

## Sexual Violence and Harassment Policy



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This policy aligns with the DfE guidance document "Sexual Violence and Sexual Harassment between Children in Schools and Colleges" (September 2021).

### **Introduction:**

Sexual violence and sexual harassment can occur between children of any age and gender, from primary school through secondary school and into further education. It can involve a group of children acting against a single child or a group of children. Sexual violence and sexual harassment exist on a spectrum, can overlap, and can occur online or in person (both physically and verbally). These behaviours are never acceptable. As emphasized in Part one of *Keeping Children Safe in Education* (KCSIE), all staff working with children should operate under the principle that "it could happen here."

Addressing inappropriate behaviour, even if seemingly minor, is a crucial intervention that can prevent future problematic, abusive, and/or violent behaviour.

Children who experience sexual violence and sexual harassment, regardless of where it occurs, will likely experience stress and distress. This can negatively impact their educational progress, particularly if the alleged perpetrator(s) attend the same school or college. As highlighted in Part one of KCSIE, schools and colleges should recognize that safeguarding incidents and/or behaviours can be linked to factors outside the school or college environment, including intimate personal relationships (see also the sections on child sexual exploitation and coercive and controlling behaviour in KCSIE).

It is vital that all victims feel heard, supported, and safe. A victim should never feel that they are causing a problem by reporting sexual violence or sexual harassment, nor should they ever feel ashamed for making a report.

Earley Springs will provide support to children who are victims of sexual violence or sexual harassment. The school will also provide education and safeguarding support, as appropriate, to the alleged perpetrator(s). A child who abuses another child may themselves be a victim of abuse or may be exhibiting signs of broader issues requiring attention within the school culture. Disciplinary action and appropriate support can, and should, occur concurrently if necessary.

Managing reports of sexual violence and sexual harassment is highly complex. Protecting victims, providing appropriate support, and minimizing disruption to their education are paramount. It is also important to support and protect other children, adults, students, and staff as needed.

Earley Springs recognises that sexual violence and abuse can occur anywhere, and all staff working with children are expected to maintain a vigilant approach, understanding that "it could happen here." We will respond appropriately to all reports and concerns, including those occurring outside of the school environment or online.

Earley Springs emphasises the following:

- A zero-tolerance policy towards sexual violence and sexual harassment is in place. These behaviors are never acceptable, will not be tolerated, and should never be dismissed as "banter," "just a laugh," "part of growing up," or "boys being boys."
- Physical behaviors that could be criminal, such as grabbing intimate body parts, pulling down trousers, flicking bras, and lifting skirts, will be challenged.
- Dismissing or tolerating such behaviors risks normalising them. Failure to recognise, acknowledge, or understand the scope of harassment and abuse, or downplaying certain behaviors related to abuse, can create a culture of unacceptable behavior, an unsafe environment, and, in the worst cases, a culture that normalizes abuse, leading children to accept it as normal and not report it.
- It is understood that all of the above can be influenced by broader societal factors beyond the school, such as everyday sexist stereotypes and language.
- A whole-school approach, particularly preventative education, is therefore essential.

Children with Special Educational Needs and Disabilities (SEND) are disproportionately more likely to experience abuse than their peers. Additional barriers can exist when recognizing abuse in SEND children, including:

- Assumptions that indicators of possible abuse, such as behavior, mood, and injury, relate to the child's disability without further investigation.
- The potential for children with SEND to be disproportionately impacted by behaviors like bullying and harassment without outwardly showing any signs.
- Communication barriers and difficulties in overcoming them.

Earley Springs recognises that staff can also be victims of sexual violence and sexual harassment. The school has procedures in place to protect staff from such abuse, including clear reporting and support mechanisms.

All reports of abuse will be handled in close collaboration with the Designated Safeguarding Leads.

### **Sexual Violence:**

Earley Springs acknowledges that sexual violence occurs and that children can, and sometimes do, abuse their peers in this way, both within and outside of the school environment. When referring to sexual violence, this policy addresses child-on-child sexual violence.

For the purpose of this policy, sexual violence refers to sexual offenses under the Sexual Offences Act 2003, including:

- **Rape:** Intentional penetration of the vagina, anus, or mouth of another person with a penis, where the other person does not consent, and the perpetrator does not reasonably believe they consent.
- **Assault by Penetration:** Intentional penetration of the vagina or anus of another person with a part of their body or anything else, where the penetration is sexual, the other person does not consent, and the perpetrator does not reasonably believe they consent.

- **Sexual Assault:** Intentional touching of another person where the touching is sexual, the other person does not consent, and the perpetrator does not reasonably believe they consent. (This includes a wide range of behavior; a single act of kissing someone without consent or touching intimate body parts without consent can constitute sexual assault.)
- **Causing Someone to Engage in Sexual Activity Without Consent:** Intentionally causing another person to engage in a sexual activity where they do not consent, and the perpetrator does not reasonably believe they consent. (This can include forcing someone to strip, touch themselves sexually, or engage in sexual activity with a third party.)

