



Anti-Child on Child Abuse (and Bullying) Policy

Approved by	Local Governing Body	Date 12 October 2022
Frequency of review	Every 2 years and updated in the interim (if required) to ensure that it continually addresses the risks to which children and young people are exposed to.	
Next review due by	January 2023	
Policy Owners	Vince Green, Education Director (Secondary and Sixth Form) Usha Devi, Education Director (Primary) Christa Vines, Director of Inclusion	
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Version	3	
Links	<ul style="list-style-type: none"> • Keeping Children Safe in Education (2022) • Working together to safeguard children (2018) • Preventing and Tackling Bullying, DfE (2017) • ‘Teaching online safety in schools’ (2018) • UKCIS ‘Education for a connected world’ (2018) • Relationships Education, Relationships and Sex Education and Health Education (2020) • Sexual violence and sexual harassment between children in schools and colleges guidance (2021) 	
<ul style="list-style-type: none"> • Safeguarding and Child Protection Policy • Behaviour Policy • SEND Policy • E-safety Policy 		

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1: Statement of Intent

We are fully committed to safeguarding children and young people from child on child abuse and bullying and we expect all of our stakeholders to share this commitment. This policy sets out how Solihull Sixth Form College will deliver these responsibilities.

This policy should be read in conjunction with the latest version of the statutory guidance 'Keeping Children Safe in Education', and followed by academies and colleges, and alongside 'Working Together to Safeguard Children' (March 2018), a guide to inter-agency working to safeguard and promote the welfare of children.

This policy is our overarching intent for any issue that could constitute child on child abuse. It relates to, and should be read alongside, our Trust Safeguarding and Child Protection policy and any other relevant policies.

This policy sets out our strategy for improving prevention and identifying and appropriately managing child on child abuse.

It is reviewed every two years and updated in the interim (if required) to ensure that it continually addresses the risks to which children and young people are or may be exposed to.

This policy recognises that abuse is abuse and should never be passed off as 'banter', 'just having a laugh', or 'part of growing up'. We think very carefully about terminology, especially when speaking in front of children and young people. For this reason, we do not use the terms 'victim' or 'perpetrator' because in some cases the sexual behaviour will have been harmful to the perpetrator as well as the victim.

Although the starting point is that our response to child on child abuse should be the same for all learners, regardless of age, there may be some different considerations in relation to, for example, a

child aged under 10, or aged over eighteen in terms of how local agencies and/or partners respond. We are aware that some children and young people may not feel ready or know how to tell someone that they are being abused or exploited, and/or they may not recognise their experiences as harmful. For example, children may feel embarrassed, humiliated, or threatened. This could be due to their vulnerability, disability and/or sexual orientation or language barriers. This should not prevent staff from having a professional curiosity and speaking to the DSL if they have concerns about a child.

In particular:

We believe that in order to protect children and young people, we should be aware of the nature and level of risk to which our learners are or may be exposed to child on child abuse. We have therefore put in place a clear and comprehensive strategy which is tailored to our specific and wider community safeguarding contexts

At Solihull Sixth Form College we (a) do not feel it is acceptable merely to take a reactive approach to child on child abuse in response to alleged incidents; and (b) believe that in order to tackle child on child abuse proactively, it is necessary to focus on all four of the following areas:

- Systems and structures
- Prevention
- Identification
- Response/intervention

We recognise national and increasing concerns about this issue and will follow the local safeguarding partnership procedures and use the guidance set out in this policy in order to mitigate harmful attitudes and child on child abuse. We encourage parents/carers to speak with us on this issue, so that if their child is feeling unsafe as a result of the behaviour of any of their peers, we can ensure that appropriate and prompt action is taken.

Birmingham: <https://www.lscpbirmingham.org.uk/>

Birmingham Children's Advice & Support Service (CASS) on 0121 303 1888 or via secure email; CASS@birminghamchildrenstrust.co.uk

Solihull: <https://www.safeguardingsolihull.org.uk/lscp/>

0121 788 4325 lscp@solihull.gov.uk

Solihull MASH Team on **0121 788 4300**.

We will ensure that learners are taught about child on child abuse and bullying, including online safety, through various teaching and learning opportunities, as part of a broad and balanced curriculum.

We will work with parents/carers to build an understanding of the academy's responsibilities to ensure the welfare of all children and young people, including the need for referrals to other agencies in some situations.

2: Legal Framework and Guidance

This policy has due regard to statutory legislation and relevant guidance including, but not limited to:

- The Education Act (2002)
- Keeping Children Safe in Education (2022)
- Working Together to Safeguard Children (2018)
- What to do if you are worried about a child (2015)
- Information sharing: Advice for practitioners (2018)
- Guidance for safer working practice for adults who work with children and young people in education settings (2019)
- The Data Protection Act (2018)
- Serious Crime Act (2015)
- Teaching online safety in school (2018)
- UKCIS Education for a connected world (2018)
- Prevent Duty (2015)
- Sexual Offences Act 2003
- Preventing youth violence and gang involvement (2013)
- Criminal exploitation of children and vulnerable adults: county lines guidance (2018)
- Sexual violence and sexual harassment between children in schools and colleges guidance (2021)

3: Scope of this Policy

This policy defines a 'child' as anyone under the age of 18 years or any learner of any age on the academy roll.

This policy applies to all members of our staff, including all permanent, temporary and support staff, Trustees, local governors, volunteers, contractors and external service or activity providers. This policy must be read in conjunction with our Trust Safeguarding and Child Protection policy.

The Trustees, local governors, senior leadership team, and all staff (which shall apply to all volunteer staff members) at [insert name of academy] are committed to the prevention, early identification, and appropriate management of child on child abuse (as defined below) both within and beyond the academy.

The Designated Safeguarding Lead (SLT member) is: **Jamie Staddon, Vice Principal**

The Deputy Designated Safeguarding Lead is: **Nancy Troman, Progress Manager**

Nominated Safeguarding Governor: **Sandra Shingler**

4: What is child on child abuse?

For these purposes, child on child abuse is any form of physical, sexual, emotional and financial abuse, and coercive control, exercised between children/young people, and within children's/young people's relationships (both intimate and nonintimate), friendships and wider peer associations. Evidence highlights that statistically it is more likely that girls will be victims of child on child abuse and that boys will statistically be more likely be perpetrators, and that child on child abuse can be perpetrated by the same gender, by one child or a group of children. All child on child abuse is unacceptable and will be taken seriously.

Child on child abuse can take various forms, including (but not limited to):

- bullying (including cyberbullying, prejudice-based and discriminatory bullying)
- abuse in intimate personal relationships between peers
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm (this may include an online element which facilitates, threatens and/or encourages physical abuse)
- sexual violence, such as rape, assault by penetration and sexual assault (this may include an online element which facilitates, threatens and/or encourages sexual violence)
- sexual harassment, (physical, verbal and online) such as sexual comments, remarks, jokes and online sexual harassment, which may be standalone or part of a broader pattern of abuse
- causing someone to engage in sexual activity without consent, such as forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party
- consensual and non-consensual sharing of 'nudes' and 'semi-nudes' images and or videos (also known as sexting or youth produced/involved sexual imagery)
- up-skirting, which typically involves taking a picture under a person's clothing without their permission, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm (also a crime)
- initiation/hazing type violence and rituals (this could include activities involving harassment, abuse or humiliation used as a way of initiating a person into a group and may also include an online element).

