



THE LATYMER SCHOOL
Founded 1624

CHILD ON CHILD ABUSE POLICY

Policy presented to Governing Body	Full Governing Body Meeting June 2023
Policy circulated	July 2023
Review policy	July 2024

1. Equality

We have carefully considered and analysed the impact of the following policy and procedures on equality and the possible implications for students with protected characteristics, as part of our commitment to meet the Public Sector Equality Duty (PSED) requirement to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations.

2. The School's Responsibilities

Introduction

The Governors, Senior Leadership Team, and all staff and volunteers at The Latymer School are committed to the prevention, early identification and appropriate management of child-on-child abuse (as defined below) both within and beyond the School.

This policy is designed to provide background information regarding 'child-on-child' abuse and inform school practice.

The Latymer School:

- all child-on-child abuse is unacceptable. Incidents of child-on-child abuse will be taken seriously by the school and will always be challenged
- addressing inappropriate behaviour (even if it appears to be relatively innocuous) can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future
- believe that to protect children, all schools should (a) be aware of the level and nature of risk to which their students are or may be exposed, and put in place a clear and comprehensive strategy which is tailored to their specific safeguarding context; and (b) take a contextual whole-school approach to preventing and responding to child-on-child abuse;
- regard the introduction of this policy as a preventative measure, and do not feel it is acceptable merely to take a reactive approach to child-on-child abuse in response to alleged incidents of it;
- recognise national and increasing concern about this issue, and wish to implement this policy to ensure that our students are safe; and
- encourage parents to hold us to account on this issue, so that if their child is feeling unsafe as a result of the behaviour of any of their peers, they should inform the School so that it can ensure that appropriate and prompt action is taken in response
- all staff should be clear as to the school's policy and procedures with regards to child-on-child abuse and the important role they have to play in preventing it and responding where they believe a child may be at risk from it.

This policy:

- sets out our strategy for preventing, identifying and appropriately managing child-on-child abuse.
- applies to all staff including teaching and non-teaching staff, temporary and supply staff, clerical and domestic staff, volunteers and staff working on site employed by other services and agencies and those working with children and families in the community

- It is reviewed biennially, and updated in the interim, as may be required, to ensure that it continually addresses the risks to which students are or may be exposed. The Assistant Headteacher (Behaviour, Attendance and Enrichment), the Headteacher, members of the Child Protection Team and the school council are involved in each biennial review, which involves and is informed by an assessment of the impact and effectiveness of this policy over the previous year
- is the school's overarching policy for any issue that could constitute child-on-child abuse.

It relates to, and should be read in conjunction with the school's policies on:

- Behaviour Policy
 - Equal Opportunities
 - Special Educational Needs Policy
 - Supporting Children in School with Medical Needs
 - Safeguarding, Child Protection Policy and Procedures
 - E-Safety Policy¹
 - Social Media Policy²
 - Student Acceptable Use Agreement
 - Staff Acceptable Use Agreement
 - Parent Carer Acceptable Use Agreement
 - Model Code of Conduct for Employees and Workers in Schools and PRUs (Enfield Borough)
 - E-security
 - Online Safety
 - Prevention of Extremism and Radicalisation
 - Whistle Blowing
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- research has shown that many children who present with harmful behaviour towards others, in the context of child-on-child abuse, are themselves vulnerable and may have been victimised by peers, parents or adults in the community prior to their abuse of peers³
 - uses the terms 'child' and 'children', which is defined for the purposes of this policy as a person aged under 18⁴. We have nonetheless chosen not to restrict our approach to child-on-child abuse under this policy to children but instead to adopt a wider interpretation of our safeguarding responsibilities so that they apply to all students, regardless of age

¹ Appendix 3: E-Safety Policy

² Appendix 4: Social Media Policy

³ <https://www.nspcc.org.uk/globalassets/documents/research-reports/child-abuse-neglect-uk-today-research-report.pdf> (see section 5)

⁴ The United Nations Convention on the Rights of the Child (1989) (ratified by the UK in 1991); the Children Act (1989); and Department for Education, Keeping Children Safe in Education: Statutory guidance for schools and colleges (September 2021) all define "child" as a person aged under 18

- although the starting point is that the school's response to child-on-child abuse should be the same for all students, regardless of age, there may be some additional considerations in relation to a student aged 18 or over in terms of how local agencies and/or partners respond
- similarly, the school's response to incidents involving the exchange of youth produced sexual imagery will need to differ depending on the age of the students involved. There is also likely to be a more significant criminal justice response in relation to any student responsible for abuse who is aged 18 or over
- is compliant with the statutory guidance on Child-on-child abuse as set out in Keeping Children Safe in Education (September 2022) which includes guidance on Sexual Violence and Sexual Harassment
- should be read in conjunction with the Enfield Safeguarding Children Board's Safeguarding Policy and Procedures, and any relevant Practice Guidance issued by it.

3. What is Contextual Safeguarding?

This policy encapsulates a Contextual Safeguarding approach, which:

- is an approach to safeguarding children that recognises their experiences of significant harm in extra-familial contexts, and seeks to include these contexts within prevention, identification, assessment and intervention safeguarding activities
- recognises that as children enter adolescence they spend increasing amounts of time outside of the home in public environments (including on the internet) within which they may experience abuse; and
- considers interventions to change the systems or social conditions of the environments in which abuse has occurred. For example, rather than move a child from a school, professionals could work with the school leadership and student body to challenge harmful, gendered school cultures, thus improving the pre-existing school environment⁵.

4. Child-on-child Abuse

What is child-on-child abuse?

For these purposes, child-on-child abuse is any form of physical, sexual, emotional and financial abuse, and coercive control, exercised between children and within children's relationships (both intimate and non-intimate)⁶. Child-on-child abuse can take various forms, including: serious bullying

⁵ Firmin, C. 2017 Contextual Safeguarding: An overview of the operational, strategic and conceptual framework Luton: University of Bedfordshire

⁶ Firmin, C. 2017. Abuse Between Young People: A Contextual Account. Oxon: Routledge (due to be published in December 2017)

(including cyber-bullying)⁷, relationship abuse⁸, domestic violence⁹, child sexual exploitation¹⁰, youth and serious youth violence¹¹, harmful sexual behaviour¹², and/or gender-based violence¹³.

All staff should be aware that children can abuse other children (often referred to as child-on-child abuse). And that it can happen both inside and outside of school and online. It is important that all staff recognise the indicators and signs of child-on-child abuse and know how to identify it and respond to reports.

All staff should understand, that even if there are no reports in the schools it does not mean it is not happening, it may be the case that it is just not being reported. As such it is important if staff have any concerns regarding peer on peer abuse, they should speak to their designated safeguarding lead or a member of the Child Protection Team.

It is essential that all staff understand the importance of challenging inappropriate behaviours between peers, many of which are listed below, that are actually abusive in nature.

The school perspective is that abuse is abuse and should never be tolerated or passed off as “banter”, “just having a laugh”, “part of growing up” or “boys being boys”.

All child-on-child abuse is unacceptable and will be taken seriously by the school.

‘Keeping Children Safe in Education (2023)’ encourages schools to take the wishes of the victim, and other contextual considerations, into account when managing safeguarding reports relating to child-on-child abuse, including sexual violence and sexual harassment (APPENDIX 12: Sexual violence and sexual harassment between children in schools and colleges). This includes when determining how to proceed, the action to take and the services/support to provide.

Every report will be taken seriously and will be dealt with in line with the school safeguarding procedures and the behaviour policy. We aim to establish an environment where every incident of child-on-child abuse (including sexual violence and sexual harassment) is challenged and never ignored, and where staff take action to work alongside our students to intervene, support and take appropriate action.

Child-on-child abuse (including sexual violence and sexual harassment) will not be tolerated, however, the context will be taken into account when determining the school’s response. By listening to students and learning from them about their experiences, without them living in fear of repercussions, there is greater scope for positive intervention to ensure that perpetrators learn from their actions and do not continue to exhibit inappropriate and/or harmful behaviour.

We will support and listen to everyone involved, including the alleged perpetrator(s). While the school will not tolerate the behaviour, we will look to balance the need to safeguard the victim (and

⁷ Please see the School's anti-bullying policy

⁸ <https://www.disrespectnobody.co.uk/relationship-abuse/what-is-relationship-abuse/>

⁹ This type of abuse relates to abuse between children aged 16 and 17 who are or have been intimate partners or family members. The abuse includes but is not limited to psychological, physical, sexual, financial and emotional

¹⁰ This is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or children (under the age of 18) into sexual activity (a) in exchange for something the child/children need(s) or want(s), and/or (b) for the financial advantage or increased status of the individual responsible for/facilitating the abuse. The child/children may have been sexually exploited even if the sexual activity appears consensual. [CSE] does not always involve physical contact; it can also occur through the use of technology

¹¹ offences such as violence against the person, sexual offences, robbery, or gun or knife crime (London Assembly Police and Crime Committee)

¹² This is any sexual behaviour by a child or child which is outside of developmentally "normative" parameters. This can (but does not always) include abusive behaviour such as sexual assaults

¹³ The term "gender-based violence" refers to violence that is directed against one gender as a result of their gender or that affects one gender disproportionately

other children) with providing the alleged perpetrator(s) with an education and safeguarding support and implementing disciplinary sanctions. When considering instances of harmful sexual behaviour between children, we will consider a range of factors (see the section 'Disciplinary Action'). We recognise that children displaying harmful sexual behaviour have often experienced their own abuse and trauma and will offer them appropriate support so they can change their behaviour.

Appendix 12: Sexual violence and sexual harassment between children in schools and colleges provides information, definitions, advice on how to respond to incidents of sexual violence and sexual harassment between children and details where both students and the school can access toolkits, resources and support.

The Child-on-Child Abuse Policy details how the school will minimise the risk of child-on-child abuse; how allegations of child-on-child abuse will be recorded, investigated and dealt with, and outlines how victims, perpetrators and any other child affected by child-on-child abuse will be supported.

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

All staff should be clear as to the school's policy and procedures with regards to child-on-child abuse and the important role they have to play in preventing it and responding where they believe a child may be at risk from it.

Child-on-child abuse is most likely to include, but may not be limited to:

- bullying (including cyberbullying, prejudice-based and discriminatory bullying);
- abuse in intimate personal relationships between peers;
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm (this may include an online element which facilitates, threatens and/or encourages physical abuse);
- sexual violence, such as rape, assault by penetration and sexual assault; (this may include an online element which facilitates, threatens and/or encourages sexual violence);
- sexual harassment, such as sexual comments, remarks, jokes and online sexual harassment, which may be standalone or part of a broader pattern of abuse;
- causing someone to engage in sexual activity without consent, such as forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party;
- consensual and non-consensual sharing of nudes and semi-nudes images and or videos (also known as sexting or youth produced sexual imagery);
- upskirting (which is a criminal offence), which typically involves taking a picture under a person's clothing without their permission, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm; and
- initiation/hazing type violence and rituals (this could include activities involving harassment, abuse or humiliation used as a way of initiating a person into a group and may also include an online element).

These types of abuse rarely take place in isolation and often indicate wider safeguarding concerns. For example, a teenage girl may be in a sexually exploitative relationship with a teenage boy who is himself being physically abused by a family member or by older boys. Equally, sexual bullying in schools and other settings can result in the sexual exploitation of children by their peers. For 16 and 17 year olds who are in abusive relationships, what may appear to be a case of domestic violence may also involve sexual exploitation.

Children's experiences of abuse and violence are rarely isolated events, and they can often be linked to other things that are happening in their lives and spaces in which they spend their time. Any response to child-on-child abuse therefore needs to consider the range of possible types of child-on-child abuse set out above and capture the full context of children's experiences¹⁴. This can be done by adopting a Contextual Safeguarding approach and by ensuring that our response to incidents of child-on-child abuse takes into account any potential complexity.

When does behaviour become problematic or abusive?¹⁵

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.

Examples of resources to support incidents of child-on-child abuse are outlined in Appendix 1 - Child-on-child abuse- Examples of Further Resources.

5. Bullying

Bullying is defined as the repetitive, intentional harming of one person or group by another person or group, where the relationship involves an imbalance of power. Bullying can include any action that makes someone feel unhappy or uncomfortable because of their gender, sexual orientation, race, religion, culture, appearance, ability or disability.

The school's Child-on-Child Abuse Policy aims to meet the "Every Child Matters" framework, ensuring that "every child Stays Safe from bullying and discrimination". The Child-on-Child Abuse Policy outlines the procedures that the school will follow in the instance of any form of bullying.

Bullying is, therefore:

- Deliberately hurtful
- Repeated, often over a period of time
- Difficult to defend against

¹⁴ Carlene Firmin and George Curtis, MsUnderstood Partnership (2015), Practitioner Briefing #1: What is Child-on-Child abuse? (MSU 2015)

¹⁵ Please see, for example, London Safeguarding Children Board, London Child Protection Procedures, Part B3: Practice Guidance, Section 15. Children Harming Others: http://www.londoncp.co.uk/chapters/ch_harm_others.html

Bullying can include:

Type of bullying	Definition
Emotional	Being unfriendly, excluding, tormenting
Physical	Hitting, kicking, pushing, taking another's belongings, any use of violence
Prejudice-based and discriminatory, including: Racial Faith-based Gendered (sexist) Homophobic/biphobic Transphobic Disability-based	Taunts, gestures, graffiti or physical abuse focused on a particular characteristic (e.g. gender, race, sexuality)
Sexual	Explicit sexual remarks, display of sexual material, sexual gestures, unwanted physical attention, comments about sexual reputation or performance, or inappropriate touching
Direct or indirect verbal	Name-calling, sarcasm, spreading rumours, teasing
Cyber-bullying	Bullying that takes place online, such as through social networking sites, messaging apps or gaming sites

6. Sexual behaviours

As the National Society for the Prevention of Cruelty to Children (NSPCC) explains “children's sexual behaviours exist on a wide continuum, from normal and developmentally expected to highly abnormal and abusive. Staff should recognise the importance of distinguishing between problematic and abusive sexual behaviour... As both problematic and abusive sexual behaviours are developmentally inappropriate and may cause developmental damage, a useful umbrella term is harmful sexual behaviours or HSB.” This term has been adopted widely in the field and is used throughout the NSPCC's and Research in Practice's Harmful Sexual Behaviour Framework, as well as this policy¹⁶.

For the purpose of the NSPCC's and Research in Practice's Harmful Sexual Behaviour Framework, and as adopted in this policy, harmful sexual behaviours are defined as "Sexual behaviours expressed by

¹⁶ Please see pages 13 and 21 of NSPCC's and Research in Practice's Harmful Sexual Behaviour Framework: <https://www.nspcc.org.uk/globalassets/documents/publications/harmful-sexual-behaviour-framework.pdf>

children...that are developmentally inappropriate, may be harmful towards self or others, or be abusive towards another child...or adult¹⁷.

Professor Simon Hackett (Durham University) chaired the practice development subgroup which produced the Operational Framework for Children and Young People Displaying Harmful Sexual Behaviours on behalf of the NSPCC¹⁸. He proposed the following continuum model to demonstrate the range of sexual behaviours presented by children, which may be helpful when seeking to understand a [student's/student's] sexual behaviour and deciding how to respond to it¹⁹.

Normal	Inappropriate	Problematic	Abusive	Violent
<ul style="list-style-type: none"> • Developmentally expected • Socially acceptable • Consensual, mutual, reciprocal • Shared decision making 	<ul style="list-style-type: none"> • Single instances of inappropriate sexual behaviour • Socially acceptable behaviour within peer group • Context for behaviour may be inappropriate • Generally consensual and reciprocal 	<ul style="list-style-type: none"> • Problematic and concerning behaviours • Developmentally unusual and socially unexpected • No overt elements of victimisation • Consent issues may be unclear • May lack reciprocity or equal power • May include levels of compulsivity 	<ul style="list-style-type: none"> • Victimising intent or outcome • Includes misuse of power • Coercion and force to ensure victim compliance • 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"> • Physically violent sexual abuse • Highly intrusive • Instrumental violence which is physiologically and/or sexually arousing to the perpetrator • Sadism

Fig. 1: Adapted from 'A continuum of children and young people's sexual behaviours' (Hackett, 2010)

Hackett's continuum relates exclusively to sexual behaviour and is not exhaustive. The Brook Sexual Behaviours Traffic Light Tool can also be very helpful in identifying sexual behaviours by children²⁰. Staff should always use their professional judgment and discuss any concerns with the Designated

¹⁷ Ibid, page 12 - which cites reference to the above-mentioned definition of harmful sexual behaviours as having been derived from Hackett, 2014

¹⁸ Operational framework for children and young people displaying harmful sexual behaviours, London, NSPCC.

¹⁹ Ibid, page 13

²⁰ Learning project briefing on the role of schools in preventing, and responding to, Child-on-Child abuse

Safeguarding Lead (DSL). Where an (alleged) incident involves a report of sexually harmful behaviour, staff should consult the DfE's Advice²¹.

7. What is sexual violence and sexual harassment?

Sexual violence

It is important that school and college staff are aware of sexual violence and the fact children can, and sometimes do, abuse their peers in this way and that it can happen both inside and outside of school. 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 violence offences under the Sexual Offences Act 2003²² 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 - Schools and colleges 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).

What is consent?

Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g. to vaginal but not anal sex or penetration with conditions, such as wearing a condom.

Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.²³

²¹ Department for Education, Sexual Violence and Sexual Harassment Between Children in Schools and Colleges: Advice for Governing Bodies, Proprietors, Head Teachers, Principals, Senior Leadership Teams and Designated Safeguarding Leads, (May 2018)

²² Sexual Offences Act 2003 (Legislation.gov.uk).

²³ PSHE Teaching about consent from the PSHE association provides advice and lesson plans to teach consent at Key stage 3 and 4.

- a child under the age of 13 can never consent to any sexual activity
- the age of consent is 16²⁴
- sexual intercourse without consent is rape.

Sexual harassment

When referring to sexual harassment we mean ‘unwanted conduct of a sexual nature’ that can occur online and offline and both inside and outside of school. 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 (schools 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 offence²⁵), and
- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence.²⁶

It may include:

- consensual and non-consensual sharing of nude and semi-nude images and/or videos²⁷. Taking and sharing nude photographs of U18s is a criminal offence.
- UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people provides detailed advice for schools and colleges.
- 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.

²⁴ It is important to differentiate between consensual sexual activity between children of a similar age and that which involves any power imbalance, coercion or exploitation. Due to their additional training, the designated safeguarding lead (or deputy) should be involved and generally speaking leading the school or college response. If in any doubt, they should seek expert advice.

²⁵ The Voyeurism (Offences) Act 2019 which amends the Sexual Offences Act 2003 to make upskirting a specific offence of voyeurism. The Act came into force on 12 April 2019.

²⁶ Project deSHAME from Childnet provides useful research, advice and resources regarding online sexual harassment.

²⁷ Consensual image sharing, especially between older children of the same age, may require a different response. It might not be abusive – but children still need to know it is illegal- whilst non-consensual is illegal and abusive.

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

More detailed advice and guidelines are outlined in Appendix 3 - Sexual violence and sexual harassment between children in schools and colleges.

Sharing nudes and semi-nudes²⁸

‘Sharing nudes and semi-nudes’: definition (UK Council for Internet Safety)²⁹

The UK Council for Internet Safety defines the term ‘sharing nudes and semi-nudes’ as the sending or posting of nude or semi-nude images, videos or live streams by young people under the age of 18 online. This could be via social media, gaming platforms, chat apps or forums. It could also involve sharing between devices via services like Apple’s AirDrop which works offline.

The term ‘nudes’ is used as it is most commonly recognised by young people and more appropriately covers all types of image sharing incidents. Alternative terms used by children and young people may include ‘dick pics’ or ‘pics’.

The motivations for taking and sharing nude and semi-nude images, videos and live streams are not always sexually or criminally motivated. Such images may be created and shared consensually by young people who are in relationships, as well as between those who are not in a relationship. It is also possible for a young person in a consensual relationship to be coerced into sharing an image with their partner.

Incidents may also occur where:

- children and young people find nudes and semi-nudes online and share them claiming to be from a peer
- children and young people digitally manipulate an image of a young person into an existing nude online
- images created or shared are used to abuse peers e.g. by selling images online or obtaining images to share more widely without consent to publicly shame

The sharing of nudes and semi-nudes can happen publicly online, in 1:1 messaging or via group chats and closed social media accounts.

Nude or semi-nude images, videos or live streams may include more than one child or young person.

Creating and sharing nudes and semi-nudes of under-18s (including those created and shared with consent) is illegal which makes responding to incidents involving children and young people complex.

²⁸ <https://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>

²⁹ Appendix D: Sharing nudes and semi-nudes: advice for education settings working with children and young people

There are also a range of risks which need careful management from those working in education settings.

Alternative definitions

Many professionals may refer to 'nudes and semi-nudes' as:

- youth produced sexual imagery or 'youth involved' sexual imagery
- indecent imagery. This is the legal term used to define nude or semi-nude images and videos of children and young people under the age of 18
- 'sexting'. Many adults may use this term, however some young people interpret sexting as 'writing and sharing explicit messages with people they know' rather than sharing images
- image-based sexual abuse. This term may be used when referring to the non-consensual sharing of nudes and semi-nudes

Terms such as 'revenge porn' and 'upskirting' are also used to refer to specific incidents of nudes and semi-nudes being shared. However, these terms are more often used in the context of adult-to-adult non-consensual image sharing offences³⁰.

