



# Hedingham School & Sixth Form

## Harmful Sexual Behaviour Policy

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## 1. Introduction

Sexual violence and sexual harassment is never acceptable within our school. It will not be tolerated and will not be passed off as 'banter,' 'just having a laugh,' or 'part of growing up.' Any report of sexual violence and sexual harassment will be recognised, acknowledged, understood and appropriate interventions will be put in place which are fair, proportionate, educational and safeguard all students involved.

This policy is in line with Hedingham School & Sixth Form Child Protection and Safeguarding Policy and the safeguarding requirements in [Keeping Children Safe in Education](#) (Department for Education ('DfE' 2021), which we must work to; Part 5 of the Keeping Children Safe in Education statutory guidance sets out how schools should manage reports of child-on-child sexual violence and harassment. This policy also links to the guidance issued by the DfE in 2018: [Sexual violence and sexual harassment between children in schools and colleges](#). (DfE 2021)

## 2. Healthy Sexual Development in Young People

It is normal for some students to display sexualised behaviour towards their peers as they develop. However, sexualised behaviour between peers that has become harmful or abusive is unacceptable and must be addressed.

It is important for staff and students to understand what healthy sexual development looks like in children as they grow. Students's sexual development is shaped by their environment, experiences and what they see. Children now are more likely to see or come across sexual images and videos at a younger age than their parents would have done. This can be through films, music, videos or online, including pornography.

Every child is different and may become interested in relationships, sex and sexuality at slightly different ages. But as children get older, the way they express their sexual feelings change. It's natural for teenagers to show interest in sexual and relationships for example or for children to be curious about the changes that happen during puberty.

Many sexual behaviours children and teenagers show as they grow up are normal and healthy, so long as they're not causing harm to others or to themselves.

## 3. Links to other Policies

- Child Protection and Safeguarding Policy
- Behaviour, Relationships and Recognition Policy
- Anti Bullying Policy
- Emotional Well Being and Mental Health Policy

## 4. Definition of Sexual Abuse

Forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse. Sexual abuse can take place online, and technology can be used to facilitate offline abuse.

The sexual abuse of children by other children is a specific safeguarding issue in education.

*(Keeping children safe in education, DfE, 2021)*

## 5. Harmful Sexual Behaviour

Harmful sexual behaviour is developmentally inappropriate sexual behaviour displayed by children and young people which is harmful or abusive.

**It may include:**

- Peer-on-peer sexual abuse which is a form of Harmful Sexual Behaviour where sexual abuse takes place between children of a similar age or stage of development
- Sexual violence, sexual harassment and/or sexual language
- Problematic sexual behaviour is developmentally inappropriate or socially unexpected sexualised behaviour which doesn't have an overt element of victimisation or abuse

Harmful sexual behaviour can manifest itself in many ways. This may include:

**Sexual Violence**

When referring to sexual violence we are referring to sexual violence offences under the Sexual Offences Act 2003.

- Rape
- Assault by Penetration
- Sexual Assault
- Causing someone to engage in sexual activity without consent.

Any report of sexual violence will be reported to the Police immediately by the Designated Safeguarding Lead or in their absence, the Deputy Safeguarding Leads.

**Sexual Harassment**

When referring to sexual harassment, we mean unwanted conduct of a sexual nature that can occur both online and offline and both inside and outside of school/college. When we reference sexual harassment, we do so in the context of child on child sexual harassment. Sexual harassment is likely to: violate a child's dignity and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexual environment.

- Sexual Comments
- 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;
- Sexual 'jokes' or taunting;
- Physical behaviour;
- inappropriate or unwanted sexualised touching;
- On-Line sexual harassment including:
  - pressurising, forcing, or coercing someone to share nude images (known as sexting or youth produced sexual imagery);
  - sharing sexual images of a person without their consent;
  - bullying of a sexual nature online or offline, for example sexual or sexist name-calling.

Our school also understands the different gender issues that can be prevalent when dealing with harmful sexual behaviour.

