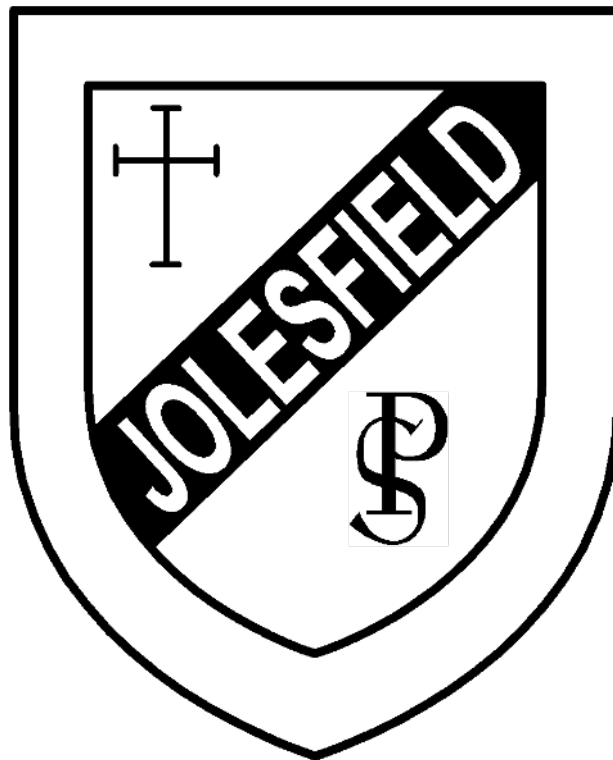


JOLESFIELD CHURCH OF ENGLAND PRIMARY SCHOOL



Sexual Violence and Sexual Harassment Policy

*Effective : December 2021
Headteacher:*

*Approved: FGB 7/12/21
Chair of Governors:*

This advice should not be read in isolation. It is important for us to consider other relevant advice and guidance, including the following (which is not intended to be an exhaustive list), as part of our approach to protecting children from sexual violence and sexual harassment:

- [Exclusions From Maintained Schools, Academies and PRUs](#) (statutory guidance)
- [Keeping Children Safe in Education](#) (statutory guidance)
- [Sex and Relationship Education](#) (statutory guidance for maintained schools and academies)
- [Working Together to Safeguard Children](#) (statutory guidance)
- [Behaviour and Discipline in Schools](#) (advice for schools)
- [Children Missing Education](#) (advice for schools)
- [Cyberbullying](#) (advice for schools)
- [Equality Act 2010](#) and [Public Sector Equality Duty](#) (advice for schools)
- [Mental Health and Behaviour in Schools](#) (advice for schools)
- [Preventing and Tackling Bullying](#) (advice for schools)
- [The Equality and Human Rights Commission](#) (provides advice on avoiding discrimination in a variety of educational contexts). Schools must be aware of their obligations under the Human Rights Act 1998 (HRA). It is unlawful for schools to act in a way that is incompatible with the European Convention on Human Rights.
- Schools and colleges are required to comply with relevant requirements as set out in the [Equality Act 2010](#) (the Equality Act) see advice for schools Provisions within the Equality Act allow schools to take positive action, where it can be shown that it is proportionate, to deal with particular disadvantages affecting one group.
- [UKCCIS sharing nudes and semi nudes advice](#) (advice for schools and colleges)
- Compliance with the Public Sector Equality Duty (PSED) is a legal requirement for schools and colleges that are public bodies and therefore have a general duty to have regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between different groups and to foster good relations between different groups. The duty applies to all protected characteristics and means that whenever significant decisions are being made or policies developed, thought must be given to the equality implications such as, for example, the elimination of sexual violence and sexual harassment.

Our Vision

To create an inclusive Christian community where children develop a love of learning, grow into confidence and flourish.

Jesus said: "I have come that they may have life, and have it to the full."

