

Peer on Peer and Harmful Sexual Abuse Policy

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| Document SG6 | |
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| Links to College Strategy & College Values | Keeping staff and learner safe from harm |
| Applies to: | All Learners, Staff, Volunteers, Contractors and Agency members. |
| Monitoring and evaluation: | Review and monitoring to be carried out during <ul style="list-style-type: none"> - Safeguarding Committee - Audit and Risk Committee |

Associated documents/policies for this area:

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| SG1 | Safeguarding Policy |
| SG2 | Prevent Strategy |
| SG5 | Supervision Policy |
| TBA | Student Behaviour for Learning Policy |
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1. Purpose and content

Schools and colleges have a statutory duty to safeguard and promote the welfare of the children and young people at their school/college. As part of this duty, schools and colleges are required to have regard to guidance issued by the Secretary of State. All schools and colleges must have regard to Keeping Children Safe in Education and Working Together to Safeguarding Children.

The purpose of this College Peer on Peer and Harmful Sexual Abuse Policy is to provide a clear set of guidance to staff and students regarding the actions they must take if they become aware or believe that a learner is at risk of abuse from peers through harassment (including sexual) bullying, cyber-bullying and LGBTQI+ bullying. Sexual banter and harassment creates a culture that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to harmful sexual behaviours and violence.

2. Terminology

There are many ways to describe children and young people who have been subjected to sexual violence and/or sexual harassment and many ways to describe those who are alleged to have carried out any form of abuse. The College will use the terms 'victim' and 'alleged perpetrator' throughout this policy.

3. Definitions

The key terms in this document are defined as:

- **Peer:** A person of similar age
- **Learner:** Those aged between 14 – 90 engaged in education with the College
- **Child or Young Person:** Those under the age of eighteen
- **Vulnerable Adult:** For the purpose of safeguarding, and the College duty of care, a vulnerable adult is defined as any adult considered to be at risk
- **Education and Health Care Plan (EHCP):** From September 2014 EHCPs began to replace Statements of special educational needs and Learning Difficulty Assessments from those under the age of 25. An EHCP outlines information about the person including how they communicate, what support they need and what they would like to achieve
- **Bullying:** Behaviour by an individual or group, repeated over time, that intentionally hurts another individual or group either physically or emotionally. This includes any repeated words or actions, which are aimed at causing someone to feel frightened, depressed, helpless lacking self-worth. Bullying can take many forms, including:
 - Verbal: e.g. name calling, sarcasm, threatening & teasing
 - Physical: e.g. pushing, hitting, kicking, punching or any use of physical aggressive contact
 - Social: e.g. ignoring, spreading rumours or treating someone like an outsider
 - Psychological: e.g. stalking & intimidation
- **Cyber-bullying:** 'Virtual' bullying using technology (e.g. chat rooms, instant messaging, email & mobile phone) which can occur in or outside College. Cyber-bullying can happen at all times of the day, with a potentially bigger audience, as people can forward on content very quickly and easily.
- **LGBTQI+ Bullying:** Homophobic bullying is when people behave or speak in a way which makes someone feel bullied because of their actual or perceived sexuality. People may be a target of this type of bullying because of their appearance, behaviour, physical traits or because they have friends or family who are lesbian, gay, bisexual, transgender, or questioning or possibly just because they are seen as being different. LGBTQI+ stands for lesbian, gay, bisexual, transgender, queer, intersex. The plus (+) after the I may denote a second asexual and representing 'allies'
- **Peer on Peer Sexual Abuse:** The Ofsted review of Sexual Abuse in Schools and Colleges (10th June 2021) used the terms below:
 - 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 to cause the victim humiliation, distress or alarm
- 'Youth produced sexual imagery/sexting'
- **Sexual Violence:** Under the Sexual Offences Act 2003 sexual violence is describes as;
 - **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. The act of kissing without consent and touching someone's bottom, breasts/genitalia without consent, can still constitute sexual assault.
 - **Causing someone to engage in sexual activity without consent:** A person (A) commits an offence if: s/he intentionally causes another person (B) to engage in an activity, the activity is sexual, B does not consent to engaging in the activity and, A does not reasonably believe that B consents. (This should include forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party.)
- **Harassment and Sexual Harassment:** Any conduct which is unwanted by a learner, which affects the dignity of the learner or group of learners in the College.

