



SEXUAL VIOLENCE AND SEXUAL HARASSMENT POLICY

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Contents:

1. Policy Statement
2. Legal Responsibilities of Schools
3. Policy Aims and Purpose
4. A Whole School Approach
5. Identifying Sexual Violence and Sexual Harassment
6. Logging Incidents of Sexual Violence and Harassment
7. Responding to and Addressing Sexual Violence and Sexual Harassment
8. Training for Staff and Governors
9. The Role of Our Curriculum in Prevention
10. Seeking Support

1. Policy statement

In 2021, OFSTED released the findings of their rapid review of sexual harassment in schools and colleges following a Government request to do so after anonymous testimonials of sexual abuse were published on the 'Everyone's Invited' website.

The review found that:

- sexual harassment, including online sexual abuse, has become 'normalised' for children and young people;
- There were fears from pupils, and especially girls, about reporting sexual harassment and violence in school for a number of reasons:
 - Being ostracised by their peers;
 - Their peers getting into trouble;
 - Losing control of what will happen after they tell;
 - Not being believed;
 - Being blamed.
- Some schools were not good at identifying or recognising sexual abuse and harassment;
- Schools felt the government guidance was not clear enough on sexual violence;

OFSTED made the following recommendation for schools. They included:

- Schools leaders should create a culture where sexual harassment and online sexual abuse are not tolerated, and where they identify issues, intervene early to better protect children and young people;
- School leaders should assume that sexual harassment and online sexual abuse are happening in their setting, even when there are no specific reports, and put in place a **whole-school approach** to address them;
- High-quality training to ensure good schools have a good quality RSHE curriculum;
- Schools to undertake routine record-keeping and analysis of sexual harassment and sexual violence, including online, to identify patterns and intervene early to prevent abuse;
- More support for DSLs, especially to help them work with Local Safeguarding Partnerships;
- Training for all school staff (including governors) about identifying and responding to sexual harassment and violence in schools;

Research findings from the Anti-bullying Alliance suggest that:

- Sexual bullying has a disproportionate impact on girls;
- Whilst significant numbers of boys are also targets of sexual bullying, this often has a homophobic element, suggesting this behaviour is driven by sexism and homophobia within society with peer enforcement of perceived stereotypes norms;
- Disabled children and those with SEN can be particularly vulnerable to all forms of abuse, including sexual abuse, and that they are disproportionately vulnerable to experiencing bullying – with devastating consequences;
- A report from the NSPCC shares that a significant proportion of children with harmful sexual behaviour also have a learning disability.

Following their research, the Anti-bullying alliance states that:

- It is vital that schools take a strong approach against all forms of sexism, sexist stereotypes and homophobia as the foundation stone on which to build a response to sexual bullying.
- Education does not create more harassment. It puts a name on the inappropriate behaviour that already exists;
- Education does not cause more problems for educators. It allows existing problems to be solved at the local level.
- Schools have an opportunity with the new RSHE curriculum to provide all young people with better quality education relating to relationships, bullying, online bullying, sex and sexual harassment and violence education;
- School staff do not feel equipped to deal with sexual bullying, harassment and violence in schools.

2. Legal Responsibilities of Schools

- School leaders and staff have a statutory duty to safeguard and promote the welfare of the children at our school. As part of this duty, school leaders and staff are required to have regard to guidance issued by the Secretary of State. School leaders and staff must have regard to Keeping children safe in education and Working Together to Safeguard Children. Furthermore, school leaders and staff 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;
- All schools are required by law to have a behaviour policy and measures in place to prevent all forms of bullying (including cyberbullying, prejudice-based and discriminatory bullying).
- Relationships Education (for all primary pupils) and Relationships and Sex Education (for all secondary pupils) and Health Education (for all pupils in state-funded schools) is now mandatory;
- School leaders and staff should be aware of their obligations under the Human Rights Act 1998 (HRA);
- It is unlawful for school leaders and staff to act in a way that is incompatible with the European Convention on Human Rights (particularly Article 3, 8, 14 and Protocol 1, Article 2). **Being subjected to sexual violence or sexual harassment may breach any or all of these rights, depending on the nature of the conduct and the circumstances.**
- Schools and colleges are required to comply with relevant requirements as set out in the Equality Act 2010 (the Equality Act):
 - According to the Equality Act, schools and colleges 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 advice regarding sexual violence and sexual harassment, schools and colleges should 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 schools and colleges to take positive action, where it can be shown that it is proportionate, to deal with particular disadvantages affecting one group. A school, 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.
- Compliance with the Public Sector Equality Duty (PSED) is a legal requirement for schools and colleges that are public bodies.