More detailed advice and guidelines are outlined in Appendix 4 - Sharing nudes and semi-nudes - advice for education settings working with children and young people.

8. A Whole School Approach

How can the School raise awareness of and prevent child-on-child abuse?

School environment

The School actively seeks to raise awareness of and prevent all forms of child-on-child abuse by:

- Educating all Governors, Senior Leadership Team, staff and volunteers, students, and parents about this issue.

This includes:

- training all Governors, Senior Leadership Team, staff and volunteers on the nature, prevalence and effect of Child-on-child abuse, and how to prevent, identify and respond to it. This includes (a) Contextual Safeguarding; (b) the identification and classification of specific behaviours; and (c) the importance of taking seriously all forms of Child-on-child abuse (no matter how low level they may appear) and ensuring that no form of Child-on-child abuse is ever dismissed as horseplay or teasing. Training includes case studies which the staff design themselves

³⁰ outlined in s.33-35 of the Criminal Justice and Courts Act 2015, Voyeurism (Offences) Act 2019 and s.67A of the Sexual Offences Act 2003

- educating children about the nature and prevalence of Child-on-child abuse via the Personal Development Curriculum (PDC) and the wider curriculum. For example, by addressing gender inequality in a statistics class, or by reviewing literature in an English class which addresses bullying and its effect on mental health. Students are frequently told what to do if they witness or experience such abuse, the effect that it can have on those who experience it and the possible reasons for it, including vulnerability of those who inflict such abuse. They are regularly informed about the School's approach to such issues, including its zero-tolerance policy towards all forms of child-on-child abuse.
- engaging parents/carers/guardians on this issue by:
 - a) talking about it with parents/carers/guardians, both in groups and one to one
 - b) asking parents/carers/guardians what they perceive to be the risks facing their child and how they would like to see the school address those risks
 - c) involving parents/carers/guardians in the review of School policies and lesson plans and
 - d) encouraging parents/carers/guardians to hold the School to account on this issue.
- ensuring that all child-on-child abuse issues are fed back to the School's DSL so that they can spot and address any concerning trends and identify students who may be in need of additional support
- challenging the attitudes that underlie such abuse (both inside and outside the classroom)
- working with Governors, Senior Leadership Team, all staff and volunteers, students and parents/carers/guardians to address equality issues, to promote positive values, and to encourage a culture of tolerance and respect amongst all members of the school community
- creating conditions in which our students can aspire to and realise safe and healthy relationships
- creating a culture in which our students feel able to share their concerns openly, in a non-judgmental environment, and have them listened to; and
- responding to cases of child-on-child abuse promptly and appropriately.

Multi-Agency Working

The School actively engages with its local partners in relation to child-on-child abuse, and works closely with, for example, Enfield Safeguarding Children Board, Enfield Single Point of Entry (SPOE), Enfield Multi Agency Safeguarding Hub (MASH), children's social care, and/or other relevant agencies, and other schools.

The relationships the school has built with these partners are essential to ensuring that the school is able to prevent, identify early and appropriately handle cases of child-on-child abuse.

They help the school:

- to develop a good awareness and understanding of the different referral pathways that operate in its local area, as well as the preventative and support services which exist
- to ensure that our students are able to access the range of services and support they need quickly
- to support and help inform our local community's response to Child-on-child abuse
- 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.
- the school actively refers concerns/allegations of child-on-child abuse where necessary to Enfield SPOE, Enfield MASH, children's social care, and/or other relevant agencies. This is particularly important because Child-on-child abuse can be a complex issue, and even more so where wider safeguarding concerns exist. It is often not appropriate for one single agency (where the incident cannot be managed internally) to try to address the issue alone – it requires effective partnership working.

9. Responding to Concerns or Allegations of Child-on-Child Abuse

General Principles

It is essential that all concerns/allegations of child-on-child abuse are handled sensitively, appropriately and promptly. The way in which they are responded to can have a significant impact on our School environment.

Students are encouraged to report any incidents of child-on-child abuse, including anything that makes them uncomfortable, no matter how 'small' they feel it might be. This can be in person to a trusted adult, by email or via Whisper.

Any response should:

- include a thorough investigation of the concerns/allegations and the wider context in which they may have occurred (as appropriate)
- treat all children involved as being at potential risk - while the child allegedly responsible for the abuse may pose a significant risk of harm to other children, s/he may also have considerable unmet needs and be at risk of harm themselves
- include an appropriate safeguarding response for both the child who has allegedly experienced the abuse, and the child who has allegedly been responsible for it, and additional sanctioning work may be required for the latter.

Appendix 5: Child-on-child Abuse Flow chart details the procedure that the school will follow when responding to incidents of child-on-child abuse.

More detailed advice and guidelines are outlined in Appendix 6: Responding to Concerns or Allegations of Child-on-Child Abuse.

Responding to Incidents of Sexual harassment and sexual violence

All incidents of alleged sexual harassment and sexist comments will be centrally recorded. This information will be used to identify any trends/patters of concern and will inform school practice and future preventative education.

It is essential that all victims are reassured that they are being taken seriously, regardless of how long it has taken them to come forward, and that they will be supported and kept safe. Abuse that occurs online or outside of the school should not be downplayed and should be treated equally seriously.

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 or their experience minimised. It is important to explain that the law is in place to protect children and young people rather than criminalise them, and this should be explained in such a way that avoids alarming or distressing them.

It is especially important not to pass off any sexual violence or sexual harassment as “banter”, “just having a laugh”, “part of growing up” or “boys being boys” as this can lead to a culture of unacceptable behaviours and an unsafe environment for children.

Any form of sexual harassment or sexual violence is never acceptable and will always be challenged.

All incidents of alleged sexual harassment and sexist comments will be centrally recorded. This information will be used to identify any trends/patters of concern and will inform school practice and future preventative education.

The response to each incident will be a balance between providing safeguarding support for all the parties involved, fully supporting the victim and the wider school community, implementing any disciplinary sanctions to the alleged perpetrator(s) as appropriate whilst educating the alleged perpetrator(s) to facilitate a change in their behaviour.

Students are encouraged to report anything that makes them uncomfortable, no matter how ‘small’ they feel it might be. This can be in person to a trusted adult, by email or via Whisper.

The school’s response will be:

- Proportionate
- Considered
- Supportive
- Decided on a case-by-case basis

The school has procedures in place to respond to any allegations or concerns regarding a child’s safety or wellbeing. These include clear processes for:

- Responding to a report

- Carrying out risk assessments³¹, where appropriate, to help determine whether to:
 - Manage the incident internally
 - Refer to early or additional help
 - Refer to children's social care
 - Report to the police

Sexual Behaviours Traffic Light Tool

When sexualised behaviour has been observed or, a student or parent has informed staff that such behaviour has taken place, then staff should inform the Designated Safeguarding Lead who will clarify the exact behaviour which has taken place and make a considered assessment of its nature and decide appropriate next steps.

As part of the risk assessment, the Designated Safeguarding Lead will use Brook's Sexual Behaviours Traffic Light tool to complement the schools safeguarding policies.

Brook's Sexual Behaviours Traffic Light Tool provides guidance that is age and developmentally appropriate, positive and protective. The tool uses the categories of green, orange and red light to help adults identify, understand and respond to children and young people's sexual behaviours (it's important to remember that most sexual behaviours are typical and developmentally appropriate and will be in the green light category).

Step 1: Identify

- The Brook's Sexual Behaviours Traffic Light Tool is used to identify the characteristics of the behaviour and the way it occurs
- The age-specific charts list specific examples of green, orange and red light behaviours at various ages
- This can be used to indicate if the sexual behaviour is typical and developmentally appropriate, problematic or harmful

Step 2: Understand

- The behaviour and the context in which it is happening will assist the school in understanding what is going on for the student and indicate what support is needed
- In particular, two questions will be used to guide the school in trying to understand the behaviour
 1. What are the issues or concerns regarding the student and their behaviour?
 2. What might the behaviour indicate?

³¹ Appendix 12 - Child-On-Child Sexual Abuse - Risk and Needs Assessment and Version Record

Step 3: Respond

- The type of response will depend on what is motivating the behaviour, what the behaviour might be communicating and the severity of the behaviour
- The behaviours are then assigned to one of three categories (green, orange and red)
- The categories and the responses are summarised below:
 - **Green Light Behaviours:** provide opportunities to talk, explain and provide support
 - **Orange Light Behaviours:** signal the need to monitor and provide targeted support
 - **Red Light Behaviours:** signal the need to provide immediate protection and follow up support

More detailed advice and guidelines are outlined in Appendix 3 - Sexual violence and sexual harassment between children in schools and colleges for further information.

10. Disciplinary Action

Disciplinary action may sometimes be appropriate, including:

- (a) to ensure that the child/children take(s) responsibility for and realise(s) the seriousness of their behaviour;
 - (b) to demonstrate to the child/children and others that peer-on-peer abuse can never be tolerated; and
 - (c) to ensure the safety and wellbeing of other children.
- However, these considerations must be balanced against any potential unmet needs and /or safeguarding concerns relating to the alleged perpetrator.

Before deciding on appropriate action, the school will always consider its duty to:

- how to balance the sanction alongside education and safeguarding support (if necessary, these should take place at the same time)
- the age and developmental stage of the alleged perpetrator(s)
- the underlying reasons for a child's behaviour
- any unmet needs
- or harm or abuse suffered by the child
- the risk that the child may pose to other children
- the nature and frequency of the alleged incident(s)

- and the severity of the peer-on-peer abuse and the causes of it

It is important to find out why the pupil who has displayed harmful behaviour has behaved in such a way. It may be that the young person is experiencing their own difficulties and may even have been harmed themselves in a similar way. In such cases support such as one to one mentoring or counselling may also be necessary.

Support from identified services may be necessary through an early help referral and the young person may require additional support from family members.

The risk assessment (which will include the Brook's Sexual Behaviours Traffic Light tool) will guide the school regarding disciplinary action and take into account the context.

Appropriate sanctions for a one-off incident (such as a sexist comment):

- A verbal warning
- Keeping the pupil behind after class to apologise to their peer
- Education (a research task that is presented to the pastoral team or the year group - whichever is deemed more appropriate)
- via the Personal Development Curriculum
- A letter or phone call to parents
- Restorative justice e.g. making amends with the young person they have targeted if this has been some form of bullying
- Community service, for example litter picking
- Detention
- An Internal Supervision (proportionate to the incident)

Appropriate sanctions for a 'higher-level' incident:

- The school response might include a sanction (in accordance with the School Behaviour Policy) such as an Internal Supervision or fixed term exclusion to allow the pupil to reflect on their behaviour
- The School will, where appropriate, consider the potential benefit, as well as challenge, of using managed moves or exclusion as a response, and not as an intervention, recognising that even if this is ultimately deemed to be necessary, some of the measures referred to in this policy may still be required.
- Permanent Exclusion will only be considered as a last resort and only where necessary to ensure the safety and wellbeing of the other children in the School, or, where the Headteacher, in their absolute discretion, considers the actions of the pupil/s to damage the school's ethos or reputation.

- 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. If the alleged perpetrator(s) is to be excluded the decision must be lawful, reasonable and fair.
- Engaging in Fair Access Panel Processes to assist with decision-making associated to managed moves and exclusions can also be beneficial.
- Disciplinary interventions alone are rarely able to solve issues of peer-on-peer abuse, and the School will always consider the wider actions that may need to be taken, and any lessons that may need to be learnt going forwards, as set out above and below.
- Engagement in an outreach programme where the alleged perpetrators can hear first-hand about the impact of behaviour such as theirs
- In the cases of sexually harmful behaviour it may be a requirement for the pupil to engage in one to one work with a particular service or agency (if a crime has been committed this may be through the police or youth offending service).
- If there is any form of criminal investigation ongoing it may be that this young person cannot be educated on site until the investigation has concluded. In which case, the young person will need to be provided with appropriate support and education whilst off site.
- Even following the conclusion of any investigation, the behaviour that the pupil has displayed may continue to pose a risk to others in which case an individual risk assessment may be required. This should be completed via a multiagency response to ensure that the needs of the young person and the risks towards others are measured by all of the agencies involved including the pupil and their parents/carers/guardians.
- This may mean additional supervision of the pupil or protective strategies if the pupil feels at risk of engaging in further inappropriate or harmful behaviour.

School Sanctions: Detentions, Internal Supervisions; Suspension and Permanent Exclusion

Detentions

This policy makes it clear that The Latymer School will use detentions as a sanction. Detentions will take place during the school day (at break or lunchtime) or during an evening school event (SLT detention). For break and lunchtime detentions staff should allow reasonable time for the student to eat, drink and use the toilet.

Any member of staff may give a detention in which students are set extra work/made to reflect on poor behaviour/lack of application etc.

Information relating to the different type of detentions listed above (Section 25. Examples of Sanctions) and how these detentions are communicated to parents can be seen in Appendix 15: Detentions³².

³² Appendix 15: Detentions

Internal Supervision

In serious cases of disruption, unacceptable behaviour, or persistent breaches of school rules, it is possible to withdraw a student from some lessons; or to exclude a student from all lessons for all or part of a school day (the time a student spends in Internal Supervision is used constructively - work is set and provision is made for the student to eat and use the toilet).

This sanction will only ever be arranged by the Assistant Headteacher (Care, Guidance and Support), a Deputy, or the Headteacher. In these cases, parents will be contacted and given reasons for the withdrawal from lessons.

Suspension and Permanent Exclusions

The school can use suspension and permanent exclusion in response to serious incidents or in response to persistent poor behaviour. Only the headteacher of a school can suspend or permanently exclude a student on disciplinary grounds³³. A student may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded.

A student's behaviour outside school can be considered grounds for a suspension or permanent exclusion. Any decision of a headteacher, including suspension or permanent exclusion, must be made in line with the principles of administrative law, i.e., that it is: lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties); reasonable; fair; and proportionate.

When establishing the facts in relation to a suspension or permanent exclusion decision the headteacher must apply the civil standard of proof, i.e., 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the headteacher should accept that something happened if it is more likely that it happened than that it did not happen.

The headteacher must take account of their legal duty of care when sending a student home following an exclusion. Headteachers should also take the student's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so.

Duty to inform parents about a suspension or a permanent exclusion:

The Headteacher will inform parent/carers in writing and without delay of:

- the reason(s) for the suspension or permanent exclusion
- the period of a suspension or, for a permanent exclusion, the fact that it is permanent
- parents' right to make representations about the suspension or permanent exclusion to the governing board and how the student may be involved in this
- how any representations should be made

³³ Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement Guidance for maintained schools, academies, and pupil referral units in England (September 2022)

- where there is a legal requirement for the governing board to consider the suspension or permanent exclusion, that parents or a student if they are 18 years old have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend
- the days on which they must ensure that the student is not present in a public place at any time during school hours (these days are the first five school days of a suspension or permanent exclusion (or until the start date of any full-time alternative provision or the end of the suspension where this is earlier). Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted.

Informing social workers and Virtual School Heads about a suspension or a permanent exclusion:

If the student has a social worker or is a looked-after child, the Headteacher will also inform their social worker or Virtual School Head, as applicable.

Informing the governing body about a suspension or a permanent exclusion:

The headteacher will, without delay, notify the governing body of:

- any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the student)
- any suspension or permanent exclusion which would result in the student being suspended or permanently excluded for a total of more than five school days (or more than ten lunchtimes) in a term
- and any suspension or permanent exclusion which would result in the student missing a public examination or national curriculum test.

The Headteacher will report suspensions and exclusions to the full Governing Body on at least a termly basis.

The governing board's duty to consider a suspension or a permanent exclusion:

For a suspension of 5 days or less in a term if the parent/carer submits representations, the Governing Body must consider them. The Governing Body can agree to a meeting if the parent/carer wants to meet but no meeting is required.

For a suspension of 6-15 days in a term, if the parent/carer makes representations and requests a meeting, a panel of governors will meet to consider representations within 50 school days after receiving notice of the suspension.

For suspensions of more than 15 days in a term, a hearing of a panel of governors will be called. The parents (and, where requested, a representative or friend) and the student (if over the age of 18) will be invited to attend the hearing and will be allowed to make representations or share information.

Parents/carers can request that a meeting be held via the use of remote access (carried out by electronic means, e.g. live video link).

Meetings can also be remote in unforeseen or extraordinary circumstances.

For example, school closure due to:

- Floods
- Fire
- Infectious illness / disease

Where these extraordinary circumstances don't apply and parent/carers don't request a remote meeting, then the meeting must be held in person.

Social workers and virtual school heads (VSHs) can join the meeting remotely, even if the meeting is held in person, as long as they can contribute effectively.

The following parties must be invited to a meeting of the governing board and allowed to make representations or share information:

- parents (and, where requested, a representative or friend);
- the pupil if they are 18 years or older;
- the headteacher;
- a representative of the local authority (in the case of a maintained school or PRU);
- the child's social worker if the pupil has one; and
- the VSH if the child is LAC.

Suspension:

All exclusions from School will follow the guidelines and procedures laid down by the DfE in their Suspension and Permanent Exclusion from Maintained Schools guidelines (September 2023) and will adhere to the Equality Act 2010.

A suspension is where a student is temporarily removed from the school. A suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. Lunchtime suspensions are counted as half a school day.

A student may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period.

A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy and show a pupil that their current behaviour is putting them at risk of permanent exclusion.

Where suspensions are becoming a regular occurrence for a pupil, headteachers and schools should consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour.

Work is set for the student during the period of exclusion. On return the student will meet with their Head of Learning for a reintegration meeting. The student will be offered whatever support may be needed to help him/her thrive within the school community. This will then be shared with the parent/carers.

Reintegration meeting (following an Internal Supervision or a suspension):

A reintegration meeting will be held with parents/carers and student in attendance on the first morning that the student returns to school (following an Internal Supervision or a suspension). The student will be asked to reflect upon the incident and the Internal Supervision or suspension, and the views/attitude of the parents/carers will be sought. The meeting will be used to establish whether the student is ready to return to school and accept the students Code of Conduct and adhere to the school's behaviour policy. The student will be asked to make a commitment to future positive behaviour and be made aware of the possibility of more severe consequences (suspension, increased number of days of suspension and permanent exclusion) if the behaviour is repeated. The meeting will explore the possibility of action to address any support which the student may require to help them behave better in the future (internal options as well as external agencies). The student will be placed on a daily report to their Head of Learning to monitor behaviour after the exclusion. The reintegration form covering the points raised at the meeting will be circulated to parents/carers and staff as appropriate.

The information above will also relate to reintegrating students whose suspensions have ended or been cancelled and students whose permanent exclusions have been cancelled.

Examples of actions that could lead to suspension:

As a school we hold that the most important right is to be safe and secure at all times. Behaviour likely to undermine that right is consequently regarded as a serious breach of discipline. A student may be suspended after being involved in a single or 'one off' incident that is a serious breach of the behaviour policy.

The list below is not exhaustive but indicative of the type of actions/incidents/behaviours that may warrant a suspension or permanent exclusion. The categories are used by the DfE to monitor exclusion rates and represents the most common reasons given by all schools for imposing suspensions and permanent exclusions. The examples are not meant to be prescriptive but should serve to give some indication of when a particular sanction might be used. It is important to state that a student's previous record will be taken into account, and it is, therefore, consistent to have similar infringements resulting in different punishments. In addition to the categories below, behaviour which results in bringing the School into disrepute might warrant a suspension or permanent exclusion.

Category (listed alphabetically)	Examples
Abuse relating to disability	<ul style="list-style-type: none">• Derogatory statements or swearing about a disability• Bullying related to disability• Disability related graffiti,• Disability related taunting and harassment
Abuse against sexual orientation and gender identity	<ul style="list-style-type: none">• Derogatory statements about sexual orientation (e.g. heterosexual, lesbian, gay, bisexual) and gender identity (e.g. transgender)• Homophobic, bi-phobic and transphobic bullying

	<ul style="list-style-type: none"> • LGBT+ graffiti • LGBT+ taunting and harassment • Swearing that can be attributed to LGBT+ characteristics
Bullying	<ul style="list-style-type: none"> • Verbal • Physical • Cyber bullying or threatening behaviour online • Racist bullying • Sexual bullying • Homophobic • Bi-phobic and transphobic bullying • Bullying related to disability
Drug and alcohol related	<ul style="list-style-type: none"> • Possession of illegal drugs • Inappropriate use of prescribed drugs • Drug dealing • Smoking • Alcohol abuse • Substance abuse
Disruptive behaviour (Persistent)	<ul style="list-style-type: none"> • Challenging behaviour • Persistent breaches of school rules • Persistent disobedience • Persistent disruption of the learning environment
Damage to property	<ul style="list-style-type: none"> • Damage includes damage to school, private or personal property belonging to any member of the school or wider community • Vandalism • Arson • Graffiti
Inappropriate use of social media or online technology	<ul style="list-style-type: none"> • Sharing of inappropriate images (of adult or student) • Cyber bullying or threatening behaviour online • Organising or facilitating criminal behaviour using social media
Physical assault against adult	<ul style="list-style-type: none"> • Violent behaviour • Wounding • Obstruction and jostling
Physical assault against a student	<ul style="list-style-type: none"> • Fighting • Violent behaviour • Wounding • Obstruction and jostling
Racist abuse	<ul style="list-style-type: none"> • Racist taunting and harassment • Derogatory racist statements • Swearing that can be attributed to racist characteristics • Racist bullying • Racist graffiti

Sexual misconduct	<ul style="list-style-type: none"> • Sexual abuse • Sexual assault • Sexual harassment • Lewd behaviour • Sexual bullying • Sexual graffiti
Theft	<ul style="list-style-type: none"> • Stealing property • Stealing personal property (student or adult) • Stealing from local shops on a school outing • Selling and dealing in stolen property
Use or threat of an offensive weapon or prohibited item	<ul style="list-style-type: none"> • Carrying or bringing onto the school site an offensive weapon / prohibited item such as knives, sharp instruments and BB guns • Carrying any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property • Use of an offensive weapon
Verbal abuse / threatening behaviour against an adult	<ul style="list-style-type: none"> • Threatened violence • Aggressive behaviour • Swearing • Verbal intimidation • Homophobic abuse and harassment • Carrying an offensive weapon
Verbal abuse / threatening behaviour against a student	<ul style="list-style-type: none"> • Threatened violence • Aggressive behaviour • Swearing • Verbal intimidation • Homophobic abuse and harassment • Carrying an offensive weapon
Wilful and repeated transgression of protective measures in place to protect public health	

Permanent Exclusion

A permanent exclusion is when a student is no longer allowed to attend a school (unless the student is reinstated). The decision to exclude a student permanently is a serious one and the strongest sanction available to a school.

