



# Inspire Education Trust

Together we achieve, individually we grow

## Child on Child Abuse Policy

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**Policy Date:** April 2022

**Review Date:** April 2023

## Document History

Version	Status		Date	Author	Summary Changes
V1			April 2021	V Shelley/R Darling	
V2			April 2022	VSH/RDA	No changes as complies with KCSIE 2021. Recommend Directors approve with no changes with a view to moving to an annual approval in the Autumn Term following the standard annual KCSIE updates during the summer holidays.

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## Statement of Intent

Inspire Education Trust is committed to protecting the personal data of all its students and staff; this includes any biometric data we collect and process.

We collect and process biometric data in accordance with relevant legislation and guidance to ensure the data and the rights of individuals are protected. This policy outlines the procedure the school follows when collecting and processing biometric data.

# Child on Child Abuse Policy

## Assessment of Policy's Impact:

The effectiveness of this policy and its impact will be assessed by the Local Governing Boards and Board of Directors who will monitor the outcomes and impact of this policy annually.

All schools within the Inspire Education Trust will respond quickly to child on child sexual violence and sexual harassment by following the Keeping Children Safe in Education (2021) guidance and maintaining maximum possible confidentiality.

### 1. Child on Child Sexual Violence and Sexual Harassment Policy Statement

The purpose of this policy is to ensure we protect and support all of our students from child on child sexual violence and sexual harassment. When reports are issued we will respond accordingly and ensure the right actions and risk assessments are taken to support the victim.

### 2. Roles and Responsibilities

The Headteacher and Designated Safeguarding Lead for each school will be key personnel in the implementation of this policy supported by the Head of Primary Education and the CEO. Governors and Directors will be responsible for the monitoring of this policy.

All Local Governing Boards and the Board of Directors should be aware that the department for Education has published detailed advice to support schools and colleges. The advice is available here: [Sexual Violence and Sexual Harassment Between Children in Schools and Colleges \(Sexual violence and sexual harassment between children in schools and colleges \(publishing.service.gov.uk\)\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/612222/sexual-violence-and-sexual-harassment-between-children-in-schools-and-colleges.pdf) and includes, what sexual violence and sexual harassment look like, important context to be aware of, related legal responsibilities for schools and colleges and advice on a whole school or college approach to preventing child on child sexual violence and sexual harassment.

### 3. Responding to reports of sexual violence and sexual harassment

Reports of sexual violence and sexual harassment are likely to be complex and require difficult professional decisions to be made, often quickly and under pressure. This policy does not attempt to provide (nor would it be possible to provide) detailed guidance on what to do in any or every particular case. The Policy provides effective safeguarding practice and principles for Trust school to incorporate into their decision-making process.

All reports of sexual violence and sexual harassment will be dealt with on a case-by-case basis, with the individual School's designated safeguarding lead taking a leading role and using their professional judgement, whilst being supported by other agencies, such as children's social care and the police as required. In every case, Headteachers, the Head of Primary Education and the CEO will be made aware.

### 4. The immediate response to a report

Each School recognises how important the initial response to a report from a child is, and will reassure **all victims** that they are being taken seriously and that they will be supported and kept

safe. No School will give any victim the impression that they are creating a problem by reporting sexual violence or sexual harassment.

As per Part one of the Keeping Children Safe in Education (2021) guidance, all Trust staff will be trained to manage a report. Our Trust Safeguarding Policy will dictate exactly how reports should be managed.

## **5. Risk Assessment**

When there has been a report of sexual violence, the School's Designated Safeguarding Lead will conduct an immediate risk assessment and needs assessment supported by the Headteacher. Where there has been a report of sexual harassment, the need for a risk assessment will be considered on a case-by-case basis.

All Trust Schools will ensure that all risk assessments will consider:

- the victim, especially their protection and support;
- the alleged perpetrator; and
- all the other children (and, if appropriate, adult students and staff) at our schools

Each School will record and keep all risk assessments under review. At all times, the school will be actively considering the risks posed to all students and will put adequate measures in place to protect them and keep them safe.

The school's Designated Safeguarding Lead will ensure they are engaging with children's social care and specialist services as required. Where there has been a report of sexual violence, it is likely that professional risk assessments by social workers and or sexual violence specialists will be required. The school will use any professional assessments to assist in the approach to supporting and protecting all pupils and students whilst updating individual school risk assessments.

To see an individual School risk assessment template, see Appendix A.