When applying our legal requirements, school leaders consider the make up of our own pupil student body, including sex and age range, and whether additional support for children with protected characteristics (who are potentially at greater risk) is appropriate.

Because 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, this is taken into consideration and at school we use assemblies, our PSHE and RSHE curriculum to help foster healthy and respectful relationships between boys and girls. Respect is one of our core values in school.

When monitoring and analysing incidents of sexual violence and sexual harassment, gender, as well as other protected characteristics, are considered when identifying any patterns and subsequent planning of further actions to develop and improve school policy. School and college policies should reflect this.

School leaders and staff also 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.

3. Policy Aims and Purpose

As Fitzwilliam Primary School was one of the schools named on the 'Everyone's Invited' website, we recognise the even greater need and importance of reviewing the policies and procedures that we have in place. As part of this, we have decided to create a specific Sexual Violence and Sexual Harassment Policy.

The purpose of this policy is to ensure that all the findings of the OFSTED review (June 2021) and suggested actions are fully understood by all stakeholders and there is clarity in the procedures school has in place for tackling sexual violence and sexual harassment more effectively and that these are applied consistently across school.

Sexual violence and sexual harassment can occur between two children of any age and sex from primary through to secondary stage and into colleges. 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**.

This policy aims to ensure that:

- There is a whole-school approach to address sexual violence and sexual harassment that is transparent, clear and easy to understand for all staff, governors, pupils, parents and carers and that all staff working in school have an attitude of **'it could happen here'**.
- inappropriate behaviour (even if appears to be relatively innocuous) is addressed by staff members to help prevent problematic, abusive and/or violent behaviour in the future and ensure that such behaviour is **not 'normalised'**;
- all pupils feel confident to report any incidents, knowing that:
 - they will not be ostracised by their peers;
 - there will be fair and appropriate action taken, for both victim and perpetrator, that is supportive for both parties but that proportionate disciplinary sanctions will be taken against the perpetrator relative to the incident;
 - they will be believed;
 - they will not be blamed.
- There are clear procedures in place for identifying sexual violence and sexual harassment and responding appropriately to these, ensuring early intervention;
- There is high-quality training provided to ensure that staff (and governors) feel confident in identifying and addressing sexual violence and harassment;
- There is high-quality training in place to ensure that the PSHE and RSHE curriculum (which contributes to the prevention of any sexual violence and sexual harassment) is taught effectively and confidently by staff and, as a result, helps children to understand why sexual violence and sexual harassment is not acceptable;
- There are consistent, clearly understood procedures in place for logging incidents and that there is regular monitoring and analysis of these incidents to identify any patterns and take swift action in relation to these to improve practice further;
- School leaders are proactive in seeking support from Local Safeguarding Partners and other outside agencies to continually develop and improve policy and procedures.

4. A 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 Fitzwilliam Primary School, everyone in the school is involved, including the governing body or proprietor, all the staff, children, adult students and parents and carers.

As set out above, sexual violence and sexual abuse can happen anywhere, and all staff working in school maintain an attitude of '**it could happen here**'. School staff will respond appropriately to all reports and concerns, including those outside the school, and or online. We recognise the importance of:

- making clear that:
 - there is a **zero-tolerance approach** to sexual violence and sexual harassment and **it is never acceptable**;
 - 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";
 - physical behaviour (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, pulling down trousers, flicking bras and lifting up skirts will be challenged;
 - dismissing or tolerating such behaviours risks normalising them;
- 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;
- understanding that all of the above can be driven by wider societal factors beyond the school, such as everyday sexist stereotypes and everyday sexist language.

Systems that are put in place for identifying, recording and reporting and addressing incidents of sexual violence and sexual harassment are detailed in the following sections. School leaders ensure that these are shared and understood by all. These systems are well promoted to staff (through regular reminders to staff at weekly meetings and pupils in assemblies and displays around school), easily understood and easily accessible. This is vital in order for children to feel that they can confidently report abuse, sexual violence and sexual harassment, knowing that their concerns will be treated seriously, and that they can safely express their views and give feedback.

All staff are 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 school staff, but especially the designated safeguarding lead (and deputies) 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 are 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
- 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 (or deputy).

School staff will always provide as much information as possible to children's social care assessments as part of the referral process.

