



# **Carlton Academy Trust: Sexual Violence & Sexual Harassment Policy**

**Approved on behalf of Trustees:**

**Roger Butterfield**

**Approval Date:**

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**Next Review Date:**

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## **Policy Statement and Intent**

This policy aims to provide staff with an understanding of what constitutes peer on peer sexual violence and harassment, and what to do if they have a concern or receive a report.

The Trust never considers sexual violence and harassment to be:

- Acceptable,
- Something to be tolerated
- An inevitable part of growing up, “Banter”, “part of growing up”, “just having a laugh” or “boys being boys”

Schools will always challenge potentially criminal behaviour including sexual assault: common examples of this are (non-exhaustive list):

grabbing bottoms, breasts and genitalia, flicking bras and lifting up skirts.

Dismissing, ignoring or tolerating such behaviours risks normalising them; and may reinforce and/or perpetuate wider societal factors such as sexist stereotypes and language.

## **Victims and (Alleged) Perpetrators**

In the scope of this policy we use the term ‘victim’ to describe any child who has been subjected to sexual violence and/or sexual harassment.

In applying this definition, it is important that all Trust schools and colleges recognise that not everyone who has been subjected to sexual violence and/or sexual harassment considers themselves a victim or would want to be described in this way. Schools should be conscious of this when managing any incident and be prepared to use any term with which the individual child is most comfortable.

For the purpose of this advice we use the term ‘alleged perpetrator’ and where appropriate ‘perpetrator’, as these are also widely used and recognised terms.

## **Harmful Sexual Behaviour**

Children’s sexual behaviour exists on a wide continuum, from normal and developmentally expected to inappropriate, problematic, abusive and violent. Problematic, abusive and violent sexual behaviour is developmentally inappropriate and may cause developmental damage. These are referred to as “harmful sexual behaviour”.

Normal	Inappropriate	Problematic	Abusive
Developmentally expected	Single instances of inappropriate sexual behaviour	Problematic and concerning behaviour	Victimizing intent or outcome
Socially acceptable	Socially acceptable behaviour within the peer group	Developmentally unusual and socially unexpected	Includes misuse of power
Consensual	Context for behaviour may be inappropriate	No overt elements of victimisation	Coercion and force to ensure victim compliance
Normal	Generally consensual and reciprocal	Consent issues are unclear	Informed consent lacking or being freely given
Shared decision making		May include levels of compulsivity	May include elements of expressive violence
		Lacks reciprocity or equal power	

Harmful sexual behaviour can occur online, offline or combination of both. When considering harmful sexual behaviour, ages and the stages of development of the children are critical factors to consider. Sexual behaviour between children can be considered harmful if one child is much older, particularly if there is more than two years' difference or if one of the children is pre-pubescent and the other is not. However, a younger child can abuse an older child, particularly if they have power over them due to the older child being disabled or smaller in stature.

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

### **Incidence of Sexual Violence and Harassment**

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 another group of children. Children who are victims of sexual violence and harassment will likely find the experience stressful and distressing and adversely affect their educational attainment.

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. Reports of sexual violence and sexual harassment are extremely complex to manage. It is essential that victims are taken seriously, offered appropriate support, and every effort is made to ensure their education is not disrupted. It is also important that other children and staff are supported and protected as appropriate.

### **Gender**

Whilst any report of sexual violence or sexual harassment should be taken seriously, staff should be aware it is more likely that girls will be the victims of sexual violence and sexual harassment and more likely it will be perpetrated by boys.

## **SEND**

Children with Special Educational Needs and Disabilities (SEND) are three times more likely to be abused than their peers. Additional barriers can sometimes exist when recognising abuse in SEND children. These include:

- Assumptions that indicators of possible abuse, such as behaviour, mood, and injury relate to the child's disability.
- The potential for children with SEND being disproportionately impacted by bullying and harassment, without outwardly showing any signs
- Communication barriers and difficulties overcoming these barriers.

As a consequence, any reports of abuse involving children with SEND will therefore require close liaison with the Designated Safeguarding Lead (DSL)/safeguarding staff and SENDCO.

