Herefordshire Council

Child on Child Abuse- a resource for schools

This guidance has been developed by the Education Safeguarding Team at Herefordshire Council in order to support schools to develop their own child on child abuse policy.

Keeping Children Safe in Education 2022 requires schools to make reference to child on child abuse in their child protection policies. This guidance assists schools in creating their own child on child policy which takes into consideration the statutory guidance Sexual violence and sexual harassment in schools and colleges 2021, local processes, procedures and agencies providing support to victims.

Whilst this document outlines the key elements that should be included in a policy it is essential that schools develop their own policy that is specific to their own context, culture and the risks and protective factors within the school. The policy should also consider the needs and experiences of their own staff/students, the views of students and school stakeholders and should be developed in conjunction with the school community.

Please note: This policy template remains current as of September 2022 in line with the statutory guidance contained within Keeping Children Safe in Education 2022 and Working Together to Safeguard Children 2018. Useful definitions can be found at the end of this document.

What is child on child abuse?

Child on child abuse is any form of physical, sexual, emotional and financial abuse, and coercive control, exercised between children, and within children's relationships (both intimate and non-intimate), friendships and wider child associations." Firmin, C., *Abuse between Young People: A Contextual Account.* 2017. Oxon: Routledge. Child on child abuse can and does happen in a whole range of settings that children attend, however it often goes unseen. It might take place online, for example, or away from the school or setting. Therefore, training for professionals to help them recognise the signs, and know what to do, is essential.

All children are capable of abusing their peers, and this is most likely to include, but may not be limited to:

- Bullying (including cyber bullying);
- Physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;
- Youth and serious youth violence
- Sexual violence, such as rape, assault by penetration and sexual assault;
- Sexual harassment, such as sexual comments, remarks, jokes and online sexual harassment, which may be stand-alone or part of a broader pattern of abuse;
- Upskirting, which typically involves taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm;
- Causing someone to engage in sexual activity without consent
- Consensual and non-consensual sharing of nudes and semi nude images or videos
- Sexting (also known as youth produced sexual imagery); and
- Initiation/hazing type violence and rituals.
- Harmful sexual behaviour
- Relationship abuse, teenage relationship abuse or domestic violence
- Child sexual exploitation
- Prejudice –based violence

Online child on child abuse is any form of child on child abuse with a digital element, for example, sexting, online abuse, coercion and exploitation, child on child grooming, threatening language delivered via online means, the distribution of sexualised content, and harassment.

Settings should not wait until an incident of child on child abuse happens before taking action. We expect any provider educating or caring for children to create an environment in which children and staff show respect for one another. It should be clear that child on child abuse will never be accepted or dismissed as 'children being children'. Pupils should know what language and behaviour are acceptable and what to do and who to speak to if they are worried or feel unsafe.

All settings should take a whole-establishment approach to keeping children safe. They should set expectations that violence and harassment of any kind will not be tolerated

both online and offline and during and after school, support children to have a good understanding of consent and healthy relationships and provide immediate support for victims of abuse.

What is Contextual Safeguarding and what does this mean for your school?

In order to prevent and tackle child on child abuse, schools can adopt a contextual safeguarding approach, which is an approach to understanding, and responding to, the risk of harm to which children can be exposed, and/or harm which they can experience, beyond their families.

It recognises that the different relationships that children form in their neighbourhoods, schools, and online can feature violence, coercive control, and abuse.

Parents can have little influence over these contexts, and the risk of harm to which children can be exposed, and/or harm which they can experience, outside of the family, can undermine parent-child relationships.

Therefore, children's educators and social care practitioners need to engage with individuals and sectors that do have influence over/within extra familial contexts, and recognise that assessment of, and intervention with, these extra-familial contexts is a critical part of safeguarding practices.

Contextual safeguarding, therefore, expands the objectives of child protection systems in recognition that children are vulnerable to, and can experience, abuse in a range of social contexts.

Introducing your child on child abuse policy to the school community

The foundation of any progressive policy should be considering the rights of the child. Guidance can be taken from the United Nations Convention on the Rights of the Child, which makes it clear that a child has a right to be protected from abuse and neglect (Article19), and sexual exploitation (Article 34). However, there are other children's rights that need to be acknowledged, such as the child's opinion (Article 12), freedom of expression (Article 13), freedom of thought, conscience and religion (Article 14), privacy (Article 16) and education (Article 28). In aspiring to ensure that children are free from harm, we should be mindful that their rights are not eroded in order to keep them 'safe'.

Schools should give careful consideration as to how they present their child on child abuse policy to their governors, senior leadership team, staff, volunteers, students and parents.

A key message to convey is that any school that does not have such a policy in place now is failing to address child on child abuse, and that your school:

- Regards the introduction of the policy as a preventative measure, and does not feel it is acceptable to merely take a reactive approach to child on child abuse in response to alleged incidents of it
- Recognises increasing national concern about this issue, and in order to ensure that its students are safe, wishes to implement the policy, and
- Encourages parents to hold the school to account on this issue, so that if their child is feeling unsafe as a result of the behaviour of any of their peers, they should inform the school so that it can ensure that appropriate and prompt action is taken in response.

Schools should also secure commitment from their governing body and senior leadership team to the policy, and should provide them with training on it.

Developing your child on child abuse policy

For a school's child on child abuse policy to be relevant, helpful and meaningful it is essential that schools develop their own policy in consultation with school stakeholders. The policy should be seen as a 'live' document that changes and evolves through consultation and reference to real cases. Therefore, this document is intended to be a guide to support schools in this process with specific reference to a) what should be included; b) how schools should develop their policies and; c) what support schools can expect from Herefordshire Council. The development of a policy should include or consider the following:

- Policy consultation and development process
- Procedures taken to **prevent** the risk of child on child abuse
- Risk assessment
- Response to child on child abuse: How allegations are recorded, investigated and dealt with including clear processes as to how victims, child alleged to have caused harm and any other children affected will be supported
- How child on child abuse if identified and recorded
- Recognition of the gendered nature of child on child abuse but recognising, that all forms of this behaviour are unacceptable and will be taken seriously
- Dissemination of policy document

It is important that schools see this guidance and model template as a framework that will need to be adapted to fit the age and developmental stage and understanding of their pupil group.

Any child can be vulnerable to child on child abuse due to the strength of child influence during adolescence, and staff should be alert to signs of such abuse amongst all children. Individual and situational factors can increase a child's vulnerability to abuse by their peers. For example, an image of a child could be shared, following which they could become more vulnerable to child on child abuse due to how others now perceive them, regardless of any characteristics which may be inherent in them and/or their family. Child group dynamics can also play an important role in determining a child's vulnerability to such abuse. For example, children who are more likely to follow others and/or who are socially isolated from their peers may be more vulnerable to child on child abuse. Children who are questioning or exploring their sexuality may also be particularly vulnerable to abuse by their peers.

Research suggests that:

- Child on child abuse may affect boys differently from girls, and that this difference may result from societal norms (particularly around power, control and the way in which femininity and masculinity are constructed) rather than biological make-up.
- Barriers to disclosure will also be different.
- As a result, schools need to explore the gender dynamics of child on child abuse within their settings, and recognise that these will play out differently in single sex, mixed or gender- imbalanced environments.
- Children with Special Educational Needs and/or Disabilities (SEND) are three times more likely to be abused than their peers without SEND, and additional barriers can sometimes exist when recognising abuse in children with SEND.

These can include:

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

Some children may be more likely to experience child on child abuse than others as a result of certain characteristics such as sexual orientation, ethnicity, race or religious beliefs.

Additional considerations

When considering child on child abuse, ages and the stages of development of the children are critical factors to consider. 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. Schools and colleges should ensure that their 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.

A further consideration that must be made is that SRE should be considered on a 1:1 basis for children who schools are aware have sexually abused. This work should be delivered on a 1:1 basis prior to the whole class SRE sessions so that anything the child wishes to explore, given their own experiences, can be done safely and without fear of judgment.

Consultation process

Schools should seek input on the policy from students, staff, parents and other key stakeholders within the school. It may be helpful to form a steering group and conduct a number of focus groups with students, parents and staff. The overarching aim of consultation should be to consider: the specific context of the school, what should be included in the policy and provide comments on drafts of the policy. The following questions may be helpful to consider:

- Do we have a clear and full understanding of what constitutes child on child abuse?
- What have we experienced as a school community in the past in terms of child on child abuse, and have we learned from it? If so, how?
- Do we take a whole-school community Contextual Safeguarding approach to preventing and responding to child on child abuse?
- Do we have any concerns about existing child on child relationships and, if so, what are these?
- Are there particular features or types of child on child abuse that our students are exposed to, and do our policies and procedures appropriately address these? For example, are any of our students exposed to gang violence? Do any of our students carry weapons? Is prejudice-based bullying a problem? What about cyber-bullying or online grooming?
- Do we have a comprehensive and age appropriate programme of relationships and sex education delivered by expert staff? If so, is it effective and designed in such a way that our students engage positively with it?
- Do we know of any physical or online locations which may be particularly vulnerable to being used by students to threaten or inflict abuse on other students? (One practical approach to this question could, for example, be to walk around the school, and talk to students, and ask them about the physical spaces, and any concerns they may have about them, and to ask students to map out ‘hot and cold zones’). In respect of the online locations, do we have appropriate internet monitoring

Student involvement: it is essential that schools engage students in the development of this policy. This might be in the form of a short focus group/ engagement session to gain their perspectives on:

- What issues of child on child abuse are particularly relevant within the school
- Their perspectives on what and how the school responds to these issues
- What constitutes good preventative education
- How the school can improve and what the policy should involve.

There is a complete guide on completing student, staff and parent engagement sessions on the CSNetwork website:

Risk Assessment

Schools should consider conducting a risk assessment to determine the risks to which their students are or may be exposed, and assess and monitor those risks.

The risk assessment should consider the nature and level of risk of the different variants of child on child abuse within the school:

- The makeup of the student body, including specific characteristics that might affect their vulnerability to child on child abuse such as, for example, gender, age, learning difficulties, special educational needs and/or disabilities, sexual orientation and/or religious belief,
- Which of these students are affected, or are more at risk of being affected, by child on child abuse,
- Any trends, and
- The various sociocultural contexts to which those students are associated including, for example, their child group (both within and outside the school), family, the school environment, their experience(s) of crime and/or victimisation in the local community, and their online identities - which may impact on their behaviour and engagement in school.

This risk assessment:

- Is a proactive assessment of the general risks facing the student body. It is distinct from any risk Assessment (s) that may be required following a concern or allegation of child on child abuse (these responsive risk assessments are discussed in this toolkit in the context of risk assessments),
- Should inform the child on child abuse policy, and
- Should feed into and inform the governors' oversight of safeguarding, and any safeguarding risk register(s) that they may choose to put in place.

Put in place action plans to address any identified risks and keep these under regular review

Appropriate approach and response

Schools should adopt a zero-tolerance policy towards all forms of child on child abuse, and ensure that no form of any such abuse (no matter how 'low level' it may appear) is ever dismissed as a joke or banter.

Schools should identify and handle cases sensitively, appropriately, and promptly. They should ensure that they have effective policies, procedures and practices in place to prevent, identify, and appropriately respond to cases of child on child abuse.

