

# HARMFUL SEXUAL BEHAVIOUR / PEER ON PEER ABUSE POLICY

## 1. Introduction

The age of our students, almost all of whom are between the ages of 16 to 19, means that many will develop sexual relationships and that is entirely normal. However, sexual behaviour between peers that has become harmful or abusive is unacceptable and must be addressed.

Almost all of our students join us as children, legally, and are adults when they leave us. In all our safeguarding practices, we aim to protect and support our students whether they are legally children or adults. It must be recognised, however, that some of the potential measures described below will not be available when the young person is 18 or over.

Our College recognises that young people are vulnerable to and capable of abusing their peers sexually. We consider any allegation of peer on peer sexual abuse seriously and do not tolerate or pass off harmful sexual behaviour as 'banter', 'just having a laugh' or 'part of growing up'. These allegations are managed in the same way as any other child protection concern and follow the same procedures, including seeking advice and support from other agencies as appropriate.

This policy is in line with the safeguarding requirements in [Keeping Children Safe in Education](#) (Department for Education ('DfE'), 2020), which we must work to; Part 5 of the Keeping Children Safe in Education statutory guidance sets out how schools and colleges should manage reports of child-on-child sexual violence and harassment. This policy also links to the guidance issued by the DfE in 2018: [Sexual violence and sexual harassment between children in schools and colleges](#).

This policy should be read in conjunction with the following College policies:

- \* Child Protection Policy
- \* Equality and Diversity Policy
- \* Safeguarding Policy
- \* Student Disciplinary Policy
- \* Bullying and Harassment Policy

## 2. Definition of sexual abuse

Forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse. Sexual abuse can take place online, and technology can be used to facilitate offline abuse.

The sexual abuse of children by other children is a specific safeguarding issue in education.

*(Keeping children safe in education, DfE, 2020)*

## 3. Harmful sexual behaviour

Harmful sexual behaviour can manifest itself in many ways. This may include:

- inappropriate or unwanted sexualised touching;
- sexual violence and sexual harassment;

- up skirting, which typically involves taking a picture under a person's clothing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress, or alarm;
- pressurising, forcing, or coercing someone to share nude images (known as sexting or youth produced sexual imagery);
- sharing sexual images of a person without their consent;
- bullying of a sexual nature online or offline, for example sexual or sexist name-calling.

Our College also understands the different gender issues that can be prevalent when dealing with harmful sexual behaviour.

Young people can experience harmful sexual behaviour in various settings. This includes at College, at home (or at another home), in public places, and online.

#### **4. How we seek to minimise the risk of harmful sexual behaviour**

The principle aim of our approach is to foster the conditions in which our students can aspire to and realise safe and healthy relationships, at College and as they continue in life. We work to a culture in which the voice of our students is central, where they feel able to share their concerns openly, knowing that they will be listened to, and that they will not be judged.

As a post-16 institution, we are not required to provide the RSE and Health Education curriculum. However, we do address relationship education in our Tutorial programme to help our students understand what harmful sexual behaviour is. We teach them the knowledge they need to recognise and report abuse. We also teach them about the importance of making sensible decisions to stay safe (including online), whilst being clear that if a young person is abused, it is never their fault.

We help our students and staff to develop the skills to understand:

- what constitutes harmful sexual behaviour;
- that such behaviour is not acceptable;
- the possible reasons for such behaviour, and vulnerability of perpetrators;
- how to report concerns

We understand our students may not always feel able to talk to adults about peer-on-peer sexual abuse. To help them, we will encourage them to share their thoughts and opinions, respond to their concerns, and respect and listen to them. We want our students to feel confident that any concerns they raise will be responded to appropriately.

#### **Parents and carers**

Our primary relationship is with students. However, we will work with parents when appropriate to ensure that they understand and can reinforce key messages regarding sexual harm. Further information to support parents and carers in relation to harmful sexual behaviour is available online, including on the [NSPCC](#) and [Lucy Faithfull Foundation](#) websites.