## **LGBTQ**

Children who are lesbian, gay, bi-sexual, or trans-sexual (LGBT) are vulnerable to being targeted by their peers.

## **Types and Definitions of Sexual Violence**

(All definitions in accordance with the Sexual Offences Act 2003)

### **Rape**

Where a person intentionally penetrates the vagina, anus or mouth of another non-consenting person with his penis, and could not reasonably believe that they consented.

### **Assault by Penetration:**

A person commits this offence if they:

- Intentionally penetrate the vagina or anus of another person with a part of their body or object
- The penetration is sexual
- Is not consensual or could not reasonably be believed to be consensual.

### **Sexual Assault**

Sexual assault occurs when someone touches another person in a sexual manner, and this touching is non-consensual or could not reasonably be believed to be consensual.

### **Sexual Harassment**

Sexual harassment is unwanted conduct of a sexual nature and may:

- Violate a child's dignity, make them feel intimidated, degraded or humiliated
- Create a hostile, offensive or sexualised environment.

It can occur online and offline and may comprise (non-exhaustive list):

- Sexual or lewd comments, jokes or taunting
- Telling sexual stories
- Making sexual remarks about clothes and appearance, or calling someone sexualised names
- Deliberately brushing against someone or interfering with someone's clothes
- Displaying pictures, photos or drawings of a sexual nature

- Online sexual harassment (including social media): This can comprise non-consensual sharing of sexual images/videos, sexualised online bullying, unwanted sexual comments/messages, sexual exploitation, coercion and threats

Online sexual harassment may be stand-alone, or part of a wider pattern of sexual harassment and/or sexual violence. Sexual harassment must not be left unchallenged, as it may create an atmosphere that normalises inappropriate behaviours and provide an environment that may lead to sexual violence.

### **Consent to Sexual Activity**

Consent is the freedom and capacity to choose. Consent to sexual activity may be given to one sexual activity but not another, and can be withdrawn at any time during sexual activity and each time activity occurs.

Someone who consents to vaginal, anal or oral penetration only agrees by choice to that penetration and has the freedom and capacity to make that choice. Sexual intercourse without consent is rape. The legal age of consent is 16, and a child under the age of 13 can never consent to any sexual activity.

### **Reporting Sexual Violence of Harassment**

Any actual or suspected incidence of sexual violence or harassment should be reported to the DSL/safeguarding team as soon as reasonably possible. It is essential that victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.

Victims may not make a direct report, with for example a friend making a report or a member of staff overhearing a conversation that suggests a child has been harmed. Where this occurs, it is important the school makes efforts to understand why the victim has chosen not to make a report themselves.

### **Effective Recording of Incidents**

All staff will be trained to effectively record a disclosure from a child. Good practice guidelines comprise:

- Not promising confidentiality
- Staff only sharing the report with those people who are necessary in order to progress it.
- Informing the child what the next steps will be and who the report will be passed to.
- Being supportive and respectful of the child, listening carefully and being non-judgmental.
- Not asking leading questions and only prompting the child where necessary with open-ended questions – where, when, what, etc.
- Record on CPOMS only facts as the child presents them, and not the member of staff's personal opinions as this could form the basis of a criminal investigation
- Ideally having two members of staff present, with one asking questions and the other making a full record. When this is not possible, the member of staff should wait until the end of the discussion before writing a full report. This allows the staff member to devote their full attention to the child and to fully listen to what they are saying.

- Where the disclosure includes an online element, staff **should not** view youth produced sexual images. Wherever possible responses to incidents should be based on what staff/DSLs have been told about the content of the imagery.
- If a decision is made to view imagery, the DSL would need to be satisfied that viewing:
  - is the only way to decide about whether to involve other agencies (i.e. it is not possible to establish the facts from the young people involved)
  - is necessary to report the image to a website, app or suitable reporting agency to have it taken down, or to support the young person or parent in making a report
  - is unavoidable because a young person has presented an image directly to a staff member or the imagery has been found on a school device or network if it is necessary to view the imagery then the DSL should:
    - Never copy, print or share the imagery; this is illegal
    - Ensure viewing is undertaken by the DSL or another member of the safeguarding team with delegated authority from the headteacher
    - Ensure viewing takes place with another member of staff present in the room,
- If youth produced sexual imagery has been unavoidably viewed by a member of staff either following a disclosure from a young person or as a result of a member of staff undertaking their daily role (such as IT staff monitoring school systems) then DSLs should ensure that the staff member is provided with appropriate support. Viewing youth produced sexual imagery can be distressing for both young people and adults and appropriate emotional support may be required.

