection and Safeguarding Policy.

Intimate partner abuse

This involves a romantic partnership between children in which one or both partners are emotionally, physically or sexually abusive to the other. This could include:

- Repetitive insults
- Controlling behaviour, e.g. preventing a child from socialising with others or deliberately isolating them from sources of support.
- Sexual harassment.
- Threats of physical or sexual abuse.

The academy will manage intimate partner abuse in the same way as a case of abuse between any other children, i.e. via the processes outlined in [section 9](#) of this policy, and in line with the Child Protection Policy.

5. A whole-school approach to child-on-child abuse

The academy will continue to involve all members of the academy community, including the governing board, staff, students, parents and other stakeholders, in creating a whole-school approach to child-on-child abuse.

The governing board will ensure that keeping children safe and protected from harm, including child-on-child abuse, is central to all policies and procedures implemented across the academy. The academy will ensure that procedures for handling child-on-child abuse are transparent, clear and understandable, and are readily accessible to any member of the academy community who wishes to access them.

The academy will implement a contextual approach to safeguarding students against child-on-child abuse, and will ensure that all procedures take into account incidents of child-on-child abuse that occur outside of the academy or online.

The principal will ensure that all staff receive adequate training on handling child-on-child abuse.

Academy culture

The academy prioritises cultivating a safe and respectful environment amongst students, and ensures that all students are aware that the academy adopts a **zero-tolerance stance** on child-on-child abuse of any kind.

The academy promotes respectful interactions amongst students, and all staff model appropriate and respectful behaviour. Staff will take care to avoid normalising harmful behaviour, particularly harmful sexual behaviour, e.g. by refraining from the use of phrases such as 'boys will be boys' or describing such behaviour as 'just having a laugh' or 'part of growing up'.

The academy will ensure that wider societal factors that exacerbate the problem of child-on-child abuse are reflected in its approach to creating a preventative culture. This means that individuals who are more likely to be abused, e.g. girls or LGBTQ+ students, or who are at increased risk of acting as an instigator in abusive situations, e.g. due to abusive home situations or anger management issues, are given additional support from an early stage.

The academy manages all early help and intervention for students showing early signs of harmful behaviour, or early signs of being impacted by harmful behaviour, in line with the Child Protection Policy.

Curriculum

The academy maintains the position that education surrounding respectful and healthy attitudes and behaviour towards others is the best way to combat child-on-child abuse in the academy. All staff, not just teaching staff, are responsible for passing this knowledge on to students.

In order to prevent child-on-child abuse and address the wider societal factors that can influence behaviour, the academy will educate students about abuse, its forms and the importance of discussing any concerns and respecting others through the curriculum and extra-curricular activities.

The academy will also ensure that students are taught about safeguarding, including online safety, as part of a broad and balanced curriculum. Such content will be age and stage of development specific, and tackle issues such as the following:

- Healthy relationships
- Respectful behaviour

- Stereotyping and equality
- LGBTQ+ identities and relationships
- Body confidence and self-esteem
- Prejudiced behaviour
- That sexual violence and sexual harassment is always wrong
- Addressing cultures of sexual harassment

Students will be allowed an open forum to talk about concerns and sexual behaviour. They are taught how to raise concerns and make a report, including concerns about their friends or other children, and how a report will be handled.

The curriculum will ensure that students of all ages are taught about and understand the concept of consent and its importance in an age-appropriate way.

6. Channels for reporting abuse

Students will be able to report incidents of child-on-child abuse or concerns about the behaviour of other children through the following channels:

- *Sending an email to the confidential email address monitored by the DSL and their deputies*
- *Sending an email to their Learning Manager*
- *Disclosing to the DSL, Learning Managers or member of the wider safeguarding team*
- *Disclosing to teachers whom they feel comfortable talking to*
- *Ensuring children who are more vulnerable to abuse, such as those with SEND or a social worker, have an identified member of staff to whom they can speak*

All channels for reporting abuse will be promoted and publicised throughout the academy, and all students will be made aware of how, and to whom, to report incidents of abuse. The academy will also ensure students are aware of the type of behaviour that should be reported, ranging from criminal behaviour, e.g. rape or sexual assault, to everyday harassment, e.g. sexualised jokes or inappropriate comments, to ensure that those impacted by the behaviour do not view their experience as 'not serious enough' to report.