5: What is contextual safeguarding?

This policy takes into account any risks which may occur outside of the family, thereby requiring all those within a Local Safeguarding Partnership to work together.

This means in our academy we adopt a contextual safeguarding approach, which means:

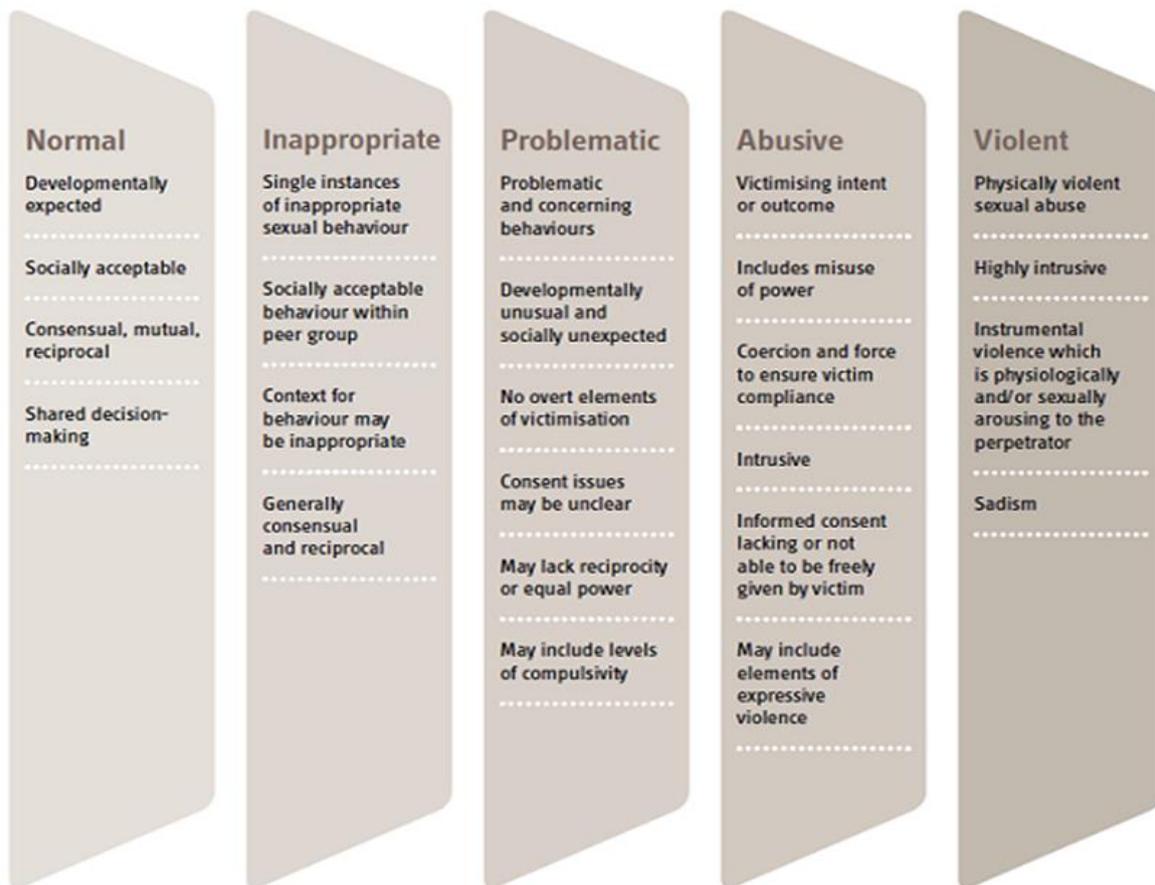
- Being aware of and seeking to understand the impact that these wider social contexts may be having on our learners
- Creating a safe culture in the academy by, for example, implementing policies and procedures that address child on child abuse and harmful attitudes; promoting healthy relationships and attitudes to gender/ sexuality, identifying any risky areas in the academy and conducting training on potential bias and stereotyped assumptions
- Being alert to and monitoring changes in learners' behaviour and/or attendance
- Contributing to local child protection agendas by, for example, challenging poor threshold decisions and referring concerns about contexts to relevant local agencies.

6: Understanding behaviour:

We understand that all behaviour takes place on a spectrum. Understanding where a child or young person's behaviour falls on a spectrum is essential to being able to respond appropriately to it.

7: Sexual Behaviour:

Professor Simon Hackett, expert advisor for The National Institute for Health and Care Excellence (NICE) has proposed the following continuum model to demonstrate the range of sexual behaviours presented by children/young people, which may be helpful when seeking to understand a learner's sexual behaviour and deciding how to respond to it.



A continuum of children and young people's sexual behaviours
(Hackett, 2010)

This could include, for example, determining whether the behaviour:

- Is socially acceptable
- Involves a single incident or has occurred over a period of time
- Is socially acceptable within the peer group
- Is problematic and concerning
- Involves any overt elements of victimisation or discrimination e.g. related to race, gender, sexual orientation, physical, emotional, or intellectual vulnerability
- Involves an element of coercion or pre-planning
- Involves a power imbalance between the child/young person and children/young people allegedly responsible for the behaviour and the child/young person allegedly the subject of that power
- Involves a misuse of power

8: Identification of child on child abuse:

Any child/young person can be vulnerable to child on child abuse therefore all staff should be alert to the well-being of learners and to signs of abuse and should engage with these signs, as appropriate, to determine whether they are caused by child on child abuse. However, staff should be mindful of the fact that the ways in which children/young people disclose or present with behaviours will differ.

We are aware that learners disclosing abuse may not reveal all of the incident(s) of abuse at once and that the trauma of experiencing the abuse can affect memory and recall.

We will regularly review our safeguarding and behaviour software, CPOMS concerns, Smoothwall categories and incident logs (INSERT) in order to identify any changes in behaviour and/or concerning patterns or trends at an early stage.

Peer group dynamics can also play an important role in determining a child/young person's vulnerability to abuse. For example, children/young people who are more likely to follow others and/or who are socially isolated from their peers may be more vulnerable to child on child abuse. Children/young people who are questioning or exploring their sexuality, or perceived to be by their peers) may also be particularly vulnerable to abuse by their peers.

Child on child abuse may affect boys differently from girls. This difference may result from societal norms (particularly around power, control and the way in which femininity and masculinity are constructed) rather than biological make-up. Barriers to disclosure will also be different. As a result, we explore the gender dynamics of child on child abuse within our academy as part of the child on child abuse risk assessment, and ensure that DSLs have sufficient training on the influence of gender and societal norms to ensure an appropriate, proportionate and appropriate safeguarding approach is taken to all incidents of child-on-child abuse.

