

# Hayle Academy, St Ives School, Cape Cornwall School

## Preventing and Managing Sexual Harassment and Abuse

**Dissemination:** Website and T: Drive

**Date policy to be approved by Governors: September 2021**

**Date policy becomes effective:** Immediately

**Review date: September 2021**

**Person responsible for Implementation and Monitoring:** Head of School

**Links to other relevant policies:** Safeguarding Policy (KCSIE), Behaviour Policy, SEND Policy, Exclusion Policy, Anti-bullying Policy, Sex and Relationship Education (RSE).

### **1. Introduction**

This policy has been put in place to ensure that every child is able to learn in a school environment free from sexual harassment of any kind and where they feel, and are, both safe and supported.

We are committed to eradicating sexual harassment and abuse from our school. We respond to incidents in a reasonable, proportionate and considerate way to prevent the continuation of harmful behaviour. This includes the use of disciplinary procedures and the provision of support for students as appropriate.

Sexual harassment and violence can occur between children of any age and sex. It can occur though a child or group of children sexually harassing a single child or group of children. The school recognises that children who are the victims of sexual harassment or violence are very likely to find the experience stressful and distressing. These feelings will be exacerbated if the alleged perpetrator attends the school as well. Sexual harassment and violence exist on a continuum and may overlap: they can occur online and offline (both physically and verbally) and are never acceptable. It is important to the school that all victims are listened to and offered appropriate support.

Reports of sexual harassment and violence within are school community are rare but we know that it does happen. It is essential that victims are protected, offered support and that every

effort is made to ensure that their education is not disrupted. It is also important that other children and staff are supported and protected as appropriate.

The nationally available evidence (from Ofsted's review 2021, research into police records and work conducted by the NSPCC) highlights why it is important that we commit, as a school community to eradicating sexual harassment and violence. Nationally, whilst both boys and girls may experience sexual harassment and violence, girls are more likely to be the victims and boys are more likely to be perpetrators. There is also evidence that nationally, students with special educational needs and disabilities are more vulnerable and more likely to be victims of abuse. The school recognises that children who are LGBT may also be targeted by their peers. Ofsted's review 2021 reveals the high prevalence of sexual harassment and online sexual abuse which children experience, and that the issues are so widespread they need addressing for all children.

All forms of sexual harassment and violence are unacceptable in our school, will never be tolerated and are not considered to be, in any way, an inevitable part of growing up. Victims who report sexual harassment or abuse will always be taken seriously, supported and kept safe. Victims will never be given the impressions that they are creating a problem by reporting sexual harassment or violence and we will ensure that no victim is ever made to feel ashamed for making a report. We will not tolerate or dismiss sexual harassment or violence as 'banter', 'having a laugh' or 'boys being boys'. We will always challenge inappropriate and unwanted behaviours such as bra flicking, up-skirting, pulling down trousers and inappropriate touching. These behaviours are potentially criminal in nature and to dismiss or tolerate them risks normalising behaviours which are unacceptable. Addressing inappropriate behaviour (even if it appears to be relatively innocuous) is an important intervention which helps prevent problematic, abusive and/or violent behaviour in the future.

We acknowledge the importance of challenging sexual harassment when it occurs and ensuring that everyday sexist stereotypes and language, which may contribute to sexual harassment, are not tolerated.

Sexual harassment and violence are unacceptable behaviours driven by wider societal factors beyond the school's control such as sexist stereotypes and language. This is why our whole school approach and, particularly, preventative measures are so important to eradicating sexual harassment.

## **2. Definitions:**

Sexual harassment is "any unwanted conduct of a sexual nature" For the purpose of this policy, sexual harassment is referenced in the context of peer on peer abuse. Separate

policies are used to manage the conduct and behaviours of staff. Sexual harassment may include:

- Sexual comments such as telling sexual stories, making lewd comments, making sexual remarks about clothes or appearance, and calling someone sexualised names
- Sexual 'jokes' or taunting
- Physical behaviours such as brushing against someone, interfering with someone's clothes, showing pictures, drawings or photos of a sexual nature
- Online sexual harassment including consensual or unwanted sharing of sexual images and videos, sexualised online bullying, unwanted sexual comments and messages, sexual exploitation including coercion and threats, up-skirting, sexualised online bullying.

Sexual harassment is likely to violate a child's dignity and may make them feel intimidated, degraded or humiliated and create a hostile, offensive and inappropriately sexualised environment.

Sexual violence includes sexual offences such as rape and sexual assault and causing someone to engage in sexual activity without consent. For the purpose of this policy, sexual violence is referred to in the context of child on child sexual violence.

Consent is about having both the freedom and capacity to choose. Consent to sexual activity may be given to one sort of activity but not another. Consent can be withdrawn at any time during sexual activity and on each occasion that sexual activity occurs. By law, a child under the age of 13 can never consent to any sexual activity. The age of consent is 16 and sexual intercourse without consent is rape.

Children's sexual behaviour exists on a wide continuum, from normal and developmentally expected to inappropriate, problematic, abusive and violent. A useful umbrella term for problematic, abusive and violent sexual behaviour is 'harmful sexual behaviour'. Our Designated Safeguarding Lead along with members of our safeguarding team are trained to ensure they have a good understanding of HSB.