Harassment may be repetitive or an isolated occurrence against one or more learners. *Sexual harassment* means 'unwanted conduct of a sexual nature' that can occur online and offline. When we reference sexual harassment, we do so in the context of child or young person sexual harassment. Sexual harassment is likely to: violate a child or young person's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment. Whilst not intended to be an exhaustive list, sexual harassment can include;

 - Sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
 - Sexual "jokes" or taunting;
 - Physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes (schools and colleges should be considering when any of this crosses a line into sexual violence - it is important to talk to and consider the experience of the victim) and displaying pictures, photos or drawings of a sexual nature; and
 - Online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
 - Non-consensual sharing of sexual images and videos. (UKCCIS sexting advice provides detailed advice for schools and colleges);
 - Sexualised online bullying;
 - Unwanted sexual comments and messages, including, on social media; and Sexual exploitation; coercion and threats.

- **Harmful sexual behaviour:** Children and young people's sexual behaviour exists on a wide continuum, from normal and developmentally expected to inappropriate, problematic, abusive and violent. Problematic and abusive and violent sexual behaviour is developmentally inappropriate and may cause developmental damage. A useful umbrella term is 'Harmful Sexual Behaviour (HSB). Harmful sexual behaviour can occur online and/or face to face can also occur simultaneously between the two.
- **Up skirting:** Up skirting 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. Since April 2019 Up skirting has been a criminal offence - Under the Voyeurism Act, up skirting offenders can now be arrested, face up to 2 years in prison and have their name placed on the sex offenders register if caught up skirting. This includes instances where culprits say the images were taken just for a laugh.
- **Youth Produced Sexual Imagery or otherwise known as 'Sexting':** Whilst professionals refer to the issue as 'sexting' there is no clear definition. Many professionals consider sexting to be sending or posting sexually suggestive images, including nude or semi-nude photographs, via mobiles or over the Internet but learners may be more likely to interpret sexting as writing and sharing explicit messages with people they know. Creating and sharing sexual photos and videos of under-18s, including selfies, is illegal. The Ofsted review into Sexual Abuse in Schools and Colleges (10th June 2021) refer to the behaviours below:
 - receiving unsolicited explicit photographs or videos, for example 'dick pics'
 - sending, or being pressured to send, nude and semi-nude photographs or videos ('nudes')
 - being sent or shown solicited or unsolicited online explicit material, such as pornographic videos

Typical platforms for sharing material between peers tended to be WhatsApp, Tiktok or Snapchat.

It is illegal to possess, take, make, show or share any images or videos of a sexual nature to anyone under the age of 18. Peer on peer abuse should be addressed as a learner concern when there is reasonable cause to suspect that a learner is suffering, or is likely to suffer, significant harm. Youth Produced Imagery/Sexting involving those under the age of 18 must always be referred to the Designated Lead for Safeguarding.

The following model (Hackett, S, 2010) is used to explain the continuum of sexual behaviours presented by children and young people from normal to violent. The table is used as a guide for staff and help them know when to respond to sexual abuse and harmful sexual behaviours. The Hackett model is used by the Safeguarding Team to consider the level of risk and to build an effective risk

assessment and action plan.