The decision to exclude a student permanently³⁴ should only be taken:

- in response to a serious breach or persistent breaches of the school's behaviour policy; and

³⁴ Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement Guidance for maintained schools, academies, and pupil referral units in England (September 2022)

- where allowing the student to remain in school would seriously harm the education or welfare of the student or others such as staff or students in the school

Permanent Exclusion is often the final stage in a process of dealing with disciplinary incidents after a range of other strategies have been tried without success. There will however be exceptional circumstances where in the Headteacher's judgement, it is appropriate to exclude a student for a 'one off' or first offence.

Examples of actions that could lead to a Permanent Exclusion:

This list is not exhaustive but indicative of the type of actions/incidents/behaviours that could lead to a Permanent Exclusion (other actions/incidents/behaviours could lead to a Permanent Exclusion).

- sexual violence, sexual harassment, or other harmful sexual behaviours
- serious actual or threatened violence against another student or a member of staff
- carrying an offensive weapon; or in any other way seriously endangering the health, safety or wellbeing of a member (or members) of the School community
- a drug related incidents (see Appendix 16: The Management of Drugs Incidents and Substance Misuse)
- persistent bullying including emotional, physical, racial, sexual, bullying based on sexual orientation and gender identity or cyber (persistent as recorded in the sanctions system)
- posting offensive material on a website/social media/text message/email (towards staff or students)
- actions that put the health and safety of any other member of the school community at serious risk
- persistent and malicious disruptive behaviour, including open defiance or refusal to conform with agreed school policies
- repeated breaches of the school code of conduct. These should be documented through the sanctions system and are likely to be after the student has been on a Pastoral Support Programme and there has been no improvement.

Cancelling exclusions

The headteacher can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the governing board has not yet met to consider whether the pupil should be reinstated. Where an exclusion is cancelled:

- The headteacher must notify the parents/carers, the governing board, the LA and the pupil's social worker and VSH as applicable, without delay³⁵. The notification must also provide the reason for the cancellation

³⁵ Written notification of the cancellation and reason for the cancellation can be provided by delivering it directly to the recipient, leaving it at their usual or last known home address, or posting it to that address. A notification to a parent can only be given electronically (e.g. by text message or e-mail) if it is sent to a number or address that the parent has agreed can be used for notifications of this kind

- The governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement
- Parents (or the excluded pupil if they are 18 years or older) should be offered the opportunity to meet the headteacher to discuss the circumstances that led to the exclusion being cancelled which should be arranged without delay
- The pupil must be allowed back into the school from which they were excluded without delay
- Any days spent out of school as a result of any exclusion, prior to the cancellation will count towards the maximum of 45 school days permitted in any school year.

A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.

1. Responding to misbehaviour from students with SEND

Recognising the impact of SEND on behaviour

The school recognises that students' behaviour may be impacted by a special educational need or disability (SEND).

When incidents of misbehaviour arise, we will consider them in relation to a student's SEND, although we recognise that not every incident of misbehaviour will be connected to their SEND. Decisions on whether a student's SEND had an impact on an incident of misbehaviour will be made on a case-by-case basis.

When dealing with misbehaviour from students with SEND, especially where their SEND affects their behaviour, the school will balance their legal duties when making decisions about enforcing the behaviour policy. The legal duties include:

- Taking reasonable steps to avoid causing any substantial disadvantage to a disabled student caused by the school's policies or practices (Equality Act 2010)
- Using our best endeavours to meet the needs of students with SEND (Children and Families Act 2014)
- If a student has an education, health and care (EHC) plan, the provisions set out in that plan must be secured and the school must co-operate with the local authority and other bodies

As part of meeting these duties, the school will anticipate, as far as possible, all likely triggers of misbehaviour, and put in place support to prevent these from occurring.

Any preventative measures will take into account the specific circumstances and requirements of the student concerned.

The school's approach to anticipating and removing triggers of misbehaviour:

- Short, planned movement breaks for a student with SEND who finds it difficult to sit still for long
- Adjusting seating plans to allow a student with visual or hearing impairment to sit in sight of the teacher
- Adjusting uniform requirements for a student with sensory issues or who has severe eczema
- Training for staff in understanding conditions such as autism
- Use of separation spaces (sensory zones or nurture rooms) where students can regulate their emotions during a moment of sensory overload

Adapting sanctions for students with SEND

When considering a behavioural sanction for a student with SEND, the school will take into account:

- Whether the student was unable to understand the rule or instruction?
- Whether the student was unable to act differently at the time as a result of their SEND?
- Whether the student is likely to behave aggressively due to their particular SEND?

If the answer to any of these questions is yes, it may be unlawful for the school to sanction the student for the behaviour.

The school will then assess if it is appropriate to use a sanction and if so, whether any reasonable adjustments need to be made to the sanction.

Considering whether a student displaying challenging behaviour may have unidentified SEND

The school's special educational needs co-ordinator (SENCO) may evaluate a student who exhibits challenging behaviour to determine whether they have any underlying needs that are not currently being met.

Where necessary, support and advice will also be sought from specialist teachers, an educational psychologist, medical practitioners and/or others, to identify or support specific needs.

When acute needs are identified in a student, we will liaise with external agencies and plan support programmes for that child. We will work with parents to create the plan and review it on a regular basis.

Students with an education, health and care (EHC) plan

The provisions set out in the EHC plan must be secured and the school will co-operate with the local authority and other bodies.

If the school has a concern about the behaviour of a student with an EHC plan, it will make contact with the local authority to discuss the issue. If appropriate, the school may request an emergency review of the EHC plan.

Appendix 1: Additional advice and support (including Sexual violence and sexual harassment)

Abuse

- [Supporting practice in tackling child sexual abuse - CSA Centre](#) Centre of Expertise on Child Sexual Abuse has free evidence-based practice resources to help professionals working with children and young people to identify and respond appropriately to concerns of child sexual abuse
- [What to do if you're worried a child is being abused](#) – DfE advice
- [Domestic abuse: Various Information/Guidance](#) - Home Office (HO)
- [Faith based abuse: National Action Plan](#) - DfE advice
- [Forced marriage resource pack](#)
- [Disrespect NoBody campaign](#) - GOV.UK - Home Office website
- [Relationship abuse: disrespect nobody](#) - Home Office website
- [Tackling Child Sexual Abuse Strategy](#) – Home Office policy paper
- [Together we can stop child sexual abuse](#) – HM Government campaign

Bullying

- [Preventing bullying including cyberbullying](#) - DfE advice

Children with family members in prison

- [National Information Centre on Children of Offenders](#) - Barnardo's in partnership with HM Prison and Probation Service

Child Exploitation

- [Trafficking: safeguarding children](#) - DfE and HO guidance
- [Care of unaccompanied and trafficked children](#) – DfE statutory guidance
- [Modern slavery: how to identify and support victims](#) – HO statutory guidance
- [Child exploitation disruption toolkit](#) - HO statutory guidance
- [County Lines Toolkit For Professionals](#) - The Children's Society in partnership with Victim Support and National Police Chiefs' Council
- [Multi-agency practice principles for responding to child exploitation and extra-familial harm](#) – non-statutory guidance for local areas, developed by the Tackling Child Exploitation (TCE) Support Programme, funded by the Department for Education and supported by the Home Office, the Department for Health and Social Care and the Ministry of Justice

Confidentiality

- [Gillick competency Fraser guidelines](#) - Guidelines to help with balancing children's rights along with safeguarding responsibilities.

Drugs

- [Drug strategy 2021](#) - Home Office strategy
- [Information and advice on drugs](#) - Talk to Frank website
- [Drug and Alcohol education — teacher guidance & evidence review](#) – PSHE Association website

(so called) “Honour Based Abuse” including FGM and forced marriage

- [Female genital mutilation: information and resources](#)- Home Office guidance

- [Female genital mutilation: multi agency statutory guidance](#) - DfE, DH, and HO statutory guidance
- [Forced marriage](#) - Forced Marriage Unit (FMU) resources
- [Forced marriage](#) - Government multi-agency practice guidelines and multi-agency statutory guidance
- [FGM resource pack](#) – HM Government guidanceHealth and Well-being

Health and Well-being

- [Rise Above: Free PSHE resources on health, wellbeing and resilience](#) - Public Health England
- [Supporting pupils at schools with medical conditions](#) - DfE statutory guidance
- [Mental health and behaviour in schools](#) - DfE advice
- [Overview - Fabricated or induced illness](#) - NHS advice

Information Sharing

- [Government information sharing advice](#) - Guidance on information sharing for people who provide safeguarding services to children, young people, parents and carers.
- [Information Commissioner's Office: Data sharing information hub](#) - Information to help schools and colleges comply with UK data protection legislation including UK GDPR.

Radicalisation

- [Prevent duty guidance](#)- Home Office guidance
- [Prevent duty: additional advice for schools](#) and childcare providers - DfE advice
- [Educate Against Hate website](#) - DfE and Home Office advice
- [Prevent for FE and Training](#) - Education and Training Foundation (ETF)
- [Extremism and Radicalisation Safeguarding Resources](#) – Resources by London Grid for Learning
- [Managing risk of radicalisation in your education setting](#) – DfE guidance

Serious Violence

- [Serious violence strategy](#) - Home Office Strategy
- [Factors linked to serious violence and how these factors can be used to identify individuals for intervention](#) – Home Office
- [Youth Endowment Fund](#) – Home Office
- [Gangs and youth violence: for schools and colleges](#) - Home Office advice
- [Tackling violence against women and girls strategy](#)- Home Office strategy
- [Violence against women and girls: national statement of expectations for victims](#) Home Office guidance

Sexual violence and sexual harassment Specialist Organisations

- [Barnardo's](#) - UK charity caring for and supporting some of the most vulnerable children and young people through their range of services.
- [Lucy Faithful Foundation](#) - UK-wide child protection charity dedicated to preventing child sexual abuse. They work with families affected by sexual abuse and also run the confidential Stop it Now! Helpline.
- [Marie Collins Foundation](#) – Charity that, amongst other things, works directly with children, young people, and families to enable their recovery following sexual abuse.

- [NSPCC](#) - Children's charity specialising in child protection with statutory powers enabling them to take action and safeguard children at risk of abuse.
- [Rape Crisis](#) - National charity and the umbrella body for their network of independent member Rape Crisis Centres.
- [UK Safer Internet Centre](#) - Provides advice and support to children, young people, parents, carers and schools about staying safe online.

Harmful sexual behaviour

- [Brook Sexual Behaviours Traffic Light Tool](#) helps professionals to identify, understand and respond appropriately to sexual behaviours in young people
- [Rape Crisis](#) (England & Wales) or [The Survivors Trust](#) for information, advice, and details of local specialist sexual violence organisations.
- [NICE guidance](#) contains information on, amongst other things: developing interventions; working with families and carers; and multi-agency working.
- [HSB toolkit](#) The Lucy Faithfull Foundation - designed for parents, carers, family members and professionals, to help everyone play their part in keeping children safe. It has links to useful information, resources, and support as well as practical tips to prevent harmful sexual behaviour and provide safe environments for families.
- [NSPCC Learning: Protecting children from harmful sexual behaviour](#) and [NSPCC - Harmful sexual behaviour framework](#) - free and independent advice about HSB.
- [Contextual Safeguarding Network](#) – Beyond Referrals (Schools) provides a school self-assessment toolkit and guidance for addressing HSB in schools.
- [Preventing harmful sexual behaviour in children](#) - Stop It Now provides a guide for parents, carers and professionals to help everyone do their part in keeping children safe, they also run a free confidential helpline.

Support for Victims

- [Anti-Bullying Alliance](#) - Detailed information for anyone being bullied, along with advice for parents and schools. Signposts to various helplines and websites for further support.
- [Rape Crisis](#) - Provide and signpost to a range of services to support people who have experienced rape, child abuse or any kind of sexual violence.
- [The Survivors Trust](#) - UK-wide national umbrella agency with resources and support dedicated to survivors of rape, sexual violence and child sex abuse.
- [Victim Support](#) - Supporting children and young people who have been affected by crime. Also provides support to parents and professionals who work with children and young people – regardless of whether a crime has been reported or how long ago it was.
- [Childline](#) provides free and confidential advice for children and young people.

Support and interventions

- [Lucy Faithful Foundation \(LFF\)](#) provides services to agencies working with children and their families – for those with problematic sexual behaviour on the internet and in the ‘real world’: http://www.lucyfaithful.org.uk/files/inform_y_p_agencies_leaflet.pdf.
- [Red Balloon Learning Centres](#) support for children who are struggling to attend school, whether it's because of bullying or another challenge
- [Leap Confronting Conflict](#) support young people with the skills to navigate conflict in their lives and help lead society

Toolkits

- [ask AVA](#) - The Ask AVA prevention platform has been created to support education practitioners across the UK to develop and deliver a comprehensive programme to stop Violence Against Women and Girls.
- [NSPCC](#) - Online Self-assessment tool to ensure organisations are doing everything they can to safeguard children.
- [NSPCC](#) - Resources which help adults respond to children disclosing abuse.
- NSPCC also provides free and independent advice about [HSB: NSPCC - Harmful sexual behaviour framework](#)
- [Safeguarding Unit, Farrer and Co. and Carlene Firmin, MBE, University of Bedfordshire](#) - Peer-on-Peer Abuse toolkit provides practical guidance for schools on how to prevent, identify early and respond appropriately to peer-on-peer abuse.
- [Contextual Safeguarding Network](#) – self-assessment toolkit for schools to assess their own response to HSB.
- [Childnet - STAR SEND Toolkit](#) equips, enables and empowers educators with the knowledge to support young people with special educational needs and disabilities.
- [Childnet - Just a joke?](#) provides lesson plans, activities, a quiz and teaching guide designed to explore problematic online sexual behaviour with 9-12 year olds.
- [Childnet - Step Up, Speak Up](#) a practical campaign toolkit that addresses the issue of online sexual harassment amongst young people aged 13-17 years old.
- [NSPCC - Harmful sexual behaviour framework](#) an evidence-informed framework for children and young people displaying HSB.
- [Contextual Safeguarding Network – Beyond Referrals](#) - Schools leavers for addressing HSB in schools.
- [Farrer & Co: Addressing child on child abuse: a resource for schools and colleges](#). This resource provides practical guidance for schools and colleges on how to prevent, identify early and respond appropriately to child-on-child abuse.

Sharing nudes and semi-nudes

- [London Grid for Learning-collection of advice](#) - Various information and resources dealing with the sharing of nudes and semi-nudes.
- [UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people](#) - Advice for schools and colleges on responding to incidents of non-consensual sharing of nudes and semi-nudes.

Support for parents/carers

- National Crime Agency's [CEOP Education Programme](#) provides information for parents and carers to help protect their child from online child sexual abuse, including [#AskTheAwkward](#), guidance on how to talk to their children about online relationships

Online Safety

Online safety-advice

- [Childnet](#) provide guidance for schools on cyberbullying
- [Educateagainsthate](#) provides practical advice and support on protecting children from extremism and radicalisation
- [London Grid for Learning](#) provides advice on all aspects of a school or college's online safety arrangements
- [NSPCC E-safety for schools](#) provides advice, templates, and tools on all aspects of a school or college's online safety arrangements
- [Safer recruitment consortium](#) "guidance for safe working practice", which may help ensure staff behaviour policies are robust and effective
- [Searching screening and confiscation](#) is departmental advice for schools on searching children and confiscating items such as mobile phones
- [South West Grid for Learning](#) provides advice on all aspects of a school or college's online safety arrangements
- [Use of social media for online radicalisation](#) - A briefing note for schools on how social media is used to encourage travel to Syria and Iraq
- [Online Safety Audit Tool](#) from UK Council for Internet Safety to help mentors of trainee teachers and newly qualified teachers induct mentees and provide ongoing support, development and monitoring
- [Online safety guidance](#) if you own or manage an online platform DCMS advice A business guide for protecting children on your online platform DCMS advice
- [UK Safer Internet Centre](#) provide tips, advice, guides and other resources to help keep children safe online

Online safety- Remote education, virtual lessons and live streaming

- [Guidance Get help with remote education](#) resources and support for teachers and school leaders on educating pupils and students
- [Departmental guidance on safeguarding and remote education](#) including planning remote education strategies and teaching remotely
- [London Grid for Learning guidance](#), including platform specific advice
- [National cyber security centre](#) guidance on choosing, configuring and deploying video conferencing
- [UK Safer Internet Centre](#) guidance on safe remote learning

Online Safety- Support for children

- [Childline](#) for free and confidential advice
- [UK Safer Internet Centre](#) to report and remove harmful online content
- [CEOP](#) for advice on making a report about online abuse

Online safety- Parental support

- [Childnet](#) offers a toolkit to support parents and carers of children of any age to start discussions about their online life, and to find out where to get more help and support
- [Commonsensemedia](#) provide independent reviews, age ratings, & other information about all types of media for children and their parents

- [Government advice](#) about protecting children from specific online harms such as child sexual abuse, sexting, and cyberbullying
- [Internet Matters](#) provide age-specific online safety checklists, guides on how to set parental controls, and practical tips to help children get the most out of their digital world
- [How Can I Help My Child?](#) Marie Collins Foundation – Sexual Abuse Online
- [Let's Talk About It](#) provides advice for parents and carers to keep children safe from online radicalisation
- [London Grid for Learning](#) provides support for parents and carers to keep their children safe online, including tips to keep primary aged children safe online
- [Stopitnow](#) resource from The Lucy Faithfull Foundation can be used by parents and carers who are concerned about someone's behaviour, including children who may be displaying concerning sexual behaviour (not just about online)
- [National Crime Agency/CEOP Thinkuknow](#) provides support for parents and carers to keep their children safe online
- [Parentzone](#) provides help for parents and carers on how to keep their children safe

online

- [Talking to your child about online sexual harassment: A guide for parents](#) – This is the Children's Commissioner's parental guide on talking to their children about online sexual harassment

Appendix 2: SEXUAL CONSENT - CHILDLINE¹

Sexual consent is when you agree to be involved in anything sexual without feeling pressured, scared or drunk. It can include sex, touching, taking pictures or any sexual activity.

Nobody should ever do something sexual without your full consent. If they do, it's called sexual assault and rape.

Understanding whether or not someone consents can be confusing sometimes, but there are things that are important to remember.

Consent isn't permanent. If someone says yes to doing something, it doesn't mean they consent to anything else. People can stop giving consent at any time

Respect people's decisions. If someone doesn't want to do something, it's important to support them and not make them feel pressured or guilty

People can't consent when they're drunk or they've taken drugs as it can affect their judgement

Flirting isn't the same as consenting. Remember: if you're not sure, it's important to ask for consent.

CONSENT AND THE LAW

It's illegal to have sex or do sexual things with anyone without someone's full consent.

That includes if:

- they're not able to give consent because they're drunk or they've taken drugs
- you're not sure whether someone is consenting
- they're worried about being hurt if they don't say yes
- you're in a position of trust or power over the other person.

The age of consent is 16. This means that it's illegal to have sex with anyone who's under 16 years old. This is the same no matter what your sexuality is.

It's important to remember that the law is there to protect children and young people, not punish them.

If you're both under 16 and you consent to doing things, it's still against the law. But it's unlikely you would be punished legally.

When someone over 16 is having sex with someone under 16, they're also breaking the law. They may be arrested even if everyone has consented.

¹ <https://www.childline.org.uk/info-advice/friends-relationships-sex/sex-relationships/sex/>

Appendix 3: Sexual violence and sexual harassment between children in schools and colleges

Context

Sexual violence and sexual harassment can occur between two or more children of any age and sex, from primary through to secondary stage and into college. It can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children.

Sexual violence and sexual harassment exist on a continuum and may overlap; they can occur online and face to face (both physically and verbally) and are never acceptable.

Staff should be aware of the importance of:

- making clear that there is a zero-tolerance approach to sexual violence and sexual harassment, that it is never acceptable, and it will not be tolerated
- it should never be passed off as “banter”, “just having a laugh”, “a part of growing up” or “boys being boys”. Failure to do so can lead to a culture of unacceptable behaviour, an unsafe environment and in worst case scenarios a culture that normalises abuse, leading to children accepting it as normal and not coming forward to report it
- recognising, acknowledging, and understanding the scale of harassment and abuse and that even if there are no reports it does not mean it is not happening, it may be the case that it is just not being reported
- challenging physical behaviour (potentially criminal in nature) such as grabbing bottoms, breasts and genitalia, pulling down trousers, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them

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

Whilst any report of sexual violence or sexual harassment should be taken seriously, staff should be aware it is more likely that girls will be the victims of sexual violence and sexual harassment and more likely it will be perpetrated by boys. Children¹ with special educational needs and disabilities (SEND) are also three times more likely to be abused than their peers.