Children/young people with Special Educational Needs and/or Disabilities (SEND) are three times more likely to be abused than their peers without SEND¹ and additional barriers can sometimes exist when recognising abuse in children/young people with SEND. These can include:

- Assumptions that indicators of possible abuse such as behaviour, mood and injury relate to a child/young person's disability without further exploration
 - The potential for children/young people with SEND to be disproportionately impacted by behaviours such as bullying and harassment, without outwardly showing any signs
 - Communication barriers and difficulties overcoming these barriers.
- Some children/young people may be more likely to experience child on child abuse than others as a result of certain characteristics such as sexual orientation, ethnicity, race or religious beliefs.

¹ Jones, L., Bellis MA., Wood S., Prevalence and risk of violence against children with disabilities: a systematic review and meta-analysis of observational studies, 2012: <https://www.ncbi.nlm.nih.gov/pubmed/22795511>

9: A whole-academy approach:

We actively seek to raise awareness of child on child abuse through training governors, senior leadership teams, and staff.

This training will include:

- Contextual Safeguarding issues
- The identification and classification of specific behaviours, including digital behaviours
- The importance of taking seriously all forms of child on child abuse (no matter how 'low level' they may appear) and ensuring that no form of child on child abuse is ever dismissed as horseplay, teasing or normalised
- Social media and online safety, including how to encourage children/young people to use social media in a positive, responsible, and safe way, and how to enable them to identify and manage abusive behaviour online
- Educating learners about the nature and prevalence of child on child abuse, positive, responsible, and safe use of social media, and the unequivocal facts about consent, via PSHE, and the wider curriculum
- Learners are frequently told what to do if they witness or experience such abuse, the effect that it can have on those who experience it and the possible reasons for it, including vulnerability of those who inflict such abuse. They are regularly informed about our approach to such issues.

Educating learners about consent includes teaching them basic facts such as:

- 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
- consent is only consent with an individual has the freedom and capacity to choose.

Consent can be withdrawn at any point and each person may choose which sort of activity they consent to and which they do not; giving consent for one activity at one moment does not mean consent is given for another activity at the same moment.

Engaging parents/carers on these issues may include:

- Talking to them, both in groups and one to one, – asking parents/carers what they perceive to be the risks facing their child and how they would like to see the academy address those risks
- Supporting the on-going welfare of learners by drawing on multiple resources that prioritise mental health, and by providing in-academy mentoring/ counselling [delete this if you cannot offer it] to address underlying mental health needs
- Promoting positive values, addressing equality issues and encouraging a culture of diversity and respect amongst all members of the academy community
- Creating conditions in which our learners can a, feel safe and develop positive relationships
- Responding to cases of child on child abuse promptly and appropriately
- Ensuring that all child on child abuse issues are fed back to the academy's DSL/safeguarding/pastoral team so that they can spot and address any concerning trends and identify learners who may need additional support
- Harmful online challenges when their child is away from school/college
- Encouraging them to focus on positive and empowering online behaviours with their children, such as critical thinking, how and where to report concerns about harmful content and how to block content and users.

<https://www.gov.uk/government/publications/harmful-online-challenges-and-online-hoaxes/harmful-online-challenges-and-online-hoaxes> <https://www.thinkuknow.co.uk/parents>

10: Multi Agency Working

We actively engage with our Local Safeguarding Partnership in relation to child on child abuse, and work closely with, for example, children's social care, the police, and local MASH (or equivalent)], and other relevant agencies. By working with these agencies, we will ensure that the academy is able to identify early, and appropriately handle cases of child on child abuse.

Relevant agencies help Solihull Sixth Form College to:

- Develop a good awareness and understanding of the different referral pathways that operate in our local area, as well as the preventative and support services which exist
- Ensure that our learners are able to access the range of services and support they need quickly
- Support and help inform the local community's response to child on child abuse
- Increase our awareness and understanding of any concerning trends and emerging risks in our local area to enable us to take preventative action thereby minimise the risk of these being experienced by our learners.

It is often not appropriate for one single agency (where the alleged incident cannot appropriately be managed internally by the academy itself) to try to address the issue alone – it requires effective partnership working.

11: Responses to concerns or allegations of child on child abuse:

All concerns and allegations of child on child abuse are handled sensitively, appropriately and promptly. The way in which they are responded to can have a significant impact on our academy environment.

Any response will:

- Include a thorough investigation of the concern or allegation, and the wider context in which it may have occurred (as appropriate) – depending on the nature and seriousness of the alleged incident. (It may be appropriate for the police and/or children's social care to carry out this investigation).
- Treat all learners involved as being at potential risk – while the learner allegedly responsible for the abuse may pose a significant risk of harm to other learners, they may also have considerable unmet needs and be at risk of harm themselves.
- Take into account that the abuse may indicate wider safeguarding concerns for any of the learners involved and consider and address the effect of societal gender norms and wider sociocultural contexts – such as the child/young person's peer group (both within and outside the academy); family; the academy environment; their experience(s) of crime and victimisation in the local community; and the child/young person's online presence.

Unless it is considered unsafe to do so (for example, where a referral needs to be made immediately or a risk assessment put in place), the DSL/appropriate member of the safeguarding team will discuss the proposed action with the learner/learners and their parents/carers and obtain consent to any referral before it is made where possible.

We will manage the learner's expectations about information sharing, and keep them and their parents/carers informed of developments, where appropriate and safe to do so. It is particularly important to consider the wishes of any learner who has allegedly been abused, and to give that learner as much control as is reasonably possible over decisions regarding how any investigation will be progressed and how they will be supported.

We will ensure that a safeguarding response is in place for both the learner who has allegedly experienced the abuse, and the learner who has allegedly been responsible for it (and the additional sanctioning work may be required for the latter).

What should staff do if they suspect either that a child/young person may be at risk of or experiencing abuse by their peer(s), or that a child/young person may be at risk of abusing or may be abusing their peer(s)?

If a member of staff thinks for whatever reason that a learner may be at risk of or experiencing abuse by their peer(s), or that a learner may be at risk of abusing or may be abusing their peer(s), they should discuss the matter with their DSL as soon as possible to explain their concern and register a note of concern on the internal referral system CPOMS.

Where a learner is suffering, or is likely to suffer from harm, it is important that a referral to children's social care (and, if appropriate, the police) is made immediately.

Anyone can make a referral. Where referrals are not made by the DSL, the DSL should be informed as soon as possible that a referral has been made in line with our trust Safeguarding and Child Protection policy.

If a learner speaks to a member of staff about child on child abuse that they have witnessed or are a part of, the member of staff should listen to the learner and use open language that demonstrates understanding rather than judgement without promising confidentiality. For further details please see the procedures set out in our trust Safeguarding and Child Protection policy.

12: How we will respond to concerns or allegations of child on child abuse

We will reassure the learner that we have listened to them, believe them and are taking the incident seriously. We will ensure that they feel safe and supported.

The DSL or member of the safeguarding team will discuss the concern or allegation with the member of staff / learner who has reported it and will, where necessary, take any immediate steps to ensure the safety of the children/young people affected.

Where any concern or allegation indicates that indecent images of children/young people may have been shared online, the DSL/safeguarding team will consider what urgent action can be taken in addition to the actions and referral duties set out in this policy. See appendix 1, 'youth involved in sexual imagery'

The Internet Watch Foundation (IWF) has a trained team that can evaluate and remove illegal images from the internet when the images are reported to them quickly. They will also share the image with the National Crime Agency's CEOP Command to facilitate an investigation. Any report to IWF will be made in consultation with the police.

