

SUMMARY OF PART 5 KCSIE 2024: CHILD-ON-CHILD SEXUAL VIOLENCE AND SEXUAL HARASSMENT

KCSIE 2024 Part five: Child-on-child sexual violence and sexual harassment

All staff working with children are advised to maintain an attitude of ‘**it could happen here**’, and this is especially important when considering child-on-child abuse.

1. WHAT WE SHOULD BE AWARE OF:

Sexual violence and sexual harassment can occur between two or more children of any age and sex, from primary through to secondary stage and into college. It can occur also 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. Schools should be aware of the importance of:

- making clear that there is a zero-tolerance approach to sexual violence and sexual harassment, that it is never acceptable, and it will not be tolerated. It should never be passed off as “banter”, “just having a laugh”, “a part of growing up” or “boys being boys”. Failure to do so 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.
- recognising, acknowledging, and understanding the scale of harassment and abuse and that even if there are no reports it does not mean it is not happening, it may be the case that it is just not being reported
- challenging physical behaviour (potentially criminal in nature) such as grabbing bottoms, breasts and genitalia, pulling down trousers, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them.

Children who are victims of sexual violence and sexual harassment wherever it happens, may find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment and will be exacerbated if the alleged perpetrator(s) attends the same school.

Children with special educational needs and disabilities (SEND) are also three times more likely to be abused than their peers. It is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe.

a) Sexual violence

It is important that we are aware of sexual violence and the fact children can, and sometimes do, abuse other children in this way and that it can happen both inside and outside of school. When referring to sexual violence we are referring to sexual offences 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.

(NOTE- 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. (NOTE – this could include forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party.)

What is consent?

Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g. to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.

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

b) Sexual harassment

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. 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 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.
- displaying pictures, photos or drawings of a sexual nature
- upskirting (this is a criminal offence), and
- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. Online sexual harassment may include:
 - consensual and non-consensual sharing of nude and semi-nude images and/or videos.
 - taking and sharing nude photographs of U18s is a criminal offence.
 - sharing of unwanted explicit content
 - sexualised online bullying
 - unwanted sexual comments and messages, including, on social media
 - sexual exploitation, coercion and threats, and
 - coercing others into sharing images of themselves or performing acts they're not comfortable with online.

Sexual harassment creates a culture that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence.

c) Harmful sexual behaviour

Children's sexual behaviour exists on a wide continuum, ranging 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). HSB can occur online and/or face-to-face and can also occur simultaneously between the two. HSB is considered in the child protection context.

When considering HSB, both ages and the stages of development of the children are critical factors. 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. Confidential specialist support and advice on HSB is available.

It is effective safeguarding practice for the designated safeguarding leads to have a good understanding of HSB. This will aid in planning preventative education, implementing preventative measures, implementing an effective child protection policy and incorporating the approach to sexual violence and sexual harassment into the whole school approach to safeguarding.

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.

d) Preventing abuse

Effective safeguarding practice is demonstrated when schools are clear, in advance, about what local processes are in place and what support can be accessed when sexual violence or sexual harassment has occurred. It is important to prepare for this in advance and review this information on a regular basis to ensure it is up to date.

- if required, the designated safeguarding lead (or a deputy) should discuss the local response to sexual violence and sexual harassment with police and local authority children's social care colleagues in order to prepare the school's policies (especially the child protection policy) and responses, and
- the designated safeguarding lead (and their deputies) should be confident as to what local specialist support is available to support all children involved (including victims and alleged perpetrators) in sexual violence and sexual harassment and be confident as to how to access this support when required.

2. RESPONDING TO REPORTS OF SEXUAL VIOLENCE AND SEXUAL HARASSMENT

Systems should be well promoted, easily understood and easily accessible for children to confidently report abuse, knowing their concerns will be treated seriously.

