

# HEREFORDSHIRE PUPIL REFERRAL SERVICE



## CHILD ON CHILD ABUSE POLICY (Including sexual violence and sexual harassment between children)

|                                       |                             |
|---------------------------------------|-----------------------------|
| Status                                | Non-Statutory (Recommended) |
| Responsible Management Committee (MC) | Wellbeing                   |
| Date last approved by MC              | 20 November 2024            |
| Responsible Person                    | Headteacher                 |
| To Review Date                        | 20 November 2025            |
| Last Amended Date                     | 06 November 2024            |

### Statement and Responsibilities

The Governors, Senior Leadership Team, and all staff and volunteers at HPRS are committed to the prevention, early identification and appropriate management of child-on-child abuse (as set out below) both within and beyond the school.

### Keeping Children Safe in Education (KCSIE)

#### KCSIE 2024 states that:

*'All staff should be aware of systems within their school or college which support safeguarding, and these should be explained to them as part of staff induction. This should include the Child Protection and Safeguarding Policy (which should amongst other things also include the policy and procedures to deal with child-on-child abuse).'*

It also emphasises that the voice of the child must be heard.

*'Governing bodies, proprietors and school or college leaders should ensure the child's wishes and feelings are taken into account when determining what action to take and what services to provide.'*

*'Systems should be in place, and they should be well promoted, easily understood and easily accessible for children to confidently report, any form of abuse or neglect, knowing their concerns will be treated seriously, and knowing they can safely express their views and give feedback.'*

Child on Child abuse is referenced in our Child Protection and Safeguarding Policy. The sensitive nature and specific issues involved with child on child abuse necessitates separate policy guidance.

At HPRS, we continue to ensure that any form of abuse or harmful behaviour is dealt with immediately and consistently to reduce the extent of harm to the young person, with full consideration to the impact on that individual child's emotional and mental health and well-being. We recognise that children are capable of abusing their peers. Abuse will never be tolerated or passed off as "banter", "just having a laugh", "a part of growing up" "just having a laugh", "a part of growing up" or "boys being boys".

HPRS also recognise the gendered nature of child-on-child abuse (i.e. that it is more likely that girls will be victims and boys perpetrators). We also recognise that children with disabilities are also three times more likely to be abused than their peers. However, all child-on-child abuse is unacceptable and will be taken seriously.

HPRS maintain an attitude of 'it could happen here' where safeguarding is concerned.

Sexual violence and sexual harassment can occur between two or more children of any age and sex, from primary through to secondary stage and into college. It can occur also through a group of children sexually assaulting or sexually harassing a single child or group of children. Sexual violence and sexual harassment exist on a continuum and may overlap; they can occur online and face-to-face (both physically and verbally) and are never acceptable.

## **Child on child sexual violence**

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. All staff should be aware that children can abuse other children at any age (often referred to as child on child abuse). And that it can happen both inside and outside of school and online. It is important that all staff recognise the indicators and signs of abuse and know how to identify it and respond to reports. (Keeping Children Safe in Education 2024).

All staff should be clear as to the HPRS' policy and procedures with regards to child on child abuse.

## **Types of abuse**

There are many forms of abuse that may occur between peers and this list is not exhaustive. Each form of abuse or prejudiced behaviour is described in detail followed by advice and support on actions to be taken.

### **Physical abuse**

(e.g. biting, hitting, kicking, hair pulling etc.)

Physical abuse may include, hitting, kicking, nipping, shaking, biting, hair pulling, or otherwise causing physical harm to another person. There may be many reasons why a child harms another and it is important to understand why a young person has engaged in such behaviour, including accidentally before considering the action or punishment to be undertaken.

### **Sexually harmful behaviour/sexual abuse**

(e.g. inappropriate sexual language, touching, sexual assault etc. see below)

This must always be referred immediately to the Designated Safeguarding Lead.

Sexually harmful behaviour from young people is not always contrived or with the intent to harm others. There may be many reasons why a young person engages in sexually harmful behaviour and it may be just as distressing to the young person who instigates it as well as the young person it is intended towards. Sexually harmful behaviour may range from inappropriate sexual language, inappropriate role play, to sexually touching another or sexual assault/abuse.

## Sexual abuse

A form of abuse involving sexual activity between children – sexual abuse can be divided into two categories: sexual violence and sexual harassment.

**Sexual violence** encompasses the definitions provided in the Sexual Offences Act 2003, including rape, assault by penetration, sexual assault, i.e. non-consensual sexual touching, and causing another child to engage in sexual activity without consent, e.g. forcing someone to touch themselves sexually.