Colleagues should not view or forward any illegal images of children but must instead confiscate the device and take it directly to the DSL or Deputy and follow the UKCIS guidance on sharing nudes.

At Solihull Sixth Form College we use Smoothwall as our firewall, filtering, and monitoring on-line system to protect our learners from harm via genuine real time content-aware and granular control web filtering.

The DSL/safeguarding team will always use their professional judgement to assess the nature and seriousness of the alleged behaviour (in line with statutory definitions) and determine whether it is appropriate for the alleged behaviour to be to be dealt with internally and, if so, whether any

external specialist support is required. The DSL/safeguarding team may wish to consult with children's social care or other relevant agencies in accordance with the Local Safeguarding Partnership's procedures on a no-names basis (where possible) to determine the most appropriate response.

Where the DSL / safeguarding team considers or suspects that the alleged behaviour in question might be abusive or violent or where the needs and circumstances of the individual child/young person in question might otherwise require it, the DSL/safeguarding team should contact children's social care and/or the police immediately., In these circumstances , the DSL/safeguarding team should contact social care and/or police within 24 hours of becoming aware of the alleged behaviour and agree actions to be take.

We will ensure that information is recorded on to CPOMS alongside any discussion outcomes, decisions and rationale.

The DSL/safeguarding team will always refer to the police if

- the incident involves an adult (over 18)
- there are concerns about the capacity to consent (SEND)
- Images show atypical sexual behaviour for their development stage or violent acts
- Images show sex acts with a child under age 13
- The disclosure places the learner (or any child or young person) at risk of imminent harm (self-harm, exploitation, harmful response from home etc)

13: Risk Assessment / Safety Plans

We will carry out a risk assessment/safety plan in respect of:

- Any learner who is alleged to have behaved in a way that is considered to be abusive or violent
- Any learner who has reportedly been abused or affected by the alleged abusive or violent behaviour by another learner
- Any learner who may be at risk due to the alleged abusive or violent behaviour by another learner as deemed appropriate by the DSL
- Where it is alleged that a learner has behaved in a way that is considered to be inappropriate or problematic (as opposed to abusive or violent), the DSL/safeguarding team will use their professional judgment –to carry out a risk assessment/safety plan.
- Alleged behaviour which might be judged to be inappropriate by an adult or might be harmful to another learner. Consultation is recommended with children's social care if there is any doubt about this.
- A range of factors including the context, severity of the alleged behaviour, impact of the alleged behaviour on others, risk to others, and whether there are any patterns of behaviour occurring
- Where other learners have been identified as witnesses to alleged abuse or violence consideration should be given by the DSL/safeguarding team to whether there might be any risks to those children/young people.

14: Information sharing, data protection and record keeping

When responding to a concern or allegation of child on child abuse, we will:

- Always consider carefully, in consultation with children's social care, the police and other relevant agencies (where they are involved), how to share information about the concern or allegation with the learner(s) affected, their parents/carers, relevant staff, and other appropriate individuals
- Record the information that is necessary for the academy and other relevant agencies (where they are involved) to respond to the concern or allegation and safeguard everyone involved, including decisions and rationale
- Keep a record for legal purposes including relevant authorities, and ensure that the third party has agreed to handle the information securely and to only use it for the agreed legal purpose, and
- Be mindful of and act in accordance with data protection duties, including those set out in Working Together to Safeguard Children and HM Government advice on Information Sharing.

15: Disciplinary Action

We will consider whether disciplinary action may be appropriate for any learner involved in child on child abuse. However, if there are police proceedings underway, or there could be, it is critical that we work in partnership with the police and children's social care.

Where a matter is not of interest to the police or children's social care, academy leaders will still consider what is the most appropriate action to take to ensure positive behaviour management and the safety of all learners.

Disciplinary action is appropriate to:

- Ensure that the learner(s) involved take responsibility for and realise the seriousness of their behaviour;
- Demonstrate to learners and others that child on child abuse can never be tolerated; and
- Ensure the safety and wellbeing of other learners.

However, these considerations must be balanced against any police investigations, children's/young person's own potential unmet needs, and any action or intervention planned regarding safeguarding concerns.

The academy will, where appropriate, consider the potential benefit, as well as challenge, of using managed moves or exclusion as a response recognising that even if this is ultimately deemed to be necessary, some of the measures referred to in this policy (see section 8 and 9 above) may still be required.

Exclusion will only be considered as a last resort and only where necessary to ensure the safety and wellbeing of the other learners in the academy. Engaging in Fair Access Panel Processes to assist with decision-making associated to managed moves and exclusions can also be beneficial (Sixth Form to delete). In the event of any managed move, consideration must be given to sharing information with the receiving school regarding the child on child abuse in order to allow best protection of children/young people in the new school.

Disciplinary interventions alone are rarely able to solve issues of child on child abuse, and the academy will always consider the wider actions that may need to be taken, and any lessons that may need to be learnt going forward.

Appendix 1: Procedure for Youth Involved Sexual Imagery

This policy uses the phrase ‘youth involved sexual imagery’ instead of ‘sexting’, or ‘youth produced sexual imagery.’ Although we recognise that the term “youth produced” is used in the advice provided by UKCCIS (UK Council for Child Internet Safety) ‘Sexting in schools and colleges: Responding to incidents and safeguarding young people’, we have chosen not to use this term because it could be seen to place responsibility with the child/young person who is taking and/or is the subject of the image, without recognising the potential for coercion or threat in the production of that image.

We also recognise that ‘youth involved’ and ‘sexting’ are not terms that children and young people generally use, and it is important for colleagues in our academy to understand the language that is used by children and young people when discussing this issue with them.

Definitions:

‘Youth involved sexual imagery’ best describes the practice because:

- ‘youth involved’ includes children sharing images that they, or another child, have created of themselves
- ‘imagery’ covers both still photos and moving videos (and this is what is meant by reference to imagery throughout the policy)
- A judgement of whether something is ‘decent’ is both a value judgement and dependent on context.
- The term ‘sexual’ is clearer than ‘indecent’, although the DSL will nevertheless always need to use professional judgement when determining whether a photo is ‘sexual’.

Types of incidents that are covered by this policy:

- A learner creates and shares sexual imagery of themselves with a peer (also under the age of 18)
- A learner shares sexual imagery created by another learner with a peer (also under the age of 18) or an adult
- A learner is in possession of sexual imagery created by another learner

Types of incidents that are not covered by this policy:

- The sharing of sexual imagery of children by adults constitutes *child sexual abuse* and the academy will always inform the police
- Children/young people sharing adult pornography or exchanging sexual texts which do not contain imagery
- Sexual imagery downloaded from the internet by a child/young person and not shared

Disclosure:

Any disclosure by a learner should be taken very seriously. A learner who discloses they are the subject of sexual imagery is likely to be embarrassed and worried about the consequences. It is likely that disclosure in the academy is a last resort and they may have already tried to resolve the issue themselves.