The academy will maintain a culture that promotes reporting abuse, whether the individual reporting is directly impacted by the behaviour, a bystander, or a friend or relative of someone impacted. Staff will address any incidents of students equating reporting abuse to 'snitching' or being a 'tattle-tale' and will convey to these students how important it is to report abuse to help tackle the wider problem of child-on-child abuse in schools.

7. Protecting students with increased vulnerability to child-on-child abuse

The academy is aware that, while child-on-child abuse can be perpetrated by, and against, anyone, there are certain groups of students who are at an increased risk of being on the receiving end of child-on-child abuse.

Staff will be careful to acknowledge the increased risk certain students face while refraining from making assumptions about the nature of any reported, witnessed or suspected abuse. Staff will

be aware that students who are generally at increased risk of abuse can also be instigators of abuse.

The academy will ensure that action is taken, where possible, before major concerns arise; therefore, incidents of low-level abuse related to the characteristics of the below groups will be handled in line with early help procedures, which are laid out within the Child Protection and Safeguarding Policy and the Reporting Low-level Safeguarding Concerns Policy.

Girls

Staff will be aware that girls are more likely to be on the receiving end of child-on-child sexual abuse than their male counterparts, and that sexual violence and harassment against girls is very common and accounts for the majority of cases.

Taking into account that sexual harassment against girls is widespread in society, and largely based in gender inequality, the academy will aim to encourage gender equality in all aspects of its operations. The academy will aim to promote and nurture healthy attitudes and relationships amongst students of all genders, e.g. by challenging and working to deconstruct gender stereotypes in the academy.

Staff will challenge any incidents of misogynistic language or gender-based abuse, whether of a sexualised nature or not, as holding misogynistic viewpoints can make a student more likely to commit sexualised violence in the future.

LGBTQ+ students

Staff will be aware that students who are LGBTQ+, or are perceived to be LGBTQ+ whether they are or not, are more likely to be targeted by other children, e.g. for discriminatory bullying.

The academy holds a zero-tolerance policy towards students using homophobic, biphobic or transphobic language, regardless of whether or not the language is being directed at another individual. Every staff member is individually responsible for challenging such behaviour and making clear to all students that any abuse towards students who are LGBTQ+, or who are perceived to be, is unacceptable.

Students with SEND

Staff will be aware that students with SEND are at increased risk of child-on-child abuse. The academy will ensure that there are mechanisms in place to support students with SEND in reporting abuse, with due regard paid to the fact that these students may face additional barriers to reporting abuse and that spotting signs of abuse in these students may be harder.

Staff will avoid assuming that changes in the behaviour of students with SEND are as a result of their needs or disability, and will report any concerns to the DSL. The DSL and the SENCO will collaborate in the handling of instances of abuse towards students with SEND to ensure that barriers to communication can be effectively managed.

Black, Asian and minority ethnic (BAME) students

Staff will be aware that minority ethnic students, particularly black students, may be less likely to report abuse committed against them, and may be more likely to be misidentified as instigators of abuse.

The academy holds a zero-tolerance policy towards students using racist language, regardless of whether the language is being directed at another individual. Every staff member is individually responsible for challenging such behaviour and making clear to all students that any abuse towards students from BAME backgrounds is unacceptable.

Staff will also be aware that BAME girls, BAME students with SEND, or BAME LGBTQ+, or perceived LGBTQ+ students, are likely to face increased abuse due to the intersection of these identities. Staff will be vigilant with regard to these students and the ways in which other students behave towards them, in order to ensure any incidents or potential incidents can be handled as soon as they occur.

8. Staff identifying and reporting concerns

Staff will receive safeguarding training as part of their induction, and annual refresher training. This training will include guidance on how to recognise indicators of child-on-child abuse of all kinds, and how to distinguish between behaviour, particularly sexual behaviour, that is developmentally appropriate and that which is harmful.

