

## Dealing with Sexual Bullying, Harassment and Violence

### April 2021 update

In response to the Government's request to Ofsted to begin an immediate investigation into the prevalence of incidents of sexual bullying, harassment and violence in schools and the actions taken by them when this occurs, I would ask you to read through this document, which containing all of our Child Protection Policy guidelines relating to this subject. This guide provides background information to the issue and the actions you should take if you have any concerns, no matter how small, to any incident that might be of this nature.

### Sexual Violence and Sexual Harassment between Children/Peer on peer abuse

All staff should be aware that safeguarding issues can manifest themselves via peer on peer abuse. This is most likely to include, but may not be limited to:

- bullying (including cyberbullying);
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;
- sexual violence and sexual harassment;
- sexting (also known as youth produced sexual imagery); and
- initiation/hazing type violence and rituals.

All staff should be clear as to the trust's child protection policy and procedures with regards to peer on peer abuse (see page 3 of this document). Refer **any** concerns to the DSP or a senior leader.

### If you suspect a pupil is at risk

***If you have any concerns about a child's welfare you should act on them immediately.***

There will be occasions when you suspect that a pupil may be at risk, but you have no 'real' evidence. The pupil's behaviour may have changed, their artwork could be bizarre, they may write stories or poetry that reveal confusion or distress, or you may have noticed physical but inconclusive signs. In these circumstances, you should try to give the pupil the opportunity to talk. The signs you have noticed may be due to a variety of factors, for example, a parent/carer has moved out, a pet has died, a grandparent is very ill. It is fine to ask the pupil if they are OK or if you can help in any way.

***Complete a CPOMS report or a paper copy of the Welfare Concern Form (Appendix A3) to record these early concerns. A copy of this form can be obtained from your Academy's reception, the reprographics area or the safeguarding area of the trust website.***

If the pupil does begin to reveal that they are being harmed, you should follow the advice in the section "Responding to Disclosure" (Section A10 – see next page)

### **Managing a Report- how to respond to a Disclosure**

Disclosures or reports may be received from students, parents/carers, or other members of the public. Hatton Academies Trust recognises that those who disclose such information may do so with difficulty, having chosen carefully to whom they will speak. They are most likely to disclose to someone they trust. This could be anyone in the academy. Be supportive and respectful to the child. Accordingly, all staff will handle disclosures with sensitivity.

#### **If a pupil discloses abuse of any kind**

It takes a lot of courage for a child to disclose that they are being abused by an adult or suffering from peer on peer abuse. They may feel ashamed, particularly if the abuse is sexual, their abuser may have threatened what will happen if they tell, they may have lost all trust in adults, or they may believe, or have been told, that the abuse is their own fault.

If a pupil talks to you about any risks to their safety or wellbeing you will need to let them know that you must pass the information on – you are not allowed to keep secrets. The point at which you do this is a matter for professional judgement. If you jump in immediately the pupil may think that you do not want to listen, if you leave it till the very end of the conversation, the pupil may feel that you have misled them into revealing more than they would have otherwise.

#### **Immediate response to the child**

It is vital that any staff actions do not abuse the child further or prejudice further enquiries, for example:

- listen to the pupil, if you are shocked by what is being said try not to show it; it is acceptable to observe bruises but not to ask a child to remove or adjust their clothing to observe them
- if a disclosure is made, the pace should be dictated by the pupil without their being pressed for detail by being asked such questions as “what did they do next?” or “where did they touch you?”. The staff role is to listen not to investigate. Staff must use open questions such as “is there anything else you want to tell me?” or “yes?” or “and?”
- accept what the pupil says. Be careful not to burden them with guilt by asking questions such as “why didn’t you tell me before?”
- do acknowledge how hard it was for them to tell you this
- don’t criticise the perpetrator, this may be someone they love
- **don’t promise confidentiality**, reassure the pupil that they have done the right thing, explain whom you will have to tell (the designated teacher) and why. It is important that you don’t make promises that you cannot keep such as “I’ll stay with you all the time” or “it will be alright now”.