What is sexual violence and sexual harassment?

Sexual violence

It is important that school and college staff are aware of sexual violence and the fact children can, and sometimes do, abuse their peers in this way and that it can happen both inside and outside of school. 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 violence offences under the Sexual Offences Act 2003² as described below:

¹ Jones, L et al. (2012) Prevalence and risk of violence against children with disabilities: a systematic review and meta-analysis of observational studies. The Lancet July 2012.

² Sexual Offences Act 2003 (Legislation.gov.uk).

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 - Schools and colleges 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).

What is consent?

Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g. to vaginal but not anal sex or penetration with conditions, such as wearing a condom.

Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.³

- a child under the age of 13 can never consent to any sexual activity
- the age of consent is 16⁴
- sexual intercourse without consent is rape.

Sexual harassment

When referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur online and offline and both inside and outside of school. 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.

³ PSHE Teaching about consent from the PSHE association provides advice and lesson plans to teach consent at Key stage 3 and 4.

⁴ It is important to differentiate between consensual sexual activity between children of a similar age and that which involves any power imbalance, coercion or exploitation. Due to their additional training, the designated safeguarding lead (or deputy) should be involved and generally speaking leading the school or college response. If in any doubt, they should seek expert advice.

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 (schools 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 offence⁵), and
- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence.⁶

It may include:

- consensual and non-consensual sharing of nude and semi-nude images and/or videos⁷. Taking and sharing nude photographs of U18s is a criminal offence.
- UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people provides detailed advice for schools and colleges.
- 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.

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

Harmful sexual behaviour

Children’s sexual behaviour exists on a wide continuum, ranging from normal and developmentally expected to inappropriate, problematic, abusive and violent. Problematic, abusive and violent sexual behaviour is developmentally inappropriate and may cause developmental damage. A useful umbrella term is “harmful sexual behaviour” (HSB). The term has been widely adopted in child protection and is used in this advice. HSB can occur online and/or face-to-face and can also occur simultaneously between the two. HSB should be considered in a child protection context.

When considering HSB, both ages and the stages of development of the children are critical factors. Sexual behaviour between children can be considered harmful if one of the children is much older, particularly if there is more than two years’ difference or if one of the children is pre-pubescent and the

⁵ The Voyeurism (Offences) Act 2019 which amends the Sexual Offences Act 2003 to make upskirting a specific offence of voyeurism. The Act came into force on 12 April 2019.

⁶ Project deSHAME from Childnet provides useful research, advice and resources regarding online sexual harassment.

⁷ Consensual image sharing, especially between older children of the same age, may require a different response. It might not be abusive – but children still need to know it is illegal- whilst non-consensual is illegal and abusive.

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.

It is effective safeguarding practice for the designated safeguarding lead (and their deputies) to have a good understanding of HSB. This could form part of their safeguarding training. This will aid in planning preventative education, implementing preventative measures, drafting and implementing an effective child protection policy and incorporating the approach to sexual violence and sexual harassment into the whole school or college approach to safeguarding.

HSB can, in some cases, progress on a continuum⁸.

Addressing inappropriate behaviour can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future. Children displaying HSB have often experienced their own abuse and trauma⁹. It is important that they are offered appropriate support.

Preventing abuse

Effective safeguarding practice is demonstrated when schools are clear, in advance, about 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 and review this information on a regular basis to ensure it is up to date. As such:

- if required, the designated safeguarding lead (or a deputy) should discuss the local response to sexual violence and sexual harassment with police and local authority children's social care colleagues in order to prepare the school's or college's policies (especially the child protection policy) and responses, and
- the designated safeguarding lead (and their deputies) should be confident as to what local specialist support is available to support all children involved (including victims and alleged perpetrators) in sexual violence and sexual harassment and be confident as to how to access this support when required.

Responding to reports of sexual violence and sexual harassment

Systems should be in place (and they should be well promoted, easily understood and easily accessible) for children to confidently report abuse, knowing their concerns will be treated seriously.

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. Governing bodies and proprietors should ensure that the school or college contributes to multi-agency working in line with statutory guidance [Working Together to Safeguard Children](#).

Any decisions are for the school to make on a case-by-case basis, with the designated safeguarding lead (or a deputy) taking a leading role and using their professional judgement, supported by other agencies, such as local authority children's social care and the police as required.

⁸ [NSPCC and Research in Practice harmful sexual behaviour framework](#) discusses the continuum harmful behaviour can progress on (Hackett 2010 continuum model).

⁹ [Hackett et al 2013 study of children and young people with harmful sexual behaviour](#) suggests that two-thirds had experienced some kind of abuse or trauma.

Support for schools and colleges

Schools should not feel that they are alone in dealing with sexual violence and sexual harassment.

Local authority children's social care and **the police** will be important partners where a crime might have been committed. Referrals to the police will often be a natural progression of making a referral to local authority children's social care. The designated safeguarding lead (or a deputy) should lead the school response and should be aware of the local process for referrals to children's social care and making referrals to the police. Schools and colleges may also find the following resources helpful:

- **National Crime Agency's CEOP Safety Centre:** The CEOP Safety Centre aims to keep children and young people safe from online sexual abuse. Online sexual abuse can be reported on their website and a report made to one of its Child Protection Advisors.
- **The NSPCC** provides a helpline for professionals at 0808 800 5000 and help@nspcc.org.uk. The helpline provides expert advice and support for school and college staff and will be especially useful for the designated safeguarding lead (and their deputies)
- Support from **specialist sexual violence sector organisations** such as [Rape Crisis](#) or [The Survivors Trust](#)
- **The Anti-Bullying Alliance** has developed guidance for schools about [Sexual and sexist bullying](#).

Online: Schools and colleges should recognise that sexual violence and sexual harassment occurring online (either in isolation or in connection with face-to-face incidents) can introduce a number of complex factors. Amongst other things, this can include widespread abuse or harm across a number of social media platforms that leads to repeat victimisation. Online concerns can be especially complicated and support is available from:

- **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 advice and support for school and college staff with regard to online safety issues
- **Internet Watch Foundation:** If the incident/report involves sexual images or videos that have been made and circulated online, the victim can be supported to get the images removed by the [Internet Watch Foundation](#) (IWF)
- **Childline/IWF [Report Remove](#)** is a free tool that allows children to report nude or sexual images and/or videos of themselves that they think might have been shared online
- **UKCIS Sharing nudes and semi-nudes advice:** [Advice for education settings working with children and young people](#) on responding to reports of children sharing non-consensual nude and semi-nude images and/or videos (also known as sexting and youth produced sexual imagery). Please see footnote 8 for further information
- National Crime Agency's [CEOP Education Programme](#) provides information for the children's workforce and parents and carers on protecting children and young people from online child sexual abuse.
- LGFL ['Undressed'](#) provided schools advice about how to teach young children about being tricked into getting undressed online in a fun way without scaring them or explaining the motives of sex offenders.

The immediate response to a report

Responding to the report

It is important to note that children may not find it easy to tell staff about their abuse verbally. Children can show signs or act in ways that they hope adults will notice and react to. In some cases, the victim may not make a direct report. For example, a friend may make a report or a member of school staff may overhear a conversation that suggests a child has been harmed or a child's own behaviour might indicate that something is wrong. If staff have any concerns about a child's welfare, they should act on them immediately rather than wait to be told.

The school's initial response to a report from a child is incredibly important. How the school responds to a report can encourage or undermine the confidence of future victims of sexual violence and sexual harassment to report or come forward.

It is essential that **all** victims are reassured that they are being taken seriously, regardless of how long it has taken them to come forward and that they will be supported and kept safe. Abuse that occurs online or outside of the school should not be downplayed and should be treated equally seriously. 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. It is important to explain that the law is in place to protect children and young people rather than criminalise them, and this should be explained in such a way that avoids alarming or distressing them.

All staff should be trained to manage a report. Local policies (and training) will dictate exactly how reports should be managed.

Effective safeguarding practice includes:

- if possible, managing reports with two members of staff present, (preferably one of them being the designated safeguarding lead or a deputy)
- careful management and handling of reports that include an online element. Including being aware of [searching screening and confiscation advice](#) (for schools) and [UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people](#). **The key consideration is for staff not to view or forward illegal images of a child.** The highlighted advice provides more details on what to do when viewing an image is unavoidable. In some cases, it may be more appropriate to confiscate any devices to preserve any evidence and hand them to the police for inspection
- 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 local authority 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 that a child is likely to disclose to someone they trust: this could be **anyone** on the school staff. 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
- recognising that an initial disclosure to a trusted adult may only be the first incident reported, rather than representative of a singular incident and that trauma can impact memory and so children may not be able to recall all details or timeline of abuse
- keeping in mind that certain children may face additional barriers to telling someone because of their vulnerability, disability, sex, ethnicity and/or sexual orientation

- listening carefully to the child, reflecting back, using the child's language, being non-judgmental, being clear about boundaries and how the report will be progressed, not asking leading questions and only prompting the child where necessary with open questions – where, when, what, etc. It is important to note that whilst leading questions should be avoided, staff can ask children if they have been harmed and what the nature of that harm was
- considering the best way to make a record of the report. Best practice is to wait until the end of the report 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 report (especially if a second member of staff is present). However, if making notes, staff should be 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. Schools should be aware that notes of such reports could become part of a statutory assessment by children's social care and/or part of a criminal investigation; and
- informing the designated safeguarding lead (or deputy), as soon as practically possible, if the designated safeguarding lead (or deputy) is not involved in the initial report.

Considering confidentiality and anonymity

Staff taking a report 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 school should only engage staff and agencies who are required to support the children involved and/or be involved in any investigation.

The victim may ask the school or college 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 there is another legal basis under the UK GDPR that applies. For example, the public task basis may apply, where the overall purpose is to perform a public interest task or exercise official authority, and the task or authority has a clear basis in law.

Advice should be sought from the designated safeguarding lead (or a deputy), who 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 local authority children's social care, and
- rape, assault by penetration and sexual assaults are crimes. Where a report of rape, assault by penetration or sexual assault is made, this should be referred to the police. Whilst the age of criminal responsibility is ten, if the alleged perpetrator is under ten, the starting principle of referring to the police remains. The police will take a welfare, rather than a criminal justice approach, in these cases.

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

If the designated safeguarding lead (or a deputy) decide to go ahead and make a referral to local authority 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 should be offered.

Information on confidentiality and information sharing:

Safeguarding Practitioners Information Sharing Advice and NSPCC: Information sharing and confidentiality for practitioners.

Anonymity

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

Relevant information can be found in:

CPS: Safeguarding Children as Victims and Witnesses.

Childnet's cyberbullying guidance

As a matter of effective safeguarding practice, schools should do all they reasonably can to protect the anonymity of any children 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 put in place for the children involved.

Schools should also consider the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities.

Risk assessment¹⁰

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

- the victim, especially their protection and support;
- whether there may have been other victims,
- the alleged perpetrator(s); and
- all the other children, (and, if appropriate, adult students and staff) at the school, especially any actions that are appropriate to protect them from the alleged perpetrator(s), or from future harms, and
- The time and location of the incident, and any action required to make the location safer.

¹⁰ Appendix 13: Sexually Harmful Behaviours Risk Assessment

Risk assessments should be recorded (paper or electronic) and should be kept under review. At all times, the school should be actively considering the risks posed to all their pupils and students and put adequate measures in place to protect them and keep them safe.

The designated safeguarding lead (or a deputy) should 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 school risk assessment is not intended to replace the detailed assessments of expert professionals. Any such professional assessments should be used to inform the school's approach to supporting and protecting their pupils and students and updating their own risk assessment.

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

What to consider

Sexual violence and sexual abuse can happen anywhere, and all staff working with children are advised to maintain an attitude of **'it could happen here'**. Schools should be aware of, and respond appropriately to **all** reports and concerns about sexual violence and/or sexual harassment both online and offline, including those that have happened outside of the school. The designated safeguarding lead (or deputy) is likely to have a complete safeguarding picture and be the most appropriate person to advise 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. This will however need to be balanced with the school's duty and responsibilities to protect other children
- the nature of the alleged incident(s), including whether a crime may have been committed and/or whether HSB has been displayed
- 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(s) 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 (sexual abuse can be accompanied by other forms of abuse and a sustained pattern may not just be of a sexual nature)
- that sexual violence and sexual harassment can take place within intimate personal relationships between children
- importance of understanding intra familial harms and any necessary support for siblings following incidents
- are there ongoing risks to the victim, other children, adult students or school; and
- other related issues and wider context, including any links to child sexual exploitation and child criminal exploitation.

As always when concerned about the welfare of a child, all staff should act in the best interests of the child. In all cases, schools should follow general safeguarding principles as set out throughout this

guidance. **Immediate** consideration should be given as to how best to support and protect the victim and the alleged perpetrator(s) (and any other children involved/impacted).

Children sharing a classroom: Initial considerations when the report is made

Any report of sexual violence is likely to be traumatic for the victim. It is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.

However, reports of rape and assault by penetration are likely to be especially difficult with regard to the victim, and close proximity with the alleged perpetrator(s) is likely to be especially distressing. Whilst the school establishes the facts of the case and starts the process of liaising with children's social care and the police, the alleged perpetrator(s) should be removed from any classes they share with the victim. The school should also carefully consider how best to keep the victim and alleged perpetrator(s) a reasonable distance apart on school premises (including during any before or after school-based activities) and on transport to and from the school, where appropriate. These actions are in the best interests of all children involved and should not be perceived to be a judgment on the guilt of the alleged perpetrator(s).

For other reports of sexual violence and sexual harassment, the proximity of the victim and alleged perpetrator(s) and considerations regarding shared classes, sharing school premises and school transport, should be considered immediately.

In all cases, the initial report should be carefully evaluated, reflecting the considerations set out in this advice. The wishes of the victim, the nature of the allegations and the protection of all children in the school will be especially important when considering any immediate actions.

Options to manage the report

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

There are four likely scenarios for schools to consider when managing any reports of sexual violence and/or sexual harassment. It will be important in all scenarios that decisions and actions are regularly reviewed and that relevant policies are updated to reflect lessons learnt. It is particularly important to look out for potential patterns of concerning, problematic or inappropriate behaviour. Where a pattern is identified, the school should decide on a course of action. Consideration should be given to whether there are wider cultural issues within the school or that enabled the inappropriate behaviour to occur and where appropriate extra teaching time and/or staff training could be delivered to minimise the risk of it happening again.

The four scenarios are:

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 that referrals need to be made to statutory services and that it would be appropriate to handle the incident internally, perhaps through utilising their behaviour policy and by providing pastoral support
- Whatever the response, it should be underpinned by the principle that there is a **zero-tolerance** approach to sexual violence and sexual harassment, and it is never acceptable and will not be tolerated.
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic)

2. Early help

- In line with managing internally, the school may decide that the children involved do not require referral to statutory services 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 HSB and may prevent escalation of sexual violence. It is particularly important that the designated safeguarding lead (and their deputies) know what the Early Help process is and how and where to access support
- More information on Early Help is set out in Part one of this guidance with full details of the early help process in Chapter one of [Working Together to Safeguard Children](#).
- Multi-agency early help will work best when placed alongside strong school policies, preventative education and engagement with parents and carers
- Schools, as relevant agencies, should be part of discussions with statutory safeguarding partners to agree the levels for the different types of assessment and services to be commissioned and delivered, as part of the local arrangements. Safeguarding partners should publish a local threshold document which includes the process for the local early help assessment and the type and level of early help services to be provided, and DSLs (and their deputies) will need to familiarise themselves with this document
- Early help and the option to manage a report internally do not need to be mutually exclusive: a school could manage internally and seek early help for both the victim and perpetrator(s).
- Whatever the response, it should be under-pinned by the principle that all incidents of sexual violence and sexual harassment will be challenged and it 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, schools should make a referral to local children's social care

- At the point of referral to children's social care, schools 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 or a deputy) should be working alongside, and cooperating with, the relevant lead social worker. Collaborative working will help ensure the best possible package of coordinated support is implemented for the victim and, where appropriate, the alleged perpetrator(s) and any other children that require support
- Schools 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 or college. It will be important for the designated safeguarding lead (or a deputy) to work closely with children's social care (and other agencies as required) to ensure any actions the school takes do not jeopardise a statutory investigation. The risk assessment will help inform any decision. Consideration of safeguarding the victim, alleged perpetrator(s), any other children directly involved in the safeguarding report and all children at the school should be immediate
- In some cases, children's social care will review the evidence and decide a statutory intervention is not appropriate. The school or (generally led by the designated safeguarding lead or a deputy) should be prepared to refer again if they believe the child remains in immediate danger or at risk of harm. If a statutory assessment is not appropriate, the designated safeguarding lead (or a deputy) should consider other support mechanisms such as early help, specialist support and pastoral support
- Whatever the response, there is a zero- tolerance approach to sexual violence and sexual harassment and it is never acceptable and will not be tolerated
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

Reporting to the Police

- Any report to the police will generally be in parallel with a referral to children's social care (as above).
- It is important that the designated safeguarding lead (and their deputies) are clear about the local process for referrals and follow that process.
- Where a report of rape, assault by penetration or sexual assault is made, the starting point is that this should be passed on to the police. Whilst the age of criminal responsibility is ten, if the alleged perpetrator(s) is under ten, the starting principle of reporting to the police remains. The police will take a welfare, rather than a criminal justice, approach.

The following advice may help schools decide when to engage the Police and what to expect of them when they do

When to call the police:

- Where a report has been made to the police, the school should consult the police and agree what information can be disclosed to staff and others, in particular, the alleged perpetrator(s) and their parents or carers. They should also discuss the best way to protect the victim and their anonymity

- At this stage, schools 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 and any appropriate specialist agencies
- All police forces in England have specialist units that investigate child abuse. The names and structures of these units are matters for local forces. It will be important that the designated safeguarding lead (and their deputies) are aware of their local arrangements
- In some cases, it may become clear very quickly that the police (for whatever reason) will not take further action. In such circumstances, it is important that the school continue to engage with specialist support for the victim and alleged perpetrator(s) as required
- Whilst protecting children and/or taking any disciplinary measures against the alleged perpetrator(s), it will be important for the designated safeguarding lead (or a deputy) to work closely with the police (and other agencies as required), to ensure any actions the school take do not jeopardise the police investigation
- If schools have questions about the investigation, they should ask the police. The police will help and support the school as much as they can (within the constraints of any legal restrictions)
- Whatever the response, it should be under-pinned by the principle there is a zero- tolerance approach to sexual violence and sexual harassment and it is never acceptable and will not be tolerated
- All concerns, discussions, decisions and reasons for decisions should be recorded(written or electronic).

Considering bail conditions

- The police will consider what action to take to manage the assessed risk of harm. This could involve the use of police bail with conditions, prior to a suspect appearing in court, or court bail with or without conditions after the first appearance
- Alternatively, the person suspected of an offence could be 'released under investigation' (RUI). People released under RUI can have no conditions attached to their release from custody and it is possible for a person on bail also to have no conditions
- Whatever arrangements are in place, the school will need to consider what additional measures may be necessary to manage any assessed risk of harm that may arise within their institution
- Particular regard should be given to: the additional stress and trauma that might be caused to a victim within the institution; the potential for the suspected person to intimidate the victim or a witness; the need to ensure that any risk management measures strike a balance between management of risk and the rights of an unconvicted person (e.g. rights to privacy, family life, etc)
- Careful liaison with the police investigators should help to develop a balanced set of arrangements

Managing any delays in the criminal process

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

- Whilst protecting children and/or taking any disciplinary measures against the alleged perpetrator(s), it will be important for the designated safeguarding lead (or a deputy) to work closely with the police (and other agencies as required), to ensure any actions the school or college take do not jeopardise the police investigation.
- If schools or colleges have questions about the investigation, they should ask the police. The police will help and support the school or college as much as they can (within the constraints of any legal restrictions).

The end of the criminal process

- If a child is convicted or receives a caution for a sexual offence, the school should 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 line with their behaviour policy. This process should include a view of the necessary actions to keep all parties safe and meet their needs. If the perpetrator(s) remains in the same school as the victim, the school should be very clear as to their expectations regarding the perpetrator(s) now 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 or students in the school. It will be important that the school ensure both the victim and perpetrator(s) remain protected, especially from any bullying or harassment (including online)
- Where cases are classified as "no further action" (NFA'd) by the police or Crown Prosecution Service, or where there is a not guilty verdict, the school should continue to offer support to the victim and the alleged perpetrator(s) for as long as is necessary. A not guilty verdict or a decision not to progress with their case will likely be traumatic for the victim. The fact that an allegation cannot be substantiated or was withdrawn does not necessarily mean that it was unfounded. Schools should discuss any decisions with the victim in this light and continue to offer support. The alleged perpetrator(s) is also likely to require ongoing support for what will have likely been a difficult experience.

Unsubstantiated, unfounded, false or malicious reports

All concerns, discussions and decisions made, and the reasons for those decisions, should be recorded in writing.

Records should be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified, and addressed.

If a report is determined to be unsubstantiated, unfounded, false or malicious, the designated safeguarding lead should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children's social care may be appropriate.