John 10:10

We are proud to be a Church of England primary school and our vision is firmly based upon the Christian principle of '**life in all its fullness**'. At Jolesfield, we believe that as children of God we are all valued and that a happy child is a learning child. We pursue academic rigour and excellence in all we do to enable the whole school community to flourish.

We ensure that we celebrate achievement in all of its forms, as well as the effort that goes into making progress. We work hard to cultivate a **love of learning** and self-belief that

enables everyone to take risks and ‘have a go’, **growing in confidence** without fear of failure so that they can **flourish**.

Context

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.

Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physically and verbally) and are never acceptable. All victims will be taken seriously and offered appropriate support.

Children who are victims and survivors of sexual violence and sexual harassment will find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment. We will ensure that victims and survivors are protected, offered appropriate support and every effort is made to ensure their education is not disrupted. Other children and school staff will be supported and protected as appropriate.

[The UK report It's just everywhere](#) found that:

- Sexual harassment is highly prevalent in schools. It is also gendered, overwhelmingly involving boys targeting girls.
- The use of misogynist language is commonplace in schools.
- Gender stereotyping is a typical feature of school culture, often reinforced through mundane, ‘everyday’ actions.
- Sexism and sexual harassment in schools has been normalised and is rarely reported.

STATEMENT OF PRINCIPLES

The best schools take a whole school approach to safeguarding and child protection. This means involving everyone in the school, including the governing body, all the staff, children, and parents and carers. Our approach to sexual violence and sexual harassment therefore reflects and is part of the broader approach to safeguarding.

All staff, pupils and parents should be aware of the importance of:

- making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up;
- not tolerating or dismissing sexual violence or sexual harassment as “banter”, “part of growing up”, “just having a laugh” or “boys being boys”;
- challenging behaviour (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia and flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them; and

- understanding that all of the above can be driven by wider societal factors beyond the school, such as everyday sexist stereotypes and everyday sexist language.

TERMS AND PHRASES

Sexual Harrassment

Sexual harassment refers to unwanted conduct of a sexual nature that occurs online or offline. Sexual harassment violates a pupil's dignity and makes them feel intimidated, degraded or humiliated, and can create a hostile, sexualised or offensive environment. If left unchallenged, sexual harassment can create an atmosphere that normalises inappropriate behaviour and may lead to sexual violence.

Sexual harassment includes:

- Sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
- Sexual "jokes" or taunting;
- Physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes (schools and colleges should be considering when any of this crosses a line into sexual violence - it is important to talk to and consider the experience of the victim) and displaying pictures, photos or drawings of a sexual nature; and
- Online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence . It may include:
- Non-consensual sharing of sexual images and videos; Sexualised online bullying; Unwanted sexual comments and messages, including, on social media; and Sexual exploitation; coercion and threats

Sexual violence

Sexual violence refers to the three following offences:

- **Rape:** A person (A) commits an offence of rape if he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration and A does not reasonably believe that B consents.
- **Assault by Penetration:** A person (A) commits an offence if s/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents.
- **Sexual Assault:** A person (A) commits an offence of sexual assault if s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents.

- Harmful sexual behaviours

Sexual violence and sexual harassment can occur online and offline (both physically and verbally), and are never acceptable. All victims should be taken seriously and offered appropriate support. Victims of sexual violence and harassment are likely to find the experience distressing and stressful, and it will, in all likelihood, adversely affect their education

Harmful sexual behaviours

The term “**harmful sexual behaviour**” is used to describe behaviour that is problematic, abusive and violent, and that may cause developmental damage. Harmful sexual behaviour may include:

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

It is important to note that harmful sexual behaviours can occur both online and offline, and sometimes simultaneously between the two.

Children displaying harmful sexual behaviour have often experienced their own abuse and trauma, and it is imperative that they are offered appropriate support.

When considering whether behaviour is harmful, take into account the ages and stages of development of the children. Sexual behaviour can be harmful if one of the children is much older (especially where there is two years or more difference, or where one child is prepubescent and the other is not). Keep in mind that it is possible for a younger child to abuse an older child, particularly where they have power over them, such as where the older child has disabilities or is small in stature.