#### **Staff**

Our staff undertake annual safeguarding training where the different types of abuse and neglect are discussed; this includes information about harmful sexual behaviour and our expectations for staff vigilance about this and other potential types of abuse. Staff also receive updates on safeguarding issues throughout the College year, including about the nature and prevalence of harmful sexual behaviour, where appropriate.

The training also ensures that our staff know what to do if they receive a report that harmful sexual behaviour may have occurred, including how to support those involved or affected.

## **5. Our response to an incident / allegation**

The wellbeing of our students is always central to our response to an allegation or incident of harmful sexual behaviour. Any young person reporting a concern will be treated respectfully. We will reassure them that they are being taken seriously and that they will be supported and kept safe; no young person will be given the impression that they are creating a problem by reporting abuse or made to feel ashamed.

Our staff will never promise confidentiality to the young person as the concern will need to be shared further. The College's Designated Safeguarding Lead will need to be informed as soon as possible of any incident and the details may also need to be shared further. We have in place effective working relationships with our safeguarding partners, (ie health, police, social care) which are essential to ensuring that concerns are appropriately managed.

Our next steps will be guided by the young person, unless following their wishes would place them or others at risk. If information must be shared without the student's consent, we will keep them informed and allow them to retain as much ownership of the process as possible. Where the young person already has Social Care involvement, such as a Looked After Child, a Child In Need or a child with a Child Protection Plan, we will inform the child's Social Worker and work in partnership with them as appropriate.

Whilst we establish the facts of the case and start the process of liaising with other agencies, we will consider how best to keep the victim and alleged perpetrator a reasonable distance apart on College premises. It may be necessary to suspend an alleged perpetrator pending investigation.

Where an incident includes an online element, we will always work in accordance with appropriate guidance, taking advice from other partners as necessary. Our staff will not view an indecent image of a young person unless absolutely necessary, nor forward it for any reason.

### **Recording**

It is essential that information relating to allegations about harmful sexual behaviour is recorded within our College, as with any other child protection concern – and in line with our Child Protection Policy. The record may form part of a statutory assessment by Children's Social Care or by another agency.

Any member of staff receiving a disclosure of harmful sexual behaviour or noticing signs or indicators of this, will record it as soon as possible, noting what was said or seen, giving the date, time and location. The facts will be recorded as the student presents them. The record will then be presented to the Designated Safeguarding Lead (or Deputy), who will decide on appropriate action and record this accordingly. If a student is at immediate risk of harm, staff will speak with the Designated Safeguarding Lead or Deputy first, and deal with recording as soon as possible afterwards. All related concerns, discussions, decisions, and reasons for decisions will be recorded on MyConcern and will include the action taken.

### **Investigation**

The Designated Safeguarding Lead will be responsible for leading investigations, and for liaising with other agencies as appropriate, for example Children's Social Care and the police. They will also be the main point of contact for parents and carers. The Designated Lead will ensure there are accurate records of each stage of the investigation and that any supporting information is included in the Child Protection files.

## **Risk Assessment**

We will undertake a risk management plan, where appropriate, following a report of harmful sexual behaviour, considering all students involved in an incident. We will also consider all other students at our College and any actions that may be appropriate to protect them. The affected students will be invited to contribute to the completion and review of any risk management plan.

## **6. Guiding principles**

The safety of our students is paramount. We will use a proportionate approach, basing our actions on the principle that harmful sexual behaviour is not acceptable and will not be tolerated.

All concerns will be considered carefully and on a case by case basis, underpinned by robust risk assessments. Our actions will not be judgemental about the guilt of the alleged perpetrator and will always be taken in the interests of all students concerned.

Our approach will help us to ensure that all students are protected and supported appropriately. The following principles will guide us:

- the wishes of the young person in terms of how they want to proceed – the victim will 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;
- the nature of the alleged incident(s), including whether a crime may have been committed;
- consideration of any power imbalance between the young people involved – for example, is the alleged perpetrator more confident / does the victim have a disability or learning difficulty;
- consideration of whether the alleged incident is a one-off or a sustained pattern of abuse;
- consideration of any ongoing risks to the victim, other young people, or staff;
- consideration of any other related issues and wider context.