## **6. Action following a report of sexual violence and/or sexual harassment**

Our schools will carefully consider any report of sexual violence and/or sexual harassment. The Designated Safeguarding Lead (supported by the Headteacher/Head of Primary Education) will be the most appropriate person to advise on the school's initial response including important considerations such as:

- the wishes of the victim in terms of how they want to proceed. Victims 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 by the school;
- the nature of the alleged incident(s), including: whether a crime may have been committed and consideration of harmful sexual behaviour;
- the ages of the children involved;
- the developmental stages of the children involved;

- any power imbalance between the children; for example, is the alleged perpetrator significantly older, more mature or more confident? Does the victim have a disability or learning difficulty?
- if the alleged incident is a one-off or a sustained pattern of abuse.

As always when concerned about the welfare of a child, all staff should act in the best interests of the child. In all cases the school's Designated Safeguarding Lead will refer to the school's Safeguarding Policy for guidance. Immediate consideration should be given as to how best to support and protect the victim and the alleged perpetrator (and any other children involved/impacted).

The starting point regarding any report will always be that sexual violence and sexual harassment is not acceptable and will not be tolerated. Especially important is not to pass off any sexual violence or sexual harassment as 'banter', 'part of growing up' or 'having a laugh'.

## **7. Initial Considerations:**

When the report is made any report of sexual violence is likely to be traumatic for the victim. However, reports of rape and assault by penetration are likely to be especially difficult with regard to the victim and close proximity with the alleged perpetrator is likely to be especially distressing. Whilst the school establishes the facts of the case and starts the process of liaising with children's social care and the police, the alleged perpetrator should be removed from any classes they share with the victim.

The school should also 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, where appropriate. 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.

For other reports of sexual violence and sexual harassment, the proximity of the victim and alleged perpetrator and considerations regarding shared classes, sharing school premises and transport, should be considered immediately. In all cases, the initial report should be carefully evaluated, reflecting the considerations set out above. The wishes of the victim, the nature of the allegations and the protection of all children in the school will be especially important when considering any immediate actions.

## **8. Options to manage the report**

Each school will consider every report on a case-by-case basis. When to inform the alleged perpetrator will be a decision that will be carefully considered. Where a report is going to be made to children's social care and/or the police, then each School will ensure they speak to the relevant agencies and discuss the next steps and how the alleged perpetrator will be informed of the allegations. Each school will consider the most appropriate way to manage any reports of sexual violence and/or sexual harassment following the 4 options below:

### **A) Manage internally:**

- In some cases of sexual harassment, for example, one-off incidents, the school may take the view that the children concerned are not in need of early help or statutory intervention and that it would be appropriate to handle the incident internally, perhaps through utilising their behaviour policy and by providing pastoral support.

- Whatever the school's response, it should be underpinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

**B) Early Help** – full details of the early help process can be found in Chapter One of [Working Together to Safeguard Children](#):

- The school may decide that the children involved do not require statutory interventions, but may benefit from early help. Early help means providing support as soon as a problem emerges, at any point in a child's life. Providing early help is more effective in promoting the welfare of children than reacting later. Early help can be particularly useful to address non-violent harmful sexual behaviour and may prevent escalation of sexual violence.
- Multi-agency early help will work best when placed alongside the Trust policies, preventative education and engagement with parents and carers.
- Whatever the response, it should be under-pinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated.
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

**C) Referrals to children's social care:**

- Where a child has been harmed, is at risk of harm, or is in immediate danger, schools should make a referral to local children's social care.
- At the referral to children's social care stage, schools will generally inform parents or carers, unless there are compelling reasons not to (if informing a parent or carer is going to put the child at additional risk). Any such decision should be made with the support of children's social care.
- If a referral is made, children's social care will then make enquiries to determine whether any of the children involved are in need of protection or other services.
- Where statutory assessments are appropriate, the school or college (especially the designated safeguarding lead or a deputy) should be working alongside, and cooperating with, the relevant lead social worker. Collaborative working will help ensure the best possible package of coordinated support is implemented for the victim and, where appropriate, the alleged perpetrator and any other children that require support.
- Schools will not wait for the outcome (or even the start) of a children's social care investigation before protecting the victim and other children in the school. It will be important for the designated safeguarding lead (or a deputy) to work closely with children's social care (and other agencies as required) to ensure any actions the school



takes do not jeopardise a statutory investigation. The risk assessment will help inform any decision. Consideration of safeguarding the victim, alleged perpetrator, any other children directly involved in the safeguarding report and all children at the school should be immediate.

