CHILD ON CHILD HARMFUL SEXUAL BEHAVIOUR POLICY FOR CLAVERING PRIMARY SCHOOL

APPROVED BY GOVERNORS September 2022 (Chair's Action)

POLICY TO BE REVIEWED September 2023

DESIGNATED SAFEGUARDING LEAD:	NAME: MISS ROSALIND ALLSOP CONTACT NUMBER: 01799550300
DEPUTY DESIGNATED SAFEGUARDING LEAD:	MRS ANNABELLE HALL MS YOLANDA CROSBY MRS ALISON COURSE MISS RACHEL MORTON CONTACT NUMBER: 01799550300
DESIGNATED SAFEGUARDING GOVERNOR:	NAME: RAY GOODING (COG) RACHEL BETTS

Learning to be the best that we can

SAFEGUARDING POLICY STATEMENT

'Clavering Primary School is committed to safeguarding and promoting the welfare of children and expects all staff and volunteers to share in this commitment'

Copyright © Essex County Council 2022
No part of this publication may be reproduced, stored in a retrieval system of any nature, downloaded, transmitted or distributed in any form or by any means including photocopying and recording, without the prior written permission of Essex County Council, the copyright owner

Contents

1	Introduction
2	What harmful sexual behaviour means ▪ Sexual violence ▪ Sexual harassment ▪ Online sexual harassment
3	Preventative work ▪ Children ▪ Parents and carers ▪ Staff
4	Managing reports of harmful sexual behaviour ▪ Children ▪ Confidentiality and information-sharing ▪ Anonymity ▪ Recording ▪ Investigation ▪ Risk Assessment ▪ Considerations ▪ Safeguarding and supporting a victim ▪ Safeguarding and supporting an alleged perpetrator ▪ Informing parents and carers ▪ Ongoing support for our children
5	Outcomes ▪ Manage internally ▪ Early Help ▪ Requests for support to Children's Social Care ▪ Reporting to the police

Copyright © Essex County Council 2022
No part of this publication may be reproduced, stored in a retrieval system of any nature, downloaded, transmitted or distributed in any form or by any means including photocopying and recording, without the prior written permission of Essex County Council, the copyright owner

1. Introduction

Children's sexual behaviour exists on a wide continuum. It ranges from normal and developmentally expected (age-appropriate), to inappropriate, problematic, abusive, and violent. Problematic, abusive, and violent sexual behaviour is developmentally inappropriate and may cause developmental damage. This is known as Harmful Sexual Behaviour and it can occur online or in person, or simultaneously. Our school recognises that children are vulnerable to and also capable of harmful sexual behaviour.

We take any allegation of abuse between our children seriously and follow our child protection procedures if a report of harmful sexual behaviour is made. This may include seeking advice and support from other agencies as appropriate. Decisions are made taking into account the age and developmental stages of any child involved. We also consider any other factors as appropriate and balance this with our duty and responsibilities to protect all children.

Within this policy we use the following widely used and recognised terms in places: 'victim(s)' and 'alleged perpetrator(s)'. We recognise that a child who has reported abuse may not consider themselves to be a victim and may not want to be described in this way. We also recognise that a child who is reported to have displayed abusive behaviour may not consider that they have done so, and that if abusive behaviour has occurred it will have been impactful to them too. We are conscious of the language we use when managing reported abuse, especially when speaking with our children, and will consider this on a case-by-case basis. We are prepared to use any term which our children are most comfortable with.

2. What harmful sexual behaviour means

The Department for Education (DfE) publishes statutory guidance for all education settings: Keeping children safe in education (DfE, 2022). Part 5 of this guidance sets out how schools should manage reports of child-on-child sexual violence and harassment (harmful sexual behaviour).

Sexual violence

This means sexual offences under the Sexual Offences Act 2003 as described below:

- rape;
- assault by penetration;
- sexual assault (which includes inappropriate or unwanted sexualised touching); and
- causing someone to engage in sexual activity without consent (consent is about having the freedom and capacity to choose – a child under the age of 13 can never consent to any sexual activity).

