

## Child on Child Sexual Harassment, Sexual Abuse and Sexually Harmful Behaviours

Please note: guidance documents use the terminology 'victim', 'alleged perpetrator' and 'perpetrator'. However, not everyone who has been subjected to sexual violence and/or sexual harassment considers themselves a victim or would want to be described in this way. Equally, the use of the term 'alleged perpetrator' or 'perpetrator' should be used very carefully in front of children. The most appropriate terminology will be determined, as appropriate, on a case-by-case basis.

### 1. Policy statement

**1.1.** The school or college is committed to promoting and maintaining acceptable standards of behaviour and conduct by all users of the School/College in order to ensure no-one is subjected to harassment or abuse of any sort.

**1.2.** Incidents of sexual harassment or abuse will be dealt with in accordance with the school or college's Safeguarding Procedures and will refer to external authorities/Police should the situation dictate.

**1.3** Sexual violence and sexual harassment can occur between two children of any age and sex from Early years/pre-school, primary through to secondary stage and into colleges. Sexual violence and sexual harassment exist on a continuum and may overlap; they can occur online and face to face (both physically and verbally) and are never acceptable; Keeping Children Safe in Education: (KCSIE) part 1, all staff working with children are advised to maintain an attitude of 'it could happen here'. ('Keeping Children Safe in Education 2022', Part 5, Page 103, Paragraph 445)

### 2. Aims

**2.1.** The aim of the policy is to set out the expectations of behaviours to avoid such issues.

**2.2** 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.

**2.3.** The school/college is committed to encouraging understanding and demonstration of appropriate behaviours and values within the student cohort.

**2.4** Along with providing support to children who are victims of sexual violence or sexual harassment, the school or college, (as set out in 'Keeping Children Safe in Education 2022',

Part 5, Pages 123-129), needs to provide the alleged perpetrator(s) with an education, safeguarding support as appropriate and implement any disciplinary sanctions (as set out in 'Keeping Children Safe in Education 2022', Part 5, Pages 129-131). Reports of sexual violence and sexual harassment are extremely complex to manage. It is essential that victims are protected, offered appropriate support and every effort is made to ensure their education is not disrupted.

2.5. The policy will clarify the response, should an individual or group be responsible for sexual harassment or sexual abuse.

### **3. Definitions of consent**

**3.1.** Consent is defined by section 74 Sexual Offences Act 2003 –

- a child under the age of 13 can never consent to any sexual activity;
- the age of consent is 16;
- sexual intercourse without consent is rape.

Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.

**3.2.** Consent is an essential part of healthy relationships. Consent means that you have given permission, and that someone has given you permission to engage in any intimate activity for sex. Any sexual contact without consent is illegal regardless of the age of the people involved. In the UK, the age of consent for sexual activity is 16. The school/College encourages students to understand what constitutes a healthy relationship. The School/College believes it to be one which shows respect and care towards each other's wishes and feelings and one in which an honesty exists that enables discussion on how each person wishes to be treated.

### **4. Definitions of sexual offences**

#### **4.1. Sexual harassment**

This can be defined as 'unwanted conduct of a sexual nature' that can occur online or offline. Sexual harassment is likely to: violate a person's dignity, and/or make them feel intimidated, degrade or humiliate and/or create a hostile, offensive or sexualized environment. This can include abuse within an intimate relationship. Examples of sexual harassment can include sexual jokes, sexual taunting or remarking on someone's appearance or clothing.

## 4.2. Sexual violence

This guidance refers to sexual violence in the context of child-on-child abuse. Sexual violence covers a spectrum of behaviour. It can refer to offences under the Sexual Offences Act 2003.

### Rape

(1) A person (A) commits an offence if:

- (a) he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis,
- (b) B does not consent to the penetration, and
- (c) A does not reasonably believe that B consents.

(2) Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.

### Assault by penetration

(1) A person (A) commits an offence if:

- (a) he/she/they intentionally penetrates the vagina or anus of another person (B) with a part of his body or anything else,
- (b) the penetration is sexual,
- (c) B does not consent to the penetration, and
- (d) A does not reasonably believe that B consents.

(2) Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.

### Sexual assault

(1) A person (A) commits an offence if:

- (a) he/she/they intentionally touches another person (B),
- (b) the touching is sexual,
- (c) B does not consent to the touching, and
- (d) A does not reasonably believe that B consents.

(2) Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.

Sexual Offences Act 2003

## 4.3. Upskirting

This 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 or distress. Cases of 'upskirting' have a mandatory requirement for being reported under The Voyeurism (Offences) Act 2019.

