

Sexual Violence & Sexual Harassment Policy

The focus of this policy is sexual violence and sexual harassment between children at school and college. For the purposes of this document, a child is anyone under the age of 18. It provides advice on what sexual violence and sexual harassment is, how to minimise the risk of it occurring and what to do when incidents occur, or are alleged to have occurred.

Victims and Alleged Perpetrators

There are many different ways to describe children who have been subjected to sexual violence and/or sexual harassment and many ways to describe those who are alleged to have carried out any form of abuse.

For the purposes of this document, we use the term 'victim'. It is a widely recognised and understood term. It is important that all staff recognise that not everyone who has been subjected to sexual violence and/or sexual harassment considers themselves a victim or would want to be described in this way. Ultimately, all staff members should be conscious of this when managing any incidents and be prepared to use any term with which the individual child is most comfortable.

For the purpose of this document, we use the term 'alleged perpetrator'. It is important to remember that, as a child, any alleged perpetrator is entitled to, deserving of, and should be provided with, a different level of support to that which might be provided to an adult who is alleged to have abused a child.

What Does Sexual Violence And Sexual Harassment Between Children Mean?

Sexual violence and sexual harassment can occur between two children of any sex. They can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children.

Children who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment. Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and

offline (both physical and verbal) and are never acceptable. It is important that **all** victims are taken seriously and offered appropriate support. The following should be considered:

- It is more likely that girls will be the victims of sexual violence and more likely that sexual harassment will be perpetrated by boys. All staff should be aware of the importance of:
 - Making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up.
 - Not tolerating or dismissing sexual violence or sexual harassment as “banter”, “part of growing up”, “just having a laugh” or “boys being boys”.
 - Challenging behaviours (which are potentially criminal in nature), such as grabbing bottoms, breasts and genitalia. Dismissing or tolerating such behaviours risks normalising them.
- Children with Special Educational Needs and Disabilities (SEND) can be especially vulnerable. Disabled and deaf children are three times 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.
 - Communication barriers and difficulties overcoming these barriers.
- 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.

Sexual Violence

It is important to be aware of sexual violence and the fact children can, and sometimes do, abuse their peers in this way. When referring to sexual violence in this document, we do so in the context of child on child sexual violence.

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: he/she 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: he/she 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.

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

Sexual Harassment

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.

Whilst not intended to be an exhaustive list, 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 name.
- Sexual “jokes” or taunting.
- Physical behaviour, such as: deliberating brushing against someone, interfering with someone’s clothes and displaying pictures, photos or drawings of a sexual nature.
- Online sexual harassment, which might include: non-consensual sharing of sexual images and videos and sharing sexual images and videos (both often referred to as sexting); inappropriate sexual comments on social media; exploitation; coercion and threats. Online sexual harassment may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence.

It is important to consider sexual harassment in broad terms. Sexual harassment (as set out above) creates an atmosphere that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence.

Harmful Sexual Behaviours

Children’s sexual behaviours exist on a wide continuum, from normal and developmentally expected to inappropriate, problematic, abusive and violent. Problematic, abusive and violent sexual behaviours are developmentally inappropriate and may cause developmental damage. A useful umbrella term is “harmful sexual behaviours”. Advice on signs, indicators and effects of harmful sexual behaviours is available at the following website:

<https://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/harmful-sexual-behaviour/signs-symptoms-effects/>

Harmful sexual behaviours can occur online and offline and can occur simultaneously between the two. Harmful sexual behaviours should be considered in a child protection context.

When considering harmful sexual behaviours, ages and the stages of development of the children are critical factors to consider. Sexual behaviour between children can be considered harmful if one of the children is much older, particularly if there

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is more than two years' difference in age 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. The Brook sexual behaviours traffic light tool can help when considering harmful sexual behaviours. Please see the following link:

<https://www.brook.org.uk/our-work/the-sexual-behaviours-traffic-light-tool>

Detailed advice on harmful sexual behaviours is available from the specialist sexual violence sector: contact Rape Crisis (<https://rapecrisis.org.uk>) or the Survivors Trust (<http://thesurvivorstrust.org>) for details of the nearest centre.

Also, see NSPCC: Harmful sexual behaviour (<https://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/harmful-sexual-behaviour>), and NICE guidance (<https://www.nice.org.uk/guidance/ng55>) for advice on, amongst other things: developing interventions; working with families and carers; and multi-agency working.