- In some cases, children's social care will review the evidence and decide a statutory intervention is not appropriate. The school (generally led by the designated safeguarding lead or a deputy) should be prepared to refer again if they believe the child remains in immediate danger or at risk of harm. If a statutory assessment is not appropriate, the designated safeguarding lead (or a deputy) should consider other support mechanisms such as early help, specialist support and pastoral support.
- Whatever the response, it should be under-pinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated.
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

**D) Reporting to the Police** – full details of the police procedures can be found paragraph 281. Section 4 of the [Keeping Children Safe in Education \(2021\)](#).

- Any report to the police will generally be in parallel with a referral to children's social care (as above).
- It is important that the designated safeguarding lead (and their deputies) are clear about the local process for referrals and follow that process.
- Where a report of rape, assault by penetration or sexual assault is made, the starting point is this should be passed on to the police. Whilst the age of criminal responsibility is ten, if the alleged perpetrator is under ten, the starting principle of reporting to the police remains. The police will take a welfare, rather than a criminal justice, approach.
- At this stage, schools will generally inform parents or carers unless there are compelling reasons not to, for example, if informing a parent or carer is likely to put a child at additional risk. In circumstances where parents or carers have not been informed, it will be especially important that the school is supporting the child in any decision they take. This should be with the support of children's social care and any appropriate specialist agencies.
- Where a report has been made to the police, the school will consult the police and agree what information can be disclosed to staff and others, in particular, the alleged perpetrator and their parents or carers. They will also discuss the best way to protect the victim and their anonymity.
- All police forces in England have specialist units that investigate child abuse and the designated safeguarding lead (and their deputies) will be aware of our local arrangements.

- In some cases, it may become clear very quickly, that the police (for whatever reason) will not take further action. In such circumstances, it is important that the school continues to engage with specialist support for the victim as required.
- Whatever the response, it should be under-pinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated.
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic)

### **Considering bail conditions**

In the absence of bail conditions, when there is a criminal investigation, early engagement and joined up working between the school, children's social care and the police will be critical to support the victim, alleged perpetrator and other children involved (especially potential witnesses). Where required, advice from the police should be sought in order to help the school manage their safeguarding responsibilities.

The term 'Released Under Investigation' or 'RUI' will replace those previously on bail for offences in circumstances that do not warrant the application of bail to either re-attend on a particular date or to include conditions preventing activity or in some cases ensuring compliance with an administrative process.

Where bail is deemed proportionate and necessary, the school will work with children's social care and the police to manage any implications and safeguard their children. An important consideration will be to ensure that the victim can continue in their normal routine, including continuing to receive a suitable education.

### **Managing any delays in the criminal process**

There may be delays in any case that is being progressed through the criminal justice system. Schools should not wait for the outcome (or even the start) of a police investigation before protecting the victim, alleged perpetrator and other children in the school. The risk assessment as per the Appendix will help inform any decision.

Whilst protecting children and/or taking any disciplinary measures against the alleged perpetrator, it will be important for the designated safeguarding lead (or a deputy) to work closely with the police (and other agencies as required), to ensure any actions the school take do not jeopardise the police investigation.

If schools have questions about the investigation, they should ask the police. The police will help and support the school or college as much as they can (within the constraints of any legal restrictions).

### **The end of the criminal process**

If a child is convicted or receives a caution for a sexual offence, the school will update its risk assessment, ensure relevant protections are in place for all the children at the school and, if it has not already, consider any suitable action in light of their behaviour policy. If the perpetrator remains in the same school as the victim, the school should be very clear as to their expectations regarding the perpetrator now they have been convicted or cautioned. This could include expectations regarding

their behaviour and any restrictions the school thinks are reasonable and proportionate with regard to the perpetrator's timetable.

Any conviction (even with legal anonymity reporting restrictions) is potentially going to generate interest among other pupils or students in the school. It will be important that the school ensure both the victim and alleged perpetrator remain protected, especially from any bullying or harassment (including online).

