Penpol School

Child on Child Abuse
(Managing allegations against other pupils including sexual harassment and sexual violence)

"Safeguarding is everyone's responsibility"

June 2024

Context:
At Penpol School we believe that all children have a right to attend school and learn in a safe environment. Children should be free from harm by adults in the school and other children.
All behaviour 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. In this policy we recognise the importance of distinguishing between problematic and abusive.
Child-on child abuse can happen both inside and outside of school and online. We have a responsibility to consider child-on-child abuse in all contexts and ensure we record factual information of incidents reported to us from outside of school as well. This information may then be included in any referral or passing on of information to partner agencies.

Vulnerable groups
We recognise that all children can be at risk however we acknowledge that some groups are more vulnerable. These 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 LGBTQ and/or have other protected characteristics under the Equalities Act 2010. Whilst research tells us it is girls who are more frequently identified as being abused by their peers and girls are more likely to experience unwanted sexual harassment 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. -Evidence shows that girls, children with special educational needs and disabilities (SEND) and LGBTQ children are at greater risk.

Policies
We have the following policies in place that should be read in conjunction with this policy:
Keeping Children Safe in Education
Child Protection & Safeguarding Policy
E-safety Policy
Anti bullying policy

What is Child on Child Abuse?
Child on Child abuse occurs when a child is exploited, bullied and /or harmed by their peers who are the same or a similar age; everyone directly involved with child-on-child abuse is under the age of 18 which is the legal definition for a child in England.
There is no clear boundary between incidents that should be regarded as abusive and incidents that are more properly dealt with as bullying, sexual experimentation etc. This is a matter of professional judgement. If one child causes harm to another, this should not necessarily be dealt with as abuse:

bullying, fighting and harassment between children are not generally seen as child protection issues. However, it may be appropriate to regard a child's behaviour as abusive if:

- There is a large difference in power (for example age, size, ability, development) between the children concerned; or
- The perpetrator has repeatedly tried to harm one or more other children; or
- There are concerns about the intention of the alleged child. If the evidence suggests that there was an intention to cause severe harm to the victim or to exploit them, this should be regarded as abusive whether or not severe harm was actually caused.

Reports of sexual violence and sexual harassment are extremely complex to manage. It is essential that victims are protected, offered appropriate support and every effort is made to ensure their education is not disrupted. It is also important that other children, and school-staff are supported and protected as appropriate.

Prevention

As a school we will minimise the risk of allegations against other children by: -

- Having a zero-tolerance approach to abuse. Sexual harassment should never be passed off as "banter", "just having a laugh"," part of growing up", or "boys being boys" as this can lead to a culture of unacceptable behaviours and create an unsafe environment for children.
- Providing a developmentally appropriate PSHE and RSHE curriculum which develops children's understanding of acceptable behaviour and keeping themselves safe.
- Having a robust online safety programme which develops children's knowledge, understanding and skills, to ensure personal safety and self-protection when using the internet and social networking.
- Having robust monitoring and filtering systems in place to ensure children are safe and act appropriately when using information technology in school.
- Having systems in place for any child to raise concerns with staff, knowing that they will be listened to, believed and valued.
- Delivering targeted work on assertiveness and keeping safe to those children identified as being at risk.

- Developing robust risk assessments & providing targeted work for pupils identified as being a potential risk to other children.

- We will ensure that there are clear and consistent boundaries to what is considered to be acceptable behaviour and children will understand the consequences of unacceptable behaviour or language.

- The school will ensure that parents have a clear understanding of behaviours and language that are not acceptable within school.

Allegations against other children which are safeguarding issues.

Occasionally, allegations may be made against children by other children in the school, which are of a safeguarding nature. Safeguarding issues raised in this way may include physical abuse, emotional abuse, sexual abuse, teenage relationship abuse and sexual exploitation, bullying, cyber bullying, the taking and sharing of nude and semi-nude images, sexual violence or sexual harassment. It should be considered as a safeguarding allegation against a child if some of the following features are present.

The allegation: -

- Is made against an older child and refers to their behaviour towards a younger child or a more vulnerable child

- Is of a serious nature, possibly including a criminal offence

- Raises risk factors for other children in the school

- Indicates that other children may have been affected by this child

- Indicates that children outside the school may be affected by this child.

It is important to understand that intra familial harm (something that occurs within a family environment) can happen and that support may need to be considered for other members of the family including siblings following incidents.

Child on child abuse that happens outside of school involving one or more children on roll.

In incidents where the alleged harm has taken place outside of the school and one or more of the victims/alleged perpetrators are children attending our school we still have a duty to protect and support the child/children and their families and consider any potential risk and impact within our school community.
We will expect close liaison with the relevant statutory agencies and consideration of a safety plan for the children involved.
Examples of safeguarding issues against a child could include:

Physical Abuse: Physical abuse may include, hitting, kicking, nipping, shaking, biting, hair pulling, or otherwise causing physical harm to another person. There may be many reasons why a child harms another and it is important to understand why a child has engaged in such behaviour, including accidentally, before considering the action or sanctions to be undertaken.