Reports of sexual violence and sexual harassment are likely to be complex and require difficult professional decisions to be made, often quickly and under pressure. Pre-planning, effective training and effective policies will provide schools with the foundation for a calm, considered and appropriate response to any reports.

Any decisions are for the school to make on a case-by-case basis, with the designated safeguarding lead taking a leading role and using their professional judgement, supported by other agencies, such as local authority children's social care and the police as required.

a) Support for schools

Schools should not feel that they are alone in dealing with sexual violence and sexual harassment.

Local authority children's social care and the police will be important partners where a crime might have been committed. Referrals to the police will often be a natural progression of making a referral to local authority children's social care. The designated safeguarding lead should lead the school response and should be aware of the local process for referrals to children's social care and making referrals to the police.

Schools may also find the following resources helpful:

- **Child Exploitation and Online Protection** command: [CEOP](#) is a law enforcement agency which aims to keep children and young people safe from sexual exploitation and abuse. Online sexual abuse can be reported on their website and a report made to one of its Child Protection Advisors
- **The NSPCC** provides a helpline for professionals at 0808 800 5000 and help@nspcc.org.uk. The helpline provides expert advice and support for school staff and will be especially useful for the designated safeguarding lead (and their deputies)
- Support from specialist sexual violence sector organisations such as [Rape Crisis](#) or [The Survivors Trust](#)
- **The Anti-Bullying Alliance** has developed guidance for schools about [Sexual and sexist bullying](#).

Online: Schools should recognise that sexual violence and sexual harassment occurring online (either in isolation or in connection with face-to-face incidents) can introduce a number of complex factors. Amongst other things, this can include widespread abuse or harm across a number of social media platforms that leads to repeat victimisation. Online concerns can be especially complicated and support is available from:

- **The UK Safer Internet Centre** provides an online safety helpline for professionals at 0344 381 4772 and helpline@saferinternet.org.uk. The helpline provides expert advice and support for school staff with regard to online safety issues
- **Internet Watch Foundation:** If the incident/report involves sexual images or videos that have been made and circulated online, the victim can be supported to get the images removed by the [Internet Watch Foundation](#) (IWF)
- **Childline/IWF [Report Remove](#)** is a free tool that allows children to report nude or sexual images and/or videos of themselves that they think might have been shared online
- **UKCIS Sharing nudes and semi-nudes advice:** [Advice for education settings working with children and young people](#) on responding to reports of children sharing non-consensual nude and semi-nude images and/or videos (also known as sexting and youth produced sexual imagery). Please see footnote 8 for further information
- National Crime Agency's [CEOP Education Programme](#) provides information for the children's workforce and parents and carers on protecting children and young people from online child sexual abuse.
- LGFL '[Undressed](#)' provided schools advice about how to teach young children about being tricked into getting undressed online in a fun way without scaring them or explaining the motives of sex offenders.

b) The immediate response to a report

Responding to the report

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 staff may overhear a conversation that suggests a child has been harmed or a child's own behaviour might indicate that something is wrong.

If staff have **any** concerns about a child's welfare, they should act on them immediately rather than wait to be told. The initial response by a school to a report from a child is incredibly important. How the school responds to a report can encourage or undermine the confidence of future victims of sexual violence and sexual harassment to report or come forward.

It is essential that **all** victims are reassured that they are being taken seriously, regardless of how long it has taken them to come forward, and that they will be supported and kept safe. Abuse that occurs online or outside of the school should not be downplayed and should be treated equally seriously.

A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report. It is important to explain that the law is in place to protect young people rather than criminalise them, and this should be explained in such a way that avoids alarming or distressing them.

