



Sexual Harassment and Sexual Violence Policy

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Introduction

In December 2017 the Department for Education (DfE) released advice about sexual violence and sexual harassment between children in schools and colleges to be read and referenced alongside the latest version of Keeping Children Safe in Education (<https://www.gov.uk/government/publications/sexual-violence-and-sexual-harassment-between-children-in-schools-and-college>). This policy forms part of The Park School's overarching approach to safeguarding and child protection and is our response to the DfE's advice.

Sexual harassment

Sexual harassment refers to unwanted conduct of a sexual nature that occurs online or offline. Sexual harassment violates a student's dignity and makes them feel intimidated, degraded, or humiliated, and can create a hostile, sexualised or offensive environment. If left unchallenged, sexual harassment can create an atmosphere that normalises inappropriate behaviour and may lead to sexual violence. Sexual harassment includes:

- Sexual comments.
- Sexual "jokes" and taunting.
- Physical behaviour, such as deliberately brushing against another student, interfering with someone's clothes and displaying pictures, photographs or drawings of a sexual nature.
- Online sexual harassment, including non-consensual sharing of images and videos and consensual sharing of sexual images and videos, inappropriate comments on social media, exploitation, coercion, and threats – online sexual harassment may be isolated or part of a wider pattern.

Sexual violence

Sexual violence refers to the three following offences:

- **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.

Harmful sexual behaviours

Sexual violence and sexual harassment can occur online and offline (both physically and verbally) and are never acceptable. All victims should be taken seriously and offered appropriate support. Victims of sexual violence and harassment are likely to find the experience distressing and stressful, and it will, in all likelihood, adversely affect their education.

Harmful sexual behaviours

The term “**harmful sexual behaviour**” is used to describe behaviour that is problematic, abusive and violent, and that may cause developmental damage. Harmful sexual behaviour may include:

- Using sexually explicit words and phrases.
- Inappropriate touching.
- Sexual violence or threats.
- Full penetrative sex with other children or adults.
- Sexual interest in adults or children of very different ages to their own.
- Forceful or aggressive sexual behaviour.
- Compulsive habits.
- Sexual behaviour affecting progress and achievement.

It is important to note that harmful sexual behaviours can occur both online and offline, and sometimes simultaneously between the two. Children displaying harmful sexual behaviour have often experienced their own abuse and trauma, and it is imperative that they are offered appropriate support. When considering whether behaviour is harmful, take into account the ages and stages of development of the children. Sexual behaviour can be harmful if one of the children is much older (especially where there is two years or more difference, or where one child is pre-pubescent and the other is not). Keep in mind that it is possible for a younger child to abuse an older child, particularly where they have power over them, such as where the older child has disabilities or is small in stature.

Our approach to preventing child-on-child sexual violence and sexual harassment

To prevent peer-on-peer abuse and address the wider societal factors that can influence behaviour, the school will educate students about abuse, its forms and the importance of discussing any concerns and respecting others through the curriculum, assemblies and PSHE. The school will also ensure that students are taught about safeguarding, including online safety, as part of a broad and balanced curriculum in PSHE lessons, RSE and group sessions. Such content will be age and stage of development specific, and tackle issues such as the following:

- Healthy relationships
- Respectful behaviour
- Consent
- Gender roles, stereotyping and equality
- Body confidence and self-esteem
- Prejudiced behaviour
- That sexual violence and sexual harassment is always wrong
- Addressing cultures of sexual harassment

Students will be allowed an open forum to talk about concerns and sexual behaviour. They are taught how to raise concerns and make a report, including concerns about their friends or peers, and how a report will be handled

Awareness

Sexual violence and sexual harassment at The Park School is not acceptable, will never be tolerated, and is not viewed as being an inevitable part of growing up.

All staff are aware that students of any age and sex are capable of abusing their peers and will never tolerate abuse as “banter” or “part of growing up”. All staff are aware that peer-on-peer abuse can be manifested in many different ways, including sexting and gender issues, such as girls being sexually touched or assaulted, and boys being subjected to hazing/initiation types of violence which aims to cause physical, emotional or psychological harm.