Colleagues must recognise that they may not have the full set of information from the initial disclosure because of embarrassment, fear of peer retaliation or adult judgement or because of the

impact of experiencing the trauma on memory. This does not mean that what has been shared is untrue.

Handling Incidents:

When an incident involving youth involved sexual imagery comes to a member of staff's attention:

- The incident will be referred to the DSL
- The DSL will follow the procedures and guidance set out in Sexting in schools and colleges: responding to incidents and safeguarding young people
- Parents/carers should be informed at an early stage and involved in the process unless there is good reason to believe that involving parents/carers would put the child/young person at risk of harm
- Where a child/young person is suffering, or is likely to suffer from harm, it is important that a referral to children's social care (and, if appropriate, the police) is made immediately
- Any report to the police should be considered against the severity of the concerns and/or allegations, the impact on any child/young person who has allegedly experienced the abuse, and broader context of the production and distribution of the image (for example: was production consensual or coerced? Was sharing consensual? Was production volunteered or requested? What are the ages of the children involved?)

Always refer to the police if there are aggravating factors:

- If the incident involves an adult (over 18)
- If there are concerns about the capacity to consent (SEND)
- Images show atypical sexual behavior for their development stage or violent acts
- Images show sex acts with a child under age 13
- The disclosure places the child/young person at risk of imminent harm

Depending on the facts of the particular concern or allegation, a report to the police does not necessarily mean that the child/young person will be criminalised. However, in the event of coercion, exploitation, further harm or aggravated behaviours, it is valid for police involvement to result in criminal charge. We will communicate with their police liaison to determine awareness of Outcome 21 recording and its appropriateness in any given incident. Outcome 21 enables police forces to deal with youth produced sexual imagery without criminalising children and young people. It is intended to allow the police provide a proportionate response.

Appendix 2: Harmful or Problematic Sexual Behaviour

Sexual Harassment:

- Sexual harassment refers to unwanted conduct of a sexual nature that occurs online or offline.
- Sexual harassment violates a learners' dignity and makes them feel intimidated, degraded or humiliated, and can create a hostile, sexualised or offensive environment.
- If left unchallenged, sexual harassment can create an atmosphere that normalises inappropriate behaviour and may lead to sexual violence.

Sexual harassment includes: (physical, verbal and online conduct)

- Sexual comments such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names.
- Sexual "jokes" and taunting.
- Physical behaviour, such as deliberately brushing against someone else.
- Sexual threats or pushing someone to do something sexually that they don't want to or aren't ready for.

Online sexual harassment includes:

- Non-consensual sharing of images and videos, displaying pictures, photos or drawings of a sexual nature.
- Consensual sharing of sexual images and videos (often known as sexting)
- Inappropriate comments on social media, exploitation, coercion and threats – online sexual harassment may be isolated or part of a wider pattern.

Online sexual harassment may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence.

Sexual Violence

Sexual violence refers to the three following offences:

Rape:

A person (A) commits an offence of rape if they intentionally penetrate the vagina, anus or mouth of another person (B) with a 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.

Harmful Sexual Behaviours:

The term “harmful sexual behaviour” is used to describe behaviour that is problematic, abusive and violent, and that may cause developmental damage.

Harmful sexual behaviour may include:

- Using sexually explicit words and phrases.
- Inappropriate touching.
- Sexual violence or threats.
- Full penetrative sex with children or adults.
- Sexual interest in adults or children of very different ages to their own.
- Forceful or aggressive sexual behaviour.
- Compulsive habits relating to sexual or body-focused behaviours.
- Sexual behaviour affecting progress and achievement.
- Sexual behaviour can also be harmful if one of the individuals is much older (especially where there is two or more years difference, or where one individual is prepubescent and the other is not) and where the child may have SEND.

Identifying Harmful, Problematic or Inappropriate Sexual Behaviour:

All colleagues will be aware that learners of any age and sex are capable of abusing their peers and will never tolerate abuse as “banter” or “part of growing up”.

All colleagues will be aware that child on child abuse can be manifested in many different ways, including sexting and gender issues, such as learners being sexually touched or assaulted, and learners being subjected to hazing/initiation type of violence which aims to cause physical, emotional or psychological harm.

All colleagues will be made aware of the heightened vulnerability of learners with SEND. Staff will not assume that possible indicators of abuse relate to the learner’s SEND and will always explore indicators further.

The academy’s response to harmful sexual behaviour involving learners of the same gender will be equally as robust as it is for incidents between learners of the opposite gender or gender identification.

Learners will be made aware of how to raise concerns or make a report and how any reports will be handled. This includes the process for reporting concerns about friends or peers.

Recognising one or more of the following signs in a learner may mean they are a victim of harmful sexual behaviour:

- Missing school or college completely or showing an unwillingness to attend certain lessons
- Injuries such as bruises – either being sustained at the academy or the learner may come to the academy with injuries
- Showing signs of anxiety or depression, or feeling panicked
- Being withdrawn, shy or feeling nervous
- Looking dishevelled due to a lack of sleep
- Being abusive to other learners or staff members

Allegations of harmful sexual behaviour:

Support available if a learner has been harmed, is in immediate danger, or at risk of harm:

- If a learner has been harmed, is in immediate danger or is at risk of harm, a referral will be made to Children's Services, the police and other local agencies as appropriate.
- Within one working day, a social worker should respond to the referrer to explain the action that will be taken.

Support available if early help, section 17 and/or section 47 statutory assessments are appropriate:

- If early help, section 17 and/or section 47 statutory assessments (assessments under the Children Act 1989) are appropriate, academy staff may be required to support external agencies. The DSL and deputies will support staff as required.

Support available if a crime may have been committed:

- Rape, assault by penetration and sexual assaults are crimes. Where a report includes such an act, the police will be notified. The DSL will be aware of the local process for referrals to both Children's Services and the police.
- The academy will report criminal activity to the police irrelevant of the alleged perpetrators age. In these cases, the police will take a welfare approach rather than a criminal justice approach.
- The academy maintains a relationship with the local police force and the DSL will liaise closely with them.
- Where there is a case of alleged sexual violence the DSL will always complete their Local Authority School Safety Plan:
https://www.birmingham.gov.uk/downloads/file/13546/students_who_pose_a_risk_school_safety_plan involving the learner, their parents/carers and relevant agencies involved. The safety plan will be uploaded to CPOMS and reviewed regularly.
 - Where there is a case of sexual violence or sexual harassment the DSL will consider:
 - All immediate safety concerns
 - The wishes of the learner that has been harmed
 - The nature of the incident
 - Whether a crime has been committed
 - The ages and developmental stages of the learners involved
 - Any power imbalance (age, confidence, social standing, SEND, gender identification)
 - If the abuse has taken place within the context of an intimate personal relationship
 - If the incident was a one off or part of a pattern or escalation of behaviours
 - If siblings or other children may be at risk of intra familial harm
 - Other related issues or wider context linked to exploitation

Support available if reports include online behaviour

- The academy recognises that there is potential for an online incident to extend further than the local community and for a victim, or the alleged perpetrator, to become marginalised and excluded both online and offline. There is also strong potential for repeat victimisation if the content continues to exist.