Sexual harassment

This means unwanted conduct of a sexual nature, which can occur online and offline and both inside and outside of school, including:

- sexual comments (telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance, calling someone sexualised names);

Copyright © Essex County Council 2022
No part of this publication may be reproduced, stored in a retrieval system of any nature, downloaded, transmitted or distributed in any form or by any means including photocopying and recording, without the prior written permission of Essex County Council, the copyright owner

- 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; and
- upskirting, which typically involves taking a picture or video under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, and / or to cause the victim humiliation, distress, or alarm (this is a criminal offence).

Online sexual harassment
This can be a single event, or part of a wider pattern of sexual harassment and / or sexual violence. It may include:

- consensual and non-consensual sharing of nude and semi-nude images and/or videos (this is a criminal offence);
- 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.

We recognise that our children can experience harmful sexual behaviour in various settings. This includes at school, at home (or at another home), in public places, and online. At school, issues can occur in places which are supervised and unsupervised. For example, abuse may occur in toilets, corridors, changing areas, common rooms, outside spaces such as the playground and sports facilities, and when children are travelling home.

3. Preventative work

Today's children and young people are growing up in an increasingly complex world and living their lives seamlessly on and offline. This presents many positive and exciting opportunities, but also challenges and risks. In this environment, children and young people need to know how to be safe and healthy, and how to manage their academic, personal, and social lives in a positive way.

Relationships and sex education (RSE) and health education (DfE, 2019)

Copyright © Essex County Council 2022
No part of this publication may be reproduced, stored in a retrieval system of any nature, downloaded, transmitted or distributed in any form or by any means including photocopying and recording, without the prior written permission of Essex County Council, the copyright owner

Children

We use relationships, sex, and health education to help our children understand how to recognise and to report abuse, including emotional, physical, and sexual abuse. We teach our children about respectful relationships in all contexts, including online, and boundaries and privacy, which helps to ensure that children understand that they have rights over their own bodies.

We balance teaching children about making sensible decisions to stay safe (including online) whilst being clear it is never the fault of a child who may have been abused, and why victim blaming is always wrong. These subjects complement our delivery of health education, including physical and mental health and wellbeing, and are part of our whole-setting approach to safeguarding our children.

All teaching is delivered in an age-appropriate way.

We understand that our children may not always feel able to talk to adults about child-on-child sexual abuse. To help them, we will encourage them to share their thoughts and opinions, respond to their concerns, and respect and listen to them. We want our children to feel confident that any concerns they raise will be responded to appropriately.

Please see our Relationships and Sex Education Policy - http://www.clavering.essex.sch.uk/sex-education-policy/

Parents and carers

It is important that parents and carers understand what is meant by harmful sexual behaviour and that they reinforce key messages from school at home. We work in partnership with parents and carers to support our children and want to help them to keep their child/ren safe. Parents and carers should understand:

- the nature of harmful sexual behaviour;
- the effects of harmful sexual behaviour on children;
- the likely indicators that such behaviour may be taking place; and
- what to do if it is suspected that child-on-child sexual abuse has occurred.

Further information to support parents and carers in relation to harmful sexual behaviour is available online, including on the NSPCC and Lucy Faithfull Foundation websites.

Staff

Our staff undertake annual safeguarding training to ensure they are aware of the signs of abuse and how to recognise them. Staff also receive regular updates on a number of safeguarding issues, including harmful sexual behaviour. The training ensures that our staff know what to do if they receive a report that harmful sexual behaviour may have occurred, including how to support our children.

Copyright © Essex County Council 2022
No part of this publication may be reproduced, stored in a retrieval system of any nature, downloaded, transmitted or distributed in any form or by any means including photocopying and recording, without the prior written permission of Essex County Council, the copyright owner

4. Managing reports of harmful sexual behaviour

Children

How we manage reports of harmful sexual behaviour made by our children is very important. The wellbeing of our children is always central to our approach. Any child reporting a concern will be treated respectfully. We always reassure them that they are being taken seriously and that they will be supported and kept safe. No child will ever be made to feel that they are creating a problem by reporting harmful sexual behaviour or to feel ashamed. Abuse that occurs online or outside of the school will not be downplayed and will be treated equally seriously.

