

HCAT

# Sexual Violence and Sexual Harassment between children Policy



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## **HCAT SEXUAL VIOLENCE AND SEXUAL HARRASMENT BETWEEN CHILDREN POLICY**

This policy has been developed alongside the DfE guidance '[Keeping Children Safe in Education](#)' (published September 2023)

### **Aims of this Policy**

The policy sets out what sexual violence and sexual harassment is, how to minimise the risk of it occurring and what to do when it does occur or is alleged to have occurred.

### **Introduction and Rationale**

Sexual violence and sexual harassment can occur between two children of any age and sex from primary through to secondary stage and into colleges. It can occur through a group of children sexually assaulting or sexually harassing a single child or group of children. Sexual violence and sexual harassment exist on a continuum and may overlap; they can occur online and face to face (both physically and verbally) and are never acceptable. As set out in Part one of Keeping children safe in education (KCSIE), all staff working with children maintain an attitude of 'it could happen here'.

Addressing inappropriate behaviour (even if it appears to be relatively unharful) can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future.

Children who are victims of sexual violence and sexual harassment, wherever it happens, will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment and will be exacerbated if the alleged perpetrator(s) attends the same school or college.

It is essential that all 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.

Along with providing support to children who are victims of sexual violence or sexual harassment, the school or college, should provide the alleged perpetrator(s) with further education, safeguarding support as appropriate and implement any disciplinary sanctions. A child abusing another child may be a sign they have been abused themselves or a sign of wider issues that require addressing within the culture of the school or college. Taking disciplinary action and providing appropriate support, can, and should, occur at the same time if necessary.

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

### **Evidence**

Evidence based research has made it clear and important that all school and college staff should have an understanding of what sexual violence and sexual harassment might look like and what to do if they have a concern or receive a report.

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.

Ofsted's Review of sexual abuse in schools and colleges revealed how prevalent sexual harassment and online sexual abuse is for children and young people and that, the issues are so widespread that they need addressing for all children and young people.

Sexual violence and sexual abuse can happen anywhere, and all staff working with children in HCAT Schools maintain an attitude it could anywhere.

Our Schools and colleges are aware of, and respond appropriately to all reports and concerns, including those outside the school or college, and or online.

Our Schools and colleges are aware of the importance of:

- making clear that there is a zero-tolerance approach to sexual violence and sexual harassment and it is never acceptable, and it will not be tolerated and it should never be passed off as “banter”, “just having a laugh”, “part of growing up” or “boys being boys”.
- Challenging physical behaviour (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, pulling down trousers, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them; and
- not recognising, acknowledging or understanding the scale of harassment and abuse and/or downplaying some behaviours related to abuse as it can lead to a culture of unacceptable behaviour, an unsafe environment and in worst case scenarios a culture that normalises abuse leading to children accepting it as normal and not coming forward to report it; and
- understanding that all of the above can be driven by wider societal factors beyond the school and college, such as everyday sexist stereotypes and everyday sexist language.

### **Children with Special Educational Needs and Disabilities (SEND)**

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

These can include:

- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child’s disability without further exploration;
- the potential for children with SEND being disproportionately impacted by behaviours such as bullying and harassment, without outwardly showing any signs; and
- communication barriers and difficulties overcoming these barriers.

Any reports of abuse involving children with SEND will therefore require close liaison with the designated safeguarding lead (or deputy) and the special educational needs co-ordinators (SENCOs) or the named person with oversight for SEN.

### **Children who are lesbian, gay, bi, or trans (LGBT)**

Children who are lesbian, gay, bi, or trans (LGBT) can be targeted by their peers. In some cases, a child who is perceived by their peers to be LGBT (whether they are or not) can be just as vulnerable as children who identify as LGBT.

Whilst not the focus of this advice, schools and colleges should be aware that their staff can be victims of sexual violence and sexual harassment. Schools and colleges should have arrangements in place to protect their staff from such abuse, including clear reporting and support mechanisms.