5. Identifying Sexual Violence and Sexual Harassment

In order to identify sexual violence and sexual harassment, staff need to be clear what is defined as such.

Sexual Violence:

It is important that school 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 document, 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 (Schools 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. Further information about consent can be found here: [What is sexual consent? | Rape Crisis England & Wales | Rape Crisis England & Wales](#)

Important facts regarding consent are:

- 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.

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 (schools and colleges 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;
- 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/or 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.

It is important that school staff 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. Therefore, all school staff will be expected to challenge the behaviours listed above and follow school policy in reporting these incidents.

Harmful Sexual Behaviour (HSB)

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 and is used in this policy. **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.

When considering HSB, ages and the stages of development of the children are critical factors (In school, we consult the Brook Sexual Behaviour Traffic Light Tool, for guidance). Sexual behaviour between children can be considered harmful if one of the children is much older, particularly if there is more than two years' difference or if one of the children is pre-pubescent and the other is not. However, a younger child can abuse an older child, particularly if they have power over them, for example, if the older child is disabled or smaller in stature.

HSB can, in some cases, progress on a continuum. Addressing inappropriate behaviour can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future. Children displaying HSB have often experienced their own abuse and trauma. It is important that they are offered appropriate support.

Children with Special Educational Needs and Disabilities (SEND) are three times more likely to be abused than their peers (L.Jones et al. (2012). 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.

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.

Whilst not the focus of this advice, school leaders and staff are aware that they themselves can be victims of sexual violence and sexual harassment. Reporting of this follows the systems and procedures as detailed for all incidents of this nature and appropriate support mechanisms would be put in place for both victim and perpetrator.

6. Logging incidents of Sexual Violence and Sexual Harassment

Staff will use a yellow 'Cause for Concern' form when recording and reporting sexual violence or sexual harassment. Recording and logging will happen as soon as reasonably possible. This form will be handed, in person, to the DSL or Deputy DSL.

As incidents and reports of sexual violence and sexual harassment will be recorded on a yellow cause for concern form, the responsibility for logging such incidents, reports and actions on CPOMS will lie with the DSL or Deputy DSL who has dealt with the incident or report. Further details regarding this can be found later in this policy.

Where there are any reports of abuse involving children with SEND there will be close liaison with the special educational needs co-ordinator (SENCO) and the DSL or one of the Deputy DSLs.

7. Responding to and Addressing Sexual Violence and Sexual Harassment

At Fitzwilliam Primary School, we have clear systems in place for children to confidently report abuse, knowing that their concerns will be treated seriously. School leaders, promote these systems and check that pupils understand them.

School leaders and staff recognise that reports of sexual violence and sexual harassment are likely to be complex, requiring difficult professional decisions to be made, often quickly and under pressure. School leaders aim to pre-plan, provide effective training and have effective policies and systems in place to provide staff with the foundation for a calm, considered and appropriate response to any report. Our Governing body ensure that we contribute to multi-agency working in line with statutory guidance Working Together to Safeguard Children.

We recognise that it is not possible to provide detailed advice on what to do in any or every particular case and any decisions regarding responding to reports of sexual violence and sexual harassment will need to be made on a case-by-case basis, with our designated safeguarding lead (or a deputy) taking a leading role, using their professional judgement, and being supported by other agencies, such as children's social care and the police as required.

Responding to a report

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. As per Part one of Keeping children safe in education, if staff have any concerns about a child's welfare, they will act on them immediately rather than wait to be told.

At Fitzwilliam Primary School we recognise that our initial response to a report from a child is incredibly important: it can encourage or undermine the confidence of future victims of sexual violence and sexual harassment to report or come forward.

Staff members will:

- always be supportive and respectful to the child: by choosing to disclose information to them, they have placed the staff member in a position of trust;
- reassure the victim that they are being taken seriously, regardless of how long it has taken them to come forward;
- explain to the victim that they will be supported and kept safe;
- ensure that abuse that has occurred online or outside of the school or college is not downplayed and will be treated equally seriously;
- ensure that the victim is not given the impression that they are creating a problem by reporting sexual violence or sexual harassment;
- ensure that the victim is not made to feel ashamed for making a report or their experience minimised;
- explain that confidentiality cannot be promised, be clear about boundaries and explain the next steps, including who the report will be passed on to;
- devote their full attention to the child and listen carefully – it may be appropriate to make notes but staff should not be distracted by the note taking;
- reflect back, using the child's language;
- avoid using leading questions and only prompt the child where necessary with open questions: *where, when, what* etc.
whilst leading questions should generally be avoided, staff can ask children if they have been harmed and ask what the nature of the harm was;
- be non-judgemental;
- record the report immediately after speaking with the child (using a yellow, Cause for Concern form);
- only record facts as presented by the child and not include their personal opinion;
- only share the report with those people who are necessary in order to progress it – this should include the DSL, or a Deputy DSL, as soon as is practically possible;
- be mindful that certain children may face additional barriers to disclosing information because of their vulnerability, disability, sex, ethnicity and/or sexual orientation;