All staff are aware of the heightened vulnerability of students with SEND, who are three times more likely to be abused than their peers. Staff will not assume that possible indicators of abuse relate to the student's SEND and will always explore indicators further. Additional barriers to recognising abuse in children with SEND include:

- Assuming that indicators of abuse, such as mood and behaviour, relate to the child's disability.
- Children with SEND being disproportionately impacted by bullying and harassment without showing any outward signs.
- Communication barriers.

LGBTQ+ children can be targeted by their peers. In some cases, children who are perceived to be LGBTQ+, whether they are or not, can be just as vulnerable to abuse as LGBTQ+ children. The school's response to boy-on-boy and girl-on-girl sexual violence and sexual harassment will be equally as robust as it is for incidents between children of the opposite sex.

Students will be made aware of how to raise concerns or make a report and how any reports will be handled. This includes the process for reporting concerns about friends or peers.

Support available if a child has been harmed, is in immediate danger or at risk of harm

If a child has been harmed, is in immediate danger or is at risk of harm, a referral will be made to the CSPA. Rape, assault by penetration and sexual assaults are crimes. Where a report includes such an act, the Police will be notified, often as a natural progression of making a referral to CSPA. The school has a close relationship with the local Police force and the DSL and DDSLs will liaise closely with the local Police.

Online concerns can be especially complicated. The school recognises that there is potential for an online incident to extend further than the local community and for a victim, or the alleged perpetrator, to become marginalised and excluded both online and offline. There is also strong potential for repeat victimisation if the content continues to exist. If the incident involves sexual images or videos held online, the Internet Watch Foundation will be consulted to have the material removed. Staff will not view or forward illegal images of a child. If they are made aware of such an image, they will contact the DSL or DDSLs.

Managing Disclosures

Victims will always be taken seriously, reassured, supported, and kept safe. Victims will never be made to feel like they are causing a problem or made to feel ashamed. If a friend of a victim makes a report or a member of staff overhears a conversation, staff will take action – they will never assume that someone else will deal with it. The basic principles remain the same as when a victim reports an incident; however, staff will consider why the victim has not chosen to make a report themselves and the discussion will be handled sensitively liaising closely with the DSL or DDSLs.

Confidentiality

The school will only engage staff and agencies required to support the victim and/or be involved in any investigation. If a victim asks the school not to tell anyone about the disclosure, the school cannot make this promise. Even without the victim's consent, the information may still be lawfully shared if it is in the public interest and protects children from harm. The DSL and DDSLs will consider the following when making confidentiality decisions:

- Parents will be informed unless it will place the victim at greater risk.
- If a child is at risk of harm, is in immediate danger or has been harmed, a referral will be made to the CSPA
- Rape, assault by penetration and sexual assaults are crimes – reports containing any such crimes will be passed to the police.

The DSL and DDSLs will weigh the victim's wishes against their duty to protect the victim and others. If a referral is made against the victim's wishes, it will be done so extremely carefully and the reasons for referral will be explained to the victim. Appropriate specialist support will always be offered.

Anonymity

There are legal requirements for anonymity where a case is progressing through the criminal justice system. The school will do all it can to protect the anonymity of children involved in any report of sexual violence or sexual harassment. It will carefully consider, based on the nature of the report, which staff will be informed and what support will be in place for the children involved. When deciding on the steps to take, the school will consider the role of social media in potentially exposing victims' identities and facilitating the spread of rumours.

Risk Assessment

The DSL or DDSLs will make an immediate risk and needs assessment any time there is a report of sexual violence. For reports of sexual harassment, a risk assessment will be considered on a case-by-case basis. Risk assessments are not intended to replace the detailed assessments of experts, and for incidents of sexual violence it is likely that a professional risk assessment by a social worker or sexual violence specialist will be required.

Taking action following a disclosure

The DSL or DDSLs will decide the school's initial response, taking into consideration:

- The victim's wishes.
- The nature of the incident.
- The ages and developmental stages of the children involved.
- Any power imbalance between the children.
- Whether the incident is a one-off or part of a pattern.
- Any ongoing risks.
- Any related issues and the wider context, such as whether there are wider environmental factors in a child's life that threaten their safety and/or welfare.
- The best interests of the child.
- That sexual violence and sexual harassment are always unacceptable and will not be tolerated.