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

Ongoing response

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:

- 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
- Consider the age and the developmental stage of the victim, the nature of the allegations and the potential risk of further abuse. Schools 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(s)
- 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
- Schools should be aware that sexual assault can result in a range of health needs, including physical, mental, and sexual health problems and unwanted pregnancy. Children and young people that have a health need arising from sexual assault or abuse can access specialist NHS support from a Sexual Assault Referral Centre (SARC). SARCs offer confidential and non-judgemental support to victims and survivors of sexual assault and abuse
- They provide medical, practical, and emotional care and advice to all children and adults, regardless of when the incident occurred
- It will be important in all scenarios that decisions and actions are regularly reviewed and that relevant policies are updated to reflect lessons learnt
- It is particularly important to look out for potential patterns of concerning, problematic or inappropriate behaviour.
- Where a pattern is identified, the school or college should decide on a course of action
- Consideration should be given as to whether there are wider cultural issues within the school or college that enabled the inappropriate behaviour to occur and where appropriate extra teaching time and/or staff training could be delivered to minimise the risk of it happening again.

Support can include:

- Early help and children's social care as set out in Part one of this guidance
- Children and Young People's Independent Sexual Violence Advisors (ChISVAs)¹¹ 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 to ensure the best possible outcomes for the victim

¹¹ <https://survivorsgateway.london/service-map/>

- Police and social care agencies can signpost to ChISVA services (where available) or referrals can be made directly to the ChISVA service by the young person or school or college. Contact details for ChISVAs can be found at [Rape Crisis](#)¹² and [The Survivors Trust](#)¹³
- Child and adolescent mental health services (CAMHS) is used as a term for all services that work with children who have difficulties with their emotional or behavioural wellbeing. Services vary depending on local authority. Most CAHMS have their own website, which will have information about access, referrals and contact numbers
- The specialist sexual violence sector can provide therapeutic support for children who have experienced sexual violence. Contact [Rape Crisis](#) (England & Wales) or [The Survivors Trust](#) for details of local specialist organisations. [The Male Survivors Partnership](#)¹⁴ can provide details of services which specialise in supporting men and boys
- NHS - [Help after rape and sexual assault](#)¹⁵ provides a range of advice, help and support including advice about the risk of pregnancy, sexually transmitted infections (STI), reporting to the police and forensics
- Rape and sexual assault referral centres services can be found at: Find [Rape and sexual assault referral centres](#)¹⁶. Sexual assault referral centres (SARCs) offer medical, practical and emotional support. They have specially trained doctors, nurses and support workers. If children, young people, or their families are unsure which service to access, they should contact their GP or call the NHS on 111
- [Childline](#)¹⁷ provides free and confidential advice for children and young people
- Internet Watch Foundation¹⁸ works internationally to remove child sexual abuse online images and videos and offers a place for the public to report them anonymously
- [Childline/IWF: Remove a nude image shared online - Report Remove](#)¹⁹ is a free tool that allows children to report nude or sexual images and videos of themselves that they think might have been shared online, to see if they can be removed from the internet
- LGFL 'Undressed'²⁰ provided schools advice about how to teach young children about being tricked into getting undressed online in a fun way without scaring them or explaining the motives of sex offenders.

Victims may not talk about 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, schools should 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 (as far as reasonably possible). Schools should respect and support this choice.

Children who have experienced sexual violence display a very wide range of responses to their experience, including in some cases clear signs of trauma, physical and emotional responses, or no overt

¹² <https://rapecrisis.org.uk/>

¹³ <https://www.thesurvivorstrust.org/>

¹⁴ <https://malesurvivor.co.uk/support-for-male-survivors/directory-of-services/>

¹⁵ <https://www.nhs.uk/live-well/sexual-health/help-after-rape-and-sexual-assault/>

¹⁶ <https://www.nhs.uk/service-search/other-services/Rape-and-sexual-assault-referral-centres/LocationSearch/364>

¹⁷ <https://www.childline.org.uk/get-involved/articles/confidential-support/>

¹⁸ <https://www.iwf.org.uk/>

¹⁹ <https://www.childline.org.uk/info-advice/bullying-abuse-safety/online-mobile-safety/remove-nude-image-shared-online/>

²⁰ <https://undressed.lgfl.net/>

signs at all. Schools should remain alert to the possible challenges of detecting those signs and show sensitivity to the needs of the child (e.g. about attendance in lessons) irrespective of how overt the child's distress is.

While schools should 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, schools should provide a physical space for victims to withdraw to.

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

It is therefore important that the designated safeguarding lead knows how and where to seek support.

It is important that the school do 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 their school, if the trauma results in the victim being unable to do this, alternative provision or a move to another school should be considered to enable them to continue to receive suitable education. This should 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 should take responsibility to ensure this happens (and should discuss with the victim and, where appropriate their parents or carers as to the most suitable way of doing this) as well as transferring the child protection file.

Ongoing Considerations: Victim and alleged perpetrator(s) sharing classes

Once the designated safeguarding lead (or a deputy) has decided what the next steps will be in terms of progressing the report, they should carefully consider again the question of the victim and alleged perpetrator(s) sharing classes and sharing space at school or college. 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 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 should come first. In all cases, schools should follow general safeguarding principles as per this guidance.

Where there is a criminal investigation into a rape, assault by penetration or sexual assault, the alleged perpetrator(s) should be removed from any classes they share with the victim. The school should also consider how best to keep the victim and alleged perpetrator(s) a reasonable distance apart on school premises (including during before and after school-based activities) and on transport to and from school where appropriate. 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(s). 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 should 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(s) to remain in the same school would seriously harm the education or welfare of the victim (and potentially other pupils or students).

Where a criminal investigation into sexual assault leads to a conviction or caution, the school should, if it has not already, consider any suitable sanctions in light of their behaviour policy, including consideration of permanent exclusion. Where the perpetrator(s) is going to remain at the school or college, the principle would be to continue keeping the victim and perpetrator(s) in separate classes and continue to consider the most appropriate way to manage potential contact on school and college 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, schools should 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(s). Appropriate support should 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, schools should 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 should be kept under review.

Safeguarding and supporting the alleged perpetrator(s) and children and young people who have displayed harmful sexual behaviour

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

The school will have a difficult balancing act to consider. On one hand, they need to safeguard the victim (and the wider pupil/student body) and on the other hand provide the alleged perpetrator(s) with an education, safeguarding support as appropriate and implement any disciplinary sanctions. Taking disciplinary action and still providing appropriate support are not mutually exclusive actions. They can, and should, occur at the same time if necessary.

Consider the age and the developmental stage of the alleged perpetrator(s), the nature of the allegations and frequency of 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) should be considered on a case-by-case basis. The alleged perpetrator(s) may potentially have unmet needs (in some cases these may be considerable) as well as potentially posing a risk of harm to other children. HSB in young children may be (and often are) a symptom of either their own abuse or exposure to abusive practices and or materials.

Information and detailed advice on HSB available:

- [Sexual violence and sexual harassment between children at schools and colleges](#)

- [NSPCC Learning - Protecting children from harmful sexual behaviour](#)
- [NSPCC - Harmful sexual behaviour framework](#)
- [The Lucy Faithfull Foundation HSB toolkit](#)
- [Contextual Safeguarding Network – Beyond Referrals \(Schools\)](#)
- [Stop it now - professionals looking for advice provides support for professionals](#)

It is important that the perpetrator(s) is/are also given the correct support to try to stop them re-offending and to address any underlying trauma that may be causing this behaviour. Addressing inappropriate behaviour can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future.

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. If the perpetrator(s) is to be excluded the decision must be lawful, reasonable and fair²¹. Further information about exclusions can be found in statutory guidance for schools: Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England.

School can be a significant protective factor for children who have displayed HSB, and continued access to school, with a comprehensive safeguarding management plan in place, is an important factor to consider before final decisions are made. It is important that if an alleged perpetrator does move to another educational institution (for any reason), that the new educational institution is made aware of any ongoing support needs and where appropriate, potential risks to other children and staff. The designated safeguarding lead should take responsibility to ensure this happens as well as transferring the child protection file.

Sanctions and the alleged perpetrator(s)

Schools

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

DfE: Statutory guidance - School suspensions and permanent exclusions

Disciplinary action can be taken whilst other investigations by the police and/or local authority children's social care are ongoing.

The fact that another body is investigating or has investigated an incident does not in itself prevent a 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 (or a deputy) should take a leading role.

The school should consider if, by taking any action, it would prejudice an investigation and/or any subsequent prosecution. Careful liaison with the police and/or local authority children's social care should

²¹ [School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](#)

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 its 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 or college should be 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(s), especially where there are concerns that a 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 should be very clear as to which category any action they are taking falls or whether it is really both and should ensure 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 proportionate 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.

Schools and colleges should 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, local authority children's social care and/or the police will have a very clear view and it will be important for the school or college to work with relevant agencies to ensure a consistent approach is taken to information sharing.

It is good practice for the school 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 for the school to meet with alleged perpetrator's parents or carers to discuss any arrangements that are being put into place that impact an alleged perpetrator, such as, for example, moving them out of classes with the victim and what this means for their education. The reason behind any decisions should be explained. Support for the alleged perpetrator should be discussed.

The designated safeguarding lead (or a deputy) would generally attend any such meetings. Consideration to the attendance of other agencies should 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 alleged 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 a sexual assault or is alleged to have sexually assaulted another child.

Safeguarding other children

Consideration should be given to supporting children (and adult students) 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 should be doing all they can to ensure both the victim and alleged perpetrator(s), 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 victim and alleged perpetrator(s) and a very high likelihood that friends from either side could harass the victim or alleged perpetrator(s) online and/or become victims of harassment themselves.

School transport is a potentially vulnerable place for a victim or alleged perpetrator(s) following any incident or alleged incident. The school, as part of its risk assessment, should consider any additional potential support needs to keep all of their children safe.

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

It is important that schools and colleges keep their 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. Alongside this, patterns identified in schools may also be reflective of the wider issues within a local area and it would be good practice to share emerging trends with safeguarding partners.

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Appendix 4: Sharing nudes and semi-nudes: advice for education settings working with children and young people

‘Sharing nudes and semi-nudes’: definition (UK Council for Internet Safety)

The UK Council for Internet Safety defines the term ‘sharing nudes and semi-nudes’ as the sending or posting of nude or semi-nude images, videos or live streams by young people under the age of 18 online. This could be via social media, gaming platforms, chat apps or forums. It could also involve sharing between devices via services like Apple’s AirDrop which works offline.

The term ‘nudes’ is used as it is most commonly recognised by young people and more appropriately covers all types of image sharing incidents. Alternative terms used by children and young people may include ‘dick pics’ or ‘pics’.

The motivations for taking and sharing nude and semi-nude images, videos and live streams are not always sexually or criminally motivated. Such images may be created and shared consensually by young people who are in relationships, as well as between those who are not in a relationship. It is also possible for a young person in a consensual relationship to be coerced into sharing an image with their partner. Incidents may also occur where:

- children and young people find nudes and semi-nudes online and share them claiming to be from a peer
- children and young people digitally manipulate an image of a young person into an existing nude online
- images created or shared are used to abuse peers e.g. by selling images online or obtaining images to share more widely without consent to publicly shame

The sharing of nudes and semi-nudes can happen publicly online, in 1:1 messaging or via group chats and closed social media accounts.

Nude or semi-nude images, videos or live streams may include more than one child or young person.

Creating and sharing nudes and semi-nudes of under-18s (including those created and shared with consent) is illegal which makes responding to incidents involving children and young people complex. There are also a range of risks which need careful management from those working in education settings.

Alternative definitions

Many professionals may refer to ‘nudes and semi-nudes’ as:

- youth produced sexual imagery or ‘youth involved’ sexual imagery
- indecent imagery. This is the legal term used to define nude or semi-nude images and videos of children and young people under the age of 18. Further guidance on the law can be found in section 1.7
- ‘sexting’. Many adults may use this term, however some young people interpret sexting as ‘writing and sharing explicit messages with people they know’ rather than sharing images

- image-based sexual abuse. This term may be used when referring to the non-consensual sharing of nudes and semi-nudes[footnote 5]

Terms such as ‘revenge porn’ and ‘upskirting’ are also used to refer to specific incidents of nudes and semi-nudes being shared. However, these terms are more often used in the context of adult-to-adult non-consensual image sharing offences (outlined in s.33-35 of the Criminal Justice and Courts Act 2015, Voyeurism (Offences) Act 2019 and s.67A of the Sexual Offences Act 2003)

School Context:

Sharing photos, videos and live streams online is part of daily life for many people, enabling them to share their experiences, connect with friends and record their lives.

Photos and videos can be shared via messaging apps or posted on social media and image sharing platforms. It is important to note that children and young people send a variety of images and videos, some of which are not nude, semi-nude and/or exploitative or intended to be so.

Although many education settings are dealing with an increase in incidents of nudes and semi-nudes being shared, research has found a significant number of children and young people aren’t sending or receiving nudes and semi-nudes

Research by Brook and NCA-CEOP, 2017 found that:

- 26% of children and young people had sent a nude image to someone they were interested in
- 48% of children and young people had received one of someone else, sent by that same person

Although most children and young people aren’t creating or sharing these types of images and videos, the potential risks are significant. If the imagery is shared further, it may lead to embarrassment, bullying and increased vulnerability to blackmail and exploitation.

Producing and sharing nudes and semi-nudes of under 18s is also illegal, which causes considerable concern in education settings working with children and young people, and amongst parents and carers.

Although the production of such images will likely take place outside of the school setting, sharing can take place. This can result in the school needing to respond in order to make sure children and young people are safeguarded, supported and educated.

The school’s response to these incidents is guided by the principle of proportionality and the primary concern at all times will be the welfare and protection of any children and young people involved.

Individual incidents of peer abuse and sexual behaviour (the sharing of nudes and semi-nudes can fall under this category) can lead to unhealthy or damaging cultures within the school community.

Defining the incident

[Finkelhor and Wolak’s typology](#) of youth-produced imagery cases can be used to define and assess incidents according to motivations.

Incidents can broadly be divided into two categories:

1. **AGGRAVATED:** incidents involving additional or abusive elements beyond the creation, sending or possession of nudes and semi-nudes. These can further be sub-categorised into:
 - **adult involved:** adult offenders attempt to develop relationships by grooming children and young people, in criminal sex offences even without the added element of nudes and semi-nudes. Victims may be family friends, relatives, community members or contacted via the Internet. The images may be solicited by adult offenders.
 - **youth only – intent to harm:** these cases can arise from interpersonal conflict, such as break-ups and fights among friends, or criminal/abusive conduct such as blackmail, threats or deception, sexual abuse or exploitation by young people.
 - **youth only – reckless misuse:** no intent to harm but images are taken or sent without the knowing or willing participation of the young person who is pictured. In these cases, pictures are taken or sent thoughtlessly or recklessly and a victim may have been harmed as a result.
2. **EXPERIMENTAL:** incidents involving the creation and sending of nudes and semi-nudes with no adult involvement, no apparent intent to harm or reckless misuse. These can further be subcategorised into:
 - **romantic:** incidents in which young people in ongoing relationships make images for themselves or each other, and images were not intended to be distributed beyond the pair
 - **‘sexual attention seeking’:** the phrase ‘sexual attention seeking’ is taken directly from the typology however it is important to note that incidents within this category can be a part of normal childhood. A child or young person should not be blamed for taking and sharing their image.
 - **other:** cases that do not appear to have aggravating elements, like adult involvement, malicious motives or reckless misuse, but also do not fit into the Romantic or Attention Seeking sub-types. These involve either young people who take pictures of themselves for themselves (no evidence of any sending or sharing or intent to do so) or pre-adolescent children (age 9 or younger) who did not appear to have sexual motives.

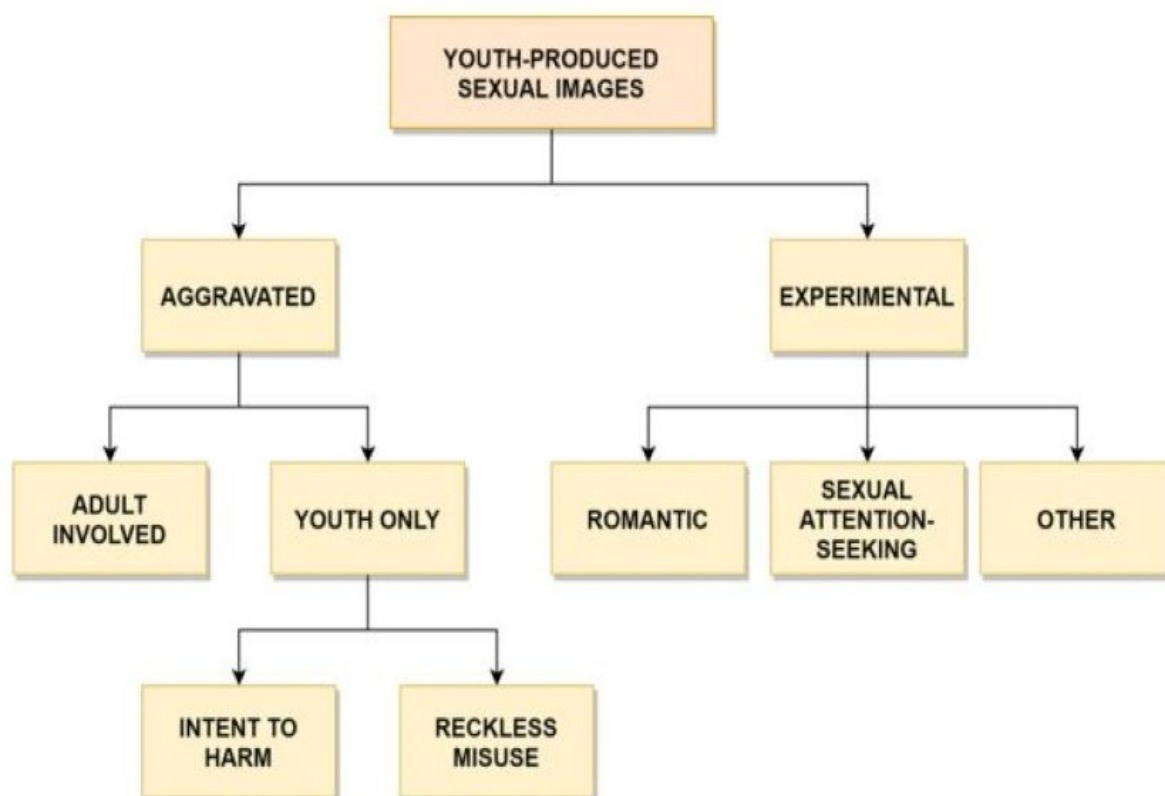


Fig. 1: Sexting, a typology (Finkelhor and Wolak)

The school is mindful that behaviour, which may not initially appear to be sexually motivated, may have occurred as a result of risky or harmful behaviour or sexual abuse being ‘normalised’ for children and young people.

It is important for professionals to place a child’s sexual behaviour within the context of their age and development. DSLs (or equivalents) must ensure that they are familiar with and follow the relevant local policies and procedures to help them do so. This includes contact with safeguarding partners and guidance on recognising and responding to harmful behaviours and/or underage sexual activity when dealing with children with under 13. Frameworks such as Brook’s [Sexual Behaviours Traffic Light Tool](#) can also be used to identify when a child or young person’s sexual behaviour is a cause for concern in relation to their development.

Any child or young person displaying harmful sexual behaviour should be safeguarded and supported in moving forward from the incident and adopting positive behaviour patterns.

Where a child or young person displays appropriate sexual behaviour within the context of their age or development, consideration should still be given as to whether the taking or sharing of the nude or semi-nude raises any additional concerns.

Further support and resources on addressing harmful sexual behaviour in education settings can be found on the [Contextual Safeguarding Network website](#).

1.7 The law

1.7(a) Indecent images of children

Responding to incidents of sharing nudes and semi-nudes is complex because of its legal status. Making, possessing and distributing any imagery of someone under 18 which is 'indecent' is illegal. This includes imagery of yourself if you are under 18.

The relevant legislation is contained in the Protection of Children Act 1978 (England and Wales) as amended in the Sexual Offences Act 2003 (England and Wales).

Specifically:

- it is an offence to possess, distribute, show and make indecent images of children
- the Sexual Offences Act 2003 (England and Wales) defines a child, for the purposes of indecent images, as anyone under the age of 18

'Indecent' is not defined in legislation. When cases are prosecuted, the question of whether any photograph of a child is indecent is for a jury, magistrate or district judge to decide based on what is [recognised standard of propriety](#).

Indecent imagery does not always mean nudity; however, images are likely to be defined as such if they meet one or more of the following criteria:

- nude or semi-nude sexual posing (e.g. displaying genitals and/or breasts or overtly sexual images of young people in their underwear)
- someone nude or semi-nude touching themselves in a sexual way
- any sexual activity involving a child
- someone hurting someone else sexually
- sexual activity that includes animals

Non-consensual image sharing

The non-consensual sharing of private sexual images or videos with the intent to cause distress is also illegal. The relevant legislation is contained in section 33 of the Criminal Justice and Courts Act 2015.

Avoiding unnecessary criminalisation of children

The law criminalising indecent images of children was created to protect children and young people from adults seeking to sexually abuse them or gain pleasure from their sexual abuse. It was not intended to criminalise children and young people. The law was also developed long before mass adoption of the internet, mobiles and digital photography.

Despite this, children and young people who share nudes and semi-nudes of themselves, or peers, are breaking the law.

However, children and young people should not be unnecessarily criminalised. Children and young people with a criminal record face stigma and discrimination in accessing education, training, employment, travel and housing and these obstacles can follow them into adulthood.