Robust safeguarding policies and procedures which are effectively implemented, training for staff on identifying and managing cases (see further below), and providing resources to staff to assist in the consistent identification and recognition of abuse, are key. In order to provide an appropriate response to child on child abuse, schools (i) should pose themselves a number of questions on gender and other equality issues that can help to inform the nature of the phenomena; and (ii) may need to consider gender issues including, for example, the extent to which girls access STEM subjects (if the school is a mixed provision), or the extent to which aggressive behaviours are displayed by boys, and how boys are responded to differently.

How much of your school's wider equalities approach to issues such as ethnicity, disability, sexuality and religious affiliation supports its child on child abuse policy?

Schools ought to take a safeguarding approach to all children in their care who are involved in concerns about, and/or allegations of, child on child abuse, including those who have allegedly experienced such abuse, and those who have allegedly been responsible for it, in addition to any sanctioning work that may also be required for the latter.

Therefore, it may be helpful to see individuals involved as children first who may have been victimised and/or displayed harmful behaviours, rather than using the term 'victim' and/or 'perpetrator' in a school's child on child abuse policy, and in any other documents in its safeguarding suite of policies.

Research has shown that many children who present with harmful behaviour towards others, in the context of child on child abuse, are themselves vulnerable and may have been victimised by peers, parents, or adults in the community prior to their abuse of, for example, peers.

The point at which an allegation of child on child abuse may become substantiated – and therefore the child on child incident is no longer alleged – may differ in cases. However, for ease of reference, this guidance, the template child on child abuse policy, and the relevant appendices use the terms 'alleged' and 'allegedly' throughout.

Human Rights Act, The Equalities Act 2010 & PSED.

Education settings should be aware of their obligations under the Human Rights Act 1998 (HRA). It is unlawful for education settings to act in a way that is incompatible with the European Convention on Human Rights.

The Human Rights Act 1998 (HRA) sets out the fundamental rights and freedoms that everyone in the UK is entitled to and contains the Articles and protocols of the European Convention on Human Rights (ECHR) (the Convention) that are deemed to apply in the UK. It compels public organisations to respect and protect an individual's human rights when they make individual decisions about them.

Under the HRA, it is unlawful for schools and colleges to act in a way that is incompatible with the Convention. The specific convention rights applying to schools and colleges are:

- Article 3: the right to freedom from inhuman and degrading treatment (an absolute right);
- Article 8: the right to respect for private and family life (a qualified right) includes a duty to protect individuals' physical and psychological integrity;
- Article 14: requires that all of the rights and freedoms set out in the Act must be protected and applied without discrimination;
- Protocol 1, Article 2: protects the right to an effective education.

Being subjected to harassment, violence and or abuse, including that of a sexual nature, may breach any or all of these rights, depending on the nature of the conduct and the circumstances. Further information (including on absolute and qualified rights) can be found at Human Rights Equality and Human Rights Commission (equalityhumanrights.com).

Equality Duty

Education settings are required to comply with relevant requirements as set out in the Equality Act 2010 (the Equality Act).

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

Public Sector Equality Duty

At [*School/setting*], we adhere to the Public Sector Equality Duty (PSED) which is found in the Equality Act. The PSED places a general duty on schools and colleges to have, in the exercise of their functions, due regard to the need to eliminate unlawful discrimination, harassment and victimisation (and any other conduct prohibited under the Equality Act), to advance equality of opportunity and foster good relations between those who share a relevant protected characteristic and those who do not.

The duty applies to all protected characteristics and means that whenever significant decisions are being made or policies developed, specific consideration must be given to the equality implications of these such as, for example, the need to eliminate unlawful behaviours that relate to them such as sexual violence and sexual harassment, misogyny/misandry and racism.

The PSED helps schools and colleges (which are subject to it) to focus on key issues of concern and how to improve pupil and student outcomes. Some pupils or students may be more at risk of harm from specific issues such as sexual violence, homophobic, biphobic or transphobic bullying or racial discrimination. Such concerns will differ between education settings, therefore each school policy will be conscious and reflective of disproportionate vulnerabilities that exist.

Prevention

As well as having strategies for dealing with incidents schools and colleges should consider what they can do to foster healthy and respectful relationships between boys and girls including through Relationship and Sex Education and Personal Social Health and Economic education.

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

Such a programme should be developed to be age and stage of development appropriate (especially when considering children with SEND), and may tackle such issues as:

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

The importance of context

Professionals also need to consider risks to other children. If there's an incident in a school, has this put other children at risk? Have other children witnessed the incident? Could any siblings of the child alleged to have caused harm be at risk? There may well be a need for a range of assessments and interventions for different children.

In addition, schools need to consider the potential vulnerabilities of the victims and any risks to them, including their potential abuse by others. Extra consideration should be given for pupils who may have additional vulnerabilities due to protected characteristics. Schools and colleges should consider how they are supporting their pupils with regard to their sex, sexuality, and if relevant, gender reassignment.

Schools and colleges should assess any potentially unsafe spaces on the premises, based on where incidents have occurred, and consider what can be done to make that environment safer.

It's equally important that schools and colleges think about children's safety outside of the school gates such as online and any extra-familial risks. If an incident occurs outside of school the students will require support when they are in school. If pupils are attending the same school then a risk assessment will need to be completed along with the offer of pastoral support. If pupils are not attending the same school they may require pastoral support within school and some consideration for factors such as getting home etc. If an incident occurs outside of school and the Police respond this will be referred into Children's services. If an incident occurs outside of school and the parent/ pupils make school aware of it then the school has a responsibility to make the appropriate referrals if not already completed by the parent.

Things to consider include:

- Are schools and colleges aware of any unsafe spaces in their local area?
- Are schools and colleges aware of incidents of sexual harassment or violence involving children in the local park or other places where young people congregate?
- Are parents and pupils aware of where they can access support both within school hours and outside of school hours?

Once this has been considered schools and college should make contact with the Education Safeguarding Lead who will begin the process of Safety Mapping and informing the police, social care of the concerns relating to specific areas. Contextual information such as this needs to be assessed and shared in a multiagency forum so risks can be fully assessed outside of the school.

The information for parents and pupils in respect of support for outside school hours is included in this document (Appendix 4)

Risk assessment

The School will always carry out a risk assessment (Appendix 5) in respect of:

- Any child who is alleged to have behaved in a way that is considered to be abusive or violent
- Any child who has reportedly been abused or affected by the alleged abusive or violent behaviour by another child, or
- Any child who may be at risk due to the alleged abusive or violent behaviour by another child as deemed appropriate by the DSL.

Where it is alleged that a child has behaved in a way that is considered to be inappropriate or problematic (as opposed to abusive or violent), the DSL will use their professional judgment – based on the particular concern(s) and/or allegation(s) raised, and the needs and circumstances of the individual child/children in question – to determine whether (as explained above) it would be appropriate to contact children's social care, and to carry out a risk assessment.

Where other children have been identified as witnesses to alleged abuse or violence, consideration should also be given by the DSL to whether there might be any risks to those children, and whether a risk assessment would be appropriate in relation to any risks presenting to them.

How allegations are recorded

Data protection practices relating to child on child abuse should be in line with the school's data protection policies and notices. By the same token, the school's policies and notices need to reflect and allow sufficiently for safeguarding practices.
This includes setting out clearly to parents and students what these practices are, and why they are needed, in a privacy notice. *Working Together to Safeguard Children* (July 2018) sets out to correct common myths about the laws of privacy, data protection and confidentiality; fears that can hamper effective keeping and sharing of records.
The bottom line is that, if there are legitimate safeguarding concerns about a child, then data protection law will allow schools and professionals to record, share and retain even the most sensitive personal data as necessary to support their policies (even when it is not feasible to obtain consent). What is important is that the records that schools do keep relating to concerns or allegations of peer-on child abuse are accurate, clearly describe the nature of the alleged behaviour without using euphemisms, and contain adequate information for the purpose.

These records including in behaviour incident logs, individual risk assessments, and records of any conversations with children, their parents, staff, and external agencies are likely to contain highly impactful, sensitive personal data about children. Schools should take care when creating them and ensure that they are accessed on a need-to-know basis only by trained and appropriate staff.

Those with the responsibility for doing so must bear in mind that any records may need to be provided to the children involved and/or their parents in the future. For example,

records could be requested as part of a parental complaint, or a legal claim, or under a subject access request (subject to limited exceptions – such as where it might not be in the child's best interests to disclose to a parent, or if there are overriding privacy interests of other children or families but not staff). Increasingly individuals also seek to challenge records with 'right to be forgotten' or rectification requests.

All notes and related communications should always be concise, factual and objective, and focused on what is necessary for the safeguarding purpose. The language used should always be appropriate and professional.

That being said, professionals should not feel hampered by excessive caution. The core aim here is to capture any relevant information that could help protect children, and important details should never be missed because of unfounded data protection concerns.

Responding to the report: Confidentiality & Anonymity.

It is important to understand 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 KCSIE 2022, if staff have any concerns about a child's welfare, they will act on them immediately rather than wait to be told.

The initial response by a school or college to a report from a child is incredibly important. How the school or college 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 or college 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 children and young people rather than criminalise them, and this should be explained in such a way that avoids alarming or distressing them.

As per Part one of KCSIE 2022, all staff should be trained to manage a report. Local policies (and training) will 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 advice (for schools) and UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people. The key consideration is for staff not to view or forward illegal images of a child. The highlighted advice provides more details on what to do when viewing an image is unavoidable. In some cases, it may be more appropriate to confiscate any devices to preserve any evidence and hand them to the police for inspection

- Not promising confidentiality at this initial stage as it is very likely a concern will have to be shared further (for example, with the designated safeguarding lead (or deputy) or local authority children's social care) to discuss next steps. Staff should only share the report with those people who are necessary in order to progress it. It is important that the victim understands what the next steps will be and who the report will be passed to
- Recognising that a child is likely to disclose to someone they trust: this could be anyone on the school or college staff. It is important that the person to whom the child discloses recognises that the child has placed them in a position of trust. They should be supportive and respectful of the child
- Recognising that an initial disclosure to a trusted adult may only be the first incident reported, rather than representative of a singular incident and that trauma can impact memory and so children may not be able to recall all details or timeline of abuse
- Keeping in mind that certain children may face additional barriers to telling someone because of their vulnerability, disability, sex, ethnicity, and/or sexual orientation
- Listening carefully to the child, reflecting back, using the child's language, being non-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 and colleges 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.

Staff taking a report should never promise confidentiality as it is very likely that it will be in the best interest of the victim to seek advice and guidance from others in order to provide support and engage appropriate agencies.

The school or college 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 or college 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. For example, the public task basis may apply, where the overall purposes is to perform a public interest task or exercise official authority, and the task or authority has a clear basis in law.

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. The police will take a welfare, rather than a criminal justice approach, in these cases.

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 (or a deputy) decide 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.

Additional information on confidentiality and information sharing is available at Safeguarding Practitioners Information Sharing Advice and NSPCC: Information sharing and confidentiality for practitioners.

Where an allegation of sexual violence or sexual harassment is progressing through the criminal justice system, schools and colleges should be aware of anonymity, witness support, and the criminal process in general so they can offer support and act appropriately. Relevant information can be found in: CPS: Safeguarding Children as Victims and Witnesses. As a matter of effective safeguarding practice, schools and colleges 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 and colleges should also consider the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities. The unique challenges regarding social media are discussed in KCSIE 2022 (paragraph 469) along with potential support. In addition, the principles described in Childnet's cyberbullying guidance could be helpful.

