

# Responding to Harmful Behaviours policy

Saffron Walden County High School



This policy reflects our current practice and is now recorded as a separate policy, pending final approval from the LGB.

**Date adopted or ratified:** April 2021

**Last reviewed on:**

**Next review due by:**

## Responding to Harmful Sexual Behaviours

The policy is based on the guidance from the Department of Education issued in 2018.

Saffron Walden County High School is determined to provide a safe and nurturing environment for all students. Our PSHE programme promotes healthy and respectful relationships, and our school code of conduct includes expectations around respectful communication and treatment of others.

It is normal for some children and young people to display sexualised behaviour towards their peers as they develop. However, sexualised behaviour between peers that has become harmful or abusive is unacceptable and must be addressed.

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

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

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

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

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

This policy sets out how we work to prevent harmful sexual behaviours emerging and impacting on others and how we respond, should an incident occur.

## 1. Prevention

Education to help students understand what constitutes a healthy and respectful sexual relationship is a central part of our PSHE programme. Consent is a theme that runs throughout this work from Year 7 to Year 13. The programme is delivered by a small team within school, and we also use external agencies. Our Relationships and Sex Education includes:

- healthy and respectful relationships
- what respectful behaviour looks like
- consent
- gender roles, stereotyping, equality
- body confidence and self-esteem
- prejudiced behaviour
- what constitutes harmful sexual behaviour and that such behaviour is never acceptable
- that they must tell a trusted adult if someone is behaving in a way that makes them feel uncomfortable – and must tell a trusted adult if they witness such behaviour towards others
- that sexual violence and sexual harassment is always wrong
- how to raise and report any concerns

In 2019, we took the decision to increase the time given to PSHE in our curriculum. PSHE is taught by a small specialist team in years 7,8 and 9. In years 10, 11, 12 and 13 PSHE is delivered by the tutor team and a number of specialist workshops, led by professionals, are also put on through the school year.

We acknowledge the importance of early intervention and additional education work when there are signs of harmful sexual behaviours emerging. The NSPCC guidance emphasises the power of such interventions and that harmful sexual behaviours in the teenage years can be tackled extremely successfully. Some young people need additional education and support to develop the approaches and values that will allow them to have healthy and respectful relationships.

Our PSHE programme includes the importance of reporting low level incidents. This will help us to ensure early intervention is in place and help to stop harmful cultures and behaviours developing in school.

## 2. Parents and carers

It is important that parents and carers understand what is meant by harmful sexual behaviour and reinforce key messages from school at home. We work in partnership with parents to support our pupils and want to help them keep their child/ren safe. Parents and carers should understand:

- the nature of harmful sexual behaviour
- the effects of harmful sexual behaviour
- the likely indicators that such behaviour may be taking place
- what to do if it is suspected that peer on peer sexual abuse has occurred

Further information to support parents and carers in relation to harmful sexual behaviour is available online, including on the [NSPCC](#) and [Lucy Faithfull Foundation](#) websites.

### **3. Responding to incidents**

Definitions:

- a) Sexual violence includes:
- Rape
  - Assault by penetration
  - Sexual assault - intentionally touching another person in a way that is sexual.

- b) Sexual harassment is defined by the DfE guidance as:

‘unwanted conduct of a sexual nature’ that can occur online and offline. 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.

- c) Sexting in this policy refers to the sharing of nude or semi -nude images electronically where one or both parties is under 18.

The current DfE guidance distinguishes between

- aggravated sexting (any of: pressure to share images, power imbalance, age imbalance, intent to harm, shared without consent, adult involvement)
- experimental sexting (mutually consensual with no power/age imbalance)

- d) Upskirting, which typically 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.

- e) Victim – in this policy the word victim is used for those disclosing an incident. We acknowledge that some individuals disclosing incidents do not wish to be seen as victims. Whilst this word will be used in this policy as it is one commonly found in the guidance we receive, we would always seek to listen to each individual around how they wish to be described.

### **4. Our Staff**

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

Importantly, the training also ensures that our staff know what to do if they receive a report that harmful sexual behaviour may have occurred, including how to support those reporting incidents.

### **5. Responding to an initial disclosure**

All staff complete annual Safeguarding Training and this includes how to take a disclosure. They know how difficult it is for someone to disclose an incident. They know it is essential that victims are reassured and that they know are being taken seriously. Our training ensures that all staff in school know that all such incidents must be reported to the Safeguarding Team.