#### **During your conversation with the pupil:**

- Allow them to speak freely
- Remain calm and do not over react – the pupil may stop talking if they feel they are upsetting you

- Give reassuring nods or words of comfort – ‘I’m so sorry this has happened’, ‘I want to help’, ‘This isn’t your fault’, ‘You are doing the right thing in talking to me’
- Do not be afraid of silences – remember how hard this must be for the pupil
- Under no circumstances ask investigative questions – such as how many times this has happened, whether it happens to siblings too, or what does the pupil’s mother think about all this
- At an appropriate time tell the pupil that in order to help them you must pass the information on
- Do not automatically offer any physical touch as comfort. It may be anything but comforting to a child who has been abused
- Avoid admonishing the child for not disclosing earlier. Saying ‘I do wish you had told me about this when it started’ or ‘I can’t believe what I’m hearing’ may be your way of being supportive but the child may interpret it that they have done something wrong
- Tell the pupil what will happen next. The pupil may agree to go with you to see the designated person. Otherwise let them know that someone will come to see them before the end of the day
- Report verbally to the Senior Designated Person
- Complete a report on CPOMs or write up your conversation as soon as possible on the Academy Welfare form and hand it to the Senior Designated Person
- Seek support if you feel distressed

***The Trust Welfare Concern Form can be obtained from the main reception, staff reprographics area or the trust website, or use CPOMs.***

If you are a witness to events related to a child protection concern, please record your information on the Trust’s **Witness Statement Form (Appendix A7)**. **A copy of this is available from your Academy’s main reception, reprographics or trust website.**

### **Recording Information**

Staff should:

- make some brief notes at the time or immediately afterwards using the Trust pro-forma (Appendix A3) or CPOMs: record the date, time, place and context of the disclosure or concern, recording facts and not assumption and interpretation. Notes must be signed and dated and handed to the Designated Senior Person (DSP) or the Principal.
- observed injuries and bruises are to be recorded on the Body Map (Appendix A6);
- note the non-verbal behaviour and the key words in the language used by the pupil (do not translate into “proper terms”)
- keep these original notes, sign and date them and pass them to the DSP

- The Academy will follow up all referrals to Social Services within 24 hours in writing

### Dealing with peer on peer abuse

Where allegations of peer abuse occur within their academy, the **Principal** should:

- Work closely with the DSP and pastoral team
- Keep the involved children separate throughout the school day to avoid collusion or intimidation;
- Not talk to the children about the incident to avoid distorting the evidence, other than initially establishing what is alleged to have taken place;
- Keep a log of actions, discussions and decisions
- Contact parents/carers of involved children in light of the information sharing protocol and request that, pending the interview with Children's social care, they should not discuss the allegation in depth with the child
- If the situation warrants it (for example possible press coverage), sending a letter to all parents/carers of children in the Academy, giving appropriate information about the situation. Seek advice from CYPS on the letter content.

If the assessment concludes that the allegations made can be substantiated, the children should not necessarily be expected to continue their education in contact with each other. The children responsible for the abuse should be moved if necessary. The views and wishes of the children who have been abused and their parents should be appropriately considered in the decision-making.

Victims of peer on peer abuse will be supported by the Academy pastoral system and external agencies as required.

In order to minimise the risk of peer on peer abuse each academy should:

- Provide a developmentally appropriate PSHE curriculum which develops students understanding of acceptable behaviour and keeping themselves safe
- Have systems in place for any student to raise concerns with staff, knowing that they will be listened to, believed and valued
- Develop robust risk assessments where appropriate
- Have relevant policies in place (e.g. Behaviour Policy)
- Refer to DfE Guidance document, '[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](#)' (May 2018)
- Consider calling the police where a crime might have been committed. Where a report of rape, assault by penetration or sexual assault is made, the starting principle is that this should be referred on to the police. Whilst the age of criminal responsibility is ten, if the alleged perpetrator is under ten, the starting principle of reporting to the police remains. The police will take a welfare, rather than a criminal justice approach in these cases.

## **Further information for all HAT employees regarding sexual bullying, harassment and violence between children/peer on peer abuse**

### **Sexual abuse**

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, including prostitution, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative (for example, rape, buggery, or oral sex) or non-penetrative acts. They may include non-contact activities, such as involving children in looking at, or watching sexual activities, or encouraging children to behave in sexually inappropriate ways.

### **Possible signs of Sexual Abuse**

- Bruises, scratches or bite marks on the body
- Scratches, abrasions or persistent infections in the anal or genital regions
- Pregnancy
- Sexual awareness inappropriate to the child's age – possibly shown in drawings, vocabulary, games, etc.
- Frequent public masturbation
- Attempts to teach other children about sexual activity
- Refusing to stay with certain people or go to certain places
- Aggressiveness, anger, anxiety, tearfulness
- Withdrawal from friends

### **Possible signs in older children**

- Promiscuity, prostitution, provocative sexual behaviour
- Self-injury, self-destructive behaviour, suicide attempts
- Eating disorders
- Over-compliant behaviour
- Unexplained gifts of money
- Changes in behaviour
- Tiredness, lethargy, listlessness
- Sleep disturbances
- Depression.

