



***Safeguarding is everyone's responsibility - 'it could happen here'.***

# **Sexual Violence and Harassment Policy**

## **September 2020**

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SLT Link	Designated Safeguarding Lead
Governing Body Link	Safeguarding Governor Dan Palmer

We believe that all children and young people should have the same protection regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity. We are committed to anti-discriminatory practice and recognise the additional needs of children from minority ethnic groups and disabled children and the barriers they may face, especially around communication.

Signature

**Helen Cullen**  
Headteacher

Date 01 September 2020

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## **School Ethos and Values**

Our Christian values are at the heart of the ethos of the school and through these we grow individually and as a community. The Story of the Good Samaritan underpins our 7 core values of:

- Honesty
- Forgiveness
- Empathy
- Courage
- Resilience
- Kindness
- Respect

These core values underpin our policies, procedures and the way we treat one another in our community.

### **1. Introduction**

This policy responds to the advice and guidance issued by the Department of Education including:

- Sexual violence and sexual harassment between Young People in schools and colleges – advice for governing bodies, proprietors, head teachers, principals, senior leadership teams and designated safeguarding leads. (2018)
- Keeping Young People Safe in Education September (2019).

### **2. Context**

#### **Victims and alleged perpetrators**

There are many different ways to describe Young People 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 policy, we use the term 'victim'. It is a widely recognised and understood term. It is important to 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. Staff should be conscious of this when managing any incident and be prepared to use any term with which the individual child is most comfortable. For the purpose of this advice 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.

### **3. What is sexual harassment and sexual violence?**

Sexual violence and sexual harassment can occur between two Young People of any sex. It is distressful and upsetting can occur through a group of Young People

assaulting or harassing a single or group of Young People. It may occur online and offline. All victims should be taken seriously. It is not just part of growing up. It is not banter, just having a laugh or boys being boys. Grabbing breasts, bottoms and genitalia are potentially criminal in nature. Girls are more likely to be victims of assault and violence. SEND and LGBT Young People are especially vulnerable.

### **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.

### **Sexual Harassment**

Whilst not intended to be an exhaustive list, sexual harassment can include:

- Sexual comments, such as: telling sexual stories
- Upskirting
- 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
  - displaying pictures, photos or drawings of a sexual nature;
- Online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence.
  - Non-consensual sharing of sexual images and videos.
  - sexualised online bullying;
  - unwanted sexual comments and messages, including, on social media; sexual exploitation; coercion and threats

## **4. Responsibilities**

All staff have a statutory duty to safeguard and promote the welfare of the Young People at Sexey’s School. Staff establish and sustain strong relationships with Young People to ensure Young People feel safe and able to talk should they need

to. All staff receive training in how to manage a disclosure and have a responsibility to do so in line with the school's Safeguarding Procedures as set out in the Safeguarding Policy and Handbook.

In the event of a staff member having a concerns about Sexual violence or harassment they must report this immediately to the DSL.

## **5. Curriculum**

Young People are taught about healthy relationships through the PSHE programme and assemblies. Sexey's School provides a whole school approach that prepares Young People for life in modern Britain.

## **6. Responding**

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. Some situations are 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 (as set out at paragraph 4);
- Creating and sharing sexual photos and videos of under 18's is illegal (often referred to as sexting). This includes Young People making and sharing sexual images and videos of themselves.

Schools and colleges are not alone in dealing with sexual violence and sexual harassment; statutory partners such as Young People's Services and the police may need to become involved in some cases. It is likely that any issues will extend beyond school or college, online issues and the use of various social media platforms can extend the impact of the abuse. This is also the case for Young People using public transport and school transport; the school and college still have a duty to respond to all incidents they are made aware of even if the child has not reported directly.

It is essential that Young People are reassured that they are being taken seriously and will be supported and kept safe as far as is possible. A victim should never be given the impression they are creating a problem, nor should they be made to feel ashamed for making a report. When managing a disclosure staff should:

- Not promise confidentiality
- Inform the victim of the next steps
- Be supportive and respectful
- Be non-judgemental, listen to what the child is saying to you

- Not ask leading questions, use open questions
- Record the disclosure (devote time to listening to what the child is saying)
- Only record the facts are the child presents them
- No personal opinions
- Inform the Designated Safeguarding Lead immediately

When to inform the alleged perpetrator will be a decision that should be carefully considered. Where a report is going to be made to Young People's social care and/or the police, then, as a general rule, the school or college should speak to the relevant agency and discuss next steps and how the alleged perpetrator will be informed of the allegations. The Designated Safeguarding Lead will consider the following:-

- Parents or carers should normally be informed (unless this would put the victim at greater risk);
- The basic safeguarding principle is: if a child is at risk of harm, is in immediate danger or has been harmed a referral should be made to Young People's social care;
- Rape, assault by penetration and sexual assaults are crimes. The starting point is that reports should be passed to the police.