### **Further Reporting**

Parents/carers should normally be informed, unless this would put the victim at greater risk. If the child is at risk of harm, immediate danger, or has been harmed, a referral should be made to children's social care. Rapes, assault by penetration and sexual assaults are crimes, and must be referred to the police.

In considering any report of sexual violence and/or sexual harassment, the school should consider:

- The wishes of the victim in terms of how they want to proceed. 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), including whether a crime may have been committed
- The ages and developmental stages of the children involved
- Any power imbalance between the children
  - Does the child have a disability or Special Needs?
  - Is the alleged incident a one-off or a sustained pattern of abuse?
  - Are there ongoing risks to the child, other children, or staff?
  - Other related issues and wider context.

### **Informing the Perpetrator**

When to inform the alleged perpetrator should be carefully considered. Where a report is made to children's social care and/or police, the school take advice from them regarding next steps and informing the alleged perpetrator of the allegations. However, as per general safeguarding principles, this must not stop the school taking immediate action to safeguard other children.

## **Responding to Incidences of Sexual Violence or Harassment**

There are four main options that schools can take in responding to any reports of sexual violence or harassment. In all of these there is the underlying principle that sexual violence or harassment won't be tolerated. The responses are as follows:

**Manage Internally:** This is appropriate for some cases of sexual harassment, such as one-off incidents where children are not in need of early help or statutory intervention. Here, interventions can be internally applied, as deemed appropriate. All concerns, discussions, decisions and reasons for decisions should be formally recorded.

**Early Help:** This is another non-statutory intervention, where support is provided as soon as a problem emerges. It is particularly useful to address non-violent sexual behaviour, and may prevent escalation of sexual violence. All concerns, discussions, decisions and reasons for decisions should be formally recorded.

**Referrals to Children's Social Care:** This should happen where a child has been harmed, is at risk of harm, or is in immediate danger. Parents/carers will normally be informed unless informing them is going to put the child at additional risk. Children's social care will then make enquiries to determine whether any of the children involved need protection or require other services. This collaborative working will help ensure the best possible support is implemented for all children involved.

Schools should not wait for the outcome of a Children's Social Care investigation before taking action to protect children, which should take place with immediate effect. However, they should take care to ensure any actions do not jeopardise a statutory investigation. Where Children's Social Care decide a statutory intervention is not appropriate, the DSL/safeguarding staff should consider other support mechanisms such as early help, specialist or pastoral support. All concerns, discussions, decisions and reasons for decisions should be formally recorded.

### **Reporting to Police**

Where the school has support from the Safer School's Partnership Police Officer, all incidents of sexual violence or harassment will always be referred.

Any report to police will generally be in parallel to a referral to children's social care. When a report of rape, assault by penetration or sexual assault is made, the starting point is that a report should be made to the police even if the alleged perpetrator is under ten (age of criminal responsibility). Schools will inform parents/carers unless it is likely to put a child at additional risk.

The school should consult with police and agree what information can be disclosed to staff and other relevant parties, and the best way to protect the victim and their anonymity. Where no further action is taken, the school will continue to engage with specialist support as required. All concerns, discussions, decisions and reasons for decisions should be formally recorded.

When a criminal investigation is underway and there are no bail conditions (Released Under Investigation: RUI), advice should be sought from the police to help the school manage their safeguarding responsibilities. An important consideration is to ensure that the victim can continue in their normal routine, including receiving a suitable education.

Schools should not wait for the outcome of a police investigation before protecting the victim or other relevant parties. However, it is important that the DSL/safeguarding staff work closely with the police (and other agencies as required) to ensure any actions they take do not jeopardise any police investigation.

## **Actions Following the Outcome of a Police Investigation**

If a child is convicted or receives a caution for a sexual offence, the school should update its risk assessment, ensure relevant protections are in place for all children, and consider any suitable disciplinary response.