Multi-agency Approach

Schools and colleges, as relevant agencies, 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.

Herefordshire Council recognise that cases of child on child abuse are often complex. This is because we know that children who develop harmful behaviour have often experienced abuse and neglect themselves.

Schools should not feel like they have to respond to cases on their own. Herefordshire Children & Families Directorate provides a range of support from prevention of child on child abuse to intervention inclusive of multi-agency Child on Child guidance.

Herefordshire Peer on Peer Abuse guidance for multi-agency professionals

Child on child abuse that involves sexual assault and violence must always result in a multi-agency response. As well as supporting and protecting the victim, professionals need to consider whether the child alleged to have caused harm could be a victim of abuse too.

'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.'

While in some instances it may be appropriate to manage incidents within schools (see below X), some instances of child on child abuse may require an external referral.

As a matter of best practice, if an alleged incident of child on child abuse requires referral to and action by children's social care, and a strategy meeting is convened, then schools should hold every professional involved in the case accountable for their safeguarding response. This includes themselves, and the response to both the child who has allegedly experienced the abuse, and the child who is allegedly responsible for it, and the contexts to which the alleged abuse was associated.

In holding these professionals to account, schools can draw on the requirements set out in chapter two of *Working Together to Safeguard Children* (July 2018), which include a requirement that local authorities and other agencies, and all organisations referred to in that chapter, have in place arrangements that create a culture of safety, equality, and protection within the services that they provide.

Schools should actively engage with their local partners in relation to child on child abuse. For example, they should (i) request any updates on local trends relating to child on child abuse that might be impacting upon students; (ii) ask the local authority whether they have access to any resources associated with child on child abuse that can be used to strengthen their curriculum; and (iii) seek out the education representative who sits on local multi-agency operational or strategic groups where child on child abuse is discussed.

The relationships that schools build with their local partners are essential to enabling them to prevent, identify early, and appropriately handle cases of child on- child abuse.

They should help schools to:

- Develop a good awareness and understanding of the different referral pathways that operate in their local area, as well as the preventative and support services which exist,
- Ensure that their students are able to access the range of services and support they need quickly,
- Support and help inform their local community's response to child on child abuse, and
- Increase their awareness and understanding of any concerning trends and emerging risks in their local area to enable them to take preventative action to minimise the risk of these being experienced by their students.

What can you expect from us?

- Providing schools with updates on local trends relating to child on child abuse via emails to DSL's to strengthen your preventative curriculum.
- Regular updates via the Safeguarding Network event.
- Support and services for students provided by either Early Help, Social Care, External specialists.
- Training available to school staff consists of: What is child on child abuse?, How to respond to child on child abuse, Risk assessments, Harmful Sexual behaviours, Child exploitation, Physical abuse, Emotional abuse.
- Telephone support on cases via the Education MASH Officers and the Education Safeguarding Lead.

We need to make sure that the children affected are getting the help they need. A typical response will involve:

- MASH- 01432 260800, EDT out of hours 01905 768020
- Education Safeguarding Lead 01432 383887
- The Early Help Hub- 01432 260261
- Police- 101
- WMRSASC- 01905 724514
- The family
- Any other professionals who know or have had contact with the child.

Schools and colleges 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 and college 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.

The Harmful Sexual Behaviour Support Service, funded by the Home Office and developed in collaboration with the Department for Education, is hosted by SWGfL and available Monday to Friday, 8am to 8pm, on 0344 225 0623 or hsbsupport@swgfl.org.uk. The service provides advice and resources to education and safeguarding professionals who encounter, or have concerns about, harmful sexual behaviour among the children they work with.

Online: Schools and colleges 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 and college 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
- Thinkuknow from NCA-CEOP provides support for the children's workforce, parents and carers on staying safe online
- 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.

Dissemination of policy document

The school should develop their own policy in consultation with school stakeholders. This is inclusive of governors, teachers, staff, pupils and parents. Once the policy has been ratified by governor's it is essential that the policy is shared with staff and that staff are aware of the practical application of the policy. There should be time allocated for wider discussion and training on child on child abuse. The policy should then be made available on the school website and parents/carers informed.

The school should also take steps to ensure that the policy is relevant and understood by pupils. This may include engaging pupils in discussions regarding child on child abuse through healthy relationships as part of SRE, personal development in PSHCE, and informative sessions that help pupils understand what child on child abuse is, and what the school is doing to raise awareness, and support pupils who experience it. In order for pupils to be engaged with this process it is suggested that the school may create a simplified version that is developed by students for students. This should clearly detail what will happen if a pupil is experiencing child on child abuse and where they can seek help.

Herefordshire Council

Example Child on Child abuse policy for Schools and Education services

Produced by the Safeguarding in Education team for Herefordshire Council in consultation with the University of Bedfordshire.

August 2022

Introduction

Our school/college/academy (Name of School) recognises that children are vulnerable to and capable of abusing their peers. We take such abuse as seriously as abuse perpetrated by an adult. This includes verbal as well as physical abuse.

The School's responsibilities

The governors, senior leadership team, and all staff (which term shall apply to all volunteer staff members) at [insert name of school] (the School) are committed to the prevention, early identification, and appropriate management of child on child abuse (as defined below) both within and beyond the School.

In particular, we:

- Believe that in order to protect children, all schools should (a) be aware of the nature and level of risk to which their students are or may be exposed, and put in place a clear and comprehensive strategy which is tailored to their specific safeguarding context; and (b) take a whole-school community Contextual Safeguarding approach to preventing and responding to child on child abuse,

- Regard the introduction of this policy as a preventative measure. We (a) do not feel it is acceptable merely to take a reactive approach to child on child abuse in response to alleged incidents of it; and (b) believe that in order to tackle child on child abuse proactively, it is necessary to focus on all four of the following areas: (i) systems and structures; (ii) prevention; (iii) identification; and (iv) response/intervention

- Recognise national and increasing concern about this issue, and wish to implement this policy in order to mitigate harmful attitudes and child on child abuse in the school setting, and

- Encourage parents to hold us to account on this issue, so that if their child is feeling unsafe as a result of the behaviour of any of their peers, they should inform the School so that it can ensure that appropriate and prompt action is taken in response.

This policy:

- Is the School's overarching policy for any issue that could constitute child on child abuse. It relates to, and should be read alongside, the School's child protection policy and any other relevant policies including, but not limited to, bullying (including cyber-bullying), youth involved sexual imagery, online safety, IT use,

data protection and retention of records, children missing in education, student behaviour and discipline, exclusions, and (where relevant) weapons

- Sets out our strategy for improving prevention, and identifying and appropriately managing child on child abuse. It is the product of a comprehensive consultation – which has involved students, staff and parents, and a risk assessment. In producing this policy we have [insert list of steps taken],

- Applies to all [governors, the senior leadership team, and staff]. It is reviewed annually, and updated in the interim, as may be required, to ensure that it continually addresses the risks to which students are/or may be exposed. A number of staff and students are involved in each annual review which involves, and is informed by, an assessment of the impact and effectiveness of this policy over the previous years.

What is child on child abuse?

Child on child abuse is sexual, emotional or physical abuse that happens between children of a similar age or stage of development. It can happen between any number of children, and can affect any age group (Department for Education (DfE), 2021).

It can be harmful to the children who display it as well as those who experience it. Children can experience child on child abuse in a wide range of settings, including: at school at home or in someone else's home in public spaces online (NSPCC, 2018).

It can take place in spaces which are supervised or unsupervised. Within a school context, for example, child on child abuse might take place in spaces such as toilets, the playground, corridors and when children are walking home (Contextual Safeguarding Network, 2020).

As children develop healthily, it's normal for them to display certain types of behaviour. It's important that adults who work or volunteer with children can identify if any behaviour has become harmful or abusive, and respond proportionally to keep all the children involved safe.

We recognise that child on child abuse can manifest itself in many ways such as:

- Child Sexual Exploitation
- Sexting or youth produced digital imagery
- Upskirting
- Bullying
- Radicalisation
- Abuse in intimate relationships
- Children who display sexually harmful behaviour
- Gang association and serious violence (County Lines)
- Technology can be used for bullying and other abusive behaviour

Some of these behaviours will need to be handled with reference to other policies in school such as the behaviour policy, anti- bullying policy, child protection policy and online safety policy.

This policy concentrates on child on child abuse in the context of sexual harassment and sexual violence, physical abuse and emotional abuse. It is compliant with the statutory guidance on child on child abuse as set out in Keeping Children Safe in Education (September 2022) and should be read in conjunction with the Safeguarding Partnership regional policy and procedures, and any relevant Practice Guidance issued by it.

In regard to Harmful Sexual behaviour we are adopting the NSPCC definition of HSB as:

"Sexual behaviours expressed by children...that are developmentally inappropriate, may be harmful towards self or others, or be abusive towards another child...or adult."

We will also use Simon Hackett's continuum model to demonstrate the range of sexual behaviours and the Brook Traffic Lights (Appendix 3).

Physical Abuse

While a clear focus of child on child abuse is around sexual abuse and harassment, physical assaults and initiation violence and rituals from pupils to pupils can also be abusive.

These are equally not tolerated and if it is believed that a crime has been committed, will be reported to the police.

The principles from the anti-bullying policy will be applied in these cases, with recognition that any police investigation will need to take priority.

Online Behaviour

Many forms of child on child abuse have an element of online behaviour including behaviours such as cyberbullying and sexting.

Policies and procedures concerning this type of behaviour can be found (in anti- bullying policy, online safety police, and child protection policy)

Consensual and non-consensual sharing of nude and semi-nude images and/or videos41 (also known as sexting or youth produced sexual imagery).

Vulnerable groups

We recognise that all children can be at risk however we acknowledge that some groups are more vulnerable. This can include: experience of abuse within their family; living with domestic violence; young people in care; children who go missing; children with additional needs (SEN and/or disabilities); children who identify or are perceived as LGBT and/or have other protected characteristics under the Equalities Act 2010.

Whilst research tells is us girls are more frequently identified as being abused by their peers and, girls are more likely to experience unwanted sexual touching in schools this is not confined to girls.

Boys are less likely to report intimate relationship abuse and may display other behaviour such as antisocial behaviour. Boys report high levels of victimisation in areas where they are affected by gangs. We recognise that both boys and girls experience child on child abuse, but they do so in gendered ways.

Identifying child on child abuse

All staff should be aware of indicators, which may signal that children are at risk from, or are involved with serious violent crime. These may include:

- Increased absence from school
- A change in friendships or relationships with older individuals or groups
- A significant decline in performance
- Signs of self-harm
- A significant change in wellbeing
- Signs of assault or unexplained injuries.
- Unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with, individuals associated with criminal networks or gangs.

Prevention

Our school (Name of school/academy) actively seeks to raise awareness of and prevent all forms of child on child abuse by:

(Delete those which do not apply and add any you use effectively)

- Educating all Governors, Senior Leadership Team, staff and volunteers, [pupils/students], and parents about this issue. This will include training all Governors, Senior Leadership Team, staff and volunteers on the nature, prevalence and effect of child on child abuse, and how to prevent, identify and respond to it. This includes

  (a) Contextual Safeguarding;

  (b) The identification and classification of specific behaviours; and

  (c) The importance of taking seriously all forms of child on child abuse (no matter how low level they may appear) and ensuring that no form of child on child abuse is ever dismissed as horseplay or teasing.