When identifying students at risk of potential harm or who have been harmed by other children, staff members will look out for a number of indicators including, but not limited to, the following:

- Injuries in unusual places, such as bite marks on the neck, that are also inconsistent with their age
- Lack of concentration and acting withdrawn
- Knowledge ahead of their age, e.g. sexual knowledge
- Use of explicit language
- Fear of abandonment
- Depression and low self-esteem
- Changes to their social group, e.g. spending time with older students, or social isolation
- Alcohol or substance misuse

Where a student is displaying signs of being impacted by child-on-child abuse, or perpetrating child-on-child abuse, staff will report this to the DSL as soon as is reasonably practical.

Staff will challenge all instances of abusive or harmful behaviour displayed by students that they witness or are reported to them. Staff will not wait for concerns or situations between students to escalate before intervening; minor or singular instances of abusive behaviour will still be brought to the attention of the DSL and the student will always be spoken to about their behaviour and disciplined, where appropriate, in line with the Behaviour Policy.

Staff will enforce the academy's policy that no known and substantiated incident of abusive or harmful behaviour between students will occur without consequences for the instigator(s) of the behaviour, although these consequences will be decided on a case-by-case basis and will take

into account the views of the impacted by the behaviour, the context of the behaviour and the severity of the incident.

Staff will be aware that just because someone impacted by abusive behaviour does not report the behaviour or react to the behaviour negatively, this does not mean that the behaviour is not still harmful; some students will be uncomfortable challenging other children on inappropriate behaviour, or may not be aware themselves that the behaviour is abusive. Staff have a responsibility to ensure that both the instigator(s) of the behaviour, or alleged instigator(s) of the behaviour, and those impacted by the behaviour understand that such behaviour inflicted by or against them was unacceptable; failing to challenge a student on unacceptable behaviour can normalise that behaviour not just for the student in question, but for all students who see the behaviour going unchallenged.

Staff will remain cognisant that downplaying abusive behaviour can lead to a culture of unacceptable behaviour throughout the academy and, as such, will treat all displays or reports of abusive behaviour with the utmost severity and sensitivity in order to reinforce to all students that such behaviour will not be tolerated, and to prevent further instances of this behaviour in the future.

9. Handling allegations of abuse against students

Staff will always, when handling an incident of alleged abuse, take the report of those impacted by the behaviour seriously, reassure them, support them and work to keep them safe. Those impacted by the behaviour will never be made to feel like they are causing a problem, be made to feel ashamed, or have their experience minimised by staff at the academy. Staff will be aware of the importance of not downplaying any reports of abuse; however, will ensure that they remain sympathetic, and observant of the duty of care, to both the alleged instigator(s) of the behaviour and those impacted.

If a friend of someone impacted by the behaviour makes a report or a member of staff overhears a conversation, staff will take action – they will never assume that someone else will deal with it or wait for a disclosure. The basic principles remain the same as when someone impacted by the behaviour reports an incident; however, staff will consider why someone impacted by the behaviour has not chosen to make a report themselves and the discussion will be handled sensitively and with the help of children's social care where necessary. Staff will speak to the DSL.

Where an alleged incident took place away from the academy or online but involved students from the academy, the academy's duty to safeguard students remains the same and the incident will be treated equally as seriously and investigated in the same way as an incident that took place in the academy.

All staff will be trained to handle disclosures. Effective safeguarding practice includes:

- Never promising confidentiality at the initial stage.
- Only sharing the report with those necessary for its progression.
- Explaining to those impacted by the behaviour what the next steps will be and who the report will be passed to.

- Recognising that the person the student chose to disclose the information to is in a position of trust.
- Being clear about boundaries and how the report will be progressed.
- Not asking leading questions and only prompting the student with open questions.
- Waiting until the end of the disclosure to immediately write a thorough summary – this must be clear, detailed and objective. If notes must be taken during the disclosure, it is important to still remain engaged and not appear distracted.
- Only recording the facts as the student presents them – not the opinions of the note taker.
- Where the report includes an online element, being aware of searching, screening and confiscation advice. Staff should not view online images of a sexual nature.
- Wherever possible, managing disclosures with two staff members present (preferably with the DSL or a deputy).
- Informing the DSL or deputy as soon as possible after the disclosure if they could not be involved in the disclosure.

The DSL will be informed of any allegations of abuse against students with SEND. They will record the incident in writing – this must be clear, detailed and objective - and, working with the SENCO, decide what course of action is necessary, with the best interests of the student in mind at all times.