When the perpetrator is in the same school as the victim, the school should be very clear as to their ongoing expectations. This commonly includes their behaviour and any reasonable and proportionate adjustments to the perpetrator's timetable.

Any conviction, even with legal anonymity and reporting restrictions, is potentially going to generate interest among other pupils at the school. Therefore, it is important that the school ensures both the victim and alleged perpetrator remain protected, especially from bullying or harassment.

Where cases are classified as "no further action" by the police or Crown Prosecution Service, or where there is a not guilty verdict, the school should continue to offer support to the victim and the alleged perpetrator for as long as is necessary.

### **Anonymity**

Where a child requests their disclosure goes no further than the school, it may lawfully be shared if it can be justified to be in the public interest such as protecting other children from harm or promoting the welfare of children. If a further referral is made, this should be handled extremely carefully, with the reasons explained to the victim and appropriate specialist support should be offered.

Schools should do all they reasonably can to protect the anonymity of any children involved in a report of sexual violence or harassment. This will involve careful consideration of which staff should know about the report and any support that will be put in place. Schools should also consider the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities.

Schools should recognise that peer on peer abuse may be taking place and not reported for fear of repercussions. All staff are trained to be vigilant to the signs of abuse and how to reassure and support victims.

### **Risk Assessment**

When there has been a report of sexual violence, the DSL/safeguarding staff should make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis. The risk and needs assessment should consider support, safety and protection of:

- The victim
- The alleged perpetrator
- All the other children (and sometimes staff) at the school.

Risk assessments should be formally recorded, and should be kept under regular and active review.

## **Safeguarding and Supporting the Victim**

It is important that the school does everything they reasonably can to protect the victim from bullying and harassment. In doing this the school should:

- Think carefully about the terminology used to describe the victim.
- Consider the age and the developmental stage of the victim, the nature of the allegations and the potential risk of further abuse. Schools should be aware that by the very nature of sexual violence and harassment, a power imbalance is likely to have been created between the victim and alleged perpetrator.
- Keep the needs and wishes of the victim paramount (alongside protecting them). It is important they feel in as much control of the process as is reasonably possible. Wherever possible, the victim should be able to continue their normal school routine, if they wish to do so. This helps make the victim's daily experience as normal as possible, so that the school feels a safe space for them.
- Never make the victim feel they are the problem, or feel ashamed for making a report.
- Consider the proportionality of the response. Support should be tailored on a case-by-case basis. The support required regarding a one-off incident of sexualised name-calling is likely to be vastly different from that for a report of rape.

## **Ongoing Support**

Victims may be more comfortable providing information on a piecemeal, ongoing basis. Therefore, it is essential that dialogue is kept open and encouraged. When it is clear that ongoing support will be required, schools should ask the victim if they would find it helpful to have a designated trusted adult, such as their form tutor or DSL to talk to about their needs. The choice of any such adult should be the victim's, and schools should respect and support this choice.

Students may be traumatised by their experiences and may struggle in a normal classroom environment. While any action that would have the effect of isolating the victim should be avoided, there may be times when the victim finds it difficult to maintain a full-time timetable and may express a wish to withdraw from lessons. When this is done, it should be according to the wishes of the victim and not because it makes it easier to manage the situation. Support arrangements may need to be in place for a long time, and schools should work with children's social care and other agencies to facilitate this.

If the trauma results in the victim being unable to maintain mainstream provision, alternative provision or a move to another school should be considered. This should only be at the request of the victim, and discussion with their parents/carers. It is important that if the victim does move to another educational institution, they are made fully aware of any ongoing support needs. The DSL should take responsibility to ensure this happens, and discuss with the victim and parents/carers (where appropriate) the most suitable way of doing this. Following a school move, the DSL must also oversee and ensure the transfer of the child protection file.

## **Supporting the Perpetrator**

It is important to remember that any alleged perpetrator is entitled to and deserving of support to help them understand and overcome the reasons for their behaviour, and reducing the likelihood of them abusing again.