Bullying (including cyber bullying, prejudice based and discriminatory bullying):
Bullying is unwanted, aggressive behaviour among school aged children that involves a real or perceived power imbalance. The behaviour is repeated, or has the potential to be repeated, over time. Both children who are bullied and who bully others may have serious, lasting problems. In order to be considered bullying, the behaviour must be aggressive and include:

- An Imbalance of Power: Children who bully use their power—such as physical strength, access to embarrassing information, or popularity—to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.

- Repetition: Bullying behaviours happen more than once or have the potential to happen more than once. Bullying includes actions such as making threats, spreading rumours, attacking someone physically or verbally or for a particular reason e. g. size, hair colour, race, gender, sexual orientation, and excluding someone from a group on purpose.

Nude or semi-nude images: This is when someone sends or receives a sexually explicit text, image or video. This includes sending 'nude pics', 'rude pics' or 'nude selfies'. Pressuring someone into sending a nude picture can happen in any relationship and to anyone, regardless of their age, gender or sexual preference. However, once the image is taken and sent, the sender has lost control of the image and these images could end up anywhere. By having in their possession, or distributing, indecent images of a person under 18 on to someone else, children are not even aware that they could be breaking the law as stated as these are offences under the Sexual Offences Act 2003.

The UKCIS Education Group has published Sharing nudes and semi-nudes: advice

for education settings working with children. Consensual image sharing, especially between older children of the same age, may require a different response. It might not be abusive but children still need to know it is illegal, whilst non-consensual is illegal and abusive. UKCIS provides detailed advice about sharing of nude and semi-nude images and videos.

'Upskirting': is a criminal offence – it is defined in Keeping Children Safe in Education 2023 as '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. **'Down blousing'** and **'cyber flashing'** are not yet criminal offences in England but the legislation is expected to change to make both a criminal offence. Both behaviours should be taken very seriously and actions taken.

Emotional Abuse: Can include blackmail or extortion and may also include threats and intimidation. This harmful behaviour can have a significant impact on the mental health and emotional well-being of the victim and can lead to self-harm.

Sexual Abuse: Sexually harmful behaviour from children is not always contrived or with the intent to harm others. It exists on a wide continuum, from normal and developmentally expected too inappropriate, problematic, abusive and violent. Problematic, abusive and violent sexual behaviour is developmentally inappropriate and may cause developmental damage. There may be many reasons why a child engages in sexually harmful behaviour and it may be just as distressing to the child who instigates it as well as the child it is intended towards. Sexually harmful behaviour may range from inappropriate sexual language, inappropriate role play, to sexually touching another or sexual assault/abuse. It can also include indecent exposure, indecent touching /serious sexual assaults or forcing others to watch pornography or take part in sexting.

Teenage Relationship Abuse: Teenage relationship abuse is defined as a pattern of actual or threatened acts of physical, sexual, and/or emotional abuse, perpetrated by an adolescent (between the ages of 13 and 18) against a current or former partner. Abuse may include insults, coercion, social sabotage, sexual harassment, threats and/or acts of physical or sexual abuse. The abusive teen uses this pattern of violent and coercive behaviour, in a heterosexual or same gender relationship, in order to gain power and maintain control over the partner.

Sexual Exploitation: This can include encouraging other children to engage in inappropriate sexual behaviour or grooming and recruiting members of the peer group into being sexually exploited by other children or adults. It can also include photographing or videoing other children performing indecent acts.

Child sexual violence and sexual harassment Please consider in conjunction with Part 5 of KCSIE September 2023

Sexual violence and sexual harassment can occur between two children of any age and sex. It can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children. We should assume it is happening in our school.
Sexual harassment refers to 'unwanted conduct of a sexual nature' that can occur online as well as off line. They are never acceptable. Children's sexual behaviour exists on a continuum, from normal and developmentally expected to inappropriate, problematic, abuse and violent. When considering harmful sexual behaviours, it is very important to consider the age and stage of development of the individual child.

Children who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. It is important that all victims are taken seriously and offered appropriate support. Examples of what would constitute sexual violence and sexual harassment can be found in Part 5 of KCSIE 2023

Any form of sexual violence and harassment should not be passed off as 'banter' or 'part of growing up' or a bit of fun' and must always be taken seriously.
All incidents of sexual harassment of a child as well as sexual abuse **must be recorded.** Ofsted/ISI would expect to see that the school are recording all incidents and analysing these carefully.

Consent

Consent is about having the freedom and capacity to choose. 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 should be involved and leading the school response. If in any doubt, they should seek expert advice.

Procedure for Dealing with Allegations of Child on Child Abuse

When an allegation is made by a child against another child, members of staff should consider whether the complaint raises a safeguarding concern.

All children should feel confident to report child on child abuse. Reporting systems should be made clear to children, well promoted and easily accessible. They need to feel confident that their concerns will be taken seriously.

If there is a safeguarding concern the Designated Safeguarding Lead (DSL) should be informed. **IF YOU ARE AT ALL IN DOUBT YOU SHOULD DISCUSS IT WITH YOUR DSL.**

Follow our schools' procedures on reporting concerns and clearly mark your concern as sexual harassment or sexual violence.
A factual record should be made of the allegation, but no attempt at this stage should be made to investigate the circumstances.