There are many different ways to describe children who have been subjected to sexual violence or harassment and to describe those who are alleged to have carried out the abuse. For the purpose of this policy, the school uses the term 'victim' as it is widely recognised and understood. The school acknowledges that not everyone who has been subjected to sexual harassment considers themselves a victim or would want to be described in this way. School staff will be aware of and sensitive to this when managing any incident. This policy uses the term 'alleged perpetrator'. Again, this is a widely used and recognised term. The school recognises that the perpetrator of harmful sexual behaviours within this policy is also a child

and therefore a victim themselves, requiring support and care. School staff involved in managing incidents of sexual harassment will be careful in their use of terminology, especially when speaking in front of children.

### **3. Links to other policies**

This policy must be read in conjunction with the school's Anti-bullying Policy and Safeguarding Policy (Keeping Children Safe in Education). It has been written in line with the DfE publication "Sexual violence and sexual harassment between children in schools and colleges" September 2021.

### **4. Our Commitment**

All members of our school community (Governors, staff, visitor, volunteers, parents/carers and students) are expected and required to actively support our commitment to eradicating sexual harassment and violence. We take a whole school approach to eradicating child sexual harassment and violence as part of our wider safeguarding duty. This means we involve everyone: all the staff, children, parents, carers and governors. It also means that all our systems, processes and policies operate with the best interests of children at their heart and safeguarding and child protection are a recurrent theme running through all school procedures and approaches.

We will:

- Train and support staff to understand that safeguarding risks exist for children both in and out of school, and outside as well as inside their family settings. Children are vulnerable to multiple harms including CSE, criminal exploitation, sexual abuse, youth violence and county lines. All staff are trained to identify and respond appropriately to incidents of sexual harassment and violence and other safeguarding concerns;
- Train and support staff to understand that online abuse is a significant component in many safeguarding and wellbeing issues and to take appropriate action to prevent harm to children through their online activity. Online abuse may include misogynistic messages, non-consensual sharing of indecent images and sharing of abusive images and pornography.
- Make students aware that we listen and that **all** incidents of sexual harassment will be dealt with sensitively and effectively;
- Continually work to create a school culture where tolerance and the celebration of diversity are the norm and where inappropriate sexual behaviours are unacceptable;
- Ensure that the views of students and parents/ carers are listened to and considered;
- Prioritise preventative measures and education and actions that eliminate sexual harassment and violence from our school community;

- Use and create opportunities to prevent sexual harassment and abuse through our educational and safeguarding provision including teaching children about safeguarding and how to stay safe online as part of our broad and balanced curriculum;
- Act in a way which meets our statutory duty to safeguarding and promote the welfare of children in our school and comply with our obligations under the Human Rights Act (1998), European Convention on Human Rights, Equality Act 2010 and Public Sector Equality Duty.

Reported incidents of sexual harassment and violence are rare in our school, but we know it does happen. We place a very high value on providing an extremely safe and secure learning environment in which all students can flourish and achieve their potential. We maintain an attitude of 'it could happen here' as a fundamental principle of our work and duty to safeguard the welfare of children. Incidents of sexual harassment and violence are managed on an individual basis. Appropriate consideration of the student's wishes will be considered in deciding on a course of action. We will always seek to involve parents / carers of those students involved in sexual harassment and violence.

All members of the school community share responsibility to be vigilant for signs of sexual harassment or violence and are expected and required to take action to eliminate these harmful sexual behaviours from our school.

Bystanders or observers of sexual harassment or violence may become perpetrators of by allowing actions to take place, by not reporting concerns and, in doing so, by explicitly or implicitly encouraging the perpetrator.

## **5. Roles**

The DSL and Pastoral Team will lead and co-ordinate the School's procedures with respect to sexual harassment or violence. All staff: support staff, tutors, teachers, faculty and senior leaders are committed to proactively supporting our ethos which considers sexual harassment and violence of any form to be unacceptable. We expect all students to behave in a considerate and respectful way towards their peers (and staff), both in lessons, during social time, on their way to and from school and during 'non-school' time. The school will take appropriate action to address sexual harassment or violence that happens both in and outside of school, linked to a child's membership of the school. We share a common understanding that harmful sexual behaviours in any form will inevitably and detrimentally impact on students' safety and education.

## **6. Preventative Measures**

As a school we take sexual harassment and violence very seriously. We use a range of proactive strategies to prevent harassment. We acknowledge that the most effective preventative education is through a whole-school approach which prepares students for life in modern Britain. We have a clear set of values and standards, and these are upheld and demonstrated through all aspects of school life. Our staff are trained, and expected to act as strong role models to demonstrate to children how these values and standards translate into our daily lives. Our whole school preventative approach includes;

- Effective school leadership that promotes an open and honest school culture in which victims are listened to and supported and where harmful sexual behaviours are never tolerated.
- A planned curriculum which prepare students for life in modern Britain. This is underpinned by our school values and by our behaviour policy and pastoral support system. Our curriculum is age and stage of development appropriate and addresses issues such as
  - Healthy and respectful relationships
  - What respectful behaviour looks like
  - Consent
  - Gender roles, stereotyping and equality
  - Body confidence and self esteem
  - Prejudiced behaviour
  - And that sexual harassment or violence are always wrong
  - Addressing cultures of sexual harassment.

