



CARLTON
ACADEMY TRUST

**Carlton Academy Trust
Sexual Violence &
Sexual Harassment Policy**

Approved on behalf of Trustees:

Gareth Logan

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Glossary

CSC:	Children's Social Care
DSL:	Designated Safeguarding Lead
HOS:	Head of School
Parents:	Umbrella term also including carers
SEND:	Special Educational Needs and Disabilities
SENDCO:	Special Educational Needs and Disabilities Coordinator



Policy Aims

This policy aims to provide an understanding of what is child-on-child sexual violence and harassment, and what to do if you have a concern or receive a disclosure.

Sexual violence and harassment are never:

- Acceptable.
- Something to be tolerated.
- Part of growing up.
- Banter.
- Having a laugh.
- Boys being boys.

Schools must **always** challenge potentially criminal behaviour such as sexual assault, which includes grabbing bottoms/breasts/genitalia, flicking bras, and lifting skirts. Dismissing, ignoring, or tolerating such behaviours risks normalising them and may reinforce or encourage other behaviours such as sexist stereotypes and language.

Victims and Perpetrators

A '**victim**' is any child who has been subjected to sexual violence or sexual harassment. It is important to recognise that not everyone who has been subjected to sexual violence or sexual harassment considers themselves a victim or would want to be described in this way. Schools should be conscious of this when managing any incident and be prepared to use any term with which the individual child is most comfortable.

A '**perpetrator**' is the person who has alleged to have subjected the person to sexual violence or harassment.

High Risk Groups

Girls

Whilst any disclosure should be taken seriously, staff should be aware it is more likely that girls will be the victims of sexual violence or harassment perpetrated by boys.

SEND

SEND students are significantly more likely to suffer abuse than their peers. Additional barriers may exist which prevents the recognition of abuse in SEND children due to:

- Assumptions that indicators of possible abuse (behaviour, mood, injury) relate to the child's disability.
- The potential for SEND students to not outwardly display any signs of harassment or abuse.
- Communication difficulties and inability to effectively articulate what is happening to them.



Therefore, any reports of abuse involving children with SEND require close liaison with the DSL/safeguarding staff and SENDCO.

LGBTQ

Lesbian, gay, bi-sexual, or transgender students are increasingly vulnerable to being targeted by their peers.

Harmful Sexual Behaviour

Children's sexual behaviour is on a continuum from normal and developmentally expected through to inappropriate, problematic, abusive, and violent. Problematic, abusive, or violent sexual behaviour is developmentally inappropriate and may cause developmental damage and therefore referred to as "harmful sexual behaviour".

Harmful sexual behaviour includes sexual violence and sexual harassment.

Sexual Harassment

Is unwanted conduct of a sexual nature which:

- Violates a child's dignity and make them feel intimidated, degraded, or humiliated.
- Creates a hostile, offensive, or sexualised environment.

It can occur online and offline and may comprise (non-exhaustive list):

- Sexual or lewd comments
- Jokes or taunting
- Telling sexual stories
- Making sexual remarks about clothes and appearance or calling someone sexualised names
- Deliberately brushing against someone or interfering with someone's clothes.
- Displaying pictures, photos, or drawings of a sexual nature.
- Online sexual harassment (including social media): This can comprise non-consensual sharing of sexual images/videos, sexualised online bullying, unwanted sexual comments/messages, sexual exploitation, coercion, and threats.

Online sexual harassment may be an isolated incident or part of a wider pattern of sexual harassment or sexual violence. Sexual harassment must not be left unchallenged, as it may create an atmosphere that normalises inappropriate behaviours and leads on to sexual violence.

Types of Sexual Violence

All the following definitions are in accordance with the Sexual Offences Act 2003.

Rape

Where a person intentionally penetrates the vagina, anus, or mouth of another non-consenting person with their penis and could not reasonably believe that they consented.



Assault by Penetration

Is when an individual:

- Intentionally penetrate the vagina or anus of another person with a part of their body or object
- The penetration is sexual, non-consensual and could not reasonably be believed to be consensual.

Sexual Assault

Is when:

- Someone touches another person in a sexual manner.
- Is non-consensual or could not reasonably be believed to be consensual.

Causing someone to engage in sexual activity without consent:

Is when:

- A person intentionally causes another person to engage in sexual activity without consent – this includes forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party.

