Rosley CE School

CHILD ON CHILD ABUSE POLICY AND PROCEDURES

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[1] This document requires approval from the Governing Body
[2] This document must be reviewed annually

'We are kind and compassionate to one another and learn to forgive each other as God forgives us. We trust those around us to work together, aiming high in all we do' – *Ephesians 4:32*

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POLICY STATEMENT

1. Definitions

For the purposes of this Policy and procedures a child, young person, pupil or student is referred to as a 'child' or a 'pupil' and they are normally under 18 years of age.

Wherever the term 'parent' is used this includes any person with parental authority over the child concerned e.g. carers, legal guardians etc.

Wherever we use the term 'adults working in or on behalf of the school', this includes: teachers, supply staff, trainee teachers, learning support staff, teaching assistants, mid-day supervisors, admin staff, meals supervisors, caretaker, cleaners, visiting students, parent helpers/volunteers, governors and other visitors including contractors and other external providers who use the school premises for the purposes of running activities for children.

Wherever the term 'Head teacher' is used this also refers to any Manager with the equivalent responsibility for children.

Wherever the term 'school' is used this also refers to wraparound care provided by a setting such as breakfast and after school clubs.

We use the term 'alleged perpetrator(s)' and 'perpetrator(s)' throughout the Policy and procedures but staff and others will be mindful about this terminology, especially when speaking in front of children not least because in some cases the abusive behaviour will have been harmful to the perpetrator as well. Language and terminology will be determined as appropriate on a case-by-case basis.

Child on child abuse may also be referred to as peer on peer abuse or child on child sexual violence and sexual harassment and harmful sexual behaviour (HSB) and should be taken to mean 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 pupils 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 sexual violence and sexual harassment.

If one child 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 our school 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 children concerned;
- the perpetrator has repeatedly tried to harm one or more other children;
- there are concerns about the intention of the alleged child.

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' (KCSiE) is our first point of reference for child protection and child welfare issues in the school.

3. Ethos

At Rosley CE School (hereinafter referred to as 'the school') 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. They have a right to be safe in our school; this is enhanced by the adoption of a robust Child Protection Policy and procedures, the Behaviour Policy and procedures 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 school website or on request.

We have adopted a whole school approach to safeguarding and child protection. This means involving everyone, including the Governing Body, the staff and other adults working (paid or unpaid) in the school, the pupils and their parents. 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 HSB, sexual violence and/or sexual harassment both online and offline.

We wish to make it clear to parents, pupils and staff that we have effective prevention measures in place to tackle child on child abuse and all other forms of abuse between children both within and outside our school. Our approach to HSB, 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 our school or by association.

4. Aims

KCSiE states that "Governing bodies should ensure their child protection policy includes procedures to minimise the risk of child on child abuse and sets out how allegations will be recorded, investigated and dealt with along with clear processes as to how victims, perpetrators and any other child affected by child on child 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 HSB and sexual violence and sexual harassment, this Policy has been formulated and is designed to be read in conjunction with the overarching principles of our Child Protection Policy and procedures.

The aim of this Policy is therefore to ensure that any form of child on child abuse or HSB 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

Human Rights Act 1998 (HRA) which sets out the fundamental rights and freedoms that everyone is entitled to. Being subjected to harassment, violence and/or abuse, including that of a sexual nature may breach any or all of the rights made under the HRA depending on the nature of the conduct and the circumstances.

We also have obligations under the Equality Act 2010. We will not unlawfully discriminate against pupils because of their sex, race, disability, religion or belief, gender reassignment, or sexual orientation (protected characteristics). Each child in our school, 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 in our school 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 apply to all adults working in or on behalf of the school who come into contact with children.

This Policy should be read in conjunction with other related school Policies and procedures including:

- Overarching Safeguarding Statement

- Child Protection Policy and procedures
- Online Safety Policy and procedures
- Behaviour Policy and procedures for preventing and dealing with bullying (including cyber-bullying, prejudice-based and discriminatory 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
- Equality Policy/Objectives
- Supporting pupils and young people with medical conditions Policy and procedures
- Special Educational Needs Policy/Information Report
- Attendance Policy and procedures
- Suspension and permanent exclusion Policy and procedures
- Missing Child procedures

7. Review

This Policy will be reviewed annually and more often should legislation or statutory guidance change and to keep up to date with safeguarding issues as they emerge and evolve, including lessons learnt from Child Safeguarding Practice Reviews both locally and nationally.

