

Child on Child Abuse Policy

Change Control

Version:	V1.2
New or Replacement:	New
Approved by:	SMT
Date approved:	November 2021
Name of author:	Jane Wood
Name of responsible committee:	Safeguarding Board
Date issued:	November 2021
Review date:	January 2024.

Revision History

Version	Type	Date	History
V1.2	Reviewed and updated	January 2022	1/ All Peer on Peer references changed to Child on Child. 2/ Changing of BAME reference to Ethnic Minority

Contents

Statement of Content.....	2
Contacts	3
1. Legal Framework	3
2. Definitions.....	3
3. Roles and Responsibilities.....	4
4. Types of Child on Child Abuse.....	6
5. A Whole-Organisation Approach to Child on Child Abuse.....	8
6. Channels for Reporting Abuse.....	9
7. Protecting Learners with increased vulnerability to Child on Child Abuse.....	10
8. Staff Identifying and Reporting Concerns	11
9. Handling Allegations of Abuse Against Learners.....	13
10. Monitoring and Review.....	21

Statement of intent

WS Training is committed to safeguarding and promoting the welfare of every learner, both inside and outside of the organisation, and is aware that abuse against young people can be inflicted by other young people. We implement a whole-organisation preventative approach to managing child-on-child abuse, ensuring that the wellbeing of learners is at the forefront of all action taken.

This policy sets out a clear and consistent framework for delivering this promise, in line with safeguarding legislation and statutory guidance. It will be achieved by:

- Creating a culture of mutual respect amongst learners, irrespective of protected characteristics.
- Teaching learners about behaviour that is acceptable and unacceptable.
- Identifying and making provision for any learner that has been subject to abuse.
- Ensuring that members of the board, the Head of Education, Head of Skills and staff members understand their responsibilities under safeguarding legislation and statutory guidance, are alert to the signs of child-on-child abuse, and know to refer concerns to the Designated Safeguarding Lead (DSL).

The DSL is: Charlotte Woolcock. In the absence of the DSL, student protection matters will be dealt with by the deputy DSL's: Chloe Barnett or Jane Barber.

Contacts

Please find below contact numbers for Company and Local Authority Safeguarding referrals and assistance. Where there is a risk of immediate significant harm to a child or young person at risk a referral should be made to Children's Social Care Services. Anyone can make a safeguarding referral at any time.

Contacts WS Training	
24 Hour Safeguarding Phone Line	0808 800 4005
Designated Safeguarding Lead (DSL)	Charlotte Woolcock Based at the Supported Learning Centre, Ipswich. Tel: 01473 604260 Mobile: 07841996141 Email CWoolcock@wstraining.co.uk
CEO	Ms. Kirstie Wright Tel: 01284 788005 Email: Kwright@wstraining.co.uk
Safeguarding Board Advisor	Professor Dave Muller Email: davemuller01@btinternet.com

1. Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Equality Act 2010
- Sexual Offences Act 2003
- The UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- Voyeurism (Offences) Act 2019
- DfE (2021) 'Keeping Children Safe in Education 2022'

The policy also has regard to the following non-statutory guidance:

- DfE (2015) 'What to do if you're worried a student is being abused'
- DfE (2018) 'Information sharing'
- DfE (2021) 'Sexual violence and sexual harassment between children in school and colleges and colleges'
- DfE (2020) 'Sharing nudes and semi-nudes: advice for education settings working with children and young people'

This policy operates in conjunction with the following school and college policies:

- Safeguarding Policy
- Behavioural Policy
- Data Protection Policy
- Anti-Bullying Policy
- Online Safety Policy
- Data and Cyber-Security Breach Prevention and Management Plan

2. Definitions

"Child on Child abuse" is defined, for the purposes of this policy, as any form of abuse inflicted by one learner or a group of children, i.e., individuals under the age of 18, against another learner or group of children. This policy covers child-on-child abuse both in and outside of the organisation and both in person and online.

"Harmful sexual behaviour" is defined as any sexual behaviour which:

- Does not observe and respect any individuals on the receiving end of the behaviour, e.g., touching someone without their consent.
- Is inappropriate for the age or stage of development of the learner.
- Is problematic, abusive, or violent.

The policy will use the following terms to describe learners involved in child-on-child abuse:

- **Victim(s)** – the individual(s) against whom the abuse has, or has allegedly, been inflicted.
- **Perpetrator(s)** – the individual(s) exhibiting abusive behaviour against their peers.
- **Alleged perpetrator(s)** – individual(s) against whom a report of abusive behaviour has been made, where guilt has not yet been ascertained.

