

UNIVERSITY ACADEMY
HOLBEACH



UNIVERSITY OF
LINCOLN

The University Academy Holbeach

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Child-on-Child Abuse, Sexual Harassment & Sexual Violence

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For the purposes of this policy and guidance, we use the term 'victim'. It is a widely recognised and understood term. However, we recognise that not everyone who has been subjected to abuse (including sexual harassment and Sexual harassment) considers themselves a victim or would want to be described in this way. We are conscious of this when managing any incident and will use any term with which the individual is most comfortable.

Further to this we use the term 'alleged perpetrator(s)' and where appropriate 'perpetrator(s)'. These are widely used and recognised terms. However, we give careful thought to the use of this terminology, especially when speaking in front of children, not least because in some cases the abusive behaviour will have been harmful to the perpetrator as well. Suitable terminology will be determined, as appropriate, on a case-by-case basis.

1. Overview

University Academy Holbeach understands that children are vulnerable to and capable of abusing other children, we take such abuse as seriously. This includes verbal as well as physical abuse. Child-on-child abuse will not be tolerated or passed off as part of "banter" or "growing up".

We are committed to a whole academy approach to ensure the early identification and appropriate management of child-on-child abuse here at UAH.

In cases where child-on-child abuse is identified we will follow our child protection procedures, taking a contextual approach to support all children and young people who have been affected by the situation.

This policy concentrates on child-on-child abuse in the context of sexual harassment and sexual violence. It is compliant with the statutory guidance on child-on-child abuse as set out in Keeping Children Safe in Education (September 2023) and should be read in conjunction with the Local Safeguarding Children Partnership (LSCP) Safeguarding Policy and Procedures https://lincolnshirechildcare.proceduresonline.com/p_lincs_safe_ch_pol.html and any relevant Practice Guidance issued by it.

When referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur online and offline and both inside and outside the Academy. 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 names
- sexual "jokes" or taunting
- physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes. Academies 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.
- displaying pictures, photos or drawings of a sexual nature
- upskirting (this is a criminal offence¹³⁶)
- 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/or videos.
- sharing of unwanted explicit content
- sexualised online bullying
- unwanted sexual comments and messages, including, on social media
- sexual exploitation; coercion and threats, and
- coercing others into sharing images of themselves or performing acts they're not comfortable with online.

When referring to sexual violence in this advice, 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: 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. (NOTE - The Academy should be 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. (NOTE – this could include forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party.)

2. Aims of the Policy

The policy will: -

- Set out our strategies for preventing, identifying, and managing child-on - child abuse
- Addressing inappropriate behaviour (even if it appears relatively innocuous) can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future.
- Take a contextual approach to safeguarding all children and young people involved. Acknowledging that children who have allegedly abused other children or displayed harmful sexual behaviour are themselves vulnerable and may have been abused by a child, peer, parents, or adults in the community
- Recognise that this behaviour can occur online as well as face to face and both are part of our safeguarding duty of care

3. Understanding Child-on-Child Abuse

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

The impact of this behaviour on children can be very distressing and have an impact on academic achievement and emotional health and wellbeing.

Sexual harassment and sexual violence may also occur online and offline.

4. The Context

All behaviour takes place on a spectrum. Understanding where a child's behaviour falls on a spectrum is essential to being able to respond appropriately to it.

In this policy we recognise the importance of distinguishing between problematic and abusive sexual behaviour (Harmful Sexual Behaviour HSB).

We are adopting the NSPCC definition of HSB as:

"Sexual behaviours expressed by children that are developmentally inappropriate, may be harmful towards self or others, or be abusive towards another child or adult."

We will also use Simon Hackett's continuum model to demonstrate the range of sexual behaviours (see Appendix 1).

5. Vulnerable groups

We recognise that all children can be at risk: however, we acknowledge that some groups are more vulnerable. This can include: experience of abuse within their family; living with domestic violence; young people in care; children who go missing; children with additional needs (SEN and/or disabilities); children who identify or are perceived as LGBT and/or have other protected characteristics under the Equalities Act 2010.

Whilst research tells us girls are more frequently identified as being abused by their peers and, girls are more likely to experience unwanted sexual touching in schools this is not confined to girls.

Boys are less likely to report intimate relationship abuse and may display other behaviour such as antisocial behaviour. Boys report high levels of victimisation in areas where they are affected by gangs. We recognise that both boys and girls experience child-on-child abuse, but they do so in gendered ways.

