

## Sexual Violence and Sexual Harassment Policy

**Created:** January 2023

**Review Date:** January 2024

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- **Introduction**

Sexual violence and sexual harassment can occur between two children of any age and sex. It can 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. As set out in Part one of Keeping children safe in education (KCSIE), all staff working with children are advised to maintain an attitude of '*it could happen here*'.

Addressing inappropriate behaviour at Myles Academy, (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.

Myles Academy will be aware of, and respond appropriately to all reports and concerns, including those outside the school, and or online. Myles Academy will always ensure:

- That there is a zero-tolerance approach to sexual violence and sexual harassment and it is never acceptable, and it will not be tolerated and it should never be passed off as “banter”, “just having a laugh”, “part of growing up” or “boys being boys”.
- All staff will challenge 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.
- Be aware that not recognising, acknowledging or understanding the scale of harassment and abuse and/or downplaying some behaviours related to abuse as it 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.
- Children who are lesbian, gay, bi, or trans (LGBT) can be targeted by their peers. In some cases, a child who is perceived by their peers to be LGBT (whether they are or not) can be just as vulnerable as children who identify as LGBT.
- That all the above can be driven by wider societal factors beyond the school, such as everyday sexist stereotypes and everyday sexist language. Therefore, a whole school approach (especially preventative education) as described is important.

Children with Special Educational Needs and Disabilities (SEND) are three times more likely to be abused than their peers. Additional barriers can sometimes exist when recognising abuse in SEND children. These can include:

- Assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child’s disability without further exploration.
- The potential for children with SEND being disproportionately impacted by behaviours such as bullying and harassment, without outwardly showing any signs.
- Communication barriers and difficulties overcoming these barriers.

Any reports of abuse involving children with SEND will therefore require close liaison with the designated safeguarding lead Tash Hughes or deputy Lucinda Grant. 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. But 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.

- **Sexual violence**

It is important that Myles Academy 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 policy, we do so in the context of child on child sexual violence. For the purpose of this policy, when referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003 as described below:

**Rape:** A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration and A does not reasonably believe that B consents.

**Assault by Penetration:** A person (A) commits an offence if: s/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents.

**Sexual Assault:** A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents. (Myles Academy staff 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. (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.

- a child under the age of 13 can never consent to any sexual activity;
- the age of consent is 16; 17
- sexual intercourse without consent is rape.

- **Sexual harassment**

For the purpose of this policy, 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 (Myles Academy staff 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) and displaying pictures, photos or drawings of a sexual nature; and

- Online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
- Consensual and non-consensual sharing of nude and semi-nude images and videos. As set out in UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people (which provides detailed advice for schools and colleges) taking and sharing nude photographs of U18s is a criminal offence.
- Sharing of unwanted explicit content.
- Upskirting (is a criminal offence).
- Sexualised online bullying.
- Unwanted sexual comments and messages, including, on social media.
- Sexual exploitation; coercion and threats.

At Myles Academy, we 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, 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. 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. For best safeguarding practice, the designated safeguarding lead (and their deputies) at Myles Academy will have a good understanding of HSB. This will 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 approach to safeguarding.

- **Statutory Duty**

Myles Academy have a statutory duty to safeguard and promote the welfare of the children at their school. As part of this duty, Myles Academy are required to have regard to guidance issued by the Secretary of State. All schools and colleges must have regard to Keeping children safe in education and Working Together to Safeguard Children. Furthermore, Myles Academy have a statutory duty to co-operate with safeguarding partnerships once designated as relevant agencies. Equally, safeguarding partners are expected to name schools and colleges as relevant agencies and engage with them in a meaningful way.

Through our other policies, such as the behaviour policy, there are measures in place to prevent all forms of bullying (including cyberbullying, prejudice-based and discriminatory bullying).

Myles Academy will consider the makeup of their own pupil and student body, including the sex and age range of its pupils and students, and whether additional support for children with protected characteristics (who are potentially at greater risk) is appropriate. The evidence shows that girls are more likely to be subject to sexual violence and sexual harassment than boys, and that boys are more likely to perpetrate such violence and harassment.