### **Sexual Violence**

The school is aware of sexual violence and the fact children can, and sometimes do, abuse their peers in this way and that it can happen both inside and outside of school / college. When referring to sexual violence we do so in the context of child on child sexual violence.

For the purpose of this policy, when referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003 as described below:

**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.

**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.

**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. Staff are aware that sexual assault covers a very wide range of behaviour so a single act of kissing someone without consent or touching someone's bottom/breasts/genitalia without consent, can still constitute sexual assault.

**Causing someone to engage in sexual activity without consent:** A person (A) commits an offence if: s/he intentionally causes another person (B) to engage in an activity, the activity is sexual, B does not consent to engaging in the activity, and A does not reasonably believe that B consents. (This could include forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party.)

**What is consent?** Consent is about having the freedom and capacity to choose. 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. 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.

- 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.

### **Sexual Harassment**

For the purpose of this policy, 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. Under no circumstances must a member of staff view any Youth Produced Imagery or online content of a sexual nature.

Sexual harassment can include:

- sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
- sexual "jokes" or taunting;
- physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes (schools and colleges 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. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
- consensual and non-consensual sharing of nude and semi-nude images and videos (Youth Produced Imagery). As set out in [UKCIS Sharing nudes and semi-nudes: advice for education settings working](#)

[with children and young people](#) (which provides detailed advice for schools and colleges) taking and sharing nude photographs of U18s is a criminal offence;

- sharing of unwanted explicit content;
- upskirting (is a criminal offence);
- sexualised online bullying;
- unwanted sexual comments and messages, including, on social media;
- sexual exploitation; coercion and threats.

### **Harmful Sexual Behaviours**

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. A useful umbrella term is "harmful sexual behaviour" (HSB). HSB can occur online and/or face to face and can also occur simultaneously between the two. HSB should be considered in a child protection context.

When considering HSB, ages and the stages of development of the children are critical factors. Sexual behaviour between children can be considered harmful if one of the children 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, for example, if the older child is disabled or smaller in stature. Confidential, specialist support and advice on HSB is available from the specialist sexual violence sector:

- contact [Rape Crisis \(England & Wales\)](#) or [The Survivors Trust](#) for information, advice, and details of local specialist sexual violence organisations.
- [NICE guidance](#) contains information on, amongst other things: developing interventions; working with families and carers; and multi-agency working.
- The [Lucy Faithfull Foundation](#) has developed a HSB toolkit, which amongst other things, provides support, advice and information on how to prevent it, links to organisations and helplines, resources about HSB by children, internet safety, sexual development and preventing child sexual abuse.
- The [NSPCC](#) provides free and independent advice about HSB: NSPCC Learning: Protecting children from harmful sexual behaviour and NSPCC - Harmful sexual behaviour framework
- [Contextual Safeguarding Network – Beyond Referrals](#) (Schools) provides a school self-assessment toolkit and guidance for addressing HSB in schools.
- [StopItNow - Preventing harmful sexual behaviour in children](#) - Stop It Now provides a guide for parents, carers and professionals to help everyone do their part in keeping children safe, they also run a free confidential helpline.
- LGFL '[Undressed](#)' provided schools advice about how to teach young children about being tricked into getting undressed online in a fun way without scaring them or explaining the motives of sex offenders.

### **Our Legal Responsibilities**

HCAT has a statutory duty to safeguard and promote the welfare of the children at our schools and college. As part of this duty, the HCAT is required to have regard to guidance issued by the Secretary of State. All schools and colleges must have regard to:

- Keeping children safe in education.
- Working together to safeguard children.

Furthermore, schools and colleges have a statutory duty to co-operate with safeguarding partnerships once designated as relevant agencies. Equally, safeguarding partners are expected to name schools and colleges as relevant agencies and engage with them in a meaningful way.