Note: The use of the word ‘alleged’ does not mean that the learner in question is not guilty of child-on-child abuse, that the organisation does not believe the allegation, or that the allegation will not be taken seriously. Staff will remember that the organisation has a legal duty of care to all perpetrators and alleged perpetrators who are learners at the organisation, including a requirement to ensure they can access their education. Staff will think very carefully about terminology when speaking in front of learners. Victims will be reassured that use of the term ‘alleged perpetrator’ is not an attempt to discredit their allegation.

3. Roles and responsibilities

The board of advisors has a duty to:

- Ensure that the organisation comply with its duties under the above learner protection and safeguarding legislation.
- Guarantee that the policies, procedures and training opportunities in the organisation are effective and always comply with the law.
- Guarantee that the organisation contributes to multi-agency working in line with the statutory guidance ‘Working Together to Safeguard Children’.
- Confirm that the organisation arrangements for handling child-on-child abuse consider the procedures and practices of the Local Authority (LA) as part of the inter-agency safeguarding procedures.
- Appoint a member of staff from the SMT to the role of DSL as an explicit part of the role-holder’s job description.
- Ensure the deputy DSL’s provide support to the DSL and ensure that they are trained to the same standard as the DSL, and that the role is explicit in their job description(s).
- Make sure that learners are taught about child-on-child abuse, including online (including when they are online at home), through teaching and learning opportunities, as part of providing a broad and balanced curriculum.
- Ensure that staff members are appropriately trained to support students to be themselves at school and college, e.g., if they are LGBTQIA+.
- Ensure the organisation has clear systems and processes in place for identifying possible risk of harm in learners, including clear routes to escalate concerns and clear referral and accountability systems.
- Guarantee that there are procedures in place to handle learners’ allegations against other learners.

- Ensure that appropriate disciplinary procedures are in place, as well as policies pertaining to the behaviour of learners.
- Ensure that procedures are in place to eliminate unlawful discrimination, harassment and victimisation in relation to child-on-child abuse.
- Make sure that learners' wishes, and feelings are considered when determining what action to take and what services to provide to protect individual learners.
- Guarantee that there are systems in place for learners to express their views and give feedback.

The Head of Departments have a duty to:

- Safeguard learners' wellbeing and maintain public trust in the teaching profession.
- Ensure that the policies and procedures adopted by the board of advisor's team, particularly concerning referrals of cases of suspected abuse and neglect, are followed by staff members.
- Provide staff, upon induction, with the Safeguarding Policy, Staff Code of Conduct, Part one, Part 5 and, where appropriate, Annex A of the 'Keeping children safe in education' (KCSIE) guidance, the Behavioural Policy, the Children Missing from Education Policy, online safety training, and the identity of the DSL and any deputies.
- Ensure staff receive training on recognising indicators of abuse and handling disclosures or concerns about a learner.

The DSL has a duty to:

- Understand and keep up to date with local safeguarding arrangements.
- Act as the main point of contact with the three safeguarding partners and the learner death review partner.
- Make the necessary learner protection referrals to appropriate agencies.
- Understand when they should consider calling the police, in line with the National Police Chiefs' Council (NPCC) guidance.
- Liaise with the Head of Departments to inform them of safeguarding issues and ongoing enquiries.
- Liaise with the deputy DSL(s) to ensure effective safeguarding outcomes.
- Act as a source of support for learners who have been abused by, or who have abused, other learners.
- Leading the organisation in taking a preventative approach to child-on-child abuse.

Other staff members have a responsibility to:

- Safeguard learners' wellbeing and maintain public trust in the teaching profession as part of their professional duties.
- Provide a safe environment in which learners can learn.
- Act in accordance with organisation procedures with the aim of eliminating unlawful discrimination, harassment and victimisation in relation to child-on-child abuse.
- Maintain an attitude of 'it could happen here' where safeguarding is concerned.
- Be aware of the signs of abuse.
- Be aware of the early help process and understand their role in it.

- Be aware of and understand the procedure to follow if a learner confides they are being abused by a peer.
- Support social workers in making decisions about individual children, in collaboration with the DSL.
- Maintain appropriate levels of confidentiality when dealing with individual cases, and always act in the best interest of the learner.

4. Types of child-on-child abuse

Staff will familiarise themselves with the forms that child-on-child abuse can take, including:

Physical abuse

A form of abuse which may involve actions such as hitting, throwing, burning, drowning and poisoning, or otherwise causing physical harm to another learner.

Sexual abuse

A form of abuse involving sexual activity between children – sexual abuse, for the purposes of this policy, is divided into two categories: sexual violence and sexual harassment.

“Sexual violence” encompasses the definitions provided in the Sexual Offences Act 2003, including rape, assault by penetration, sexual assault, i.e., non-consensual sexual touching, and causing another student to engage in sexual activity without consent, e.g., forcing someone to touch themselves sexually.