We deliver this curriculum through high-quality, well planned Sex and Relationship Educations, within our PSHE programme. More information about the curriculum for SRE and PSHE is available on the school's website. We exploit curriculum opportunities, in particular tutor sessions and PSHE lessons where tolerance, sexual behaviours and the celebration of diversity are discussed and anti-harassment and violence messages are explored. Our SRE curriculum includes the concepts of, and laws relating to: sexual consent, sexual exploitation, abuse, grooming, harassment, forced marriage, rape, domestic abuse and FGM and how these can affect current and future relationships. Teachers (with support from our subject leader) will ensure the DSL is informed when they are teaching these topics so that students who disclose or are affected by the issues raised can be appropriately supported. Our focus on healthy relationships helps children who are

experiencing or witnessing unhealthy relationships to be able to recognise this and to seek help and report abuse. The respectful relationships module includes teaching that all relationships can be supported by being kind, considerate and respectful including the use of respectful language, being honest, listening to each other, respecting personal space, privacy and boundaries, accepting differences, focussing on good things and praising achievements. Teachers of RSE are trained to provide students with an open forum to talk things through and listen to the views and perspectives of others. We regularly and frequently ensure that our students know how to raise their concerns or make a report, and how their report will be dealt with.

In addition to our PSHE (and SRE) curriculum we also use:

- opportunities throughout the school calendar and at certain times of the school day to raise awareness of our anti-harassment culture. This includes ensuring that the whole school community understands the negative consequences of harmful sexual behaviours
- Whole school assemblies.
- Student surveys and feedback through the school council and student focus groups.
- Poster campaigns and signposting of support available within the school and from other organisations.
- Proactive supervision of duty staff during social times, before and after-school.
- Assertiveness training and education which promotes self- esteem and wellbeing.
- Training for all staff including during induction of new employees and continuing professional development to ensure policies and procedures and the school culture and ethos are understood by all adults working in our school.
- Clear guidance and training for all staff about how to challenge harassment and prejudice/gender stereotypes if they occur and about how to record and manage incidents of sexual harassment or violence.
- Accurate records of any incidents of sexual harassment or violence including the actions that have been put in place as a result. These records are reviewed termly by senior leaders with appropriate actions implemented in order to prevent future incidents e.g. through augmented support and revised educational programmes.
- External agencies with specialist skills to train staff and to work with children. We recognise and value the contribution that external agencies bring and liaison with

external agencies is coordinated by the subject leader for RSE with support from the DSL.

## **6.2 Actions to prevent harmful sexual behaviours and to promote equality include:**

- We collect and analyse accurate information and data on a termly basis in order to inform our planning and identify targets and actions for improvement. Evaluation of data, and action planning in response is led by senior leaders and monitored by Governors.
- We work closely with external partners and parents/carers to identify children who may need additional support through our transition and admissions procedures.
- We closely monitor data on exclusions, behaviour and achievement for evidence of proportional representation of different groups and take action appropriately to address any concerns or imbalance.
  - We closely monitor the progress and welfare of vulnerable children including those with Special Educational Needs
- We strive to ensure outstanding learning opportunities for all our students which enable them to learn, develop skills and independence and make a positive transition to post 16 provision.
- We are alert to, and proactive about, the potentially damaging impact of negative and discriminatory language, particularly in relation to protected characteristics: race, gender, sexuality, disability, or religious belief. Staff are trained to take prompt and robust action in all incidents where discriminatory language is heard.

## **6.3 Actions to promote positive, respectful relationships**

- We prepare our students for life in a diverse, global society and ensure that there are appropriate and relevant activities across our curriculum that promote the spiritual, moral, social and cultural development of our students.
- We teach and expect students to celebrate difference and diversity. We educate our students to understand and to be sensitive to the negative and harmful impact of stereotyping (including gender stereotyping), prejudice and discrimination through PSHE, Religious Education, assemblies and tutor time activities and explicitly and implicitly through the planned curriculum in their subject lessons.
- We use materials and resources that reflect the diversity of our national population and the wider context of our school in terms of race, gender, sexual identity and disability avoiding all stereotyping.
- We provide opportunities for students to appreciate and understand their own identity and



culture and to celebrate and respect the identity and culture of other students.

- We provide opportunities for students to listen to a range of opinions and views and to empathise and understand the different experiences and views of others.

## **7. Managing an Incident of reported sexual harassment or violence**

We proactively encourage all members of our school community to report incidents or concerns about sexual harassment or violence. We ensure that children know how to report concerns and who to speak to. We teach children that their concerns will be treated seriously and that their personal dignity will be protected. When sexual harassment or violence is reported, the incident will be dealt with as quickly as possible by an appropriate member of staff. Decision making in response to incidents is likely to be complex and there will be difficult decisions to be made. Pre-planning and training is therefore essential to ensure a calm, clear and appropriate response which prioritises the needs and welfare of all the children involved. Decisions about how to respond to a serious incident will always be led by the DSL and other senior leaders with safeguarding responsibilities and appropriate training, where appropriate to do so.

The immediate response: the school recognises that children may not find it easy to tell staff about their abuse. Staff are expected to be vigilant for signs of possible abuse and to proactively respond to these as they may indicate that a child has been harmed or is at risk of harm. Staff are trained to know that if they have concerns they should act on them immediately.