Where cases are classified as "no further action" (NFA'd) by the police or Crown Prosecution Service, or where there is a not guilty verdict, the school will continue to offer support to the victim and the alleged perpetrator for as long as is necessary. A not guilty verdict or a decision not to progress with their case will likely be traumatic for the victim. The fact that an allegation cannot be substantiated does not necessarily mean that it was unfounded. Schools will discuss any decisions with the victim in this light and continue to offer support. The alleged perpetrator is also likely to require ongoing support for what will have likely been a difficult experience

## **8. Ongoing response**

All cases reported to Trust Schools will be dealt with on a case-by-case basis, and ongoing support will be considered for all cases reported. The needs and wishes of the victim will be paramount in all of our responses. Each school will ensure they signpost the victim to appropriate agencies and support groups which the Designated Safeguarding Lead feels will provide the best outcome and support for the victim.

Support should be tailored on a case-by-case basis. The support required regarding a one-off incident of sexualised name-calling is likely to be vastly different from that for a report of rape. Support can include:

- Children and Young People's Independent Sexual Violence Advisors (ChISVAs) provide emotional and practical support for victims of sexual violence. They are based within the specialist sexual violence sector and will help the victim understand what their options are and how the criminal justice process works if they have reported or are considering reporting to the police. ChISVAs will work in partnership with schools and colleges to ensure the best possible outcomes for the victim.
- Police and social care agencies can signpost to ChISVA services (where available) or referrals can be made directly to the ChISVA service by the young person or school or college. Contact details for ChISVAs can be found at Rape Crisis and The Survivors Trust.
- Child and adolescent mental health services (CAMHS)
- Rape Crisis Centre's can provide therapeutic support for children who have experienced sexual violence.
- Internet Watch Foundation (to potentially remove illegal images).

For all cases reported to Trust Schools, we will leave dialogue open and encouraged, to ensure we support the victim for as long as they feel necessary.

A victim of sexual violence is likely to be traumatised and, in some cases, may struggle in a normal classroom environment. While schools will avoid any action that would have the effect of isolating the victim, in particular from supportive peer groups, there may be times when the victim finds it difficult to maintain a full-time timetable and may express a wish to withdraw from lessons and activities. This

should be because the victim wants to, not because it makes it easier to manage the situation. If required, schools should provide a physical space for victims to withdraw.

It may be necessary for schools to maintain arrangements to protect and support the victim for a long time. Schools will be prepared for this and will work with children's social care and other agencies as required.

It is important that the school do everything they reasonably can to protect the victim from bullying and harassment as a result of any report they have made.

Whilst they should be given all the necessary support to remain in their school, if the trauma results in the victim being unable to do this, alternative provision or a move to another school should be considered to enable them to continue to receive suitable education. This should only be at the request of the victim (and following discussion with their parents or carers).

If any student who has been a victim moves to another educational institution, the School's Designated Safeguarding Lead will ensure that any ongoing support needs are communicated appropriately.

### **Ongoing Considerations:**

Once the designated safeguarding lead (or a deputy) has decided what the next steps will be in terms of progressing the report, they should consider again the question of the victim and alleged perpetrator sharing classes and sharing space at school. This will inevitably involve complex and difficult professional decisions, including considering their duty to safeguard children and their duty to educate them. It is important each report is considered on a case-by-case basis and risk assessments are updated as appropriate.

As always when concerned about the welfare of a child, the best interests of the child should come first. In all cases, schools will follow general safeguarding principles.

Where there is a criminal investigation into a rape, assault by penetration or sexual assault, the alleged perpetrator should be removed from any classes they share with the victim. The school will also consider how best to keep the victim and alleged perpetrator a reasonable distance apart on school premises and on transport to and from school where appropriate. This is in the best interests of both children and should not be perceived to be a judgement on the guilt of the alleged perpetrator.

Close liaison with the police is essential. Where a criminal investigation into a rape or assault by penetration leads to a conviction or caution, the school will take suitable action, if they have not already done so. In all but the most exceptional of circumstances, the rape or assault is likely to constitute a serious breach of discipline and lead to the view that allowing the perpetrator to remain in the same school would seriously harm the education or welfare of the victim (and potentially other pupils or students). Where a criminal investigation into sexual assault leads to a conviction or caution, the school will, if it has not already, consider any suitable sanctions in light of their behaviour policy, including consideration of permanent exclusion.

In all cases, schools will record and be able to justify their decision-making. Reports of sexual assault and sexual harassment will, in some cases, not lead to a report to the police (for a variety of reasons). In some cases, rape, assault by penetration, sexual assault or sexual harassment are reported to the police and the case is not progressed or are reported to the police and ultimately result in a not guilty verdict. None of this means the offence did not happen or that the victim lied. The process will have affected both victim and alleged perpetrator. Appropriate support should be provided to both as

required and consideration given to sharing classes and potential contact as required on a case-by-case basis. In all cases, schools will record and be able to justify their decision-making.