PROCEDURES

1. 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. Although it is generally recognised that for some (but not all) forms of child on child abuse it is more likely that girls will be victims and boys perpetrators, we consider all child on child abuse to be unacceptable and will take any concerns or allegations seriously.

Child on child abuse can take many forms for example:

- bullying (including cyberbullying, prejudice-based and discriminatory bullying);
- physical abuse which can include hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm (this may include an online element which facilitates, threatens and/or encourages physical abuse);
- physical assault and harm, or the threat of harm with a weapon;
- harmful sexual behaviour, sexual violence and sexual harassment (which may include misogyny/misandry);
- sexual physical harassment such as grabbing bottoms, breasts and genitalia, pulling down trousers, flicking bras, lifting up skirts, deliberately brushing against someone or interfering with someone's clothes etc.;
- sexual comments, taunts, jokes, telling sexual stories, making sexual remarks about clothing or appearance and calling someone sexualised names which may be standalone or part of a broader pattern of abuse;
- Online sexual harassment (which may occur independently or as a broader pattern) including sharing of unwanted explicit content, sexualised online bullying, unwanted sexual comments and messages, including on social media, sexual exploitation; coercion and threats and coercing others into sharing images of themselves or performing acts they are not comfortable with online.
- consensual and non-consensual making or sharing of nudes or semi-nudes;
- causing someone to engage in sexual activity without consent, such as forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party;
- displaying pictures, photos or drawings of a sexual nature;
- upskirting (which is a criminal offence); and
- initiation/hazing type violence and rituals (this could include activities involving harassment, abuse or humiliation used as a way of initiating a person into a group and may also include an online element).

Child on child abuse can often be motivated by prejudice against particular groups steered by a dislike for a person's:

- sex
- race;
- religion or belief;
- gender reassignment;
- sexual orientation;
- special educational need, health condition or disability;

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.

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 school premises. The safeguarding principles, and our duty to safeguard and promote the welfare of our 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. If staff have any concerns or receive reports regarding any form of child on child abuse, they must speak to the DSL (or deputy) as soon as possible.

Preventing violence and abuse and ensuring immediate physical safety is our 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 more likely to be abused or exploited both online and offline 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; and
- communication barriers and difficulties in managing or reporting these challenges;
- cognitive understanding – being unable to understand the difference between fact and fiction in online content and then repeating the content/behaviours in school or the consequences of doing so.

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.

The fact that a child or a young person may be lesbian, gay or bisexual is not in itself an inherent risk factor for harm. However, such children can sometimes be vulnerable to discriminatory bullying. In some cases, a child who is perceived by their peers to be lesbian, gay or bisexual (whether they are or not) can be just as vulnerable as children who are.

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. Dismissing or tolerating such behaviours and not challenging them risks normalising them and may result in children being reluctant to report. Additional information on this issue is also available in Part five of KCSiE.

2. Contextual Safeguarding

Safeguarding incidents and/or behaviours can be associated with factors outside the school and/or can occur between children outside the school. All staff, but especially the Designated Safeguarding Lead (DSL) (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 considers 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; and
- 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 Contextual safeguarding.org - contextual safeguarding toolkits.

3. Types of abuse

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

3.1 Physical abuse

Physical abuse/violence (particularly pre-planned) may include hitting, kicking, nipping, shaking, biting, hair pulling, or otherwise causing physical harm to another person. This may include an online element which facilitates, threatens and/or encourages physical abuse. 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.

3.2 Bullying - physical, name calling, taunting, homophobic etc.

Bullying (including prejudice-based and discriminatory 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 can use their gender, power (such as physical strength), access to embarrassing information or intimidation, 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.

Where physical behaviour is alleged, such as deliberately brushing against someone, interfering with someone's clothes etc., this may cross the line into sexual violence therefore it is important to talk to and consider the experience of the victim.

Details of our anti-bullying strategies and procedures can be found in our Behaviour Policy and procedures.