Consent to Sexual Activity

Consent is the freedom and capacity to choose to engage in a sexual activity. Consent may be given to one sexual activity but not to another and can be withdrawn at any time during sexual activity and each time activity occurs. The legal age of consent is 16, and a child under the age of 13 can never consent to any sexual activity.

Dealing with Sexual Violence and Harassment

Sexual violence and sexual harassment can occur between children of any age and sex. They exist on a continuum and may be:

- One-on-one.
- A group of children assaulting or harassing a single child.
- A group of children assaulting a or harassing another group of children.
- Online or Offline or combination of both.
- Physical or verbal.

Sexual violence and harassment should never be tolerated or accepted as victims find the experience stressful and distressing, adversely affecting their educational performance. It is essential that disclosures are taken seriously, with students making disclosures offered appropriate support and every effort made to ensure their education is not disrupted.

Receiving and Recording Disclosures

Any actual or suspected incidence of sexual violence or harassment should be reported to the DSL without delay.



Staff receiving a disclosure should:

- Reassure the victim that they are being taken seriously, will be supported, and kept safe.
- Never give the impression that they aren't being taken seriously or creating a problem.
- Never make the victim feel ashamed for making a report.

Disclosures may not be direct, coming from another pupil or a conversation overheard by staff that suggests a child has been harmed. Where occurring, it is important that the school makes efforts to understand why the victim has chosen not to make a report.

When receiving disclosures, the school should consider:

- The wishes of the victim and how they want to proceed. They should be given as much control as is reasonably possible over how any investigation is progressed and any support they need.
- The nature of the alleged incident including whether a crime may have been committed.
- The ages and developmental stages of those involved.
- Any power imbalance between the victim and perpetrator.
- Any disabilities or special needs.
- Whether the incident is a one-off or sustained abuse.
- If there are ongoing risks to the child, children, or staff.
- Other related issues or wider context.

Recording Disclosures

When recording incidents staff should:

- Inform the student that the disclosure cannot remain confidential.
- Only share details with relevant staff responsible for investigating or dealing with any disclosure.
- Inform the child making the disclosure of next steps.
- Be supportive of the child, listening carefully and being non-judgmental.
- Not ask leading questions and prompting where necessary with open-ended questions.
- Only record information as presented by the child, without any personal comments or opinion, as this could form the basis of a criminal investigation.
- Ideally have two members of staff present, with one asking questions and the other taking full notes of the disclosure. Where only one member of staff is present, they should wait until the end of the disclosure before writing a report and thereby enabling them to devote their full attention to the child and what they are saying.

Sexual Content and Images

Where a disclosure includes sexual content or imagery, staff **must not** view these images. Where such a disclosure is received, they should be referred to the DSL, who will only view imagery when:

- It is the only way to decide whether to involve other agencies and is not possible to establish the facts from the young people involved.
- It is necessary to report the image to a website, App provider, or suitable reporting agency to have it taken down or support the child or parent in making a report.



- It is unavoidable because a child has presented an image directly to a staff member or the imagery has been found on a school device or network.

Where content has been unavoidably viewed by a member of staff, the DSL should ensure that the staff member is offered appropriate support, where required. Children viewing this type of content should also be offered support.

When it is necessary to view the imagery, the DSL should:

- Never print, share, or copy the imagery as this is illegal.
- Ensure viewing is undertaken by the DSL or other member of the safeguarding team, with delegated authority from the HOS.
- Ensure another member of staff is present when the content is viewed.

Informing Parents, Agencies and Perpetrators

Parents should be informed of any sexual violence or harassment involving their child unless this would put them at greater risk.

Where a child has been harmed, at risk of harm, or immediate danger, a referral should be made to children's social care.

Rapes, assault by penetration and sexual assaults are crimes, and must be referred to the police.

Decisions when to inform the alleged perpetrator should be carefully considered. Where a report is made to CSC or police, the school must take advice from them on how and when to do this. However, this must not stop the school taking immediate action to safeguard other children.

Responding to Sexual Violence or Harassment

Schools can respond to disclosures, as follows:

Manage Internally: This is appropriate for some one-off incidents where children are not in need of early help or statutory intervention. This may involve 'Early Help' where support is provided as soon as a problem emerges. This is particularly applicable to address non-violent sexual behaviour and prevent escalation to other forms of behaviour. All concerns, discussions, decisions, and reasons for decisions must be formally recorded.