Staff are trained to know that the initial response to a report from a child is incredibly important. How the school responds to a report can support or undermine the confidence of a victim now, or in the future. All victims will be reassured that they are being taken seriously, regardless of the time which may have elapsed since the incident. They will be kept safe and supported. Online abuse and abuse which takes place outside of the school will not be downplayed and falls within our responsibility as school staff to protect the welfare of children. All staff are trained to be 'first responders' to reports of sexual harassment or violence. This training includes a requirement to

- Listen carefully to the report and reflect back using the child's language, being non-judgemental and clear about boundaries. Avoid asking leading questions and only prompting children with open questions where necessary to do so (where, when what etc). Staff can ask children if they have been harmed and what the nature of that harm was.
- Carefully consider the best way to make a record of the report. To ensure that the child can be carefully listened to, and the member of staff can devote their attention to the child, best practice is to wait until the end of the report and immediately write up a

thorough summary. It may be appropriate to make notes, for example if a second member of staff is present. Any note taking must be discrete and should not distract from engagement with the child. Facts must be recorded and reported as the child presents them and should not include the personal opinion of the member of staff.

- Show consideration and offer support to the person making the report, as appropriate
- Acknowledge and show empathy for the impact that the incident may have had
- Report the incident using the school's procedures to a member of the safeguarding team. Only share the information with those people who need to know. The victim will be told who the information will be shared with and what the next steps will be.
- Staff will not promise confidentiality as it is likely that the best interests of the child will mean that advice will need to be sought along with the guidance of others. Staff are trained to respond appropriately if children ask them not to tell anyone. This is an understandable request from a victim of sexual harassment or abuse. It is lawful to share information, even without consent, when the welfare of a child is at risk.
- To ensure that the individual making the report knows that the school will take action to protect the welfare and safety of students
- To recognise that the initial disclosure may only be the first incident reported and that children may not be able to recall all the details or timeline of abuse.
- Recognise that children may face additional barriers to telling someone because of their vulnerability, disability, sex, ethnicity and/or sexual orientation and to demonstrate empathy and sensitivity to this in managing a disclosure and in identifying possible signs of abuse
- Report as soon as possible to the DSL (or deputy) who will then make appropriate referrals to external agencies and the Local Authority

Where an incident involves children from other schools or settings, the same safeguarding principles and duties apply and the school will ensure that information sharing between professionals is effective in enabling trusted and responsible adults to protect the welfare of children.

An appropriate person (e.g. a member of the safeguarding team, pastoral team or senior leader) will investigate the incident, interviewing those involved and keeping an accurate record of statements made. These will be retained in school files. Where possible, the DSL or a Deputy DSL will be present.

Where the report includes an online element, the DSL will ensure that searching, screening and confiscation policy is followed. In particular, the key consideration is for staff not to view or forward illegal images of children. In some cases, it will be appropriate to confiscate devices and then hand these to the police for inspection.

Other staff who need to know in order to protect and support students will be informed. Where appropriate, staff will be asked to monitor the behaviour of students involved.

Parents will normally be kept informed and are discouraged from 'taking matters into their own hands' by directly contacting the students or families involved in the incident. Parents will be asked not to comment on social media where this could escalate and inflame an incident and make it harder for the students to resolve concerns. Parents/ Carers have a right to report incidents to the police and the school will always work in partnership with any police investigation involving students in the school. Should the school refer an incident to the police, we will always inform parents, unless specifically instructed not to do so by the police or MARU.

Where the report includes information about rape, assault or other criminal or potentially criminal activity, the school will inform the police, or support parents to do so. Where the child does not want the school to report to the police, the DSL will make a decision balancing our duty to protect the child and potentially other victims with the victim's wishes. If the DSL decides that a report should be made to the police, against the wishes of the child, then the child will be informed and the reasons will be explained. This will be handled with sensitivity and respect for the child and appropriate referrals to specialist support agencies will also be offered.

Incidents of sexual harassment or violence are individual in terms of the events which have occurred and the impact on the individuals involved. Therefore, the school will tailor a strategy to address the situation and to support the affected students according to the particular incident/s.

Students who are victims of sexual harassment or violence will be offered the opportunity to discuss their experience with a trusted adult within the school. Students may also be offered support through longer term mentoring, including peer mentoring, to restore self-esteem and build confidence. Where appropriate, students will be offered the use of a 'quiet room' at social times and/or during lessons. Students will be advised that leaving a lesson will inevitably disrupt learning and therefore the majority of school support and intervention will be planned to take place outside of lesson times where it is possible to do so. The school understands that this will not always be possible and will prioritise providing timely intervention and support.

Students who are, or who are alleged to be perpetrators of sexual harassment will be supported to discuss what happened and to reflect on their motivation and impact on others. By uncovering why the student became involved and establishing a sense of responsibility, the school would expect to prevent a future similar incident. This self-learning is considered

by the school to be an integral and core part of our education of students. Parents/carers will be expected to support the school in these actions and to take positive action themselves to change the attitude and behaviour of the student. The school recognises that research evidence that many children who present with harmful behaviours towards others are themselves vulnerable and may have previously been victims prior to their own abuse of peers.

Where appropriate to do so, and where there is mutual agreement with the students involved, the school will encourage and support students to rebuild and repair their relationships. Trained staff will mediate discussions as a way of resolving disputes and as part of our students' education and preparation for future life. The school recognises that experience of sustained sexual harassment or violence is likely to mean that restorative discussions are extremely difficult and may well be considered inappropriate.