Students can experience harmful sexual behaviour in various settings. This includes at school, at home (or at another home), in public places, and online. At school, issues can occur in places which are supervised and unsupervised. For example, abuse may occur in toilets, corridors, changing areas, common rooms, outside spaces such as the playground and sports facilities, and when students are travelling home.

**6. How we seek to minimise the risk of harmful sexual behaviour**

The principle aim of our approach is to foster the conditions in which our students can aspire to and realise safe and healthy relationships, at school and as they continue in life. We work to a culture in which the voice of our student is central, where students feel able to share their concerns openly, knowing that they will be listened to, and that they will not be judged. Students who are a victim of or are aware of any harmful sexual behaviour are encouraged to, 'Step Up and Speak Out.'

**Consent**

We teach all students in the school that consent is about having the freedom and capacity to choose. Consent to one sort of sexual activity may be given to one sort of sexual activity but not another. Consent can be withdrawn at any time.

### Personal Development Across the Curriculum

We use relationships, sex and health education ([Personal Development or Relationships and Sex Education curriculum](#)) to help our students understand, in an age-appropriate way, what harmful sexual behaviour is, including by peers. We teach them the knowledge they need to recognise and report abuse, including emotional, physical, and sexual abuse. We also teach them about the importance of making sensible decisions to stay safe (including online), whilst being clear that if a student is abused, it is never their fault.

We help our students to develop the skills to understand:

- what constitutes harmful sexual behaviour;
- that such behaviour is not acceptable;
- the possible reasons for such behaviour, and vulnerability of perpetrators;
- that they must tell a trusted adult if someone is behaving in a way that makes them feel uncomfortable – and must tell a trusted adult if they witness such behaviour towards others (sptpe up, speak out)..

### Parents and Carers

It is important that parents and carers understand what is meant by harmful sexual behaviour, and reinforce key messages from school at home. We work in partnership with parents to support our students and want to help them keep their child/ren safe. Parents and carers should understand:

- the nature of harmful sexual behaviour;
- the effects of harmful sexual behaviour on student;
- the likely indicators that such behaviour may be taking place;
- what to do if it is suspected that peer on peer sexual abuse has occurred;

Further information to support parents and carers in relation to harmful sexual behaviour is available online, including on the [NSPCC](#) website.

### Staff

Our staff undertake annual safeguarding training where the different types of harmful sexual behaviour are discussed. Staff also receive updates on safeguarding issues throughout the school year, including about the nature and prevalence of harmful sexual behaviour, where appropriate.

Importantly, the training also ensures that our staff know what to do if they receive a report that harmful sexual behaviour may have occurred, including how to support students. They maintain an attitude of, 'it could happen here,' and always act in the best interests of the child. Staff will act on any concern immediately following our Safeguarding procedures.

The designated safeguarding lead is always available to discuss any concerns.

## 7. Guidance on Sharing nudes and semi-nudes

In the latest advice for schools and colleges (UKCIS, 2020), this is defined as the sending or posting of nude or semi-nude images, videos or live streams on-line by young people under the age of 18. This could be via social media, gaming platforms, chat apps or forums. It could also involve sharing between devices via services like Apple's AirDrop which works offline. Alternative terms used by children and young people may include 'dick pics' or 'pics'.

Many professionals may refer to 'nudes and semi-nudes' as:

- youth produced sexual imagery or 'youth involved' sexual imagery
- indecent imagery. This is the legal term used to define nude or semi-nude images and videos of children and young people under the age of 18. Further guidance on the law can be found in section 1.7
- 'sexting'. Many adults may use this term, however, some young people interpret sexting as 'writing and sharing explicit messages with people they know' rather than sharing images
- image-based sexual abuse. This term may be used when referring to the non-consensual sharing of nudes and semi-nudes

Terms such as ‘revenge porn’ and ‘upskirting’ are also used to refer to specific incidents of nudes and semi-nudes being shared. However, these terms are more often used in the context of adult-to-adult non-consensual image sharing offences outlined in s.33-35 of the Criminal Justice and Courts Act 2015, Voyeurism (Offences) Act 2019 and s.67A of the Sexual Offences Act 2003.