All staff should be aware of indicators, which may signal that children are at risk from, or are involved with serious violent crime. These may include increased absence from school, a change in friendships or relationships with older individuals or groups, a significant decline in performance, signs of self-harm or a significant change in wellbeing, or signs of assault or unexplained injuries. Unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with, individuals associated with criminal networks or gangs.

6.Responding to Alleged Incidents or Reports of Sexual Violence and Sexual

All reports of child-on-child abuse will be made on a case by case basis with the Designated Safeguarding Lead (DSL) or their deputy taking a leading role, using their professional judgement and supported by other agencies such as social care or the police as required.

The immediate response to a report

- UAH will take all reports seriously and will reassure the victim that they will be supported and kept safe.
- All staff will be trained to manage a report following the procedures in the Academy safeguarding policy.
- Staff will not promise confidentiality as the concern will need to be shared further (for example, with the DSL or social care) staff will, however, only share the report with those people who are necessary to progress it.
- A written report will be made as soon after the interview as possible, recording the facts as presented by the child. These may be used as part of a statutory assessment if the case is escalated later.
- Where the report includes an online element, the Academy will follow advice on searching, screening and confiscation. The staff will not view or forward images unless absolutely unavoidable and only if another member of staff (preferably the DSL) is present. (Further guidance can be found here: [Sharing nudes and semi-nudes advice for education settings working with children and young people](#)).
- The DSL will be informed as soon as possible.

7.Risk and Needs Assessment

When there has been a report of sexual violence, the DSL (or a deputy) will 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 will consider:

- The victim, especially their protection and support.
- The alleged perpetrator, their needs and support; and
- All the other children (and, if appropriate, adult students and staff) at the Academy, especially any actions that are appropriate to protect them, being particularly mindful of siblings and other family members.

Risk and needs assessments will be recorded electronically and stored on CPOMS and will be kept under review.

8.Action Following a Report of Sexual Harassment and/or Sexual Violence

Following an incident, we will consider

- 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 and requests for confidentiality.
- The nature of the alleged incident(s), including whether a crime may 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, is the alleged perpetrator significantly older, more mature or more confident? Does the victim have a disability or learning difficulty?
- If the alleged incident is a one off or a sustained pattern of abuse.

9.Further Actions

Children sharing a classroom:

Whilst UAH establishes the facts of the case and starts the process of liaising with children's social care and the police:

- The alleged perpetrator will be removed from any classes they share with the victim.
- We will consider how best to keep the victim and alleged perpetrator a reasonable distance apart on the Academy premises and on transport to and from the Academy (in cases where this is required).

These actions are in the best interests of both children and should not be perceived to be a judgment on the guilt of the alleged perpetrator.

10.Managing the Report

1. In some cases of sexual harassment, for example, one off incidents, we may decide 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 the behaviour and bullying policies and by providing pastoral support.

This decision will be made based on the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated. All decisions, and discussions around making these decisions will be recorded and stored by the DSL and/or DDSL on CPOMS.

2. In line with point 1 above, we may decide that the children involved do 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 nonviolent harmful sexual behaviour and may prevent escalation of sexual violence.

3. Where a child has been harmed, is at risk of harm, or is in immediate danger, we will make a referral to Children's services.

Where statutory assessments are appropriate, the DSL or a deputy will work alongside, and cooperate with, the relevant 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 and any other children that require support.

Reporting to the Police

Any report to the police will generally be made in conjunction with a referral to Children's services as above. The DSL (and their deputies) will follow local processes for referrals.

Where a report of sexual violence is made, the starting point will be contact with 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.

Where a report has been made to the police, we will consult the police and agree what information can be disclosed to staff and others, the alleged perpetrator and their parents or carers. They will also discuss the best way to protect the victim and their anonymity.

Where there is a criminal investigation, we will work closely with the relevant agencies to support all children involved (especially potential witnesses). Where required, advice from the police will be sought to help us.

Whilst protecting children and/or taking any disciplinary measures against the alleged perpetrator, we will work closely with the police (and other agencies as required), to ensure any actions the Academy takes 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 Academy will update its needs and risk assessment, ensuring relevant protections are in place for all children. We will consider any suitable action following our behaviour policy. If the perpetrator remains in the Academy we will be very clear as to our expectations regarding the perpetrator now they have been convicted or cautioned. This could include expectations regarding their behaviour and any restrictions we think are reasonable and proportionate about the perpetrator's timetable.