The Brooks sexual behaviours traffic light tool can with making decisions about whether sexual behaviour is harmful or a natural part of healthy development and no cause for concern.

Child

This guidance article refers to anyone under the age of 18 as a 'child'.

Victims and survivors rather than 'victims' or 'survivors'

Both these words have very different connotations and varying personal meanings for individuals. Some people identify as victims and some as survivors, therefore it is important to use the words 'victims and survivors' together when collectively referring to people that have been subjected to sexual violence and/or sexual harassment.

Alleged perpetrator

For the purpose of this document we will use the term 'alleged perpetrator' and where appropriate 'perpetrator'. These are widely used and recognised terms and the most appropriate to aid the effective writing of policies. Adults should, however, think very carefully about terminology, especially when speaking in front of children.

THE LAWS RELEVANT TO ONLINE SEXUAL HARASSMENT IN ENGLAND

Unsolicited sexual content online

There are a number of laws in which a person could be prosecuted for sending unsolicited sexual content online, however, the act in and of itself is not yet illegal in England and Wales (though it is in Scotland). Laws which could be applied to this include the Protection from Harassment Act 1997 and some aspects of the Sexual Offences Act 2003 such as 'causing a child to watch a sex act' and 'sexual communication with a child'.

Image-Based Sexual Abuse

As of 2015, it is 'an offence for a person to disclose a private sexual photograph or film if the disclosure is made without the consent of an individual who appears in the photograph or film, and with the intention of causing that individual distress'. In April 2017, the Sentencing Council included the 'threat to disclose intimate material or sexually explicit images', within its guideline for offences under the Communications Act 2003 (7); however, prosecuting threats of image-based sexual abuse remains challenging.

Under the Protection of Children Act 1978, creating or sharing indecent images of a child is illegal. It is illegal if the person creating the image is under the age of 18, even if they consent to it being created, or share it with children of the same age. The Home Office Recording Rules 'Outcome 21' (January 2016) allows police to respond in a proportionate way to reports of youth produced sexual imagery. This states that even though a young person has broken the law and the police may have evidence that they have done so, the police can record that they chose not to take further action as it was not in the public interest.

Since April 2019, it has been an offence to take an image or video up a person's skirt without their consent, often referred to as 'upskirting'.

Sexual coercion, threats and intimidation online

Several sections of the Sexual Offences Act 2003 could be relevant in instances of sexual coercion, threats and intimidation including 'causing or inciting a child to engage in sexual activity'. In situations of demands for sexual images where threats are made, Section 21 of the Theft Act 1968 (Blackmail) is likely to apply.

All kinds of persistent harassment and stalking are offences under the Protection from Harassment Act 1997. What constitutes harassment or stalking is not explicitly defined, but can include a range of actions when considering the context, nature, and duration of the acts.

PREVENTION

Schools play an important role in preventative education. [Keeping Children Safe in Education](#) sets out that all schools should ensure children are taught about safeguarding, including how to stay safe online. Schools should consider this as part of providing a broad and balanced curriculum.

Addressing inappropriate behaviour can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future. Children displaying harmful sexual behaviour have often experienced their own abuse and trauma. It is important that they are offered appropriate support.

A planned curriculum as part of a whole school approach

The school will also ensure that pupils are taught about safeguarding, including online safety, as part of a broad and balanced curriculum in PSHE lessons, RSE and group sessions.

Such content will be age and stage of development specific, and tackle issues such as the following:

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

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

Awareness

All staff are aware that pupils of any age and sex are capable of abusing their peers and will never tolerate abuse as “banter” or “part of growing up”.

All staff are aware that peer-on-peer abuse can be manifested in many different ways, including sexting and gender issues, such as girls being sexually touched or assaulted, and boys being subjected to hazing/initiation type of violence which aims to cause physical, emotional or psychological harm.