When reports include an online element, and a device is confiscated, staff should not attempt to view or forward illegal images of a child. The device will be confiscated and handed to the Police for inspection.

Considering Confidentiality and Anonymity

If a 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 DSL, or a Deputy DSL, 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;
- rape, assault by penetration and sexual assaults are crimes. Where a report of rape, assault by penetration or sexual assault is made, this should be referred to the police. Whilst the age of criminal responsibility is ten, if the alleged perpetrator is under ten, the starting principle of referring to the police remains. The police will take a welfare, rather than a criminal justice approach, in these cases.

Where this situation arises, the designated safeguarding lead (or a deputy) will balance the victim's wishes against their duty to protect the victim and other children.

If the designated safeguarding lead (or a deputy) decide to go ahead and 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 be explained to the victim and appropriate specialist support will be offered.

Where an allegation of sexual violence or sexual harassment is progressing through the criminal justice system, we will be aware of anonymity, witness support and the criminal process in general so we can offer support and act appropriately.

The DSL, Deputy DSL's and all other staff involved will do all they reasonably can to protect the anonymity of any children involved in any report of sexual violence or sexual harassment. Amongst other things, this will mean carefully considering, based on the nature of the report, which staff should know about the report and any support that will be put in place for the children involved.

We will also consider 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 designated safeguarding lead (or a deputy) will make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment will 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);
- all the other children (and, if appropriate, adult students and staff) at the school, especially any actions that are appropriate to protect them from the alleged perpetrator(s), or from future harms.

Risk assessments will be recorded (written or electronic) and will be kept under review. At all times, we will actively consider the risks posed to all of our pupils and students and put adequate measures in place to protect them and keep them safe.

The designated safeguarding lead (or a deputy) will ensure they engage 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. The above school risk assessment is not intended to replace the detailed assessments of expert professionals. Any such professional assessments will be used to inform the school's approach to supporting and protecting our pupils and updating our own risk assessment.

Actions to be Taken by Staff Members

At Fitzwilliam Primary School, we carefully consider any report of sexual violence and/or sexual harassment both online and offline, including those that have happened outside of the school or college. Important considerations, when deciding what action to take, 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. This will however need to be balanced with the school or college's duty and responsibilities to protect other children;

- 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. This will however need to be balanced with the school or college's duty and responsibilities to protect other children;
- the nature of the alleged incident(s), including: whether a crime may have been committed and/or whether HSB has been displayed;
- the ages of the children involved;
- the developmental stages of the children involved;
- any power imbalance between the children. For example, is an alleged perpetrator significantly older, more mature or more confident? Does the victim have a disability or learning difficulty?;
- if the alleged incident is a one-off or a sustained pattern of abuse (sexual abuse can be accompanied by other forms of abuse and a sustained pattern may not just be of a sexual nature);
- 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?;
- other related issues and wider context, including any links to child sexual exploitation and child criminal exploitation.

Where incidents of sexual violence or sexual harassment are reported, witnessed or suspected, the list below, in line with school's usual safeguarding procedures, details the sequence of action that will be taken by staff:

- Immediately, complete a Cause for Concern form (Yellow form);
- Hand in, in person, to the DSL or a Deputy DSL (the form should not be left on a desk);
- The DSL (or Deputy) will then take appropriate action, which may include (this list is not exhaustive):
 - speaking with child (or children) involved (where possible, this will be with two staff members present);
 - speaking with the parents of the child (or children) involved;
 - consulting with the DSL or a Deputy DSL;
 - seeking external support;
 - making a referral to Social Care;
 - making a referral to the Police, where a crime has been committed (the age of criminal responsibility is ten, but even if the perpetrator is under ten, the starting principle of reporting to the police remains);
- The incident will be recorded on CPOMS, by the DSL or Deputy DSL, and categorised as Sexual Violence or Sexual Harassment - the yellow form will be scanned in and saved;
- The yellow form will be filed securely by the DSL or Deputy DSL;
- Appropriate action will be taken and support put in place for the victim and the perpetrator and parents will be informed of this by the DSL or Deputy DSL;
- Staff members will be informed of any information that they 'need to know' by the DSL or Deputy DSL to ensure the safety and wellbeing of the pupil, or pupils, involved;
- As always, if it is a staff member who reported the incident to a DSL or Deputy DSL, they are encouraged to follow this up later in the day with the DSL or Deputy DSL to check that the incident was followed up and swift action was taken.

