



Rosehill Junior School

Sexual Harassment & Sexual Violence Policy

November 2022





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1. Introduction

In December 2017, the Department for Education released advice; Sexual violence and sexual harassment (updated September 2021) to take into account DfE and NSPCC focus on sexual harassment and sexual violence between children in schools and colleges – advice for governing bodies, proprietors, head teachers, principals, senior leadership teams and designated safeguarding leads.

The advice is to be read and referenced alongside Keeping Children Safe in Education September 2022 (Sexual Harassment and Sexual Violence is also covered within the Keeping Children Safe in Education document). The focus is sexual violence and sexual harassment between children at school and college, the guidance seeks to define the issues, minimise risks and what to do if an incident occurs/alleged to have occurred.

2. Legal Framework

This policy has been created with due regard to all relevant legislation including, but not limited to, the following:

Legislation

- Children Act 1989
- Children Act 2004
- Safeguarding Vulnerable Groups Act 2006
- Sexual Offences Act 2003
- The General Data Protection Regulation (GDPR)
- Data Protection Act 2018

Statutory guidance

- DfE (2018) 'Working Together to Safeguard Children'
- DfE (2022) 'Keeping children safe in education'

3. Context



Rosehill Junior School is committed to providing a safe and respectful environment where the whole community is able to learn and thrive free from sexual violence and sexual harassment.

The school takes any incidents of sexual violence or sexual harassment very seriously and is committed to handling all reports sensitively, effectively and in a timely manner. We are clear that sexual violence and sexual harassment are not acceptable, will never be tolerated and are not an inevitable part of growing up. We will always challenge behaviour or language that seeks to normalise sexual harassment or violence in school.

Sanctions will be applied in accordance with our Behaviour Policy. This policy has been developed in line with the Department for Education's sexual violence and sexual harassment between children in schools and colleges (September 2021) guidance document.

The policy and procedures outlined below should be considered alongside the school Child Protection Policy and relevant published government guidance.

What is meant by sexual violence and sexual harassment between children?

Sexual violence and sexual harassment can occur between two children of any sex. Additionally, sexual violence and sexual harassment can 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 distressing. This will, in all likelihood, adversely affect their educational attainment. Rosehill Junior School will aim to support these students to access their education and get the correct specialist support, working in partnership with the Police and Children's Services.

4. Definitions

Sexual Harassment

When referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur online and offline. When we reference sexual harassment, we do so in the context of child on child sexual harassment. 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.

Whilst not intended to be an exhaustive list, sexual harassment can include:

- 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 or interfering with someone's clothes
- displaying pictures, photos or drawings of a sexual nature
- online sexual harassment, which might include non-consensual sharing of sexual
- images and videos and sharing sexual images and videos (both often referred to as youth produced sexual imagery /nudes /sexting), inappropriate sexual comments on social media, exploitation, coercion and threats
- online sexual harassment may be standalone or part of a wider pattern of sexual harassment and/or sexual violence

Sexual harassment creates an atmosphere that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence.

Sexual Violence

Sexual violence refers to an act which would be considered a sexual offence under the Sexual Offences Act 2003. This includes:

- Rape
- Assault by Penetration
- Sexual Assault
- Causing someone to engage in sexual activity without consent

Child

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

Alleged perpetrator

For the purposes of this guidance, 'alleged perpetrator', and where appropriate 'perpetrator', is used to describe a child accused of carrying out sexual violence and/or



sexual harassment. It is important to note that any alleged perpetrator is entitled to, and deserves, a different level of support to that which might be provided to an adult alleged to have abused a child.

Victim

For the purposes of this guidance, the term 'victim' is used to describe children who have been subjected to sexual violence and/or sexual harassment; however, when using the term in a school, school staff should be conscious of the fact that some children may not consider themselves a victim and may not wish to be described this way.

5. Harmful Sexual Behaviour

Children's sexual behaviour exists on a wide continuum, from the perceived 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". The term has been widely adopted in child protection and is used in this policy.

Harmful sexual behaviour can occur online and/or offline and can also occur simultaneously between the two. Harmful sexual behaviour should be considered in a child protection context. The **Brook Sexual Behaviours Traffic Light Tool** will be used to support the Designated Safeguarding Lead (DSL) to make an informed, objective decisions regarding harmful sexual behaviours.

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.

6. Prevention

In order to prevent peer-on-peer abuse and address the wider societal factors that can influence behaviour, the school will educate pupils about abuse, its forms and the importance of discussing any concerns and respecting others through the curriculum, assemblies and PSHE.

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

7. 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

8. Action following a report of sexual violence and/or sexual harassment

We will carefully consider any report of sexual violence and/or sexual harassment. Important considerations will include:

- The wishes of the alleged victim in terms of how they want to proceed. This is especially important in the context of sexual violence and sexual harassment. Victims should 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.
- The nature of the alleged incident(s).
- The ages of the students involved as indicated by the Traffic Light Tool.
- The developmental stages of the students involved as indicated by the Traffic Light Tool.
- Any power imbalance between the students (for example, is the alleged perpetrator significantly older?).



- If the alleged incident is a one off or a sustained pattern of abuse (where this may be known).
- Whether there are any ongoing risks.
- Other related issues and wider context.

Where incidents and/or behaviours are associated with factors outside the school or occur between children outside the school, we will consider contextual safeguarding. This simply means assessments of children in such cases, should consider whether wider environmental factors are present in a child's life that are a threat to their safety and/or welfare.