All staff are aware of the heightened vulnerability of pupils with SEND, who are three times more likely to be abused than their peers. Staff will not assume that possible indicators of abuse relate to the pupil’s SEND and will always explore indicators further. Additional barriers to recognising abuse in children with SEND include:

- Assuming that indicators of abuse, such as mood and behaviour, relate to the child’s disability.
- Children with SEND being disproportionately impacted by bullying and harassment without showing any outward signs.
- Communication barriers.

LGBTQ+ children can be targeted by their peers. In some cases, children who are perceived to be LGBTQ+, whether they are or not, can be just as vulnerable to abuse as LGBTQ+ children. The school’s response to boy-on-boy and girl-on-girl sexual violence and sexual harassment will be equally as robust as it is for incidents between children of the opposite sex.

Pupils will be made aware of how to raise concerns or make a report and how any reports will be handled. This includes the process for reporting concerns about friends or peers

Support available if a child has been harmed, is in immediate danger or at risk of harm

If a child has been harmed, is in immediate danger or is at risk of harm, a referral will be made to Children’s Social Care. Within one working day, a Social Worker will respond to the referrer to explain the action that will be taken

If Early Help, Section 17 and/or Section 47 statutory assessments, under the Children Act 1989, are appropriate, school staff may be required to support external agencies. The DSL and DDSLs support staff as required.

Rape, assault by penetration and sexual assaults are crimes. Where a report includes such an act, the Police will be notified, often as a natural progression of making a referral to Children’s Social Care. The DSL and DDSLs are aware of the local process for referrals to both Children’s Services and the Police.

Whilst the age of criminal responsibility is 10 years of age, if the alleged perpetrator is under 10, the principle of referring to the Police remains. In these cases, the Police will take a welfare approach rather than a criminal justice approach. The school has a close relationship with the local Police force and the DSL and DDSLs will liaise closely with the local Police presence.

Online concerns can be especially complicated. The school recognises that there is potential for an online incident to extend further than the local community and for a victim, or the alleged perpetrator, to become marginalised and excluded both online and offline. There is also strong potential for repeat victimisation if the content continues to exist.

If the incident involves sexual images or videos held online, the Internet Watch Foundation will be consulted to have the material removed.

Staff **will not view or forward** illegal images of a child. If they are made aware of such an image, they will contact the DSL or DDSLs.

Managing Disclosures

Victims will always be taken seriously, reassured, supported and kept safe. Victims will never be made to feel like they are causing a problem or made to feel ashamed.

If a friend of a victim makes a report or a member of staff overhears a conversation, staff will take action – they will never assume that someone else will deal with it. The basic principles remain the same as when a victim reports an incident; however, staff will consider why the victim has not chosen to make a report themselves and the discussion will be handled sensitively and with the help of Children's Social Care where necessary. If staff are in any doubt, they will speak to the DSL or DDSLs.

Where an alleged incident took place away from the school or online but involved pupils from the school, the school's duty to safeguard pupils remains the same.

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

- Never promising confidentiality at the initial stage.
- Only sharing the report with those necessary for its progression.
- Explaining to the victim what the next steps will be and who the report will be passed to.
- Recognising that the person the child chose to disclose the information to is in a position of trust.
- Being clear about boundaries and how the report will be progressed.
- Not asking leading questions and only prompting the child with open questions.

- Waiting until the end of the disclosure to immediately write a thorough summary. If notes must be taken during the disclosure, it is important to still remain engaged and not appear distracted.
- Only recording the facts as the child presents them - not the opinions of the note taker.
- Where the report includes an online element, being aware of searching, screening and confiscation advice and UKCCIS sexting advice.
- Wherever possible, managing disclosures with two staff members present (preferably with the DSL or DDSLs as one of the staff members).
- Informing the DSL or DDSLs as soon as possible after the disclosure if they could not be involved in the disclosure.

The DSL or DDSLs will be informed of any allegations of abuse against pupils with SEND. They will record the incident in writing and, working with the SENCO, decide what course of action is necessary, with the best interests of the pupil in mind at all times.