It is effective safeguarding practice for the designated safeguarding lead to have a good understanding of harmful sexual behaviour.

Harmful sexual behaviours can, in some cases, progress on a continuum. Addressing inappropriate behaviour can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future. Children displaying harmful sexual behaviours have often experienced their own abuse and trauma. It is important that they are offered appropriate support.

Responding To Reports of Sexual Violence and Sexual Harassment

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. Pre-planning, effective training and effective policies will provide schools and colleges with the foundation for a calm, considered and appropriate response to any reports.

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Some situations of sexual assault are statutorily clear:

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

Staff at the school should not feel that they are alone in dealing with sexual violence and sexual harassment.

Working Together to Safeguard Children sets out details of the wider child protection system, inter-agency working and schools' and colleges' role in it. This includes:

- The basic safeguarding principle is: if a child has been harmed, is in immediate danger, or is at risk of harm a referral should be made to children's social care. A social worker should respond to the referrer within one working day to explain what action they will be taking.
- Children's social care will consider if early help, section 17 and/or section 47 statutory assessments are appropriate. School staff may be expected to participate in an early help assessment, child protection enquiry, strategy discussion and child protection conference. The designated safeguarding lead will be supporting staff as required.
- Local authorities, with their partners, should develop and publish local protocols for assessment. This should set out clear arrangements for how cases will be managed once a child is referred into children's social care. It is important all staff understand this process.
- The police will be important partners where a crime might have been committed.

Rape, assault by penetration and sexual assaults are crimes.

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Where there is a report of a rape, assault by penetration or sexual assault, the starting point is, it should be passed onto the police. This will often be a natural progression of making a referral to children's social care. The designated safeguarding lead should be leading the school's response and should be aware of the local process for referrals to children's social care and making reports to the police.

Leicester Community Academy has close relationships with the local police force.

The NSPCC provides a helpline for professionals at 0808 800 5000 and help@nspcc.org.uk. The helpline provides expert advice and support and will be especially useful for the designated safeguarding lead.

Support is available from specialist sexual violence sector such as Rape Crisis (<https://rapecrisis.org.uk>) or The Survivors Trust (<http://thesurvivorstrust.org>).

The Anti-Bullying Alliance has developed guidance for schools about preventing and responding to sexual bullying (<https://www.anti-bullyingalliance.org.uk/tools-information/all-about-bullying/sexual-and-gender-related/preventing-and-responding-sexual>)

All staff members should recognise that incidents of sexual violence and sexual harassment that occur online (either in isolation or in connection to offline incidents) can introduce a number of complex factors. These include the potential for the incident to take place across a number of social media platforms and services and for things to move from platform to platform online. It also includes the potential for the impact of the incident to extend further than the school's local community (e.g. for images or content to be shared around neighbouring schools/colleges) and for a victim (or alleged perpetrator) to become marginalised and excluded by both online and offline communities.

There is also the strong potential for repeat victimisation in the future if abusive content continues to exist somewhere online. Online concerns can be especially complicated. Support is available at:

- The UK Safer Internet Centre provides an online safety helpline for professionals at 0344 381 4772 and helpline@saferinternet.org.uk. The helpline provides expert

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advice and support for school staff with regard to online safety issues and will be especially useful for the designated safeguarding lead when a report of sexual violence or sexual harassment includes an online element.

If the incident involves sexual images or videos that have been made and circulated online, the victim can be supported to get the images removed through the Internet Watch Foundation (IWF - <https://www.iwf.org.uk/>). The IWF will make an assessment of whether the image is illegal in line with UK Law. If the image is assessed to be illegal, it will be removed and added to the IWF's Image Hash list.

Sharing indecent images of a child (including by children) is a crime: UKCCIS (UK Council for Child Internet Safety) provides support to in responding to reports of sexting.

<https://www.gov.uk/government/groups/uk-council-for-child-internet-safety-ukccis>

Thinkuknow from CEOP provides support for the children's workforce, parents and carers on staying safe online.

<https://www.thinkuknow.co.uk/>

Part one of Keeping Children Safe in Education (which all school staff should read) and what to do if you're worried if a child is being abused provide information for all staff as to what they should do if they have concerns about a child.