- Educating children about the nature and prevalence of child on child abuse via PSHE and the wider curriculum.

- Pupils/Students are frequently told what to do if they witness or experience such abuse, the effect that it can have on those who experience it and the possible reasons for it, including vulnerability of those who inflict such abuse.
- They are regularly informed about the School's approach to such issues, including its policy towards all forms of child on child abuse.
- Engaging parents on this issue by:
  (a)Talking about it with parents, both in groups and one to one;
  (b) Asking parents what they perceive to be the risks facing their child and how they would like to see the School address those risks;
  (c) Involving parents in the review of School policies and lesson plans; and (d) Encouraging parents to hold the School to account on this issue.
- Ensuring that all child on child abuse issues are fed back to the School's safeguarding [team/lead] so that they can spot and address any concerning trends and identify [pupils/students] who maybe in need of additional support. [This is done by way of a weekly staff meeting at which all concerns about [pupils/students] (including child on child abuse issues) are discussed];
- Challenging the attitudes that underlie such abuse (both inside and outside the classroom);
- Working with Governors, Academy Trusts, Senior Leadership Team, all staff and volunteers, [pupils/students] and parents to address equality issues, to promote positive values, and to encourage a culture of tolerance and respect amongst all members of the School community;
- Creating conditions in which our [pupils/students] can aspire to and realise safe and healthy relationships;
- Creating a culture in which our [pupils/students] feel able to share their concerns openly, in a non-judgmental environment, and have them listened to; and
- Responding to cases of child on child abuse promptly and appropriately.

Policy Development

The policy has been developed in consultation with the following groups (Insert here how consultation was carried out with the relevant groups including Senior leaders, governors, staff, parents and children and young people)

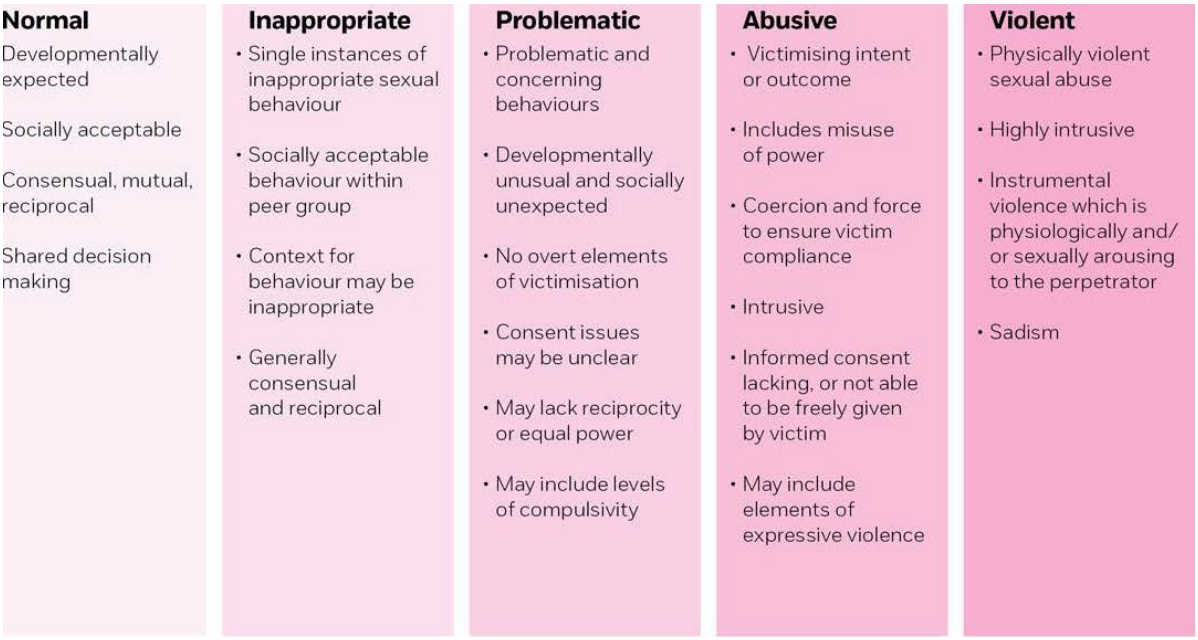
The Context

Child on child abuse takes place on a spectrum. Understanding where a child's behaviour falls on a spectrum is essential to being able to respond appropriately to it. It is essential that responses to incidents are proportionate and contextual.

In this policy we recognise the importance of distinguishing between problematic and abusive sexual behaviour (Harmful Sexual Behaviour HSB).

Simon Hackett (2010) has proposed a continuum model to demonstrate the range of sexual behaviours presented by children and young people, from those that are normal, to those that are highly deviant:

[Harmful sexual-behaviour framework pdf]



Normal	Inappropriate	Problematic	Abusive	Violent
Developmentally expected	• Single instances of inappropriate sexual behaviour	• Problematic and concerning behaviours	• Victimising intent or outcome	• Physically violent sexual abuse
Socially acceptable	• Socially acceptable behaviour within peer group	• Developmentally unusual and socially unexpected	• Includes misuse of power	• Highly intrusive
Consensual, mutual, reciprocal	• Context for behaviour may be inappropriate	• No overt elements of victimisation	• Coercion and force to ensure victim compliance	• Instrumental violence which is physiologically and/ or sexually arousing to the perpetrator
Shared decision making	• Generally consensual and reciprocal	• Consent issues may be unclear	• Intrusive	• Sadism
		• May lack reciprocity or equal power	• Informed consent lacking, or not able to be freely given by victim	
		• May include levels of compulsivity	• May include elements of expressive violence	

Determining the level of incidents

- Chronological and developmental ages of everyone involved
- Difference in their power or authority in relation to age, race, gender, physical, emotional or intellectual vulnerability
- All alleged physical and verbal aspects of the behaviour and incident
- Whether the behaviour involved inappropriate sexual knowledge or motivation
- What was the degree of physical aggression, intimidation, threatening behaviour or bribery
- The effect on the victim
- Any attempts to ensure the behaviour and incident is kept a secret
- The child or young person's motivation or reason for the behaviour, if they admit that it occurred
- Whether this was a one-off incident, or longer in duration

An example of this is the consensual sharing of an image between 16 year olds might be inappropriate but would sit on the continuum as 'inappropriate', however if these images were shared wider without consent this could be deemed as 'problematic & abusive'.

When should schools seek support?

Cases of child on child abuse are often complex, may involve multiple young people, and consent may be unclear. This is especially difficult when young people may be victims but also involved in the harm of others. In some instances it may be most appropriate, for

schools to respond internally. However in other instances, cases may require a referral to the police and/or social care.

We understand that this is not always clear. As such, we suggest that schools refer to the flow chart (Appendix 2) and consider the following when deciding if an incident require referral to:

Cases that may be best responded to in-school sit between 'Normal/Healthy' and the 'inappropriate' section on Hackett's continuum.

- Single instances of inappropriate sexual behaviour
- Socially acceptable behaviour within child group
- Context for behaviour may be inappropriate
- Generally consensual and reciprocal

Incidents where a referral to police/ social care is always required are defined under Hackett as 'violent and abusive' these will also meet level 4 under the RHRT document.

- Victimising intent or outcome
- Includes misuse of power
- Coercion and force to ensure compliance
- Intrusive
- Informed consent lacking or not able to be freely given
- May include elements of expressive violence
- Physically violent sexual abuse
- Highly intrusive
- Instrumental violence which is psychologically and/or sexually arousing to the child responsible for the behaviour
- Sadism

Cases of child on child abuse are not always clear cut and there are many grey areas. These grey areas fall under the inappropriate/ problematic section of the continuum. The Education MASH team and the Education Safeguarding Lead are available via phone and email to offer support to schools in order to ensure the appropriate risk assessments/referrals/ support is in place for the victim and child alleged to have caused harm.

- Problematic and concerning behaviour
- Developmentally unusual and socially unexpected
- No overt elements of victimisation
- Consent issues maybe unclear
- May lack reciprocity or equal power
- May include levels of compulsivity

When dealing with harmful sexual behaviour to assess where the alleged behaviour falls on a spectrum and to decide how to respond. This could include, for example, whether it:

- Is socially acceptable
- Involves a single incident or has occurred over a period of time
- Is socially acceptable within the child group
- Is problematic and concerning
- Involves any overt elements of victimisation or discrimination e.g. related to race, gender, sexual orientation, physical, emotional, or intellectual vulnerability
- Involves an element of coercion or pre-planning
- Involves a power imbalance between the child/children allegedly responsible for the behaviour
- Involves a misuse of power

Response to child on child abuse

The designated safeguarding lead or their deputy will take a leading role using their professional judgement and supported by other agencies such as social care or the police as required. All responses to child on child abuse will be informed by the flow charts, continuum and by liaising with the Education Safeguarding Lead.

It is important to deal with a situation of child abuse immediately and sensitively. It is necessary to gather the information as soon as possible to ascertain what has happened and if any other students are aware or involved. It is equally important to deal with it sensitively and think about the language used and the impact of that language on both the children and the parents when they become involved. Avoid language that may create a ‘blame’ culture and leave a child labelled. An example is instead of calling a child a ‘perpetrator’ we may instead say ‘child alleged to have caused harm’.

Staff will talk to the children in a calm and consistent manner. Staff will not be prejudiced, judgmental, dismissive or irresponsible in dealing with such sensitive matters. Children should be made aware of who they can talk to should they feel they have not been treated in this manner.

The immediate response to a report

- The school or college will take all reports seriously and will reassure the victim that they will be supported.
- All staff understand the next steps once a child has reported child on child abuse and will take the concern to the DSL/DDSL to make them aware.
- Staff will not promise confidentiality as the concern will need to be shared further (for example, with the designated safeguarding lead or social care) staff will however only share the report with those people who are necessary to progress it.
- A written report will be made as soon after the discussion as possible recording the facts as presented by the child. These may be used as part of a statutory assessment if the case is escalated later.

- Assess the needs of the victim and child alleged to have caused harm.
- Where the report includes an online element the school or college will follow advice on searching, screening and confiscation. The staff will not view or forward images unless unavoidable and only if another member of staff (preferably the DSL) is present.
- The DSL will be informed as soon as possible and consider a referral to the police and social care using the flow charts (Appendix 2).
- The DSL must complete a Risk assessment (Appendix 5) whereby sexual violence has occurred. This must be shared with the MASH.

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 or college 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 children and young people rather than criminalise them, and this should be explained in such a way that avoids alarming or distressing them.

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

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 and colleges 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/college. 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 or college.

Important considerations will include:

- The wishes of the victim in terms of how they want to proceed. This is especially important in the context of sexual violence and sexual harassment. Victims should be given as much control as is reasonably possible over decisions regarding how any investigation will be progressed and any support that they will be offered. This will however need to be balanced with the school's 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/are the alleged perpetrator(s) significantly older, more mature, confident and well known social standing? 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 or college staff, and
- Other related issues and wider context, including any links to child sexual exploitation and child criminal exploitation.

Children displaying HSB have often experienced their own abuse and trauma. It is important that they are offered appropriate support.

As always when concerned about the welfare of a child, all staff should act in the best interests of the child. In all cases, schools and colleges should follow general safeguarding principles as set out throughout this guidance. 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

When recording behaviour it is essential to:

- Record as soon as possible, as you can quickly forget or confuse detail
- Be clear, explicit and non-avoidant, and avoid vague statements or euphemisms
- Follow the prompts on your safeguarding and child protection recording form
- Use proper names for body parts but record exactly any language or vocabulary used by the child. Use the child's exact words in quotation marks.
- Note where and when the incident happened and whether anyone else was present.

