

<b>Sexual Violence and Sexual Harassment between Children or Young Adults</b>			
<b>Current Status</b>	Operational	<b>Last Review:</b>	
<b>Responsibility for Review:</b>	Group Head of Welfare and Safeguarding	<b>Next Review:</b>	July 2026
<b>Roles Responsible for Review:</b>		<b>Originated:</b>	Feb 2025
<b>Approved by:</b>	SET Curriculum	<b>Committee:</b>	SEND Educational Excellence Committee
<b>Type of Policy:</b>	Staff / Students	<b>Quality Assured by:</b>	

## **1. Summary**

- 1.1. This policy applies to all staff and any other personnel associated with Eastern Education Group (EEG) schools, which includes:
- Chalk Hill
  - Duke of Lancaster School
  - Exning Primary School
  - Priory School
  - Stone Lodge Academy
  - Sunrise Academy

## **2. Sexual violence**

- 2.1. It is important we are aware of sexual violence and the fact children can, and sometimes do, abuse their peers in this way. When referring to sexual violence in this advice, we do so in the context of child-on-child sexual violence, and these are sexual offences under the Sexual Offences Act 2003. In this information the terminology of Victim and Alleged perpetrator are used.

## **3. Definitions**

### **3.1. Rape:**

A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration and A does not reasonably believe that B consents.

### **3.2. Assault by Penetration:**

A person (A) commits an offence if: s/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents.

**3.3. Sexual Assault:**

A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents.

**3.4. What is consent?**

Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g. to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Consent can be withdrawn at any time during sexual activity and each time activity occurs.

**3.5. Sexual harassment**

For the purpose of this advice, 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.

**Sexual harassment can include:**

- **sexual comments**, e.g. telling sexualised stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
- sexual "jokes" or taunting;
- **physical behaviour**, such as: deliberating brushing against someone, interfering with someone's clothes (schools should be considering when any of this crosses a line into sexual violence - it is important to talk to and consider the experience of the victim) and displaying pictures, photos or drawings of a sexual nature; and
- **online sexual harassment**, which might include:
  - non-consensual sharing of sexual images and videos,
  - sharing sexual images and videos (both often referred to as 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.

**4. Harmful sexual behaviours**

- 4.1. All the above examples come under the umbrella term of “harmful sexual behaviours”. Children’s sexual behaviours exist on a wide continuum, from normal and developmentally expected, to inappropriate, problematic, abusive and violent. Problematic, abusive and violent sexual behaviours are developmentally inappropriate and may cause developmental damage.

## **5. What are the schools legal responsibilities?**

- 5.1. All schools have a statutory duty to safeguard and promote the welfare of the children at school.
- 5.2. The schools are required to have regard to guidance issued by the Secretary of State.
- 5.3. The schools must have regard to Keeping Children Safe in Education and Working Together to Safeguard Children.

## **6. Legal responsibilities and equality policies**

6.1. The school should be aware of obligations under the Human Rights Act 1998 (HRA).

6.2. It is unlawful for schools to act in a way that is incompatible with the [European Convention on Human Rights](#). These rights include:

Article 3: the right to freedom from inhuman and degrading treatment (an absolute right),

Article 8: the right to respect for private and family life (a qualified right) includes a duty to protect individuals’ physical and psychological integrity,

Article 14: requires that all of the rights and freedoms set out in the Act must be protected and applied without discrimination, and

Article 2: protects the right to an effective education. Being subjected to sexual violence or sexual harassment may breach any or all of these rights, depending on the nature of the conduct and the circumstances.

## **7. Equality Act 2010 (the Equality Act).**

- 7.1. The school must:

- not unlawfully discriminate against students because of their sex, race, disability, religion or belief, gender reassignment, pregnancy or sexual orientation (protected characteristics),
- support students with regard to their sex, sexuality and if appropriate gender reassignment, and
- take positive action, where it can be shown that it is proportionate, to deal with particular disadvantages affecting one group.