“Sexual harassment” refers to any sexual behaviour that could violate another learner’s dignity, make them feel intimidated, degraded or humiliated, and/or create a hostile, offensive or sexualised environment, including:

- Sexualised jokes, taunting or comments.
- Physical behaviour, e.g., deliberately brushing against someone.
- Online sexual harassment, including:
 - Upskirting –
 - Sexualised online bullying
 - Unwanted sexual comments and messages, including on social media.
 - Sexual threats or coercion.

The “sharing of sexualised imagery” can also constitute sexual harassment – this refers to the consensual and non-consensual sharing between learners of sexually explicit content, including that which depicts:

- Another learner posing nude or semi-nude.
- Another learner touching themselves in a sexual way
- Any sexual activity involving another learner
- Someone hurting another learner sexually

Staff will be aware that children creating, possessing, and distributing indecent imagery of other children is a criminal offence, even where the imagery is created, possessed, and distributed with the permission of the learner depicted, or by the learner themselves. Incidents of sharing sexualised imagery will be handled in line with the Safeguarding Policy.

Bullying

Many kinds of behaviour can be considered bullying, and bullying can be related to almost anything. Bullying is acted out through the following mediums:

- Verbally
- Physically
- Emotionally
- Online (cyberbullying)

Bullying will generally be handled in line with the Anti-bullying Policy; however, particularly severe instances will be handled in line with this policy and the Safeguarding Policy.

Online abuse

This involves the use of technology and the internet to harass, threaten or intimidate another learner. Instances of online abuse will be managed in line with this policy, the Online Safety Policy and the Anti-bullying Policy.

Discriminatory behaviour

Discriminatory behaviour encompasses abuse inflicted on a learner because of their protected characteristics, e.g., religion, ethnicity, gender, sexual orientation, culture, or SEND. Discriminatory behaviour is never acceptable, and all cases will be handled in line with this policy and the Safeguarding Policy.

Intimate partner abuse

This involves a romantic partnership between children in which one or both partners are emotionally, physically or sexually abusive to the other. This could include:

- Repetitive insults
- Controlling behaviour, e.g., preventing a student from socialising with others or deliberately isolating them from sources of support.
- Sexual harassment.
- Threats of physical or sexual abuse.

The organisation will manage intimate partner abuse in the same way as a case of abuse between any other children, i.e., via the processes outlined in this policy, and in line with the Safeguarding Policy.

5. A whole-Organisation approach to child-on-child abuse

The organisation will continue to involve all members of the organisation community, including the board of advisors, staff, learners, parents, carers and other stakeholders, in creating a whole-organisational approach to child-on-child abuse.

The board of advisors will ensure that keeping children safe and protected from harm, including child-on-child abuse, is central to all policies and procedures implemented across the organisation. The organisation will ensure that procedures for handling peer on-peer abuse are transparent, clear and understandable, and are readily accessible to any member of the organisation community who wishes to access them.

The organisation will implement a contextual approach to safeguarding learners against child-on-child abuse and will ensure that all procedures take into account incidents of child-on-child abuse that occur outside of organisation or online.

The Head of Departments will ensure that all staff receive adequate training on handling child-on-child abuse.

Organisation culture

The organisation prioritises cultivating a safe and respectful environment amongst learners and ensures that all learners are aware that the organisation adopts a **zero tolerance stance** on child-on-child abuse of any kind.

The organisation promotes respectful interactions amongst learners, and all staff model appropriate and respectful behaviour. Staff will take care to avoid normalising harmful behaviour, particularly harmful sexual behaviour, e.g., by refraining from the use of phrases such as 'boys will be boys' or describing such behaviour as 'just having a laugh' or 'part of growing up'.

The organisation will ensure that wider societal factors that exacerbate the problem of child-on-child abuse are reflected in its approach to creating a preventative culture. This means that individuals who are more likely to be abused, e.g., girls or LGBTQIA+ students, or who are at increased risk of acting as a perpetrator in abusive situations, e.g., due to abusive home situations or anger management issues, are given additional support from an early stage.

The organisation manages all early help and intervention for learners showing early signs of harmful behaviour, or early signs of being the victim of harmful behaviour, in line with the Safeguarding Policy.

Curriculum

The organisation maintains the position that education surrounding respectful and healthy attitudes and behaviour towards others is the best way to combat child-on-child abuse in the settings. All staff, not just teaching staff, are responsible for passing this knowledge on to learners.

To prevent child-on-child abuse and address the wider societal factors that can influence behaviour, the organisation will educate learners about abuse, its forms and the importance of discussing any concerns and respecting others through the curriculum and extra-curricular activities.