Whilst children and young people creating and sharing images can be risky, it is often the result of their natural curiosity about sex and their exploration of relationships. Therefore, engaging in the taking or sharing of nudes and semi-nudes may not always be 'harmful' to all children and young people. Situations will be considered on a case by case context, considering what is known about the children and young people involved and if there is an immediate risk of harm. Often, children and young people need education and support for example, on identifying healthy and unhealthy behaviours within relationships and understanding consent and how to give it. Safeguarding action will also be required in cases where there is risk of harm.

Investigation by police of an incident of sharing nudes and semi-nudes does not automatically mean that the child/young person involved will have a criminal record.

The police response

The NPCC has made it clear that incidents involving sharing nudes and semi-nudes should have an immediate focus on safeguarding children.

In many cases, education settings may respond to incidents without involving the police, for example where an incident can be defined as 'experimental' and there is no evidence abusive or aggravating elements.

The police may, however, need to be involved in some cases to ensure thorough investigation, including the collection of all evidence (for example, through multi-agency checks). Where there are abusive and/or aggravating factors, incidents should always be referred to the police through the Multi-Agency Safeguarding Hub (MASH) or equivalent.

Even when the police are involved, a criminal justice response and formal sanction against a child or young person would only be considered in exceptional circumstances.

Crime recording

When an incident of sharing nudes and semi-nudes is reported to police, they are obliged, under the Home Office Counting Rules and National Crime Recording Standards, to record the incident on their crime systems. The incident will be listed as a 'crime' and the child or young person involved may be listed in relation to it.

This is not the same as having a criminal record.

Police decision

Once an incident is reported to the police, they will investigate and decide on an appropriate outcome.

If an incident is found to have abusive and/or aggravating factors, the child or young person may receive a caution or conviction.

To mitigate the risk of children and young people being negatively impacted, the police are able to record the outcome of an investigation using an outcome 21 code should an incident be found to be non-abusive and have no evidence of any of the following:

- exploitation
- grooming
- profit motive
- malicious intent (e.g. extensive or inappropriate sharing e.g. uploading onto a pornographic website)
- persistent behaviour

The outcome 21 code, launched in 2016, helps to formalise the discretion available to the police when handling crimes such as the sharing of nudes and semi-nudes.

Outcome 21 states:

“Further investigation, resulting from the crime report, which could provide evidence sufficient to support formal action being taken against the suspect is not in the public interest. This is a police decision.”

This means that even though a child or young person has broken the law and the police could provide evidence that they have done so, the police can record that they chose not to take further action as it was not in the public interest.

The decision to use outcome 21 in these circumstances is likely to be reviewed by a suitably senior and/or experienced officer.

Once an appropriate outcome has been decided, it should be communicated by police to the child or young person affected, their parent or carers and the school where appropriate. This should also explain the immediate and longer-term implications.

Criminal records check

A decision to disclose information as a part of any criminal record check (a DBS certificate in England) is made on the basis of whether that information is relevant to the risk an individual might pose to children, young people or vulnerable adults.

It is possible for an incident of sharing nudes and semi-nudes recorded on police systems with outcome 21 to be disclosed on a DBS certificate.

However, information falling short of conviction or caution can only be included on a DBS certificate when an individual has applied for an Enhanced Criminal Records Check. In such cases, it would be for a chief officer to consider what information (in addition to convictions and cautions held on the Police National Computer) should be provided for inclusion. That decision must be made on the basis that the chief officer reasonably believes the information to be relevant to the purpose of the disclosure (for example, someone taking up a position working with children) and considers that it ought to be included.

Multi-agency working

Should police inform a school or college of an incident previously unknown to the setting, the DSL (or equivalent) will follow statutory guidance set out in Keeping Children Safe in Education.

Out-of-school education settings should liaise with relevant multi-agency partners.

Handling incidents

2.1 Initial response

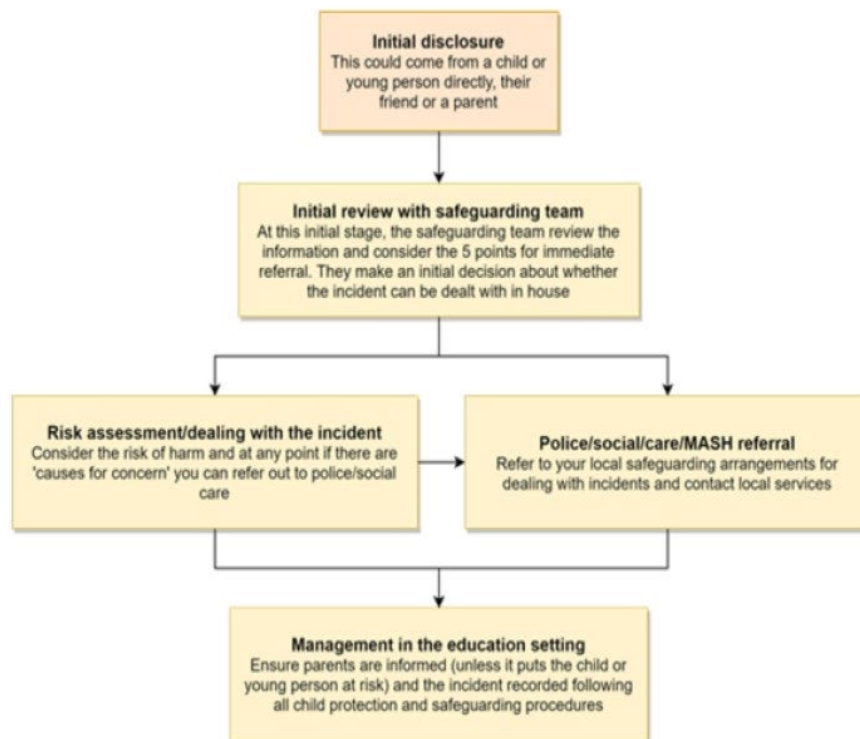
All schools and colleges are required to have an effective child protection policy in place. It is best practice and recommended for out-of-school settings to also have a child protection policy in place.

The policy should reflect the education setting's approach to incidents of nudes and semi-nudes being shared and staff should respond to such incidents in line with it.

When an incident involving nudes and semi-nudes comes to the attention of any member of staff in an education setting:

- the incident should be referred to the DSL (or equivalent) as soon as possible
- the DSL (or equivalent) should hold an initial review meeting with appropriate staff. This may include the staff member(s) who heard the disclosure and the safeguarding or leadership team who deal with safeguarding concerns
- there should be subsequent interviews with the children or young people involved (if appropriate)
- parents and carers should be informed at an early stage and involved in the process in order to best support the child or young person unless there is good reason to believe that involving them would put the child or young person at risk of harm
- a referral should be made to children's social care and/or the police immediately if there is a concern that a child or young person has been harmed or is at risk of immediate harm at any point in the process

Fig. 3 summarises the approach education settings should take when responding to an incident. This approach is outlined in this section.



It is important to note that a disclosure may not be a single event and the child and young person may share further information at a later stage therefore multiple reviews and risk assessments may be needed depending on the situation.

2.2 Disclosure

All members of staff in an education setting have a duty to recognise and refer any incidents involving nudes and semi-nudes and must be equipped with the necessary safeguarding training and support to enable them to recognise concerns. Procedures should be covered within the setting's child protection policy. Annex B contains a training exercise which may be used to highlight the issues for staff.

Any direct disclosure by a child or young person should be taken seriously. A child or young person who discloses they are the subject of an incident of sharing nudes and semi-nudes is likely to be embarrassed and worried about the consequences. It is likely that disclosure in the education setting is a last resort and they may have already tried to resolve the issue themselves.

When a disclosure is made, the member (or members) of staff should ensure the child is feeling comfortable and appropriate and sensitive questions are asked, in order to minimise further distress or trauma to them.

Further resources to help adults respond to disclosures of abuse can be found on the [NSPCC website](https://www.nspcc.org.uk).

2.3 Initial review meeting

The initial review meeting should consider the initial evidence and aim to establish:

- whether there is an immediate risk to any child or young person
- if a referral should be made to the police and/or children's social care
- if it is necessary to view the image(s) in order to safeguard the child or young person – in most cases, images or videos should not be viewed (see section 2.10) for further guidance on when an image may need to be viewed)
- what further information is required to decide on the best response
- whether the image(s) has been shared widely and via what services and/or platforms. This may be unknown
- whether immediate action should be taken to delete or remove images or videos from devices or online services
- any relevant facts about the children or young people involved which would influence risk assessment
- if there is a need to contact another education, setting or individual
- whether to contact parents or carers of the children or young people involved - in most cases they should be involved

DSLs can use Finkelhor and Wolak's typology and harmful sexual behaviour tools outlined in section 1 to help categorise the incident and assess the behaviours of any child or young person involved to identify any immediate risks. An immediate referral to police and/or children's social care through the MASH or equivalent should be made if at this initial stage:

1. The incident involves an adult.
2. There is reason to believe that a child or young person has been coerced, blackmailed or groomed, or there are concerns about their capacity to consent (for example, owing to special educational needs).
3. What you know about the images or videos suggests the content depicts sexual acts which are unusual for the young person's developmental stage, or are violent (see section 1.6 for guidance on assessing behaviour).
4. The images involves sexual acts and any student in the images or videos is under 13 (see Annex A for more information about age considerations).
5. You have reason to believe a child or young person is at immediate risk of harm owing to the sharing of nudes and semi-nudes, for example, they are presenting as suicidal or self-harming.

If none of the above apply, an education setting may decide to respond to the incident without involving the police or children's social care. They can still choose to escalate the incident at any time if further information/concerns are disclosed at a later date.

The decision to respond to the incident without involving the police or children's social care should only be made in cases where the DSL (or equivalent) is confident that they have enough information to assess the risks to any child or young person involved and the risks can be managed within the education setting's pastoral support and disciplinary framework and, if appropriate, their local network of support.

The decision should be made by the DSL (or equivalent) with input from the education's settings headteacher/principal or manager and leadership team and input from other members of staff if appropriate. The decision should be made and recorded in line with the education setting's safeguarding or child protection procedures and should be based on consideration of the best interests of any child or young person involved. This should take into account proportionality as well as the welfare and protection of any child or young person. The decision should be reviewed throughout the process of responding to the incident.

If doubts remain after following child protection procedures, local safeguarding arrangements should be followed.

2.4 Assessing the risks

The circumstances of incidents can vary widely. If at the initial review stage a decision has been made not to refer to police and/or children's social care, the DSL (or equivalent) should conduct a further review (including an interview with any child or young person involved) to establish the facts and assess the risks, referring back to any relevant assessment tools.

When assessing the risks and determining whether a referral is needed, the following should be also considered:

- Why was the nude or semi-nude shared? Was it consensual or was the child or young person put under pressure or coerced?
- Has the nude or semi-nude been shared beyond its intended recipient? Was it shared without the consent of the child or young person who produced the image?
- Has the nude or semi-nude been shared on social media or anywhere else online? If so, what steps have been taken to contain the spread?
- How old are any of the children or young people involved?
- Did the child or young person send the nude or semi-nude to more than one person?
- Do you have any concerns about the child or young person's vulnerability?
- Are there additional concerns if the parents or carers are informed?

These questions will help the DSL (or equivalent) decide whether a child or young person is at risk of harm, in which case a referral will be appropriate, whether additional information or support is needed from other agencies or whether the education setting can manage the incident and support any child or

young person directly. DSLs (or equivalent) should always use their professional judgement in conjunction with that of their colleagues to assess incidents.

Annex A provides further detail on why these questions should be used to complement and support the DSL's (or equivalent's) professional judgement.

2.5 Supporting the young person/people involved

Once a school has assessed a child or young person as not at immediate risk, it may be necessary to have a conversation with them and decide the best course of action. If possible, the DSL (or equivalent) should carry out this conversation.

However, if the child or young person feels more comfortable talking to a different member of staff, this should be facilitated where possible. It is important that the child or young person is given a sense of control over the reporting process. The DSL (or equivalent) should support the member of staff to make sure the conversation is handled appropriately and they feel confident in discussing the incident.

The purpose of the conversation is to:

- identify, without viewing wherever possible, what the image contains and whether anyone else has been involved
 - find out whether the image has been shared between two people or shared further. This may be speculative information as images or videos may have been shared more widely than the child or young person is aware of
 - discuss what actions and support might be needed, including preventing further distribution. This discussion should take into account the views of the child or young person as well as balancing what are considered to be appropriate actions for responding to the incident
- When discussing the sharing of nudes and semi-nudes, it is important that the DSL (or equivalent)/member of staff:
 - reassures the child or young person that they are not alone, and the education setting will do everything that they can to help and support them. They should also be reassured that they will be kept informed throughout the process
 - recognises the pressures that children and young people can be under to take part in sharing an image and, if relevant, supports their parents and carers to understand the wider issues and motivations around this
 - remains solution-focused and avoids any victim-blaming questions such as 'why have you done this?' as this may prevent the child or young person from talking about what has happened. For example, use questions such as 'describe what happened' or 'explain to me who was involved'

- helps the child or young person to understand what has happened by discussing the wider pressures that they may face and the motivations of the person that sent on the image(s)
- discusses issues of consent and trust within healthy relationships. Explain that it is not ok for someone to make them feel uncomfortable, to pressure them into doing things that they do not want to do, or to show them things that they are unhappy about. Let them know that they can speak to the DSL or equivalent if this ever happens
- explains the law on the sharing of nudes and semi-nudes. It is important to highlight that the law is in place to protect children and young people rather than criminalise them and should be explained in such a way that avoids alarming or distressing them
- signposts to the IWF and Childline's Report Remove tool. Report Remove helps children and young people to report an image shared online, to see if it is possible to get the image removed. This must be done as soon as possible in order to minimise the number of people that have seen the picture.

Children and young people who have had their nudes or semi-nudes shared publicly should be:

- reassured that they have done the right thing by speaking to an adult and that the education setting and other adults are there to help
- advised:
- to delete images or videos from social media accounts (including from cloud photo backups) if they have uploaded them themselves
- to use the IWF and [Childline's Report Remove tool](#). Report Remove helps children and young people to report an image shared online, to see if it is possible to get the image removed. This must be done as soon as possible in order to minimise the number of people that have seen the picture
- on how to report sexual images or videos on individual sites to get them taken down. If the image has been shared via a mobile, they should be informed that they can contact the mobile phone operator to have a mobile number changed as this may stop others from contacting them
- to speak to the school if they are concerned about any bullying behaviour
- Children and young people who have been sent a nude or semi-nude should be:
- reassured that they have done the right thing by speaking out and that the education setting and other adults are there to help
- asked whether it was sent by an adult or another child or young person and if they requested the photo or if it was sent unsolicited
- advised:
- on the importance of reporting it online if it has been shared
- to delete it from their devices and accounts

- on the importance of not sharing the image further
- if they asked to receive the photos, explain that they should not put pressure onto others to do things that they are uncomfortable with

Children and young people who have shared another child's or young person's nudes or semi-nudes should be:

asked:

- whether they asked for the photo or were initially sent it without requesting
- who the image has been sent to and where it has been shared. Agree next steps for taking the image down, including deleting the image from their phone or any social media accounts and reporting it to service providers
- about their motivations for sharing the photo and discuss what they could have done differently. If they have reacted to an upsetting incident, such as the break-up of a relationship, by sending the photo onwards, talk about how they could have managed their feelings in a healthier and more positive way. Emphasise that whatever the reason, it is always wrong to share nudes and semi-nudes of another child or young person. This can be used as an opportunity to discuss the importance of consent and not putting pressure on others to take or share nudes and semi-nudes
- advised on the law on the sharing of nudes and semi-nudes

2.6 Informing parents and carers

Parents or carers should be informed and involved in the process at an early stage unless informing them will put a child or young person at risk of harm. Any decision not to inform the parents or carers should be made in conjunction with other services such as children's social care and/or the police, who would take the lead in deciding when they should be informed.

Where appropriate, DSLs (or equivalents) should support any child or young person involved with determining the best approach for informing parents and carers and allow them to be a part of this process if they want to be.

2.7 Supporting parents and carers

Children and young people can be involved in an incident in several different ways. They may lose control of their own image, receive an image of someone else or share an image of another person. In any of these situations, parents and carers may find it difficult to know how to deal with the knowledge that their child has been involved in an incident and may display differing emotions.

Whatever their feelings, it is important that professionals listen to their concerns and take them seriously. It can also be helpful for staff members and the police or social care, to reassure parents and carers by explaining that it is normal for young people to be curious about sex.

In all situations, parents or carers should be:

- given information about the sharing of nudes and semi-nudes, what they can expect to happen next, and who will be their link person within the education setting
- given support to deal with their own feelings of upset and concern including signposting to further resources that can help them to understand the sharing of nudes and semi-nudes or support services they can contact, where appropriate
- given support on how to speak to their child about the incident
- advised on the law around the sharing of nudes and semi-nudes
- kept updated about any actions that have been taken or any support that their child is accessing, unless the child involved has specifically asked for this not to happen and is judged to be old enough to make that informed decision
- informed about sources of support for their child, in case they are feeling anxious or depressed about what has happened. This could include speaking to a Childline counsellor [online](#) or on 0800 11 11, in house counselling services where available, or a GP. If they are concerned that their child is suicidal, they should contact 999
- directed to [NCA-CEOP](#) if the child or young person discloses any further details to them that may suggest they are being groomed or sexually exploited

In addition to the advice above, parents and carers should be given the following advice and guidance for specific scenarios.

Parents/carers whose child has had their nudes or semi-nudes shared publicly should be:

advised to:

- stay calm and refrain from getting angry with their child
- help their child delete images from social media accounts (included from cloud photo backups) if they have uploaded them themselves
- help their child use the IWF and [Childline's Report Remove tool](#). Report Remove helps children and young people to report an image shared online, to see if it is possible to get the image removed. This must be done as soon as possible to minimise the number of people that have seen the picture
- report sexual images on individual sites to get them taken down. If the image has been shared via a mobile, they should be informed that they can contact the mobile phone operator to have a mobile number changed
- directed to services for Harmful Sexual Behaviour, such as the National Clinical Assessment and Treatment Service²⁵ (an NSPCC service), if there have been similar incidents or they are worried about inappropriate sexual behaviour for their age
- to speak to the education setting if they are concerned about any bullying behaviour

- directed to services for Harmful Sexual Behaviour, such as the National Clinical Assessment and Treatment Service²⁵ (an NSPCC service), if there have been similar incidents or they are worried about inappropriate sexual behaviour for their age.

Parents/carers whose child has been sent nudes and semi-nudes should be advised to:

- listen to their child's concerns without criticising their decisions
 - consider ways that their child could speak to the sender to stop future correspondences. Alternatively, if the child or young person prefers, informed about how to block the sender
 - discuss issues of consent and trust within healthy relationships. Explain that it is not ok for someone to make them feel uncomfortable, to pressure them into doing things that they do not want to do, or to show them things that they are unhappy about. Children can speak to school and/or parents/carers if this ever happens
- Parents/ carers whose child has shared another child's nudes or semi-nudes should be advised to:
 - stay calm and refrain from getting angry with their child
 - discuss issues of consent and trust in healthy relationships or friendships. Talk about the types of things which are and aren't ok to share and how they would feel if someone shared a personal photo of them
 - contact their child's education setting if they are concerned that their child is behaving in a sexually inappropriate way. They could also be directed to services for Harmful Sexual Behaviour, such as the National Clinical Assessment and Treatment Service, if appropriate, or if similar incidents have previously occurred

2.8 Multi-agency working

If it is necessary to report to the police, contact should be made through existing arrangements. This may be through the MASH or equivalent in the first instance, a safer schools officer, a Police Community Support Officer, local neighbourhood police, dialling 101 or 999 (where there is a threat to life).

Once a report is made to the police, it has to be recorded and the police will conduct an investigation. This may include taking devices and interviews with any child or young person involved.

Things to be aware of when making reports to the police:

1. Contact should be made through existing arrangements (such as the MASH or equivalent) if reporting to the police is necessary.
2. Be aware that the police are not able to offer general advice on incidents. If the child or young person involved are named or specifics are provided they are duty-bound to record and investigate all criminal activity reported. This does not mean the child or young person will automatically have a criminal record when the crime is recorded.

3. If a report through the 101 service, be aware that the person answering the call is a call handler who deals with a wide variety of crimes and may not have specialist knowledge in this area. Ensure any crime reference numbers provided are recorded.
4. Safer Schools Officers (where available) are able to offer direct support to schools on prevention and advice on management of incidents.

2.9 Children's social care contact and referrals

The DSL (or equivalent) should contact children's social care if any child or young person involved is already known to them. For example, they may currently, or in the past, have been on an Early Help or Child Protection Plan.

If, because of the investigation, the DSL (or equivalent) believes there are wider issues which meet the threshold for children's social care involvement, they should make a referral in line with their safeguarding or child protection procedures.

DSLs (or equivalents) should ensure that they are aware of, and familiar with, any relevant local policies, procedures and contact points/names which are available to support education settings in responding to an incident.

If a local area has a MASH then this may be the most appropriate place for education settings to initially make a referral.

2.10 Searching devices, viewing and deleting nudes and semi-nudes

2.10(a) Viewing the imagery

Staff and parents or carers must not intentionally view any nudes and semi-nudes unless there is good and clear reason to do so as outlined below. Wherever possible, responses to incidents should be based on what DSLs (or equivalents) have been told about the content of the imagery.

It is important that all members of staff are clear on what they can and can't do in relation to viewing nudes and semi-nudes and that this is communicated to any child, young person or parent and carer requesting that imagery be viewed.