Effective safeguarding practice is to be clear, in advance, as to what local processes are in place and what support can be accessed when sexual violence or sexual harassment has occurred. It is important to prepare for this in advance of a reported incident and review this information on a regular basis to ensure it is up to date. As such:

If required, the designated safeguarding lead will discuss the local response to sexual violence and sexual harassment with police and children's social care.

The designated safeguarding lead is confident as to what local specialist support is available to support all children involved (including the victims and alleged perpetrators) in sexual violence and sexual harassment and are confident as to how to access this support when required.

The Immediate Response to a Report

Managing the Disclosure

The school's initial response to a disclosure from a child is important. It is essential that victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.

In some cases, the victim may not make a direct report or disclosure. For example, a friend may make a report or a member of 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 the child protection policy. They should not assume that someone else is dealing with the alleged incident. If in any doubt, they should speak to the designated safeguarding lead. In such cases, the basic safeguarding principles remain the same, but it is important 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.

There may be reports where the alleged incident is between two pupils from the same school but is alleged to have taken place away from the school premises. The safeguarding principles, and schools' duties to safeguard and promote the welfare of their pupils, remain the same.

As per Part one of Keeping Children Safe in Education, all staff should be trained to manage a disclosure. Local policies (and training) will dictate exactly how disclosures should be managed. However, effective safeguarding practice includes:

- Not promising confidentiality at this initial stage as it is very likely a concern will have to be shared further (for example with the designated safeguarding lead or children's social care) to discuss next steps. Staff should only share the report with those people who are necessary in order to progress it. It is important that the victim understands what the next steps will be and who the report will be passed to.
- Recognising a child is likely to disclose to someone they

trust. It is important that the person to whom the child discloses recognises that the child has placed them in a position of trust. They should be supportive and respectful of the child.

- Listening carefully to the child, being non-judgmental, being clear about boundaries and how the disclosure will be progressed, not asking leading questions and only prompting the child where necessary with open questions – where, when, what etc.
- Considering the best way to make a record of the disclosure. Best practice is to wait until the end of the disclosure and immediately write up a thorough summary. This allows the staff member to devote their full attention to the child and to listen to what they are saying. It may be appropriate to make notes during the disclosure (especially if a second member of staff is present). However, if making notes during any disclosure, staff should be very conscious of the need to remain engaged with the child and not appear distracted by the note taking. Either way, it is essential a written record is made.
- Only recording the facts as the child presents them. The notes should not reflect the personal opinion of the note taker. Staff should be aware that notes of such disclosures could become part of a statutory assessment by children’s social care and/or part of a criminal investigation.
- If possible, managing disclosures with two members of staff present, (preferably one of them being the designated safeguarding lead). However this might not always be possible.
- Informing the designated safeguarding lead as soon as practically possible if the designated safeguarding lead is not involved in the initial disclosure.

Considering Confidentiality and Anonymity

Confidentiality

Staff taking a disclosure should never promise confidentiality as it is very likely that it will be in the best interests of the victim to seek advice and guidance from others in order to provide support and engage appropriate agencies.

The victim may ask not to tell anyone about the sexual violence or sexual harassment. There are no easy or definitive answers when a victim makes this request. If the victim does not give consent to share information, staff may still lawfully share it, if it can be justified to be in the public interest, for example, to protect children from harm and to promote the welfare of children. The designated safeguarding lead should 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 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 onto the police.

Ultimately, the designated safeguarding lead will have to balance the victim's wishes against their duty to protect the victim and other children.

If the designated safeguarding lead do decide to go ahead and make a referral to children's social care and/or a report to the police against the victim's wishes, this should be handled extremely carefully, the reasons should be explained to the victim and appropriate specialist support offered.

Anonymity

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

In addition to the legal protections, as a matter of effective safeguarding practice, the schools will do all they reasonably can to protect the anonymity of any children involved in any report of sexual violence or sexual harassment.

Risk Assessment

When there has been a report of sexual violence, the designated safeguarding lead will make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment will be considered on a case-by-case basis. The risk and needs assessment will consider:

- The victim
- The alleged perpetrator
- The other children (and, if appropriate, staff) at the school

Risk assessments will be recorded (written or electronic) and will be kept under review.