Gather the facts

When making young people aware of an allegation it is essential that before you speak to them any further you offer them the option to have parents or a person they trust present. You should make them aware that parents will be informed even if they wish to progress without parents present. Speak to all the young people involved separately in order to gain a statement of facts from them. Use consistent language and open questions for each account. Ask the young people to tell you what happened. Use open questions, 'where, when, why, who'. (What happened? Who observed the incident? What was seen? What was heard? Did anyone intervene?). Do not interrogate or ask leading questions.

Decide on your next course of action

If you believe any young person to be at risk of significant harm you must report to the Designated Safeguarding Lead immediately; they will follow the school's Safeguarding and Child Protection Policy.

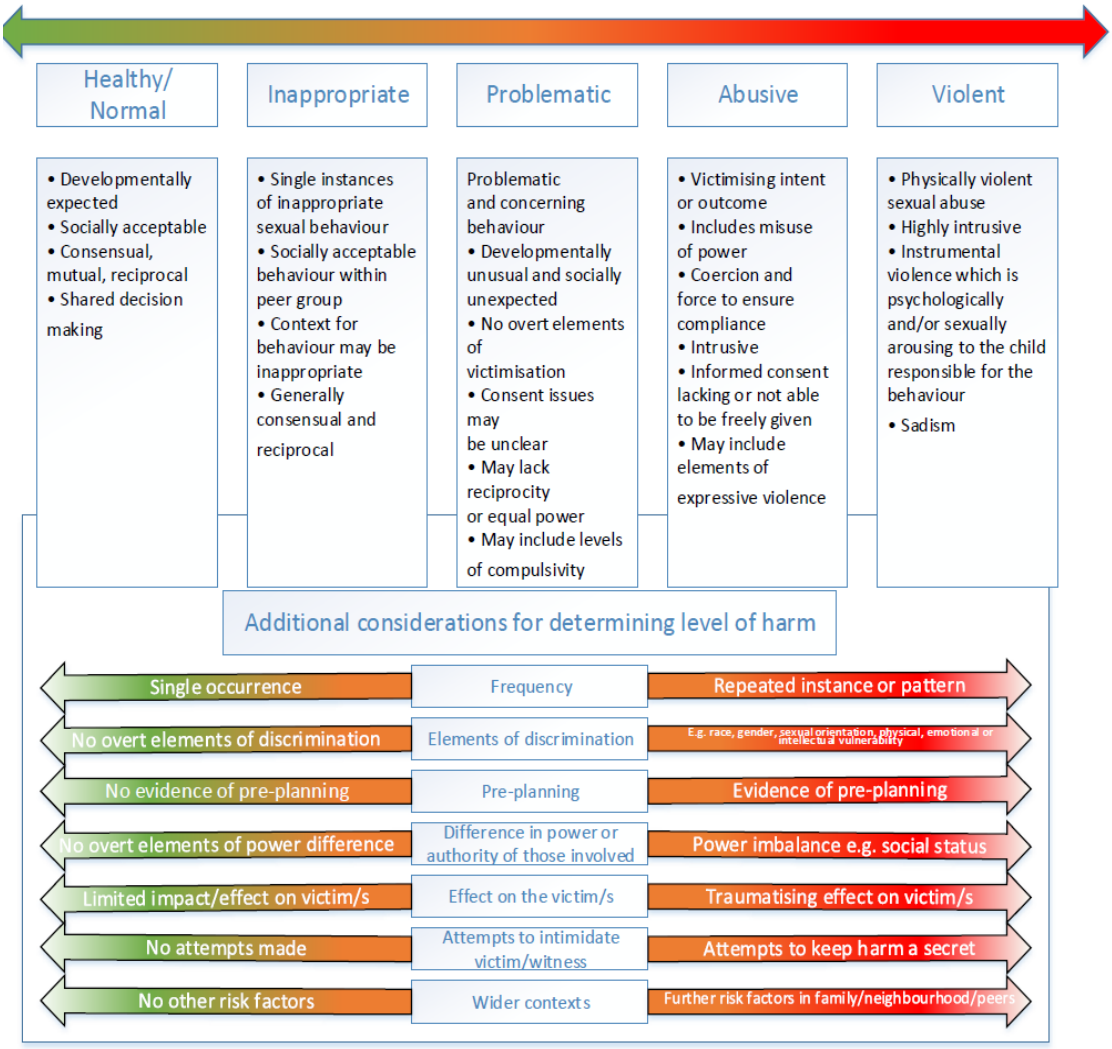
If MASH and the police intend to pursue this further, they may ask to interview the young people in school or they may ask for parents to come to school to be spoken to. It is important to be prepared for every situation and the potential time it may take.

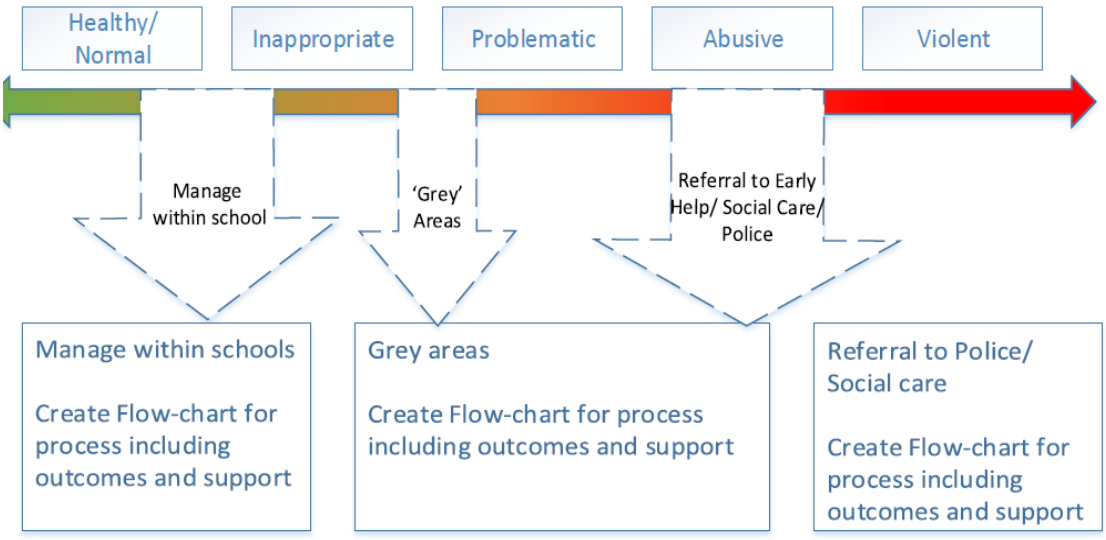
Informing parents/carers

The best way to inform parents/carers is face to face. Although this may be time consuming, the nature of the incident and the type of harm/abuse a young person may be suffering can cause fear and anxiety to parents/carers whether their child is the child who was harmed or who harmed another.

In all circumstances where the risk of harm to the child is evident then the school should encourage the young person to share the information with their parent/carer (they may be scared to tell parents/carers that they are being harmed in any way).

Referral pathways (Appendix 2)





Manage within schools

Create Flow-chart for process including outcomes and support

Grey areas

Create Flow-chart for process including outcomes and support

Referral to Police/ Social care

Create Flow-chart for process including outcomes and support

Manage internally

1. In some cases of sexual harassment, for example, one-off incidents, it may be appropriate to handle the incident internally, perhaps through utilising the behaviour and bullying policies and by providing pastoral support (you may wish to give details here). This decision is considered on the outcome of contact with the MASH and submission of a completed risk assessment.

   This decision will be made based on the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated. All decisions, and discussions around making these decisions will be recorded and stored by the DSL on the child's CP File (by whom, where).

   It is important to ensure that details of sanctions for the child alleged to have caused harm are not shared with any other persons other than those providing care for them. This is to maintain confidentiality and privacy for the child involved.

2. In line with 1 above, we may decide that the children involved do not require statutory interventions but may benefit from early help. Early help means providing support as soon as a problem emerges, at any point in a child's life. Providing early help is more effective in promoting the welfare of children than reacting later. Early help can be particularly useful to address non- violent harmful sexual behaviour and may prevent escalation of sexual violence.

3. Where a child has been harmed, is at risk of harm, or is in immediate danger, we will make a referral to the MASH following locally agreed protocols.

Where statutory assessments are appropriate, the designated safeguarding lead or a deputy will be working alongside, and cooperating with, the relevant lead social worker. Collaborative working will help ensure the best possible package of coordinated support is implemented for the victim and, where appropriate, the child alleged to have caused harm and any other children that require support.

Risk assessment

When there has been a report of child on child abuse that sits under the abusive and violent sections on the flow chart , the designated safeguarding lead (or a deputy) will make an immediate risk and needs' assessment (risk assessment). Where there has been a report of sexual harassment, a risk assessment must be completed and submitted to the MASH. The risk assessment should consider:

- The victim, especially their protection and support;
- The child alleged to have caused harm; and
- All the other children (and, if appropriate, adult students and staff) at the school or college, especially any actions that are appropriate to protect them;

Risk assessments will be recorded (written or electronic say where these are filed) and be kept under review. The designated safeguarding lead (or a deputy) will ensure they are engaging with MASH.

Reporting to the Police

DSL's have a responsibility to report all alleged crimes to the police. The designated safeguarding lead (and their deputies) will also follow local processes for safeguarding referrals.

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 as a matter of urgency. Whilst the age of criminal responsibility is ten, if the child alleged to have caused harm is under ten, the starting principle of reporting to the police remains.

Where a report has been made to the police, the school or college will consult the police and agree what information can be disclosed to staff and others, the child alleged to have caused harm and their parents or carers. They will also discuss the best way to protect the victim and their anonymity.

Where there is a criminal investigation, we will work closely with the relevant agencies to support all children involved (especially potential witnesses). Where required, advice from the police will be sought in order to help us.

Whilst protecting children and/or taking any disciplinary measures against the child alleged to have caused harm, we will work closely with the police (and other agencies as required), to ensure any actions the school or college take do not jeopardise the police investigation.

Separation

If the children involved are in the same class, the school will need to consider carefully whether to separate them while the concerns are being investigated. In situations of alleged rape and assault by penetration, the statutory guidance is clear that the child alleged to have caused harm should always be removed from classes they share with the victim.

Schools and colleges need to consider how best to keep the victim and child alleged to have caused harm a reasonable distance apart while they are on the same premises, as well as on transport to and from school or college, where appropriate.

The school will need to consider how long these measures should be in place, especially if any police investigation is inconclusive. Lack of a conviction is not the same as the allegation being unfounded. The school or college must continue to provide support to the victim and child alleged to have caused harm for as long as necessary. Therefore, any

separation arrangements must also be continued with for as long as is necessary to make sure children are safe.

There are different factors which must be considered prior to the separation of children occurring. These factors are the allegation itself, the context of the allegation, the rights, wishes and feelings of the victim(s), and the threshold the allegation meets.

As part of the consideration as to whether or not the children are separated in school, safety mapping is recommended so that the victim can clearly identify where they feel safest in school and any areas they do not feel safe. This will also allow school to map out areas each child can frequent without concern or worry that the other will be there. These actions are in the best interests of both children and should not be perceived to be a judgment on the guilt of the child alleged to have caused harm.

