

# Cedars Academy

## Peer on Peer Abuse

### Our response to statutory and non-statutory guidance

Reviewed: June 2021

To be reviewed: June 2022

#### 1 Overview

Exploration of statutory and non-statutory guidance relating to peer-on-peer abuse

Sexual violence and sexual harassment can occur between two children of any age and sex. It can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children.

Cedars Academy adopts a 'Whole School' approach to tackling peer-on-peer abuse through its ethos, behavioural expectations, PSEW and RSE curriculum.

Cedars Academy adopts a child-centred and coordinated approach working with Child Social Care agencies and where appropriate the Police.

##### 1.1 Children have said that they need:

- Vigilance
- Understanding and action
- Stability
- Respect
- Information and Engagement
- Explanation
- Support
- Advocacy
- Protection

##### 1.2 Multi-Agency Arrangements

We will provide access to multi-agency safeguarding arrangements

Reference: Part 5: page 69

**Sexual violence and sexual harassment between children in schools and colleges (May 2018)**

This is advice provided by the Department for Education:

Its focus is child on child sexual violence and sexual harassment at schools and colleges. The advice covers children of all ages, from the primary through secondary stage and into colleges. For the purposes of this advice, a child is anyone under the age of 18.

Whilst the focus of the advice is on protecting and supporting children, schools and colleges should of course protect any adult students and engage with adult social care, support services and the police as required.

The advice sets out what sexual violence and sexual harassment is, how to minimise the risk of it occurring and what to do when it does occur, or is alleged to have occurred. The advice highlights best practice and cross-references other advice, statutory guidance and the legal framework. It is for individual schools and colleges to develop their own policies and procedures. It is important that policies and procedures are developed in line with their legal obligations, including the Human Rights Act 1998 and the Equality Act 2010, especially the Public Sector Equality Duty.

It is important that schools and colleges consider how to reflect sexual violence and sexual harassment in their whole school or college approach to safeguarding and in their child protection policy. The advice provides case studies. These are not intended to offer a step-by-step guide, but to provide an indication of some of the many options that are available. The department has updated this advice in line with the revised statutory guidance Keeping Children Safe in Education. We will continue to keep the advice under review, particularly as we develop our approach to Relationship Education, Relationships and Sex Education (RSE) and Personal Social Health and Economic (PSHE) education'

## 2 Terms and Definitions

### 2.1 Alleged Perpetrator and Victim

'There are many different ways to describe children who have been subjected to sexual violence and/or sexual harassment and many ways to describe those who are alleged to have carried out any form of abuse. For the purposes of this advice, we use the term 'victim'. It is a widely recognised and understood term. It is important that schools and colleges recognise that 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. Ultimately, schools and colleges should be conscious of this when managing any incident and be prepared to use any term with which the individual child is most comfortable. For the purpose of this advice we use the term 'alleged perpetrator' and where appropriate 'perpetrator'. These are widely used and recognised terms and the most appropriate to aid effective drafting of advice. However, schools and colleges should think very carefully about terminology, especially when speaking in front of children.'

### 2.2 Sexual violence and sexual harassment can occur online and offline

2.2.1 Cedars Academy will:

- Make it clear that sexual violence and sexual harassment are never acceptable and will never be tolerated – it is not an inevitable part of growing up
- Not dismiss or tolerate sexual violence or harassment as 'banter' or 'part of growing up'
- Challenge behaviours such as grabbing bottoms, breasts and genitalia. Tolerating such behaviours risks normalising them – they are potentially criminal acts
- Understand that sexual violence and sexual harassment can be driven by wider societal factors, such as everyday sexist stereotypes and language

'Unwanted conduct of a sexual nature' that can occur online and offline .....Sexual harassment is likely to: violate a child's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment' DoE Sexual violence and sexual harassment (2018)

2.2.3 **Sexual harassment** can include:

- Sexual comments
- Sexual 'jokes' and taunting
- Physical behaviour
- On-line sexual harassment

Reference: Sexual Offences Act 2003

2.2.4 **Consent** is given when a person agrees by choice, and has the freedom and that capacity to make that choice.

Consent can be withdrawn at any time.

2.2.5 The NSPCC guides that **harmful sexual behaviour** may include:

- Using sexually explicit words and phrases
- Inappropriate touching
- Sexual violence or threats
- Full penetrative sex with other children and adults

2.2.6 **Warning** signs the NSPCC says to look out for include:

- Sexual interest in adults and children of very different ages to their own
- Forceful or aggressive sexual behaviour
- Compulsive habits
- Sexual behaviour affecting progress and achievement
- Using sexually explicit words and phrases
- Inappropriate touching
- Full penetrative sex

## 2.3 Brookes sexual behaviours traffic light tool

This is a particularly useful tool that **all staff** should have a working knowledge of. When using it please be aware of the developmental age of the child.