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. The above risk assessment is not intended to replace the detailed assessments of expert professionals. Any such professional assessments will be used to inform the school's approach to supporting and protecting the pupils and updating our own risk assessment.

Action Following a Report Of Sexual Violence And / Or Sexual Harassment

What to Consider

The schools will carefully consider any report of sexual violence and/or sexual harassment. The designated safeguarding lead is likely to have a complete safeguarding picture and be the most appropriate person to decide on the school's initial response. Important considerations will include:

- The wishes of the victim in terms of how they want to proceed. This is especially important in the context of sexual violence and sexual harassment. Victims should be given as much control as is reasonably possible over decisions regarding how any investigation will be progressed and any support that they will be offered.

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- 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 (e.g. is the alleged perpetrator significantly older).
- If the alleged incident is a one off or a sustained pattern of abuse.
- Are there ongoing risks.
- Other related issues and wider context. Where incidents and/or behaviours are associated with factors outside the school and/or occur between children outside the school, the designated safeguarding lead should be considering contextual safeguarding. This simply means assessments of children in such cases should consider whether wider environmental factors are present in a child's life that are a threat to their safety and/or welfare. Children's social care assessments should consider such factors and so it is important that the school provides as much information as possible as part of the referral process. This will allow any assessment to consider all the evidence and the full context of any abuse.

As always when concerned about the welfare of a child, all staff should act in the best interests of the child. In all cases, the schools will follow general safeguarding principles as per Keeping Children Safe in Education. Immediate consideration will be given as to how best to support and protect the victim and the alleged perpetrator (and any other children involved/impacted).

The starting point regarding any report should always be that sexual violence and sexual harassment are not acceptable and will not be tolerated. Especially important is not to pass off any sexual violence or sexual harassment as 'banter', 'part of growing up' or 'having a laugh'.

Options to Manage the Report

It is important that the school considers every report on a case-by-case basis. When to inform the alleged perpetrator 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 will speak to the relevant agency and discuss next steps and how the alleged perpetrator will be informed of the allegations. However, as per general safeguarding principles, this does not and will not stop the school taking immediate action to safeguard their children where required. There are four likely scenarios to consider when managing any reports of sexual violence and/or sexual harassment.

1. Manage Internally

In some cases of sexual harassment, for example one-off incidents, the school may take the view that the children concerned are not in need of early help or statutory intervention and that it would be appropriate to handle the incident internally, perhaps through utilising their behaviour and bullying policies and by providing pastoral support.

Whatever the school's response, it should be underpinned by the principle that 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).

2. Early Help

In line with the above, the school may decide that the children involved do not require statutory interventions but may benefit from early help. Early help means providing support as soon as a problem emerges, at any point in a child's life. Providing early help is more effective in promoting the welfare of children than reacting later. Early help can be particularly useful to address non-violent harmful sexual behaviour and may prevent escalation of sexual violence.

Full details of the early help process are in Chapter 1 of Working Together to Safeguard Children.

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

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

3. Referrals to Children's Social Care

Where a child has been harmed, is at risk of harm, or is in immediate danger the school will make a referral to local children's social care.

At the referral to children's social care stage, the school 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 (especially the designated safeguarding lead) will be working alongside, and co-operating with, the relevant lead social worker. Collaborative working will help ensure the best possible package of co-ordinated support is implemented for the victim and, where appropriate, the alleged perpetrator and any other children that require support.

The school should not wait for the outcome (or even the start) of a children's social care investigation before protecting the victim and other children in the school. It will be important for the designated safeguarding lead to work closely with children's social care (and other agencies as required) to ensure any actions the school takes do not jeopardise a statutory investigation.

In some cases, children's social care will review the evidence and decide a statutory intervention is not appropriate. The school (generally led by the designated safeguarding lead) 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 should consider other support mechanisms such as early help, specialist

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support and pastoral support.

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

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

4. Reporting to the Police

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.

Reporting to the police will generally be in parallel with referrals to children's social care (as above). It is important that the designated safeguarding lead is clear as to the local process for referrals and follows the appropriate referral process.

At this stage, the school will generally inform parents or carers unless there are compelling reasons not to, for example if informing a parent or carer is likely to put a child at additional risk. In circumstances where parents or carers have not been informed, it will be especially important that the school is supporting the child in any decision they take. This should be with the support of children's social care.