It is essential that the victim is able to express their rights, wishes and feelings in respect of the action the school takes, in some circumstances the victim may state that they do wish for separation to occur but rather that a seating plan is implemented. This is again considered alongside the context, the allegation itself and the threshold that is met.

If multiple young people are involved then the school will need to complete child mapping and consult with the victim(s) regarding safety mapping both within school and outside of school.

The end of the criminal process

If a child is convicted or receives a caution for a sexual offence, the school /academy will update its risk assessment, ensure relevant protections are in place for all children. We will consider any suitable action following our behaviour policy. If the child alleged to have caused harm remains in school/academy we will be very clear as to our expectations regarding the child alleged to have caused harm now they have been convicted or cautioned. This could include expectations regarding their behaviour and any restrictions we think are reasonable and proportionate about the child alleged to have caused harm's timetable.

Any conviction (even with legal anonymity reporting restrictions) is potentially going to generate interest among other pupils or students in the school or college. We will ensure all children involved are protected, especially from any bullying or harassment.

Where cases are classified as "no further action" (NFA'd) by the police or Crown Prosecution Service, or where there is a not guilty verdict, we will continue to offer support to the victim and the child alleged to have caused harm for as long as is necessary. A not guilty verdict or a decision not to progress with their case will likely be traumatic for the victim. The fact that an allegation cannot be substantiated does not necessarily mean that it was unfounded. We will continue to support all parties in this instance.

It is also important to note that by law every child has the right to an education and therefore in instances where allegations have been withdrawn, NFA'd, unfounded or unsubstantiated children may be placed back into lessons together with a seating plan and safety mapping in place. This is decided on a case by case basis and with consideration to the rights,wishes and feelings of the victim.

Support to victims and those instigating harm

Support for Children Affected by Sexual-Assault

What support they require depends on the individual young person. It may be that they wish to seek counselling or one to one support via a mentor. It may also be that they feel able to deal with the incident(s) on their own or with support of family and friends; in which case it is necessary that this young person continues to be monitored and offered support should they require it in the future. Within school children will be offered a named member of staff they can talk to and pastoral support.

Other interventions that could be considered may be that through the continued curriculum of Relationship and Sex Education (from 2020), PSHE and SMSC that certain issues can be discussed and debated more frequently.

If the young person needs further support it may be that a risk assessment can be put in place for them whilst in school so that they have someone named that they can talk to, support strategies for managing future issues and identified services to offer additional support.

Support for victims of sexual assault is available from a variety of agencies (see Appendix 3).

We will support the victim of sexual assault to remain in school but if they are unable to do so we will enable them to continue their education elsewhere. This decision will be made only at the request of the child and their family. If they are moved, we will ensure the new school is aware of the ongoing support they may need. The DSL will support this move.

Where a criminal investigation into a rape or assault by penetration leads to a conviction or caution, we may take suitable action, if we have not already done so in line with the Behaviour policy. In all but the most exceptional of circumstances, the rape or assault is likely to constitute a serious breach of discipline and lead to the view that allowing the child alleged to have caused harm to remain in the same school or college would seriously harm the education or welfare of the victim (and potentially other pupils or students).

Where a criminal investigation into sexual assault leads to a conviction or caution, we may, if we have not already done so, consider any suitable sanctions using our behaviour policy, including consideration of permanent exclusion.

Where the child alleged to have caused harm is going to remain at the school or college, the principle would be to continue keeping the victim and child alleged to have caused harm in separate classes and use safety mapping to consider the most appropriate way to manage potential contact on school and college premises and transport. The nature of the conviction or caution and wishes of the victim will be especially important in determining how to proceed in such cases.

Reports of sexual assault and sexual harassment will, in some cases, not lead to a report to the police (for a variety of reasons). In some cases, rape, assault by penetration, sexual assault or sexual harassment are reported to the police and the case is not progressed or are reported to the police and ultimately result in a not guilty verdict. None of this means the offence did not happen or that the victim lied. The process will have affected both victim and child alleged to have caused harm. Appropriate support will be provided to both as required and consideration given to sharing classes and potential contact as required on a case-by-case basis.

All the above will be considered with the needs and wishes of the victim at the heart of the process (supported by parents and carers as required). Any arrangements should be kept under review.

For the young person who has displayed harmful behaviour

It is important to find out why the young person has behaved in such a way. It may be that the young person is experiencing their own difficulties and may even have been harmed themselves in a similar way. In such cases support such as one to one mentoring or counselling may also be necessary.

Particular support from identified services may be necessary through an early help referral and the young person may require additional support from family members (Appendix 4)

Once the support required to meet the individual needs of the young person is in place it is important that the young person receives a consequence for their behaviour in line with the school Behaviour policy. In the cases of sexually harmful behaviour it may be a requirement for the young person to engage in one to one work with a particular service or agency (if a crime has been committed this may be through the police or youth offending service). If there is any form of criminal investigation ongoing it may be that this young person does not want to be educated on site until the investigation has concluded. In which case, the young person will need to be provided with appropriate support and education elsewhere.

It may be that the behaviour that the young person has displayed may continue to pose a risk to others, in which case an individual risk assessment may be required. This should be completed via a multi- agency response (via a referral to MASH) to ensure that the needs of the young person and the risks towards others are measured by all of those agencies involved including the young person and their parents. This may mean additional supervision of the young person or protective strategies if the young person feels at risk of engaging in further inappropriate or harmful behaviour.

The school may also choose a consequence such as exclusion or internal exclusion/inclusion/seclusion for a period of time to allow the young person to reflect on their behaviour.

After care

It is important that following the incident the young people involved continue to feel supported and receive help even if they have stated that they are managing the incident. Sometimes the feelings of remorse, regret or unhappiness may occur at a much later stage than the incident. It is important to ensure that the young people do not engage in any further harmful behaviour either towards someone else or to themselves as a way of coping (e.g. self-harm). For this reason, regular reviews with the young people following the incident(s) are imperative.

Multi-agency working

The School actively engages with its local partners in relation to child on child abuse, and works closely with Herefordshire Council children's social care, and/or other relevant agencies, and other schools.

The relationships the School has built with these partners are essential to ensuring that the School is able to prevent, identify early and appropriately handle cases of child on child abuse. They help the School

(a) To develop a good awareness and understanding of the different referral pathways that operate in its local area, as well as the preventative and support services which exist;

(b) To ensure that our [pupils/students] can access the range of services and support they need quickly;

(c) To support and help inform our local community's response to child on child abuse;

(d) To increase our awareness and understanding of any concerning trends and emerging risks in our local area to enable us to take preventative action to minimise the risk of these being experienced by our [pupils/students].

The School actively refers concerns/allegations of child on child abuse where necessary to Herefordshire Council children's social care, and/or other relevant agencies.

Children resident out of county but attending a Herefordshire school/academy will be reported to their home authority Social Care team.

In cases involving children who are subject to risk, harm and abuse and who have LAC status, the children’s social worker must be informed and a coordinated approach to address any incidents or concerns will be required.

Appendix 1

Useful definitions

Sexual harassment

This can be defined as 'unwanted conduct of a sexual nature' that can occur online and offline. In the context of this guidance this means 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.

It 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.

Sexting

Sexting is when someone shares sexual, naked or semi-naked images or videos of themselves or others or sends sexually explicit messages. They can be sent using mobiles, tablets, smartphones, laptops - any device that allows you to share media and messages. This is also known as youth produced sexual imagery

The UK Council for Internet Safety (UKCIS) Education Group has published Advice for Schools and Colleges on Responding to Sexting Incidents

Upskirting

This typically involves taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm. It is now a criminal offence and may constitute sexual harassment. Cases of 'up skirting' have a mandatory requirement for being reported.

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.

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.) Jones, L et al. (2012).

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.

It is important to know that: -
• 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.

It is also important to differentiate between consensual sexual activity between children of a similar age and that which involves any power imbalance, coercion or exploitation. Due to their additional training, the designated safeguarding lead (or deputy) should be involved and leading the school or college response. If in any doubt, they should seek expert advice.

It is important that schools and colleges consider sexual harassment in broad terms. Sexual harassment (as set out above) creates an atmosphere that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence.

Consensual and non-consensual sharing of nude and semi-nude images and/or videos (also known as sexting or youth produced sexual imagery):

The DFE provides Searching Screening and Confiscation Advice for schools. The UKCIS Education Group has published Sharing nudes and semi-nudes: advice for education settings working with children and young people which outlines how to respond to an incident of nude and/or semi-nude being shared

Sharing nudes and semi-nudes: advice for education settings working with children and young people from GOV.UK

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". The term has been widely adopted in child protection and is used in this advice. Harmful sexual behaviour can occur online and/or offline and can also occur simultaneously between the two. Harmful sexual behaviour should be considered in a child protection context.

Useful guidance can be found in: -

NSPCC's and Research in Practice's Harmful Sexual Behaviour Framework:

The Brook Sexual Behaviours Traffic Light Tool can also be very helpful in identifying sexual behaviours by children (Appendix 2)

The Harmful Sexual Behaviour Support Service, funded by the Home Office and developed in collaboration with the Department for Education, is hosted by SWGfL and available Monday to Friday, 8am to 8pm, on 0344 225 0623 or hsbsupport@swgfl.org.uk. The service provides advice and resources to education and safeguarding professionals who encounter, or have concerns about, harmful sexual behaviour among the children they work with

Initiation/hazing

Hazing or initiation ceremonies refers to the practice of rituals, challenges, and other activities involving harassment, abuse or humiliation used as a way of initiating a person into a group. Hazing is seen in many different types of social groups, including gangs, sports teams and school groups. The initiation rituals can range from relatively low level pranks, to protracted patterns of behaviour that rise to the level of abuse or criminal misconduct. Hazing may include physical or psychological abuse. It may also include nudity or sexual assault.

Contextual Safeguarding

All staff, but especially the designated safeguarding lead (or deputy) should be considering the context within which incidents and/or behaviours occur. This is known as contextual safeguarding, which simply means assessments of children should consider whether wider environmental factors are present in a child's life that are a threat to their safety and/or welfare.