**Sexual harassment** refers to any sexual behaviour that could violate another child's dignity, make them feel intimidated, degraded or humiliated, and/or create a hostile, offensive or sexualised environment, including:

- Sexualised jokes, taunting or comments.
- Physical behaviour, e.g. deliberately brushing against someone.
- Online sexual harassment, including:
  - Upskirting.
  - Sexualised online bullying.
  - Unwanted sexual comments and messages, including on social media.
  - Sexual threats or coercion.

The **sharing of sexualised imagery** can also constitute sexual harassment – this refers to the consensual and non-consensual sharing between pupils of sexually explicit content, including that which depicts:

- Another child posing nude or semi-nude.
- Another child touching themselves in a sexual way.
- Any sexual activity involving another child.
- Someone hurting another child sexually. Staff will be aware that children creating, possessing, and distributing indecent imagery of other children is a criminal offence, even where the imagery is created, possessed, and distributed with the permission of the child depicted, or by the child themselves.

## Upskirting

'Upskirting' typically involves taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm. It is now a criminal offence.

## **Bullying** (physical, name calling, homophobic etc.)

Bullying is unwanted, aggressive behaviour among school aged children that involves a real or perceived power imbalance. The behaviour is repeated, or has the potential to be repeated, over time. Both young people who are bullied and who bully others may have serious, lasting problems.

In order to be considered bullying, the behaviour must be aggressive and include:

- **An Imbalance of Power:** Young people who bully use their power—such as physical strength, access to embarrassing information, or popularity—to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.
- **Repetition:** Bullying behaviours happen more than once or have the potential to happen more than once.

Bullying includes actions such as making threats, spreading rumours, attacking someone physically or verbally or for a particular reason e.g. size, hair colour, gender, sexual orientation, and excluding someone from a group on purpose.

## **Cyber bullying**

Cyberbullying is the use of phones, instant messaging, e-mail, chat rooms or social networking sites such as Facebook and Twitter to harass threaten or intimidate someone for the same reasons as stated above. It is important to state that cyber bullying can very easily fall into criminal behaviour under the Malicious Communications Act 1988 under section 1 which states that electronic communications which are indecent or grossly offensive, convey a threat or false information or demonstrate that there is an intention to cause distress or anxiety to the victim would be deemed to be criminal. This is also supported by the Communications Act 2003, Section 127 which states that electronic communications which are grossly offensive or indecent, obscene or menacing, or false, used again for the purpose of causing annoyance, inconvenience or needless anxiety to another could also be deemed to be criminal behaviour.

If the behaviour involves the use of taking or distributing indecent images of young people under the age of 18 then this is also a criminal offence under the Sexual Offences Act 2003. Outside of the immediate support young people may require in these instances, HPRS will have no choice but to involve the police to investigate these situations.

## **Sexting**

Sexting is when someone sends or receives a sexually explicit text, image or video. This includes sending 'nude pics', 'rude pics' or 'nude selfies'. Pressuring someone into sending a nude picture can happen in any relationship and to anyone, whatever their age, gender or sexual preference.

However, once the image is taken and sent, the sender has lost control of the image and these images could end up anywhere. By having in their possession, or distributing, indecent images

of a person under 18 on to someone else, young people are not even aware that they could be breaking the law as stated as these are offences under the Sexual Offences Act 2003.

### **Initiation/Hazing**

Hazing is a form of initiation ceremony which is used to induct newcomers into an organisation. There are a number of different forms, from relatively mild rituals to severe to sometimes violent ceremonies. The rituals are often challenges, and other activities involving harassment, abuse or humiliation.

### **Prejudiced Behaviour**

The term prejudice-related bullying refers to a range of hurtful behaviour, physical or emotional or both, which causes someone to feel powerless, worthless, excluded or marginalised, and which is connected with prejudices around belonging, identity and equality in wider society – in particular, prejudices to do with disabilities and special educational needs, ethnic, cultural and religious backgrounds, gender, home life, (for example in relation to issues of care, parental occupation, poverty and social class) and sexual identity (homosexual, bisexual, transsexual).

### **Teenage relationship abuse**

Teenage relationship abuse is defined as a pattern of actual or threatened acts of physical, sexual, and/or emotional abuse, perpetrated by an adolescent (between the ages of 13 and 18) against a current or former partner. Abuse may include insults, coercion, social sabotage, sexual harassment, threats and/or acts of physical or sexual abuse. The abusive teen uses this pattern of violent and coercive behaviour, in a heterosexual or same gender relationship, in order to gain power and maintain control over the partner.