All schools are required by law to have a behaviour policy and measures in place to prevent all forms of bullying (including cyberbullying, prejudice-based and discriminatory bullying).

Relationships Education (for all primary pupils) and Relationships and Sex Education (for all secondary pupils) and Health Education (for all pupils in state-funded schools) is now mandatory.

Schools and colleges are required to comply with relevant requirements as set out in the Equality Act 2010 (the Equality Act) and:

- According to the Equality Act, schools and colleges must not unlawfully discriminate against pupils because of their sex, race, disability, religion or belief, gender reassignment, pregnancy or sexual orientation (protected characteristics).
- Whilst all the above protections are important, in the context of this policy, our schools and colleges should carefully consider how they are supporting their pupils and students with regard to their sex, sexuality and if appropriate gender identity.
- Provisions within the Equality Act allow schools and colleges to take positive action, where it can be shown that it is proportionate, to deal with particular disadvantages affecting one group. A school or college, could, for example, consider taking positive action to support girls if there was evidence they were being disproportionately subjected to sexual violence or sexual harassment.

### **Training**

HCAT takes a whole school approach to safeguarding and child protection. This means involving everyone in the school, including the governing body, all staff, children and their parents or carers.

Safeguarding and child protection is a recurrent theme running through the Trusts policies and procedures. The Trust's approach to sexual violence and sexual harassment is reflected and is part of the broader approach to safeguarding.

The safeguarding procedures regarding sexual violence and sexual harassment are transparent, clear and easy to understand for staff, pupils, parents and carers.

Staff across our Trust have completed CPD and Training through Educare in relation to what action to take, how to support children involved in or experiencing sexual violence and harassment and how to implement preventative strategies within the school or college that they work.

<https://www.educare.co.uk/courses/sexual-violence-and-harassment-between-children-and-young-people>

As part of our approach to sexual violence and sexual harassment, we will consider carefully if external input is necessary to train and/or support staff, teach children and/or provide support to the children.

Reports of sexual violence and sexual harassment are likely to be complex and require difficult professional decisions to be made, often quickly and under pressure.

We will respond to reports of sexual violence and sexual harassment through planning, training and policies which will provide the school with the foundation for a calm, considered and appropriate response to any reports. When making decisions, the school will do this on a case-by-case basis ensuring the schools safeguarding policy is followed and this will be undertaken with one of the designated safeguarding leads taking a leading role, supported by other agencies, such as children's social care and the police as required.

### **A planned curriculum as part of a whole school approach**

The most effective preventative education programme will be managed through a whole school approach that prepares pupils for life in modern Britain. Our schools have a clear set of values and standards, and these are upheld and demonstrated throughout all aspects of school life. This approach is also underpinned by the school's behaviour policy and pastoral support system, and a planned programme of evidence-based content delivered through the whole curriculum. These are developed to be age and stage of development appropriate (especially when considering SEND children and their cognitive understanding), and tackle such issues as:

- healthy and respectful relationships;
- what respectful behaviour looks like;
- consent;
- stereotyping, equality;
- body confidence and self-esteem;
- prejudiced behaviour;
- that sexual violence and sexual harassment is always wrong; and
- addressing cultures of sexual harassment.

We are aware that Relationships Education for all primary school age pupils, Relationships and Sex Education (RSE) for all secondary school age pupils, and Health Education for all pupils in state-funded schools is compulsory and delivery this through planned, high quality teaching to provide our pupils with the knowledge, skills and understanding to prepare them to play a full and active part in society.

#### **Responding to reports of sexual violence and sexual harassment.**

The school's initial response to a disclosure from a child is important. It is essential that all victims are reassured that they are being taken seriously and that they will be supported. 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.

As with all safeguarding concerns, it is important that in such instances staff take appropriate action in accordance with the schools safeguarding policy. All staff should not assume that someone else is dealing with the alleged incident. If in any doubt, the member of staff should speak to a designated safeguarding lead. The schools safeguarding principles remain the same and all staff are trained to manage a disclosure (Keeping Children Safe in Education).