Myles Academy will do all that it can to foster healthy and respectful relationships between all pupils, including through Relationships Education, Relationships and Sex Education and Health Education. Myles Academy will ensure that our response to sexual violence and sexual harassment between children of the same sex is equally robust as it is for sexual violence and sexual harassment between children of the opposite sex.

Myles Academy is also required to comply with relevant requirements as set out in the Equality Act 2010 (the Equality Act).

- According to the Equality Act, Myles Academy must not unlawfully discriminate against pupils because of their sex, race, disability, religion or belief, gender reassignment, pregnancy, or sexual orientation (protected characteristics).
- Whilst all of the above protections are important, in the context of this advice Myles Academy will carefully consider how they are supporting their pupils and students with regard to their sex, sexuality and if appropriate gender identity.
- Provisions within the Equality Act allow Myles Academy to take positive action, where it can be shown that it is proportionate, to deal with particular disadvantages affecting one group. A school or college, could, for example, consider taking positive action to support girls if there was evidence they were being disproportionately subjected to sexual violence or sexual harassment.

- **Extra-familial harms**

All staff will be aware that safeguarding incidents and/or behaviours can be associated with factors outside the school and/or can occur between children outside of these environments. All staff, but especially the designated safeguarding lead (and deputy) should consider whether children are at risk of abuse or exploitation in situations outside their families.

Extra-familial harms take a variety of different forms and children can be vulnerable to multiple harms including (but not limited to), sexual exploitation, criminal exploitation, sexual abuse, serious youth violence and county lines.

All staff will be aware that technology is a significant component in many safeguarding and wellbeing issues. Children are at risk of abuse online as well as face to face. In many cases abuse will take place concurrently via online channels and in daily life. Children can also abuse their peers online, this can take the form of abusive, harassing, and misogynistic messages, the non-consensual sharing of indecent images, especially around chat groups, and the sharing of abusive images and pornography, to those who do not want to receive such content. In all cases, if staff are unsure, they should always speak to the designated safeguarding lead Tash Hughes, or Deputy Lucinda Grant.

- **Whole School Approach**

The best responses to child sexual violence and harassment are those which take a whole school approach to safeguarding and child protection. At Myles Academy, we involve everyone, including the proprietor, all the staff, children, adult students and parents and carers. Safeguarding and child protection is a recurrent theme running through all our policies and procedures. Ultimately, all Myles Academy's systems, processes and policies operate

with the best interests of the child at their heart.

The most effective preventative education programme will be through a whole school approach that prepares Myles Academy pupils for life in modern Britain. Myles Academy have a clear set of values, expectations and standards, and these will be upheld and demonstrated throughout all aspects of school life. This is underpinned by Myles Academy's behaviour policy and pastoral support system, and by a planned programme of evidence-based content delivered through the whole curriculum.

Myles Academy's programme has been developed to be age and stage of development appropriate (especially when considering SEND children and their cognitive understanding), and may tackle such issues as:

- Healthy and respectful relationships;
- What respectful behaviour looks like;
- Consent;
- Stereotyping, equality;
- Body confidence and self-esteem;
- Prejudiced behaviour;
- That sexual violence and sexual harassment is always wrong; and
- Addressing cultures of sexual harassment

This will be delivered as part of Myles Academy's PSHE programme, however it will also be focused on in specific lessons and assemblies.

Through this, Myles Academy aims to provide an open forum for pupils and staff to talk things through. Pupils will be made aware of the processes to raise their concerns or make a report and how any report will be handled. This will include processes when they have a concern about a friend or peer. All staff are aware of how to support children and how to manage a safeguarding report from a child.

- **Responding to reports of sexual violence and sexual harassment**

Schools and colleges not recognising, acknowledging or understanding the scale of harassment and abuse and/or downplaying some behaviours related to abuse 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. Myles Academy will ensure that systems are in place and they will 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. Preplanning, effective training and effective policies will provide Myles Academy with the foundation for a calm, considered and appropriate response to any reports. Sue Lau (Proprietor) and Tash Hughes (Headteacher) will ensure that Myles Academy contributes to multi-agency working in line with statutory guidance Working Together

to Safeguard Children.