### **Consensual and non-consensual sharing of nude and semi-nude images and/or videos (also known as sexting or youth-produced sexual imagery)**

### **Expected action taken from all staff**

Although the type of abuse may have a varying effect on the victim and initiator of the harm, these simple steps can help clarify the situation and establish the facts before deciding the consequences for those involved in perpetrating harm.

It is important to deal with a situation of peer abuse immediately and sensitively. It is necessary to gather the information as soon as possible to get the true facts around what has occurred as soon after the child(ren) may have forgotten. It is equally important to deal with it sensitively and think about the language used and the impact of that language on both the children and the parents when they become involved. For example; do not use the word perpetrator, this can quickly create a 'blame' culture and leave a child labelled.

In all cases of child-on-child abuse it is necessary that all staff are trained in dealing with such incidents, talking to young people and instigating immediate support in a calm and consistent manner. Staff should not be prejudiced, judgemental, dismissive or irresponsible in dealing with such sensitive matters.

## PROCEDURE

### Gather the Facts

Speak to all the young people involved separately, gain a statement of facts from them and use consistent language and open questions for each account. The easiest way to do this is not to have a line of questioning but to ask the young people to tell you what happened. Only interrupt the young person from this to gain clarity with open questions, 'where, when, why, who'. (What happened? Who observed the incident? What was seen? What was heard? Did anyone intervene?)

### Consider the Intent (begin to Risk Assess)

Has this been a deliberate or contrived situation for a young person to be able to harm another?

### Decide on your next course of action

If from the information that you gather you believe any young person to be at risk of significant harm you must make a safeguarding referral to social care immediately (where a crime has been committed the police should be involved also). If this is the case, once social care has been contacted and made a decision on what will happen next then you will be informed on your next steps.

If social care and the police intend to pursue this further they may ask to interview the young people in school or they may ask for parents to come to school to be spoken to also. It is important to be prepared for every situation and the potential time it may take.

It may also be that social care feel that it does not meet their criteria in which case you may challenge that decision, with that individual or their line manager. If on discussion however, you agree with the decision, you may then be left to inform parents.

### Informing parents

If, once appropriate advice has been sought from police/social care you have agreement to inform parents or have been allocated that role from the other services involved then you need to inform the parents as soon as possible. If services are not going to be involved then equally, this information may need to be shared with parents. If a young person is deemed to be 'Gillick Competent' following the 'Fraser' guidelines and does not wish you to share the information with parents, then HPRS must consider this especially for example if the young person is pregnant and this is why they are being bullied (unless this has occurred through significant

harm in which case a criminal/social care case is likely or the young person is under the age of 13).

In all circumstances where the risk of harm to the child is evident then HPRS should encourage the young person to share the information with their parent or even with them (they may be scared to tell parents that they are being harmed in any way). Where school can evidence they are acting in the best interests of the young person they would not be criticised, however this would be the case if they actively breached the rights and choices of the young person.

The best way to inform parents is face to face. Although this may be time consuming, the nature of the incident and the type of harm/abuse a young person may be suffering can cause fear and anxiety to parents whether their child is the child who was harmed or who harmed another.

### **Points to consider:**

#### **What is the age of the children involved?**

How old are the young people involved in the incident and is there any age difference between those involved?

#### **Where did the incident or incidents take place?**

Was the incident in an open, visible place to others? If so was it observed? If not, is more supervision required within this particular area?

#### **What was the explanation by all children involved of what occurred?**

Can each of the young people give the same explanation of the incident and also what is the effect on the young people involved? Is the incident seen to be bullying for example, in which case regular and repetitive? Is the version of one young person different from another and why?

#### **What is each of the children's own understanding of what occurred?**

Do the young people know/understand what they are doing? E.g. do they have knowledge of body parts, of privacy and that it is inappropriate to touch? Is the young person's explanation in relation to something they may have heard or been learning about that has prompted the behaviour? Is the behaviour deliberate and contrived? Does the young person have understanding of the impact of their behaviour on the other person?

In dealing with an incident of this nature the answers are not always clear cut. If you are concerned or unsure as to whether or not there is any risk involved, please seek advice from Children's Services Social Care.

## Repetition

Has the behaviour been repeated to an individual on more than one occasion? In the same way it must be considered has the behaviour persisted to an individual after the issue has already been discussed or dealt with and appropriately resolved?

## NEXT STEPS

Once the outcome of the incident(s) has been established it is necessary to ensure future incidents of abuse do not occur again and consider the support and intervention required for those involved.