## **8. Reminder of key safeguarding rules:**

- a child under the age of 13 can never consent to any sexual activity,
- the age of consent is 16,
- sexual intercourse without consent is rape,
- rape, assault by penetration and sexual assault are defined in law, and
- creating and sharing sexual photos and videos of under-18s is illegal (often referred to as sexting). This includes children making and sharing sexual images and videos of themselves. (Young Peoples Sexual Imagery)

## **9. Our Immediate response**

- a) The victim will be reassured that they are being taken seriously and that they will be supported and kept safe.
- b) We accept that the victim may not make a direct report or disclosure. For example, a friend may make a report, or a member of school staff may overhear a conversation that suggests a child has been harmed and we will act on this.
- c) If the alleged incident is between two students from the school but is alleged to have taken place away from the school premises, we will still act.
- d) recognising a child is likely to disclose to someone they trust, this could be anyone on the school staff. It is important that the person to whom the child discloses recognises that the child has placed them in a position of trust. They should be supportive and respectful of the child;
- e) listening carefully to the child, being non-judgmental, being clear about boundaries and how the disclosure will be progressed, not asking leading questions and only prompting the child where necessary with open questions – where, when, what etc;
- f) considering the best way to make a record of the disclosure, disclosures will be recorded on school Safeguarding systems and staff will be asked to report incidents in person or by telephone to Safeguarding Team or via c-poms.
- g) Staff taking a disclosure should never promise confidentiality as it is very likely that it will be in the best interests of the victim to seek advice and

guidance from others in order to provide support and engage appropriate agencies.

- h) The school should only engage staff and agencies who are required to support the children involved and/or be involved in any investigation.
- i) The victim may ask the school not to tell anyone about the sexual violence or sexual harassment. There are no easy or definitive answers when a victim makes this request. If the victim does not give consent to share information, **staff may still lawfully share it**, if it can be justified to be in the public interest, for example, to protect children from harm and to promote the welfare of children.

- 9.1. The designated safeguarding lead (or a deputy) should consider the following:
- a) parents or carers should normally be informed (unless this would put the victim at greater risk),
  - b) the basic safeguarding principle is: if a child is at risk of harm, is in immediate danger or has been harmed a referral should be made to children's social care, and
  - c) rape, assault by penetration and sexual assaults are crimes. The starting point is that reports should be passed to the Police.
  - d) Ultimately, the designated safeguarding lead (or a deputy) will have to balance the victim's wishes against their duty to protect the victim and other children.
  - e) If the designated safeguarding lead (or a deputy) do decide to go ahead and make a referral to children's social care and/or a report to the Police against the victim's wishes, this should be handled extremely carefully, the reasons should be explained to the victim and appropriate specialist support offered.
  - f) As a matter of effective safeguarding practice, schools should do all they reasonably can to protect the anonymity of any children involved in any report of sexual violence or sexual harassment. Amongst other things, this will mean carefully considering, based on the nature of the report, **which staff should know about the report and any support that will be in place for the children involved.** Schools should also consider the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities.

## **10. Safeguarding Process**

- 10.1. We need to produce 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:
- the victim,
  - the alleged perpetrator, and

- the other children (and, if appropriate, staff) at school. Risk assessments should be recorded on safeguarding systems and should be kept under review. At all times, the school should be actively considering the risks posed to all their students and putting adequate measures in place to protect them and keep them safe. Toolkits that will support the risk assessment process include Brook: traffic light tool.