3.3 Cyberbullying

The rapid development of, and widespread access to, technology has provided a medium for cyberbullying, which can occur in or outside school. 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, X, Snapchat etc. to harass, taunt, 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.

Online sexual harassment includes the making and sharing of unwanted explicit content, sexualised online bullying, unwanted sexual comments and messages (including on social media), coercing others into sharing images of themselves or performing acts they are not comfortable with online.

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, we will have no option but to involve the Police to investigate these allegations. See 'When to call the Police' for further guidance.

3.4 Bullying which occurs outside the school premises

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

Where abuse outside of school is reported to us, 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.

3.5 Sharing nudes and semi-nudes

Sharing nudes or semi-nudes is when someone sends or receives a sexually explicit text, image or video via the internet or mobile device. This includes sending 'nude and/or semi-nude pictures and/or videos' or 'rude pics' or 'nude and/or semi-nude selfies'. Pressuring someone into sending nudes and/or semi-nudes 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 reports they are the subject of sexual imagery is likely to be embarrassed and worried about the consequences. When an incident involving the making or sharing of nudes or semi-nudes via the internet or mobile device comes to our attention we will follow the guidance as set out in the UK Council for Internet Safety (UKCIS) publication 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 school.

The key consideration here is for staff not to view or forward illegal images of a child. If staff view the imagery by accident (e.g. a young person has showed it to them before they could ask them not to) this must be reported immediately to the DSL. In some cases, it may be appropriate to confiscate any devices

to preserve any evidence and hand them to the Police for inspection. See DfE advice for schools 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. Any situations involving pupils in this school and the sharing of nude and/or semi-nude images and/or videos will be taken seriously as potentially being indicative of a wider child protection concern or as being harmful sexual behaviour.

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.

3.6 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 and may also include an online element.

3.7 Prejudice-based and discriminatory bullying/behaviour

The term prejudice-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/other health conditions and special educational needs, ethnicity, cultural and religious belief, sex, sexual orientation, gender reassignment, home life, (for example in relation to issues of care, parental occupation, poverty and social class).

3.8 Upskirting

'Upskirting' (which is a criminal offence) 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.

3.9 Harmful sexual behaviour and child on child sexual violence and sexual harassment

In all cases of reported alleged child on child sexual violence and sexual harassment, reference will be made to Part five of KCSiE.

HSB, 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.

The School will use the NSPCC Hackett Sexualised Behaviour Continuum alongside the knowledge/context of the child to categorise and determine the correct response. Our DSL has a good understanding of HSB and all reports will be made to the DSL and/or deputy.

If staff have any concerns about a child's welfare either inside or outside the school, they should act on them immediately. Staff in this school will follow our Child Protection Policy and procedures and speak to the DSL (or a deputy) in the first instance. In the absence of the DSL, staff should raise their concern with a member of the School Leadership Team.

All reports**,** concerns, discussions, decisions and rationale for decisions relating to HSB and/or sexual violence and sexual harassment between children will be recorded (written or electronic).

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

- make it clear that child on child abuse 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 child on child abuse will be made on a case by case basis with the DSL (or a deputy) taking a leading role and using their professional judgement, supported by other agencies, such as the CASS and the Police as required.

We have a zero tolerance approach to sexism, racism, misogyny/misandry, homophobia, biphobia, sexual violence and sexual harassment, derogatory behaviour or other forms of physical violence and conflict. These behaviours are never acceptable and will not be tolerated. All staff have been made aware that even if there are no reports in our school, it does not mean it is not happening – it may be the case that abuse is just not being reported. It is essential that all victims are reassured, being taken seriously and that they will be supported and kept safe. When staff have any concerns regarding any form of child on child abuse, they must speak to the DSL (or a deputy).

We will ensure that pupils are aware of the NSPCC dedicated helpline (report abuse in education – **0800 136 663**) for children who have experienced abuse at school, and for worried adults and professionals that need support and guidance. Childline/IWF provides a free tool Report Remove for children to report nude or sexual images and/or videos of themselves that they think might have been shared online. Posters with the Helpline number are displayed throughout the school.