Immediate consideration will be given as to how to support the victim, alleged perpetrator and any other children involved. In all cases, the initial report will be carefully evaluated and the wishes of the victim, nature of the allegations and requirement to protect all children will be taken into consideration.

Managing the Report

The decision of when to inform the alleged perpetrator of a report will be made on a case-by case basis. If a report is being referred to the CSPA or the Police, the school will speak to the relevant agency to discuss informing the alleged perpetrator.

There are four likely outcomes when managing reports of sexual violence or sexual harassment:

- Managing internally
- Providing Early Help
- Referring to the CSPA
- Reporting to the Police

Whatever outcome is chosen, it will be underpinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated. All concerns, discussion, decisions, and reasons behind decisions will be recorded either on paper or electronically. The following situations are statutorily clear and do not allow for contrary decisions:

- A child under the age of 13 is not legally capable of consenting to sexual activity.
- The age of consent is 16
- Sexual intercourse without consent is rape.
- Rape, assault by penetration and sexual assault are defined in law.
- The law gives extra protection to young people who are over the age of consent but under 18.
- Creating and sharing sexual photos and videos of children under 18 is illegal – including children making and sending images and videos of themselves.

Managing Internally

In some cases, e.g., one-off incidents, the school may decide to handle the incident internally through

behaviour and bullying policies and by providing pastoral support.

Providing Early Help

The school may decide that statutory interventions are not required, but that students may benefit from Early Help – providing support as soon as a problem emerges. This approach can be particularly useful in addressing non-violent harmful sexual behaviour and may prevent escalation of sexual violence.

Referring to the CSPA

If a child has been harmed, is at risk of harm or is in immediate danger, the school will make a referral to the CSPA. Parents will be informed unless there is a compelling reason not to do so (if referral will place the victim at risk). This decision will be made in consultation with the CSPA. The school will not wait for the outcome of an investigation before protecting the victim and other children. The DSL or DDSs will work closely with the CSPA to ensure that the school's actions do not jeopardise any investigation. Any related risk assessment will be used to inform all decisions. If the CSPA decide that a statutory investigation is not appropriate, the school will consider referring the incident again if they believe the child to be in immediate danger or at risk of harm. If the school agrees with the decision made by the CSPA, they will consider the use of other support mechanisms such as early help, pastoral support and specialist support.

Reporting to Police

Reports of rape, assault by penetration or sexual assault will be passed on to the Police, generally this will be in parallel with referral to the CSPA. Parents will be informed unless there is a compelling reason not to do so. Where parents are not informed, it is essential for the school to support the child with any decision they take, in unison with the CSPA and any appropriate specialist agencies. The DSL, DDSs and governing board will agree what information will be disclosed to staff and others, in particular the alleged perpetrator and their parents. They will also discuss the best way to protect the victim and their anonymity. The DSL and DDSs will be aware of local arrangements and specialist units that investigate child abuse. In some cases, it may become clear that the Police will not take further action, for whatever reason. In these circumstances, the school will continue to engage with specialist support for the victim as required.

Bail Conditions

Police bail is only used in exceptional circumstances. It is unlikely that a child will be placed on police bail if alternative measures can be used to mitigate risks. The school will work with the CSPA and the Police to support the victim, alleged perpetrator, and other children (especially witnesses) during criminal investigations. The school will seek advice from the Police to ensure they meet their safeguarding responsibilities. The term 'released under investigation' (RUI) is used to describe alleged perpetrators released in circumstances that do not warrant the application of bail. Where bail is deemed necessary, the school will work with the CSPA and the Police to safeguard children – ensuring that the victim can continue in their normal routine and continue to receive a suitable education.

Managing Delays in the Criminal Justice System

The school will not wait for the outcome (or even the start) of criminal proceedings before protecting the victim, alleged perpetrator, and other children. The associated risk assessment will be used to inform any decisions made. The DSL or DDSs will work closely with the Police to ensure the school does not jeopardise any criminal proceedings, and to obtain help and support as necessary.