The decision to view any imagery should be based on the professional judgement of the DSL (or equivalent) and should always comply with the child protection policy and procedures of the education setting. Imagery should never be viewed if the act of viewing will cause significant distress or harm to any child or young person involved.

If a decision is made to view imagery, the DSL (or equivalent) would need to be satisfied that viewing:

- is the only way to make a decision about whether to involve other agencies because it is not possible to establish the facts from any child or young person involved
- is necessary to report it to a website, app or suitable reporting agency (such as the IWF) to have it taken down, or to support the child or young person or parent or carer in making a report
- is unavoidable because a child or young person has presented it directly to a staff member or nudes or semi-nudes have been found on an education setting's device or network

If it is necessary to view the imagery then the DSL (or equivalent) should:

- never copy, print, share, store or save them; this is illegal. If this has already happened, please contact your local police for advice and to explain the circumstances
- discuss the decision with the headteacher or a member of the senior leadership team
- make sure viewing is undertaken by the DSL (or equivalent) or another member of the safeguarding team with delegated authority from the headteacher or a member of the senior leadership team
- make sure viewing takes place with another member of staff present in the room, ideally the headteacher or a member of the senior leadership team. This staff member does not need to view the images.
- wherever possible, make sure viewing takes place on the premises of the education setting, ideally in the headteacher or a member of the senior leadership team's office
- make sure wherever possible that they are viewed by a staff member of the same sex as the child or young person in the images
- record how and why the decision was made to view the imagery in the safeguarding or child protection records, including who was present, why the nudes or semi-nudes were viewed and any subsequent actions. Ensure this is signed and dated and meets any appropriate wider standards e.g. such as those set out in statutory safeguarding guidance and local authority policies and procedures.
- if any devices need to be taken and passed onto the police, the device(s) should be confiscated and the police should be called. The device should be disconnected from Wi-Fi and data, and turned off immediately to avoid imagery being removed from the device remotely through a cloud storage service. The device should be placed in a secure place, for example in a locked cupboard or safe until the police are able to come and collect it.

Further details on searching, deleting and confiscating devices can be found in the DfE's [Searching, screening and confiscation advice](#) (note this advice is for schools only). Any procedures for searching, deleting and confiscating devices should be included in the educational setting's safeguarding or child protection procedures. Children and young people, their parent and carers should be made aware of this procedure.

If nudes or semi-nudes have been viewed by a member of staff, either following a disclosure from a child or young person or as a result of a member of staff undertaking their daily role (such as IT staff monitoring school systems), DSLs (or equivalents) should make sure that the staff member is provided with appropriate support. Viewing nudes and semi-nudes can be distressing for both children, young people and adults and appropriate emotional support may be required.

The [Searching, screening and confiscation advice for schools](#) highlights how the Education Act 2011 gives schools the power to search students for devices, search data on devices. This power applies to all schools and there is no need to have parental consent to search through a young person's mobile phone.

If during a search a teacher finds material which concerns them and they reasonably suspect the material has been or could be used to cause harm or commit an offence, they can decide whether they should delete the material or retain it as evidence of a criminal offence or a breach of school discipline. They can also decide whether the material is of such seriousness that the police need to be involved.

2.10(b) Deletion of imagery

If the school has decided that other agencies do not need to be involved, then consideration should be given to deleting nudes and semi-nudes from devices and online services to limit any further sharing.

In most cases, children and young people should be asked to delete the imagery and to confirm that they have deleted them. They should be given a deadline for deletion across all devices, online storage or social media sites. They should be reminded that possession of nudes and semi-nudes is illegal. They should be informed that if they refuse or it is later discovered they did not delete the imagery, they are continuing to commit a criminal offence and the police may become involved.

Any decision to search a child or young person's device and delete imagery should be based on the professional judgement of the DSL (or equivalent) and should always comply with the safeguarding or child protection policy and procedures of the education setting. All of these decisions need to be recorded, including times, dates and reasons for decisions made and logged in the safeguarding records. Parents and carers should also be informed unless this presents a further risk to any child or the young person.

2.11 Recording incidents

All incidents relating to nudes and semi-nudes being shared need to be recorded. This includes incidents that have been referred to external agencies and those that have not. Incidents that have not been reported out to police or children's social care, education settings should record their reason for doing so and ensure it is signed off by the headteacher or setting's manager/leadership team. Please note copies of imagery should not be taken.

Records should be kept in line with statutory requirements set out in Keeping Children Safe in Education, where applicable, and your local safeguarding procedures.

2.12 Reporting nudes and semi-nudes online

Children and young people may need help and support with the removal of nudes and semi-nudes from devices and social media, especially if they are distressed. Most online service providers offer a reporting function for account holders and some offer a public reporting function to enable a third party to make a report on behalf of the child or young person. More information can be found on individual providers' websites where they should make public their Terms of Service and process for reporting.

In the event that a site has no reporting function and if the content is a sexual image of someone under 18, you can report it to the Internet Watch Foundation (IWF). You can report [directly to the IWF](#).

Children and young people can use the IWF and [Childline's Report Remove](#) tool to report images and videos they are worried have been, or might be, shared publicly. The tool helps children and young people to report an image shared online, to see if it is possible to get the image removed. This must be done as

soon as possible in order to minimise the number of people that have seen the picture. If you are concerned that a child or young person is being sexually abused, exploited or groomed online you should [report to NCA-CEOP](#).

Annex A: Questions to support assessment

When deciding whether to involve the police and or children's social care, consideration should be given to the following questions. Answering these questions will support the DSL (or equivalent) in considering whether a young person is at risk of harm, in which case a referral will be appropriate, whether additional information or support is needed from other agencies or whether the school can manage the incident and support the young people directly.

Do you have any concerns about the young person's vulnerability?

Why this question?

Consideration should be given to whether a child or young person's circumstances, background or sexuality makes them additionally vulnerable. This could include:

- being in care
- having special educational needs or disability
- having been a victim of abuse
- having less direct contact with parents
- lacking positive role modelling at home

Where there are wider concerns about the care and welfare of a child or young person then consideration should be given to referring to children's social care

Why were the nudes and semi-nudes shared? Was the young person put under pressure or coerced or was consent freely given?

Why this question?

Children and young people's motivations for sharing nudes and semi-nudes include flirting, developing trust in a romantic relationship, seeking attention or as a joke.

- Though there are clearly risks when children or young people share images consensually, those who have been pressured to share nudes and semi-nudes are more likely to report negative consequences.
- A referral should be made to the police if a child or young person has been pressured or coerced into sharing an image, or images have been shared without consent and with malicious intent.
- Consideration should also be given to a child or young person's level of maturity and the impact of any special educational needs or disability on their understanding of the situation.

- Action should be taken, in accordance with the setting's behaviour policy, with any child or young person who has pressured or coerced others into sharing nudes and semi-nudes. If this is part of pattern of behaviour then a referral to a Harmful Sexual Behaviour service should be considered, such as the National Clinical Assessment and Treatment Service (an NSPCC service).

Have the nudes and semi-nudes been shared beyond its intended recipient? Was it shared without the consent of the young person who produced the images?

Why this question?

The nudes and semi-nudes may have been shared initially with consent but then passed on to others. A child or young person may have shared them further with malicious intent, or they may not have had a full understanding of the potential consequences.

- Consideration should also be given to a child or young person's level of maturity and the impact of any special educational needs on their understanding of the situation.
- The police should be informed through the MASH or equivalent if there was a deliberate intent to cause harm by sharing the nudes and semi-nudes or if they have been used to bully or blackmail a child or young person.

How old is the young person or young people involved?

Why this question?

Children under 13 are dealt with differently under the Sexual Offences Act 2003. This law makes it clear that children of this age can never legally give consent to engage in sexual activity. This applies to children who have not yet reached their 13th birthday i.e. children who are aged 12 and under.

- Further action must be taken where an incident involves children under 13 and sexual acts as it is potentially indicative of a wider safeguarding or child protection concern or as being problematic sexual behaviour.
- In some cases, children under 13 (and indeed older) may create nudes and semi-nudes as a result of age appropriate curiosity or risk-taking behaviour or simply due to naivety rather than any sexual intent. This is likely to be the behaviour more commonly identified within primary education settings. Some common examples could include sending pictures of their genitals to their friends as a dare or taking a photo of another child whilst getting changed for PE. Within this context, it is unlikely that police or social care involvement is required or proportionate, but DSLs will need to use their professional judgement to consider the specific context and the children involved.
- Being older can give someone power in a relationship, so if there is a significant age difference it may indicate the child or young person felt under pressure to take the nudes and semi-nudes or share it.
- Consideration should also be given to a child or young person's level of maturity and the impact of any special educational needs or disability on their understanding of the situation.

- If the nudes and semi-nudes are believed to contain acts which would not be expected of a child or young person of that age, it should be referred to police through the MASH or equivalent. The Brook Traffic Light tool provides guidance on harmful sexual behaviour at different ages.

Did the young person send nudes and semi-nudes to more than one person?

Why this question?

- If a child or young person is sharing nudes or semi-nudes with multiple people, this may indicate that there are other issues which they need support with such as self-esteem and low confidence or harmful sexual behaviour. Consideration should be given to their motivations for sharing.
- A referral to children's social care should be made if there are wider safeguarding concerns.

Does the young person understand the possible implications of sharing the nudes and semi-nudes?

Why this question?

Children and young people may produce or share nudes and semi-nudes without fully understanding the consequences of what they are doing. They may not, for example, understand how it may put them at risk or cause harm to another child or young person. They may also not understand consent.

- Exploring their understanding can help in assess whether the child or young person passed on an image with deliberate intent to harm and plan an appropriate response.

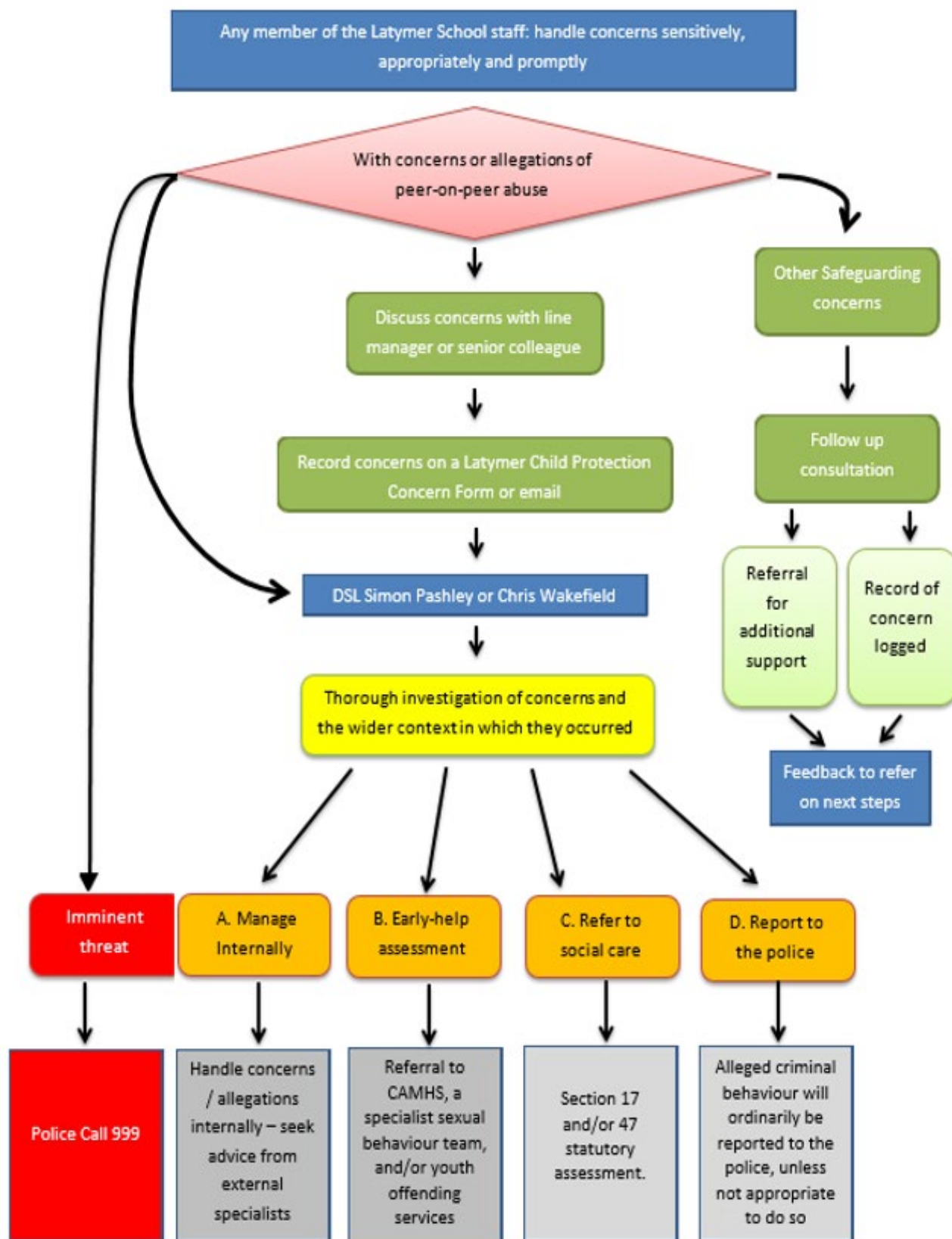
Are there additional concerns if the parents or carers are informed?

Why this question?

Parents or carers should be informed of incidents of this nature unless there is good reason to believe that informing them will put the young person at risk. This may be due to concerns about parental abuse or cultural or religious factors which would affect how they or their community would respond.

- If a child or young person highlights concerns about involvement of their parents or carers, then the DSL (or equivalent) should use their professional judgment about whether it is appropriate to involve them and at what stage. If the education setting chooses not to involve a parent or carer they must clearly record the reasons for not doing so
- Where possible, children and young people should be supported to speak with their parents or carers themselves about the concerns.

APPENDIX 5: CHILD-ON-CHILD ABUSE PROTOCOL FLOWCHART



Appendix 6: RESPONDING TO CONCERNS OR ALLEGATIONS OF CHILD-ON-CHILD ABUSE

General Principles

It is essential that all concerns/allegations of child-on-child abuse are handled sensitively, appropriately and promptly. The way in which they are responded to can have a significant impact on our School environment.

Any response should:

- include a thorough investigation of the concerns/allegations and the wider context in which they may have occurred (as appropriate);
- treat all children involved as being at potential risk - while the child allegedly responsible for the abuse may pose a significant risk of harm to other children, s/he may also have considerable unmet needs and be at risk of harm themselves. Schools should ensure a safeguarding response is in place for both the child who has allegedly experienced the abuse, and the child who has allegedly been responsible for it, and additional sanctioning work may be required for the latter;

What should you do if you suspect either that a child may be at risk of or experiencing abuse by their peer(s), or that a child may be at risk of abusing or maybe abusing their peer(s)?

If a pupil is in immediate danger, or at risk of significant harm, a referral to children's social care (if the pupil is aged under 18) and/or the police will be made immediately. Any member of staff can make a referral. Where referrals are not made by the DSL, the DSL should be informed as soon as possible that a referral has been made (see p.3 of the Safeguarding Child Protection policy).

If a member of staff thinks for whatever reason that a child may be at risk of or experiencing abuse by their peer(s), or that a child may be at risk of abusing or may be abusing their peer(s), they should discuss their concern with the DSL without delay (in accordance with paragraph 3 of the Safeguarding Child Protection policy) so that a course of action can be agreed.

If a child speaks to a member of staff about child-on-child abuse that they have witnessed or are a part of, the member of staff should listen to the child and use open language that demonstrates understanding rather than judgement. For further details please see the procedure set out in Section 3. Procedures and Guidance of the Safeguarding Child Protection policy.

It is important to note that children may not find it easy to tell staff about their abuse verbally. Children can show signs or act in ways that they hope adults will notice and react to. In some cases, the victim may not make a direct report. For example, a friend may make a report, or a member of school staff may overhear a conversation that suggests a child has been harmed or a child's own behaviour might indicate that something is wrong. If staff have any concerns about a child's welfare, they should act on them immediately rather than wait to be told.

The school's initial response to a report from a child is incredibly important. How the school responds to a report can encourage or undermine the confidence of future victims of sexual violence and sexual harassment to report or come forward.

It is essential that all victims are reassured that they are being taken seriously, regardless of how long it has taken them to come forward and that they will be supported and kept safe. Abuse that occurs online

or outside of the school should not be downplayed and should be treated equally seriously. 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 or their experience minimised.

How will the School respond to concerns or allegations of child-on-child abuse?

The DSL will discuss the concerns or allegations with the member of staff who has reported them and will, where necessary, take any immediate steps to ensure the safety of the child/all children affected - see Appendix D¹ for further information

DSLs should always use their professional judgement to determine whether it is appropriate for alleged behaviour to be dealt with internally and, if so, whether any external specialist support is required. In borderline cases the DSL may wish to consult with children's social care and/or any other external agencies on a no-names basis to determine the most appropriate response. Where the DSL considers or suspects that the behaviour in question might be abusive or violent on a spectrum (as opposed to inappropriate or problematic), the DSL should contact the Enfield Referral and Advice Team immediately, and in any event within 24 hours of the DSL becoming aware of it. The DSL will discuss the allegations/concerns with the Enfield Referral and Advice Team and agree on a course of action, which may include:

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. This will however need to be balanced with the school's duty and responsibilities to protect other children
- the nature of the alleged incident(s), including whether a crime may have been committed and/or whether HSB has been displayed
- 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(s) 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 (sexual abuse can be accompanied by other forms of abuse and a sustained pattern may not just be of a sexual nature)
- that sexual violence and sexual harassment can take place within intimate personal relationships between children
- importance of understanding intra familial harms and any necessary support for siblings following incidents
- are there ongoing risks to the victim, other children, adult students or school; and
- other related issues and wider context, including any links to child sexual exploitation and child criminal exploitation.

¹ Appendix D: Child-on-child Abuse Protocol Flowchart

Risk assessment²

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

- the victim, especially their protection and support;
- whether there may have been other victims,
- the alleged perpetrator(s); and
- all the other children, (and, if appropriate, adult students and staff) at the school, especially any actions that are appropriate to protect them from the alleged perpetrator(s), or from future harms, and
- The time and location of the incident, and any action required to make the location safer.

Risk assessments should be recorded (paper or electronic) and should be kept under review. At all times, the school should be actively considering the risks posed to all their pupils and students and put adequate measures in place to protect them and keep them safe.

The designated safeguarding lead (or a deputy) should 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 school risk assessment is not intended to replace the detailed assessments of expert professionals. Any such professional assessments should be used to inform the school's approach to supporting and protecting their pupils and students and updating their own risk assessment.

As always when concerned about the welfare of a child, all staff should act in the best interests of the child. In all cases, schools should follow general safeguarding principles as set out throughout this guidance. Immediate consideration should be given as to how best to support and protect the victim and the alleged perpetrator(s) (and any other children involved/impacted). It is important to explain that the law is in place to protect children and young people rather than criminalise them, and this should be explained in such a way that avoids alarming or distressing them.

The starting point regarding any report should always be that there is a zero-tolerance approach to sexual violence and sexual harassment, and it is never acceptable and it will not be tolerated. It is especially important not to pass off any sexual violence or sexual harassment as "banter", "just having a laugh", "part of growing up" or "boys being boys" as this can lead to a culture of unacceptable behaviours and an unsafe environment for children.

A – Manage internally with help from external specialists where appropriate and possible

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 that referrals need to be made to statutory services and that it would be appropriate to handle the incident internally, perhaps through utilising their behaviour policy and by providing pastoral support.

² Appendix 12: Child-on-child Sexual Abuse – Risk and Needs

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

Where behaviour between peers is abusive or violent (as opposed to inappropriate or problematic), scenarios B, C or D should ordinary apply. However, where support from local agencies is not available, the School may need to handle allegations/concerns internally. In these cases, the School will engage and seek advice from external specialists (either in the private and/or voluntary sector).

B – Undertake/contribute to an inter-agency early help assessment, with targeted early help services provided to address the assessed needs of a child/children and their family

- In line with above, the school may decide that the children involved do not require referral to statutory services 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
- Multi-agency early help will work best when placed alongside strong school policies, preventative education and engagement with parents and carers
- Early help and the option to manage a report internally do not need to be mutually exclusive: the school could manage internally and seek early help for both the victim and perpetrator(s)
- Whatever the response, it should be under-pinned by the principle that there is zero tolerance approach to sexual violence and sexual harassment and it is never acceptable and will not be tolerated
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic)
- These services may, for example, include CAMHS, a specialist harmful sexual behaviour team, and/or youth offending services³.

C – Refer child/children to children's social care for a section 17and/or 47 statutory assessments

- 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 point of referral to children's social care, the school will 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

³ Schools to tailor depending on their local authority's services and response to child-on-child abuse. Please note that where the school's local partnership has a Harmful Sexual Behaviour framework in place this framework will need to be referred to in the policy

- 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 or a deputy) will work alongside, and cooperating with, the relevant lead social worker. Collaborative working will help ensure the best possible package of coordinated support is implemented for the victim and, where appropriate, the alleged perpetrator(s) and any other children that require support
- The school will 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 or college. It will be important for the designated safeguarding lead (or a deputy) to work closely with children's social care (and other agencies as required) to ensure any actions the school takes do not jeopardise a statutory investigation. The risk assessment will help inform any decision. Consideration of safeguarding the victim, alleged perpetrator(s), any other children directly involved in the safeguarding report and all children at the school should be immediate
- In some cases, children's social care will review the evidence and decide a statutory intervention is not appropriate. The school or (generally led by the designated safeguarding lead or a deputy) will 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) will consider other support mechanisms such as early help, specialist support and pastoral support
- Whatever the response, it should be under-pinned by the principle that there is a zero-tolerance approach to sexual violence and sexual harassment and it is never acceptable and will not be tolerated
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic)
- As a matter of best practice, if an incident of child-on-child abuse requires referral to and action by children's social care and a strategy meeting is convened, then the School will hold every professional involved in the case accountable for their safeguarding response, including themselves, to both the child who has experienced the abuse, and the child who was responsible for it, and the contexts to which the abuse was associated.