This part of the policy does not attempt to provide (nor would it be possible to provide) detailed guidance on what to do in any or every particular case. The policy provides effective safeguarding practice and principles for Myles Academy to consider in their decision-making process. Ultimately, any decisions are for the Myles Academy to make on a case-by-case basis, with the designated safeguarding lead Tash Hughes (or a deputy) taking a leading role and using their professional judgement, supported by other agencies, such as children's social care and the police as required.

### **Responding to the report**

Staff taking a disclosure will 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. We do not consider ourselves to be experts in this area and it is vital that appropriate support is flagged up to the students and parents or organised by us for them.

The victim may ask us 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 it can be justified to be in the public interest, for example, to protect children from harm and to promote the welfare of children.

The DSLs will consider the following: •

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

The starting point is that reports should be passed to the police. Ultimately, the DSL will have to balance the victim's wishes against their duty to protect the victim and other children within the school setting. If we do decide to make a referral to children's social care and/or a report to the police against the victim's wishes, this will be handled extremely carefully, the reasons will in most cases be explained to the victim and appropriate specialist support offered.

KCSIE 2021 has the following guidance and safeguarding practice which Myles Academy will follow:

- *If possible, managing reports with two members of staff present, (preferably one of them being the designated safeguarding lead or a deputy). However, this might not always be possible;*
- *Where the report includes an online element, 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 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 or college 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 and colleges 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.*

Some situations are statutorily clear:

- A child under the age of 13 can never consent to any sexual activity
- The age of consent is 16
- Sexual intercourse without consent is rape
- Rape, assault by penetration and sexual assault are defined in law; and
- Creating and sharing sexual photos and videos of under-18s is illegal (often referred to as sexting). This includes children making and sharing sexual images and videos of themselves.

Myles Academy's basic safeguarding principle is: if a child has been harmed, is in

immediate danger, or is at risk of harm a referral should be made to children's social care. A social worker should respond to the referrer within one working day to explain what action they will be taking. We will usually inform parents that we are making a referral to children's social care (SPA); however, this too is on a case by case basis. It may be that we have assessed the situation and believe that a referral is needed without parental knowledge in order to safeguard students involved.

Once a referral is processed children's social care will consider if early help, section 17 and/or 47 statutory assessments are appropriate (see Keeping Children Safe in Education for an explanation of this process). We will support in an early help assessment, child protection enquiry, strategy discussion and child protection conference.

We will work closely with the police as rape, assault by penetration and sexual assaults are crimes. Where there is a report of a rape, assault by penetration or sexual assault, the starting point is it should be passed to the police who will advise and log according to their own guidelines. The DSL will liaise with our proprietor.

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 or college 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 Myles Academy 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.

- **Responding to reports of sexual violence and sexual harassment online**

We are aware that incidents of sexual violence and sexual harassment that occur online (either in isolation or in connection to offline incidents) can introduce a number of complex factors. These include the potential for the incident to take place across a number of social media platforms and services and for things to move from platform to platform online. It also includes the potential for the impact of the incident to extend further than our local community (e.g. for images or content to be shared around neighbouring schools/colleges) and for a victim (or alleged perpetrator) to become marginalised and excluded by both online and offline communities. There is also the strong potential for repeat victimisation in the future if abusive content continues to exist somewhere online. We will act in accordance with our Bullying policy if we are made aware that our students are using online platforms which in any way jeopardises the safety of other members of our school community.

Where the report includes an online element, 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.** In some cases, it may be more appropriate to confiscate any devices to preserve any evidence and hand them to the police for inspection.

- **Anonymity**

Where we are aware that an allegation of sexual violence or sexual harassment is progressing through the criminal justice system, we will be mindful of anonymity, witness support and the criminal process in general so that we can offer support and act appropriately. In addition we will endeavour to do all we can to reasonably protect the anonymity of any children involved in any report of sexual violence or sexual harassment.

We will carefully consider which staff in our school should know about the report and any support that will be in place for the children involved. We are however, mindful that if an investigation is ongoing it is not our place to offer guidance and support to the children and their families beyond what could reasonably be expected in regards to their education. We will also act in accordance with our Bullying policy when considering the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities.