Decisions about what action to take will consider:

- the wishes of the victim (which are paramount) in terms of how they want to proceed;
- the nature of the alleged incident – might a crime have been committed and/or has HSB been displayed;
- the ages of the children involved (a child under the age of 13 can never consent to any sexual activity);
- the developmental stages of the children involved;
- any power imbalance between the children such as differences in age, maturity or social status. Does the victim have a disability, learning difficulty or other health related issues?;
- whether it was a one-off alleged incident or a sustained pattern of abuse by the alleged perpetrator(s);
- the importance of understanding intra familial harms and any necessary support for siblings following incidents;
- are there ongoing risks to the victim, other children or school staff; and,
- other related issues and wider contextual concerns, including any links to child sexual, criminal or financial exploitation.

Some situations, however, are statutorily clear:

- the age of consent is 16;
- sexual intercourse without consent is rape;
- rape, assault by penetration and sexual assault are defined in law; and
- creating and sharing sexual photos and videos of under-18s is illegal (see para 3.5 – Sharing nudes or semi-nudes). This includes children making and sharing sexual images and videos of themselves.

4. Minimising the risk of child on child safeguarding concerns

On occasion we may well be informed by the relevant agency (either Police or Social Care) that a child raises safeguarding concerns. These children will need an individual Behaviour (or risk) Management Plan to ensure that other pupils are kept safe and they themselves are not laid open to malicious allegations.

Where necessary, we will discuss in advance, the local response to child-on-child abuse with Police and/or the CASS in order to ensure we have the correct responses in place. Ultimately, any decisions are for the school to make on a case-by-case basis, with the DSL (or a deputy) taking a leading role and using their professional judgement, supported by other agencies. See 'When to call the Police' for further guidance.

Pupils are encouraged to report HSB and child on child abuse, and the issue is discussed as part of RSHE curriculum to the extent that all children are made aware of what behaviour is unacceptable and to enable all children to have the confidence to report issues which may be worrying or concerning to them and to whom those reports should be made.

It is essential that all victims are reassured that they are being taken seriously (regardless of how long it has taken them to come forward) and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting **any** form of abuse and/or neglect. Nor should a victim ever be made to feel ashamed for making a report. We will explain to children in a way that avoids alarming or distressing them that the law is in place to protect children and young people rather than criminalise them.

A flowchart providing guidance on how to respond to a report of sexual violence or sexual harassment is available from the KAHub.

5. Managing the disclosure/report

Our initial response to a report from a child is incredibly important. How we respond to a report can encourage or undermine the confidence of future victims of HSB and child on child abuse to report or come forward. Therefore a report of an incident from a child will always be taken seriously. It is important to understand that children may not find it easy to tell staff about their abuse verbally. Children can show signs or act in ways that they hope adults will notice and react to. In some cases, the victim may not make a direct report. For example, a friend may make a report, or a member of staff or other adult may overhear a conversation that suggests a child has been harmed or a child's own behaviour might indicate that something is wrong. All our staff know how to complete a child concern record on CPOMs which is a vital part of gathering critical information from a child relating to their report of abuse. Staff will also be trained in how to manage a report.

We will ensure that systems are put in place, promoted, easily understood and easily accessible for children to confidently report abuse. Ultimately, any decisions or actions will be taken on a case-by-case basis, with the DSL taking a lead role.

Immediate consideration will be given as to how best to support and protect the victim and the alleged perpetrator(s) and any other children involved/impacted including siblings and other close relatives.

The wishes of the victim in terms of how they want to proceed is paramount. This is especially important in the context of HSB and child on child abuse. Victims will be given as much control as is reasonably possible over decisions regarding how any investigation will be progressed and any support that they will be offered. This will, however, be balanced with our duty and responsibilities to protect other children.

We will do all we reasonably can to protect the anonymity of any children involved in any report of HSB or child on child abuse, carefully considering, based on the nature of the report, which staff should know

about the report and any support that will be put in place for the children involved. We will also consider the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities.