Confidentiality

The school will only engage staff and agencies required to support the victim and/or be involved in any investigation. If a victim asks the school not to tell anyone about the disclosure, the school cannot make this promise. Even without the victim's consent, the information may still be lawfully shared if it is in the public interest and protects children from harm.

The DSL and DDSLs will consider the following when making confidentiality decisions:

- Parents will be informed unless it will place the victim at greater risk.
- If a child is at risk of harm, is in immediate danger or has been harmed, a referral will be made to Children's Social Care
- Rape, assault by penetration and sexual assaults are crimes - reports containing any such crimes will be passed to the police.

The DSL and DDSLs will weigh the victim's wishes against their duty to protect the victim and others. If a referral is made against the victim's wishes, it will be done so extremely carefully and the reasons for referral will be explained to the victim. Appropriate specialist support will always be offered.

Anonymity

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

When deciding on the steps to take, the school will consider the role of social media in potentially exposing victims' identities and facilitating the spread of rumours.

Risk Assessment

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

- Risk assessments will consider:
- The victim.
- The alleged perpetrator.
- Other children at the school, especially any actions that are appropriate to protect them.

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

See Risk Assessment for Peer on Peer Sexual Abuse/ Harmful Sexual Behaviour in the safeguarding and child protection policy.

Taking action following a disclosure

The DSL or DDSLs will decide the school's initial response, taking into consideration: • 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, such as whether there are wider environmental factors in a child's life that threaten their safety and/or welfare.
- The best interests of the child.
- That sexual violence and sexual harassment are always unacceptable and will not be tolerated.

Immediate consideration will 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 will be removed from any classes

shared with the victim. The school will consider how to keep the victim and alleged perpetrator apart on school premises, and on transport where applicable. These actions will not be seen as a judgement of guilt on the alleged perpetrator. 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 will be considered immediately. In all cases, the initial report will be carefully evaluated and the wishes of the victim, nature of the allegations and requirement to protect all children will be taken into consideration.

Managing the Report

The decision of when to inform the alleged perpetrator of a report will be made on a case-by case basis. If a report is being referred to Children's Social Care or the Police, the school will speak to the relevant agency to discuss informing the alleged perpetrator.

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

- Managing internally
- Providing Early Help
- Referring to Children's Social Care
- Reporting to the Police

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

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

- 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.

Managing Internally

In some cases, e.g. one-off incidents, the school may decide to handle the incident internally through behaviour and bullying policies and by providing pastoral support.

Providing Early Help

The school may decide that statutory interventions are not required, but that pupils may benefit from Early Help - providing support as soon as a problem emerges. This approach

can be particularly useful in addressing non-violent harmful sexual behaviour and may prevent escalation of sexual violence.

Referring to Children's Social Care

If a child has been harmed, is at risk of harm or is in immediate danger, the school will make a referral to Children's Social Care. Parents will be informed unless there is a compelling reason not to do so (if referral will place the victim at risk). This decision will be made in consultation with Children's Social Care.

The school will not wait for the outcome of an investigation before protecting the victim and other children.

The DSL or DDSLs will work closely with Children's Social Care to ensure that the school's actions do not jeopardise any investigation. Any related risk assessment will be used to inform all decisions.

If Children's Social Care decide that a statutory investigation is not appropriate, the school will consider referring the incident again if they believe the child to be in immediate danger or at risk of harm.

If the school agrees with the decision made by Children's Social Care, they will consider the use of other support mechanisms such as early help, pastoral support and specialist support.

Reporting to Police

Reports of rape, assault by penetration or sexual assault will be passed on to the Police – even if the alleged perpetrator is under 10 years of age. Generally, this will be in parallel with referral to Children's Social Care. The DSL or DDSLs will follow the local process for referral.

Parents will be informed unless there is a compelling reason not to do so. Where parents are not informed, it is essential for the school to support the child with any decision they take, in unison with Children's Social Care and any appropriate specialist agencies.