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

### **9. Safeguarding and supporting the alleged perpetrator**

Each School will treat each alleged perpetrator of sexual violence and/or sexual harassment on a case-by-case basis, offering support where necessary and ensuring they do not pose a risk of harm to other children. Education, safeguarding support and implementing any disciplinary sanctions will all be considered when looking to support an alleged perpetrator. Each School will ensure that for any alleged perpetrator that moves to another educational institution (for any reason), that the new educational institution is made aware of any ongoing support needs and where appropriate, potential risks to other children and staff by the School's Designated Safeguarding Lead.

### School Risk Assessment & Safety Plan

During each phase of intervention it is necessary to consider and respond to a number of areas that could contribute to further sexual behaviours occurring. The School Safety Plan is a framework to facilitate discussions that inform risk management. The completion of the safety plan is an initial information gathering process that highlights areas that need to be considered further and clarifies the external controls and limits designed to help parents/carers manage potential risk situations within the school setting. It is not a risk assessment.

This plan should be developed and reviewed by workers undertaking the assessment and intervention in collaboration with the school staff. It should be formally reviewed in risk management meetings.

Careful consideration should be given as to how to communicate the safety plan with the child/ young person and how this can be incorporated in their own safety plan. It is important that the child/ young person receive positive messages about the plan and that positive behaviour is supported.

Name of child/young person:

Date of birth:

Worker:

School:

School staff member:

Date Safety Plan agreed:

Date of review:

Sexual Behaviour in School
<ul style="list-style-type: none"><li>• Has there been any sexual behaviour in school?</li><li>• If yes in what circumstances?</li></ul>

## 1. Staffing and layout

In considering staffing and location it may be helpful to consider the following:

### Staffing:

What staff are involved in teaching/supporting the child/young person?

Who is aware of concerns about their harmful sexual behaviours?

Do other staff need to be made aware and if so how will this be managed (does this require to be discussed within the Risk Management Review)? What is the current level of supervision and is this appropriate?

Is the level of supervision required achievable in the current circumstances?

Are all staff aware of the level of supervision required?

Who is responsible for discussing the child/young person's risk and needs to other staff?

### Layout:

- Are there areas within the school and grounds that are unsupervised?
- Are there any other building issues that may increase risk? e.g. building works, nursery or primary school located in same building, communal play ground

## 2. In the classroom

In considering in the classroom it may be helpful to consider the following:

Who in the class may be vulnerable and why?

Is the level of supervision in the class adequate?

How much information does the class teacher and any others responsible for the child/ young person in the class have about the child/young person's behaviours, risk and needs?

Are there particular times or circumstances where the child/young person seems more unhappy/ upset/ distracted/ irritable / distressed?

Can extra support / supervision be put in place during difficult times?

Are the seating arrangements satisfactory?

Are there times when the child/young person is allowed to leave the class during class times?

Is the classroom environment free of confusing sexual images and behaviours?

Are there any other children displaying sexually harmful behaviour / language?

How is sex education is managed and does the child/ young person need further information?

Does the class teacher need to be able to talk to the child/ young person about their sexually harmful behaviours?

If so what level of support will the teacher require?

Are there particular areas of risk in the class e.g. when the teacher is occupied with other pupils, and how can this be managed?

Are there occasions where there is physical contact between adults/children, children/children?



### 3. Times out with classroom structure

In considering times out with the classroom structure it may be helpful to consider the following:

- What children may be particularly vulnerable and how can this be managed?
  - What level of supervision is there when the child/young person is going between classes, lunch time and break time
  - If more supervision is required how will this be achieved?
  - Are particular rules required for going to the toilet?
  - Are there rules about showering, dressing and undressing for PE that need to be considered?
  - Is the environment free of confusing sexual messages, images and behaviours, e.g. access to computers, phones/games consoles etc.?

### 4. Risk Management Reviews

Are changes/issues needing to be discussed the next risk management review

YES

NO

If yes please identify changes/issues needing to be discussed below:

Has the child/young person been engaged in discussion about risk management in school? If yes, what has been communicated?

**Written on:** April 2021  
**Reviewed on:** V Shelley April 2022  
**Next Review Date:** September 2022  
**Approved by Directors:** 25 March 2022

Signed:



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Lois Whitehouse  
CEO



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David Bermingham  
Chair of Directors