As always when concerned about the welfare of a child, all staff will act in the best interests of the child. Immediate consideration will be given as to how best to support and protect the victim and the alleged perpetrator(s) (and any other children involved/impacted).

Children Sharing a Classroom

Where close proximity with the alleged perpetrator(s) is likely to be especially distressing for the victim (following reports of rape or sexual assault through penetration), the alleged perpetrator will be removed from any classes that they share with the victim whilst the facts of the case are established. As a school, we will carefully consider how best to keep the victim and alleged perpetrator(s) a reasonable distance apart on the school premises (including during any before or after school-based activities). These actions will be taken in the best interests of all children involved and are not intended to be a perceived judgement on the guilt of the alleged perpetrator(s).

For other reports of sexual violence and sexual harassment, the proximity of the victim and alleged perpetrator(s) and considerations regarding shared classes, sharing school premises and school transport, will be considered immediately.

In all cases, the initial report will be carefully evaluated, reflecting the considerations set out above. The wishes of the victim, the nature of the allegations and the protection of all children in the school will be especially important when considering any immediate actions.

Managing the report

At Fitzwilliam Primary School, we recognise that It is important to consider every report on a case-by-case basis. When to inform the alleged perpetrator(s) 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, the school will speak to the relevant agency and discuss next steps and how the alleged perpetrator(s) will be informed of the allegations. However, as per general safeguarding principles, this does not and will not stop the school taking immediate action to safeguard their children, where required.

There are four likely scenarios that will be considered when managing any reports of sexual violence and/or sexual harassment. All decisions and actions will be regularly reviewed and policies will be updated to reflect any lessons learnt. Potential patterns of concerning, problematic or inappropriate behaviour will be investigated and where a pattern is identified, the DSL and Deputy DSLs will decide on an appropriate course of action. Consideration will be given to whether there are wider cultural issues within the school that enabled the inappropriate behaviour to occur and where extra teaching time and/or staff training could be delivered to minimise the risk of it happening again. The four scenarios are:

1. Manage internally

- In some cases of sexual harassment, for example, one-off incidents, we may take the view that the children concerned are not in need of early help or require referrals to be made to statutory services and that it would be appropriate to handle the incident internally, perhaps through utilising our behaviour and bullying policies and by providing pastoral support;
- The response will be underpinned by the principle that there is a zero-tolerance approach to sexual violence and sexual harassment and it is never acceptable and will not be tolerated;
- All concerns, discussions, decisions and reasons for decisions will be recorded on CPOMS.

2. Early help

- In line with point 1 above, we 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 nonviolent HSB and may prevent escalation of sexual violence.
- Multi-agency early help will work best when placed alongside school's 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: school could manage internally and seek early help for both the victim and perpetrator(s).
- The response will be underpinned by the principle that there is a zero-tolerance approach to sexual violence and sexual harassment and it is never acceptable and will not be tolerated;
- All concerns, discussions, decisions and reasons for decisions will be recorded on CPOMS.

3. Referrals to children's social care

- Where a child has been harmed, is at risk of harm, or is in immediate danger, we will make a referral to local children's social care;
- At the point of referral to children's social care, we 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 will 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, we (especially the designated safeguarding lead or a deputy) will work alongside, and cooperate 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;
- We 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. The designated safeguarding lead (or a deputy) will work closely with children's social care (and other agencies as required) to ensure any actions taken do not jeopardise a statutory investigation. The risk assessment will help inform any decision. Consideration of safeguarding the victim, the alleged perpetrator(s), any children directly involved in the reported incident and all children (and adult students) at the school should be immediate.
- In some cases, children's social care will review the evidence and decide a statutory intervention is not appropriate. We (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 a deputy) will consider other support mechanisms such as early help, specialist support and pastoral support.
- The response will be underpinned by the principle that there is a zero-tolerance approach to sexual violence and sexual harassment and it is never acceptable and will not be tolerated;
- All concerns, discussions, decisions and reasons for decisions will be recorded on CPOMS.