All staff should be trained to manage a report. Local policies dictate exactly how reports should be managed. However, effective safeguarding practice includes:

- if possible, managing reports with two members of staff present, (preferably one of them being the designated safeguarding lead or a deputy)
- careful management and handling of reports that include an online element. Including being aware of Searching, Screening and Confiscation Policy and [UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people](#).
- **The key consideration is for staff not to view or forward illegal images of a child.** In some cases, it may be more appropriate to confiscate any devices to preserve any evidence and hand them to the police for inspection.
- not promising confidentiality at this initial stage as it is very likely a concern will have to be shared further. Staff should only share the report with those people who are necessary in order to progress it. It is important that the victim understands what the next steps will be and who the report will be passed to.
- recognising that a child is likely to disclose to someone they trust: this could be anyone on the school staff. It is important that the person to whom the child discloses recognises that the child has placed them in a position of trust. They should be supportive and respectful of the child.
- recognising that an initial disclosure to a trusted adult may only be the first incident reported, rather than representative of a singular incident and that trauma can impact memory and so children may not be able to recall all details or timeline of abuse.
- keeping in mind that certain children may face additional barriers to telling someone because of their vulnerability, disability, sex, ethnicity, and/or sexual orientation.
- listening carefully to the child, reflecting back, using the child's language, being non-judgemental, being clear about boundaries and how the report will be progressed, not asking leading questions and only prompting the child where necessary with open questions – where, when, what, etc. It is important to note that whilst leading questions should be avoided, staff can ask children if they have been harmed and what the nature of that harm was.
- considering the best way to make a record of the report. Best practice is to wait until the end of the report and immediately write up a thorough summary. This allows the staff member to devote their full attention to the child and to listen to what they are saying. It may be appropriate to make notes during the report (especially if a second member of staff is present). However, if making notes, staff should be conscious of the need to remain engaged with the child and not appear distracted by the note taking. Either way, it is essential a written record is made.
- only recording the facts as the child presents them. The notes should not reflect the personal opinion of the note taker. Schools should be aware that notes of such reports could become part of a statutory assessment by local authority children's social care and/or part of a criminal investigation, and
- informing the designated safeguarding lead (or deputy), as soon as practically possible, if the designated safeguarding lead (or deputy) is not involved in the initial report.

c) Considering confidentiality and anonymity

Confidentiality

Staff taking a report should never promise confidentiality. The school should only engage staff and agencies who are required to support the children involved and/or be involved in any investigation.

The victim may ask the school not to tell anyone about the sexual violence or sexual harassment. There are no easy or definitive answers when a victim makes this request. If the victim does not give

consent to share information, staff may still lawfully share it, if there is another legal basis under the UK GDPR that applies. Advice should be sought from the designated safeguarding lead (or deputy), who should 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 local authority children's social care, and
- 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.

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

If the designated safeguarding lead decides to go ahead and make a referral to local authority children's social care and/or a report to the police against the victim's wishes, this should be handled extremely carefully, the reasons should be explained to the victim and appropriate specialist support should be offered.

Anonymity

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

As a matter of effective safeguarding practice, schools should 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.

Schools should also consider the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities.

d) Risk assessment

When there has been a report of sexual violence, the designated safeguarding lead (or a deputy) should make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis. The risk and needs assessment for a report of sexual violence 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, and
- The time and location of the incident, and any action required to make the location safer.

Risk assessments should be recorded and should be kept under review. At all times, the school should be actively considering the risks posed to all their pupils and students and put adequate measures in place to protect them and keep them safe.

The designated safeguarding lead should ensure they are engaging with local authority 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 school risk assessment is not intended to replace the detailed assessments of expert professionals.

e) Action following a report of sexual violence and/or sexual harassment

What to consider

Sexual violence and sexual abuse can happen anywhere, and all staff working with children are advised to maintain an attitude of '**it could happen here**'. Schools should be aware of and respond appropriately to **all** reports and concerns about sexual violence and/or sexual harassment both online and offline, including those that have happened outside of the school. The designated safeguarding lead (or deputy) is likely to have a complete safeguarding picture and be the most appropriate person to advise on the initial response by the school.