- **Risk Assessment**

When there has been a report of sexual violence, the DSL will make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis.

The risk and needs assessment 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 or college, especially any actions that are appropriate to protect them from the alleged perpetrator(s), or from future harms.

The risk assessments will be recorded (electronic) and will be kept under regular review, reflecting any changes in circumstances. At all times, we will be actively considering the risks posed to all our pupils and put adequate measures in place to protect them and keep them safe during school hours. The DSLs will continue to liaise 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. Any such professional assessments will be used to inform our approach to supporting and protecting the pupils and updating our own risk assessment.

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

Myles Academy will carefully consider any report of sexual violence and/or sexual harassment. 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;
- The nature of the alleged incident(s), including: might a crime have been committed and consideration of harmful sexual behaviour;
- The ages of the students involved;
- The developmental stages of the students involved;
- Any power imbalance between the students (e.g. Is the alleged perpetrator significantly older);
- If the alleged incident is a one off or a sustained pattern of abuse (where this may be known);
- That sexual violence and sexual harassment can take place within intimate personal relationships between peers;
- Are there ongoing risks to the victim, other children, adult students or school or college staff; and; 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, Myles Academy will follow general safeguarding principles as set out throughout this policy. 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).

The starting point regarding any report should always be that there is a zero tolerance approach to sexual violence and sexual harassment at Myles Academy 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.

Where incidents and/or behaviours are associated with factors outside the school or occur between children outside the school, we will consider contextual safeguarding. This simply means assessments of children in such cases should consider whether wider environmental factors are present in a child’s life that are a threat to their safety and/or welfare.

- **Options to manage the report**

We will consider every report on a case-by-case basis as stated previously. When to inform the alleged perpetrator will be a decision that will 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, we will speak to the relevant agency and discuss next steps and how the alleged perpetrator will be informed of the allegations.

There are four likely scenarios we will need to consider when managing any reports of sexual violence and/or sexual harassment.

- **Manage internally**

In some cases of sexual harassment, for example, one-off incidents, Myles Academy 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 will be underpinned by the principle that there is a zero tolerance

approach to sexual violence and sexual harassment at Myles Academy and it is never acceptable and will not be tolerated.

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

- **Early help**

In line with A) above, the Myles Academy 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 the deputy) know what the Early Help process is and how and where to access support.

More information on Early Help is set out in Chapter one of Working Together to Safeguard Children.

Multi-agency early help will work best when placed alongside strong school or college 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: Myles Academy could manage internally and seek early help for both the victim and perpetrator(s).

Whatever the response, it will be under-pinned by the principle that there is zero tolerance approach to sexual violence and sexual harassment at Myles Academy and it is never acceptable and will not be tolerated.

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

- **Referrals to children's social care**

Where a child has been harmed, is at risk of harm, or is in immediate danger, Myles Academy will make a referral to local children's social care. At the point of referral to children's social care, Myles Academy 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, Myles Academy (especially the designated safeguarding lead or a deputy) will 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.

Myles Academy 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 or college 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 or college should be immediate.

In some cases, children's social care will review the evidence and decide a statutory intervention is not appropriate. Myles Academy (generally led by the designated

safeguarding lead or a deputy) will be prepared to refer again if we believe the child remains in immediate danger or at risk of harm.

If a statutory assessment is not appropriate, the designated safeguarding lead (or deputy) will consider other support mechanisms such as early help, specialist support and pastoral support.

Whatever the response, it will be under-pinned by the principle that there is a zero tolerance approach to sexual violence and sexual harassment at Myles Academy 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 deputy) 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.

Where a report has been made to the police, Myles Academy will consult with 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, Myles Academy 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 Myles Academy 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. 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 Myles Academy 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 or college take do not jeopardise the police investigation.

If Myles Academy 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 will be under-pinned by the principle that there is a zero tolerance approach to sexual violence and sexual harassment at Myles Academy 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, Myles Academy will need to consider what additional measures may be necessary to manage any assessed risk of harm that may arise within our school.