4. Reporting to the police

- Any report to the police will generally be in parallel with a referral to children's social care (as above).
- Where a report of rape, assault by penetration or sexual assault is made, the starting point is this will be passed 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.
- At this stage, we 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, school will support the child in any decision they take. This will be with the support of children's social care and any appropriate specialist agencies.
- Where a report has been made to the police, we will consult the police and agree what information can be disclosed to staff and others, in particular, the alleged perpetrator(s) and their parents or carers. We will also discuss the best way to protect the victim and their anonymity.
- In some cases, it may become clear very quickly, that the police (for whatever reason) will not take further action. In such circumstances, school will continue to engage with specialist support for the victim and alleged perpetrator(s) as required.
- The response will be underpinned by the principle that there is a zero-tolerance approach to sexual violence and sexual harassment and it is never acceptable and will not be tolerated;
- All concerns, discussions, decisions and reasons for decisions will be recorded on CPOMS.

Unsubstantiated, unfounded, false or malicious reports

If a report is determined to be unsubstantiated, unfounded, false or malicious, the designated safeguarding lead will 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, we will consider whether any disciplinary action is appropriate against the individual who made it as per our behaviour policy.

Safeguarding and Supporting the Victim

At Fitzwilliam Primary School, we will prioritise making the victim's daily experience as normal as possible, so that school is a safe place for them. The needs and wishes of the victim will be paramount.

Support will be tailored on a case-by-case basis. For example, the support needed for a one-off incident of sexualised name-calling is likely to be vastly different from that for a report of rape. The DSL and Deputy DSLs are aware of the support available and where to find this.

Victims may not disclose the whole situation immediately. They may be more comfortable providing information on a piecemeal basis. Because of this, dialogue is kept open and encouraged. When it is clear that ongoing support will be required, we will ask the victim if they would find it helpful to have a designated trusted adult (for example, their class teacher, Inclusion Manager or designated safeguarding lead) to talk to about their needs. The choice of any such adult will be the victim's (as far as reasonably possible). We 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. We will avoid any action that would have the effect of isolating the victim, in particular from supportive peer groups, but recognise that 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 will be because the victim wants to, not because it makes it easier to manage the situation. If required, we will provide a physical space for victims to withdraw – the Inclusion Manager's office.

It may be necessary to maintain arrangements to protect and support the victim for a long time. We will be prepared for this and will work with children's social care and other agencies as required.

We will do everything we reasonably can to protect the victim from bullying and harassment as a result of any report they have made.

Whilst they should be given all the necessary support to remain in school, if the trauma results in the victim being unable to do this, alternative provision or a move to another school will be considered to enable them to continue to receive suitable education. This will only be at the request of the victim (and following discussion with their parents or carers).

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 will take responsibility to ensure this happens (and will 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.

Safeguarding and Supporting the Alleged Perpetrator

School will have a difficult balancing act to consider. On one hand we will need to safeguard the victim (and all other children, adult students and staff at the school or college) and on the other hand provide the alleged perpetrator(s) with an education, safeguarding support as appropriate and implement any disciplinary sanctions. Taking disciplinary action and still providing appropriate support are not mutually exclusive actions. They can, and should, occur at the same time if necessary.

A child abusing another child may be a sign they have been abused themselves or a sign of wider issues that require addressing within the culture of the school. We will work with professionals as required to understand why a child may have abused a peer. It is important to remember that, as a child, any alleged perpetrator(s) is entitled to, deserving of, and should be provided with, a high level of support to help them understand and overcome the reasons for their behaviour and help protect other children by limiting the likelihood of them abusing again.

Consideration will be given to the age and the developmental stage of the alleged perpetrator(s) and nature and frequency 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.

We will consider the proportionality of the response. Support (and sanctions) will be considered on a case-by-case basis. An alleged perpetrator(s) may potentially have unmet needs (in some cases these may be considerable) as well as potentially posing a risk of harm to other children. HSB in young children may be (and often are) a symptom of either their own abuse or exposure to abusive practices and or materials. Advice will be taken, as appropriate, from children's social care, specialist sexual violence services and the police. However, school will also make use of the NSPCC's free and independent advice about HSB: NSPCC - Harmful sexual behaviour framework, and The Lucy Faithful Foundation's HSB Toolkit.

It is important that the perpetrator(s) is also given the correct support to try to stop them re-offending and to address any underlying trauma that may be causing this behaviour. Addressing inappropriate behaviour can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future.