Important considerations will include:

- the wishes of the victim in terms of how they want to proceed. 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'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. 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 children
- importance of understanding intra familial harms and any necessary support for siblings following incidents
- are there ongoing risks to the victim, other children, adult students or school staff, and
- other related issues and wider context, including any links to child sexual exploitation and child criminal exploitation.

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

f) Options to manage the report

It is important that schools consider every report on a case-by-case basis. When to inform the alleged perpetrator(s) will be a decision that should be carefully considered. Where a report is going to be made to local authority children's social care and/or the police, then, as a general rule, the DSL should speak to the local authority children's social care and the police 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 should not stop the school taking immediate action to safeguard its children, where required.

There are four likely scenarios for schools to consider when managing any reports of sexual violence and/or sexual harassment. The four scenarios are:

1. Manage internally

- In some cases of **sexual harassment**, for example, one-off incidents, the school may take the view that the children concerned are not in need of early help or that referrals to statutory services are not required, and that it would be appropriate to handle the incident internally, perhaps through utilising their behaviour policy and by providing pastoral support. Whatever the response, it should 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 should be recorded (written or electronic).

2. *Early help*

- In line with managing internally, the school 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. Early help can be particularly useful to address non-violent HSB and may prevent escalation of sexual violence. It is particularly important that the designated safeguarding lead (and their deputies) know what the local early help process is and how and where to access support.
- Multi-agency early help will work best when placed alongside strong school policies, preventative education and engagement with parents and carers. Schools should be part of discussions with statutory safeguarding partners to agree the levels for the different types of assessment and services to be commissioned and delivered, as part of the local arrangements.
- Early help and the option to manage a report internally do not need to be mutually exclusive: a school could manage internally and seek early help for both the victim and perpetrator(s).
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

3. *Referrals to local authority children's social care*

- Where a child has been harmed, is at risk of harm, or is in immediate danger, schools should make a referral to local authority children's social care.
- At the point of referral to local authority children's social care, schools will generally inform parents or carers, unless there are compelling reasons not to (if informing a parent or carer is going to put the child at additional risk). Any such decision should be made with the support of local authority children's social care.
- If a referral is made, local authority 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, the school (especially the designated safeguarding lead or a deputy) should be working alongside, and cooperating with, the relevant lead social worker. Collaborative working will help ensure the best possible package of coordinated support is implemented for the victim and, where appropriate, the alleged perpetrator(s) and any other children that require support.
- Schools should not wait for the outcome (or even the start) of a local authority children's social care investigation before protecting the victim and other children in the school. It will be important for the designated safeguarding lead (or a deputy) to work closely with local authority children's social care (and other agencies as required) to ensure any actions the school takes do not jeopardise a statutory investigation. The risk assessment will help inform any decision. Consideration of safeguarding the victim, alleged perpetrator(s), any other children directly involved in the safeguarding report, and all children at the school should be **immediate**.
- In some cases, local authority children's social care will review the evidence and decide that a statutory intervention is not appropriate. The school (generally led by the designated safeguarding lead or a deputy) should be prepared to refer again if they believe the child remains in immediate danger or at risk of harm or if circumstances change.
- If a statutory assessment is not appropriate, the designated safeguarding lead (or a deputy) should consider other support mechanisms such as early help, specialist support and pastoral support. All concerns, discussions, decisions and reasons for decisions should be recorded.