The organisation will also ensure that learners are taught about safeguarding, including online safety, as part of a broad and balanced curriculum. Such content will be age and stage of development specific, and tackle issues such as the following:

- Healthy relationships
- Respectful behaviour
- Stereotyping and equality
- LGBTQIA+ identities and relationships
- Body confidence and self-esteem
- Prejudiced behaviour
- That sexual violence and sexual harassment is always wrong
- Addressing cultures of sexual harassment

Learners will be allowed an open forum to talk about concerns and sexual behaviour. They are taught how to raise concerns and make a report, including concerns about their friends or peers, and how a report will be handled.

The curriculum will ensure that learners of all ages are taught about and understand the concept of consent and its importance in an age-appropriate way.

6. Channels for reporting abuse

Learners will be able to report incidents of child-on-child abuse or concerns about the behaviour of their peers through the following channels:

- Speaking with their tutors, or somebody they can trust.
- Speaking with the student support team.
- Sending a message to the confidential email address monitored by the DSL and their deputies.

All channels for reporting abuse will be promoted and publicised throughout the organisation, and all learners will be made aware of how, and to whom, to report incidents of abuse. The organisation will also ensure learners are aware of the type of behaviour that should be reported, ranging from criminal behaviour, e.g., rape or sexual assault, to

everyday harassment, e.g., sexualised jokes or inappropriate comments, to ensure that victims do not view their experience as 'not serious enough' to report.

The organisation will maintain a culture that promotes reporting abuse, whether the individual reporting is the victim, a bystander, or a friend or relative of the victim. Staff will address any incidents of learners equating reporting abuse to 'snitching' or being a 'tattletale' and will convey to these learners how important it is to report abuse to help tackle the wider problem of child-on-child abuse in their learning settings.

7. Protecting learners with increased vulnerability to child-on-child abuse

The organisation is aware that, while child-on-child abuse can be perpetrated by, and against, anyone, there are certain groups of learners who are at an increased risk of being on the receiving end of child-on-child abuse.

Staff will be careful to acknowledge the increased risk WS Training learners face while refraining from making assumptions about the nature of any reported, witnessed or suspected abuse. Staff will be aware that learners who are generally at increased risk of abuse can also be perpetrators of abuse.

The organisation will ensure that action is taken, where possible, before major concerns arise; therefore, incidents of low-level abuse related to the characteristics of the below groups will be handled in line with early help procedures, which are laid out within the Safeguarding Policy.

Females

Staff will be aware that females are more likely to be on the receiving end of child-on-child sexual abuse than their male counterparts, and that sexual violence and harassment against females is very common and accounts for most cases.

Considering that sexual harassment against females is widespread in society, and largely based in gender inequality, the organisation will aim to encourage gender equality in all aspects of its operations. The organisation will aim to promote and nurture healthy attitudes and relationships amongst learners of all genders, e.g., by challenging and working to deconstruct gender stereotypes in organisation.

Staff will challenge any incidents of misogynistic language or gender-based abuse, whether of a sexualised nature or not, as holding misogynistic viewpoints can make a learner more likely to commit sexualised violence in the future.

LGBTQIA+ learners

Staff will be aware that learners who are LGBTQIA+, or are perceived to be LGBTQIA+ whether they are or not, are more likely to be targeted by their peers, e.g., for discriminatory bullying.

The organisation holds a zero-tolerance policy towards learners using homophobic, biphobia or transphobic language, regardless of whether or not the language is being at another individual. Every staff member is individually responsible for challenging such behaviour and making clear to all learners that any abuse towards learners who are LGBTQIA+, or who are perceived to be, is unacceptable.

WS Training Learners

Staff will be aware that all learners at WS Training are at increased risk of child-on-child abuse. The organisation will ensure that there are mechanisms in place to support all learners in reporting abuse, with due regard paid to the fact that these learners may face additional barriers to reporting abuse and that spotting signs of abuse in these learners may be harder.

Staff will avoid assuming that changes in the behaviour of learners are as a result of their needs or disability and will report any concerns to the DSL. The DSL will collaborate in the handling of instances of abuse towards the learners to ensure that barriers to communication can be effectively managed.

People from Ethnic Minority Backgrounds

Staff will be aware that minority ethnic students, particularly black learners, may be less likely to report abuse committed against them, and may be more likely to be misidentified as perpetrators of abuse.

The organisation holds a zero-tolerance policy towards learners using racist language, regardless of whether the language is being directed at another individual. Every staff member is individually responsible for challenging such behaviour and making clear to all learners that any abuse towards students from ethnic minority backgrounds is unacceptable.

Staff will also be aware that ethnic minority girls, or ethnic minority LGBTQIA+, or perceived LGBTQIA+ learners, are likely to face increased abuse due to the intersection of these identities. Staff will be vigilant regarding these learners and the ways in which other learners behave towards them, to ensure any incidents or potential incidents can be handled as soon as they occur.