Where a report has been made to the police, the school will 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 will also discuss the best way to protect the victim and their anonymity.

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

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

Managing Any Delays in the Criminal Process

There may be delays in any case that is being progressed through the criminal justice system. The school will not wait for the outcome (or even the start) of a police investigation before protecting the victim, alleged perpetrator and other children in the school.

Considering any disciplinary action against the alleged perpetrator whilst an investigation is ongoing is discussed below in the alleged perpetrator section.

Whilst protecting children and/or taking any disciplinary measures against the alleged perpetrator, it will be important for the designated safeguarding lead to work closely with the police (and other agencies as required), to ensure any actions the school take do not jeopardise the police investigation.

The End of the Criminal Process

If a child is convicted or receives a caution for a sexual offence, the school will update its risk assessment, ensure relevant protections are in place for all the children at the school and, if it has not already, consider any suitable action in light of their behaviour policy. If the perpetrator remains in the same school as the victim, the school will be very clear as to their expectations regarding the perpetrator now that they have been convicted or cautioned. This could include expectations regarding their behaviour and any restrictions the school thinks are reasonable and proportionate with regard to the perpetrator's timetable.

Any conviction (even with legal anonymity reporting restrictions) is potentially going to generate interest among other pupils in the school. It will be important that the school ensures that the victim and alleged perpetrator remain protected, especially from any bullying or harassment (including online).

Where cases are classified as "no further action" by the police or Crown Prosecution Service, or where there is a not guilty verdict, the school will continue to offer support to the victim and the alleged perpetrator for as long as is necessary. A not guilty verdict or a decision not to progress with their case will likely be traumatic for the victim. The fact that an allegation cannot be substantiated does not necessarily mean that it was unfounded. The school and will discuss any decisions with the victim in this

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light and continue to offer support. The alleged perpetrator is also likely to require ongoing support for what will have likely been a difficult experience.

Safeguarding and Supporting the Victim

The following principles are based on effective safeguarding practice and should help shape any decisions regarding safeguarding and supporting the victim.

Consider the age and the developmental stage of the victim, the nature of the allegations and the potential risk of further abuse. The school should be aware that, by the very nature of sexual violence and sexual harassment, a power imbalance is likely to have been created between the victim and alleged perpetrator.

The needs and wishes of the victim should be paramount (along with protecting the child) in any response. It is important they feel in as much control of the process as is reasonably possible. Wherever possible, the victim, if they wish, should be able to continue in their normal routine. Overall, the priority should be to make the victim's daily experience as normal as possible, so that the school is a safe space for them.

The victim should never be made to feel they are the problem for making a report or made to feel ashamed for making a report.

Consider the proportionality of the response. Support should be tailored on a case-by-case basis. The support required regarding a one-off incident of sexualised name-calling is likely to be vastly different from that for a report of rape. Support can include:

Children and Young People's Independent Sexual Violence Advisors (ChISVAs) provide emotional and practical support for victims of sexual violence. They are based within the specialist sexual violence sector and will help the victim understand what their options are and how the criminal justice process works if they have reported or are considering reporting to the police. ChISVAs will work in partnership with schools and colleges to ensure the best possible outcomes for the victim.

Police and social care agencies can signpost to ChISVAs services (where available) or referrals can be made directly to the ChISVAs service by the young person or school or college. Contact details for ChISVAs can be found at:

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- Rape Crisis.
(<https://rapecrisis.org.uk>)
- The Survivors Trust.
(<http://thesurvivorstrust.org>)
- Child and adolescent mental health services (CAMHS).
(<https://www.nhs.uk/NHSEngland/AboutNHSservices/mental-health-services-explained/Pages/about-childrens-mental-health-services.aspx>)
- Internet Watch Foundation (to potentially remove illegal images).
(<https://www.iwf.org.uk>)

Victims may not disclose the whole picture immediately. They may be more comfortable providing information on a piecemeal basis. It is essential that dialogue is kept open and encouraged. When it is clear that ongoing support will be required, the school will ask the victim if they would find it helpful to have a designated trusted adult (for example their form tutor or designated safeguarding lead) to talk to about their needs. The choice of any such adult should be the victim's. The school will respect and support this choice.