[https://legacy.brook.org.uk/brook\\_tools/traffic/Brook\\_Traffic\\_Light\\_Tool.pdf](https://legacy.brook.org.uk/brook_tools/traffic/Brook_Traffic_Light_Tool.pdf)

## 3 School's Roles and Responsibilities

### 3.1 Legal requirements:

- Safeguard and promote the welfare of their pupils
- Have a behaviour policy and other measures in place to prevent bullying
- In maintained secondary schools, teach RSE, following the statutory guidance
- Support pupils with regard to their sex, sexuality and, if appropriate, gender reassignment
- Take positive action, where demonstrably proportionate, to deal with disadvantages affecting a group
- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between different groups, and foster good relations between different groups – meaning that schools must consider equality implications whenever policy decisions are made

### 3.2 PSEW Curriculum

- Healthy relationships
- Respectful behaviour
- Gender roles, stereotyping and equality
- Body confidence and self-esteem
- Prejudiced behaviour
- Addressing cultures of sexual harassment

### 3.3 Reporting and Raising Concerns

- Open forum for children to talk about concerns – ensure children know there is someone to talk to including DSL
- Know how to raise a concern and what will be done with concern – always be honest and remind children that you will have to share concern if their safety is compromised.

### 3.4 Contextual Safeguarding

DSL and staff should be aware of the context in which safeguarding incidents and behaviours occur – when reporting please provide as much accurate information as possible.

Staff should report all concerns to DSL/Deputy DSL to action. Never make decisions in isolation.

### 3.5 Statutory – no room for interpretation

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

### 3.6 Referral Principles and Support

- If a child has been harmed or is in an immediate danger, a referral must be made within one working day – level of support will then be determined
- Staff should be prepared to support external agencies and involved child
- If a crime may have been committed, police must be contacted
- Welfare Approach vs Criminal Justice Approach

### 3.7 Managing Disclosure

Information should not be withheld at any time if it's going affect safeguarding of a young person

Key things to consider:

- The victim's wishes
- The nature of the incident
- The ages and developmental stages of the children involved
- Any power imbalance between the children
- Whether the incident is a one-off or part of a pattern
- Any ongoing risks
- Any related issues and the wider context
- Focus on the child's best interests
- Immediate consideration should be given as to how to support the victim, alleged perpetrator and any other children involved
- For reports of rape and assault by penetration, whilst the school establishes the facts, the alleged perpetrator should be removed from any classes shared with the victim
- For reports of sexual violence and sexual harassment, the proximity of the victim and alleged perpetrator and the suitability of shared classes, premises and transport should be considered immediately
- In all cases, the initial report should be carefully evaluated and the wishes of the victim, nature of the allegations and requirements to protect all children should be taken into consideration
- The decision of when to inform the alleged perpetrator of a report, should be made on a **case-by-case basis** by the Academy's \*Safeguarding Team(s).

Action Plan following a disclosure:

- Managing internally – if appropriate and if there has been no criminal offence
- Early Help: Children's Social care entry level
- Referral to Children's Social Care – alleged criminal offence
- Reporting to the police – alleged criminal offence

### 3.8 Support and Actions

Ongoing support post incident to all parties – all are children and young people requiring and deserving of support – still need safeguarding and treated with dignity

Consequences for the perpetrator – disciplinary action can be taken by school while criminal investigation taking place – seek advice (Children's Social Care).

DSL should consider managing timetables of victim and alleged perpetrator – to ensure safeguarding.

Where there is a criminal investigation taking place the alleged perpetrator should be removed from class of victim and opportunity to meet minimised or eliminated – if criminal investigation upheld and caution or conviction received perpetrator should be removed from the school.

Where allegation not upheld both parties should be safeguarded and procedures put in place to support.

### 3.9 Liaising with parents and carers

- Meet victim's parents/carers to discuss disclosure
- Keep all parties up-to-date with progress and any developments
- Meet parents/carers of an alleged perpetrator to discuss what impact any allegations will have on them at school
- Consider safeguarding and welfare of other children

## 4 Summary

Preventative Approach through a whole school policy of zero tolerance, child centred interventions, PSEW, RSE.

### Pause for thought/discussion: Review of sexual abuse in schools and colleges (Ofsted June 2021)

- When we asked children and young people where sexual violence occurred, they typically talked about unsupervised spaces outside of school, such as parties or parks without adults present, although some girls told us they also experienced unwanted touching in school corridors.
- School and college leaders should create a culture where sexual harassment and online sexual abuse are not tolerated, and where they identify issues and intervene early to better protect children and young people.

As an Academy we should assume that sexual harassment and online sexual abuse is happening in our setting and put in place a whole-school approach to address them. This will include:

- a carefully sequenced PSEW/RSE curriculum, based on the Department for Education's (DfE's) statutory guidance, that specifically includes sexual harassment and sexual violence, including online. This should include time for open discussion of topics that children and young people tell us they find particularly difficult, such as consent and the sending of 'nudes'
- routine record-keeping and analysis of sexual harassment and sexual violence, including online, to identify patterns and intervene early to prevent abuse - **CPOMS**
- a behavioural approach, including sanctions when appropriate, to reinforce a culture where sexual harassment and online sexual abuse are not tolerated
- working closely with LSPs in the area where our school is located so that we are aware of the range of support available to children and young people who are victims or who perpetrate harmful sexual behaviour e.g. Children's Social Care, CYPs, FCAMHS, Police
- training to ensure that all staff (and governors, where relevant) are able to:
  - better understand the definitions of sexual harassment and sexual violence, including online sexual abuse
  - identify early signs of peer-on-peer sexual abuse

- consistently uphold standards in their responses to sexual harassment and online sexual abuse

**References:**

Keeping Children Safe in Education (2020)

Review of sexual abuse in schools and colleges (Ofsted June 2021)

Sexual violence and sexual harassment between children in school and colleges (May 2018)

Working Together to Safeguard Children (2018)

Sexual Offences Act 2003

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