Peer on peer abuse is when a child might have been abused by another child. This can be any age and sex and can take many forms. There is no clear boundary between incidents that should be regarded as abusive and incidents that are more properly dealt with as bullying, physical abuse, sexual experimentation, sexting etc. This is a matter for professional judgement. Advice should be sought from the Academy DSP if you are unsure.

If one child or young person causes harm to another, this should not necessarily be dealt with as abuse: bullying, fighting, and harassment between children are not generally seen as child protection issues. However, any concern must be referred to the DSP if:

- There is a large difference in power, for example, age, size, ability, development between the young people; or
- The perpetrator has repeatedly tried to harm one or more other children; or
- There are concerns about the intention of the alleged perpetrator.

If the evidence suggests that there was an intention to cause severe harm to the victim, this should be regarded as abusive whether or not severe harm was actually caused. Staff should seek advice when necessary and should never tolerate abusive behaviour between children or pass matters off as “banter” or “part of growing up”.

### **Bullying**

Bullying is unwarranted, aggressive and inappropriate behaviour among children that involves either a real or perceived power imbalance. The behaviour is repeated, or has the potential to be repeated over time. Both young people who are bullied and who bully others may have serious, lasting problems. Bullying includes actions such as making threats, spreading rumours, attacking someone physically or verbally or based on their appearance or other characteristics, e.g. size, hair colour, gender, sexual orientation, religion, appearance and deliberately excluding someone from a group.

### **Sexually Harmful Behaviour / Sexual Abuse**

Sexually harmful behaviour includes incidents of inappropriate sexual language, touching, sexual assault, sexual violence and sexual harassment and inappropriate role play. This form of behaviour is not always contrived or with the intent to harm others. There may be many reasons why a young person engages in sexually harmful behaviour and it may be just as distressing to the perpetrator as it is for the victim.

Sexual harassment can include sexual comments (e.g. telling sexual stories, making lewd comments, making sexual remarks about clothes or appearance or calling someone sexualised names), sexual jokes or taunting, physical behaviour (e.g. brushing up against someone, displaying pictures photos or drawings of a sexual nature), online sexual harassment (Sexting).

Children with SEND and deaf children are 3 times more likely to be abused than their peers and their vulnerability should be protected and supported to the fullest extent.

### **Teenage Relationship Abuse**

Teenage relationship abuse is defined as a pattern of actual or threatened acts of physical, sexual and/or emotional abuse, perpetrated by an adolescent (between the ages of 13 and 18) against a

current or former partner. Abuse may include insults, coercion, social sabotage, sexual harassment, threats and/or acts of physical or sexual abuse. The abusive teen uses this pattern of violent and coercive behaviour, in a heterosexual or same gender relationship, in order to gain power and maintain control over a partner.

### **Cyber-bullying**

Cyberbullying is the use of phones, instant messaging, e-mail, chat-rooms or social networking sites such as Facebook and Twitter to harass, threaten or intimidate.

Staff should understand that cyber-bullying is a criminal act under the Malicious Communications Act 1988 which states that electronic communications that are indecent or grossly offensive, convey a threat or false information or demonstrate that there is an intention to cause distress or anxiety to a victim would be a criminal offence. This is also supported by the Communications Act 2003, section 127, which states that electronic communications which are grossly offensive or indecent, obscene or menacing, or false, used for the purpose of causing annoyance, inconvenience, or needless anxiety to another could be deemed to be criminal behaviour.

If the behaviour involves the use of, taking or distributing indecent images of young people under the age of 18, this is also a criminal offence under the Sexual offences Act 2003. Over and above the immediate support that young people may require in these instances, the Academy must involve the Police to investigate these situations.

### **Sexting**

Sexting occurs when someone sends or receives a sexually explicit text, image or video. This includes sending nude pictures, rude pictures or nude selfies. Pressuring someone into sending a nude picture can happen in any relationship and to anyone, whatever their age, gender or sexual preference. Once the image is taken and sent, the sender loses all control of the image and these images could end up anywhere. By having in their possession or distributing indecent images of a person under 18, young people may be committing offences under the Sexual Offences Act 2003.

### **Upskirting**

Upskirting general involves taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm. It is now a criminal offence.

### **Initiation / Hazing**

Hazing is a form of initiation ceremony which may be used to induct newcomers into a sports team, group or gang. Forms of initiation/hazing can vary from relatively mild rituals to severe and violent ceremonies. This practice is intended to create a bond between the newcomer and the existing members and is often deemed a rite of passage. Rituals often involve some form of humiliation, embarrassment, abuse or harassment.