A victim of sexual violence is likely to be traumatised and, in some cases, may struggle in a normal classroom environment. While the school will avoid any action that would have the effect of isolating the victim, in particular from supportive peer groups, there may be times when the victim finds it difficult to maintain a full-time timetable and may express a wish to withdraw from lessons and activities. This should be because the victim wants to, not because it makes it easier to manage the situation. If required, the school will provide a physical space for victims to withdraw.

It may be necessary for the school to maintain arrangements to protect and support the victim for a long time. The school should be prepared for this and should work with children's social care and other agencies as required.

It is important that the school does everything they reasonably can to protect the victim from bullying and harassment as a result of any report they have made.

Whilst they should be given all the necessary support to remain in the school, if the trauma results in the victim being unable to

do this, alternative provision or a move to another school will be considered to enable them to continue to receive suitable education. This will only be at the request of the victim (and following discussion with their parents or carers).

It is important that if the victim does move to another educational institution (for any reason), that the new educational institution is made aware of any ongoing support needs. The designated safeguarding lead will take responsibility to ensure this happens as well as transferring the child protection file.

Ongoing Considerations: Victim and Alleged Perpetrator Sharing Classes

Once the designated safeguarding lead has decided what the next steps will be in terms of progressing the report, they will consider again the question of the victim and alleged perpetrator sharing classes and sharing space at school. This will inevitably involve complex and difficult professional decisions, including considering their duty to safeguard children and their duty to educate them. It is important that each report is considered on a case-by-case basis and risk assessments are updated as appropriate. As always when concerned about the welfare of a child, the best interests of the child will come first. In all cases, the school will follow general safeguarding principles as per Keeping Children Safe in Education.

Where there is a criminal investigation into a rape, assault by penetration or sexual assault, the alleged perpetrator will be removed from any classes they share with the victim. The school will also consider how best to keep the victim and alleged perpetrator a reasonable distance apart on school. This is in the best interests of both children and should not be perceived to be a judgement on the guilt of the alleged perpetrator. Close liaison with the police is essential.

Where a criminal investigation into a rape or assault by penetration leads to a conviction or caution, the school will take suitable action, if they have not already done so. In all but the most exceptional of circumstances, the rape or assault is likely to constitute a serious breach of discipline and lead to the view that allowing the perpetrator to remain in the same school would seriously harm the education or welfare of the victim (and potentially other pupils).

Where a criminal investigation into sexual assault leads to a

conviction or caution, the school will, if it has not already, consider any suitable sanctions in light of the behaviour policy, including consideration of permanent exclusion. Where the perpetrator is going to remain at the school, the principle would be to continue keeping the victim and perpetrator in separate classes and continue to consider the most appropriate way to manage potential contact on school premises and transport. The nature of the conviction or caution and wishes of the victim will be especially important in determining how to proceed in such cases.

In all cases, the school will record and be able to justify their decision making.

Reports of sexual assault and sexual harassment will, in some cases, not lead to a report to the police (for a variety of reasons). In some cases, rape, assault by penetration, sexual assault or sexual harassment are reported to the police and the case is not progressed or are reported to the police and ultimately result in a not guilty verdict. None of this means the offence did not happen or that the victim lied. The process will have affected both victim and alleged perpetrator.

Appropriate support will be provided to both as required and consideration given to sharing classes and potential contact as required on a case-by-case basis. In all cases, the school will record and be able to justify their decision making.

All of the above should be considered with the needs and wishes of the victim at the heart of the process (supported by parents and carers as required). Any arrangements will be kept under review.

Safeguarding and Supporting the Alleged Perpetrator

The following principles are based on effective safeguarding practice and should help shape any decisions regarding safeguarding and supporting the alleged perpetrator:

- The school will have a difficult balancing act to consider. On the one hand to safeguard the victim (and the wider student body) and on the other hand providing the alleged perpetrator with an education, safeguarding support as appropriate and implementing any disciplinary sanctions.
- Consider the age and the developmental stage of the

alleged perpetrator 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.

- Consider the proportionality of the response. Support (and sanctions) will be considered on a case-by-case basis. An alleged perpetrator may potentially have unmet needs (in some cases these may be considerable) as well as potentially posing a risk of harm to other children. Harmful sexual behaviours in young children may be (and often are) a symptom of either their own abuse or exposure to abusive practices and or materials. Advice will be taken, as appropriate, from children's social care, specialist sexual violence services and the police.
- It is important that if the alleged perpetrator does move to another educational institution (for any reason), that the new educational institution is made aware of any ongoing support needs. The designated safeguarding lead will take responsibility to ensure this happens as well as transferring the child protection file.