| Normal | Inappropriate | Problematic | Abusive | Violent |
|---|--|---|--|--|
| <ul style="list-style-type: none"> - Developmentally expected - Socially acceptable - Consensual, mutual, reciprocal - Shared decision-making | <ul style="list-style-type: none"> - Single instances of inappropriate sexual behaviour - Socially acceptable behaviour within peer group - Context for behaviour may be inappropriate - Generally consensual and reciprocal | <ul style="list-style-type: none"> - Problematic and concerning behaviour - Developmentally unusual and socially unexpected - No overt elements of victimisation - Consent issues may be unclear - May lack reciprocity or equal power - May include levels of compulsivity | <ul style="list-style-type: none"> - Victimising intent or outcome - Includes misuse of power - Coercion and force to ensure victim compliance - Intrusive - Informed consent lacking or not able to be freely given by victim - May include elements of expressive violence | <ul style="list-style-type: none"> - Physically violent sexual abuse - Highly intrusive - Instrumental violence that is psychologically and/or sexually arousing to the perpetrator - Sadism |

4. What does consent mean?

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. Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.

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

5. External guidance

Peer on peer abuse can take many forms including physical, sexual (e.g. inappropriate touching) and emotional abuse (including bullying). Department for Education (DfE): Keeping Children Safe in Education; statutory guidance for schools and colleges, makes it clear that abuse is abuse and should never be tolerated or passed off as 'banter' or part of 'growing up.'

The DfE 'Sexual violence and sexual harassment between children in schools and colleges' is recent advice for senior leadership teams and designated safeguarding leads (DSL). The document sets out what sexual harassment is, how to minimise the risk of it occurring and what to do when it does occur or is alleged to have occurred.

Peer on peer abuse often involves an imbalance of power between the alleged perpetrator and the victim. This could involve alleged perpetrators having control over the relationship which makes it difficult for those they abuse to defend themselves. This imbalance of power can manifest itself in several ways. It may be physical, psychological (knowing what upsets someone), or social (e.g. isolating or excluding someone). It could also include issues such as revenge porn or what are often gender issues (e.g. girls being touched, or boys being involved in initiation activities).

Bullying (including cyber-bullying and LGBTQ+) can be involved in any type of abuse and is often motivated by prejudice or ignorance due to actual or perceived differences between people or groups or people. People who are lesbian, gay, bisexual or transgender (LGBT), those from minority ethnic groups, or those with disabilities and/or learning difficulties can be more vulnerable to this form of abuse and the College takes it duty to protect more vulnerable learners very seriously.

Other advice and guidance can be found in the following;

- Relationship Education, Relationships and Sex Education and Health Education
- Working Together to Safeguard Children
- The Equality and Human Rights Commission

The Equality Act 2010 replaced previous anti-discrimination laws with a single Act. A key provision was a new public sector Equality Duty, which came into force on 5 April 2011. This requires the College to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the act
- Advance equality of opportunity between people who share a protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and people who do not share it
- Foster good relations between people who share a protected characteristic and people who do not share it

6. Training and development

All staff, including Governors, will have ongoing safeguarding training which will include training on sexual harassment and harmful sexual behaviours.

All new staff members will have a safeguarding induction with the lead DSL who will detail this policy and give immediate training and awareness sessions around creating a culture of zero tolerance to any sexual harassment or harmful sexual behaviours.

All learners at the College will have an induction which will include how to contact the Safeguarding Team and cover behaviour expectations in line with the Student Code of Conduct and Behaviour Policy.

All learners over the age of 16 will participate with online modules and extracurricular sessions dedicated to sexual harassment and consent.

In addition, all learners in the Pre 16 department will also receive the statutory 'Relationships and Sex Education' lessons as part of their curriculum. Staff members teaching these learners should have access to external specialist training and development and access to appropriate online resources in order to carry out their role.

The College Safeguarding Team will meet weekly to discuss safeguarding cases and analyse data to identify any patterns or trends that could inform future response and practise.