Staff will never view, copy, print, share, store or save the imagery yourself, or ask a child to share or download – this is illegal.

- If a member of staff has already viewed the imagery by accident (eg if a young person has showed it to you before you could ask them not to), report this to the Designated Safeguarding Lead (DSL) (or equivalent) and seek support
- A member of staff must not delete the imagery or ask the young person to delete it
- A member of staff must not ask the child/children or young person(s) who are involved in the incident to disclose information regarding the imagery. This is the responsibility of the DSL (or equivalent)
- A member of staff must not share information about the incident with other members of staff, the young person(s) it involves or their, or other, parents and/or carers
- A member of staff must not say or do anything to blame or shame any young people involved
- A member of staff should explain to the student that the staff member needs to report it and reassure them that they will receive support and help from the Safeguarding team

## 8. Our response to an incident/allegation

The wellbeing of our students is always central to our response to an allegation or incident of harmful sexual behaviour. Any student reporting a concern will be treated respectfully. We will reassure them that they are being taken seriously and that they will be supported and kept safe; no student will be given the impression that they are creating a problem by reporting abuse or made to feel ashamed.

Our staff will never promise confidentiality to the student as the concern will need to be shared further. The school’s Designated Safeguarding Lead will need to be informed as soon as possible of any incident and the details may also need to be shared with Children’s Social Care / the police and other specialist agencies. We have in place effective working relationships with our safeguarding partners, which are essential to ensuring that concerns are appropriately managed.

All concerns will be considered carefully and on a case by case basis, underpinned by robust risk assessment. Our actions will not be judgemental about the guilt of the alleged perpetrator and will always be taken in the interests of all students concerned.

Our approach will help us to ensure that all students are protected and supported appropriately. The following principles will guide us:

- the wishes of the student in terms of how they want to proceed – the victim will 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;
- the nature of the alleged incident(s), including whether a crime may have been committed;
- the ages and developmental stages of all students involved;
- consideration of any power imbalance between the students – for example, is the alleged perpetrator significantly older, more mature, or more confident/does the victim have a disability or learning difficulty;
- consideration of whether the alleged incident a one-off or a sustained pattern of abuse;
- consideration of any ongoing risks to the victim, other students, or staff;
- a consideration that 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;
- consideration of any other related issues and wider context.

We will include and explain next steps to the student so they understand what will happen, including who will be informed. Where the student already has Social Care involvement, such as a Looked After Child, a Child In Need or a child with a Child Protection Plan, we will inform the child's Social Worker and work in partnership with them as appropriate.

Whilst we establish the facts of the case and start the process of liaising with other agencies as appropriate, we will consider how best to keep the victim and alleged perpetrator a reasonable distance apart on school premises, and where applicable, on transport to and from the school.

Along with providing support to students who are victims of sexual violence or sexual harassment, Hedingham School & Sixth Form will provide the alleged perpetrator with an education, safeguarding support as appropriate and implement any disciplinary sanctions.

Where an incident includes an online element, we will always work in accordance with appropriate guidance, taking advice from other partners as necessary.

## 9. Investigation

The starting point for any investigation is that there is a zero-tolerance approach to sexual violence and sexual harassment and it is never acceptable and it will not be tolerated.

The school will follow general safeguarding principles as per Keeping Children Safe in Education (2021) and the Child Protection and Safeguarding Policy.

The Designated Safeguarding Lead will be responsible for leading investigations, and for liaising with other agencies as appropriate, for example Children's Social Care and the police. The Designated Lead will ensure there are accurate records of each stage of the investigation and that any supporting information is included in the Child Protection files.