The schools safeguarding practice will include:

- not promising confidentiality at this initial stage as it is very likely a concern will have to be shared further
- listening carefully to the child, being non-judgmental, being clear about boundaries and how the disclosure will be progressed
- only recording the facts as the child presents them.
- informing the designated safeguarding lead as soon as practically possible.

Staff taking a disclosure should never promise confidentiality.

The victim may ask the school not to tell anyone about the sexual violence or sexual harassment. The designated safeguarding leads, will consider the following:

- parents or carers should normally be informed unless this would put the victim at greater risk

- the basic safeguarding principle is: if a child is at risk of harm, is in immediate danger or has been harmed then a referral should be made to children's social care
- rape, assault by penetration and sexual assaults are crimes. The starting point is that reports should be passed to the police.

The designated safeguarding lead will balance the child or young person's wishes against their duty to protect them and other children.

If the designated safeguarding lead decides 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.

Where an allegation of sexual violence or sexual harassment is progressing through the criminal justice system, HCAT will need to be aware of anonymity, witness support and the criminal process in general so they can offer support and act appropriately.

The school will also need to consider the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities.

### **Risk Assessment**

When there has been a report of sexual violence, the designated safeguarding lead 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 the:

- victim
- alleged perpetrator
- both other children and, if appropriate, staff at the school or college.

Risk assessments should be recorded, either written or electronically, and should be kept under review. The school will actively consider the risks posed to all pupils and put adequate measures in place to protect and keep children safe.

The designated safeguarding lead will ensure they are engaging with children's social care and specialist services as required. Where there has been a report of sexual violence, it is likely that professional risk assessments by social workers and or sexual violence specialists will be required.

### **Action following a report of sexual violence and / or sexual harassment**

The designated safeguarding lead will complete a safeguarding picture and decide on the school's initial response. In all cases, the school will follow the safeguarding policy and procedures including the principles as per Keeping Children Safe in Education.

Important considerations will include:

- 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. This will however need to be balanced with the school or college's duty and responsibilities to protect other children.
- In some cases, the victim may not make a direct report. For example, a friend may make a report or a member of school or college staff may overhear a conversation that suggests a child has been harmed. As with all safeguarding concerns, it is important that in such instances staff take appropriate action in accordance with their safeguarding policy. They should not assume that someone else is responding to any



incident or concern. If in any doubt, they should speak to the designated safeguarding lead (or a deputy). In such cases, the basic safeguarding principles remain the same, but it is important for the school or college to understand why the victim has chosen not to make a report themselves. This discussion should be handled sensitively and with the support of children's social care if required.

- The nature of the alleged incident(s), including might a crime 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, for example if the alleged perpetrator is significantly older
- If the alleged incident is an isolated incident or a sustained pattern of abuse
- That sexual violence and sexual harassment can take place within intimate personal relationships between peers;
- The importance of understanding intra-familial harms and any necessary support for siblings following incidents
- if there are ongoing risks to the victim, other children, adult students or school or college staff; and
- other related issues and wider context, including any links to child sexual exploitation and child criminal exploitation.

Sexual violence and sexual harassment are not acceptable and will not be tolerated at HCAT.

### **Managing Reports**

HCAT consider every report on a case by case basis. When to inform the alleged perpetrator(s) will be a decision that should be carefully considered. Where a report is going to be made to children's social care and/or the police, then, as a general rule, the school or college will speak to the relevant agency and discuss next steps and how the alleged perpetrator(s) will be informed of the allegations. However, as per general safeguarding principles, this does not and will not stop the school or college taking immediate action to safeguard their children, where required.

There are likely to be four scenarios to consider when managing any reports of sexual violence and / or sexual harassment, these are –

**Manage Internally** - In one-off incidents, the school will 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.

Whatever the schools or college's response, it should be underpinned by the principle that there is a zero-tolerance approach to sexual violence and sexual harassment and it is never acceptable and will not be tolerated.