## **Supporting the student who has allegedly experienced harmful sexual behaviour**

We will assess what short-term and long-term support a young person may need to help them manage the immediate aftermath of an incident, and to recover from what they have experienced. The young person's existing support network will be central to this work; we will work with other partners as appropriate and in accordance with the young person's wishes and, if appropriate, in discussion with parents / carers.

We will consider what is necessary to support the alleged victim straightaway, for example by providing inCollege Welfare support. We will be guided wherever possible by the wishes of the young person. We will also ensure there is regular review of arrangements to be confident they meet the needs of all involved.

It may be necessary to make requests for support to mental health and wellbeing services or for therapeutic intervention. We may also need to link with other agencies to remove inappropriate material from the Internet, such as the [Internet Watch Foundation](#).

## **Dealing with the student who has allegedly displayed harmful sexual behaviour**

Our students are all 16 and over, and can therefore be presumed to have developed some level of understanding of what constitutes harmful sexual behaviour. Nevertheless, we have a duty of care to all students and we will take steps to protect and support students who have displayed abusive or harmful sexual behaviour. We will do this through considering the needs of the young person, any risks to their safety and what

multiagency responses are needed to support them and their family. This work will be guided by a robust risk assessment process. We will also ensure there is regular review of arrangements to be confident they meet the needs of all involved.

We will consider appropriate sanctions using our Student Disciplinary Policy, and work with the young person and their support network to consider measures that may help to address the young person's behaviour.

## **7. Investigation outcomes**

Our investigation of an allegation or incident as set out in this policy will enable us to determine the outcome, working with our safeguarding partners as appropriate. We will always seek to ensure that the outcome of an investigation is appropriate and proportionate to the circumstances in relation to the report.

In some cases, for example, one-off incidents, we may take the view that the young people concerned are not in need of intervention from any outside agency. In these cases, we will follow our other College policies in addressing matters, for example our Bullying and Harassment Policy or Equality and Diversity Policy. We will also consider what support the young people involved may need going forward - for example, pastoral support, counselling services, and ensuring that there is a trusted adult for those affected to speak with if they wish to. We will also consider whether any intervention or support is required as part of a whole setting approach or with the wider College community.

In some circumstances, we will make a request for support to Children's Social Care. We will generally inform parents and carers of this unless to do so may put a young person at additional risk. We will seek advice from other partners on such matters. If we make a request for support, Children's Social Care will consider whether the young people involved are in need of protection or other services. Where statutory assessments are appropriate, the College will work with Children's Social Care and other agencies as appropriate. Partnership working helps to ensure the best possible package of coordinated support is implemented for the victim and, where appropriate, the alleged perpetrator and any other young people that require support.

In some cases, Children's Social Care will review the evidence and decide a statutory intervention is not appropriate. If a statutory assessment is not considered appropriate by Children's Social Care, we will consider what other support may be required. We will make further requests for support to Children's Social Care if we consider that a young person remains in immediate danger or at risk of harm.

Where a report of rape, assault by penetration or sexual assault is made, we will report it to the police. Unless the involvement of parents is likely to increase any risk to the young person, we will strongly encourage the alleged victim to inform and involve their parent/carer. We will seek advice from other partners and specialist agencies in individual cases.

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

Where there is a criminal investigation, we will work closely with the police and other agencies as appropriate to support all young people involved (including potential witnesses). This will help to ensure that any actions we take do not jeopardise a police investigation. Sometimes the police will decide that further action is not required. In these circumstances we will continue to engage with other agencies to support the students involved.

## **8. Review**

All child protection concerns are reviewed regularly, to ensure that everything has been fully addressed, that actions are completed, and to consider whether the student involved needs any further support. We will continue to work with the student and parents/carers/other agencies as appropriate, and risk assessments will be reviewed and updated as required.

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