Any conviction (even with legal anonymity reporting restrictions) is potentially going to generate interest among other students or students in the Academy.

We will ensure all children involved are protected, especially from any bullying or harassment (including online).

Where cases are classed as "no further action" (NFA'd) by the police or Crown Prosecution Service, or where there is a not guilty verdict, we 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. We will continue to support all parties in this instance.

11.Supporting Children Affected by Sexual Violence and/or Sexual Harassment

Support for victims of Sexual Violence and/or Sexual Harassment is available from a variety of agencies (see Appendix 2).

We will support the victim of sexual assault to remain in school but if they are unable to do so we will seek to enable them to continue their education elsewhere. This decision will be made only at the request of the child and their family.

If they are moved, we will ensure the new school is aware of the ongoing support they may need. The DSL and Deputies will support this move.

Where there is a criminal investigation the alleged perpetrator will be removed from any shared classes with the victim and we will also consider how best to keep them a reasonable distance apart on the Academy premises or on school transport. This is in the best interest of the children concerned and should not be perceived to be a judgement of guilt before any legal proceedings. We will work closely with the police.

Where a criminal investigation into sexual violence leads to a conviction or caution, we may take suitable action, if we have not already done so. In all but the most exceptional of circumstances, the incident is likely to constitute a serious breach of discipline and lead to the view that allowing the perpetrator to remain in the same Academy would seriously harm the education or welfare of the victim (and potentially other students).

Where a criminal investigation into sexual violence leads to a conviction or caution, we may, if we have not already done so, consider any suitable sanctions using our behaviour policy, including consideration of permanent exclusion.

Where the perpetrator is going to remain at the Academy, 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 the Academy premises and school 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. This will be reflected in the risk assessments.

Reports of sexual violence and sexual harassment will, in some cases, not lead to a report to the police (for a variety of reasons). In some cases, sexual violence 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.

All the above will 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 should be kept under review through the needs and risk assessment process.

12. Physical Abuse

While a clear focus of child-on-child abuse is around sexual violence and harassment, physical assaults and initiation violence and rituals from students to students can also be abusive.

These are equally not tolerated and if it is believed that a crime has been committed, will be reported to the police.

The principles from the behaviour & anti-bullying policy will be applied in these cases, with recognition that any police investigation will need to take priority.

When dealing with other alleged behaviour which involves reports of, for example, emotional and/or physical abuse, staff can draw on aspects of Hackett's continuum (Appendix 1) to assess where the alleged behaviour falls on a spectrum and to decide how to respond. This could include, for example, whether it:

- is socially acceptable
- involves a single incident or has occurred over a period of time
- is socially acceptable within the peer group
- is problematic and concerning
- involves any overt elements of victimisation or discrimination e.g. related to race, gender, sexual orientation, physical, emotional, or intellectual vulnerability
- involves an element of coercion or pre-planning
- involves a power imbalance between the child/children allegedly responsible for the behaviour
- involves a misuse of power

13. Online Behaviour

Many forms of child-on-child abuse have an element of online behaviour including behaviours such as cyberbullying and sharing of nude or semi-nude images through social media platforms.

Policies and procedures concerning this type of behaviour can be found in the Academy Safeguarding and Child Protection Policy and Anti Bullying Policy, Online Safety Policy

14. Multi-Disciplinary approach

University Academy Holbeach actively engages with its local partners in relation to child-on-child abuse, and works closely with our local safeguarding children's partnership (LSCP), referral agencies and children's social care, and/or other relevant agencies, and other schools.

The relationships the Academy has built with these partners are essential to ensuring that we are able to prevent, identify early and appropriately handle cases of child-on-child abuse. They help us:

- (a) To develop a good awareness and understanding of the different referral pathways that operate in our local area, as well as the preventative and support services which exist.
- (b) To ensure that our students can access the range of services and support they need quickly.
- (c) To support and help inform our local community's response to child-on-child abuse.

(d) To increase our awareness and understanding of any concerning trends and emerging risks in our local area to enable us to take preventative action to minimise the risk of these being experienced by our students.

UAH actively refers concerns/allegations of child-on-child abuse where necessary to Lincolnshire Children's services and/or other relevant agencies.