**Consent:** Consent involves having the freedom and capacity to choose. Consent to sexual activity can be given to one type of activity but not another, and can be withdrawn at any time. Someone consents to penetration only if they agree by choice and have the freedom and capacity to make that choice.

- A child under 13 can never consent to any sexual activity.
- The age of consent is 16.
- Sexual intercourse without consent is rape.

### **Sexual Harassment:**

For the purpose of this policy, sexual harassment is defined as unwanted conduct of a sexual nature that can occur online and offline. This policy addresses 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 sexualized environment.

Sexual harassment can include:

- **Sexual comments:** Telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance, and calling someone sexualized names.
- **Sexual "jokes" or taunting.**
- **Physical behavior:** Deliberately brushing against someone, interfering with someone's clothes, and displaying pictures, photos, or drawings of a sexual nature.
- **Online sexual harassment:** This can be standalone or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
  - Consensual and non-consensual sharing of nude and semi-nude images and/or videos. Taking and sharing nude photographs of under-18s is a criminal offense.
  - Sharing of unwanted explicit content.
  - Upskirting (a criminal offense).
  - Sexualized online bullying.
  - Unwanted sexual comments and messages, including on social media.
  - Sexual exploitation, coercion, and threats.

Earley Springs recognises that sexual harassment, if unchallenged, creates an atmosphere that can normalise inappropriate behaviors and foster an environment conducive to sexual violence.

### **Legal Responsibilities:**

Earley Springs has a statutory duty to safeguard and promote the welfare of children. This includes adhering to guidance issued by the Secretary of State, such as:

- *Keeping Children Safe in Education*
- *Working Together to Safeguard Children*

The school will also comply with obligations under:

- Human Rights Act 1998
- Equality Act 2010
- Public Sector Equality Duty (PSED)

The school will:

- Consider the makeup of its student body, including gender and age range, and whether additional support for children with protected characteristics (who are potentially at greater risk) is appropriate.
- Consider how to foster healthy and respectful relationships between all genders, including through relationship and sex education (RSE) and personal, social, health, and economic education (PSHE).
- Ensure that its response to same-gender sexual violence and sexual harassment is as robust as its response to sexual violence and sexual harassment between children of different genders.

Earley Springs currently addresses these issues through planned, high-quality RSE and PSHE programs tailored to the pupils' needs and developmental level.

### **Safeguarding and Child Protection:**

Earley Springs takes a whole-school approach to safeguarding and child protection, involving everyone, including the Executive board, all staff, children, and their parents or carers.

Safeguarding and child protection are recurring themes throughout the school's policies and procedures. The school's approach to sexual violence and sexual harassment is integrated into its broader safeguarding framework.

The school's safeguarding procedures regarding sexual violence and sexual harassment are transparent, clear, and easily understood by staff, pupils, and parents/carers.

### **Prevention:**

Earley Springs will ensure all children are taught about safeguarding, including online safety, as part of a broad and balanced curriculum.

The school plays a vital role in preventative education through a whole-school approach. The school program may address issues such as:

- Healthy and respectful relationships.
- What respectful behavior looks like.
- Gender roles, stereotyping, equality.
- Body confidence and self-esteem.
- Prejudiced behavior.
- The principle that sexual violence and sexual harassment are always wrong.
- Addressing cultures of sexual harassment.

Earley Springs will deliver this content through its planned RSE and PSHE curriculum.

### **Specialist Support and Interventions:**

As part of its approach to sexual violence and sexual harassment, Earley Springs will carefully consider the need for external input to train and/or support staff, educate children, and/or provide support to individual children.

Reports of sexual violence and sexual harassment are often complex and require difficult professional decisions to be made, often quickly and under pressure. Earley Springs will respond to such reports through planning, training, and policies that provide a foundation for a calm, considered, and appropriate response.

Decisions will be made on a case-by-case basis, ensuring the school's child protection policy is followed. One of the designated safeguarding leads will take a leading role, supported by other agencies such as children's social care and the police as needed.

### **Managing a Disclosure:**

Children may find it difficult to verbally disclose abuse. They may exhibit signs or behaviors that they hope adults will notice and respond to. In some cases, the victim may not make a direct report. For example, a friend may report, a staff member may overhear a concerning conversation, or a child's behavior might indicate something is wrong. As stated in Part one of *Keeping Children Safe in Education*, if staff have any concerns about a child's welfare, they should act immediately rather than wait to be told.

It is crucial to reassure all victims that they are being taken seriously, regardless of how long it has taken them to come forward, and that they will be supported and kept safe. Abuse that occurs online or outside of the school should not be minimised and should be treated with equal seriousness. A victim should never feel that they are causing a problem by reporting sexual violence or sexual harassment, nor should they ever feel ashamed for making a report, or have their experience minimised.