Confidentiality

The academy will only engage staff and agencies required to support those impacted by the behaviour and/or be involved in any investigation. If someone impacted by the behaviour asks the academy not to tell anyone about the disclosure, the academy cannot make this promise. Even without someone who has been impacted by the behaviour consent, the information may still be lawfully shared if it is in the public interest and protects children from harm.

The DSL will consider the following when making confidentiality decisions:

- Parents will be informed unless it will place those impacted by the behaviour at greater risk.
- If a student is at risk of harm, is in immediate danger or has been harmed, a referral will be made to children's social care.
- Rape, assault by penetration and sexual assault are crimes – reports containing any such crimes will be passed to the police.

The DSL will weigh the wishes of those impacted by the behaviour against their duty to protect those impacted and others. If a referral is made against the wishes of those impacted by the behaviour, it will be done so extremely carefully and the reasons for referral will be explained to those impacted by the behaviour. Appropriate specialist support will always be offered.

Anonymity

There are legal requirements for anonymity where a case is progressing through the criminal justice system. The academy will do all it can to protect the anonymity of students involved in any report of sexual violence or sexual harassment. It will carefully consider, based on the nature of the report, which staff will be informed and what support will be in place for the students

involved. When deciding on the steps to take, the academy will consider the role of social media in potentially exposing the identity of those impacted by the behaviour and facilitating the spread of rumours.

Risk assessment

The DSL or a deputy will make an immediate risk and needs assessment any time there is a report of sexual violence. For reports of sexual harassment, a risk assessment will be considered on a case-by-case basis. Risk assessments are not intended to replace the detailed assessments of experts, and for incidents of sexual violence it is likely that a professional risk assessment by a social worker or sexual violence specialist will be required.

Risk assessments will consider:

- Those impacted by the behaviour.
- The alleged instigator of the behaviour.
- Other students at the school, especially any actions that are appropriate to protect them.

Risk assessments will be recorded (either on paper or electronically) and kept under review in accordance with the academy's Data Protection Policy.

Taking action following a disclosure

The DSL or a deputy will decide the academy's initial response, taking into consideration:

- The wishes of those impacted by the behaviour.
- The nature of the incident.
- The ages and developmental stages of the students involved.
- Any power imbalance between the students.
- Whether the incident is a one-off or part of a pattern.
- Any ongoing risks.
- Any related issues and the wider context, such as whether there are wider environmental factors in a student's life that threaten their safety and/or welfare.
- The best interests of the student.
- That sexual violence and sexual harassment are always unacceptable and will not be tolerated.

Immediate consideration will be given as to how to support those impacted by the behaviour, the alleged instigator of the behaviour and any other students involved.

For reports of rape and assault by penetration, the alleged instigator of the behaviour will be removed from any classes shared with those impacted whilst the academy establishes the facts. The academy will consider how to keep those impacted and alleged instigator apart on academy premises, and on transport where applicable. These actions will not be seen as a judgement of guilt on the alleged instigator of the behaviour.

For reports of sexual violence and sexual harassment, the proximity of those impacted by the behaviour and alleged instigator of the behaviour and the suitability of shared classes, premises

and transport will be considered immediately. In all cases, the initial report will be carefully evaluated and the wishes of those impacted by the behaviour, nature of the allegations and requirement to protect all students will be taken into consideration.

Where a student is found to have been involved in harmful sexual behaviour, e.g. non-consensually sharing indecent imagery of another student, the academy will help the student to move forward from the incident by supporting them in adopting more positive behaviour patterns and attitudes.

Managing the report

The decision of when to inform the alleged instigator of the behaviour of a report will be made on a case-by-case basis. If a report is being referred to children's social care or the police, the academy will speak to the relevant agency to discuss informing the alleged instigator of the behaviour.

There are four likely outcomes when managing reports of sexual violence or sexual harassment:

- Managing internally.
- Providing early help.
- Referring to children's social care.
- Reporting to the police.

Whatever outcome is chosen, it will be underpinned by the principle that sexual violence and sexual harassment are never acceptable and will not be tolerated. All concerns, discussions, decisions and reasons behind decisions will be recorded either on paper or electronically.