- Staff who observe or suspect any form of HSB or child on child abuse must inform the DSL as soon as possible so that further investigations can take place. It is important to understand that children may not find it easy to tell staff about their abuse verbally and that additional barriers such as the child's vulnerability, disability, sex, ethnicity and/or sexual orientation may be a factor.
- Staff, and this could be anyone in the school who the child trusts, must not promise confidentiality at the initial stage as it is very likely a concern will have to be shared with the DSL to discuss next steps. Information must only be shared with those people who are necessary in order to progress the report and the child should be informed what the next steps will be and who the report will be passed to.
- When an allegation is made by a pupil against another pupil, members of staff should consider whether the complaint raises a child protection concern. If there is a child protection concern the DSL must be informed as soon as possible.
- Reports that include an online element will be carefully managed in line with the DfE advice for schools on searching, screening and confiscation. **Staff must not view or forward illegal images of a child** but will discuss with the DSL whether it may be more appropriate to confiscate any devices to preserve any evidence and hand them to the Police for inspection.
- A factual written or electronic record will be made of the concern/allegation, but no attempt at this stage should be made to investigate the circumstances.
- The DSL should contact the CASS to discuss the case. It is possible that the CASS is already aware of child protection concerns around this child. The DSL will follow through the outcomes of the discussion and make a referral of either one or all of the pupils involved where appropriate.
- The DSL will make a written or electronic record of the concern, the discussion and any outcome including the rationale for the decisions made and keep a copy in the files of both/all pupils.
- 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). See 'When to call the Police' for further guidance.
- We will consider how best to keep victims and alleged perpetrators of sexual violence a reasonable distance apart while on school premises and, where relevant, on transport to and from school. While the facts are being investigated, the alleged perpetrator should 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. Examples of possible actions are provided in Part 5 of KCSiE.
- It may be appropriate to exclude the pupil being complained about for a period of time according to our school 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 and procedures 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.
- Both the immediate and future needs of the victim, the alleged perpetrator(s) and any other children involved/affected will be assessed and, where necessary appropriate plans and strategies put in place.
- Where neither the CASS nor the Police accept the complaint, a thorough school investigation will take place into the matter using our usual disciplinary procedures.
- In situations where we consider a child protection risk is present, a risk assessment or Behaviour Management Plan (BMP) will be prepared along with a preventative, supervision plan.
- The plan will be monitored, and a date set for a follow-up evaluation with everyone concerned.

5.1 Gathering the facts

We recognise that a child is likely to report to someone they trust. This could be anyone on the school staff. It is important that the person to whom the child reports recognises that the child has placed them in a position of trust and staff should be supportive and respectful of the child. It is important to gather a broad view of the facts at an early stage without judgement or prejudice.

- Wherever possible, manage the report and subsequent interviews of those involved with two members of staff present (preferably one being the DSL or a 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. Reflect back on what has been said in a non-judgemental manner and be clear about boundaries and how the report will be progressed (to whom and for what reason).
- 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.
- The report should be recorded either in writing or electronically. Best practice is to wait until the end of the report and immediately write up a thorough summary. It may be appropriate to make notes during the report (especially if a second member of staff is present) but making notes should not distract the staff member from engaging with the child. Notes should not reflect the personal opinion of the note taker.
- Where the report includes an online element, staff will be aware of the DfE advice for schools on searching, screening and confiscation and guidance issued by UKCIS - Sharing nudes and semi-nudes: advice for education settings.

5.2 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.

If the victim asks us 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 may jeopardise a police investigation or place the child at risk of significant harm);
- the basic safeguarding principle is: if a child is at risk of harm, is in immediate danger or has been harmed a referral must be made to the CASS;
- rape, assault by penetration with an object 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'.

6. Response to the disclosure/report

Victims will be reassured as outlined in section 5. above. Abuse that occurs online or outside of the school will not be downplayed and will be treated equally seriously. The way in which we respond to a report can

have a significant impact on the school environment. Reference may be made to the Farrer & Co guidance '[Addressing child-on-child abuse: a resource for schools and colleges]'.

Any response will:

- include a thorough investigation of the concerns, report and/or 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 be at risk of harm themselves. We will ensure that a safeguarding response is in place for both the alleged victim(s) who have experienced the abuse and the alleged perpetrator(s) 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 school); 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 the CASS 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 CASS (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. See Child Protection procedures for additional information.

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.