Referrals to Children's Social Care:

This happens where a child has been harmed, is at risk of harm, or is in immediate danger. Parents will normally be informed unless informing them is going to put the child at additional risk. CSC will make enquiries to determine whether any of the children involved need protection or require other services.

Schools should not wait for the outcome of a CSC investigation before taking action to protect a child, which should be done with immediate effect. However, they must take care to ensure any actions do not jeopardise a CSC or police investigation. Where CSC decide a statutory intervention is not appropriate, the DSL/safeguarding staff should consider other support



mechanisms such as early help, specialist, or pastoral support. All concerns, discussions, decisions, and reasons for decisions must be formally recorded.

Reporting to Police

Any report made to the police will generally be in parallel to a referral to CSC. When a report of rape, assault by penetration or sexual assault is made, the first action of any school response is to refer this to the police, even if the alleged perpetrators are under the age of criminal responsibility (10). Schools will also inform parents except where it puts the child at additional risk. Where a school has support from the Safer School's Partnership Police Officer, all incidents of sexual violence or harassment will be reported to them.

The police will decide what information can be disclosed to staff and other relevant parties, and the best way to protect the victim and retain confidentiality. When a criminal investigation is underway and there are no bail conditions (Released Under Investigation: RUI), advice should be sought from the police to help the school manage their safeguarding responsibilities. An important consideration is to ensure that the victim can continue in their normal routine, including receiving a suitable education.

Schools should not wait for the outcome of a police investigation before taking action to protect the victim. However, it is important that the DSL/safeguarding staff work closely with the police (and other agencies as required) to ensure any actions they take do not jeopardise any police investigation. Where no further action is taken, the school will continue to engage with specialist support as required.

All concerns, discussions, decisions, and reasons for decisions must be formally recorded.

Actions Following the Outcome of a Police Investigation

If a child is cautioned or convicted for a sexual offence, the school should consider a suitable disciplinary response, as well as updating its risk assessment to ensure adequate protections are in place to protect all children.

When the perpetrator is in the same school as the victim, the school must make appropriate adjustments to ensure the victim feels safe and secure, which commonly means adjustments to the perpetrator's classes and/or timetable.

Any conviction, even with legal anonymity and reporting restrictions, is potentially going to generate interest among other pupils at the school. Therefore, it is important that the school ensures both the victim and alleged perpetrator remain protected, especially from bullying or harassment.

Where cases are classified as "no further action" by the police or Crown Prosecution Service, or where there is a not guilty verdict, the school should continue to offer support to the victim and the alleged perpetrator for as long as is necessary.

Anonymity

Schools must do all they reasonably can to protect the anonymity of any children involved in a report of sexual violence or harassment. This will involve careful consideration of which staff



should be aware of the report and any support required. Schools should also consider the potential impact of social media in spreading rumours and exposing victims' identities.

Where a child requests their disclosure goes no further than the school, it may lawfully be shared if it can be justified to be in the public interest such as protecting other children from harm or promoting the welfare of children.

Schools should also be aware that child-on-child abuse may be taking place and not reported for fear of repercussions. Therefore, all staff must remain vigilant to the potential signs of abuse.

Risk Assessment

When there has been a report of sexual violence, the DSL/safeguarding staff should make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis.

The risk and needs assessment should consider:

- The support, safety, and protection of the victim.
- The support, safety, and protection of the alleged perpetrator.
- Whether there may be other victims.
- Other children and staff at the school.
- The time and location of the incident and any actions required to make the location safer.

Risk assessments should be formally recorded and regularly reviewed.

Safeguarding and Supporting the Victim

It is important that schools do everything they reasonably can to protect the victim from bullying and harassment through:

- Keeping the needs and wishes of the victim paramount and making them feel in as much control of the process as is reasonably possible. Wherever possible, the victim should be able to continue their normal school routine, if they wish this. This helps make the victim's daily experience as normal as possible, so that the school feels a safe space for them.
- Never making them feel they are a problem or ashamed for making a disclosure.
- Responding and supporting them in a proportionate way that meets the circumstances.
- Thinking carefully about the terminology used to describe the victim.
- Being aware of the age and developmental stage of the victim, nature of allegations and potential risk of further abuse.
- Awareness that by the very nature of sexual violence and harassment, a power imbalance is likely to have been created between the victim and alleged perpetrator.
- Recognising the possibility of intra-familial harms and any support required for siblings.