All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

**Early Help** - If the school decides that the children involved do not require statutory interventions but may benefit from early help. Early help can be particularly useful to address non-violent HSB and may prevent escalation of sexual violence.

An Early help referral to provide support as soon as a possible will be submitted. Early help and the option to manage a report internally do not need to be mutually exclusive: a school could manage internally and seek early help for both the victim and perpetrator(s).

All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

**Referrals to children's social care** - Where a child has been harmed, is at risk of harm, or is in immediate danger, we will make a referral to local children's social care. At the point of referral to children's social care, we will generally inform parents or carers, unless there are compelling reasons not to (if informing a parent or carer is going to put the child at additional risk). Any such decision should be made with the support of children's social care.

If a referral is made, children's social care will then make enquiries to determine whether any of the children involved are in need of protection or other services. Where statutory assessments are appropriate, the school or college (especially the designated safeguarding lead or a deputy) should work alongside, and cooperate with, the relevant lead social worker. Collaborative working will help ensure the best possible package of coordinated support is implemented for the victim and, where appropriate, the alleged perpetrator(s) and any other children that require support.

We will not wait for the outcome (or even the start) of a children's social care investigation before putting measures in place to protecting the victim and other children in the school or college. It will be important for the designated safeguarding lead (or a deputy) to work closely with children's social care (and other agencies as required) to ensure any actions the school or college take do not jeopardise a statutory investigation. The risk assessment will help inform any decision. Consideration of safeguarding the victim, the alleged perpetrator(s), any children directly involved in the reported incident and all children (and adult students) at the school or college should be immediate.

In some cases, children's social care will review the evidence and decide a statutory intervention is not appropriate. The school or college (generally led by the designated safeguarding lead or a deputy) should be prepared to refer again if they believe the child remains in immediate danger or at risk of harm. If a statutory assessment is not appropriate, the designated safeguarding lead (or a deputy) should consider other support mechanisms such as early help, specialist support and pastoral support.

Whatever the response, it should be under-pinned by the principle that there is a zero-tolerance approach to sexual violence and sexual harassment, and it is never acceptable and will not be tolerated.

All concerns, discussions, decisions, and reasons for decisions should be recorded (written or electronic).

**Reporting to the police** - Where a report of rape, assault by penetration or sexual assault is made, reporting to the police will generally be in parallel with referrals to children's social care. 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. Whilst the age of criminal responsibility is ten, if the alleged perpetrator is under ten, the starting principle of reporting to the police remains. The police will take a welfare, rather than a criminal justice, approach.

At this stage, HCAT 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 or college is supporting the child in any decision they take. This should be with the support of children's social care and any appropriate specialist agencies

Where a report has been made to the police, the school or college 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 both the victim and alleged perpetrator, and their anonymity.

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 that the designated safeguarding lead (and their deputies) are aware of their local arrangements.

In some cases, it may become clear very quickly, that the police (for whatever reason) will not take further action. In such circumstances, it is important that the school or college continue to engage with specialist support for the victim as required.

Whatever the response, it should be under-pinned by the principle that there is a zero-tolerance approach to sexual violence and sexual harassment is never acceptable and will not be tolerated.

All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

**Considering bail conditions** - The police will consider what action to take to manage the assessed risk of harm. This could involve the use of police bail with conditions, prior to a suspect appearing in court, or court bail with or without conditions after the first appearance.

Alternatively, the person suspected of an offence could be 'released under investigation' (RUI). People released under RUI can have no conditions attached to their release from custody and it is possible for a person on bail also to have no conditions.

Whatever arrangements are in place, the school or college will need to consider what additional measures may be necessary to manage any assessed risk of harm that may arise within their institution. Particular regard should be given to the additional stress and trauma that might be caused to a victim within the institution; the potential for the suspected person to intimidate the victim or a witness; the need to ensure that any risk management measures strike a balance between management of risk and the rights of an unconvicted person (e.g. rights to privacy, family life, etc).