- If the incident involves sexual images or videos held online, the Internet Watch Foundation will be consulted to have the material removed.
- Staff will not view or forward illegal images of a child. If they are made aware of such an image, they will contact the DSL.

Managing disclosures

- Alleged victims will always be taken seriously, reassured, supported and kept safe. Alleged victims will never be made to feel like they are causing a problem or made to feel ashamed.
- If a friend of an alleged victim makes a report or a member of staff overhears a conversation, staff will take action – they will never assume that someone else will deal with it. The basic principles remain the same as when a victim reports an incident; however, staff will *consider why* the victim has not chosen to make a report themselves and the discussion will be handled sensitively and with the help of the DSL.
- Where an alleged incident took place away from the academy or online but involved learners from the academy, the academy's duty to safeguard learners remains the same.
- All staff will be trained to handle disclosures.

Effective safeguarding practice includes:

- Never promising confidentiality at the initial stage.
- Only sharing the report with those necessary for its progression.
- Explaining to the victim what the next steps will be and who the report will be passed to.
- Recognising that the person the child chose to disclose the information to is in a position of trust.
- Being clear about boundaries and how the report will be progressed.
- Not asking leading questions and only prompting the child/young person with open questions.
- Waiting until the end of the disclosure to immediately write a thorough summary. If notes must be taken during the disclosure, it is important to still remain engaged and not appear distracted.
- Only recording the facts as the child/young person presents them – not the opinions of the note taker.
- Where the report includes an online element, being aware of searching, screening and confiscation advice and UKCCIS sexting advice.
- Wherever possible, managing disclosures with two staff members present (preferably with the DSL or a deputy as one of the staff members).
- Informing the DSL or deputy as soon as possible after the disclosure if they could not be involved in the disclosure.
- If the allegations of harmful sexual behaviour is against a child/young person with SEND, they will record the incident in writing and, working with the SENCO and the DSL, decide what course of action is necessary, with the best interests of the learner in mind at all times.

The DSL or a deputy should decide the academy's initial response, taking into consideration:

- The victim's wishes.
- The nature of the incident.
- The ages and developmental stages of the children involved.
- Any power imbalance between the children.
- Whether the incident is a one-off or part of a pattern.
- Any ongoing risks to any learners involved or siblings, or in the wider context of the academy

- Any related issues and the wider context, such as whether there are wider environmental factors in a child's/young person's life that threaten their safety and/or welfare.
- The best interests of the child / young person.
- That sexual violence and sexual harassment are always unacceptable and will not be tolerated.

Immediate consideration should be given as to how to support the victim, alleged perpetrator and any other children/young people involved.

For reports of sexual violence by penetration, whilst the academy establishes the facts, the alleged perpetrator should be removed from any classes shared with the victim. The academy will consider how to keep the victim and alleged perpetrator apart on the academy premises, and on transport where applicable. These actions should not be seen as a judgement of guilt on the alleged perpetrator, the actions are to protect all learners involved.

For reports of sexual violence and sexual harassment, the proximity of the victim and alleged perpetrator and the suitability of shared classes, premises and transport should be considered immediately.

In all cases, the initial report should be carefully evaluated and the wishes of the victim, nature of the allegations and requirement to protect all children/young people should be taken into consideration.

Risk Assessment

The DSL or a deputy will make an immediate risk and needs assessment every time there is a report of sexual violence.

For reports of sexual harassment, a risk assessment will be considered on a case-by-case basis. Risk assessments are not intended to replace the detailed assessments of experts, and for incidents of sexual violence, it is likely that a professional risk assessment by a social worker or sexual violence specialist will be required.

Risk assessments will consider:

- The context of the incident.
- The learner or learners that have been harmed
- The learner or learners that have caused harm
- The time and location of the event
- Other learners at the academy, especially any actions that are appropriate to protect them.
- Risk assessments will be recorded on CPOMS and kept under review in accordance with the academy's Data Protection Policy.

BCC School Safety Plan

https://www.birmingham.gov.uk/downloads/file/13546/students_who_pose_a_risk_school_safety_plan

Anonymity

There are legal requirements for anonymity where a case is progressing through the criminal justice system. The academy will do all it can to protect the anonymity of learners involved in any report of sexual violence or sexual harassment. It will carefully consider, based on the nature of the report, which staff will be informed and what support will be in place for the learners involved.

The academy will refrain from making comments on any ongoing cases of harmful sexual behaviour on social media and will act appropriately at all times in line with the Social Media Policy.

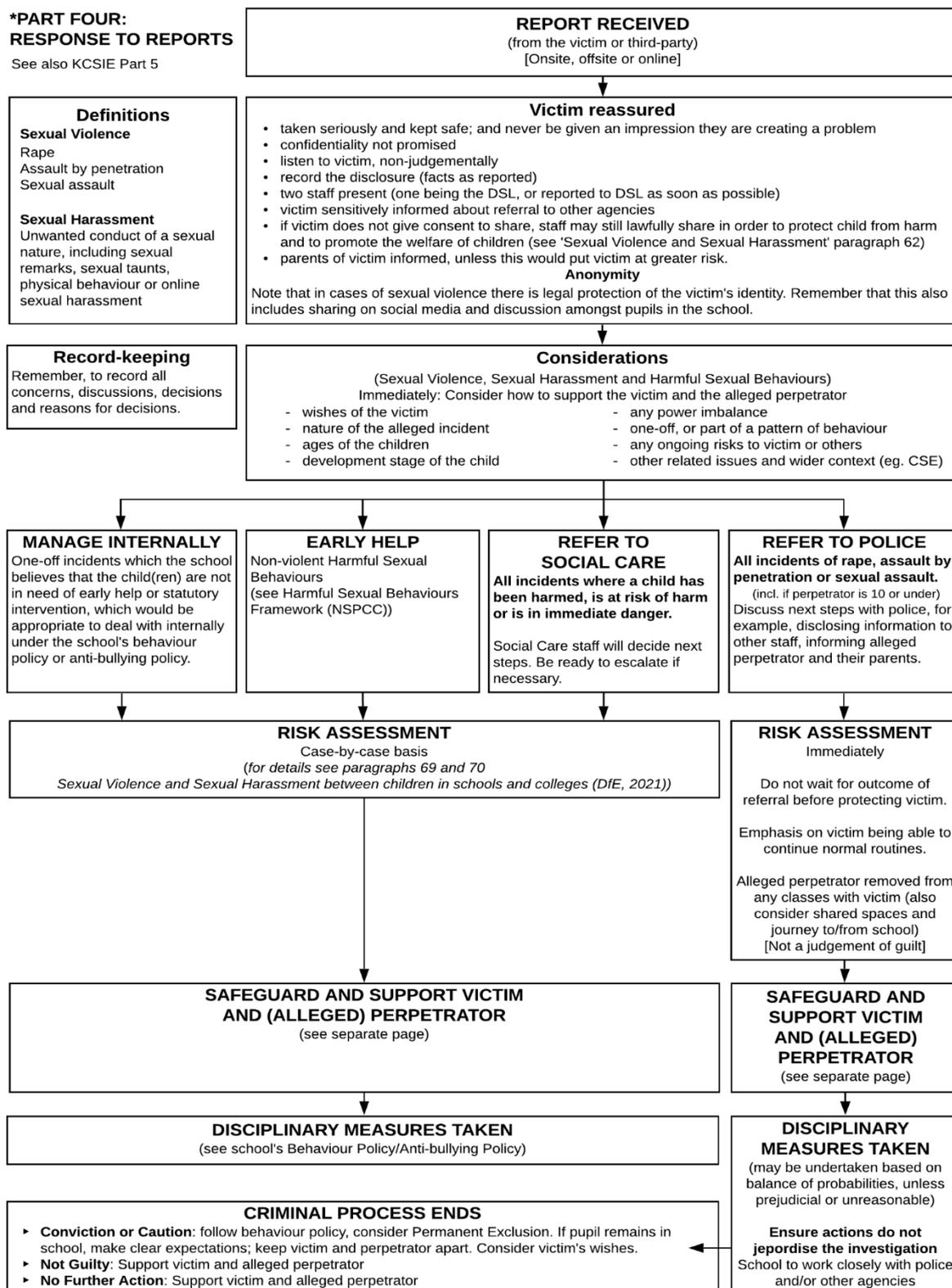
Useful Websites:

NSPCC: Sexual violence and sexual harassment between children in schools and colleges
<https://learning.nspcc.org.uk/media/1540/sexual-violence-harassment-between-children-schools-colleges-england.pdf>

Appendix 3

*PART FOUR: RESPONSE TO REPORTS

See also KCSIE Part 5



Source:

*Sexual Violence and Sexual Harassment between children in schools and colleges (DfE, 2021)

SVSH Flow Chart for Schools 2021 v.1.0

Appendix 4: Bullying Specific Procedures

We will refer to and work within the guidelines set out in the DfE's Preventing and Tackling Bullying, 2017.

Definition

For the purpose of this policy, bullying is persistent behaviour by an individual or group with the intention of verbally, physically, or emotionally harming another person or group and includes child on child abuse.

Bullying is generally characterised by:

- **Repetition:** Incidents are not one-offs; they are frequent and happen over a period of time.
- **Intent:** The perpetrator(s) means to cause verbal, physical or emotional harm; it is not accidental.
- **Targeting:** Bullying is generally targeted at a specific individual or group.
- **Power imbalance:** Whether real or perceived, bullying is generally based on unequal power relations.

Many different kinds of behaviour can be considered bullying and can be related to almost anything. Teasing another learner because of their appearance, religion, ethnicity, gender, sexual-orientation, home life, culture, disability, or special educational needs are some of the types of bullying that can occur.

Bullying can be acted out through the following mediums:

- Verbally
- Physically
- Emotionally
- Online (Cyber)
- Deliberate Isolation
- Microaggressions
- Disguised compliance

Racist bullying: Bullying another person based on their ethnic background, religion or skin colour. Racist bullying is a criminal offence under the Crime and Disorder Act 1998 and Public Order Act 1986.

Homophobic and Bi-Phobic bullying: Bullying another person because of their actual or perceived sexual orientation.

Transphobic bullying: Bullying based on another person's actual or perceived transgender status. Gender 'variance' or for not conforming to dominant gender roles.

Sexist bullying: Bullying based on sexist attitudes expressed in a way to demean, intimidate or harm another person because of their sex or gender. Sexist bullying may sometimes be characterised by inappropriate sexual behaviours.

Sexual bullying: Bullying behaviour that has a physical, psychological, verbal or non-verbal sexual dimension/dynamic that subordinates, humiliates or intimidates another person. This is commonly underpinned by sexist attitudes or gender stereotypes.

SEND/Ableist Bullying: Bullying behaviour based on another person's special educational needs or disability.

Statutory implications:

Under the Equality Act 2010, we understand that we have a responsibility 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 and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it.

Under the Human Rights Act (HRA) 1998, we understand that we could have charges brought against it if we allow the rights of children and young people at the academy to be breached by failing to take bullying seriously.

Although bullying itself is not a criminal offence, some types of harassment, threatening behaviour and/or communications may be considered criminal offences:

- Under the Malicious Communications Act 1988, it is an offence for a person to electronically communicate with another person with the intent to cause distress or anxiety, or which conveys a message which is indecent or grossly offensive, a threat, or information which is false and known or believed to be false by the sender.
- The Protection from Harassment Act 1997 makes it an offence to knowingly pursue any course of conduct amounting to harassment.
- Section 127 of the Communications Act 2003 makes it an offence to send, by means of a public electronic communications network, a message, or other matter, that is grossly offensive or of an indecent, obscene or menacing character. It is unlawful to disseminate defamatory information through any media, including internet sites.

Other forms of bullying which are illegal and should be reported to police include: violence or assault, theft, repeated harassment or intimidation and hate crimes.

Signs and indicators of Bullying:

Some of the signs that a learner may be victim of bullying include, but are not limited to, the following:

- Being frightened to travel to or from school
- Asking to be driven to school
- Unwillingness to attend school
- Truancy
- Becoming anxious or lacking confidence
- Saying that they feel ill in the morning
- Decreased involvement in school work
- Returning home with torn clothes or damaged possessions
- Missing possessions
- Missing dinner money
- Asking for extra money or stealing
- Cuts or bruises

- Lack of appetite
- Unwillingness to use the internet or mobile devices
- Becoming agitated when receiving calls or text messages
- Lack of eye contact
- Becoming short tempered
- Change in behaviour and attitude at home

Although the signs outlined above may not be due to bullying, they may be due to deeper social, emotional or mental issues, so will still be investigated.

Prevention:

Prevention is at the forefront of our Anti-Child on Child Abuse (Anti-Bullying) Policy. Staff treat reports of bullying very seriously and never assume that it is 'just banter'. Any disclosure of bullying is reported through the electronic safeguarding system CPOMS to the DSL. Staff take action immediately; this applies to all staff, not solely teaching staff.

Unpleasantness from one learner towards another is always challenged and never ignored. Staff respect learners' privacy, and information about specific instances of bullying are not discussed with others in-line with the safeguarding disclosure process, please refer to the safeguarding and child protection policy.

Follow-up support is given to both the alleged victim and alleged bully in the months following any incidents, to ensure all bullying has stopped.

Staff follow up with a meeting with those involved to discuss how effectively they felt the incident has been dealt with to inform future practice and to inform the termly review.

The academy clearly communicates a whole-school commitment to addressing bullying in the form of a written statement that is regularly promoted across the whole academy.

Solihull Sixth Form College is committed to providing a happy, caring, friendly and safe learning environment for all of our learners and staff. The learners are taught about British Values, attitudes and skills which foster mutual respect and allow learners to learn in a secure environment. Bullying of any kind is unacceptable at our academy. Everyone within our academy has the right to feel safe, valued, protected and to be treated with respect and dignity. It is everyone's responsibility to prevent bullying from happening. If bullying does occur, all learners should be able to tell and know that incidents will be dealt with promptly and effectively.

All disclosed, reported or witnessed instances of bullying in the academy are challenged by a member of staff.