The following situations are statutorily clear and do not allow for contrary decisions:

- The age of consent is 16.
- A child under the age of 13 can **never** consent to sexual activity.
- Sexual intercourse without consent is **always** rape.
- Rape, assault by penetration and sexual assault are defined in law.
- Creating and sharing sexual photos and videos of children under 18 is illegal – including children making and sending images and videos of themselves.

Managing internally

In some cases, e.g. one-off incidents, the academy may decide to handle the incident internally through behaviour and bullying policies and by providing pastoral support. The NSPCC provides useful guidance on [responding to pupils who display sexualised behaviour](#).

Providing early help

The academy may decide that statutory interventions are not required, but that students may benefit from early help – providing support as soon as a problem emerges. This approach can be particularly useful in addressing non-violent harmful sexual behaviour and may prevent the escalation of sexual violence.

Referral to children's social care

If a student has been harmed, is at risk of harm or is in immediate danger, the academy will make a referral to children's social care. Parents will be informed unless there is a compelling reason not to do so (if referral will place those impacted by the behaviour at risk). This decision will be made in consultation with children's social care.

The academy will not wait for the outcome of an investigation before protecting those impacted by the behaviour and other students.

The DSL will work closely with children's social care to ensure that the academy's actions do not jeopardise any investigation. Any related risk assessment will be used to inform all decisions. If children's social care decide that a statutory investigation is not appropriate, the academy will consider referring the incident again if they believe the student to be in immediate danger or at risk of harm. If the academy agrees with the decision made by children's social care, they will consider the use of other support mechanisms such as early help, pastoral support and specialist support.

Reporting to the police

Reports of rape, assault by penetration or sexual assault will be passed on to the police – even if the alleged instigator of the behaviour is under 10 years of age. Generally, this will be in parallel with referral to children's social care. The DSL and deputies will follow the local process for referral.

Parents will be informed unless there is a compelling reason not to do so. Where parents are not informed, it is essential for the academy to support the student with any decision they take, in unison with children's social care and any appropriate specialist agencies.

The DSL and governing board will agree what information will be disclosed to staff and others, in particular the alleged instigator of the behaviour and their parents. They will also discuss the best way to protect those impacted by the behaviour and their anonymity. The DSL will be aware of local arrangements and specialist units that investigate child abuse.

In some cases, it may become clear that the police will not take further action, for whatever reason. In these circumstances, the academy will continue to engage with specialist support for those impacted by the behaviour as required.

Bail conditions

Students against whom further action is taken by the police may be released under bail conditions or 'released under investigation' (RUI) in circumstances that do not warrant the application of bail. Where this occurs and the instigator of the behaviour returns to academy, the academy's primary focus will be conducting an assessment of the risk the instigator poses to those impacted by the behaviour or other students and staff at the academy, both physically and in terms of trauma or emotional stress, and implementing any mitigating measures necessary to reduce the harm caused.

The academy will work with children's social care and the police to support those impacted by the behaviour, alleged instigator of the behaviour and other students (especially witnesses) during criminal investigations. The academy will seek advice from the police to ensure they meet their safeguarding responsibilities.

The academy will liaise with police investigators to develop a balanced set of arrangements whereby both the alleged instigator of the behaviour and those impacted by the behaviour can continue to receive a suitable education without compromising any ongoing investigations or the emotional state of those impacted by the behaviour.

Managing delays in the criminal justice system

The academy will not wait for the outcome (or even the start) of criminal proceedings before protecting those impacted by the behaviour, alleged instigator of the behaviour and other students. The associated risk assessment will be used to inform any decisions made. The DSL will work closely with the police to ensure the academy does not jeopardise any criminal proceedings, and to obtain help and support as necessary.

The end of the criminal process

Risk assessments will be updated if the alleged instigator of the behaviour receives a caution or is convicted. If the instigator of the behaviour remains in the same academy as those impacted by the behaviour, the academy will set out clear expectations regarding the instigator of the behaviour, including their behaviour and any restrictions deemed reasonable and proportionate with regards to the timetable of instigator of the behaviour. The academy will ensure that those impacted by the behaviour and the instigator of the behaviour remain protected from bullying and harassment (including online).

Where an alleged instigator of the behaviour is found not guilty or a case is classed as requiring "no further action", the academy will offer support to those impacted by the behaviour and alleged instigator of the behaviour for as long as is necessary. Those impacted by the behaviour are likely to be traumatised and the fact that an allegation cannot be substantiated does not necessarily mean that it was unfounded. The academy will discuss decisions with the those impacted by the behaviour and offer support. The alleged instigator of the behaviour is also likely to require ongoing support, as they have also been through a difficult and upsetting experience.