In deciding what actions are appropriate, the school will take into account:

- The nature of the incident, including whether a crime may have been committed and whether a harmful sexual behaviour has been displayed
- The wishes of the victim providing an opportunity for the victim to share their views and to take control of elements of the response whether it is possible for them to do so including how the investigation will progress and decisions about support they will be offered
- Whether it is a single incident or whether it has been sustained over a period of time
- What has happened both in school and outside of school (linked to the incident) including both online and offline behaviours
- Any link to other forms of discriminatory behaviour e.g. related to race, gender, sexual orientation or disability
- Whether there is an element of coercion or pre-planning
- The ages of the children involved
- Whether there is a power imbalance between the children (e.g. if there is a significant age gap between the victim and perpetrator, whether the perpetrator is more mature or more confident and any particular vulnerabilities of the victim including a disability or learning difficulty) and whether this power has been misused
- That sexual harassment and violence can occur within intimate personal relationships between peers
- Any potential ongoing risks to the victim, other children or staff
- Wider issues such as links to CSE and child criminal exploitation

- The need to protect, as far as reasonable possible, the anonymity of children involved.

Actions taken by the school will follow an appropriately detailed and robust investigation which balances the need of the school to understand what has happened with the need to manage the incident without inflaming it or unnecessarily involving other students. The investigation will treat all children involved as being at potential risk as the alleged perpetrator may have unmet needs and be at risk of harm themselves. A safeguarding response will be put in place for both the victim and the perpetrator.

The response will also take into account:

- That the harmful behaviours of the perpetrator may indicate wider safeguarding concerns to the children involved both within the school and in the wider community and including online
- The potential complexity of peer-on-peer abuse and of children's experiences and consider the interplay between power, choice and consent. Whilst children may appear to be making choices, if those choices are limited they are not consenting
- The views of the children affected. The DSL (or designated safeguarding member of staff) will discuss the proposed action with the child and parents and obtain consent before any referral is made. The school will carefully manage the child's expectations about information sharing and will keep them and their parents updated where appropriate and safe to do so.

In responding to the report, there are 4 likely responses that the school can take:

1. To manage the report internally for example in response to one-off incidents of sexual harassment.
2. Early Help for example in response to non-violent HSB where it may help to prevent further escalation or repeat incidents.
3. Referral to children's social care: where a child is at risk of harm, has been harmed or is in danger. In this case, the school will take immediate action, alongside the referral, to protect the victim and alleged perpetrator. The school will re-refer if there is reason to believe the child remains in danger or is at risk of harm and social care decide that statutory intervention is not appropriate in response to the initial referral.
4. Reporting to the police, in parallel with a referral to social care. The school will refer to the policy in response to a report of rape or sexual assault and/or will support parents to do so. Should the police decide (for whatever reason) not to take action, the school will continue to engage with specialist support for the victim and perpetrator. Whatever action is taken by the police, the school will not wait for the

outcome of the investigation and will act immediately to protect the victim, alleged perpetrator, other children and staff within the school.

In all cases, the school's response will be underpinned by the principle that there is a zero-tolerance approach to sexual violence and harassment and it is never acceptable and will not be tolerated. All concerns, discussions, decisions and reasons for decisions will be recorded.

In taking action in response to a reported incident, the school will take into account that the action should provide support to the children involved, address the abuse, the causes of it and the attitudes underlying it. Disciplinary action may be appropriate for the purpose of ensuring that the child takes responsibility for and realises the seriousness of their behaviour. In addition, disciplinary action may ensure a clear signal to other members of the school community that sexual harassment is never tolerated or acceptable and in doing so, may therefore serve to protect the safety and welfare of members of the school community.

In all cases of sexual harassment, The DSL will carefully consider the implications and decision making around whether the victim and alleged perpetrator can continue to share classes and communal areas within the school. This issue will be given full and immediate consideration when a report is received. The school recognises that for all reports of sexual harassment, and in particular for reports of sexual violence and assault, the proximity of the alleged perpetrator is likely to be especially distressing to the victim. This is complex and difficult decision making which will give full regard to the school's duty to safeguard and educate children. The best interests of the child will be prioritised and safeguarding principles will be followed.

Where there is a criminal investigation into rape or sexual assault, the alleged perpetrator will be removed from any classes they share with the victim. The school will also carefully consider how best to keep the victim and alleged perpetrator reasonably separate and apart whilst on the school site, including in extra-curricular provision and on the way to and from school, including if using school transport. This is in the best interest of the children and is not, and should not be perceived to be a judgement about the guilt of the alleged perpetrator. Where an allegation leads to a criminal conviction or caution, then in all but the most exceptional circumstances this will constitute a serious breach of discipline which would lead to the view that allowing the perpetrator to remain in the school would seriously harm the education and welfare of the victim. A permanent exclusion will therefore be considered. The nature of the conviction and the wishes of the victim will be especially important in these circumstances.

Disciplinary action by the school can and may well be taken whilst other investigations are ongoing. The fact that another body is investigating an incident does not in itself prevent the school from reaching its own conclusion, on the balance of probabilities, about what happened

and imposing a penalty accordingly. This penalty may include exclusion from the school for a fixed period or permanently. Any decision to exclude a child will be made in line with the school's policy and will be lawful, fair and reasonable. In the case that a police investigation was ongoing, the school will liaise closely with the police.