D – Report alleged criminal behaviour to the Police

- Any report to the police will generally be in parallel with a referral to children's social care (as above)
- Where a report of rape, assault by penetration or sexual assault is made, the starting point is that this should be passed on to the police. Whilst the age of criminal responsibility is ten, if the alleged perpetrator(s) is under ten, the starting principle of reporting to the police remains. The police will take a welfare, rather than a criminal justice, approach
- Alleged criminal behaviour will ordinarily be reported to the Police. However, there are some circumstances where it may not be appropriate to report such behaviour to the Police. For

example, where the exchange of youth produced sexual imagery does not involve any aggravating factors. All concerns/allegations will be assessed on a case by case basis, and in light of the wider context.

Anonymity

- Where an allegation of sexual violence or sexual harassment is progressing through the criminal justice system, schools and colleges should be aware of anonymity, witness support, and the criminal process in general so they can offer support and act appropriately.
- Relevant information can be found in:
- [CPS: Safeguarding Children as Victims and Witnesses](#).
- [Childnet's cyberbullying guidance](#)
-
- As a matter of effective safeguarding practice, schools should do all they reasonably can to protect the anonymity of any children 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 put in place for the children involved.
- Schools should also consider the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities.

When to call the police:

- Where a report has been made to the police, the school should consult the police and agree what information can be disclosed to staff and others, in particular, the alleged perpetrator(s) and their parents or carers. They should also discuss the best way to protect the victim and their anonymity
- At this stage, schools 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 and any appropriate specialist agencies
- All police forces in England have specialist units that investigate child abuse. The names and structures of these units are matters for local forces. It will be important that the designated safeguarding lead (and their deputies) are aware of their local arrangements
- In some cases, it may become clear very quickly that the police (for whatever reason) will not take further action. In such circumstances, it is important that the school continue to engage with specialist support for the victim and alleged perpetrator(s) as required
- Whilst protecting children and/or taking any disciplinary measures against the alleged perpetrator(s), it will be important for the designated safeguarding lead (or a deputy) to work closely with the police (and other agencies as required), to ensure any actions the school take do not jeopardise the police investigation
- If schools have questions about the investigation, they should ask the police. The police will help and support the school as much as they can (within the constraints of any legal restrictions)

- Whatever the response, it should be under-pinned by the principle that all incidents of sexual violence and sexual harassment will be challenged, and it is never acceptable and will not be tolerated
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

Considering bail conditions

- The police will consider what action to take to manage the assessed risk of harm. This could involve the use of police bail with conditions, prior to a suspect appearing in court, or court bail with or without conditions after the first appearance
- Alternatively, the person suspected of an offence could be 'released under investigation' (RUI). People released under RUI can have no conditions attached to their release from custody and it is possible for a person on bail also to have no conditions
- Whatever arrangements are in place, the school will need to consider what additional measures may be necessary to manage any assessed risk of harm that may arise within their institution
- Particular regard should be given to: the additional stress and trauma that might be caused to a victim within the institution; the potential for the suspected person to intimidate the victim or a witness; the need to ensure that any risk management measures strike a balance between management of risk and the rights of an unconvicted person (e.g. rights to privacy, family life, etc)
- Careful liaison with the police investigators should help to develop a balanced set of arrangements

Managing any delays in the criminal process

- There may be delays in any case that is being progressed through the criminal justice system. Schools should not wait for the outcome (or even the start) of a police investigation before protecting the victim, alleged perpetrator(s) and other children in the school. The risk assessment will help inform any decision
- Whilst protecting children and/or taking any disciplinary measures against the alleged perpetrator(s), it will be important for the designated safeguarding lead (or a deputy) to work closely with the police (and other agencies as required), to ensure any actions the school or college take do not jeopardise the police investigation.
- If schools or colleges have questions about the investigation, they should ask the police. The police will help and support the school or college as much as they can (within the constraints of any legal restrictions).

The end of the criminal process

- If a child is convicted or receives a caution for a sexual offence, the school should 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 line with their behaviour policy. This process should include a view of the necessary actions to keep all parties safe and meet their needs. If the perpetrator(s) remains in the same school as the victim, the school should be very clear as to their expectations regarding the perpetrator(s) now 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 or students in the school. It will be important that the school ensure both the victim and perpetrator(s) remain protected, especially from any bullying or harassment (including online)
- Where cases are classified as “no further action” (NFA’d) by the police or Crown Prosecution Service, or where there is a not guilty verdict, the school should continue to offer support to the victim and the alleged perpetrator(s) for as long as is necessary. A not guilty verdict or a decision not to progress with their case will likely be traumatic for the victim. The fact that an allegation cannot be substantiated or was withdrawn does not necessarily mean that it was unfounded. Schools should discuss any decisions with the victim in this light and continue to offer support. The alleged perpetrator(s) is also likely to require ongoing support for what will have likely been a difficult experience.

Unsubstantiated, unfounded, false or malicious reports

- All concerns, discussions and decisions made, and the reasons for those decisions, should be recorded in writing.
- Records should be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified, and addressed.
- If a report is determined to be unsubstantiated, unfounded, false or malicious, the designated safeguarding lead should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children’s social care maybe appropriate.
- If a report is shown to be deliberately invented or malicious, the school should consider whether any disciplinary action is appropriate against the individual who made it as per their own behaviour policy.

Ongoing response

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:

- 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
- Consider the age and the developmental stage of the victim, the nature of the allegations and the potential risk of further abuse. Schools 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(s)
- 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
- Schools should be aware that sexual assault can result in a range of health needs, including physical, mental, and sexual health problems and unwanted pregnancy. Children and young people that have a health need arising from sexual assault or abuse can access specialist NHS support from a Sexual Assault Referral Centre (SARC). SARCs offer confidential and non-judgemental support to victims and survivors of sexual assault and abuse
- They provide medical, practical, and emotional care and advice to all children and adults, regardless of when the incident occurred
- It will be important in all scenarios that decisions and actions are regularly reviewed and that relevant policies are updated to reflect lessons learnt
- It is particularly important to look out for potential patterns of concerning, problematic or inappropriate behaviour.
- Where a pattern is identified, the school or college should decide on a course of action
- Consideration should be given as to whether there are wider cultural issues within the school or college that enabled the inappropriate behaviour to occur and where appropriate extra teaching time and/or staff training could be delivered to minimise the risk of it happening again.

Support can include:

- Early help and children's social care as set out in Part one of this guidance
- Children and Young People's Independent Sexual Violence Advisors (ChISVAs)⁴ 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 to ensure the best possible outcomes for the victim
- Police and social care agencies can signpost to ChISVA services (where available) or referrals can be made directly to the ChISVA service by the young person or school or college. Contact details for ChISVAs can be found at [Rape Crisis](#)⁵ and [The Survivors Trust](#)⁶
- Child and adolescent mental health services (CAMHS) is used as a term for all services that work with children who have difficulties with their emotional or behavioural wellbeing. Services vary depending on local authority. Most CAHMS have their own website, which will have information about access, referrals and contact numbers
- The specialist sexual violence sector can provide therapeutic support for children who have experienced sexual violence. Contact [Rape Crisis](#) (England & Wales) or [The Survivors Trust](#) for details of local specialist organisations. [The Male Survivors Partnership](#)⁷ can provide details of services which specialise in supporting men and boys
- NHS - [Help after rape and sexual assault](#)⁸ provides a range of advice, help and support including advice about the risk of pregnancy, sexually transmitted infections (STI), reporting to the police and forensics

⁴ <https://survivorsgateway.london/service-map/>

⁵ <https://rapecrisis.org.uk/>

⁶ <https://www.thesurvivorstrust.org/>

⁷ <https://malesurvivor.co.uk/support-for-male-survivors/directory-of-services/>

⁸ <https://www.nhs.uk/live-well/sexual-health/help-after-rape-and-sexual-assault/>

- Rape and sexual assault referral centres services can be found at: Find [Rape and sexual assault referral centres](#)⁹. Sexual assault referral centres (SARCs) offer medical, practical and emotional support. They have specially trained doctors, nurses and support workers. If children, young people, or their families are unsure which service to access, they should contact their GP or call the NHS on 111
- [Childline](#)¹⁰ provides free and confidential advice for children and young people
- Internet Watch Foundation¹¹ works internationally to remove child sexual abuse online images and videos and offers a place for the public to report them anonymously
- [Childline/IWF: Remove a nude image shared online](#) - Report Remove¹² is a free tool that allows children to report nude or sexual images and videos of themselves that they think might have been shared online, to see if they can be removed from the internet
- LGFL 'Undressed'¹³ provided schools advice about how to teach young children about being tricked into getting undressed online in a fun way without scaring them or explaining the motives of sex offenders.

Victims may not talk about 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, schools should 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 (as far as reasonably possible). Schools should respect and support this choice.

Children who have experienced sexual violence display a very wide range of responses to their experience, including in some cases clear signs of trauma, physical and emotional responses, or no overt signs at all. Schools should remain alert to the possible challenges of detecting those signs and show sensitivity to the needs of the child (e.g. about attendance in lessons) irrespective of how overt the child's distress is.

While schools should 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, schools should provide a physical space for victims to withdraw to.

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

It is therefore important that the designated safeguarding lead knows how and where to seek support.

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

⁹ <https://www.nhs.uk/service-search/other-services/Rape-and-sexual-assault-referral-centres/LocationSearch/364>

¹⁰ <https://www.childline.org.uk/get-involved/articles/confidential-support/>

¹¹ <https://www.iwf.org.uk/>

¹² <https://www.childline.org.uk/info-advice/bullying-abuse-safety/online-mobile-safety/remove-nude-image-shared-online/>

¹³ <https://undressed.lgfl.net/>

Whilst they should be given all the necessary support to remain in their school, if the trauma results in the victim being unable to do this, alternative provision or a move to another school should be considered to enable them to continue to receive suitable education. This should 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 should take responsibility to ensure this happens (and should discuss with the victim and, where appropriate their parents or carers as to the most suitable way of doing this) as well as transferring the child protection file.

Ongoing Considerations: Victim and alleged perpetrator(s) sharing classes

Once the designated safeguarding lead (or a deputy) has decided what the next steps will be in terms of progressing the report, they should carefully consider again the question of the victim and alleged perpetrator(s) sharing classes and sharing space at school or college. 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 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 should come first. In all cases, schools should follow general safeguarding principles as per this guidance.

Where there is a criminal investigation into a rape, assault by penetration or sexual assault, the alleged perpetrator(s) should be removed from any classes they share with the victim. The school should also consider how best to keep the victim and alleged perpetrator(s) a reasonable distance apart on school premises (including during before and after school-based activities) and on transport to and from school where appropriate. 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(s). 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 should 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(s) to remain in the same school would seriously harm the education or welfare of the victim (and potentially other pupils or students).

Where a criminal investigation into sexual assault leads to a conviction or caution, the school should, if it has not already, consider any suitable sanctions in light of their behaviour policy, including consideration of permanent exclusion. Where the perpetrator(s) is going to remain at the school or college, the principle would be to continue keeping the victim and perpetrator(s) in separate classes and continue to consider the most appropriate way to manage potential contact on school and college 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, schools should 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(s). Appropriate support should 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, schools should 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 should be kept under review.

Safeguarding and supporting the alleged perpetrator(s) and children and young people who have displayed harmful sexual behaviour

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

The school will have a difficult balancing act to consider. On one hand, they need to safeguard the victim (and the wider pupil/student body) and on the other hand provide the alleged perpetrator(s) with an education, safeguarding support as appropriate and implement any disciplinary sanctions. Taking disciplinary action and still providing appropriate support are not mutually exclusive actions. They can, and should, occur at the same time if necessary.

Consider the age and the developmental stage of the alleged perpetrator(s), the nature of the allegations and frequency of 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) should be considered on a case-by-case basis. The alleged perpetrator(s) may potentially have unmet needs (in some cases these may be considerable) as well as potentially posing a risk of harm to other children. HSB in young children may be (and often are) a symptom of either their own abuse or exposure to abusive practices and or materials.

Information and detailed advice on HSB available:

- [Sexual violence and sexual harassment between children at schools and colleges](#)
- [NSPCC Learning - Protecting children from harmful sexual behaviour](#)
- [NSPCC - Harmful sexual behaviour framework](#)
- [The Lucy Faithfull Foundation HSB toolkit](#)
- [Contextual Safeguarding Network – Beyond Referrals \(Schools\)](#)
- [Stop it now - professionals looking for advice provides support for professionals](#)

It is important that the perpetrator(s) is/are also given the correct support to try to stop them re-offending and to address any underlying trauma that may be causing this behaviour. Addressing inappropriate behaviour can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future.

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. If the perpetrator(s) is to be

excluded the decision must be lawful, reasonable and fair¹⁴. Further information about exclusions can be found in statutory guidance for schools: [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England](#).

School can be a significant protective factor for children who have displayed HSB, and continued access to school, with a comprehensive safeguarding management plan in place, is an important factor to consider before final decisions are made. It is important that if an alleged perpetrator does move to another educational institution (for any reason), that the new educational institution is made aware of any ongoing support needs and where appropriate, potential risks to other children and staff. The designated safeguarding lead should take responsibility to ensure this happens as well as transferring the child protection file.

Sanctions and the alleged perpetrator(s)

Schools

With regard to the alleged perpetrator(s), advice on [behaviour in schools](#) is clear that teachers can sanction pupils whose conduct falls below the standard which could be reasonably expected of them.

[DfE: Statutory guidance - School suspensions and permanent exclusions](#)

Disciplinary action can be taken whilst other investigations by the police and/or local authority children's social care are ongoing.

The fact that another body is investigating or has investigated an incident does not in itself prevent a 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 (or a deputy) should take a leading role.

The school should consider if, by taking any action, it would prejudice an investigation and/or any subsequent prosecution. Careful liaison with the police and/or local authority children's social care should 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 its 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 or college should be 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(s), especially where there are concerns that a 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.

¹⁴ [School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](#)

The school should be very clear as to which category any action they are taking falls or whether it is really both and should ensure 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 proportionate 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.

Schools and colleges should 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, local authority children's social care and/or the police will have a very clear view and it will be important for the school or college to work with relevant agencies to ensure a consistent approach is taken to information sharing.

It is good practice for the school 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 for the school to meet with alleged perpetrator's parents or carers to discuss any arrangements that are being put into place that impact an alleged perpetrator, such as, for example, moving them out of classes with the victim and what this means for their education. The reason behind any decisions should be explained. Support for the alleged perpetrator should be discussed.

The designated safeguarding lead (or a deputy) would generally attend any such meetings. Consideration to the attendance of other agencies should 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 alleged 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 a sexual assault or is alleged to have sexually assaulted another child.

Safeguarding other children

Consideration should be given to supporting children (and adult students) 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 should be doing all they can to ensure both the victim and alleged perpetrator(s), 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 victim and alleged perpetrator(s) and a very high likelihood that friends from either side could harass the victim or alleged perpetrator(s) online and/or become victims of harassment themselves.

School transport is a potentially vulnerable place for a victim or alleged perpetrator(s) following any incident or alleged incident. The school, as part of its risk assessment, should consider any additional potential support needs to keep all of their children safe.

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

It is important that schools and colleges keep their 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. Alongside this, patterns identified in schools may also be reflective of the wider issues within a local area and it would be good practice to share emerging trends with safeguarding partners.

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

It is important that schools keep their 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. Alongside this, patterns identified in schools may also be reflective of the wider issues within a local area and it would be good practice to share emerging trends with safeguarding partners.

APPENDIX 7: Child-on-child sexual abuse: risk and needs assessment and version record

(1) “Child A” (victim) and “Child B” (alleged perpetrator) to signify the children involved, rather than saying “victim” and “alleged perpetrator”. We should avoid assigning guilt until a formal investigation has been conducted by the appropriate authorities.

(2) Consider each question/consideration from the perspective of both students and be sure to do this in collaboration with them. Also consider the impact on, and needs of, the wider school community, and record any concerns or actions in the most appropriate column.

(3) This RA should be completed in conjunction with the relevant multi-agency safeguarding team (MAST) when conducting this risk assessment and update it in response to any advice they provide. Some of the prompts may require input from other MAST agencies. Add specific questions and considerations based on the nature of each incident and on the advice

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

provided.

(4) Keep track of the changes you make:

Create a new copy of the document

Update the version number at the top of the risk assessment

Record what has changed in the update log (at the end of the document)

Save the most recent version of the risk assessment in the appropriate places (for example, the child’s safeguarding file)

(5) This should be a living document – you may need to update it as often as daily based on conversations with, and feedback from, the children and parents involved, feedback from staff, guidance from the MAST, or information from the police and children’s social care.

Fig. 1 Adapted from ‘A continuum of children and young people’s sexual behaviours’ (Hackett, 2010)

The Latymer School – Child-on-Child Abuse Policy

Child-on-child sexual abuse: Risk assessment

AREA OF RISK	CONSIDERATIONS	CHILD 'A'	CHILD 'B'	NOTES	ACTIONS
<p>Details of the incident</p> <p>Record details of the incident from the point of view of both children</p>	<p>How serious is the incident? Was it a crime?</p> <p>Do we need to make arrangements to limit contact between the children involved? (If the allegation relates to rape, assault by penetration, or sexual assault, the answer is automatically yes)</p> <p>How did the school find out about it? Was it reported directly or by someone else with knowledge of the incident?</p>			<p>Use this column to record additional information that may be relevant</p> <p>For example, previous, unrelated behaviour incidents</p>	
Social risks	<p>Do the children share a peer group? Are people in their friend group likely to take sides?</p> <p>Do they both attend your school?</p> <p>Do other people know about the incident? Do those people understand:</p> <ul style="list-style-type: none"> Who they can talk to if they have concerns about the people involved, or about their own safety and wellbeing The importance of confidentiality If, and how, they may need to be involved in any further investigations <p>Are they likely to be the subject of gossip, bullying or further harassment?</p> <p>Have there been previous incidents of sexually inappropriate behaviour within their peer group(s)?</p> <p>Do they risk being alienated from their friend group(s) as a result of this incident?</p>				

AREA OF RISK	CONSIDERATIONS	CHILD 'A'	CHILD 'B'	NOTES	ACTIONS
Physical risks	<p>Do they feel, or continue to feel, physically threatened by the other child?</p> <p>Do you have reason to believe they pose a continued risk to the safety and wellbeing of the victim, or other students and staff?</p> <p>Are they at risk of physical harm as a result of this incident (for example, bullying or 'retribution' by peers)</p> <p>Do they share classes/break times/etc.?</p> <p>Are they likely to come into contact with each other (or anyone else involved in/with knowledge of the incident) outside of school? How can such contact be limited?</p>				
Environmental risks	<p>Do they live in a home where violence or abuse has occurred?</p> <p>Do they live in or near an area or location known to police to be high risk for sexual harassment or assault?</p> <p>Are they active on social media? If so, how? Do they know how to protect themselves from online grooming?</p> <p>What activities do they take part in outside of school?</p> <p>Are parents clear about:</p> <ul style="list-style-type: none"> ○ How the school (and partner agencies) are handling the incident? ○ Confidentiality? ○ The conduct expected of them while an investigation is ongoing? 				

DATE	UPDATES MADE	REASONS FOR UPDATES	UPDATES MADE BY
	E.g, "Updated lunchtime arrangements"	E.g, "Feedback from Child A"	

Appendix 8: Contact Details for Local Agencies and Summary of Referral Pathways

Police:	999 or 101 (non-urgent)
Enfield Children's Social Care:	020 8379 2507 (Mon-Thurs: 9 am-5 pm; Fri: 9 am- 4.45 pm). Out of office hours call: 020 8379 1000 (select option 2).
Enfield Referral and Advice Team:	020 8379 5555 or 2507 or 2618
LBE Safeguarding Lead:	020 8379 2800 or 07508009180
SAFE:	020 8379 2090
Enfield CAMHS:	0208 379 4070
Barnet CAMHS:	020 8702 4500
Haringey CAMHS:	020 8702 3400
Barnet Children's Social Services (MASH):	020 8359 4066
Haringey Children's Service:	020 8489 4470 (Monday to Thursday 8.45am to 5pm; Friday 8.45am to 4.45pm) Or: 020 8489 0000
Hackney Children's Service:	020 8356 2444 or 020 8356 2710
Islington Children's Social Services:	020 7527 7400; 9am to 5pm, Monday to Friday, or 020 7226 0992 at all other times.
Waltham Forest Children's Service:	020 8496 2310 or 020 8496 3000
Domestic Violence National Helpline:	0808 200 247
Forced Marriage Unit:	020 7008 0151
FGM Helpline:	0800 028 3550
Honour Violence Helpline:	0800 599 9247
NSPCC:	0800 800 5000
Childline:	0800 1111
Stop it now:	0800 1000 900