7. College leadership team responsibilities and guidance

The College Leadership Team (CLT) will ensure the following actions are implemented and reviewed

- To ensure all staff, contractors and governors have read and understood annually the Part One of Keeping Children Safe in Education
- The Safeguarding Team is given the time, resources and supervision to carry out their duties to protect learners and other College staff from harm
- The Pre16 department is given the time and resources they need to carry out their statutory requirements to deliver Relationship and Sexual Education sessions to learners who should be in secondary education
- To ensure all wider College staff members and Governors have pre-planned effective training and effective policies in place to create a foundation for calm, considered and appropriate

response to any safeguarding report.

- To analyse safeguarding case and mapping data to ensure 'Hot Spots' are addresses internally and externally

8. Wider college staff responsibilities and guidance

The following actions must be taken by all staff:

- All staff to maintain an attitude and mindset of 'it could happen here' so to be vigilant and open to noticing when harmful behaviours occur.
- All staff to respect and understand that the learner has put them in a position of trust in the disclosing their concern and that they will want and need to know what happens next as a result of their disclosure.
- All staff must respond and treat seriously all reports and concerns from a learner including those reports outside of the college and or online.
- All staff and learners have a responsibility to work together to ensure that abuse does not occur, or where it is found, action is taken
- All staff should maintain a zero-tolerance approach to sexual violence and sexual harassment, including stopping 'banter' and inappropriate touching or grabbing of another person
- Staff must ensure ground rules are set in induction and that learners are made aware of the importance of adhering to fundamental British values, what constitutes abuse (including bullying, cyber-bullying and LGBTQ+ bullying) and how any incidents of abuse will be addressed through the Student Code of Conduct and Behaviour for Learning Policy
- Course Tutors for under 18s, and those under the age of 25 in receipt of an EHCP and/or high needs funding, must ensure learners understand how to stay safe from abuse through the mandatory tutorial programmes
- Staff members receiving reports of abuse, including incidents that take place off College premises, must make a record and take appropriate action to follow up all allegations/incidents and trigger an investigation which will be managed in line with the Student Code of Conduct and Behaviour for Learning Policy and Safeguarding Policy for reporting safeguarding concerns. Sanctions against alleged perpetrators may include suspension whilst an investigation takes place and possible permanent withdrawal. Staff member should not view or forward illegal images of children and young people inside it may be more appropriate to confiscate the device and preserve the evidence for the Police.
- All staff involved in a disclosure and case must carefully consider the potential impact of the abuse on both the alleged perpetrator/s and the victim/s and refer those involved for additional support to the Student Services Team as appropriate.
- Appropriate education support should be given to both victim and alleged perpetrator. Disciplinary procedure should be followed if appropriate.
- Staff must ensure appropriate managers and Safeguarding Team are notified immediately and notes or record keeping forward on.
- Any incident of abuse must be discussed with the learners' parents/carers for under 18s and those under the age of 25 in receipt of an EHCP and/or high needs funding (if the concern is not about the parents or if there is a risk to the learner. e.g. the learner would be harmed in anyway due to parents being informed of their conduct. In which case the College and Safeguarding Team would be led by the Police advice and guidance) and with the appropriate school where appropriate i.e. HOS for Pre16 and Send. An agreement must be reached as to what action should be taken subject to compliance with the Student Code of Conduct and Behaviour for Learning Policy. The Safeguarding Team will support with this action.
- Any staff member who has been affected by a learner disclosure will be scheduled to receive professional and supportive supervision sessions

9. Safeguarding DSL and deputies' responsibilities and guidance

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 it can be justified to be in the public interest, for example, to protect children from harm and to promote the welfare of children. The designated safeguarding lead (or a deputy) should consider the following responses and actions:

- Be led by the full guidance in the 'Keeping Children Safe in Education documents.
- Designated Safeguarding Lead will consider referring learners and their parents/carers to other agencies where appropriate. This may include referral for counselling, social services and to the police as although some types of abuse (e.g. bullying) may not be a specific criminal offence in the UK, some types of harassing or threatening behaviour could be a criminal offence (e.g. under the Protection from Harassment Act 1997). However, any abuse of a child under the age of 13 must be reported to the Police and Children's Social Services.
- Where possible managing reports with two members of the safeguarding team are present (one including DSL or Deputy DSL) It is helpful that one member asks questions whilst another is a note taker
- All allegations/incidents must be treated seriously and recorded on the safeguarding database and learners involved and told what is being recorded, in what context, and why. Learners will be told what will happen as a result of a disclosure and what the next course of action will be. Notes and any learner records could be used in further investigations and assessments made by Social Services and The Police
- Considerations should be made as to when to inform the alleged perpetrator, normally external partners would be contacted first, however this will not stop the College from taking immediate action to safeguarding their learners where required
- Appropriate safeguarding and welfare support should be given to both victim and alleged perpetrator while any disciplinary, investigations or legal actions are taking place
- Parents or carers should normally be informed (unless this would put the victim at greater risk);
- The basic safeguarding principle is: if a child or young person is at risk of harm, is in immediate danger, or has been harmed, a referral should be made to children's social care and/or Police;
- 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. The police will take a welfare, rather than a criminal justice approach, in these cases
- A risk assessment should be carried out immediately to ensure the victim and other potential people are protected and supported
- DSL and Deputy DSL will conduct professional and supportive supervision sessions to College employees who have been affected by disclosures of sexual abuse and harmful sexual behaviours.

10. Confidentiality and anonymity

Staff members taking a report should never promise confidentiality as it is very likely that it will be in the interests of the victim to seek advice and guidance and external specialist support. In the event of a learner requesting that the College do not pass on any details to the Police or Social Services then the DSL should be contacted. The DSL will consider if the information is to be passed on and will consider if the information is in the public interest and to protect other children or young people from further harm. If the DSL feels there is risk to other people outside of the College then the Police and Social Services will be contacted.

The College will ensure they can reasonably protect the anonymity of any learner involved in a report of sexual abuse or sexual harassment. This will include the DSL deciding on who is made aware within the Safeguarding Team, Student Services and Curriculum Teams.

11. Risk assessments

An immediate risk assessment should be carried out to protect the victim and other learners or staff. In instances where there is a serious sexual abuse or harassment allegation then it may be reasonable to remove the alleged perpetrator from the same class, floor, department, campus or college. Other considerations should be if they share public transport then a flexible timetable may be considered so to mitigate the two parties travelling at the same time. If an alleged perpetrator is convicted or receives a caution the Safeguarding Team will update the risk assessment and make any necessary adjustments to the assessment and safety plans.

12. Learner voice

The College will conduct termly learner surveys which includes questions relating to how safe learners feel at college and if they feel they are being listened to.

The DSL and Student Services Team will hold annual focus forums and 'mapping sessions' with learners to gather information and intelligence on areas that learners feel are 'Hot Spots' and areas that they feel uneasy/unsafe around both in and outside the campuses. The College will then implement plans to ensure these areas are reported, managed, monitored and supervised.

13. Working with external partners and agencies

Where possible the College will have data sharing agreements in place with Children and Young Peoples Social Services and the Police and those inter agency partners who fall under the 'Working together to safeguard children' to ensure an effective and swift response to their disclosure.

The DSL will work with Social Services and Police to ensure any work and disciplinarys carried out at the College do not jeopardise the Police investigation.

14. Useful contacts and resources

- NSPCC Helpline 0808 800 5000
- NSPCC Harmful Sexual Behaviour
- Rape Crisis
- The UK Safer Internet Centre
- Internet Watch Foundation
- UKCIS Sharing nudes and semi nudes advice
- ThinkUknow
- NICE guidance
- The Lucy Faithful Foundation
- Contextual Safeguarding Network
- Stopitnow
- Anti-Bullying Alliance www.antibullyingalliance.org
- Bullying UK www.bullyinguk.org.uk
- Brook Sexual Behaviours Traffic Light Tool