Careful liaison with the police investigators should help to develop a balanced set of arrangements.

**Managing any delays in the criminal process** - There may be delays in any case that is being progressed through the criminal justice system. We will not wait for the outcome (or even the start) of a police investigation before putting measures in place to protect-the victim, alleged perpetrator(s) and other children and adult students in the school or college. The risk assessment will help inform any decision.

It is 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 or college take do not jeopardise the police investigation.

If schools or colleges have questions about the investigation, they should ask the police. The police will help and support the school or college as much as they can (within the constraints of any legal restrictions)

**The end of the criminal process** - If a child is convicted or receives a caution for a sexual offence, the school or college will update its risk assessment, ensure relevant protections are in place for all children at the school or college and, if it has not already done so, consider any suitable action in line with their behaviour policy. This process should include a review of the necessary actions to keep all parties safe and meet their needs.

If the perpetrator(s) remain(s) in the same school or college as the victim, the school or college will be very clear as to their expectations regarding the perpetrator(s) now they have been convicted or cautioned. This will include expectations regarding their behaviour and any restrictions the school or college thinks are reasonable and proportionate with regard to the perpetrator(s)' timetable.

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 or college should continue to offer support to the victim and the alleged perpetrator(s) 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 or was withdrawn does not necessarily mean that it was unfounded.

Schools and colleges should discuss any decisions with the victim in this light and continue to offer support. The alleged perpetrator(s) is also likely to require ongoing support for what will have likely been a difficult experience.

**Unsubstantiated, unfounded, false or malicious reports** - As set out in part one of Keeping children safe in education, all concerns, discussions, and decisions made, and the reasons for those decisions, should be recorded in writing. Records should be reviewed 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 designated safeguarding lead should consider whether the child and/or the person 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 children's social care may be appropriate.

If a report is shown to be deliberately invented or malicious, the school or college should consider whether any disciplinary action is appropriate against the individual who made it as per their own behaviour policy.

### **Safeguarding and supporting the alleged perpetrators and children and young people who have displayed harmful sexual behaviour**

The school or college will balance safeguarding, the pupil and the wider student body, along ~~and~~ with providing the alleged perpetrator with further education, safeguarding support and implementing any disciplinary sanctions.

Consideration will be given to the age and the developmental stage of the alleged perpetrator (pupil) and nature of the allegations. Any child will likely experience stress as a result of being the subject of allegations and/or negative reactions by their peers to the allegations against them.

Support should be considered on a case-by-case basis.

The school will take appropriate action whilst another investigation by the police and/or children's social care is ongoing.

### **Working with Parents and Carers**

The school or college will engage with both the victim's and the alleged perpetrator's parents or carers when there has been a report of sexual violence. The exception to this rule is if there is a reason to believe informing a parent or carer will put a child at additional risk.

The school or college will communicate with the parents/carers of the victim and alleged perpetrator to discuss what arrangements are being put in place to safeguard the pupil and understand their wishes in terms of support they may need and how the report will be progressed (victim and alleged perpetrator can be present if they wish to be).

### **Safeguarding other children**

The school and college will consider what further support should be given to children who have witnessed sexual violence. Witnessing such an event is likely to be traumatic and support may be required.

The school and college will ensure both the victim and alleged perpetrator, and any witnesses, are not being bullied or harassed, including online or by social media.

A whole school approach to safeguarding, a culture that makes it clear that there is a zero-tolerance approach to sexual violence and sexual harassment and that it is never acceptable, and will not be tolerated, and a strong preventative education programme will create an environment in which all children are supportive and respectful of their peers when reports of sexual violence or sexual harassment are made.

### **Monitoring and Review**

All policies, processes and curriculum are under constant review to protect all children in our care.