Options to manage the report

We will consider every report on a case-by-case basis. When to inform the alleged perpetrator will be a decision that will be carefully considered.

Where a report is going to be made to Children's Social Care and/or the Police, then, as a general rule, we will speak to the relevant agency and discuss next steps and how the alleged perpetrator will be informed of the allegations. There are four likely scenarios we will need to consider when managing any reports of sexual violence and/or sexual harassment.

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. 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.

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 DSL and DDSs 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

9. 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.

There are four likely scenarios we will need to consider when managing any reports of sexual violence and/or sexual harassment.

1. Manage internally

In some cases of sexual harassment (for example, one-off incidents) the school may take the view that the students concerned are not in need of Early Help or statutory intervention and that it would be appropriate to handle the incident internally, perhaps through utilising our Behaviour and Anti-Bullying Policies and by providing pastoral support.

2. Early Help

In line with the above, we may decide that the children involved do not require statutory interventions but may benefit from Early Help. Early Help can be particularly



useful to address non-violent harmful sexual behaviour and may prevent escalation of sexual violence.

3. Referral to Children's Social Care

Where a child has been harmed, is at risk of harm or is in immediate danger, a likely course of action will be that we make a referral to local children's social care.

4. Reporting to the Police

Where a report of rape, assault by penetration or sexual assault is made, the starting point is this should be passed on to the Police. Reporting to the Police will generally be in parallel with referrals to Children's Social Care. At this stage, schools will generally inform parents unless there are compelling reasons not to do so (for example, if informing a parent is likely to put a child at additional risk). In circumstances where parents have not been informed, it will be especially important that the school supports the child in any decision they take. This should be in conjunction with the support of Children's Social Care.

Where a report has been made to the Police, the school will consult the Police and agree what information can be disclosed to staff and others; in particular, the alleged perpetrator and their parents. We will also discuss the best way to protect the victim and their anonymity.

10. 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 DDSs 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 DDSs 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.

11. 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.

12. Risk Assessment

The DSL or DDSs 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, where needed, (either on paper or electronically) and kept under review in accordance with the school's Data Protection Policy.

13. Ongoing Considerations:

victim and alleged perpetrator sharing classes

We will consider the scenario where the victim and alleged perpetrator are sharing classes and sharing space at school. This will inevitably involve complex and difficult professional decisions, including considering our duty to safeguard children and our duty to educate them. It is important each report is considered on a case-by-case basis and risk assessments are updated as appropriate.

Where there is a criminal investigation, the alleged perpetrator should be removed from any classes they share with the victim. We will consider how best to keep the victim and alleged perpetrator a reasonable distance apart on school premises.

This is in the best interests of both students and should not be perceived to be a judgement on the guilt of the alleged perpetrator; close liaison with the police is essential.

DfE guidance states that where a criminal investigation into a rape or assault by penetration leads to a conviction or caution, the school should take suitable action, if they have not already done so. In all but the most exceptional of circumstances, the rape or assault is likely to constitute a serious breach of discipline and lead to the view that allowing the perpetrator to remain in the same school would seriously harm the education or welfare of the victim (and potentially other students).

Where a criminal investigation into sexual assault leads to a conviction or caution, we will consider any suitable sanctions in light of our Behaviour Policy, including consideration of permanent exclusion (even if the incident(s) has not occurred in school).

Where the perpetrator is going to remain at school, the principle would be to continue keeping the victim and perpetrator in separate classes and continue to consider the most appropriate way to manage potential contact. The nature of the conviction or caution and wishes of the victim will be especially important in determining how to proceed in such cases. The fact that another body is investigating or has investigated an incident does not in itself prevent Rosehill Junior School from imposing a sanction



in accordance with the school's Behaviour Policy, using the balance of probabilities to draw objective and appropriate conclusions.

Reports of sexual assault and sexual harassment will, in some cases, not lead to a report to the Police (for a variety of reasons). In some cases, rape, assault by penetration, sexual assault or sexual harassment is reported to the police and the case is not progressed or is reported to the Police and ultimately results in a not-guilty verdict. The process will have affected both victim and alleged perpetrator and these results do not necessarily mean the offence did not happen or that the victim lied.

Appropriate support will be provided to both as required, and consideration will be given when considering the sharing of classes and potential contact as required on a case-by-case basis.

All of the above should be considered with the needs and wishes of the victim at the heart of the process and any arrangements will be kept under review.

14. Safeguarding other children

Consideration should be given to supporting children who have witnessed sexual violence, especially rape and assault by penetration. We will signpost agencies and support services available where needed.

Following any report of sexual violence or sexual harassment, it is likely that some children will take 'sides'. The school will do all we can to ensure both the victim and alleged perpetrator, and any witnesses, are not subject to any bullying or harassment.

Social media is very likely to play a central role in the consequences from any incident or alleged incident. There is the potential for contact between victim and alleged perpetrator and a very high likelihood that friends from either side could well harass the victim or alleged perpetrator online. Any evidence we have of students using social media inappropriately will be managed and sanctioned according to our Behaviour and Anti-Bullying Policies.

15. Monitoring and Review of this Policy

The implementation of this policy will be monitored by the Headteacher and Designated Safeguarding Lead (DSL). In addition, the Governing Body will be provided with relevant anonymous information regarding sexual harassment and sexual



violence to enable it to carry out its oversight function. This policy will be reviewed by the Governing Body on a regular basis.