Advice on behaviour and discipline in schools is clear that teachers can discipline pupils whose conduct falls below the standard which could be reasonably expected of them. If the perpetrator(s) is to be excluded the decision must be lawful, reasonable and fair.

School can be a significant protective factor for children who have displayed HSB, and continued access to school, with a comprehensive safeguarding management plan in place, is an important factor to consider before final decisions are made. It is important that if an alleged perpetrator(s) does move to another educational institution (for any reason), that the new educational institution is made aware of any ongoing support needs and where appropriate, potential risks to other children, adult students and staff. The designated safeguarding lead will take responsibility to ensure this happens as well as transferring the child protection file.

Discipline and the Alleged Perpetrator(s)

With regard to the alleged perpetrator(s), advice on behaviour and discipline in schools is clear that teachers can discipline pupils whose conduct falls below the standard which could be reasonably expected of them. 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 us as a school from coming to our own conclusion, on the balance of probabilities, about what happened, and imposing a penalty accordingly. This will be carefully considered on a case-by-case basis. The designated safeguarding lead (or a deputy) will take a leading role. The school will consider if, by taking any action, it would prejudice an investigation and/or any subsequent prosecution. Careful liaison with the police and/or children's social care should help the school make a determination. It will also be important to consider whether there are circumstances that make it unreasonable or irrational for a school to reach its 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(s), especially where there are concerns that a 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. We will be very clear as to which category any action we take falls or whether it is really both and will ensure that the action complies with the law relating to each relevant category.

Working With Parents and Carers

At Fitzwilliam Primary School, we 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 we provide to the respective parents or carers about the other child involved and when we do so. In some cases, children's social care and/or the police will have a very clear view and we will work with relevant agencies to ensure a consistent approach is taken to information sharing.

We 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.

We will meet with alleged perpetrator's parents or carers to discuss any arrangements that are being put into place that impact an 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.

The designated safeguarding lead (or a deputy) will generally attend any such meetings. And consideration to the attendance of other agencies should be considered on a case-by-case basis. This policy, alongside our Child Protection Policy and Behaviour Policy, will, in some cases, help manage what are inevitably very difficult conversations.

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 (that are provided in Annex A) will be shared with parents and carers to signpost the support available to them.

Safeguarding Other Children

At Fitzwilliam Primary School, consideration will be given to supporting children (and adult students) 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.

Following any report of sexual violence or sexual harassment, it is likely that some children will take “sides”. We will do all we can to ensure both the victim and alleged perpetrator(s), 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(s) and a very high likelihood that friends from either side could harass the victim or alleged perpetrator(s) online and/or become victims of harassment themselves. As a school, we will actively seek online safety support and guidance regarding this.

At Fitzwilliam Primary School, we have a whole school approach to safeguarding that creates a culture that makes clear that there is a zero-tolerance approach to sexual violence and sexual harassment and that it is never acceptable, and it will not be tolerated. Our preventative education programme will help to create an environment in which all children at the school are supportive and respectful of their peers when reports of sexual violence or sexual harassment are made.

We will keep our policies, processes, and curriculum under constant review to protect all their children. Reports of sexual violence and/or harassment (especially where there is evidence of patterns of behaviour) may point to environmental and or systemic problems that could and should be addressed and, if this is the case, we will update relevant policies, processes, or relevant parts of the curriculum.

8. Training for Staff and Governors

At Fitzwilliam Primary School, the training requirements for all staff, including the DSL and Deputy DSLs, as stated in Part one of Keeping Children Safe in Education, are met. We ensure that all staff are aware of the different types of abuse and neglect. All staff members of staff receive annual updates to training from an external provider and are regularly updated throughout the year – this training is also given to any new employees who join the school staff throughout the year. The DSL and Deputy DSLs keep updated with safeguarding developments and further training throughout the year as part of their weekly meetings and key messages are fed back to the wider staff. All staff are aware of, and understand, the procedures and systems in place regarding what to do if they have a concern about a child, how to respond to abuse, how to offer support to children and where to go if they need support.

9. The role of our Curriculum in Prevention

At Fitzwilliam Primary School, we recognise that schools can play an important role in preventative education. Keeping children safe in education sets out that all schools should ensure children are taught about safeguarding, including how to stay safe online. At Fitzwilliam Primary School, this is considered as part of providing a broad and balanced curriculum and made a priority for learners in every year group each academic year.