Particular regard will be given to:

- The additional stress and trauma that might be caused to a victim within the school;
- 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. Myles Academy will 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 or college. The risk assessment as per paragraph will help inform any decision.

- **The end of the criminal process**

If a child is convicted or receives a caution for a sexual offence, the Myles Academy will update its risk assessment, ensure relevant protections are in place for all the children at the school or college and, if it has not already, consider any suitable action in line with our behaviour policy. This process will include a review of the necessary actions to keep all parties safe and meet their needs. If the perpetrator remains in school we will be very clear as to our expectations regarding the perpetrator now they have been convicted or cautioned. This could include expectations regarding their behaviour and any restrictions we think are reasonable and proportionate with regard to the perpetrator's timetable and movement around the school. Our risk assessment will continue to be revisited and revised where necessary. Any conviction (even with legal anonymity reporting restrictions) is potentially going to generate interest among other pupils or students at Myles Academy. It will be important that we 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, Myles Academy will 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. Myles Academy will 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**

As set out previously in this policy, all concerns, discussions and decisions made, and the reasons for those decisions, should be recorded in writing on a Record of Concern Form. 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, Myles Academy will consider whether any disciplinary action is appropriate against the individual who made it as per our behaviour policy.

- **Ongoing response**

**Safeguarding and supporting the victim**

We will:

- Consider the age and the developmental stage of the victim, the nature of the allegations and the potential risk of further abuse.
- Make certain the needs and wishes of the victim are paramount (along with protecting the student) 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 their school is a safe space for them.
- Make certain the victim is not 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.
- Will look to provide a physical space for victims to withdraw and avoid any action that would have the effect of isolating the victim, in particular from supportive peer groups
- It may be necessary for us to maintain arrangements to protect and support the victim for a long time. We will do our best to continue to support this need and will continue to work with children's social care and other agencies as required.
- Aim to do all we can to reasonably protect the victim from bullying and harassment as a result of any report they have made in accordance with our Bullying Policy.
- Myles Academy 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 113 (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.
- Give all the necessary support for the victim to remain in school, but if the trauma results in the victim being unable to do this, alternative provision or a move to another school or college 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).
- 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, Myles Academy will ask the victim if they would find it helpful to have a designated trusted adult (for example, their key worker 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). Myles Academy will respect and support this choice.

- A victim of sexual violence is likely to be traumatised and, in some cases, may struggle in a normal classroom environment. While Myles Academy will try to 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, Myles Academy will provide a physical space for victims to withdraw.
- It may be necessary for Myles Academy to maintain arrangements to protect and support the victim for a long time. Myles Academy will be prepared for this and will 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.
- Myles Academy will do everything they reasonably can to protect the victim from bullying and harassment as a result of any report they have made.
- 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.

### **Victim and alleged perpetrator sharing classes**

Once we have decided what the next steps will be in terms of progressing the report, we will consider again the question of the victim and alleged perpetrator sharing classes and sharing space at school. This will inevitably involve complex and difficult professional decisions, including considering our duty to safeguard children and our duty to educate them. It is important each report is considered on a case-by-case basis and risk assessments are updated as appropriate.

Where there is a criminal investigation into a rape, assault by penetration or sexual assault, the alleged perpetrator should be removed from any classes they share with the victim. Myles Academy will also consider how best to keep the victim and alleged perpetrator a reasonable distance apart on school premises 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; close liaison with the police is essential.

DFE guidance states that 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 to remain in the same school would seriously harm the education or welfare of the victim (and potentially other pupils). 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 our behaviour policy, including consideration of permanent exclusion. Where the perpetrator is going to remain at the school, the principle would be to continue keeping the victim and perpetrator in separate classes and continue to consider the most appropriate way to manage potential contact on 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. 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.

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, Myles Academy will 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**

Myles Academy will need to consider the following:

- On the one hand to safeguard the victim (and the wider student body) and on the other hand providing the alleged perpetrator with an education, safeguarding support as appropriate and implementing any disciplinary sanctions.
- Consider the age and the developmental stage of the alleged perpetrator and nature of the 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. Advice will be taken, as appropriate, from children's social care, specialist sexual violence services and the police.
- If it is the case that the alleged perpetrator is moved to another educational institution (for any reason), then we will ensure that the new educational institution is made aware of any ongoing support needs.