In cases involving children who are subject to risk, harm, and abuse and who have CIC (Child in care) status, the children's social worker must be informed and a coordinated approach to address any incidents or concerns will be required.

Appendix 1: Hackett Continuum

Simon Hackett (2010) has proposed a continuum model to demonstrate the range of sexual behaviours presented by children and young people, from those that are normal, to those that are highly deviant:

Normal	Inappropriate	Problematic	Abusive	Violent
Developmentally expected	<ul style="list-style-type: none"> • Single instances of inappropriate sexual behaviour 	<ul style="list-style-type: none"> • Problematic and concerning behaviours 	<ul style="list-style-type: none"> • Victimising intent or outcome 	<ul style="list-style-type: none"> • Physically violent sexual abuse
Socially acceptable	<ul style="list-style-type: none"> • Socially acceptable behaviour within peer group 	<ul style="list-style-type: none"> • Developmentally unusual and socially unexpected 	<ul style="list-style-type: none"> • Includes misuse of power 	<ul style="list-style-type: none"> • Highly intrusive
Consensual, mutual, reciprocal	<ul style="list-style-type: none"> • Context for behaviour may be inappropriate 	<ul style="list-style-type: none"> • No overt elements of victimisation 	<ul style="list-style-type: none"> • Coercion and force to ensure victim compliance 	<ul style="list-style-type: none"> • Instrumental violence which is physiologically and/or sexually arousing to the perpetrator
Shared decision making	<ul style="list-style-type: none"> • Generally consensual and reciprocal 	<ul style="list-style-type: none"> • Consent issues may be unclear • May lack reciprocity or equal power • May include levels of compulsivity 	<ul style="list-style-type: none"> • Intrusive • Informed consent lacking, or not able to be freely given by victim • May include elements of expressive violence 	<ul style="list-style-type: none"> • Sadism

<https://www.nspcc.org.uk/globalassets/documents/publications/harmful-sexual-behaviour-framework.pdf>

Appendix 2

Useful Publications and Websites

Government Publications

Keeping Children safe in Education 2023 - www.gov.uk/government/publications/keeping-children-safe-in-education

Preventing youth violence and gang involvement

www.gov.uk/government/publications/advice-to-schools-and-colleges-on-gangs-and-youth-violence

Preventing and tackling bullying in schools

www.gov.uk/government/publications/preventing-and-tackling-bullying

Ofsted – Review of sexual abuse in schools and colleges June 2021

www.gov.uk/government/publications/review-of-sexual-abuse-in-schools-and-colleges

Other useful documents

Sharing nudes and semi-nudes: advice for education settings working with children and young people December 2020

www.gov.uk/government/publications/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people

Child-on-child abuse

Farrer & Co - Child-on-child abuse toolkit, guidance on child-on-child peer abuse policy and template child-on-child abuse policy

www.farrer.co.uk/Global/Child-on-child%20abuse%20toolkit%202014.pdf

Anti-bullying Alliance

Sexual Bullying: Developing Effective Anti-bullying Practice

A guide for school staff and other professionals

https://anti-bullyingalliance.org.uk/sites/default/files/uploads/attachments/Sexual%20bullying%20-%20anti-bullying%20guidance%20for%20teachers%20and%20other%20professionals%20-%20FINAL_0_0.pdf

Preventing abuse among children and young people-guidance from Stop it Now

What is Age appropriate?

<http://www.stopitnow.org/ohc-content/what-is-age-appropriate>

NSPCC-Harmful sexual behaviour

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

NCB Harmful sexual behaviour

<https://www.ncb.org.uk/resources-publications/resources/workforce-perspectives-harmful-sexual-behaviour>

NSPCC –Is this sexual abuse?

<https://www.nspcc.org.uk/globalassets/documents/research-reports/nspcc-helplines-report-peer-sexual-abuse.pdf>

Online sexual harassment

Project deSHAME- Digital Exploitation and Sexual Harassment Amongst Minors in Europe
Understanding, Preventing, Responding

<https://www.childnet.com/our-projects/project-deshame>

Sexism- It's Just Everywhere- a study on sexism in schools –and how we tackle it

<https://ukfeminista.org.uk/wp-content/uploads/2017/12/Report-Its-just-everywhere.pdf>

Appendix 3 – Flowchart: Managing Reports of Sexual Violence/Sexual Harassment