The following actions may be taken, dependent on the nature of the incident:

- Record of incident made and the resulting investigation/actions taken in response (this action is always taken)
- Warning (recorded on the students' file). Parents informed.
- Removal and time-limited ban from certain areas of the school premises or certain activities
- Review of timetable, classes, seating plans, tutorials, extra-curricular provision and travel to and from school.
- Detention
- Time in 'Inclusion' (sometimes referred to as Room 1 or 'internal exclusion')
- Referral for mentoring and/or to senior staff and/or external agencies e.g. Education Welfare Officer, Police Liaison Officer.
- Fixed term or permanent exclusion (only as a last resort and where necessary to ensure the safety and wellbeing of other children in the school).
- Use of the Cornwall Council managed move protocol
- Linked identification on a stage of the school's bullying policy for a time-limited period (see anti-bullying policy)
- Alleged criminal behaviour will be reported to the MARU. Where appropriate the school will facilitate students (in liaison with parents) to report to the Police. In some circumstances e.g. the exchange of youth produced sexual imagery without aggravating factors it may not be appropriate to report behaviour to the Police.
- Individual risk and needs assessment in respect to each child affected by the abuse. This assessment will address the level of risks that are posed/faced by the child and will engage with parents and external agencies (where appropriate) to ensure that the child's needs are met in the long-term. This assessment will also consider whether any targeted interventions are needed to address the underlying behaviour and/or attitudes of the child. This assessment will be reviewed at regular intervals, determined within the assessment process to ensure that appropriate progress is being made. In addition, this assessment will consider whether there may be other victims, the needs

of the perpetrator, appropriate actions to protect other children within the school. This assessment may draw on advice from social workers or specialist sexual violence specialists. The risk assessment will be regularly reviewed and updated in light of any additional, relevant information.

## **7.2 Additional information on managing a criminal process**

If the police are involved in the response to a report of alleged sexual harassment or violence, the school will liaise closely with the police and ensure that any actions taken do not jeopardise the police investigation.

The school will not wait for the outcome of a police investigation and will immediately act to protect the victim, alleged perpetrator and other children and adults in the school, using the risk assessment procedure.

If a child is convicted or receives a caution for a sexual offence the school will update its risk assessment and ensure relevant protections are in place for all children in the school. In line with the school's behaviour policy, appropriate action will be taken. If the perpetrator remains in the school, the school will provide clear expectations for the behaviour including, where appropriate, any suitable restrictions which are reasonable and proportionate.

The school will ensure that, as far as reasonably possible, the victim's and perpetrator's anonymity is protected. The school will protect all children involved from the potential risks of bullying or harassment, including online.

If the case is classified as "no further action" or if there is a not guilty verdict, the school will continue to offer support to the victim and the alleged perpetrator for as long as is necessary. The school recognises that either of these decisions may be traumatic for the victim. The fact that an allegation was not substantiated or was withdrawn does not necessarily mean that it was unfounded. The school recognises that both victim and alleged perpetrator are likely to require ongoing support as the experiences will have been difficult for them.

## **8. Unsubstantiated, unfounded, false or malicious reports.**

All concerns, discussions, decision and the reasons for decisions will be recorded in writing in line with the school's safeguarding policy (KCSIE). Records will be reviewed termly by the DSL and Head of School and by the Local Governing Board so that potential patterns of concerning, problematic or inappropriate behaviour can be identified and addressed.

If a report is determined to be unsubstantiated, unfounded, false or malicious, the DSL will consider whether the child who has made the allegation is in need of help, or may have been



abused by someone else and this is a 'cry for help'. In such circumstances, a referral to social care may be appropriate.

If a report is shown to be deliberately invented or malicious, the school will consider whether disciplinary action is appropriate, as in the behaviour policy.

## **9. Supporting Victims of Sexual Harassment or Violence**

The school will prioritise support for any student who has experienced sexual harassment or violence. The needs and wishes of the victim (along with protecting the child) will be paramount in our response. Support will be tailored to the individual circumstances and the views of the student and parent will be considered. Wherever possible, the priority will be to support the victim and to make their daily experience as normal as possible, so that the school is a safe place for them. Support will be tailored to the individual nature and circumstances of the report. Support may include:

- A mediated, restorative meeting with the other student using restorative practice which recognises the importance of being able to express feelings and have these understood by others. In the circumstances of sexual violence, the purpose and structure of the meeting will be carefully considered and planned to ensure that the victim is well supported. These types of meetings will only take place with the full co-operation and support of all parties (students and parents)
- Review of seating plans in lessons and consideration of classes, tutorials, extracurricular provision and travel to and from school. .
- A quiet space, supported by adults, for use at social times with an identified group of peers
- A trusted adult mentor for a specified period of time. As far as reasonably possible, the choice of trusted adult will be led by the victim.
- Additional support from a trusted adult at key times during the school day e.g. arrival and departure, social time
- Additional vigilance from teachers and duty staff
- A 'time out' card for a time limited period of time
- Activities aimed at boosting self-esteem and confidence including one to one and small group work
- Referral to external agencies and partners for specific support including referral to the MARU, referral to early Help and Social Care, and referral to Children and Young People's Independent Sexual Violence Advisors as signposted by police and social care.
- Referral to CAMHS (child and adolescent mental health services).