The End of the Criminal Process

Risk assessments will be updated if the alleged perpetrator receives a caution or is convicted. If the perpetrator remains in the same school as the victim, the school will set out clear expectations regarding the perpetrator, including their behaviour and any restrictions deemed reasonable and proportionate with regards to the perpetrator's timetable. The school will ensure that the victim and

perpetrator remain protected from bullying and harassment (including online). Where an alleged perpetrator is found not guilty or a case is classed as requiring “no further action”, the school will offer support to the victim and alleged perpetrator for as long as is necessary. The victim is likely to be traumatised and the fact that an allegation cannot be substantiated does not necessarily mean that it was unfounded. The school will discuss decisions with the victim and offer support. The alleged perpetrator is also likely to require ongoing support, as they have also been through a difficult and upsetting experience.

Ongoing support for the victim

Any decisions regarding safeguarding and supporting the victim will be made with the following considerations in mind:

- The terminology the school uses to describe the victim
- The age and developmental stage of the victim
- The needs and wishes of the victim
- Whether the victim wishes to continue in their normal routine
- The victim will not be made to feel ashamed about making a report
- What a proportionate response looks like

Victims may not disclose the whole picture immediately and they may be more comfortable talking about the incident on a piecemeal basis; therefore, a dialogue will be kept open, and the victim can choose to appoint a designated trusted adult. Victims may struggle in a normal classroom environment. Whilst it is important not to isolate the victim, the victim may wish to be withdrawn from lessons and activities at times. This will only happen when the victim wants it to, not because it makes it easier to manage the situation. The school will provide a physical space for victims to withdraw to. Victims may require support for a long period of time and the school will be prepared to offer long-term support in liaison with relevant agencies. Everything possible will be done to prevent the victim from bullying and harassment because of any report they have made. If the victim is unable to remain in the school, alternative provision or a move to another school will be considered – this will only be considered at the request of the victim and following discussion with their parents. If the victim does move to another school, the DSL or DDSs will inform the school of any ongoing support needs and transfer the child protection file.

Ongoing Support for the Alleged Perpetrator

When considering the support required for an alleged perpetrator, the school will consider:

- The terminology they use to describe the alleged perpetrator or perpetrator.
- The balance of safeguarding the victim and providing the alleged perpetrator with education and support.
- The reasons why the alleged perpetrator may have abused the victim – and the support necessary.
- Their age and developmental stage.
- What a proportionate response looks like.
- Whether the behaviour is a symptom of their own abuse or exposure to abusive practices and/or materials.

When making a decision, advice will be taken from the CSPA, specialist sexual violence services and the Police as appropriate. If the alleged perpetrator moves to another school (for any reason), the DSL or DDSs will inform the destination school of any ongoing support needs and transfer the child protection file. The school will work with professionals as required to understand why the abuse took place and provide a high level of support to help the student understand and overcome the reasons for their behaviour and reduce the likelihood of them abusing again.

Disciplining the Alleged Perpetrator

Disciplinary action can be taken whilst investigations are ongoing and the fact that investigations are ongoing does not prevent the school reaching its own conclusion and imposing an appropriate penalty. The school will make such decisions on a case-by-case basis, with the DSL taking a leading role. The school will take into consideration whether any action would prejudice an investigation

and/or subsequent prosecution. The Police and the CSPA will be consulted where necessary. The school will also consider whether circumstances make it unreasonable or irrational for the school to make a decision about what happened while an investigation is considering the same facts. Disciplinary action and support can take place at the same time. The school will be clear whether action taken is disciplinary, supportive or both.

Shared Classes

Once the DSL or DDSLs have decided to progress a report, they will again consider whether the victim and alleged perpetrator will be separated in classes, on school premises and on school transport – balancing the school's duty to educate against its duty to safeguard. The best interests of the student will always come first. Where there is a criminal investigation into rape or assault by penetration, the alleged perpetrator will be removed from classes with the victim and potential contact on school premises and transport will be prevented. Where a criminal investigation into rape or assault by penetration leads to a conviction or caution, in all but the most exceptional circumstances, this will constitute a serious breach of discipline and result in the view that allowing the perpetrator to remain in the school would harm the education or welfare of the victim and potentially other students. Where a criminal investigation into sexual assault leads to a conviction or caution, the school will consider suitable sanctions and permanent exclusion. If the perpetrator remains at the school, the school will keep the victim and perpetrator in separate classes and manage potential contact on school premises and transport. The nature of the conviction or caution, alongside the wishes of the victim, will inform any discussions made.