The Designated Safeguarding Lead will follow through the outcomes of the discussion and make a referral where appropriate. If the allegation indicates that a potential criminal offence has taken place, the police will become involved. The Designated Safeguarding Lead should not hesitate to contact the MARU to discuss the case if at all unsure on how to proceed.

The school should be part of discussions with statutory safeguarding partners to agree what levels of assessment, support and actions (KCSIE 2023 Paragraph 492)

Parents, of both the child/ren being complained about and the alleged victim/s, should be informed and kept updated on the progress of the referral.

The Designated Safeguarding Lead will make a record of the concern, the discussion and any outcome and keep a copy in the Secure Safeguarding records.

If the allegation highlights a potential risk to the school and the child, the school will follow the school's behaviour policy and procedures and take appropriate action.

In situations where the school considers a safeguarding risk is present, a risk assessment should be prepared along with a preventative, supervision plan. The plan should be monitored and a date set for a follow-up evaluation with everyone concerned.

Best practice in relation to record keeping and confidentiality should be adhered to at all times.

If the child has disclosed any potential harm staff need to ensure the principles and best practice of dealing with a disclosure of abuse are followed.

KCSIE 2023 states that *"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 ------It is important to explain that the law is in place to protect children rather than criminalise them, and this should be explained in a way that is not alarming or distressing them"*

Safety Plan

Where there has been a report of physical or sexual violence the Designated Safeguarding Lead should make an immediate risk and needs assessment and

develop a safety plan.

If the allegation is of a verbal nature, then the need for a safety plan should be decided on a case-by-case basis.

All decisions need to be carefully documented and these records kept securely by the Designated Safeguarding Lead.

It is important to consider the wishes and feelings of the alleged victim, but these should not override any actions in relation to potential safeguarding risks to other children. The potential for ongoing risk of harm towards children and staff should be considered. Sensitivity however is key.

Other related issues and the wider context should be considered as part of the safety plan.

Consideration about how best to support and protect the alleged perpetrator will also be considered and a safety plan for them also needs to be in place. Referrals where appropriate will be made to Early Help or Children's Social Care (MARU) through the Designated Safeguarding Lead.

If it is considered necessary to involve the police, this will be done in parallel with a referral to children's social care as part of the safety plan.

If the police wish to come into school as part of an investigation all children should have access to an 'appropriate adult' '*to support, advise and assist'*. This would normally be a parent but in specific circumstances could be a member of staff at the school.

Follow up Actions - children sharing a classroom:

Whilst the school establishes the facts of the case and starts the process of liaising with children's social care and the police:

- We will consider how best to keep the victim and alleged perpetrator a reasonable distance apart on school premises and on transport to and from the school. This is likely to include removing the alleged perpetrator from any classes they share with the victim.

These actions are in the best interests of both children and should not be perceived to be a judgment on the guilt of the alleged perpetrator.

Manage Internally

In some cases, the Designated Safeguarding Lead may make the decision that this is a one-off incident with no significant harm to the child and deal with it

internally. The behaviour and bullying policy may be referred to in these incidents. All decisions as well as the alleged incident should be clearly recorded.

Support for Children

The age and developmental stage of the alleged victim need to be considered and the risk of any further harm. It is likely that a power imbalance may have been created between the victim and the alleged perpetrator.

Support for children can be available from a variety of agencies. We will support the victim of any 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 Designated Safeguarding Lead will support this move.

If the offence is of a sexual nature there may be a criminal investigation and guidance about the schools' response to both the victim and the perpetrator would be considered in discussion with the local authority and police.

Where the alleged perpetrator is going to remain at the school, the principle would be to undertake a further risk assessment to consider whether there is a need to continue keeping the victim and perpetrator in separate classes and continue to consider the most appropriate way to manage potential contact on school 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.

Recommended Resources
This advice should not be read in isolation. It is important for schools and colleges to consider other relevant advice and guidance, including the following (which is not intended to be an exhaustive list), as part of their approach to protecting children from bullying and sexual harassment and sexual abuse.

Useful guidance/advice includes:

- Keeping children safe in education 2023 (statutory guidance for schools and colleges) This includes a list of support for schools and colleges in Part Five .under Paragraph 465

- Sexual violence and sexual harassment between children in schools and colleges (guidance for schools)

- Teaching about relationships sex and health (guidance for schools)

- Relationship Education, Relationships and Sex Education and Health Education (statutory guidance for schools)
- Working Together to Safeguard Children (statutory guidance for schools and colleges)
- Exclusions from maintained schools, academies and PRUs (statutory guidance for schools)
- Behaviour and Discipline in Schools (advice for schools)
- Children Missing Education (advice for schools)
- Preventing and Tackling Bullying (advice for schools), including Cyberbullying (advice for schools)
- The Equality and Human Rights Commission (provides advice on avoiding discrimination in a variety of educational contexts)
- Mental Health and Behaviour in Schools (advice for schools)
- Rise Above (advice by Public Health England for schools)
- Promoting children and young people's emotional health and wellbeing (advice for schools)
- UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people