The DSL, DDSLs and governing board will agree what information will be disclosed to staff and others, in particular the alleged perpetrator and their parents. They will also discuss the best way to protect the victim and their anonymity.

The DSL and DDSLs will be aware of local arrangements and specialist units that investigate child abuse.

In some cases, it may become clear that the Police will not take further action, for whatever reason. In these circumstances, the school will continue to engage with specialist support for the victim as required.

Bail Conditions

Police bail is only used in exceptional circumstances. It is unlikely that a child will be placed on police bail if alternative measures can be used to mitigate risks.

The school will work with Children's Social Care and the police to support the victim, alleged perpetrator and other children (especially witnesses) during criminal investigations. The school will seek advice from the Police to ensure they meet their safeguarding responsibilities.

The term 'released under investigation' (RUI) is used to describe alleged perpetrators released in circumstances that do not warrant the application of bail.

Where bail is deemed necessary, the school will work with Children's Social Care and the Police to safeguard children – ensuring that the victim can continue in their normal routine and continue to receive a suitable education.

Managing Delays in the Criminal Justice System

The school will not wait for the outcome (or even the start) of criminal proceedings before protecting the victim, alleged perpetrator and other children. The associated risk assessment will be used to inform any decisions made.

The DSL or DDSs will work closely with the Police to ensure the school does not jeopardise any criminal proceedings, and to obtain help and support as necessary.

The End of the Criminal Process

Risk assessments will be updated if the alleged perpetrator receives a caution or is convicted. If the perpetrator remains in the same school as the victim, the school will set out clear expectations regarding the perpetrator, including their behaviour and any restrictions deemed reasonable and proportionate with regards to the perpetrator's timetable.

The school will ensure that the victim and perpetrator remain protected from bullying and harassment (including online).

Where an alleged perpetrator is found not guilty or a case is classed as requiring "no further action", the school will offer support to the victim and alleged perpetrator for as long as is necessary. The victim is likely to be traumatised and the fact that an allegation cannot be substantiated does not necessarily mean that it was unfounded. The school will discuss decisions with the victim and offer support.

The alleged perpetrator is also likely to require ongoing support, as they have also been through a difficult and upsetting experience.

Ongoing support for the victim

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

- The terminology the school uses to describe the victim
- The age and developmental stage of the victim
- The needs and wishes of the victim
- Whether the victim wishes to continue in their normal routine
- The victim will not be made to feel ashamed about making a report
- What a proportionate response looks like

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

Victims may struggle in a normal classroom environment. Whilst it is important not to isolate the victim, the victim may wish to be withdrawn from lessons and activities at times. This will only happen when the victim wants it to, not because it makes it easier to manage the situation.

The school will provide a physical space for victims to withdraw to.

Victims may require support for a long period of time and the school will be prepared to offer long-term support in liaison with relevant agencies.

Everything possible will be done to prevent the victim from bullying and harassment as a result of any report they have made.

If the victim is unable to remain in the school, alternative provision or a move to another school will be considered – this will only be considered at the request of the victim and following discussion with their parents.

If the victim does move to another school, the DSL or DDSLs will inform the school of any ongoing support needs and transfer the child protection file.

Ongoing Support for the Alleged Perpetrator

When considering the support required for an alleged perpetrator, the school will take into account:

- The terminology they use to describe the alleged perpetrator or perpetrator.
- The balance of safeguarding the victim and providing the alleged perpetrator with education and support.
- The reasons why the alleged perpetrator may have abused the victim – and the support necessary.
- Their age and developmental stage.

- What a proportionate response looks like.
- Whether the behaviour is a symptom of their own abuse or exposure to abusive practices and/or materials.

When making a decision, advice will be taken from Children's Social Care, specialist sexual violence services and the Police as appropriate.

If the alleged perpetrator moves to another school (for any reason), the DSL or DDSLs will inform the destination school of any ongoing support needs and transfer the child protection file.

The school will work with professionals as required to understand why the abuse took place and provide a high level of support to help the pupil understand and overcome the reasons for their behaviour and reduce the likelihood of them abusing again.