8. Staff identifying and reporting concerns

Staff will receive safeguarding training as part of their induction, and annual refresher training. This training will include guidance on how to recognise indicators of child-on-child abuse of all kinds, and how to distinguish between behaviour, particularly sexual behaviour, that is developmentally appropriate and that which is harmful.

When identifying learners at risk of potential harm or who have been harmed by their peers, staff members will look out for several indicators including, but not limited to, the following:

- Injuries in unusual places, such as bite marks on the neck that are also inconsistent with their age
- Lack of concentration and acting withdrawn
- Knowledge ahead of their age, e.g., sexual knowledge
- Use of explicit language
- Fear of abandonment
- Depression and low self-esteem
- Changes to their social group, e.g., spending time with older learners, or social isolation
- Alcohol or substance misuse

Where a learner is displaying signs of being impacted by child-on-child abuse, or perpetrating child-on-child abuse, staff will report this to the DSL as soon as is reasonably practical.

Staff will challenge all instances of abusive or harmful behaviour displayed by learners that they witness or are reported to them. Staff will not wait for concerns or situations between learners to escalate before intervening; minor or singular instances of abusive behaviour will still be brought to the attention of the DSL and the learner will always be spoken to about their behaviour and disciplined, where appropriate, in line with the Behavioural Policy.

Staff will enforce the organisation's policy that no known and substantiated incident of abusive or harmful behaviour between learners will occur without consequences for the perpetrator(s), although these consequences will be decided on a case-by-case basis and will consider the views of any victims involved, the context of the behaviour and the severity of the incident.

Staff will be aware that just because a victim of abusive behaviour does not report the behaviour or react to the behaviour negatively, this does not mean that the behaviour is not still harmful; some learners will be uncomfortable challenging their peers on inappropriate behaviour or may not be aware themselves that the behaviour is abusive. Staff have a responsibility to ensure that both the perpetrator(s), or alleged perpetrator(s), and the victim(s) understand that such behaviour inflicted by or against them was unacceptable; failing to challenge a learner on unacceptable behaviour can normalise that behaviour not just for the learner in question, but for all learner who see the behaviour going unchallenged.

Staff will remain cognisant that downplaying abusive behaviour can lead to a culture of unacceptable behaviour throughout the organisation and, as such, will treat all displays or reports of abusive behaviour with the utmost severity and sensitivity to reinforce to all learners that such behaviour will not be tolerated, and to prevent further instances of this behaviour in the future.

9. Handling allegations of abuse against staff

Staff will always, when handling an incident of alleged abuse, take the report of the victim seriously, reassure them, support them and work to keep them safe. Victims will never be made to feel like they are causing a problem, be made to feel ashamed, or have their experience minimised by staff at the organisation. Staff will be aware of the importance of not downplaying any reports of abuse; however, will ensure that they remain sympathetic, and observant of the duty of care, to both the alleged perpetrator(s) and victim(s).

If a friend of a victim makes a report or a member of staff overhears a conversation, staff will take action – they will never assume that someone else will deal with it or wait for a disclosure. The basic principles remain the same as when a victim reports an incident; however, staff will consider why the victim has not chosen to make a report themselves and the discussion will be handled sensitively and with the help of children’s social care where necessary. If staff are in any doubt, they will speak to the DSL.

Where an alleged incident took place away from the organisation or online but involved learners from the organisation, the organisation’s duty to safeguard learners remains the same and the incident will be treated equally as seriously and investigated in the same way as an incident that took place in their learning setting.

All staff will be trained to handle disclosures. Effective safeguarding practice includes:

- Never promising confidentiality at the initial stage.
- Only sharing the report with those necessary for its progression.
- Explaining to the victim what the next steps will be and who the report will be passed to.
- Recognising that the person the learner chose to disclose the information to is in a position of trust.
- Being clear about boundaries and how the report will be progressed.
- Not asking leading questions and only prompting the learner with open questions.
- Waiting until the end of the disclosure to immediately write a thorough summary. If notes must be taken during the disclosure, it is important to still remain engaged and not appear distracted.
- Only recording the facts as the learner presents them – not the opinions of the note taker.
- Where the report includes an online element, being aware of searching, screening and confiscation advice.
- Wherever possible, managing disclosures with two staff members present (preferably with the DSL or head of departments).
- Informing the DSL or head of departments as soon as possible after the disclosure if they could not be involved in the disclosure.

The DSL will be informed of any allegations of abuse against all WS Training learners. They will record the incident in writing and, working with the company DSL, if necessary, decide what course of action is necessary, with the best interests of the learner in mind at all times.