4. Reporting to the Police

- Any report to the police will generally be in parallel with a referral to local authority children's social care. Where a report of rape, assault by penetration or sexual assault is made, the starting point is that this should be passed on to the police.
- The following advice may help schools decide when to engage the Police and what to expect of them when they do: [When to call the police](#).
- Where a report has been made to the police, the school should consult the police and agree what information can be disclosed to staff and others, in particular, the alleged perpetrator and their parents or carers. They should also discuss the best way to protect the victim and their anonymity.
- At this stage, schools will generally inform parents or carers unless there are compelling reasons not to, for example, if informing a parent or carer is likely to put a child at additional risk. In circumstances where parents or carers have not been informed, it will be especially important that the school is supporting the child in any decision they take. This should be with the support of local authority children's social care and any appropriate specialist agencies.
- It will be important that the designated safeguarding lead (and their deputies) are aware of their local arrangements. In some cases, it may become clear very quickly that the police (for whatever reason) will not take further action. In such circumstances, it is important that the school continue to engage with specialist support for the victim and alleged perpetrator(s) as required.
- Whilst protecting children and/or taking any disciplinary measures against the alleged perpetrator(s), it will be important for the designated safeguarding lead (or a deputy) to work closely with the police (and other agencies as required), to ensure any actions the school take do not jeopardise the police investigation.
- All concerns, discussions, decisions and reasons for decisions should be recorded.

5. Considering bail conditions

- The police will consider what action to take to manage the assessed risk of harm. This could involve the use of police bail with conditions, prior to a suspect appearing in court, or court bail with or without conditions after the first appearance.
- Alternatively, the person suspected of an offence could be 'released under investigation' (RUI). People released under RUI can have no conditions attached to their release from custody and it is possible for a person on bail also to have no conditions. Whatever arrangements are in place, the school will need to consider what additional measures may be necessary to manage any assessed risk of harm that may arise within their institution.
- Particular regard should be given to the additional stress and trauma that might be caused to a victim within the institution; the potential for the suspected person to intimidate the victim or a witness; the need to ensure that any risk management measures strike a balance between management of risk and the rights of an un-convicted person (e.g. rights to privacy, family life, etc).

Careful liaison with the police investigators should help to develop a balanced set of arrangements.

6. Managing any delays in the criminal process

- There may be delays in any case that is being progressed through the criminal justice system. Schools should not wait for the outcome (or even the start) of a police investigation before protecting the victim, alleged perpetrator(s) and other children in the school.

- Whilst protecting children and/or taking any disciplinary measures against the alleged perpetrator(s), it will be important for the designated safeguarding lead (or a deputy) to work closely with the police (and other agencies as required), to ensure any actions the school take do not jeopardise the police investigation.

7. The end of the criminal process

- If a child is convicted or receives a caution for a sexual offence, the school should update its risk assessment, ensure relevant protections are in place for all the children at the school and, if it has not already, consider any suitable action in line with their behaviour policy. This process should include a review of the necessary actions to keep all parties safe and meet their needs. If the perpetrator(s) remains in the same school as the victim, the school should be very clear as to their expectations regarding the perpetrator(s) now they have been convicted or cautioned. This could include expectations regarding their behaviour and any restrictions the school thinks are reasonable and proportionate with regard to the perpetrator(s)' timetable.
- Any conviction (even with legal anonymity reporting restrictions) is potentially going to generate interest among other pupils or students in the school. It will be important that the school ensure both the victim and perpetrator(s) remain protected, especially from any bullying or harassment (including online).
- Where cases are classified as "no further action" by the police or Crown Prosecution Service, or where there is a not guilty verdict, the school should continue to offer support to the victim and the alleged perpetrator(s) for as long as is necessary. The fact that an allegation cannot be substantiated or was withdrawn does not necessarily mean that it was unfounded. Schools should discuss any decisions with the victim in this light and continue to offer support. The alleged perpetrator(s) is/are also likely to require ongoing support for what will have likely been a difficult experience.

g. Unsubstantiated, unfounded, false or malicious reports

- If a report is determined to be unsubstantiated, unfounded, false or malicious, the designated safeguarding lead should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to local authority children's social care may be appropriate.
- If a report is shown to be deliberately invented or malicious, the school should consider whether any disciplinary action is appropriate against the individual who made it as per their own behaviour policy.

3. ONGOING RESPONSE

1. Safeguarding and supporting the victim

The following principles are based on effective safeguarding practice and should help shape any decisions regarding safeguarding and supporting the victim.