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

Our safeguarding and pastoral teams will ensure the individual is supported and that all safeguarding procedures are followed.

The Designated Safeguarding Lead would always take charge of investigating and determining our response to such incidents.

We will explain next steps to the student so they understand what will happen, including who will be informed. Where the student already has Social Care involvement, such as a Looked After Child, a Child In Need or a child with a Child Protection Plan, we will inform the child's Social Worker and work in partnership with them as appropriate.

Whilst all incidents are judged on a case-by-case basis and decisions are made in consultation with external agencies, what follows sets out likely approaches.

## **6. Recording**

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

Any member of staff receiving a disclosure of harmful sexual behaviour or noticing signs or indicators of this, will record it as soon as possible, noting what was said or seen (if appropriate, using a body map to record), giving the date, time and location. The facts will be recorded as the student presents them.

The record will then be presented to the Designated Safeguarding Lead (or Deputy), who will decide on appropriate action and record this accordingly.

If a student is at immediate risk of harm, staff will speak with the Designated Safeguarding Lead or Deputy first, and deal with recording as soon as possible afterwards.

All related concerns, discussions, decisions, and reasons for decisions will be dated and signed and will include the action taken.

## **7. Responding to incidents that take place in school**

Our Behaviour Policy includes as **Serious Misbehaviour**:

- Racist, sexist, homophobic, trans-gender phobic, or any other discriminatory behaviour
- Sexual assault, which is any unwanted sexual behaviour that causes humiliation, pain, fear or intimidation.

### **7.1 Responding to lower-level harmful sexual behaviours**

**All harmful sexual behaviour is unacceptable** and will always be addressed as a serious matter.

The age of the student will be taken into consideration in line with the NSPCC guidance.

A first offence of inappropriate language that would qualify as harassment or a first offence of a harmful sexual behaviour/sexual violence at a lower level such a **first offence** of a short inappropriate touch **above clothing**, would usually be dealt with:

- a. Making a report to any relevant external agency
- b. Communicate with parents of the victim and perpetrator (unless this would put either at risk of harm).
- c. Sanctioned using isolation or a fixed term exclusion, combined with an educational intervention.
- d. The Safeguarding lead would determine if a Risk Assessment Management Plan was required.

## **7.2 Repeated lower-level harmful sexual behaviours**

Where behaviours of this nature are repeated, we would:

- 1) Refer the students' behaviour to external agencies, including the police and seek advice from external safeguarding as to appropriate additional interventions for that perpetrator.
- 2) Sanction the individual at a higher level, including the potential for permanent exclusion.
- 3) Support and advise the parents of the perpetrator to help ensure behaviour change occurs.
- 4) Complete a Risk Assessment Management Plan (reviewed at least once every 3 months).
- 5) Put a contract in place to ensure that the perpetrator and victim(s) were kept apart which would last until at least the end of that stage of their education (Key Stage 3, Key Stage 4 or Sixth Form)

## **7.3 Incidents of Sexual Violence in school**

Where a student discloses an incident of sexual violence that has taken place in school, the school will always:

- 1) Refer the incident to the police and to the Essex Social Care Team
- 2) Investigate the incident (in accordance with any police guidance)
- 3) Inform parents of both the victim and the perpetrator (unless the police investigation prohibits this or unless this puts them at risk of harm).
- 4) Complete a Risk Assessment Management Plan

Our Safeguarding team would then look at what extra support each individual might need at this time (including the alleged perpetrator). This might include:

- a) Counselling
- b) Accessing support from the Pastoral Hub
- c) Having a designated person on the pastoral team who they can approach at any time for additional support.

The usual sanction for an incident of sexual violence in school would be a permanent exclusion (the exception would be for the lowest levels of sexual assault above clothing –see 2.3.1).

The relevant section of the Exclusions Policy is that exclusions will be used for:

- *Actions causing gross offence to staff and/or pupils, such that continued membership of the school community would be intolerable.*

- *Violence to other pupils that impacts significantly on their welfare or is persistent.*

## **8. Incidents that take place outside of school**

### **8.1 Investigating incidents that take place outside of school.**

We do not have jurisdiction to investigate incidents that take place outside of school. These incidents can only be investigated by the police.