All members of the academy community are made aware of our Anti-Child on Child Abuse (and Bullying) Policy.

All colleagues receive training on identifying and dealing with the different types of bullying. All learners are educated annually on our policy, what bullying is and why it happens, what we do to prevent it and the consequences when child on child abuse occurs. We educate learners on the responsibilities of anyone who witnesses bullying and the role of culpability bystanders as well as other roles learners may unintentionally be placed in when bullying/ child on child abuse is taking place.

The same information is shared with parents/carers and transitioning learners through transition evenings before they join the academy to ensure that our values are understood before learners arrive at the academy.

All types of bullying are discussed as part of the curriculum, and diversity, difference and respect for others is promoted and celebrated through various lessons. Opportunities to extend friendship groups and interactive skills are provided through participation in special events, for example, drama productions, sporting activities and cultural groups.

A safe, supervised place is available for learners to go to at lunch if they are involved in conflict with their peers.

SEND/Ableist Bullying:

Learners who are on the SEND register are more prone to bullying than their peers but this does not mean that all learners with SEND will be bullied. We continually monitor our SEND learners through the inclusion and pastoral teams and provide appropriate support and intervention where required.

When a learner is identified as socially vulnerable because of their SEND we take precautions to prevent such incidents occurring. We recognise that it might be more difficult for some learners with SEND to express their concerns about bullying and so our inclusion and pastoral teams work with these learners to help them understand the policy, their rights and ensuring that they feel comfortable with the mechanisms for reporting a concern should one arise for themselves or a peer.

Note due to the individual nature of SEND learners these strategies are continually evolving in line with their individual needs and where necessary additional prevention strategies will be put in place.

Procedures for dealing with disclosures of concerns about bullying:

Allegations are reported to the relevant member of staff who investigates the incident, sets appropriate sanctions for the perpetrator, and records the incident.

When investigating an alleged bullying incident, the following procedures are adopted:

- (If a learner is injured, members of staff take the learner immediately to a first aider for a medical opinion on the extent of their injuries and proceed as advised)
- An incident will be recorded on CPOMs to ensure that the DSL is aware and can monitor that the process is followed in line with the policy.
- Statements will be sought from both the alleged victim and the alleged perpetrator and the academy will do everything possible within the new context to establish the most truthful version of events (on the balance of probability).
- Members of staff seek to reduce the possibility of contact between the learners interviewed, including electronic communication during the process.
- A room or safe quiet place is used that allows for privacy during interviews.
- A witness' viewpoint is sought when appropriate.
- Unless there is a very strong reason not to engage parents/carers, they will be contacted and the situation explained.

Premature assumptions are not made, as it is important not to be judgmental at this stage; members of staff listen carefully to all accounts, being non-confrontational and not attaching blame until the investigation is complete

All concerned learners are informed that they must not discuss the interview with other learners.

Support will be offered to both the alleged victim and the alleged perpetrator and consequences will be considered where appropriate in line with our behaviour policy.

Where appropriate we will seek to support the learners in understanding each other's point of view and offer additional sessions (face to face or remotely as required) to help them to overcome their situation.

Where a learner/learners are at risk of harm as a result of this incident, we will make appropriate external referrals to seek support for those involved.

Some learners may experience poor mental health or feel anxious after experiencing bullying and the academy will seek to support and address this by working closely with the learner, family and relevant external agencies.

- Where the impact of bullying has a significant impact on the relative academic achievements of the learner involved the academy will seek to address these through targeted interventions, supportive strategies and eventually, if required a SEND assessment.
- The process and outcomes will be recorded on CPOMS and appropriate timely referrals made as the need arises during the process. The process will be overseen by the DSL, though other colleagues will likely support the process.

Concerns, disclosures, referrals and actions will be recorded on CPOMS and appropriate further referrals made if necessary. Learner voice will be recorded when the incidents are followed up after the initial support and interventions have been implemented in line with the above procedure.

Follow up actions or support may include but are not limited to:

- If necessary, group dynamics are broken up by members of staff by assigning places in classes.
- The victim is encouraged to tell a trusted adult in school if bullying is repeated.
- The victim is encouraged to broaden their friendship groups by joining lunchtime or after-school club or activity.
- If appropriate, follow-up correspondence is arranged with parents/carers one month after the incident.

Learners who have been bullied are supported in the following ways:

- Being listened to, believed, and reassured
- Being offered continued support
- Being offered counselling, where appropriate

Learners who have bullied others are supported in the following ways:

- Receiving a consequence for their actions
- Being able to discuss what happened
- Reflecting on why they became involved understanding what they did wrong and why they need to change their behaviour
- Appropriate assistance from parents/carers

Bullying outside of the Academy:

Teachers have the power to discipline learners for misbehaving outside of the academy premises. This can relate to any bullying, or child on child abuse incidents occurring anywhere off the school premises, such as on academy or public transport, outside the local shops, or in a town or village centre.

Where bullying outside school is reported to academy staff, it is investigated and acted on. In all cases of misbehaviour or bullying, the teacher can only discipline the learner on school premises, or elsewhere when the learner is under the lawful control of the member of staff.

The Principal has a specific statutory power to discipline learners for poor behaviour outside of the school premises. Section 89(5) of the Education and Inspections Act 2006 gives the Principal the power to regulate learners' conduct when they are not on school premises, and therefore not under the lawful charge of a school staff member.

The DSL is responsible for determining whether it is appropriate to notify the police or the anti-social behaviour coordinator of the action taken against a learner. If the misbehaviour could be of a criminal nature, or poses a serious threat to a member of the public, the police are always informed.

Roles and responsibilities related to bullying specifically:

Governors evaluate and reviews this policy to ensure that it is non-discriminatory. It is the responsibility of all stakeholders to be alert to possible bullying of learners and to deal with incidents as the highest priority.

We take account of new legislation and government guidance, and using staff experience of dealing with bullying incidents in the previous year to improve procedures.

Each academy keeps a record of all reported incidents including which type of bullying has occurred to allow for thorough and regular (termly) analyses of the data collected which will be reported to the LGB and Trustees.

The inclusion / pastoral team analyses the data at termly intervals in order to identify any trends in the types of bullying occurring and implements the appropriate measures to tackle it. Leaders arrange appropriate training for staff members based on these findings.

Staff correspond and meet with parents/carers where necessary. They also provide a point of contact when more serious bullying incidents occur.

All members of staff ensure that they are alert to possible bullying situations, particularly exclusion from friendship groups, and social dynamics in their class and that they inform the relevant inclusion / pastoral member of staff of such observations.

All colleagues will avoid gender stereotyping when dealing with bullying. Throughout the year, the composition of learner groups shows sensitivity to those who have been the victims of bullying.

Parents/carers are advised to inform a member of staff if they are concerned that their child may be bullied or be involved in bullying.

Learners are advised to inform a member of staff if they witness bullying, or are a victim of bullying.

Learners are taught not to make counter-threats if they are victims of bullying.

Learners are taught to walk away from any dangerous situations and avoid involving other learners in incidents.

Learners are advised to retain and disclose all evidence of cyber bullying as well as offered additional signposts for support outside of the academy.