Confidentiality

The organisation will only engage staff and agencies required to support the victim and/or be involved in any investigation. If a victim asks the organisation not to tell anyone about the disclosure, the organisation cannot make this promise. Even without the victim's consent, the information may still be lawfully shared if it is in the public interest and protects children from harm.

The DSL will consider the following when making confidentiality decisions:

- Parents will be informed unless it will place the victim at greater risk.
- If a learner is at risk of harm, is in immediate danger or has been harmed, a referral will be made to children's social care.
- Rape, assault by penetration and sexual assault are crimes – reports containing any such crimes will be passed to the police.

The DSL will weigh the victim's wishes against their duty to protect the victim and others. If a referral is made against the victim's wishes, it will be done so extremely carefully and the reasons for referral will be explained to the victim. Appropriate specialist support will always be offered.

Anonymity

There are legal requirements for anonymity where a case is progressing through the criminal justice system. The organisation will do all it can to protect the anonymity of children involved in any report of sexual violence or sexual harassment. It will carefully consider, based on the nature of the report, which staff will be informed and what support will be in place for the children involved. When deciding on the steps to take, the organisation will consider the role of social media in potentially exposing victims' identities and facilitating the spread of rumours.

Risk assessment

The DSL or Deputy DSL will make an immediate risk and needs assessment any time there is a report of sexual violence. For reports of sexual harassment, a risk assessment will be considered on a case-by-case basis. Risk assessments are not intended to replace the detailed assessments of experts, and for incidents of sexual violence it is likely that a professional risk assessment by a social worker or sexual violence specialist will be required.

Risk assessments will consider:

- The victim.

- The alleged perpetrator.
- Other learners at the organisation, especially any actions that are appropriate to protect them.

Risk assessments will be recorded (either on paper or electronically) and kept under review in accordance with the organisation's Data Protection Policy.

Taking action following a disclosure

The DSL or Deputy DSL will decide the organisation's initial response, taking into consideration:

- The victim's wishes.
- The nature of the incident.
- The ages and developmental stages of the learners involved.
- Any power imbalance between the learners.
- Whether the incident is a one-off or part of a pattern.
- Any ongoing risks.
- Any related issues and the wider context, such as whether there are wider environmental factors in a learner's life that threaten their safety and/or welfare.
- The best interests of the learner.
- That sexual violence and sexual harassment are always unacceptable and will not be tolerated.

Immediate consideration will be given as to how to support the victim, alleged perpetrator and any other learner involved.

For reports of rape and assault by penetration, the alleged perpetrator will be removed from any classes shared with the victim whilst the organisation establishes the facts. The organisation will consider how to keep the victim and alleged perpetrator apart on the site's premises, and on transport where applicable. These actions will not be seen as a judgement of guilt on the alleged perpetrator.

For reports of sexual violence and sexual harassment, the proximity of the victim and alleged perpetrator and the suitability of shared classes, premises and transport will be considered immediately. In all cases, the initial report will be carefully evaluated and the wishes of the victim, nature of the allegations and requirement to protect all children will be taken into consideration.

Where a learner is found to have been involved in harmful sexual behaviour, e.g., non-consensual sharing indecent imagery of another learner, the school and college will help the learner to move forward from the incident by supporting them in adopting more positive behaviour patterns and attitudes.

Managing the report

The decision of when to inform the alleged perpetrator of a report will be made on a case-by-case basis. If a report is being referred to children's social care or the police, the organisation will speak to the relevant agency to discuss informing the alleged perpetrator.

There are four likely outcomes when managing reports of sexual violence or sexual harassment:

- Managing internally.
- Providing early help.
- Referring to children's social care.
- Reporting to the police.

Whatever outcome is chosen, it will be underpinned by the principle that sexual violence and sexual harassment are never acceptable and will not be tolerated. All concerns, discussions, decisions and reasons behind decisions will be recorded either on paper or electronically.

The following situations are statutorily clear and do not allow for contrary decisions:

- The age of consent is 16.
- A student under the age of 16 can never consent to sexual activity.
- Sexual intercourse without consent is always rape.
- Rape, assault by penetration and sexual assault are defined in law.
- Creating and sharing sexual photos and videos of children under 18 is illegal – including children making and sending images and videos of themselves.

Managing internally

In some cases, e.g., one-off incidents, the organisation may decide to handle the incident internally through behaviour and bullying policies and by providing pastoral support.

Providing early help

The organisation may decide that statutory interventions are not required, but that learners may benefit from early help – providing support as soon as a problem emerges. This approach can be particularly useful in addressing non-violent harmful sexual behaviour and may prevent the escalation of sexual violence.

Referral to children's social care

If a learner has been harmed, is at risk of harm or is in immediate danger, the organisation will make a referral to children's social care. Parents/carers will be informed unless there is a compelling reason not to do so (if referral will place the victim at risk). This decision will be made in consultation with children's social care.