Our staff will follow these safeguarding practice principles:

- wherever possible, managing any report of harmful sexual behaviour with two members of staff present. This will usually include our Designated Safeguarding Lead (or Deputy Designated Safeguarding Lead);

- listening carefully to a child in a non-judgemental way and ensuring we are clear about how the report will be progressed. We will ensure our children know they can speak to our staff again if they wish to provide more information, or for any other reason.

- where a report includes an online element, we work to the government advice in Searching screening and confiscation and UKCIS Sharing nudes and semi nudes advice for education settings working with children and young people. We will never view an illegal image of a child as part of our response to a report of harmful sexual behaviour, unless absolutely necessary in exceptional circumstances. We will never forward an illegal image of a child; and

- working in partnership with other agencies (including statutory partners) to ensure that concerns are appropriately managed. Where a child already has Children's Social Care involvement, such as a Looked After Child, a Child In Need or a child with a Child Protection Plan, we will inform the child's Social Worker and work in partnership with them as appropriate.

Confidentiality and information sharing

Our staff will never guarantee confidentiality to anyone (including parents/carers or children) about a safeguarding concern, nor promise to keep a secret. In accordance with statutory requirements, where there is a child protection concern, this must be reported to our Designated Safeguarding Lead (or Deputy Designated Safeguarding Lead) and may require further referral to and subsequent investigation by appropriate authorities. Parents and carers will normally be informed about any report of abuse, unless we consider that this may place the victim at greater risk.

In some cases, we may need to make a request for support to Children's Social Care and / or a report to the police where this is against a child's wishes. In such cases, we will explain our reasons for doing so and support the child appropriately.

Anonymity

We will do all we reasonably can to protect the anonymity of any children involved in any report of harmful sexual behaviour. This means we will consider carefully, based on the nature of the report, which staff should

Copyright © Essex County Council 2022
No part of this publication may be reproduced, stored in a retrieval system of any nature, downloaded, transmitted or distributed in any form or by any means including photocopying and recording, without the prior written permission of Essex County Council, the copyright owner

know about it, and which staff should know about any support that will be put in place for the children involved.

We are aware of the potential impact of social media, which can facilitate the spreading of rumour and expose a victim's identity, making things more challenging for them. Where the use of social media becomes a factor and is affecting our capacity to manage the report and support our children, we will address this, linking with agencies as appropriate.

Recording

It is essential that we record all reports about harmful sexual behaviour within our school, as with any other child protection concern, in line with our Child Protection Policy. Any member of staff receiving a report of harmful sexual behaviour or noticing signs or indicators of this will record it as soon as possible, noting what was said or seen (if appropriate, using a body map to record), giving the date, time, and location. The record will then be presented to the Designated Safeguarding Lead (or Deputy Designated Safeguarding Lead), who will decide on appropriate action and record this accordingly.

If a child is at immediate risk of harm, our staff will speak with the Designated Safeguarding Lead (or Deputy Designated Safeguarding Lead) first as soon as possible, and deal with recording as soon as possible afterwards.

Investigation

Our Designated Safeguarding Lead will be responsible for leading investigations, and for liaising with other agencies as appropriate, for example Children's Social Care and the police. They will also be the main point of contact for parents and carers. The Designated Safeguarding Lead will ensure there are accurate records for each stage of the investigation and that any supporting information is included in our Child Protection files.

Risk Assessment

We will usually complete a risk assessment following a report of harmful sexual behaviour. Our risk assessment will include the following considerations:

- the victim, and any actions that may be appropriate to protect them;
- whether there may have been other victims;
- the alleged perpetrator(s);
- the time and location of the incident(s), and any action required to make the location(s) safer; and
- all other children (and, if appropriate, our staff) at the school, especially any actions that are appropriate to protect them from the alleged perpetrator(s), or from future harms.