As with all safeguarding concerns, staff must take appropriate action in accordance with the Earley Springs child protection policy. They should not assume that someone else is responding to any incident or concern. If in any doubt, they should speak to the designated safeguarding lead (or a deputy). While basic safeguarding principles remain the same, it is important for staff to understand why the victim chose not to make a direct report. This discussion should be handled sensitively and with the support of children's social care if required.

Reports may involve pupils from the same school but allege that the incident occurred away from school premises or online. There may also be reports where the children attend different schools. The safeguarding principles, and schools' duties to safeguard and promote the welfare of their pupils, remain the same.

The school's safeguarding practice will include:

- Not promising confidentiality at this initial stage, as it is highly likely the concern will need to be shared further.
- Listening carefully to the child, being non-judgmental, being clear about boundaries and how the disclosure will be progressed.
- Recording only the facts as the child presents them.
- Informing the designated safeguarding lead as soon as practically possible

### **Confidentiality:**

A victim may ask staff not to disclose information about the sexual violence or sexual harassment. There are no easy answers when a victim makes this request. Even if the victim does not consent to sharing information, staff may still lawfully share it if it is deemed to be in the public interest, for example, to protect children from harm and promote their welfare.

The designated safeguarding lead (or a deputy) 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 children's social care; and rape, assault by penetration, and sexual assaults are crimes.
- When a report of rape, assault by penetration, or sexual assault is made, it should be referred to the police.
- While 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.

The designated safeguarding lead will balance the child's wishes against their duty to protect them and other children.

If the designated safeguarding lead decides to make a referral to children's social care and/or a report to the police against the victim's wishes, this should be handled with extreme care. The reasons should be explained to the victim, and appropriate specialist support offered.

### **Anonymity:**

If an allegation of sexual violence or sexual harassment is proceeding through the criminal justice system, Earley Springs will be aware of anonymity, witness support, and the criminal process to offer appropriate support. Information is available from the CPS regarding safeguarding children as victims and witnesses. The school will consider the potential impact of social media in facilitating the spread of rumors and exposing victims' identities.

### **Risk Assessment:**

Following a report of sexual violence, the designated safeguarding lead should conduct an immediate risk and needs assessment. In cases of reported sexual harassment, the need for a risk assessment should be considered on a case-by-case basis.

The risk and needs assessment should consider:

- The victim, their protection, and support.
- Whether there have been other victims.
- The alleged perpetrator.
- Other children and, if appropriate, staff at the school.
- Actions needed to protect from future harm.

Risk assessments should be recorded (written or electronically) and reviewed regularly. Earley Springs will actively consider the risks posed to all pupils and implement appropriate measures to protect and keep children safe. The designated safeguarding lead will engage with children's social care and specialist services as required.

### **Action Following a Report of Sexual Violence/Harassment:**

The designated safeguarding lead will develop a safeguarding picture and decide on the school's initial response. In all cases, the school will follow its own safeguarding policy and procedures, including the principles stated in *Keeping Children Safe in Education*.

Important considerations include:

- The ages of the children involved.
- The developmental stages of the children involved.
- Any power imbalance between the children (e.g., age, maturity, confidence, disability, learning difficulty).
- Whether the alleged incident is a one-off or a sustained pattern of abuse (sexual abuse can be accompanied by other forms of abuse).



- That sexual violence and sexual harassment can occur within intimate personal relationships.
- Ongoing risks to the victim, other children, adult students, or staff.
- Other related issues and wider context, including any links to child sexual exploitation and child criminal exploitation.

## **Sexual Violence and Sexual Harassment are Not Acceptable and Will Not Be Tolerated at Earley Springs.**

### **Options to Manage the Report:**

It is important that schools consider each report on a case-by-case basis. The decision of when to inform the alleged perpetrator should be carefully considered. If a report is going to be made to children's social care and/or the police, the school should generally speak to the relevant agency and discuss next steps, including how the alleged perpetrator will be informed of the allegations.

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

1. **School-based Intervention:** In one-off incidents, Earley Springs may determine that the children involved do not require early help or statutory intervention and that the incident can be handled internally. Whatever the school's response, it should be based on the principle that sexual violence and sexual harassment are never acceptable and will not be tolerated. All concerns, discussions, decisions, and reasons for decisions should be recorded.
2. **Early Help:** If the school decides that the children involved do not require statutory interventions but could benefit from early help, an Early Help referral will be submitted to provide support as soon as possible. All concerns, discussions, decisions, and reasons for decisions should be recorded. Multi-agency early help is most effective when combined with strong school policies, preventative education, and engagement with parents and carers. The response should be based on the principle that sexual violence and sexual harassment are never acceptable and will not be tolerated.
3. **Referrals to Children's Social Care:** If a child has been harmed, is at risk of harm, or is in immediate danger, Earley Springs will follow its safeguarding policy and inform the designated safeguarding lead, who will make a referral to children's social care. All concerns, discussions, decisions, and reasons for decisions should be recorded. At this stage, the school will generally inform parents or carers unless there are compelling reasons not to (e.g., if informing a parent or carer is likely to put the child at additional risk). Such a decision should be made with the support of children's social care. The response should be based on the principle that sexual violence and sexual harassment are never acceptable and will not be tolerated. If a statutory assessment is not appropriate, the designated safeguarding lead should consider other support

mechanisms, such as early help, specialist support, and pastoral support.