- The needs and wishes of the victim should be paramount (along with protecting the child) in any response. It is important they feel in as much control of the process as is reasonably possible. Overall, the priority should be to make the victim's daily experience as normal as possible, so that the school is a safe space for them.
- Consider the age and the developmental stage of the victim, the nature of the allegations and the potential risk of further abuse. Schools should be aware that, by the very nature of sexual violence and sexual harassment, a power imbalance is likely to have been created between the victim and alleged perpetrator(s).

- The victim should never be made to feel they are the problem for making a report or made to feel ashamed for making a report.
- Consider the proportionality of the response. Support should be tailored on a case-by-case basis. The support required regarding a one-off incident of sexualised name-calling is likely to be vastly different from that for a report of rape.
- Schools should be aware that sexual assault can result in a range of health needs, including physical, mental, and sexual health problems and unwanted pregnancy.
- It will be important in all scenarios that decisions and actions are regularly reviewed and that relevant policies are updated to reflect lessons learnt. It is particularly important to look out for potential patterns of concerning, problematic or inappropriate behaviour. Where a pattern is identified, the school should decide on a course of action.
- Support can include:
 - Early help and local authority children's social care.
 - Children and Young People's Independent Sexual Violence Advisors (ChISVAs) provide emotional and practical support for victims of sexual violence. Police and social care agencies can signpost to ChISVA services (where available) or referrals can be made directly to the ChISVA service by the young person or school. Contact details for ChISVAs can be found at [Rape Crisis](#) and [The Survivors Trust](#).
 - Child and young people's mental health services ([CYPMHS](#)) is used as a term for all services that work with children who have difficulties with their emotional or behavioural wellbeing.
 - The specialist sexual violence sector can provide therapeutic support for children who have experienced sexual violence. Contact [Rape Crisis](#) (England & Wales) or [The Survivors Trust](#) for details of local specialist organisations. The [Male Survivors Partnership](#) can provide details of services which specialise in supporting men and boys.
 - NHS - <https://www.nhs.uk/live-well/sexual-health/help-after-rape-and-sexual-assault/> provides a range of advice, help and support including advice about the risk of pregnancy, sexually transmitted infections (STI), reporting to the police and forensics.
 - Rape and sexual assault referral centres services can be found at: Find [Rape and sexual assault referral centres](#). Sexual assault referral centres (SARCs) offer medical, practical and emotional support.
 - [Childline](#) provides free and confidential advice for children and young people.
 - [Internet Watch Foundation](#) works internationally to remove child sexual abuse online images and videos and offers a place for the public to report them anonymously.
 - [Childline / IWF: Remove a nude image shared online](#) Report Remove is a free tool that allows children to report nude or sexual images and videos of themselves that they think might have been shared online, to see if they can be removed from the internet.
- Victims may not disclose the whole picture immediately. They may be more comfortable providing information on a piecemeal basis. It is essential that dialogue is kept open and encouraged. When it is clear that ongoing support will be required, schools should ask the victim if they would find it helpful to have a designated trusted adult (for example, their form tutor or designated safeguarding lead) to talk to about their needs. The choice of any such adult should be the victim's (as far as is reasonably possible). Schools should respect and support this choice.
- Children who have experienced sexual violence display a very wide range of responses to their experience, including in some cases clear signs of trauma, physical and emotional responses, or no overt signs at all. Schools should remain alert to the possible challenges of detecting those signs and show sensitivity to the needs of the child (e.g. about attendance in lessons) irrespective of how overt the child's distress is.

- While schools should avoid any action that would have the effect of isolating the victim, in particular from supportive peer groups, there may be times when the victim finds it difficult to maintain a full-time timetable and may express a wish to withdraw from lessons and activities. This should be because the victim wants to, not because it makes it easier to manage the situation. If required, schools should provide a physical space for victims to withdraw.
- It may be necessary for schools to maintain arrangements to protect and support the victim for a long time. Schools should be prepared for this and should work with local authority children's social care and other agencies as required.
- It is important that the school do everything they 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 their school, if the trauma results in the victim being unable to do this, alternative provision or a move to another school should be considered to enable them to continue to receive suitable education. This should only be at the request of the victim (and following discussion with their parents or carers).
- 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.