Our risk assessment will be recorded and reviewed regularly to ensure it remains relevant and fit for purpose. Wherever possible, the victim, alleged perpetrator, and their parents and carers will be invited to contribute to the completion and subsequent reviews of the risk assessment.

Copyright © Essex County Council 2022
No part of this publication may be reproduced, stored in a retrieval system of any nature, downloaded, transmitted or distributed in any form or by any means including photocopying and recording, without the prior written permission of Essex County Council, the copyright owner

At all times, we will be actively considering any risks that are identified through our risk assessment, and its ongoing review, to our children. We will put measures in place to protect our children accordingly.

Considerations

The safety of our children is paramount. We will use a proportionate approach, based on the principle that harmful sexual behaviour is not acceptable and will not be tolerated. Our approach will help us to ensure that all children are protected and supported appropriately.

The following principles will guide us:

- the wishes of the victim in terms of how they want to proceed;
- the nature of the alleged incident(s), including whether a crime may have been committed and/or whether harmful sexual behaviour has been displayed;
- the ages and developmental stages of all children involved;
- consideration of any power imbalance between the children involved;
- consideration of whether the alleged incident is a one-off or part of a sustained pattern of abuse;
- that sexual violence and sexual harassment can take place within intimate personal relationships between children;
- the importance of understanding intra-familial harms and any necessary support for siblings following incidents;
- consideration of any ongoing risks to the victim, other children, or school staff; and
- consideration of any other related issues and wider context.

All concerns will be considered carefully on a case-by-case basis. Our actions will not be judgemental about the guilt of the alleged perpetrator and will always be taken in the interests of all children involved, balanced with our duty and responsibilities to protect our other children.

Safeguarding and supporting a victim

We will assess what short-term and long-term support a child may need to help them manage the immediate aftermath of an incident, and to recover from what they have experienced. A child's existing support network will be central to this work; we will work with other partners as appropriate and in accordance with a child's wishes and, wherever appropriate, in discussion with parents and carers.

We will consider what is necessary to support a victim straightaway. For example, making adaptations to their timetable and in-school support and taking steps to protect them from attention or peer pressure they may experience due to making a report. We will also ensure there is regular review of arrangements to be confident they meet the needs of all children involved.

Copyright © Essex County Council 2022
No part of this publication may be reproduced, stored in a retrieval system of any nature, downloaded, transmitted or distributed in any form or by any means including photocopying and recording, without the prior written permission of Essex County Council, the copyright owner

It may be necessary to make requests for support to mental health and wellbeing services or for therapeutic intervention. We may also need to liaise with other agencies to remove inappropriate material from the Internet, such as the Internet Watch Foundation.

Safeguarding and supporting an alleged perpetrator

We have a duty of care to all children and will protect and support children who have displayed harmful sexual behaviour. We will do this through considering a child's needs, any risks to their safety and what multi-agency responses are needed to support them and their family.

Some children may not realise they have behaved abusively. We will not use language that may make them feel judged or criminalised and ensure that any intervention will be at the least intrusive level required to effectively address the behaviour.

We will carefully consider when to inform an alleged perpetrator(s) about a report of harmful sexual behaviour made against them. Where a request for support is going to be made to Children's Social Care or the police, then, as a general principle, our Designated Safeguarding Lead will speak to those agencies to discuss next steps, including how the alleged perpetrator(s) will be informed of the allegations. This will not prevent the school from taking immediate action to safeguard children, where required.

We will consider appropriate sanctions using our behaviour policy, and work with a child and their support network to consider measures that may help to address their behaviour.

Informing parents and carers

In line with our child protection procedures, we inform parents or carers about reports of sexual abuse, unless to do so may place a child at additional risk. We will seek advice from other safeguarding partners in individual cases. In circumstances where parents or carers have not been informed, we will ensure that we support a child in any decision we take. This is likely to be with the support of Children's Social Care and any appropriate specialist agencies.