How the planned curriculum is a key part of our whole school approach

As stated earlier, at Fitzwilliam Primary School, we understand the importance of a whole-school approach and believe that this will prepare our pupils for life in modern Britain. Our four core values of Respect, Responsibility, Resilience and Recognition and Golden Rules, that are closely linked to these values, are upheld and demonstrated through all aspects of school life. Our Behaviour Policy, the pastoral support systems within school and the programmes of content delivered throughout all aspect of our curriculum underpin these values further.

The curriculum has been developed to be progressive and age and stage of development appropriate and covers issues considered vital in the prevention of sexual violence and sexual harassment, such 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.

Relationships Education for all primary school age pupils is compulsory and covers the characteristics of healthy relationships, building the knowledge and understanding that will enable children to model these behaviours.

The 'Respectful Relationships' module of the statutory RSHE guidance states that pupils should be taught that all relationships (e.g. friends, family, online) can be supported by:

- being kind, considerate and respectful, including the use of respectful language;
- being honest;
- listening to each other;
- respecting personal space, privacy and boundaries;
- accepting each other's differences;
- focussing on the good things in each other;
- praising each other on their achievements.

At Fitzwilliam Primary School, we have chosen to deliver relationships and sex education as part of a timetabled Personal, Social, Health and Economic Education (PSHE) programme and have follow the PSHE Association guidance when developing this.

The focus on healthy relationships in both primary and secondary will help children who are experiencing or witnessing unhealthy relationships know where to seek help and report abuse. Health Education addresses important aspects such as mental wellbeing.

At Fitzwilliam Primary School, we allow children an open forum to talk things through. Children are made aware of the processes to raise their concerns or make a report and how any report will be handled. This includes processes when they have a concern about a friend or peer. All staff are aware of the actions they should take and the support they should give or seek.

10. Seeking support

As part of our approach to sexual violence and sexual harassment, we will carefully consider whether external input is necessary to help us deliver the PSHE and RSHE curriculum as effectively as possible. This might be to train and/or support staff, teach our children and/or provide support to our children.

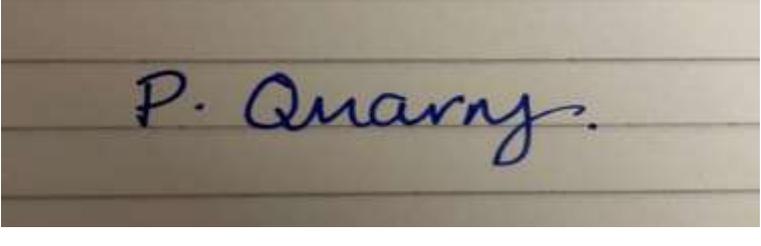
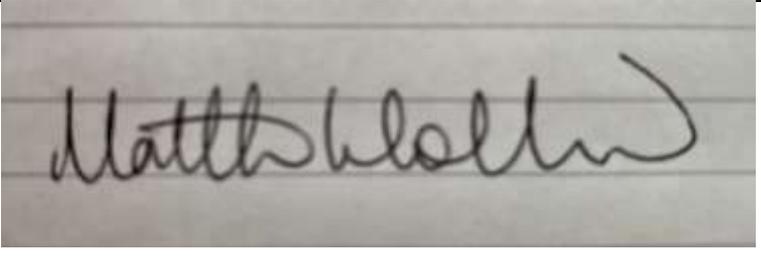
The DSL is aware of how, and where, to seek this support from and will use the advice produced for schools and colleges: Using External Visitors to Support Online Safety Education, where Annex A provides a list of some of the available specialist support services.

When responding to reports of sexual violence or sexual harassment, there are many external agencies that can be consulted for support and guidance:

- Local Authority Social Care;
- The Police;
- CEOP;
- The NSPCC;
- Rape Crisis;
- The Survivors Trust;
- The Anti-Bullying Alliance;
- The UK Safer Internet Centre
- The Internet Watch Foundation
- Childline / IWF
- UKCIS Sharing nudes and semi-nudes advice;
- Thinkuknow.

Annex A of 'Sexual violence and sexual harassment between children in schools and colleges' September 2021 lists further agencies where support can be accessed.

'Sexual violence and sexual harassment between children in schools and colleges' September 2021 has been closely used when creating this policy.

<p>Headteacher:</p> <p>Paul Quarry</p>		<p>Date:</p>	<p>6.9.21</p>
<p>Chair of Governing Body:</p> <p>Matthew Holland</p>		<p>Date:</p>	<p>6.9.21</p>