Legislation, guidance and Law

Additional areas for consideration can be found in Sexual Violence and Sexual Harassment between Children in Schools and Colleges guidance 2021

Keeping Children Safe in Education 2022

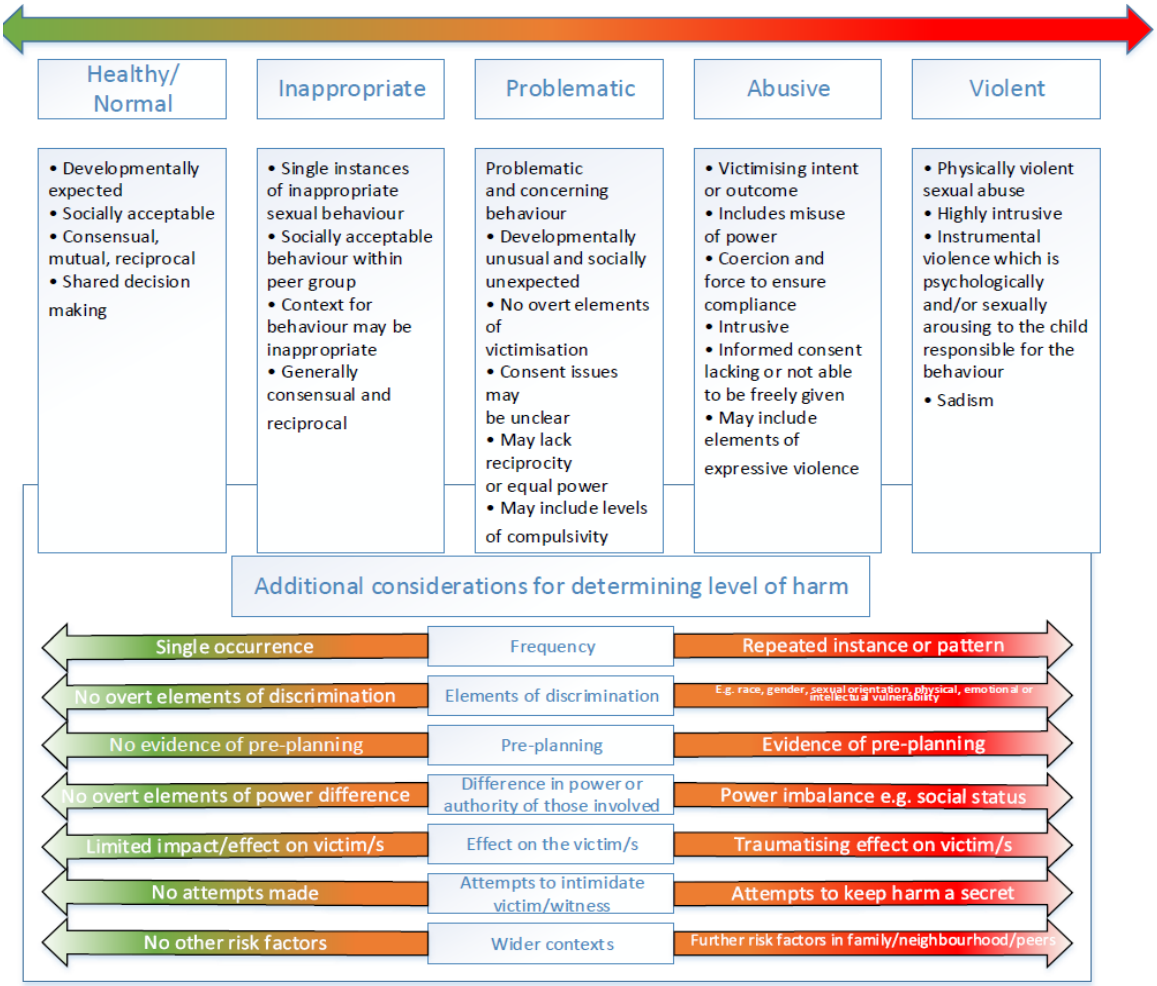
Human Rights Act 1998

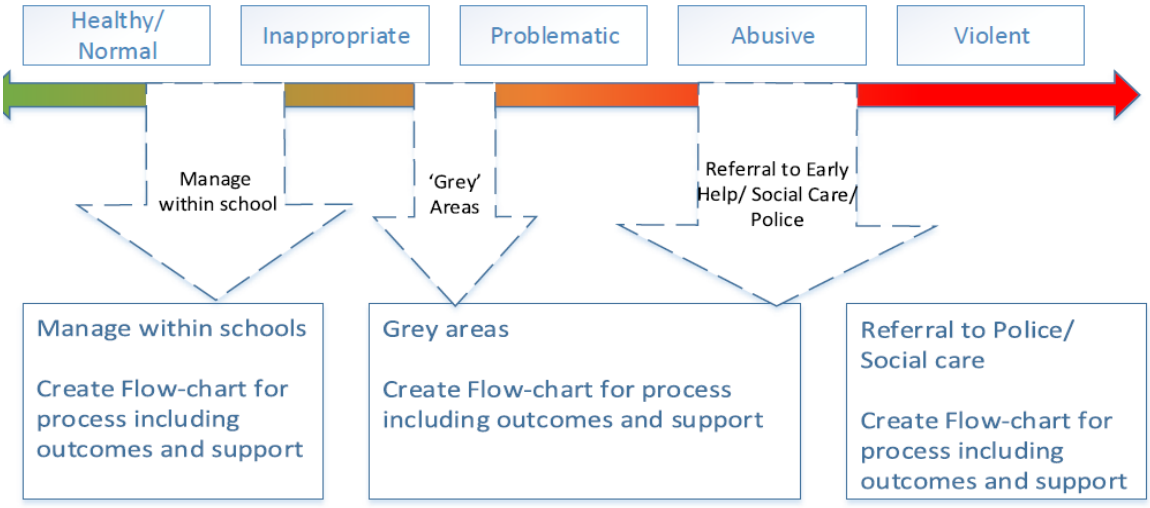
It is essential to note that this guidance adheres to and encourages all persons to ensure that they are adhering to the Human Rights Act 1998, specifically the right to an education, the right to a Fair trial and protection from discrimination.

Equalities Act 2010

This guidance is designed to ensure that the Equalities Act is adhered to at all times. The Equalities Act 2010 provides a basic framework for protection against direct and indirect discrimination, harassment and victimisation in education as well as other sectors.

West Midlands Procedures for Child on Child abuse





Appendix 3

Brook sexual behaviours traffic light tool

Behaviours: age 0 to 5 - All green, amber and red behaviours require some form of attention and response. It is the level of intervention that will vary.

What is a green behaviour?	What is an amber behaviour?	What is a red behaviour?
Green behaviours reflect safe and healthy sexual development. They are displayed between children or young people of similar age or developmental ability. They are reflective of natural curiosity, experimentation, consensual activities and positive choices	Amber behaviours have the potential to be outside of safe and healthy behaviour. They may be of potential concern due to age, or developmental differences. A potential concern due to activity type, frequency, duration or con- text in which they occur.	Red behaviours are outside of safe and healthy behaviour. They may be excessive, secretive, compulsive, coercive, degrading or threatening and involving significant age, developmental, or power differences. They may pose a concern due to the activity type, frequency, duration or the context in which they occur
What can you do? Green behaviours provide opportunities to give positive feedback and additional information.	**What can you do?** Amber behaviours signal the need to take notice and gather information to assess the appropriate action.	**What can you do?** Red behaviours indicate a need for immediate intervention and action.
Green behaviours • holding or playing with own genitals • attempting to touch or curiosity about other children's genitals • attempting to touch or curiosity about breasts, bottoms or geni tals of adults • games e.g. mummies and daddies, • doctors and nurses • enjoying nakedness • interest in body parts and what they do • curiosity about the differences between boys and girls	**Amber behaviours** • preoccupation with adult sexual behaviour • pulling other children's pants down/skirts up/trousers down against their will • talking about sex using adult slang • preoccupation with touching the genitals of other people • following others into toilets or changing rooms to look at them or touch them • talking about sexual activities seen on TV/online	**Red behaviours** • persistently touching the genitals of other children • persistent attempts to touch the genitals of adults • simulation of sexual activity in play • sexual behaviour between young children involving penetration with objects • forcing other children to engage in sexual play

Behaviour age 5 to 9

All green, amber and red behaviours require some form of attention and response. It is the level of intervention that will vary.

What is a green behaviour?	What is an amber behaviour?	What is a red behaviour?
Green behaviours reflect safe and healthy sexual development. They are displayed between children or young people of similar age or developmental ability and reflective of natural curiosity, experimentation, con-sensual activities and positive choices	Amber behaviours have the potential to be outside of safe and healthy behaviour. They may be of potential concern due to age, or developmental differences. A potential concern due to activity type, frequency, duration or context in which they occur.	Red behaviours are outside of safe and healthy behaviour. They may be excessive, secretive, compulsive, coercive, degrading or threatening and involving significant age, develop- mental or power differences. They may pose a concern due to the activity type, frequency, duration or the context in which they occur
What can you do? Green behaviours provide opportunities to give positive feedback and additional information.	**What can you do?** Amber behaviours signal the need to take notice and gather information to assess the appropriate action.	What can you do? Red behaviours indicate a need for immediate intervention and action
Green behaviours 5-9 • feeling and touching own genitals • curiosity about other children's genitals • curiosity about sex and relationships, e.g. differences between boys and girls, how sex happens, where babies come from, same- sex relationships • sense of privacy about bodies telling stories or asking questions using swear and slang words for parts of the body	**Amber behaviours 5-9** • questions about sexual activity which persist or are repeated frequently, despite an answer having been given • sexual bullying face to face or through texts or online messaging • engaging in mutual masturbation • persistent sexual images and ideas in talk, play and art • use of adult slang language to discuss sex	Red behaviours 5-9 • frequent masturbation in front of others • sexual behaviour engaging significantly younger or less able children • forcing other children to take part in • sexual activities • simulation of oral or penetrative sex • sourcing pornographic material online

Behaviours: age 9 to 13

All green, amber and red behaviours require some form of attention and response. It is the level of intervention that will vary.

What is a green behaviour?	What is an amber behaviour?	What is a red behaviour?
Green behaviours reflect safe and healthy sexual development. They are displayed between children or young people of similar age or developmental ability and reflective of natural curiosity, experimentation, con-sensual activities and positive choices	Amber behaviours have the potential to be outside of safe and healthy behaviour. They may be of potential concern due to age, or developmental differences. A potential concern due to activity type, frequency, duration or context in which they occur.	Red behaviours are outside of safe and healthy behaviour. They may be excessive, secretive, compulsive, coercive, degrading or threatening and involving significant age, develop- mental or power differences. They may pose a concern due to the activity type, frequency, duration or the context in which they occur
What can you do? Green behaviours provide opportunities to give positive feedback and additional information	**What can you do?** Amber behaviours signal the need to take notice and gather information to assess the appropriate action.	**What can you do?** Red behaviours indicate a need for immediate intervention and action
Green behaviours 9-13 • solitary masturbation • use of sexual language including swear and slang words • having girl/boyfriends who are of the same, opposite or any gender • interest in popular culture, e.g. fashion, music, media, online games, chatting online • need for privacy consensual kissing, hugging, holding hands with peers	**Amber behaviours 9-13** • uncharacteristic and risk-related behaviour, e.g. sudden and/or pro-vocative changes in dress, withdrawal from friends, mixing with new or older people, having more or less money than usual, going missing • verbal, physical or cyber/virtual sexual bullying involving sexual aggression • LGBT (lesbian, gay, bisexual, transgender) targeted bullying • exhibitionism, e.g. flashing or mooning • giving out contact details online • viewing pornographic material	**Red behaviours 9-13** • exposing genitals or masturbating in public • distributing naked or sexually pro- vocative images of self or others • sexually explicit talk with younger children • sexual harassment • arranging to meet with an online acquaintance in secret • genital injury to self or others • forcing other children of same age, younger or less able to take part in sexual activities • sexual activity e.g. oral sex or inter- course • presence of sexually transmitted infection (STI) evidence of pregnancy

What is a green behaviour?	What is an amber behaviour?	What is a red behaviour?
Green behaviours reflect safe and healthy sexual development. They are displayed between children or young people of similar age or developmental ability and reflective of natural curiosity, experimentation, con-sensual activities and positive choices	Amber behaviours have the potential to be outside of safe and healthy behaviour. They may be of potential concern due to age, or developmental differences. A potential concern due to activity type, frequency, duration or context in which they occur.	Red behaviours are outside of safe and healthy behaviour. They may be excessive, secretive, compulsive, coercive, degrading or threatening and involving significant age, develop- mental or power differences. They may pose a concern due to the activity type, frequency, duration or the context in which they occur
	worrying about being pregnant or having STIs	

Behaviours: age 13 to 17

All green, amber and red behaviours require some form of attention and response. It is the level of intervention that will vary.