The organisation will not wait for the outcome of an investigation before protecting the victim and other children.

The DSL will work closely with children's social care to ensure that the organisation's actions do not jeopardise any investigation. Any related risk assessment will be used to inform all decisions. If children's social care decide that a statutory investigation is not appropriate, the organisation will consider referring the incident again if they believe the learner to be in immediate danger or at risk of harm. If the organisation agrees with the decision made by children's social care, they will consider the use of other support mechanisms such as early help, pastoral support and specialist support.

Reporting to the police

Reports of rape, assault by penetration or sexual assault will be passed on to the police – even if the alleged perpetrator is under 10 years of age. Generally, this will be in parallel with referral to children's social care. The DSL and deputies will follow the local process for referral.

Parents/carers will be informed unless there is a compelling reason not to do so. Where parents/carers are not informed, it is essential for the organisation to support the learner with any decision they take, in unison with children's social care and any appropriate specialist agencies.

The DSL and board of advisors will agree what information will be disclosed to staff and others, in particular the alleged perpetrator and their parents/carers. They will also discuss the best way to protect the victim and their anonymity. The DSL will be aware of local arrangements and specialist units that investigate learner abuse.

In some cases, it may become clear that the police will not take further action, for whatever reason. In these circumstances, the organisation will continue to engage with specialist support for the victim as required.

Bail conditions

Learners against whom further action is taken by the police may be released under bail conditions or 'released under investigation' (RUI) in circumstances that do not warrant the application of bail. Where this occurs and the perpetrator returns to learning, the organisation's primary focus will be assessing the risk the perpetrator poses to the victim or other learners and staff at the organisation, both physically and in terms of trauma or emotional stress and implementing any mitigating measures necessary to reduce the harm caused.

The organisation will work with children's social care and the police to support the victim, alleged perpetrator and other learners (especially witnesses) during criminal investigations. The organisation will seek advice from the police to ensure they meet their safeguarding responsibilities.

The organisation will liaise with police investigators to develop a balanced set of arrangements whereby both the alleged perpetrator and the victim can continue to receive a suitable education without compromising any ongoing investigations or the emotional state of the victim.

Managing delays in the criminal justice system

The organisation will not wait for the outcome (or even the start) of criminal proceedings before protecting the victim, alleged perpetrator, and other children. The associated risk assessment will be used to inform any decisions made. The DSL will work closely with the police to ensure the organisation does not jeopardise any criminal proceedings, and to obtain help and support as necessary.

The end of the criminal process

Risk assessments will be updated if the alleged perpetrator receives a caution or is convicted. If the perpetrator remains in the same organisation as the victim, the organisation will set out clear expectations regarding the perpetrator, including their behaviour and any restrictions deemed reasonable and proportionate with regards to the perpetrator's timetable. The organisation will ensure that the victim and perpetrator remain protected from bullying and harassment (including online).

Where an alleged perpetrator is found not guilty or a case is classed as requiring "no further action", the organisation will offer support to the victim and alleged perpetrator for as long as is necessary. The victim is likely to be traumatised and the fact that an allegation cannot be substantiated does not necessarily mean that it was unfounded. The organisation will discuss decisions with the victim and offer support. The alleged perpetrator is also likely to require ongoing support, as they have also been through a difficult and upsetting experience.

The head of department will carefully consider, on a case-by-case basis, whether allowing the victim and the alleged perpetrator to share classes or attend the same activities is conducive to either party's effective education, and will implement alternative arrangements, in consultation with the DSL (and SENCO where the victim or alleged perpetrator has SEND), where necessary.

Ongoing support for the victim

Any decisions regarding safeguarding and supporting the victim will be made with the following considerations in mind:

- The terminology the organisation uses to describe the victim
- The age and developmental stage of the victim
- The needs and wishes of the victim
- Whether the victim wishes to continue in their normal routine
- The victim will not be made to feel ashamed about making a report

- What a proportionate response looks like.

Victims may not disclose the whole picture immediately and they may be more comfortable talking about the incident on a piecemeal basis; therefore, a dialogue will be kept open and the victim can choose to appoint a designated trusted adult.

Victims may struggle in a normal classroom environment. Whilst it is important not to isolate the victim, the victim may wish to be withdrawn from lessons and activities at times. This will only happen when the victim wants it to, not because it makes it easier to manage the situation. The organisation will provide a physical space for victims to withdraw to.

Victims may require support for a long period of time and the organisation will be prepared to offer long-term support in liaison with relevant agencies. Everything possible be done to prevent the victim from bullying and harassment because of any report they have made. If the victim is unable to remain in their learning environments, alternative arrangements will be considered – this will only be considered at the request of the victim and following discussion with their parents/carers. If the victim does move to another education provider, the DSL will inform the college of any ongoing support needs and transfer the learner protection file.