In doing this, the school should adhere to the following guidelines:

- The school should think carefully about using the appropriate terminology to describe the “alleged perpetrator” or “perpetrator”. This may prove a difficult balancing act when supporting both them and the ‘victim’.
- A child abusing another child may be a sign they have been abused themselves, or a sign of wider issues that need addressing. Schools should work with appropriate professionals to address these needs.
- Consideration should be made of the age and the developmental stage of the alleged perpetrator and nature of the allegations made against them.
- Consider the possible negative reactions of their peers to the allegations made against them.
- Consider the proportionality of the response based on the specific details of each case.
- Fully informing any new school of their ongoing support needs, and any potential risks to other children or staff. The DSL should take responsibility for this, as well as transferring the child protection file.

### **Disciplining the Alleged Perpetrator**

Taking disciplinary action and supporting the perpetrator are not mutually exclusive and may take place at the same time.

Disciplinary action can be taken by the school whilst investigations by the police and/or children’s social care are ongoing. The other investigations should not prevent the school from coming to its own conclusion on the balance of probabilities about what happened, and imposing an appropriate disciplinary sanction.

However, in doing this the school should consider if by taking action they prejudice the police/social care investigation and any subsequent prosecution. Careful liaison with the police and/or children’s social care should be made to determine this. It is also important to consider whether circumstances make it unreasonable or irrational for the school to reach their own decision about what happened while an independent investigation is considering the same facts.

### **Engaging with the Perpetrator’s Parents/Carers**

The school will normally engage with both the victim’s and the alleged perpetrator’s parents/carers when there has been a report of sexual violence or harassment. This is except where there is a reason to believe informing a parent or carer will place a child at additional risk.

Schools should carefully consider what information they provide to both parties and when they do so. In some cases, children’s social care and/or the police will have a very clear view and it will be important for the school to work with relevant agencies to ensure a consistent approach is taken to information sharing.

It is good practice for the school to meet and discuss with parents/carers of the alleged perpetrator any arrangements that are being put into place that impact their child. The reasons for these should be explained, their potential impact, and what support is being provided.

The DSL/other safeguarding staff would generally attend any such meetings, with consideration made to the attendance of other relevant agencies where necessary.

## **Safeguarding Other Children**

Consideration should be given to supporting children who have witnessed sexual violence, especially rape and assault by penetration, as witnessing such an event is likely to be traumatic.

Following reports of sexual violence or sexual harassment, it is likely that some children will take "sides". As a result, the school should do all they can to ensure the victim, alleged perpetrator and any witnesses are not being bullied or harassed.

Social media is very likely to play a central role in the fall-out from any incident, where there is the potential for contact between victim and alleged perpetrator as well as friends from either side harassing either the victim or alleged perpetrator.

School transport is another potentially vulnerable place for a victim or alleged perpetrator following an incident. The school should consider any additional potential support needs to keep all of their children safe during these journeys to and from school.

## **Staff Training**

All staff will receive face to face training on what constitutes sexual harassment and sexual violence and how to recognise the signs.

All staff must read and understand this policy and agree its implementation.

## **Student Curriculum**

A curriculum will be delivered to all students on aspects of sexual harassment and sexual violence as part of the SRE programme which will be delivered by trained staff.

Students will be told how they can report their concerns and will be reassured of the reporting and following up process.

## **Appendix A: Sources of Support for Victims and Perpetrators of Sexual Violence and Harassment**

- **Children and Young People's Independent Sexual Violence Advisors (ChISVAs):** provide emotional and practical support for victims of sexual violence. They are based within the specialist sexual violence sector and will help the victim understand what their options are and how the criminal justice process works if they have reported or are considering reporting to the police. ChISVAs will work in partnership with schools and colleges to ensure the best possible outcomes for the victim. Police and social care agencies can signpost to ChISVA services (where available) or referrals can be made directly to the ChISVA service by the young person or school or college. Contact details for ChISVAs can be found at Rape Crisis and The Survivors Trust.
- **Child and Adolescent Mental Health Services (CAMHS)**
- **Rape Crisis Centres:** Can provide therapeutic support for children who have experienced sexual violence.
- **Internet Watch Foundation:** to potentially remove illegal images.