Any alleged incident will be investigated by the police if deemed appropriate by the Designated Safeguarding Lead or by the Safeguarding Leads within the school. Should an alleged serious crime have been committed or if a parent has reported an alleged incident directly to the police, the school will not lead a dual investigation. Its primary role will be safeguarding any students involved in the alleged incident in line with our Child Protection and Safeguarding Policy.

If a report of sexual violence is made to the school, the alleged perpetrator(s) will be removed from any classes they share with the victim. The school and college will give careful consideration how best to keep the victim and alleged perpetrator a reasonable distance apart on school premises. This should not be perceived to be a judgement on the guilt of the alleged perpetrator(s) but taken in the best interests of all students involved.

Should the school lead an investigation, a judgement will be made on 'the balance of probability,' as we would for any alleged behaviour incident and by following our Behaviour, Relationships and Recognition Policy and Child Protection and Safeguarding Policy.

Reports of sexual violence and sexual harassment are likely to be complex, requiring difficult professional decisions to be made. Careful, considered and appropriate responses will be made to any report. The professional judgement of several professionals including the Designated Safeguarding Lead, Headteacher, Deputy Headteacher and outside agencies such as the Children's and Family Hub Consultation Line will decide the best intervention on a case by case basis.

The detailed process of the investigation will be shared with relevant students and parents (ie alleged victim, alleged perpetrator).

## 10. Recording

It is essential that information relating to allegations about harmful sexual behaviour are recorded within our school, as with any other child protection concern – and in line with our Child Protection Policy. The record may form part of a statutory assessment by Children's Social Care or by another agency.

Any member of staff receiving a disclosure of harmful sexual behaviour or noticing signs or indicators of this, will record it as soon as possible, noting what was said or seen (if appropriate, using a body map to record), giving the date, time and location. The facts will be recorded as the STUDENT presents them.

The record will then be presented to the Designated Safeguarding Lead (or Deputy), who will decide on appropriate action and record this accordingly.

If a student is at immediate risk of harm, staff will speak with the Designated Safeguarding Lead or Deputy first, and deal with recording as soon as possible afterwards.

All related concerns, discussions, decisions, and reasons for decisions will be dated and signed and will include the action taken.

### **11. Investigation outcomes**

Our investigation of an allegation or incident as set out in this policy will enable us to determine the outcome, working with our safeguarding partners as appropriate. We will always seek to ensure that the outcome of an investigation is appropriate and proportionate to the circumstances in relation to the report.

### **12. Risk Assessment**

We will complete a risk assessment following a report of harmful sexual behaviour, considering all STUDENT involved in an incident. We will also consider all other students at our school and any actions that may be appropriate to protect them.

Risk assessments will be regularly reviewed to ensure they remain relevant and fit for purpose. Where appropriate, the affected student and their parents and carers will be invited to contribute to the completion and review of the risk assessment.

### **13. Supporting the student who has allegedly experienced harmful sexual behaviour**

We will assess what short-term and long-term support a student may need to help them manage the immediate aftermath of an incident, and to recover from what they have experienced. The student's existing support network will be central to this work; we will work with other partners as appropriate and in accordance with the student's wishes and, wherever appropriate, in discussion with parents/carers.

We will consider what is necessary to support the student straightaway, for example by making adaptations to their timetable and in-school support and taking steps to protect them from attention or peer pressure they may experience due to making a report. This work will be guided by a robust risk assessment process and we will ensure that the student and their parents/carers have an opportunity to contribute. We will also ensure there is regular review of arrangements to be confident they meet the needs of all involved.

It may be necessary to make requests for support to mental health and well-being services or for therapeutic intervention. We may also need to link with other agencies to remove inappropriate material from the Internet, such as the [Internet Watch Foundation](#).

### **14. Supporting the Student who has allegedly displayed harmful sexual behaviour**

We have a duty of care to all students and we will protect and support student who have displayed abusive or harmful sexual behaviour. We will do this through considering the needs of the student, any risks to their safety and what multi-agency responses are needed to support them and their family. This work will be guided by a robust risk assessment process and we will ensure that the student and their parents / carers have an opportunity to contribute. We will also ensure there is regular review of arrangements to be confident they meet the needs of all involved.