### **8.2 Response to incidents that occurred outside of school.**

Where these incidents are disclosed in school we would always listen non judgementally to the student and reassure.

We would then:

- a) Inform parents of the victim (unless this would put them at risk of harm).
- b) Support the student/family to take the incident to the police and follow any advice given to the school by the police.
- c) Inform the parents of the alleged perpetrator (unless this would put them at risk of harm or unless this had been prohibited by the police).
- d) Refer the incident to Social Care and follow all advice given.
- e) Complete a Risk Assessment Management Plan
- f) Provide support for both the victim and the alleged perpetrator (in line with the DfE guidance) and acknowledge the pressures and challenges that each will face under such circumstances. This might include:
  - a. Counselling
  - b. Accessing support from the Pastoral Hub
  - c. Having a designated person on the pastoral team who they can approach at any time for additional support.

### **8.3 Additional actions that would be taken to safeguard individuals following incidents outside of school (In line with the guidance from the DfE)**

#### **8.3.1 Following reports of rape and assault by penetration:**

- The alleged perpetrator would be removed from any classes they share with the victim. This is not an acknowledgement of the guilt of the perpetrator as the school is not in a position to determine guilt or innocence in such incidents (this is in line with the DfE guidance).
- The school would also make a plan to keep the victim and alleged perpetrator a reasonable distance apart on school premises and on transport to and from school and ensure that they were not on the same trips etc.
- A contract would be drawn up and signed so that the expectations are clear and both parties are kept apart.
- The wishes of the victim would be heard and, where possible, influence decision making, and they would be kept informed.

Should the police/Crown Prosecution Service inform the school that there are grounds for a trial/caution then the school would work with the family of the alleged perpetrator to organise a move to another school. The receiving school would be informed of the alleged actions so that further education and support could be put in place and so that the new school community could be appropriately safeguarded.

Should any student be found guilty/accept a caution for an offence of this nature against a member of our school community, the school would move to Permanently Exclude under the Exclusion Policy as this would be evidence of an:

*Action causing gross offence to staff and/or pupils, such that continued membership of the school community would be intolerable (Saffron Walden County High School Exclusions Policy).*

It is often the case that the police/Crown Prosecution Service will decide not to move to charge an individual or to caution them. This does not mean the incident did not happen. The school will continue to educate and support both the individual reporting the incident and the alleged perpetrator. Contracts will continue to be in place to keep such individuals apart during lessons and activities in school and that will remain the case **until at least the end of that phase of their education (Key Stage 3, Key Stage 4, Sixth Form)**. This is not a comment on the guilt of the alleged perpetrator as the school is not in a position to determine guilt or innocence in such cases. Both parties might have restrictions placed on things such as which trips could be accessed to ensure separation and sanctions (including permanent exclusion) would be put in place where contracts were broken.

### **8.3.2 For other reports of Sexual Violence and Sexual Harassment**

The age of the alleged perpetrator would be taken into account in line with the NSPCC guidance. Incidents deemed at “Amber” level under the NSPCC toolkit, such as incidents of sexual harassment using sexualised language, or a single incident of inappropriate touching above clothing, might be dealt with by an educational intervention with the alleged perpetrator. However, for higher level incidents, the school would:

- Examine the likely proximity of the victim and alleged perpetrator and considerations regarding shared classes, sharing school premises and school transport, should be considered immediately and a contract put in place.
- The Safeguarding Team would complete a Risk Assessment Management Plan

Should the police/Crown Prosecution Service determine that there is enough evidence to proceed to a caution or a trial, then the school would work with the family of the perpetrator to organise a managed move to another school. The receiving school would be informed of the past behaviours so that further education and support could be put in place and the new school community could be safeguarded.

Should any student be found guilty/accept a caution for an offence of this nature against a member of our school community, the school would also consider a move to Permanently Exclude under the Exclusion Policy as this could be evidence of an:

*Action causing gross offence to staff and/or pupils, such that continued membership of the school community would be intolerable (Saffron Walden County High School Exclusions Policy).*

Decisions would be made on a case-by case basis.

## **9. Responding to an incident of Sharing images of nudes or semi-nudes (sometimes referred to as sexting)**

All sharing of nude and semi-nude (e.g., displaying genitals and/or breasts or overtly sexual images of young people in their underwear) images, where one or both parties are under 18 is illegal. Non-consensual sharing of images is also illegal and so it is possible that two different crimes are being committed.