- Referral to NHS advice (111), help and support including advice about the risk of pregnancy, sexually transmitted infections, reporting to the police and forensics.
- Referral to other external agencies including Rape Crisis, The Survivors Trust, Male Survivors Partnership, Childline, Internet Watch Foundation

In all cases, the wishes of the victim will be given full and careful consideration including about what external agencies to refer to for additional support.

The school recognises that a victim may struggle in a classroom environment. The school will avoid taking action which would result in the victim being isolated e.g. from supportive peer groups. A balanced approach will be taken to supporting the victim to attend lessons and minimise disruption to their education and social groups, whilst understanding that the victim may need (and wish) to withdraw from some lessons and activities.

Arrangements for support may need to remain in place for an extended period of time.

The school will take all reasonable actions to protect the victim from bullying or harassment which could potentially arise from the report.

Whilst the school will take all necessary and reasonable actions to support the victim to remain in the school, if the victim is unable to do this, a move to another school or alternative provision (where recommended by medical or health professionals, or to meet the needs of the child) will be considered to enable the child to continue to receive suitable education. This will only happen in partnership with parents and at the request of the victim. Should the victim move school, the new educational setting will be provided with all appropriate information, in line with safeguarding procedures, to ensure that they can continue to provide appropriate support for the victim. This will be coordinated by the DSL.

#### **10. Safeguarding and supporting alleged perpetrators of harmful sexual behaviour.**

The school will consider carefully the language which is used with children and parents to describe the 'alleged perpetrator'. Taking disciplinary action and providing support are not mutually exclusive actions and can, and should, occur at the same time, if necessary.

A child abusing a peer may indicate they have been abused themselves, or may be a sign of other wider issues that require addressing including within the culture of the school. As a child, an alleged perpetrator is entitled to, deserving of and should be provided with a high level of support to help them understand and overcome the reasons for their behaviour and to help protect other children by limiting the likelihood of them repeat offending. The age and developmental stage of the perpetrator will be considered along with the nature and frequency of the allegations. Any child is likely to experience stress and difficulty as a result of being the

subject of allegations against them and the potential negative responses of their peers to such allegations having been made.

Any response by the school will be proportionate and support will be considered on a case by case basis. The advice of external agencies such as specialists in HSB will be taken where appropriate in order to determine what support will best meet the child's needs.

Addressing inappropriate behaviour is an important intervention to prevent problematic, abusive or violent behaviour in the future. This includes the school taking appropriate disciplinary action which is considered to be a supportive intervention to protect the child and their future decision making and actions. Any decision to exclude a child will be proportionate, reasonable and fair and will be made in accordance with the school's Behaviour and Exclusion policies. If the alleged perpetrator moves to another school as a result of the incident and/or actions taken by the school in response, the school will ensure that the new setting receives all relevant information to be able to support the child, and manage potential risks to others, in line with the school's safeguarding policies.

## **11. Online Sexual Harassment**

Online sexual harassment can be the extension of offline harassment or may occur separately. It can take many forms, such as; coercion, threats, sending or soliciting images, sexualised language in messaging, manipulation or publication of private information or images.

As with offline harassment, it is possible that bystanders or observers (e.g. members of the same social media group) of online sexual harassment may become perpetrators themselves by allowing actions to take place, by not reporting concerns and by explicit or implied encouragement of the perpetrator.

Our Policy and approaches also apply to online sexual harassment which may be considered to be cyberbullying. We use the following strategies to eradicate online sexual harassment from our school community:

- Monitoring the use of ICT during school time;
- Having a clear policy with regards to the use of mobile phones during school hours;
- Proactively encouraging students to report concerns about inappropriate online behaviours which they may experience themselves, or may report on behalf of a friend or peer;
- Confiscating mobile phones where use is inappropriate;
- Restricting access to ICT provision during school hours, including robust filtering of the internet;
- Working closely with the MARU and Police to report concerns at the earliest

opportunity.

## **12. Youth Produced Sexual Imagery**

Creating and sharing sexual photos and videos of children is illegal. Youth produced sexual imagery describes actions when a child shares sexual images that they, or another child, have created. It refers to both photos and video.

(The sharing of sexual imagery of children by an adult is child sexual abuse and the school will always inform the police of any incident where an allegation of child sexual abuse has been made.)

All members of staff are trained to be aware of, and to respond to, incidents of youth produced sexual imagery, as in our Safeguarding Policy (KCSIE) and training.

Any direct disclosure by a child will be taken very seriously. A child who discloses they are the subject of sexual imagery is likely to be embarrassed and worried about the consequences. It is likely that disclosure to a member of the school staff is a last resort and that the child will already have tried to resolve the issue themselves. The child may be experiencing high levels of coercion over the creation and sharing of the images and may be very distressed and upset. For these reasons, the immediate priority will always be to support the child.

Incidents will be responded to in line with the school's safeguarding policy. The incident will be referred to the DSL as soon as possible and an investigation will be made by a member of the safeguarding team. This investigation will include interviews with other children involved. Where appropriate, the school will confiscate mobile phones and will, on request, provide these to the police. Parents will be informed at an early stage unless the school receives advice from social care or the police that this should not be done.