The principal will carefully consider, on a case-by-case basis, whether allowing those impacted by the behaviour and the alleged instigator of the behaviour to share classes or attend the same activities is conducive to either party's effective education, and will implement alternative arrangements, in consultation with the DSL (and SENCO where those impacted by the behaviour or alleged instigator of the behaviour has SEND), where necessary.

Ongoing support for those impacted by the behaviour

Any decisions regarding safeguarding and supporting those impacted will be made with the following considerations in mind:

- The terminology the academy uses to describe those impacted
- The age and developmental stage of those impacted

- The needs and wishes of those impacted
- Whether those impacted wish to continue in their normal routine
- Those impacted will not be made to feel ashamed about making a report
- What a proportionate response looks like

Those impacted by the behaviour may not disclose the whole picture immediately and they may be more comfortable talking about the incident on a piecemeal basis; therefore, a dialogue will be kept open and those impacted can choose to appoint a designated trusted adult.

Those impacted by the behaviour may struggle in a normal classroom environment. Whilst it is important not to isolate those impacted, they may wish to be withdrawn from lessons and activities at times. This will only happen when those impacted by the behaviour wants it to, not because it makes it easier to manage the situation. The academy will provide a physical space for those impacted to withdraw to.

Those impacted by the behaviour may require support for a long period of time and the academy will be prepared to offer long-term support in liaison with relevant agencies. Everything possible will be done to prevent those impacted by the behaviour from bullying and harassment as a result of any report they have made. If those impacted are unable to remain in the academy, alternative provision or a move to another setting will be considered – this will only be considered at the request of those impacted by the behaviour and following discussion with their parents. If those impacted by the behaviour do move to another setting, the DSL will inform the setting of any ongoing support needs and transfer the child protection file.

Ongoing support for the alleged instigator of the behaviour

Any decisions made regarding the support required for an alleged instigator of the behaviour will be made with the following considerations in mind:

- The terminology the academy uses to describe the alleged instigator of the behaviour
- The balance of safeguarding those impacted by the behaviour and providing the alleged instigator of the behaviour with education and support
- The reasons why the alleged instigator of the behaviour may have abused those impacted by the behaviour – and the support necessary
- Their age and developmental stage
- What a proportionate response looks like
- Whether the behaviour is a symptom of their own abuse or exposure to abusive practices and/or materials
- What the outcome of the investigation was

When making a decision, advice will be taken from children's social care, specialist sexual violence services and the police as appropriate. If the alleged instigator of the behaviour moves to another setting (for any reason), the DSL will inform the destination setting of any ongoing support needs and transfer the child protection file.

If the reported abuse is found to have taken place, the academy will work with professionals as required to understand why the abuse took place and provide a high level of support to help the

student understand and overcome the reasons for their behaviour and reduce the likelihood of them abusing again.

Disciplining the alleged instigator of the behaviour

Disciplinary action can be taken whilst investigations are ongoing and the fact that investigations are ongoing does not prevent the academy reaching its own conclusion and imposing an appropriate penalty.

The academy will make such decisions on a case-by-case basis, with the DSL taking a leading role. The academy will take into consideration whether any action would prejudice an investigation and/or subsequent prosecution. The police and children's social care will be consulted where necessary. The academy will also consider whether circumstances make it unreasonable or irrational for the academy to make a decision about what happened while an investigation is considering the same facts.

Disciplinary action and support can take place at the same time. The academy will be clear whether action taken is disciplinary, supportive or both.

Shared classes

Once the DSL has decided to progress a report, they will again consider whether those impacted by the behaviour and alleged instigator of the behaviour will be separated in classes, on academy premises and on academy transport – balancing the academy's duty to educate against its duty to safeguard. The best interests of students will always come first.

Where there is a criminal investigation into rape or assault by penetration, the alleged instigator of the behaviour will be removed from classes with those impacted by the behaviour and potential contact on academy premises and transport will be prevented.