These incidents are very rare within school, but they are a considerable concern out of school and are often disclosed to school staff.



### **9.1 Responding to incidents of Aggravated Sexting (any of pressure to share images, power imbalance, age imbalance, intent to harm, shared without consent, adult involvement)**

These incidents would always be reported to the police and the Essex Social Care Team and we would follow any guidance given.

The Safeguarding Team would complete a Risk Assessment Management Plan.

Support would be given to the victim and they would be supported to inform their parents (unless this would put them at risk of harm).

Our Safeguarding team would then look at what extra support each individual might need at this time (including the alleged perpetrator). This might include:

- a) Counselling
- b) Accessing support from the Pastoral Hub
- c) Having a designated person on the pastoral team who they can approach at any time for additional support.

### **9.2 Responding to incidents of Experimental Sexting (mutually consensual with no power/age imbalance and no intent to harm)**

The law criminalising indecent images of children was created to protect children and young people from adults seeking to sexually abuse them or gain pleasure from their sexual abuse. It was not intended to criminalise children and young people. The law was also developed long before mass adoption of the internet, mobiles and digital photography. The guidance from the DfE instructs schools to avoid “unnecessary criminalisation” of children. This means that, where the sharing is deemed to be *Experimental*, the school may respond to incidents without involving the police. The Safeguarding lead must be satisfied that there is no evidence abusive or aggravating elements.

- 1) Where there is any doubt about the nature of the incidents, it would still be referred to the police in the knowledge that the police will also not seek to criminalise children, if it is confirmed that the sexting was *Experimental*.
- 2) The students would be supported to inform their parents (unless this put them at risk of harm).
- 3) Advice and guidance would be given to the individuals involved with the intention of stopping this behaviour.

## **10. Risk Assessment Management Plans**

We will complete a risk assessment following a report of harmful sexual behaviour. We will also consider all other pupils at our school and any actions that may be appropriate to protect them.

Risk assessments will be regularly reviewed to ensure they remain relevant and fit for purpose. Where appropriate, the affected student(s) and their parents and carers will be invited to contribute to the completion and review of the risk assessment.

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

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

We will consider what is necessary to support the student straightaway, for example by making adaptations to their timetable and giving access to in-school support (such as the Pastoral Hub, Counselling and our well-being provision) and taking steps to protect them from attention or peer pressure they may experience due to making a report. This work will be guided by a robust risk assessment process and we will ensure that the student and their parents / carers have an opportunity to contribute. We will also ensure there is regular review of arrangements to be confident they meet the needs of all involved.

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

## **12. Supporting the student who has allegedly displayed harmful sexual behaviour**

We have a duty of care to all pupils, and we will protect and support students who have displayed abusive or harmful sexual behaviour. We will do this through considering the needs of the student, any risks to their safety and what multi-agency responses are needed to support them and their family. This work will be guided by a robust risk assessment process and we will ensure that the student and their parents / carers have an opportunity to contribute. We will also ensure there is regular review of arrangements to be confident they meet the needs of all involved.

Some students may not realise they have behaved abusively. We will avoid using language that may make them feel judged or criminalised and ensure that any intervention will be at the least intrusive level required to effectively address the behaviour.

We will consider appropriate sanctions using our behaviour policy, and work with the student and their support network to consider measures that may help to address the student's behaviour.

Where statutory intervention is not required or agreed, we may use early help instead. This means providing support as soon as a problem emerges, at any point in a student's life. We will work with parents and carers and other relevant partners when following this approach, which can be particularly useful in addressing non-violent harmful sexual behaviour and may prevent escalation.

We will give access to support and well-being/ counselling services in school, as required and also liaise with external agencies for additional support, if required.

## **13. Other Relevant Policies**

- **Safeguarding Policy**
- **Behaviour Policy**
- **Exclusions Policy**

## **14. Useful links:**

<https://www.brook.org.uk/our-work/the-sexual-behaviours-traffic-light-tool>

[Sharing nudes and semi-nudes: advice for education settings working with children and young people - GOV.UK \(www.gov.uk\)](#)

## **15. Appendices**

**SWCHS Risk Assessment Management Plan – Appendix 1 attached**