Child on Child Harmful Sexual Behaviour Policy
for
Tollesbury Primary School

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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, which children can experience in various settings, including at school, at home (or in another home), in public places, online or in person, or simultaneously. Our school recognises that children are vulnerable to, and 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 disclosed 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 harmful or abusive behaviour may not consider that they have done so, and that they will also need a safeguarding response. When managing reports of abuse, we are mindful of the language used, particularly when speaking with children, and will adapt this according to the needs of the child.

2. What harmful sexual behaviour means

The Department for Education (DfE) publishes statutory guidance for all education settings: Keeping Children Safe in Education (DfE). Part five of this statutory 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);
- 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 harmful sexual behaviour
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.

3. Whole school approach to harmful sexual behaviour

Today's children and young people are growing up in an increasingly complex world and living their lives seamlessly online 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)

Children
We use lessons and assemblies to teach children in an age-appropriate way about healthy, positive, and respectful relationships. We help our children to understand what is meant by boundaries and privacy, online and offline. We aim to provide children with the language to report abuse and explain how they can report concerns and tell a trusted adult if someone is behaving in a way that makes them feel uncomfortable.

We balance teaching children about making sensible decisions to stay safe (online and offline), whilst being clear that abuse is never the fault of a victim, 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.

Please request to see our Relationships, Health and Sex Education Policy, if you would like further information.

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 harmful sexual behaviour 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.

Online Safety
It is essential that children are safeguarded from potentially harmful and inappropriate online material. We have systems in school to filter information and block internet access to harmful sites and inappropriate content. These systems are monitored and regularly reviewed to ensure they are effective, and all staff are trained in online safety and how to report concerns.

4. Procedures for responding to harmful sexual behaviour

How we respond to harmful sexual behaviour 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.

We will do this by:

- 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 will 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.

- 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.

Our Designated Safeguarding Lead will take the lead in our setting where harmful sexual behaviour has occurred. They will liaise with other agencies as appropriate, including the statutory agencies for safeguarding when required. The Designated Safeguarding Lead will ensure that accurate safeguarding records are kept and that all relevant information is included in the Child Protection file of any child involved.

Confidentiality and information sharing

Our staff will never guarantee confidentiality to anyone (including children or parents/carers) 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 a statutory agency (police and / or Social Care). Parents and carers will normally be informed about any report of abuse, unless we consider that this may place a child at greater risk.

In some cases, where we may need to involve another agency, this may be against the wishes of a child and / or their parent / carers. In such cases, we will explain our reasons for doing so and support them accordingly.

Anonymity

It is important that any child (victim or perpetrator) is safeguarded when an incident of harmful sexual behaviour has occurred. We will do all we reasonably can to protect the anonymity of all children involved and will make decisions about sharing information, and with whom, based on the individual circumstances.

We are aware of the potential impact on safeguarding where a victim or perpetrator's identity is exposed and will take all necessary action to prevent this from happening in order to keep children involved safe. Where the use of social media becomes a factor and compromises the safety of any child, we will address this and involve other agencies as appropriate.

Recording incidents

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 (please refer to our school website). 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 afterwards.

Brook Traffic Light Tool
At our school, the Designated Safeguarding Lead has undertaken training for Brook's nationally recognised Sexual Behaviours Traffic Light Tool. This tool helps professionals to identify, understand and respond appropriately to sexual behaviours in children and young people. It helps us make consistent and informed decisions about our response to sexual behaviours and it supports our existing safeguarding arrangements.

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 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.

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.

Principles
We will, at all times, take a balanced and proportionate approach to harmful sexual behaviour, based on the principle that it is not acceptable and will not be tolerated. Our approach will help us to ensure that all children are protected and supported appropriately.

Whilst inappropriate behaviours will be challenged and addressed, it is in the context of providing appropriate support to all children in our school where harmful sexual behaviour has occurred. We understand there are many factors which may lead a child to display abusive behaviours towards other children, and that these matters are sensitive and often complex. We recognise our school may be the only stable, secure, and safe element in the lives of some children, particularly those who have experienced harm and trauma.

Cases of harmful sexual behaviour will be considered carefully on an individual basis, and in conjunction with other agencies when they are involved. The safety of all our children is paramount and we have a duty of care to all pupils.

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.

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.

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 will also 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 aim to avoid language that may make them feel judged or criminalised and to ensure that any intervention will effectively address the behaviour at the appropriate level of need. We want to ensure that children receive the right help at the right time.

We will carefully consider when to inform an alleged perpetrator(s) about a report of harmful sexual behaviour made against them. Where contact with Children's Social Care and / or the police is required, our Designated Safeguarding Lead will speak to those agencies to discuss next steps, including when and how the alleged perpetrator(s) will be informed of the allegations. This will not prevent us 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.

Information to parents and carers
In line with our child protection procedures, we inform parents or carers about reports of harmful sexual behaviour, unless to do so may place a child at additional risk. We will seek advice from other safeguarding partners in individual cases based on the circumstances of the individual case. Where we have been advised that parents / carers should not be immediately informed, we will continue to support any child involved, according to their needs. This is likely to be with the support of Children's Social Care and / or the police and any other appropriate specialist agencies.

Ongoing support for our children
We will consider what ongoing support our children may need, and tailor this on a case-by-case basis, according to the needs of all children involved. Support, where it is required, may include pastoral support, counselling services, provision of a trusted adult or a referral to an external specialist agency. Where other agencies are involved, decisions about support will be made in the context of partnership working, with the needs of the child central to these discussions.

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

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 community of our setting.

5. Outcomes

We will always seek to ensure that outcomes are appropriate and proportionate to the circumstances in relation to an actual or alleged incident, 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 child protection / behaviour / anti-bullying policies and provide pastoral support where appropriate. All these policies can be found on the school website.

Early Help
Where statutory intervention is not required or agreed, we may use an early help approach 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 undertaken, 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 is at risk of harm.

Reporting to the police

Where a report of rape, assault by penetration or sexual assault is made, we are required to 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. However, 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.

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.