## **11. Action following a report of sexual violence and/or sexual harassment - What to consider?**

- 11.1. Schools should carefully consider any report of sexual violence and/or sexual harassment. The designated safeguarding lead (or deputy) is likely to have a complete safeguarding picture and be the most appropriate person to decide on the school's initial response. Important considerations will include:
- the wishes of the 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), including if a crime might have been committed and consideration of harmful sexual behaviour.
  - the ages of the children involved,
  - the developmental stages of the children involved,
  - any power imbalance between the children (e.g. is the alleged perpetrator significantly older),
  - if the alleged incident is a one off or a sustained pattern of abuse, and
  - are there ongoing risks; and other related issues and wider context.
- 11.2. Where incidents and/or behaviours are associated with factors outside the school and/or occur between children outside the school, the designated safeguarding lead (or deputy) should be considering **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. Children's social care assessments should consider such factors and so it is important that schools provide as much information as possible as part of the referral process.
- 11.3. The starting point regarding any report should always be that sexual violence and sexual harassment are not acceptable and will not be tolerated. Especially important is not to pass off any sexual violence or sexual harassment as 'banter', 'part of growing up' or 'having a laugh'.
- 11.4. The alleged perpetrator should be removed from any classes they share with the victim. The school should also consider how best to keep the victim and

alleged perpetrator a reasonable distance apart on school premises and on transport to and from the school where appropriate. These actions are in the best interests of both children and should not be perceived to be a judgment on the guilt of the alleged perpetrator. However, in a school provision this may not be possible so parents wishes and those of the children need to be explored.

## **12. Action**

- 12.1. In the case of a one-off incidents, the school may take the view that the children 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 their behaviour and bullying policies and by providing pastoral support. Other forms of action could be making a referral for Early Help, a referral to children's services and reporting to the Police.
- 12.2. 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.
- 12.3. Reporting to the Police will generally be in parallel with referrals to children's social care (as above). It is important that the Safeguarding team are clear as to the local process for referrals and follows the appropriate referral process.
- 12.4. At this stage, the school will generally inform parents or carers unless there are compelling reasons not to, for example if informing a parent or carer is likely to put a child at additional risk. In circumstances where parents or carers have not been informed, it will be especially important that the school is supporting the child in any decision they take. This should be with the support of children's social care.
- 12.5. Where a report has been made to the Police, the school should consult the Police and agree what information can be disclosed to staff and others, in particular the alleged perpetrator and their parents or carers. They should also discuss the best way to protect the victim and their anonymity.
- 12.6. All Police forces in England have specialist units that investigate child abuse. The names and structures of these units are matters for local forces. It will be important the designated safeguarding lead (and their deputies) are aware of their local arrangements.
- 12.7. Whatever the response, it should be under-pinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated.
- 12.8. All concerns, discussions, decisions and reasons for decisions should be recorded on School safeguarding systems.



### **13. Considering bail conditions**

- 13.1. From April 2017, the use of Police bail has been dramatically reduced and will only be used when deemed necessary and proportionate in exceptional circumstances. Consideration will be given to less invasive options to safeguard victims and witnesses and the administration of justice. Therefore, it is less likely that a child attending school will be on Police bail with conditions attached if there are alternative measures to mitigate any risk.
- 13.2. In the absence of bail conditions, when there is a criminal investigation, early engagement and joined up working between the school, children's social care and the Police will be critical to support the victim, alleged perpetrator and other children involved (especially potentially witnesses). Where required, advice from the Police should be sought in order to help the school manage their safeguarding responsibilities.
- 13.3. The term 'Released Under Investigation' or 'RUI' will replace those previously on bail for offences in circumstances that do not warrant the application of bail to either re-attend on a particular date or to include conditions preventing activity or in some cases ensuring compliance with an administrative process.
- 13.4. Where bail is deemed proportionate and necessary, as above, the school should work with children's social care and the Police to manage any implications and safeguard their children. An important consideration will be to ensure that the victim can continue in their normal routine, including continuing to receive a suitable education.

### **14. Managing any delays in the criminal process**

- 14.1. There may be delays in any case that is being progressed through the criminal justice system. The school should not wait for the outcome (or even the start) of a Police investigation before protecting the victim, alleged perpetrator and other children in the school. The risk assessment will help inform any decision.
- 14.2. Considering any disciplinary action against the alleged perpetrator whilst an investigation is ongoing is discussed below in the alleged perpetrator section.
- 14.3. Whilst protecting children and/or taking any disciplinary measures against the alleged perpetrator, it will be important for the designated safeguarding lead (or a deputy) to work closely with the Police (and other agencies as required), to ensure any actions the school take do not jeopardise the Police investigation.