### For the young person who has been harmed

What support they require depends on the individual young person. It may be that they wish to seek counselling or one to one support via a mentor. It may also be that they feel able to deal with the incident(s) on their own or with support of family and friends. In which case it is necessary that this young person continues to be monitored and offered support should they require it in the future. If the incidents are of a bullying nature, the young person may need support in improving peer groups/relationships with other young people or some restorative justice work with all those involved may be required.

Other interventions that could be considered may target a whole class or year group for example a speaker on cyber bullying, relationship abuse etc. It may be that through the continued curriculum of PSHE and SMSC that certain issues can be discussed and debated more frequently.

If the young person feels particularly vulnerable it may be that a risk assessment can be put in place for them whilst in school so that they have someone named that they can talk to, support strategies for managing future issues and identified services to offer additional support.

### For the young person who has displayed harmful behaviour

In this circumstance it is important to find out why the young person has behaved in such a way. It may be that the young person is experiencing their own difficulties and may even have been harmed themselves in a similar way. In such cases support such as one to one mentoring or counselling may also be necessary. Particular support from identified services may be necessary through an EHA/strengthening families/early help referral and the young person may require additional support from family members.

Once the support required to meet the individual needs of the young person has been met, it is important that young person receives a consequence for their behaviour. This may be in the form of restorative justice e.g. making amends with the young person they have targeted if this has been some form of bullying. In the cases of sexually harmful behaviour it may be a requirement for the young person to engage in one to one work with a particular service or agency (if a crime has been committed this may be through the police or youth offending service). If there is any form of criminal investigation ongoing it may be that this young person



cannot be educated on site until the investigation has concluded. In which case, the young person will need to be provided with appropriate support and education whilst off site.

Even following the conclusion of any investigation the behaviour that the young person has displayed may continue to pose a risk to others in which case an individual risk assessment may be required. This should be completed via a multi-agency response to ensure that the needs of the young person and the risks towards others are measured by all of those agencies involved including the young person and their parents. This may mean additional supervision of the young person or protective strategies if the young person feels at risk of engaging in further inappropriate or harmful behaviour.

HPRS may also choose a punishment as a consequence such as exclusion or internal exclusion/inclusion/seclusion for a period of time to allow the young person to reflect on their behaviour.

### After care

It is important that following the incident the young people involved continue to feel supported and receive help even if they have stated that they are managing the incident. Sometimes the feelings of remorse, regret or unhappiness may occur at a much later stage than the incident. It is important to ensure that the young people do not engage in any further harmful behaviour either towards someone else or to themselves as a way of coping (e.g. self-harm). In which case, regular reviews with the young people **following the incident(s) are imperative.**

To enable such an open and honest environment it is necessary to ensure the whole workforce feels confident and enabled to talk about issues and challenge perceptions of young people including use of inappropriate language and behaviour towards one another. In order to create such an environment, it is necessary for whole staff training and CPD around abusive behaviours and talking to young people in a way that continues to create an open and honest environment without prejudice. It is incredibly important that staff do not dismiss issues as 'banter' or 'growing up' or compare them to their own experiences of childhood. It is necessary that staff consider each issue and each individual in their own right before taking action. If staff minimise the concerns raised it may result in a young person seeking no further help or advice.

Finally, we ensure young people are part of changing their circumstances and that of the procedures within schools. Having a pupil voice and encouraging young people to support changes and develop 'rules of acceptable behaviour' will go far in helping to create a positive ethos in school and one where all young people understand the boundaries of behaviour before it becomes abusive.

## LINKED POLICIES AND GUIDANCE

HPRS have the following policies in place which should be read in conjunction with this policy:

- Anti-Bullying including Online Bullying Policy
- Child Protection and Safeguarding Policy
- Managing Allegations / Whistleblowing Policy
- Behaviour Policy

- Health & Safety Policy
- Online Safety Policy

## **Guidance**

This policy is supported by the key principles of the Children’s Act, 1989 that the child’s welfare is paramount. Another key document is Working Together, 2018, highlighting that every assessment of a child, ‘must be informed by the views of the child’. (Working Together, 2018:21) This is echoed by Keeping Children Safe in Education, 2024 through ensuring procedures are in place in schools and settings to hear the voice of the child.

The below resource provides practical guidance for schools and colleges on how to prevent, identify early and respond appropriately to child-on-child abuse.

Farrer & Co: <https://www.farrer.co.uk/globalassets/clients-and-sectors/safeguarding/addressing-child-on-child-abuse.pdf>