Ongoing support for the alleged perpetrator

Any decisions made regarding the support required for an alleged perpetrator will be made with the following considerations in mind:

- The terminology the organisation uses to describe the alleged perpetrator
- The balance of safeguarding the victim and providing the alleged perpetrator with education and support
- The reasons why the alleged perpetrator may have abused the victim – and the support necessary
- Their age and developmental stage
- What a proportionate response looks like
- Whether the behaviour is a symptom of their own abuse or exposure to abusive practices and/or materials
- What the outcome of the investigation was

When making a decision, advice will be taken from children's social care, specialist sexual violence services and the police as appropriate. If the alleged perpetrator moves to another college (for any reason), the DSL will inform the destination college of any ongoing support needs and transfer the learner protection file.

If the reported abuse is found to have taken place, organisation will work with professionals as required to understand why the abuse took place and provide a high level of support to help the learner understand and overcome the reasons for their behaviour and reduce the likelihood of them abusing again.

Disciplining the alleged perpetrator

Disciplinary action can be taken whilst investigations are ongoing and the fact that investigations are ongoing does not prevent the organisation reaching its own conclusion and imposing an appropriate penalty.

The organisation will make such decisions on a case-by-case basis, with the DSL taking a leading role. The organisation will take into consideration whether any action would prejudice an investigation and/or subsequent prosecution. The police and children's social care will be consulted where necessary. The organisation will also consider whether circumstances make it unreasonable or irrational for the organisation to make a decision about what happened while an investigation is considering the same facts.

Disciplinary action and support can take place at the same time. The organisation will be clear whether action taken is disciplinary, supportive or both.

Shared classes

Once the DSL has decided to progress a report, they will again consider whether the victim and alleged perpetrator will be separated in classes, on the site's premises – balancing the organisation's duty to educate against its duty to safeguard. The best interests of learner will always come first.

Where there is a criminal investigation into rape or assault by penetration, the alleged perpetrator will be removed from classes with the victim and potential contact on organisation premises and transport will be prevented.

Where a criminal investigation into rape or assault by penetration leads to a conviction or caution, in all but the most exceptional circumstances, this will constitute a serious breach of discipline and result in the view that allowing the perpetrator to remain in the organisation would harm the education or welfare of the victim and potentially other learners.

Where a criminal investigation into sexual assault leads to a conviction or caution, the organisation will consider suitable sanctions and permanent exclusion. If the perpetrator remains at the organisation, the company will keep the victim and perpetrator in separate classes and manage potential contact on sites premises. The nature of the conviction or caution, alongside the wishes of the victim, will inform any discussions made.

Where a report of sexual assault does not lead to a police investigation, this does not mean that the offence did not happen or that the victim has lied. Both the victim and alleged perpetrator will be affected, and appropriate support will be provided. Considerations regarding sharing classes and potential contact will be made on a case-by-case basis.

In all cases, the organisation will record its decisions and be able to justify them. The needs and wishes of the victim will always be at the heart of the process.

Working with parents

In most sexual violence cases, the organisation will work with the parents/carers of both the victim and alleged perpetrator where appropriate. For cases of sexual harassment, these decisions will be made on a case-by-case basis.

The organisation will meet the victim's parents/carers with the victim present to discuss the arrangements being put in place to safeguard the victim, and to understand their wishes in terms of support arrangements and the progression of the report.

The organisation will also meet with the parents/carers of the alleged perpetrator to discuss arrangements that will impact their learner, such as moving them out of classes with the victim.

Reasons behind decisions will be explained and the support being made available will be discussed. The DSL or a deputy will attend such meetings, with agencies invited as necessary.

Clear policies regarding how the organisation will handle reports of sexual violence and how victims and alleged perpetrators will be supported will be made available to parents/carers.

Safeguarding other children

Children who have witnessed sexual violence, especially rape and assault by penetration, will be provided with support. It is likely that children will "take sides" following a report, and the organisation will do everything in its power to protect the victim, alleged perpetrator and witnesses from bullying and harassment.

The organisation will keep in mind that contact may be made between the victim and alleged perpetrator, and that harassment from friends of both parties could take place via social media and will do everything in its power to prevent such activity.

As part of the organisation's risk assessment following a report, transport arrangements will be considered, as it is a potentially vulnerable place for both the victim and alleged perpetrator. The organisation will consider any additional support that can be put in place.

10. Monitoring and review

This policy is reviewed annually by the DSL and head of departments. Any changes made to this policy will be communicated to all members of staff. All members of staff are required to familiarise themselves with all processes and procedures outlined in this policy as part of their induction programme.

The next scheduled review date for this policy is January 2023.