Some student may not realise they have behaved abusively. We will avoid using language that may make them feel judged or criminalised and ensure that any intervention will be at the least intrusive level required to effectively address the behaviour.

We will consider appropriate sanctions using our behaviour policy, and work with the student and their support network to consider measures that may help to address the student's behaviour.



### **i) Manage internally**

In some cases, for example, one-off incidents, we may take the view that the students concerned are not in need of early help or statutory intervention. In these cases, we will follow our other school policies in addressing matters, for example our behaviour / anti-bullying policies.

We will also consider what support the students involved may need going forward - for example, pastoral support, counselling services, and ensuring that there is a trusted adult for those affected to speak with if they wish to. We will also consider whether any intervention or support is required as part of a whole setting approach or with the wider school community.

### **II) Early Help**

Where statutory intervention is not required or agreed, we may use early help instead. This means providing support as soon as a problem emerges, at any point in a student's life. We will work with parents and carers and other relevant partners when following this approach, which can be particularly useful in addressing non-violent harmful sexual behaviour and may prevent escalation.

### **III) Requests for support to Children's Social Care**

Where a student has been harmed, is at risk of harm, or is in immediate danger, we will make a request for support to Children's Social Care. We will generally inform parents and carers of this unless to do so may put a student at additional risk. We will seek advice from other partners on such matters.

If we make a request for support, Children's Social Care will consider whether the students involved are in need of protection or other services. Where statutory assessments are appropriate, the school will work with Children's Social Care and other agencies as appropriate. Partnership working helps to ensure the best possible package of coordinated support is implemented for the victim and, where appropriate, the alleged perpetrator and any other students that require support.

In some cases, Children's Social Care will review the evidence and decide a statutory intervention is not appropriate. If a statutory assessment is not considered appropriate by Children's Social Care, we will consider what other support may be required. We will make further requests for support to Children's Social Care if we consider that a student remains in immediate danger or at risk of harm.

### **IV) Reporting to the police**

Where a report of rape, assault by penetration or sexual assault is made, we will report it to the police. We will generally inform parents or carers about reports of sexual abuse, unless to do so may put a student at additional risk. We will seek advice from other partners in individual cases.

The school uses the National Police Chief's Council Guidance Document on When To Call The Police

<https://www.npcc.police.uk/documents/Children%20and%20Young%20people/When%20to%20call%20police%20guidance%20for%20schools%20and%20colleges.pdf>

If relevant, the school will also consult the UK Council for Internet Safety.

[https://ineqe.com/wp-content/uploads/2021/01/Sharing\\_nudes\\_and\\_semi\\_nudes\\_how\\_to\\_respond\\_to\\_an\\_incident\\_Summary\\_V2.pdf](https://ineqe.com/wp-content/uploads/2021/01/Sharing_nudes_and_semi_nudes_how_to_respond_to_an_incident_Summary_V2.pdf)

In circumstances where parents or carers have not been informed, we will ensure that we support the STUDENT in any decision we take. This is likely to be with the support of Children's Social Care and any appropriate specialist agencies.

Where we have made a report to the police, we will consult with them and agree what information can be disclosed to staff and others, in particular the alleged perpetrator and their parents or carers. We 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 police and other agencies as appropriate to support all student involved (including potential witnesses). This will help to ensure that any actions we take do

not jeopardise a police investigation. Sometimes the police will decide that further action is not required. In these circumstances we will continue to engage with other agencies to support the student involved.

### **15. Review**

All child protection and safeguarding concerns are reviewed regularly, to ensure that everything has been fully addressed, that actions are completed, and to consider whether the student involved need any further support. We will continue to work with parents and carers and other agencies as appropriate, and risk assessments will be reviewed and updated as required.