6.1 Internal Management

Whatever the response to an allegation or concern, it will be underpinned by the principle that there is a **zero-tolerance** approach to sexual violence and sexual harassment and it is never acceptable and will not be tolerated. Where behaviour between children is abusive or violent, the incident will be dealt with using methods set out in 6.2-6.4 below. However, where support from local agencies is not available or the incident is considered to be inappropriate or problematic, we may need to handle allegations/concerns internally. It may be appropriate to handle the incident using our school Behaviour Policy and procedures which includes procedures to be followed in the case of bullying.

6.2 Early/Family Help Assessment

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

Early/family help and the option to manage a report internally do not need to be mutually exclusive; we could manage internally and seek early/family help for both the victim and perpetrator(s).

6.3 Referral to Cumberland CASS

Where a child has been harmed, is at risk of harm, or is in immediate danger, we will make a referral to the CASS. At this point we will generally inform parents unless this may jeopardise a police investigation or

place the child at risk of significant harm. Where a decision is made to make a referral to the CASS, and a strategy meeting is convened, then we 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. Should the outcome of the initial referral be that a statutory intervention is not appropriate, the DSL will be prepared to refer again using the Cumberland SCP Escalation Policy and procedures if they believe the child remains in immediate danger, at risk of harm or if circumstances change.

In the above circumstances we will not wait for the outcome (or even the start) of a Social Care investigation before protecting the victim and other children.

6.4 Reporting to the Police

If the concern/allegation indicates a potential criminal offence has taken place e.g. rape, assault by penetration with an object, 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. The DSL will consult with the Police and will agree what information can be disclosed to staff and others, in particular the alleged perpetrator(s) and their parents. This will include a discussion on the best way to protect the victim and their anonymity. In circumstances where parents have not been informed, it will be especially important that we support the child in any decision they take. This will be with the support of the CASS and any appropriate specialist agencies. Whatever the circumstances or outcome, it is important that the DSL works closely with the Police to ensure that any action we take does not jeopardise the Police investigation.

Any report to the Police will generally be in parallel with a referral to the CASS. Further guidance on this issue is provided in the NPCC guidance for schools document 'When to call the Police'. In some cases, it may become clear very quickly that the Police (for whatever reason) will not take further action. In such circumstances, it is important that we continue to engage with specialist support for the victim and alleged perpetrator(s) as required.

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 nudes or semi nudes images does not involve any aggravating factors. See Section 11 below for further guidance. All concerns/allegations will be assessed on a case by case basis and considering the wider context.

7. Unsubstantiated, unfounded, false or malicious reports

If a report is found to be unsubstantiated, unfounded, false or malicious, the DSL should consider whether the child and/or the person who has made the allegation needs help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to the CASS may be appropriate.

If a report is proven to be deliberately false or malicious, we will consider any disciplinary action against the individual in line with our Behaviour Policy and procedures.

8. Individual risk and needs assessment

Where there is an incident of HSB or child on child abuse, we will undertake a robust risk and needs assessment in respect of each child affected by the abuse including the alleged perpetrator(s). 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 school, 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 jeopardise a Police investigation or 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 support and protect children and to update our 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, we will update our risk assessment, ensure relevant protections are in place for all the children (and, if appropriate, adult students and staff) at our school and consider any suitable action in accordance with our Behaviour Policy and procedures. (See point 11. below).

If at any stage the child's needs escalate, the DSL will contact the CASS to determine the appropriate course of action.

9. Safeguarding and supporting the victim

It is important to understand that victims may not report the whole picture immediately. They may be more comfortable providing information on a piecemeal basis therefore it is essential that dialogue is kept open and encouraged with the option given to have a designated trusted adult to talk about their needs. Wherever possible, the victim should choose the adult. 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 our initial response. We will:

- ensure the needs and wishes of the victim are paramount (along with protecting the child) in any response. Overall, the priority will be to make the victim's daily experience as normal as possible, so that the school is a safe space for them;
- consider the age and the developmental stage of the victim, the nature of the allegations and the potential risk of further abuse;
- ensure that 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 pupil will continue to be monitored and offered support should they require it in the future. Consideration will also be given to siblings or other close relatives of the victim as to how and in what manner they may have been affected directly or indirectly;
- 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 the proportionality of the response with tailored support on a case-by-case basis;
- do everything we reasonably can to protect the victim from bullying and harassment as a result of any report they have made, giving all the necessary support they need to remain in school. If the trauma results in the victim being unable to do this, other alternatives will be considered to enable them to continue to receive suitable education. This will only be at the request of the victim and following discussion with their parents;
- 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. Restorative justice must be considered carefully in cases where sexual violence or sexual harassment are a factor. The wishes of the victim will be paramount and they may not wish to meet face to face with their perpetrator and it would be inappropriate to suggest this;
- ensure that sensitive issues are explored through the use of the curriculum (PSHE and Sex and Relationships Education).