### **THE DESIGNATED SAFEGUARDING LEAD WILL CONTACT CHILDRENS SOCIAL CARE AND THE POLICE.**

Where there has been a report of sexual violence the Designated Safeguarding Lead should make an immediate risk assessment factoring:-

- The victim
- The alleged perpetrator
- Other Young People (and sometimes staff)
- lessons where the victim and alleged perpetrator are together
- Transport

Risk assessments should be recorded (written or electronic) and should be kept under review. When completing a risk assessment, the DSL will use the Brook Traffic Light Tool.

<https://www.brook.org.uk/ourwork/category/sexual-behaviours-traffic-light-tool>

## **7. Supporting young people through criminal cases**

Where an allegation of sexual violence or sexual harassment is progressing through the criminal justice system, Sexey's School will be aware of anonymity, witness support and the criminal process in general so they can offer support and act appropriately. Staff will consider the advice below:

<https://www.cps.gov.uk/legal-guidance/safeguarding-Young-People-victims-and-witnesses>

In addition to the legal protections, as a matter of effective safeguarding practice, Sexey's School will do all they reasonably can to protect the anonymity of any Young People involved in any report of sexual violence or sexual harassment. Amongst other things, this will mean carefully considering, based on the nature of the report, which staff should know about the report and any support that will be in place for the Young People involved. The DSL will also consider the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities.

## **8. Thresholds**

In some cases of sexual harassment, for example one-off incidents, Sexey's School may take the view that the Young People concerned are not in need of external early help or statutory intervention and that it would be appropriate to handle the incident internally, through utilising the behaviour and bullying policies and by providing pastoral support. All concerns, discussions, decisions and reasons for decisions should be recorded. This decision is made by the DSL and/or Headteacher.

In other cases the DSL may decide that the Young People 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 Young People than reacting later. Early Help can be particularly useful to address non-violent harmful sexual behaviour and may prevent escalation of sexual violence.

Where a child has been harmed, is at risk of harm, or is in immediate danger schools the DSL make a referral to Young People's social care. In some cases, Children's Social Care will review the evidence and decide a statutory intervention is not appropriate. The Designated Safeguarding Lead or a deputy should be prepared to refer again if they believe the child remains in immediate danger or at risk of harm. If a statutory assessment is not appropriate, the Designated Safeguarding Lead (or a deputy) should consider other support mechanisms such as early help, specialist support and pastoral support.

Where a report of rape, assault by penetration or sexual assault is made, the starting point is his should be passed on to the police.

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

## **9. Ongoing responses**

The DSL will consider the age and the developmental stage of the victim, the nature of the allegations and the potential risk of further abuse. Staff are 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 DSL will consider the proportionality of the response and ensure support is 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. 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 DSL will ask the victim if they would find it helpful to have a designated trusted adult (for example the Pastoral Manager or Designated Safeguarding Lead) to talk to about their needs. The choice of any such adult should be the victim's. Sexey's School will respect and support this choice.

If required, we will provide a time out card and provide a physical space for victims to withdraw.

There are two staff members at Sexey's School who are trained to deliver The Gift Programme. In addition to this and when appropriate we will access this programme from an external agency and provider.

If the victim does move to another educational institution (for any reason), the new educational institution must be made aware of any ongoing support needed. The Designated Safeguarding Lead will take responsibility to ensure this happens as well as transferring the child protection file.

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

## **10. Support and specialist organisations**

Sexey's School will both seek support from appropriate organisations and direct Parents and victims to appropriate agencies for further support.

Barnardo's

<https://www.barnardos.org.uk>

Lucy Faithfull Foundation

<https://www.lucyfaithfull.org.uk>

NSPCC

<https://www.nspcc.org.uk>

Rape Crisis

<https://rapecrisis.org.uk>

UK Safer Internet Centre

<https://www.saferinternet.org.uk>

Anti-Bullying Alliance

<https://www.anti-bullyingalliance.org.uk>

MoJ Victim Support

<https://www.rapecentre.org.uk>

The Survivors Trust

<http://thesurvivorstrust.org/isva>

Victim Support

<https://www.victimsupport.org.uk>

Parent Zone

<https://parentzone.org.uk>

## 11. Monitoring and review

This policy will be reviewed 2 yearly by the Designated Safeguarding Lead