- **Discipline and the alleged perpetrator**

With regard to the alleged perpetrator, we will act in accordance with our behaviour policy and discipline pupils whose conduct falls below the standard which could be reasonably expected of them. It must be stated again though, that the outcome and possible disciplinary action will be decided on a case-by-case basis.

Disciplinary action can be taken whilst other investigations by the police and/or 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 however, a matter for the school and should be carefully considered on a case-by-case basis. Myles Academy consider if, by taking any action, they would prejudice an investigation and/or any subsequent prosecution. Careful liaison with the police and/or children's social care should help us as a 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 their own view about what happened while an independent investigation is considering the same facts. Taking disciplinary action and still providing appropriate support are not mutually exclusive actions. They can, and should, occur at the same time if necessary.

On the one hand there is preventative or forward-looking action to safeguard the victim and/or the perpetrator, especially where there are concerns that the 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 will be clear during the process 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**

Myles Academy 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 proportional 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. We will 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, children's social care and/or the police will have a very clear view and it will be important for the school to work with relevant agencies to ensure a consistent approach is taken to information sharing. It should be the case that the school will 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 likely we will meet with the alleged perpetrator's parents or carers to discuss any arrangements that are being put into place that impact the 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 will be explained. Support for the alleged perpetrator will be discussed. Consideration to the attendance of other agencies will be considered on a case-by-case basis.

We understand that parents and carers may well struggle to cope with a report that their child has been the victim of an assault or is alleged to have assaulted another child. Details of organisations that support parents can be found with the DSL.

- **Safeguarding other children**

Consideration should be given to supporting children 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. We will signpost agencies and support services available where need.

Following any report of sexual violence or sexual harassment, it is likely that some children will take "sides". The school will do all we can to ensure both the victim and alleged perpetrator, 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 and a very high likelihood that friends from either side could well harass the victim or alleged perpetrator online. Any evidence we have of students using social media inappropriately will be sanctioned according to our Behaviour and Bullying policies.

- **What we do in school to educate our children against harmful sexual behaviours**

We have a planned programme of evidence-based content delivered through the curriculum and assemblies. Our programme is developed to be age and stage of development appropriate, and tackles such issues as:

- Healthy and respectful relationships, including information on consent;
- What respectful behaviour looks like;
- Gender roles, stereotyping, equality;
- Body confidence and self-esteem;
- Prejudiced behaviour;
- That sexual violence and sexual harassment is always wrong; and
- Addressing cultures of sexual harassment.

We will also invite organisations and speakers in to deliver information sessions to our students and parents. We aim to have information regarding sexual assault and violence on

the safeguarding pages of our website which we update regularly according to lessons learned. We ensure DSLs have appropriate and regularly updated training and all staff are trained to recognise signs of safety and harmful sexual behaviours.

### **Annex 1 – Useful Documents**

**KCSIE September 2021 - [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/999348/Keeping\\_children\\_safe\\_in\\_education\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/999348/Keeping_children_safe_in_education_2021.pdf)**

**Sexual violence and sexual harassment between children in schools and colleges Advice for governing bodies, proprietors, headteachers, principals, senior leadership teams and designated safeguarding leads September 2021 -[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/999239/SVSH\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/999239/SVSH_2021.pdf)**

### **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.

### **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 for parents/carers**

**NCA CEOP Thinkuknow advice for parents:** - Advice/resources on how to approach and deal with concerns about what children may be doing online including advice about how to help challenge harmful sexual attitudes and how to start a conversation to support positive sexual behaviour

**Childnet:** Advice for parents and carers to keep children safe online - Advice and resources to help parents and carers keep children safe online. • How Can I Help My Child? - Marie Collins Foundation – Sexual Abuse Online

**Parentsafe** - London Grid for Learning - Detailed advice/resources covering various issues such as online safety, apps, and how to report concerns.

**Parentzone** - Provides expert information and resources to help make the internet work for families.