Discipline and the Alleged Perpetrator

With regard to the alleged perpetrator, advice on behaviour and discipline in schools is clear that teachers can discipline pupils whose conduct falls below the standard which could be reasonably expected of them.

Disciplinary action may be taken whilst other investigations by the police and/or children's social care are ongoing. The fact that another body is investigating or has investigated an incident does not in itself prevent the school from coming to its own conclusion, on the balance of probabilities, about what happened, and imposing a penalty accordingly.

This is a matter for the school and should be carefully considered on a case-by-case basis. The designated safeguarding lead will take a leading role. The school will consider if, by taking any action, they would prejudice an investigation and/or any subsequent prosecution.

Careful liaison with the police and/or children's social care will help the school make a determination. It will also be important to consider whether there are circumstances that make it

unreasonable or irrational for the school to reach their own view about what happened while an independent investigation is considering the same facts.

Discipline and Support

Taking disciplinary action and still providing appropriate support are not mutually exclusive actions. They can, and should, occur at the same time if necessary. The school is very clear as to what its approach is. On the one hand there is preventative or forward-looking action to safeguard the victim and/or the perpetrator, especially where there are concerns that the perpetrator themselves may have been a victim of abuse; and, on the other, there is disciplinary action to punish a perpetrator for their past conduct. The school is very clear as into which category any action they are taking falls or whether it is really both, and ensures that the action complies with the law relating to each relevant category.

Working With Parents and Carers

The school will, in most instances, engage with both the victim's and the alleged perpetrator's parents or carers when there has been a report of sexual violence (this might not be necessary or proportional in the case of sexual harassment and should be considered on a case-by-case basis). 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 schools will carefully consider what information they provide to the respective parents or carers about the other child involved and when they do so. In some cases, children's social care and/or the police will have a very clear view and it will be important for the school to work with relevant agencies to ensure a consistent approach is taken to information sharing.

It is good practice to meet the victim's parents or carers with the victim present to discuss what arrangements are being put in place to safeguard the victim and understand their wishes in terms of support they may need and how the report will be progressed.

It is also good practice to meet with the alleged perpetrator's parents or carers to discuss any arrangements that are being put into place that impact the alleged perpetrator, such as, for example, moving them out of classes with the victim and what

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this means for their education. The reason behind any decisions will be explained. Support for the alleged perpetrator will be discussed.

The designated safeguarding lead will generally attend any such meetings. Consideration to the attendance of other agencies will be considered on a case-by-case basis.

Clear behaviour policies and child protection policies, especially policies that set out the principles of how reports of sexual violence will be managed and how victims and perpetrators are likely to be supported, that parents and carers have access to, will, in some cases, help manage what are inevitably very difficult conversations.

Parents and carers may well struggle to cope with a report that their child has been the victim of an assault or is alleged to have assaulted another child. The schools will consider signposting parents to this support.

Safeguarding Other Children

Consideration will be given to supporting children who have witnessed sexual violence, especially rape and assault by penetration. Witnessing such an event is likely to be traumatic and support may be required.

Following any report of sexual violence or sexual harassment, it is likely that some children will take "sides". The school will be doing all they can to ensure both the victim and alleged perpetrator, and any witnesses, are not being bullied or harassed.

Social media is very likely to play a central role in the fall out from any incident or alleged incident. There is the potential for contact between the victim and alleged perpetrator and a very high likelihood that friends from either side could well harass the victim or alleged perpetrator online.

A whole school approach to safeguarding, a culture that makes clear that sexual violence and sexual harassment is always unacceptable, and a strong preventative education programme will help create an environment in which all children at the school are supportive and respectful of their peers when reports of sexual violence or sexual harassment are made.

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It is important that the school keeps policies, processes and curriculum under constant review to protect all their children. Reports of sexual violence and/or harassment (especially where there is evidence of patterns of behaviour) may point to environmental and or systemic problems that could and should be addressed by updating relevant policies, processes or relevant parts of the curriculum.

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