#### **4.4. Initiation or hazing type rituals**

This is the practice of rituals, challenges and other activities involving harassment, abuse or humiliation used as a way of initiating a person into a group.

#### **4.5. Sexting or sending nudes or revenge porn**

Sexting/sending nudes is when someone shares sexual, naked or semi-naked images or videos of themselves or others, or sending sexually explicit messages. These can be sent on any device that allows you to share media or messages. This is also known as youth produced sexual imagery. It is a crime to take, make, permit to take, distribute, show, possess, possess with intent to distribute, or to advertise indecent images of any person below the age of 18, under The Crime and Justice Act 1988 and The Protection of Children Act, 1978.

#### **4.6 Harmful sexual behaviour (HSB)**

Children's sexual behaviour exists on a wide continuum, from normal and developmentally expected to inappropriate, problematic, abusive and violent. Problematic, abusive and violent sexual behaviour is developmentally inappropriate and may cause developmental damage. A useful umbrella term is "harmful sexual behaviour" (HSB). HSB can occur online and/or face to face and can also occur simultaneously between the two. HSB should be considered in a child protection context. When considering HSB, ages and the stages of development of the children are critical factors. Confidential, specialist support and advice on HSB is available from the specialist sexual violence sector: (See 'Keeping Children Safe in Education 2022', Part 5, Pages 106-107).

### **5. Responding to a report of child-on-child sexual harassment or sexual abuse**

All victims will be reassured and taken seriously.

Sexual violence and sexual abuse can happen anywhere, and all staff working with children are advised to maintain an attitude of 'it could happen here'. Schools and colleges should be aware of, and respond appropriately to all reports and concerns, including those outside the school or college, and or online. Schools and colleges should be aware of the importance of: making clear that there is a zero-tolerance approach to sexual violence and sexual harassment and it is never acceptable, and it will not be tolerated and it should never be passed off as "banter", "just having a laugh", "part of growing up" or "boys being boys". Challenging physical behaviour (potentially criminal in nature), such as grabbing bottoms,

breasts and genitalia, pulling down trousers, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them; and that not recognising, acknowledging or understanding the scale of harassment and abuse and/or downplaying some behaviours related to abuse as it can lead to a culture of unacceptable behaviour, an unsafe environment and in worst case scenarios a culture that normalises abuse leading to children accepting it as normal and not coming forward to report it.

All reports of sexual harassment or sexual abuse will:

- be reported and recorded in line with the school/colleges safeguarding procedures. The following LSCP guidance will be followed to assess the proportionality of the response to manage the case:
  - The sexual harassment and Violence in schools threshold guidance (Annex A)
  - Best practice for partner agencies when suspecting indecent images of children material (Annex B)
  - Responding to harmful sexual behaviours and sexual harassment assessment matrix (Annex C)
  - Exemplar Risk Assessment Sexualised Behaviour (Annex D)
  - Sexual Violence and Sexual Harassment in Schools flow chart
  - Sending and sharing of nude images in school and college pathway
- ensure the DSL completes a risk assessment where there has been a report of sexual violence and case by case for reports of sexual harassment
- have support in place for both the victim and alleged perpetrator
- Have due consideration to the ages and developmental stages of the children involved

## 6. Implementation

The policy will be implemented in accordance with the School/College's procedures and guidelines and through the following –

- Effective and timely induction and tutorial programmes for all students, Relationships Education for all primary school age pupils, Relationships and Sex Education (RSE) for all secondary school age pupils.
- The Schools/College Charter/Code of Conduct, circulated annually, that highlights expectations of all students.
- Staff training and support around student management.

- Review of associated policies and procedures in line with the School/College cycle.
- Involvement of external bodies to support knowledge and understanding of this area, for example Brook Traffic Light Tool, NSPCC- 'Report Abuse In Education Helpline', NSPCC-Harmful Sexual Behaviour Framework, NHS- 'Help After Rape and Sexual Assault', Child line, CAMHS, The Survivors Trust, Lucy Faithful Foundation (HSB Toolkit)
- The school/college will meet with the parents/carers of the victim and alleged perpetrator, where this does not put any child at greater risk. Parents should be signposted to local agencies for support where necessary.
- A whole school/college approach to safeguarding, a culture that makes clear that there is a zero-tolerance approach to sexual violence and sexual harassment and that it is never acceptable, and it will not be tolerated, and a strong preventative education programme will help create an environment in which all children at the school or college are supportive and respectful of their peers when reports of sexual violence or sexual harassment are made.

**7. Reviewing officers:**  
Designated Safeguarding Lead