10. 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 carefully consider:

- the proportionality of the response which will be considered on a case-by-case basis. The alleged perpetrator(s) may potentially have unmet needs as well as potentially posing a risk of harm to other children;
- at what point it would be appropriate to inform the alleged perpetrator(s). It may be appropriate on a case-by-case basis for the DSL to speak to the CASS and/or the Police to discuss the next steps and how the alleged perpetrator(s) will be informed of the allegations, all the while taking immediate action to safeguard the other children, where required;
- 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. Consideration will also be given to siblings or other close relatives of the perpetrator as to how and in what manner they may have been affected directly or indirectly;
- 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 CASS, the Police and any other agencies or specialist services in order to commission the right support for the child/children concerned.

11. Sanctions

Before deciding on appropriate action, we will always consider our 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; the severity of the abuse and the causes of it.

Taking disciplinary action and still providing appropriate support are not mutually exclusive actions. They can, and should, occur at the same time if necessary.

It is good practice for the DSL to meet the victim's parents with the victim present to discuss what arrangements are being put in place to safeguard the victim and understand their wishes in terms of support they may need and how the report will be progressed.

It is also good practice for the DSL to meet with alleged perpetrator's parents to discuss any arrangements that are being put into place that impact an alleged perpetrator, such as, for example, moving them out of classes with the victim and what this means for their education. The reason behind any decisions will be explained. Support for the alleged perpetrator will also be discussed.

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

Our response might include a sanction (in accordance with our Behaviour Policy and procedures) such as additional supervision, detention (within the school day) or a fixed-term exclusion to allow the pupil to reflect on their behaviour.

We will, where appropriate, consider the potential benefit, as well as challenge, of using managed moves or 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. We will adhere to our Suspension and permanent exclusion Policy and procedures where necessary and appropriate.

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

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

Part five of KCSiE provides examples of situations where specific sanctions have been utilised.

12. Whole school approach to prevention

Our response to HSB or 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. This might involve talking to pupils about issues of difference, perhaps in lessons, through dedicated events or projects, or through assemblies.

Our school has created an ethos of good behaviour where pupils treat one another and the staff with respect because they know that this is the right way to behave. Our culture makes it clear that there is a **zero-tolerance** approach to any form of abuse, that it is never acceptable and it will not be tolerated. That culture extends beyond the classroom to the corridors, the dining hall, the playground, and beyond the school gates including travel to and from school and online. We will:

- involve parents to ensure they are clear that we do 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 we will take any complaint about bullying seriously and resolve the issue in a way that protects the child. We expect parents to reinforce the value of good behaviour at home;
- involve pupils. All pupils understand our 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. We are acutely aware that social media is very likely to play a central role in the fall out from any incident or alleged incident. There is the potential for contact between victim and alleged perpetrator(s) and a very high likelihood that friends and potentially others in the community from either side could harass the victim or alleged perpetrator(s) online and/or become victims of harassment themselves;
- consider how (if at all) our school's physical environment contributed to the abuse, and how this can be addressed going forward, for example by improving our 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 school;
- 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 cared for 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 HSB and child on child abuse. All school staff (paid and unpaid) understand the principles and purpose of our Policy and procedures, how to resolve and respond to problems, and where and when to seek support from others in the school;

- 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 school including cyber-bullying and the sharing of nudes and/or semi-nudes 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 school and what constitutes appropriate, safe and acceptable behaviour with our children and staff.

13. References

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

- DfE Keeping Children Safe in Education
- DfE Information sharing: Advice for practitioners
- DfE Working together to Safeguard Children
- UKCIS Sharing nudes and semi-nudes - advice for education settings and responding to incidents
- DfE Searching, screening and confiscation: guidance for schools
- NPCC When to call the Police: guidance for schools