Where a criminal investigation into rape or assault by penetration leads to a conviction or caution, in all but the most exceptional circumstances, this will constitute a serious breach of discipline and result in the view that allowing the instigator of the behaviour to remain in the academy would harm the education or welfare of those impacted by the behaviour and potentially other students.

Where a criminal investigation into sexual assault leads to a conviction or caution, the academy will consider suitable sanctions and permanent exclusion. If the instigator of the behaviour remains at the academy, the academy will keep those impacted by the behaviour and the instigator in separate classes and manage potential contact on academy premises and transport. The nature of the conviction or caution, alongside the wishes of those impacted by the behaviour, will inform any discussions made.

Where a report of sexual assault does not lead to a police investigation, this does not mean that the offence did not happen or that those impacted by the behaviour have lied. Both the those impacted by the behaviour and alleged instigator of the behaviour will be affected and appropriate support will be provided. Considerations regarding sharing classes and potential contact will be made on a case-by-case basis.

In all cases, the academy will record its decisions and be able to justify them.

Working with parents

In most sexual violence cases, the academy will work with the parents of both those impacted by the behaviour and alleged instigator of the behaviour. For cases of sexual harassment, these decisions will be made on a case-by-case basis.

The academy will meet the parents of those impacted by the behaviour with their child present to discuss the arrangements being put in place to safeguard, and to understand their wishes in terms of support arrangements and the progression of the report.

The academy will also meet with the parents of the alleged instigator of the behaviour to discuss arrangements that will impact their child, such as moving them out of classes with those impacted by the behaviour. Reasons behind decisions will be explained and the support being made available will be discussed. The DSL or a deputy will attend such meetings, with agencies invited as necessary.

Clear policies regarding how the academy will handle reports of sexual violence and how those impacted by the behaviour and alleged instigator(s) of the behaviour will be supported will be made available to parents.

Safeguarding other students

Students who have witnessed sexual violence, especially rape and assault by penetration, will be provided with support. It is likely that students will “take sides” following a report, and the academy will do everything in its power to protect those impacted by the behaviour, alleged instigator of the behaviour and witnesses from bullying and harassment.

The academy will keep in mind that contact may be made between those impacted by the behaviour and alleged instigator of the behaviour, and that harassment from friends of both parties could take place via social media and will do everything in its power to prevent such activity.

As part of the academy’s risk assessment following a report, transport arrangements will be considered, as it is a potentially vulnerable place for both those impacted by the behaviour and alleged instigator of the behaviour. The academy will consider any additional support that can be put in place.

10. Monitoring and review

This policy is reviewed annually by the DSL and the principal. Any changes made to this policy will be communicated to all members of staff. All members of staff are required to familiarise themselves with all processes and procedures outlined in this policy as part of their induction programme. The next scheduled review date for this policy is 03/10/23.

Appendix 1

Risk Management Plan for Harmful Sexual Behaviour			
Name of students directly involved		Year group	
DSL implementing plan	Adam Cave	Other professionals involved in implementing this plan	Hannah Crosby
Date of initial plan		Other students to consider	
Details of the incident/behaviours that have led to this risk management plan Describe the types of behaviour or language observed, where and when it has happened, details of other involved, response of child/young person when behaviour was addressed, response of parents/carers			
Overview of any other concerns Any use of violence, loss of control, problems in relationships, relevant history			
DSL review: Using the Brook Traffic Light Tool identify the specific harmful sexual behaviours of concern, our response, and what are our concerns about risk? Can also consult the NSPCC HSB continuum https://learning.nspcc.org.uk/media/1659/responding-harmful-sexual-behaviour.pdf and NSCP HSB procedure https://nottinghamshirescb.proceduresonline.com/p_sexually_harm_behav.html			

Risk Management Plan	
Area of risk	Strategy implemented
Triggers:	
Risky locations:	
Use of technology:	
Transport arrangements to and from school:	

<p>Support to be implemented either within the academy or via external referral eg nurture group, PLC, pastoral support, CASY counselling, early help etc</p>
<p>Who needs to know about this plan? Who will share it with them?</p>
<p>Date of first review</p>

Review to assess if the level of risk increased / decreased	
Present For Review	Date
Review	
Further support needed	
Agreed next steps	
Date of next review	

Review 2	
Present For Review	Date
Review	
Agreed next steps	
Further review needed?	