Where a report of sexual assault does not lead to a police investigation, this does not mean that the offence did not happen or that the victim has lied. Both the victim and alleged perpetrator will be affected and appropriate support will be provided. Considerations regarding sharing classes and potential contact will be made on a case-by-case basis. In all cases, the school will record its decisions and be able to justify them. The needs and wishes of the victim will always be at the heart of the process.

Working with Parents and Carers

In most sexual violence cases, the school will work with the parents of both the victim and alleged perpetrator. The exception to this rule is if there is a reason to believe that informing a parent or carer will put a child at additional risk. We will carefully consider what information we provide to the respective parents or carers about the other pupil(s) involved and when we do so. Children's social care and / or the police will have a very clear view and we will work with relevant agencies to ensure a consistent approach is taken to information sharing. For cases of sexual harassment, these decisions will be made on a case-by-case basis. The school will meet the victim's parents with the victim present to discuss the arrangements being put in place to safeguard the victim, and to understand their wishes in terms of support arrangements and the progression of the report. Schools will also meet with the parents of the alleged perpetrator to discuss arrangements that will impact their child, such as moving them out of classes with the victim. Reasons behind decisions will be explained and the support being made available will be discussed. The DSL or DDSLs will attend such meetings, with agencies invited as necessary. Clear policies regarding how the school will handle reports of sexual violence and how victims and alleged perpetrators will be supported will be made available to parents.

Safeguarding Other Children

Children who have witnessed sexual violence, especially rape and assault by penetration, will be provided with support. It is likely that children will "take sides" following a report, and the school will do everything in its power to protect the victim, alleged perpetrator and witnesses from bullying and harassment. The school will keep in mind that contact may be made between the victim and alleged perpetrator and that harassment from friends of both parties could take place via social media and do everything in its power to prevent such activity. As part of the school's risk assessment following a report, transport arrangements will be considered, as it is a potentially vulnerable place for both a victim and alleged perpetrator. Schools will consider any additional support that can be put in place.

Appendix A – Stages of healthy sexual behaviour from the NSPCC website

The following is from the NSPCC website ([Healthy sexual development of children and young people | NSPCC Learning](#)):

All children go through phases of sexual development. Just like every other part of growing up, some children mature sooner or later than others. For example, some children may have developmental delays whilst others may reach puberty early.

Below are some examples of age-appropriate healthy sexual behaviour.

From 0- to 4-years old

At this stage, you might notice natural exploratory behaviour emerging for the first time like:

- enjoying being naked
- kissing and hugging people they know well, for example friends and family members
- touching or rubbing their own private parts as a comforting habit
- showing curiosity about or attempting to touch the private parts of other people
- being curious about the differences between boys and girls
- talking about private body parts and their functions, using words like 'willy', 'bum', 'poo' and 'wee'
- role playing about different relationships, for example marriage.

From 5- to 9-years-old

As children get a little older they become more conscious of sex and their own sexuality. This can be displayed by:

- becoming more aware of the need for privacy
- asking questions about sex and relationships, such as what sex is, where babies come from and same-sex relationships
- kissing, hugging and holding hands with a boyfriend or girlfriend
- using swear words or slang to talk about sex after hearing other people use them.

From 9- to 13-years-old

During these ages, children begin to get more curious about sex. Examples of healthy sexual behaviour during this stage are:

- having a boyfriend or girlfriend (of the same or different gender)
- using sexual language as swear words or slang
- wanting more privacy
- looking for information about sex online (this might lead to accidentally finding sexual pictures or videos)
- masturbating in private.

From 13- to 17-years-old

During adolescence, sexual behaviour becomes more private with young people and they begin to explore their sexual identity. They might be:

- forming longer-lasting sexual and non-sexual relationships with peers
- using sexual language and talking about sex with friends
- sharing obscenities and jokes that are within the cultural norm
- experimenting sexually with the same age group
- looking for sexual pictures or videos online.

The age of consent to engage in sexual activity in the UK is 16 years old. However, the law is there to protect children and young people from abuse or exploitation, rather than to prosecute under-16s who participate in mutually consenting sexual activity.

Schools, colleges and other education settings play an important role in teaching children and young people about healthy relationships.