Ongoing support for our children

Children who have experienced harmful sexual behaviour display a wide range of responses. Children may show clear signs of trauma, physical and emotional responses, or no overt signs at all. Children who display harmful sexual behaviour may also respond in these or in other ways. We will remain vigilant and show sensitivity to the needs of all our children, for example, about attendance in lessons.

We will consider what ongoing support our children may need, and tailor this on a case-by-case basis. For example, the support provided for children following a single incident of a lewd remark may be different from that following a report of sexual assault. Examples are pastoral support, counselling services, and ensuring that there is a trusted adult for the children involved to speak with if they wish to. It may be necessary for us to maintain arrangements to protect and support victims for some time, working with Children's Social Care and other agencies as required.

We may also need to provide support to children who have witnessed harmful sexual behaviour, or otherwise been affected. This will be informed by our risk assessment and our ongoing work.

Copyright © Essex County Council 2022
No part of this publication may be reproduced, stored in a retrieval system of any nature, downloaded, transmitted or distributed in any form or by any means including photocopying and recording, without the prior written permission of Essex County Council, the copyright owner

We will also consider whether any intervention or support is required as part of a whole-setting approach for our children, or with the wider school community.

5. Outcomes

We will always seek to ensure that outcomes are appropriate and proportionate to the circumstances in relation to a report, liaising with our safeguarding partners as appropriate.

The following scenarios may apply:

Manage internally

In some cases of sexual harassment, for example one-off incidents, we may take the view that the children involved are not in need of early help or statutory intervention. In these cases, we will follow our other school policies in addressing matters, for example our behaviour / anti-bullying policies, and provide pastoral support where appropriate.

Early Help

Where statutory intervention is not required or agreed, we may use early help instead. This means providing support as soon as a problem emerges, at any point in a child's life. We will work with parents and carers and other relevant partners when following this approach, which can be particularly useful in addressing non-violent harmful sexual behaviour and may prevent escalation.

Requests for support to Children's Social Care

Where a child has been harmed, is at risk of harm, or is in immediate danger, we will make a request for support to Children's Social Care. We will inform parents and carers of this unless to do so may put a child at additional risk. We will seek advice from other safeguarding partners in individual cases.

If we make a request for support, Children's Social Care will consider whether the children involved need protection or other services. Where statutory assessments are appropriate, the school will work with Children's Social Care and other agencies as appropriate. Partnership working helps to ensure the best possible package of coordinated support is implemented for the victim and, where appropriate, the alleged perpetrator and any other children that require support.

In some cases, Children's Social Care will review the evidence and decide a statutory intervention is not appropriate. If a statutory assessment is not considered appropriate by Children's Social Care, we will consider what other support for the children involved may be required. We will make further requests for support to Children's Social Care if we consider that a child remains in immediate danger or at risk of harm.

Reporting to the police

Where a report of rape, assault by penetration or sexual assault is made, we will report it to the police. Whilst the age of criminal responsibility is ten, if the alleged perpetrator(s) is under ten, the starting principle of reporting to the police remains. The police will take a welfare, rather than a criminal justice, approach.

Where we have made a report to the police, we will consult with them and agree what information can be disclosed to our staff and others, in particular the alleged perpetrator and their parents or carers. We will also discuss the best way to protect the victim and their anonymity.

Copyright © Essex County Council 2022
No part of this publication may be reproduced, stored in a retrieval system of any nature, downloaded, transmitted or distributed in any form or by any means including photocopying and recording, without the prior written permission of Essex County Council, the copyright owner

Where there is a criminal investigation, we will work closely with the police and other agencies as appropriate to support all children involved (including potential witnesses). This will help to ensure that any actions we take do not jeopardise a police investigation. Sometimes the police will decide that further action is not required. In these circumstances we will continue to engage with other agencies to support the children involved.

Copyright © Essex County Council 2022
No part of this publication may be reproduced, stored in a retrieval system of any nature, downloaded, transmitted or distributed in any form or by any means including photocopying and recording, without the prior written permission of Essex County Council, the copyright owner