- 14.4. If the school has questions about the investigation, they should ask the Police. The Police will help and support the school as much as they can (within the constraints of any legal restrictions).

## **15. The end of the criminal process**

- 15.1. 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 the children at the school and, if it has not already, consider any suitable action in light of their behaviour policy. If the perpetrator remains in the same school as the victim, the school should be very clear as to their expectations regarding the perpetrator now they have been convicted or cautioned. This could include expectations regarding their behaviour and any restrictions the school thinks are reasonable and proportionate with regard to the perpetrator's timetable.
- 15.2. Any conviction (even with legal anonymity reporting restrictions) is potentially going to generate interest among other students in school. It will be important that the school ensures that the victim and alleged perpetrator remain protected, especially from any bullying or harassment (including online).
- 15.3. Where cases are classified as "no further action" (NFA'd) 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. A not guilty verdict or a decision not to progress with their case will likely be traumatic for the victim. The fact that an allegation cannot be substantiated does not necessarily mean that it was unfounded. The school should discuss any decisions with the victim in this light and continue to offer support. The alleged perpetrator is also likely to require ongoing support for what will have likely been a difficult experience.

## **16. Support for schools**

- 16.1. The NSPCC provides a helpline for professionals at 0808 800 5000 and [help@nspcc.org.uk](mailto:help@nspcc.org.uk).
- Support from specialist sexual violence sector such as  The Survivors Trust.
  - The Anti-Bullying Alliance has developed guidance for schools about preventing and responding to sexual bullying.
  - The UK Safer Internet Centre provides an online safety helpline for professionals at 0344 381 4772 and [helpline@saferinternet.org.uk](mailto:helpline@saferinternet.org.uk). The helpline provides expert advice and support for school staff with regard to online safety issues and will be especially useful for the designated

safeguarding lead (and their deputies) when a report of sexual violence or sexual harassment includes an online element.

- 16.2. If the incident involves sexual images or videos that have been made and circulated online, the victim can be supported to get the images removed through the Internet Watch Foundation (IWF). The IWF will make an assessment of whether the image is illegal in line with UK Law. If the image is assessed to be illegal, it will be removed and added to the IWF's Image Hash list.
- 16.3. Sharing indecent images of a child (including by children) is a crime: UKCCIS advice provides support to schools in responding to reports of sexting.

## 17. Sexual Violence and Harassment Risk Assessment – Safeguarding team

Victim					
Child's name					
Child's age					
Child's school					
Child's teacher/trusted adult					
Parent/guardian discussion					
Details of the allegation from child's perspective					
Referral (highlight as appropriate)					
Yes	No	EHT	MASH	Police	Other
Child's thoughts and wishes					
School action					
Instruction for school staff					
Transport issues					
Social media					
Safeguarding Lead Signature:					
Outcome					
Alleged perpetrator					
Child's name					
Child's age					
Child's school					
Child's teacher/trusted adult					
Parent/guardian discussion					
Details of the allegation from child's perspective					
Referral (highlight as appropriate)					
Yes	No	Early Help Team	MASH	Police	Other
Child's thoughts and wishes					
School action					
Instruction for school staff					
Transport issues					
Social media					
Addiction issues					
Actions/Support					
Disciplinary action (highlight as appropriate)					
Oral warning	First written warning	Final written warning	Suspension	Exclusion	None
Support					
Outcome					
Police / Court Action (highlight and provide information as appropriate)					

<b>RUI</b>	
<b>Bail</b>	
<b>Conviction</b>	
<b>NFA</b>	
<b>Sex Offender MAPPA</b>	
<b>Details of public protection worker</b>	
<b>Outcome recorded on Safeguarding System</b>	
<b>Safeguarding Lead Signature:</b>	

**Revision History – Sexual Violence and Sexual Harassment between Children or Young Adults Policy**

<b>Revision date</b>	<b>Reason for revision</b>	<b>Section number</b>	<b>Changes made</b>
February 2025	Review		Updated Policy to EEG Standardised Document.