2. Safeguarding and supporting the alleged perpetrator(s) and children and young people who have displayed harmful sexual behaviour

The following principles are based on effective safeguarding practice and should help shape any decisions regarding safeguarding and supporting the alleged perpetrator(s):

- The school will have a difficult balancing act to consider. On one hand, they need to safeguard the victim (and the wider pupil/student body) 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.
- Consider the age and the developmental stage of the alleged perpetrator(s), the nature of the allegations and frequency of allegations. Any child will likely experience stress as a result of being the subject of allegations and/or negative reactions by their peers to the allegations against them.
- Consider the proportionality of the response. Support (and sanctions) should be considered on a case-by-case basis. The alleged perpetrator(s) may potentially have unmet needs as well as potentially posing a risk of harm to other children. Advice should be taken, as appropriate, from local authority children's social care, specialist sexual violence services and the police.
- The Lucy Faithfull Foundation has developed a [HSB toolkit](#), which amongst other things, provides support, advice and information on how to prevent it, links to organisations and helplines, resources about HSB by children, internet safety, sexual development and preventing child sexual abuse.
- The NSPCC provides free and independent advice about HSB: [NSPCC Learning: Protecting children from harmful sexual behaviour](#) and [NSPCC - Harmful sexual behaviour framework](#).
- [Contextual Safeguarding Network – Beyond Referrals \(Schools\)](#) provides a school self-assessment toolkit and guidance for addressing HSB in schools.
- StopItNow – [Preventing harmful sexual behaviour in children - Stop It Now](#) provides a guide for parents, carers and professionals to help everyone do their part in keeping children safe, they also run a free confidential helpline.

It is important that the perpetrator(s) is/are 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. It is important that if an alleged perpetrator 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 and staff.

3. Sanctions and the alleged perpetrator(s)

- With regard to the alleged perpetrator(s), advice is clear that teachers can discipline pupils whose conduct falls below the standard which could be reasonably expected of them. Exclusions statutory guidance for maintained schools, academies and PRUs is [here](#).
- Disciplinary action can be taken whilst other investigations by the police and/or local authority children's social care are ongoing. The fact that another body is investigating or has investigated an incident does not in itself prevent a school from coming to its own conclusion, on the balance of probabilities, about what happened, and imposing a penalty accordingly. This is a matter for the school and should be carefully considered on a case-by-case basis. Careful liaison with the police and/or local authority 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 the school to reach its own view about what happened while an independent investigation is considering the same facts.

Discipline and support

- 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.

4. Working with parents and carers

- The school 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 proportionate 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. Schools should carefully consider what information they provide to the respective parents or carers about the other child involved and when they do so. In some cases, local authority children's social care and/or the police will have a very clear view and it will be important for the school to work with relevant agencies to ensure a consistent approach is taken to information sharing.
- It is good practice for the school to meet the victim's parents or carers with the victim present to discuss what arrangements are being put in place to safeguard the victim and understand their wishes in terms of support they may need and how the report will be progressed.
- It is also good practice for the school to 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 should be explained. Support for the alleged perpetrator should be discussed.
- The designated safeguarding lead would generally attend any such meetings. Clear behaviour policies and child protection policies, especially policies that set out the principles of how reports of sexual violence will be managed and how victims and alleged perpetrators are likely to be supported, that parents and carers have access to, 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 a sexual assault or is alleged to have sexually assaulted another child.

5. Safeguarding other children

- 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". The school will do all they 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.
- School transport is a potentially vulnerable place for a victim or alleged perpetrator(s) following any incident or alleged incident. The school or college, as part of its risk assessment, should consider any additional potential support needed to keep all of the children safe.