Ongoing Support

Victims sometimes make disclosures on an ongoing basis, so it is essential that dialogue is kept open and encouraged. When ongoing support is required, victims should be asked if they would like a designated trusted adult such as their form tutor or DSL to talk to about their needs. The



choice of designated trusted adult should be made by the victim, with schools respecting and supporting their choice where possible and appropriate.

Students may be traumatised by their experiences and may struggle in a normal classroom environment. While any action should be avoided that would isolate the victim, there may be occasions when the victim finds it difficult to maintain a normal timetable and expresses a desire to withdraw from lessons. A victim should not be placed on a modified timetable just because it makes things easier for the school to manage.

Where trauma results in the victim being unable to maintain mainstream provision, alternative provision or move to another school should be considered. This should only be at the request of the victim and discussion with parents. It is important that if the victim does move to another education provider, they are made fully aware of the circumstances and ongoing support needs. The DSL must take responsibility to ensure this happens and discuss with the victim and parents (where appropriate) the most suitable way of doing this, also overseeing and ensuring the transfer of their child protection file.

Support arrangements may need to be in place for a long time, and schools should work with CSC and other agencies to ensure their needs are met.

Supporting the Perpetrator

The perpetrator is entitled to support to help them understand the reasons for their behaviour and reduce the likelihood of recurrence in the future.

This is achieved through:

- The school thinking carefully about appropriate terminology to describe them. This may prove problematic when also supporting the 'victim'.
- Understanding that a child abusing another child may be a sign they have been abused themselves, or wider issues that need addressing.
- Considering their age, developmental stage, and nature of allegations to enable a proportionate response.
- Anticipating the possible negative reactions of peers.
- Fully informing any new school of their ongoing support needs, and potential risks to other children or staff. The DSL has this responsibility, as well as transfer of the child protection file.

Disciplining the Perpetrator

Taking disciplinary action and supporting the perpetrator are not mutually exclusive and may take place at the same time.

Disciplinary action can be taken by the school whilst investigations by the police or CSC are ongoing. These other investigations should not prevent the school from coming to its own conclusion – applying the civil law code of balance of probabilities - about what happened and imposing an appropriate sanction.

However, the school should carefully consider if by acting they prejudice the police/CSC investigation. In recognition of the importance of not this, any sanction in these circumstances may only be applied after consultation and approval from the Trust Director of Safeguarding.



Further, it is often prudent to wait to learn the outcome of an external investigation as evidence may arise that informs the schools' decision.

Engaging with Parents

The school will normally engage with both the victim's and perpetrator's parents, except where there is a reason to believe informing them places the child at additional risk. Schools should carefully consider what information they provide to each and when they do this. In relevant cases, CSC or police may provide clear guidance of when and how this is done.

It is good practice for the school to meet and discuss with parents of the perpetrator any arrangements that are put into place that impact their child. Reasons should be explained, what their potential impact is and what support is being provided. The DSL or Deputy DSL would normally attend, in addition to any other relevant agency.

Safeguarding Other Children

Support may be needed for children who have witnessed sexual violence, as witnessing such an event is likely to be traumatic.

Following a disclosure, other children often take sides to support either the victim or perpetrator. Schools must be aware of this and do all they can to support both and ensure they are not bullied or harassed, paying particular vigilance to social media and home-school transport arrangements.

Staff Training

All staff receive sexual harassment and sexual violence training and how to recognise the signs, with all confirming they have read and understand this policy.

Taught Curriculum

Students will be taught about sexual harassment and violence within the formal school curriculum, appropriate to their age and development. They will be told how they can report concerns and advised of the reporting and support systems.



Appendix A: Sources of Support for Victims and Perpetrators of Sexual Violence and Harassment

Children and Young People's Independent Sexual Violence Advisors (ChISVAs)

Provide emotional and practical support for victims of sexual violence and how the criminal justice process works.

Child and Adolescent Mental Health Services (CAMHS)

Rape Crisis Centres: Provide therapeutic support for children who have experienced sexual violence.

Internet Watch Foundation: For help with removal of potentially illegal images.

Marie Collins Foundation: A harmful sexual behaviour support service