The school will use wider educational opportunities to inform children about the risks and consequences of youth produced sexual imagery as part of our commitment to safeguarding children.

Incidents of youth produced sexual imagery will be managed in line with the guidance in this policy.

## **13. Working with Parent and Carers**

Parents will have access to the school's policy via the website and will be provided with a hard copy on request.

In most instances, the school will engage with both the victim's and alleged perpetrator's parents when there has been a report of sexual violence. In cases of sexual harassment,

engagement with parents will be proportionate and may not be necessary: this will be determined on a case by case basis. If there is reason to believe that informing a parent may place a child at additional risk, the school will work with social care to decide the appropriate course of action to take. The school will consider carefully what information is provide to parents and when, and will work closely with social care and the police when making decisions.

Usually, the school will arrange to meet with the victim's parents to discuss what arrangements are being put in place to support and safeguard the child and to understand the wishes and views of the parents. It is also usual for the school to meet with the parents of the alleged perpetrator to discuss arrangements and support and any implications for their education. These meetings will usually be attended by the DSL or trained Deputy. Consideration of the involvement of other agencies will also be given.

#### **14. Supporting and Safeguarding other Children**

Children who have witnessed sexual harassment or violence may be traumatised and support may be required.

Following a report of sexual harassment, it is possible and likely that children may 'take sides'. The school will take all reasonable action to ensure that the victim, alleged perpetrator and other children involved are not bullied or harassed. The school acknowledges that online behaviours including the use of social media may make a significant contribution to a child's experience of harassment and bullying and will take action to protect all children involved in an incident from inappropriate online behaviours and harassment. The school will also consider the children's route and transport to and from school in order to keep all children safe.

#### **15. Indicators of possible sexual harassment or violence**

Students, parents / carers and teachers work in partnership to identify, as early as possible, instances of sexual harassment or violence. All school staff are trained to be vigilant for:

- Physical injuries which are unexplained or may indicate restraint or coercion especially those which a child is reluctant or hesitant to explain;
- Becoming withdrawn or 'shy', which may be noticed by to low participation in school and other activities, isolation from peers and may include self-harm;
- Children spending unusual amounts of time in their bedroom, possibly crying; who find it difficult to sleep, wet the bed or have nightmares, or are reluctant to attend

school. Teachers within school may be aware that the student always appears tired and/or disengaged in class or absence is higher than expected;

- Educational progress reducing;
- A reluctance to attend school. It may be noticed by the school through absenteeism or lateness;
- Poor self-esteem, which inhibits students from forming positive relationships, leads to feelings of worthlessness and betrayal, and causes some to lower their expectations and standards of work;
- Anxiety or poor emotional wellbeing which can lead to intermittent and longer-term absence from school, physical illness or psychosomatic complaints such as frequent headaches, stomach aches or panic attacks;
- Request to be accompanied going to and from school, or to go by a different route. If this is longer than the previous one, it could indicate that the harassment has been occurring along the previous route or that the child does not feel safe on the way to / from school;
- Reluctance to eat, socialise or play normally. Student appears generally unhappy, miserable, moody and/or irritable;
- Broader changes in behaviour including alcohol or substance misuse
- Age or stage of development inappropriate sexualised language or actions
- 'Gifts', unusual access to/availability of money or unexplained new items may be indicators of coercion.

Taken individually, or even collectively, the above may not be due to harassment or bullying of another form, but a combination of even some of these signs could be a reason to suspect it. Staff are trained to be vigilant for changes in behaviour and to consider what observed behaviours may signify. If a student is showing signs of, or experiencing ANY of the above, it can be an indication that all is not well, the student is not happy and therefore the concern should be reported to the Designated Safeguarding Lead.

## **16. Implementation, Monitoring and Review**

The Head of School will be responsible for the implementation and monitoring of this policy.

The regular review of the implementation of this policy will include:

- A half termly review of incidents of sexual harassment and violence by the pastoral and safeguarding team.
- A half termly review of staff actions to intervene, prevent and address any incidents of sexual harassment and violence. This review will be carried out by the DSL and Senior Pastoral Leader.
- Monitoring of frequency and type of incidents by Governors, reported termly as part of the Safeguarding Report.
- A termly review of student views, via the student council, student focus groups or student survey, led by the senior pastoral leader/DSL.

In response to monitoring, the school will consider the following aspects of provision:

- The effectiveness of protective and preventative factors and influences within the school and how these can be augmented
- Whether the school's physical environment can be improved to prevent harassment e.g. by increased supervision or security
- Whether gender norms and/or equality issues contributed to any incidents
- Potential patterns of concerning, problematic or inappropriate behaviour.
- The need for additional staff training
- Any implications for curriculum e.g. RSE and PSHE
- Lessons to be learnt about the way in which the school engages with parents
- The impact of specific, targeted intervention e.g. from youth services, external agencies or self-esteem work
- Whether there were 'missed' opportunities to intervene earlier or differently to impact on student behaviours

Governors recognise their duty to ensure that this Policy, and its implementation, are regularly monitored and reviewed. Monitoring is an essential aspect of this policy, as it will provide important information by which the school can assess the impact of the policy against its aims and objectives i.e. to eradicate sexual harassment and violence from the school. Statistical information will also enable Governors and School Leaders to identify potential or actual imbalances and to take steps to correct them.