What is a green behaviour?	What is an amber behaviour?	What is a red behaviour?
Green behaviours reflect safe and healthy sexual development. They are displayed between children or young people of similar age or developmental ability and reflective of natural curiosity, experimentation, con-sensual activities and positive choices.	Amber behaviours have the potential to be outside of safe and healthy behaviour. They may be of potential concern due to age, or developmental differences. A potential concern due to activity type, frequency, duration or context in which they occur.	Red behaviours are outside of safe and healthy behaviour. They may be excessive, secretive, compulsive, coercive, degrading or threatening and involving significant age, develop- mental or power differences. They may pose a concern due to the activity type, frequency, duration or the context in which they occur
What can you do? Green behaviours provide opportunities to give positive	**What can you do?** Amber behaviours signal the need to take notice and gather	**What can you do?** Red behaviours indicate a need for immediate intervention and

What is a green behaviour?	What is an amber behaviour?	What is a red behaviour?
feedback and additional info	information to assess the appropriate action.	action.
Green behaviours • solitary masturbation • sexually explicit conversations with peers • obscenities and jokes within the current cultural norm • interest in erotica/pornography • use of internet/e-media to chat online • having sexual or non-sexual relationships • sexual activity including hugging, kissing, holding hands • consenting oral and/or penetrative sex with others of the same or opposite gender who are of similar age and developmental ability • choosing not to be sexually active	**Amber behaviours** • accessing exploitative or violent pornography • uncharacteristic and risk-related behaviour, e.g. sudden and/or pro- vocative changes in dress, • withdrawal from friends, mixing with new or older people, having more or less money than usual, going missing • concern about body image • taking and sending naked or sexually provocative images of self or others • single occurrence of peeping, exposing, mooning or obscene gestures • giving out contact details online • joining adult- only social networking sites and giving false personal information • arranging a face to face meeting with an online contact alone	**Red behaviours** • exposing genitals or masturbating in public • preoccupation with sex, which interferes with daily function • sexual degradation/humiliation of self or others • attempting/forcing others to expose genitals • sexually aggressive/exploitative behaviour • sexually explicit talk with younger children • sexual harassment • non-consensual sexual activity • use of/acceptance of power and control in sexual relationships • genital injury to self or others • sexual contact with others where there is a big difference in age or ability • • sexual activity with someone in authority and in a position of trust • sexual activity with family members

Appendix 4

Support for Young People

If you think that a child has been harmed or is being neglected, contact the Multi Agency Safeguarding Hub on 01432 260800, EDT out of hours 01905 768020

For advice and guidance regarding support with child on child abuse you can contact the Education Safeguarding Lead at Herefordshire council on 01432 383887

Early Help means providing the right help at the right time to help children (Aged 0 to 19) and families work through any difficulties they may have in their life- 01432 260261.

The Police are also there to offer support and guidance to both victims and children alleged to have caused harm, they can be contacted on 101.

Herefordshire

West Mercia Rape and Sexual Assault Support Centre (WMRSASC)- 01905 724514- is a free, confidential and non-judgemental support service for survivors who have experienced rape, assault, incest, sexual abuse, sexual harassment or any form of sexual attack, whether physical, verbal or emotional.

Herefordshire rape and sexual abuse support centre-01432 266551

The Harmful Sexual Behaviour Support Service, funded by the Home Office and developed in collaboration with the Department for Education, is hosted by SWGfL and available Monday to Friday, 8am to 8pm, on 0344 225 0623 or hsbsupport@swgfl.org.uk. The service provides advice and resources to education and safeguarding professionals who encounter, or have concerns about, harmful sexual behaviour among the children they work with

Worcester

The Glade - Supporting the victims of Rape or Serious Sexual Assault

Gloucester

Hope House

Gloucestershire Rape and Sexual Abuse Centre

Free, confidential and non-judgemental support and information.

Hope House Sexual Assault Referral Centre
One-to-one support at Gloucestershire Royal Hospital.

National charities

Victim Support
A national charity dedicated to helping anyone affected by crime – not just victims and witnesses, but friends, family and anyone else caught up in the aftermath.

Rape Crisis
A national charity offering confidential help, advice and a range of Rape Crisis Centres around the UK.

Galop
A national charity providing advice and support to members of the LGBT community.

Survivors UK
A national charity supporting men who have been raped or sexually assaulted.

Crimestoppers
A national charity with a free helpline for reporting crime anonymously.

Refuge
Refuge supports women, children and men with a range of services, including refuges, independent advocacy, community outreach and culturally specific services.

Women's Aid
Women's Aid is a national charity working to end domestic abuse against women and children.

Men's Advice Line: 0808 801 0327
Confidential helpline for men experiencing domestic violence from a partner or ex-partner (or from other family members).

Useful Publications and Websites

Government Publications

The Harmful Sexual Behaviour Support Service, funded by the Home Office and developed in collaboration with the Department for Education, is hosted by SWGfL and

available Monday to Friday, 8am to 8pm, on 0344 225 0623 or hsbsupport@swgfl.org.uk. The service provides advice and resources to education and safeguarding professionals who encounter, or have concerns about, harmful sexual behaviour among the children they work with

Sexual harassment and sexual violence in schools

Keeping Children safe in Education

Preventing youth violence and gang involvement

Preventing and tackling bullying in schools

Other useful documents

Sexting

Sexting in schools and colleges-Responding to incidents and safeguarding young people

Child on child abuse

Farrer &Co - Child on child abuse toolkit, guidance on peer-on child abuse policy and template child on child abuse policy

Farrer &Co - Child on child abuse toolkit

Anti-bullying alliance
There are some useful links on the section on sexual bullying:

Sexual bullying: developing effective anti-bullying practice- A guide for school staff and other professional

Anti-bullying alliance

Preventing abuse among children and young people-guidance from Stop it Now

What is Age appropriate?

NCB Harmful sexual behaviour

NSPCC –Is this sexual abuse?

Online sexual harassment

Project deSHAME- Digital Exploitation and Sexual Harassment Amongst Minors in Europe Understanding, Preventing, Responding

Project deSHAME

Sexism

It's Just Everywhere- a study on sexism in schools –and how we tackle it

Appendix 5

Risk assessment for Child on Child abuse/ Harmful Sexual Behaviour

This Risk assessment is intended to be used by schools whereby an incident(s) of child on child abuse has occurred or is likely to occur and is deemed to meet level 3 and above in the Right Help Right time document. The Risk assessment will show considerations made for both/all pupils involved and will highlight the plan in place to keep all pupils safe. This will also take into consideration the rights, wishes and feelings of all children involved. Each section/question will be considered from the perspective of all pupils involved. Considerations will also be given for the impact on, and needs of, the wider school community. All concerns and proposed actions will be recorded. The school will work with the local multi-agency safeguarding hub (MASH- 014, the Education Safeguarding Lead and other agencies as necessary when completing this risk assessment. This document should be reviewed frequently to ensure it is fit for purpose. The terms victim and child alleged to have caused harm are used to identify the children involved. NB: there should be no assumption of guilt on the part of the child alleged to have caused harm, pending investigation.

Human Rights Act & The Equalities Act 2010.

When completing this risk assessment, safeguarding staff must have absolute consideration for the HRA and Equalities Act. The victim and child alleged to have caused harm (including parents) must be made aware of these rights. These rights include:

- Article 3: the right to freedom from inhuman and degrading treatment (an absolute right);
- Article 8: the right to respect for private and family life (a qualified right) includes a duty to protect individuals' physical and psychological integrity;
- Article 14: requires that all of the rights and freedoms set out in the Act must be protected and applied without discrimination;
- Protocol 1, Article 2: protects the right to an effective education. 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.

Equality Duty

Education settings are required to comply with relevant requirements as set out in the Equality Act 2010 (the Equality Act):

- According to the Equality Act, education settings must not unlawfully discriminate against pupils because of their sex, race, disability, religion or belief, gender reassignment, pregnancy or sexual orientation (protected characteristics).
- Whilst all of the above protections are important, in the context of this guidance education settings should carefully consider how they are supporting their pupils

with regard to their sex and sexuality

- Provisions within the Equality Act allow education settings to take positive action, where it can be shown that it is proportionate, to deal with particular disadvantages affecting one group. A school or college, could, for example, consider taking positive action to support girls if there was evidence they were being disproportionately subjected to sexual violence or sexual harassment.

A risk assessment should be completed for all cases relating to sexual violence or alleged sexual violence. Sexual violence is defined by the sexual offences act 2002 as "criminal acts: rape, assault by penetration and sexual assault".

This risk assessment should be completed with reference to Keeping Children Safe In Education, DFE Sexual Violence and Sexual Harassment in schools and colleges and the local West Midlands policy (2.24)

Basic information	Details
Referrer Name and role	
Referrer Contact details (email address and phone number)	
Name of school(s) for victim(s)	
Name of school(s) for child/ren alleged to have caused harm	
Did incident occur on school premises? If not where did the incident occur?	

Considerations	Risk (consider victim, child alleged to have caused harm, other pupils and staff)	Risk level (high, medium or low)	Actions to reduce risk	Revised risk level (high, medium or low)
What is the incident?				
Who was involved?				
Where did it happen				

Considerations	Risk (consider victim, child alleged to have caused harm, other pupils and staff)	Risk level (high, medium or low)	Actions to reduce risk	Revised risk level (high, medium or low)
Does this incident constitute a crime? Assault, sexual assault, rape, sharing of indecent images of children, etc etc. As such has this been referred to the police?				
Is it necessary to limit contact between the children involved? Refer to KCSiE and DFE guidance on sexual harassment and sexual violence in schools and colleges.				
Is there an actual or perceived threat from the child alleged to have caused harm to the victim and/or others?				
Is either the victim or the child alleged to have caused harm at risk of physical harm as a result of this incident (for example, bullying or 'retribution' by peers)?				
Do they share classes?				

Considerations	Risk (consider victim, child alleged to have caused harm, other pupils and staff)	Risk level (high, medium or low)	Actions to reduce risk	Revised risk level (high, medium or low)
Do they share break times? Do they share peer/friendship groups?				
Do they share transport to/from school?				
Are they likely to come into contact with each other (or anyone else involved in/with knowledge of the incident) outside of school?				
How can such contact be limited?				
Is there a risk of harm from social media and gossip?				

Further action taken by the school or college: Please complete for each child involved.

Action	YES/NO	Date
Police informed		
Referral to MASH		
Referral to external support services		
Referral to internal support services		
Referral to CAMHS		
Referral to early help		
Other		

Action	YES/NO	Date
Police informed		
Referral to MASH		
Referral to external support services		
Referral to internal support services		
Referral to CAMHS		

Action	YES/NO	Date
Referral to early help		
Other		

Action	YES/NO	Date
Police informed		
Referral to MASH		
Referral to external support services		
Referral to internal support services		
Referral to CAMHS		
Referral to early help		
Other		

Action	YES/NO	Date
Police informed		
Referral to MASH		
Referral to external support services		
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Referral to CAMHS		
Referral to early help		
Other		