Disciplining the Alleged Perpetrator

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

The school will make such decisions on a case-by-case basis, with the DSL taking a leading role. The school will take into consideration whether any action would prejudice an investigation and/or subsequent prosecution. The Police and Children's Social Care will be consulted where necessary.

The school will also consider whether circumstances make it unreasonable or irrational for the school to make a decision about what happened while an investigation is considering the same facts.

Disciplinary action and support can take place at the same time.

The school will be clear whether action taken is disciplinary, supportive or both.

Shared Classes

Once the DSL or DDSLs have decided to progress a report, they will again consider whether the victim and alleged perpetrator will be separated in classes, on school premises and on school transport – balancing the school's duty to educate against its duty to safeguard. The best interests of the pupil will always come first.

Where there is a criminal investigation into rape or assault by penetration, the alleged perpetrator will be removed from classes with the victim and potential contact on school premises and transport will be prevented.

Where a criminal investigation into rape or assault by penetration leads to a conviction or caution, in all but the most exceptional circumstances, this will constitute a serious breach of

discipline and result in the view that allowing the perpetrator to remain in the school would harm the education or welfare of the victim and potentially other pupils.

Where a criminal investigation into sexual assault leads to a conviction or caution, the school will consider suitable sanctions and permanent exclusion. If the perpetrator will remain at the school, the school will keep the victim and perpetrator in separate classes and manage potential contact on school premises and transport. The nature of the conviction or caution, alongside the wishes of the victim, will inform any discussions made.

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

In all cases, the school will record its decisions and be able to justify them. The needs and wishes of the victim will always be at the heart of the process.

Working with Parents and Carers

In most sexual violence cases, the school will work with the parents of both the victim and alleged perpetrator. For cases of sexual harassment, these decisions will be made on a case-by-case basis.

The school will meet the victim's parents with the victim present to discuss the arrangements being put in place to safeguard the victim, and to understand their wishes in terms of support arrangements and the progression of the report.

Schools will also meet with the parents of the alleged perpetrator to discuss arrangements that will impact their child, such as moving them out of classes with the victim. Reasons behind decisions will be explained and the support being made available will be discussed. The DSL or DDSLs will attend such meetings, with agencies invited as necessary.

Clear policies regarding how the school will handle reports of sexual violence and how victims and alleged perpetrators will be supported will be made available to parents.

Safeguarding Other Children

Children who have witnessed sexual violence, especially rape and assault by penetration, will be provided with support.

It is likely that children will "take sides" following a report, and the school will do everything in its power to protect the victim, alleged perpetrator and witnesses from bullying and harassment.

The school will keep in mind that contact may be made between the victim and alleged perpetrator and that harassment from friends of both parties could take place via social media and do everything in its power to prevent such activity.

As part of the school's risk assessment following a report, transport arrangements will be considered, as it is a potentially vulnerable place for both a victim and alleged perpetrator. Schools will consider any additional support that can be put in place.

Support and specialist organisations

- **Barnardo's** <https://www.barnardos.org.uk>
- **Lucy Faithfull Foundation** <https://www.lucyfaithfull.org.uk>
- **NSPCC** <https://www.nspcc.org.uk>
- **Rape Crisis** <https://rapecrisis.org.uk>
- **UK Safer Internet Centre** <https://www.saferinternet.org.uk>
- **Anti-Bullying Alliance** <https://www.anti-bullyingalliance.org.uk>
- **MoJ Victim Support** <https://www.rapecentre.org.uk>
- **The Survivors Trust** <http://thesurvivorstrust.org/isva>
- **Victim Support** <https://www.victimsupport.org.uk>
- **Gillick Competency**
<https://www.nspcc.org.uk/preventing-abuse/childprotection-system/legaldefinition-child-rights-law/gillick-competency-fraser-guidelines>
- **Parent Zone** <https://parentzone.org.uk>
- **Thinkuknow** <https://www.thinkuknow.co.uk/parents>