4. **Reporting to the Police:** Reporting to the police will generally occur in parallel with a referral to children's social care. The designated safeguarding lead must be clear about the local referral process and follow it. When a report of rape, assault by penetration, or sexual assault is made, reporting to the police will generally occur alongside referrals to children's social care. The school will follow its safeguarding policy and inform the designated safeguarding lead. At this stage, the school will generally inform parents or carers unless there are compelling reasons not to (e.g., if informing a parent or carer is likely to put the child at additional risk). The response should be based on the principle that sexual violence and sexual harassment are never acceptable and will not be tolerated. All police forces have specialist units that investigate child abuse. The designated safeguarding lead must be aware of local arrangements. All concerns, discussions, decisions, and reasons for decisions should be recorded.

### **Classroom Support:**

If children are sharing a classroom after a report of sexual violence or sexual harassment, and during a criminal investigation, the proximity of the victim and alleged perpetrator, along with considerations regarding shared classes, school premises, and transport, should be addressed immediately.

In all cases, Earley Springs will record the decision, ensuring that the needs and wishes of the victim are central to the process and that it is supported by parents and carers as needed. All arrangements will be kept under review.

### **Safeguarding and Supporting the Victim:**

Victims may not disclose the full picture immediately and may be more comfortable sharing information gradually. Maintaining open and encouraging dialogue is essential. When ongoing support is clearly required, Earley Springs will ask the pupil if they would find it helpful to have a designated trusted adult, such as their teacher or designated safeguarding lead, to discuss their needs.

A victim of sexual violence is likely to be traumatized and, in some cases, may struggle in a normal classroom environment. There may be times when the pupil finds it difficult to maintain a full-time timetable and may express a wish to withdraw from lessons and activities.

If the trauma prevents the pupil from remaining in school, alternative provision or a move to another school should be considered to enable them to continue their education. This should only occur at the pupil's request and after discussion with their parents or carers.

A dedicated NSPCC helpline is available to support anyone who has experienced sexual abuse in educational settings or has concerns. The helpline number is 0800 136 663.

### **Safeguarding and Supporting the Alleged Perpetrator:**

Earley Springs will balance safeguarding the pupil, the wider student body, and providing the alleged perpetrator with an education, safeguarding support, and implementing any disciplinary sanctions.

Consideration will be given to:

- The age and developmental stage of the alleged perpetrator and the nature of the allegations. Any child will likely experience stress as a result of being the subject of allegations and/or negative reactions from their peers.
- Support should be considered on a case-by-case basis.
- The school will take appropriate action while any investigation by the police and/or children's social care is ongoing.

### **Working with Parents and Carers:**

Earley Springs will engage with the parents or carers of both the victim and the alleged perpetrator when there has been a report of sexual violence. In cases of sexual harassment, this may not be necessary or proportional and should be considered on a case-by-case basis, unless there is reason to believe informing a parent or carer will put a child at additional risk.

Earley Springs will meet with the victim and their parents or carers to discuss the safeguarding arrangements in place, understand their wishes regarding support, and explain how the report will be progressed.

Earley Springs will meet with the alleged perpetrator's parents or carers to discuss any arrangements that are being implemented that impact the pupil.

### **Safeguarding Other Children:**

Earley Springs will consider what support should be given to children who have witnessed sexual violence, as witnessing such an event is likely to be traumatic.

Earley Springs will ensure that the victim, the alleged perpetrator, and any witnesses are not being bullied or harassed, including online or via social media.

Following any report of sexual violence or sexual harassment, some children may take sides. The school should do everything possible to ensure that the victim, the alleged perpetrator, and any witnesses are not being bullied or harassed.

A whole-school approach to safeguarding, clearly communicating that sexual violence and sexual harassment are always unacceptable, and a strong preventative education program will foster an environment where all children are supportive and respectful of their peers when reports of sexual violence or sexual harassment are made.

School transport is a potentially vulnerable place for victims and alleged perpetrators following any incident. Earley Springs, as part of its risk assessment, will consider any additional potential support needs to keep all children safe.

**Monitoring and Review:**

The school will regularly review its policy, processes, and curriculum to ensure the protection of all children.