

# Harmful Sexual Behaviour and Peer-on-Peer Abuse Policy

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## Introduction

ELATT Sixth Form students are aged between 16 and 24, and on average 50% each year have Education Health and Care Plans, and a higher amount still have Special Educational Needs. Given the age of this group and the additional level of vulnerability brought on by SEND needs, we must be especially vigilant as to the monitoring of sexual behaviour between peers that could become harmful or abusive. We recognise that young people are both vulnerable to, but also capable of, sexual abuse towards their peers. We will take seriously any allegation of peer on peer abuse (sexual or otherwise) and will manage these in the same way as any other child protection concern as detailed in our [Safeguarding Policy for Young People and Children](#) and [Protection of Vulnerable Adults Policy](#), including seeking advice or reporting the incident to other agencies as required.

This policy is in the line with the safeguarding requirements in Keeping Children Safe in Education ([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1101454/Keeping\\_children\\_safe\\_in\\_education\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1101454/Keeping_children_safe_in_education_2022.pdf) ). Part 5 of the Keeping Children Safe in Education statutory guidance sets out how schools and colleges should manage reports of child-on-child sexual violence and harassment. This policy also links to the guidance issued by the DfE in 2021: [Sexual violence and sexual harassment between children in schools and colleges](#). This approach work in tandem with our [Equalities Policy](#), [Disciplinary Policy](#) and [Bullying and Harassment Policy](#).

## Definition of sexual abuse

Forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse. Sexual abuse can take place online, and technology can be used to facilitate offline abuse.

The sexual abuse of children by other children is a specific safeguarding issue in education.

*(Keeping children safe in education, DfE, 2022)*

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## **Harmful sexual behaviour**

Harmful sexual behaviour can manifest itself in many ways. This may include:

- inappropriate or unwanted sexualised touching;
- sexual violence and sexual harassment;
- up skirting, which typically involves taking a picture under a person's clothing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress, or alarm;
- pressurising, forcing, or coercing someone to share nude images (known as sexting or youth produced sexual imagery);
- sharing sexual images of a person without their consent;
- bullying of a sexual nature online or offline, for example sexual or sexist name-calling.

Young people can experience harmful sexual behaviour in various settings. This includes at ELATT, at home (or at another home), in public places, and online.

## **How we seek to minimise the risk of harmful sexual behaviour**

The principle aim of our approach is to foster the conditions in which our students can aspire to and realise safe and healthy relationships, at ELATT and as they continue in life. We work to a culture in which the voice of our students is central, where they feel able to share their concerns openly, knowing that they will be listened to, and that they will not be judged.

Although as a post-16 institution we are not required to provide the RSE and Health Education curriculum, we do deliver this through our tutorial programme as set out in our [PSHE Policy](#). We teach them the knowledge they need to recognise and report abuse, how to stay safe and how to report concerns.

## **Parents and carers**

We will work with parents and carers as appropriate to ensure that these messages are understood and reinforced outside of ELATT.

## **Staff**

Our staff undertake annual safeguarding training where the different types of abuse and neglect are taught and discussed; this includes training on harmful sexual behaviour which underlines to staff our requirement for staff vigilance on this issue as with other types of abuse and safeguarding risks.

The training also ensures that our staff know what to do if they receive a report that harmful sexual behaviour may have occurred, including how to support those involved or affected.

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## **Our response to an incident / allegation**

Our response will follow the same process as any safeguarding disclosure as outlined in our [Safeguarding Policy](#). This means that we are obliged to follow this process for any concern shared or disclosed to us. As detailed in the Safeguarding Policy, this may mean involving external agencies, for example, if the young person has a social worker. Whilst we establish the facts of the case and start the process of liaising with other agencies, we will consider how best to keep the victim and alleged perpetrator a reasonable distance apart on our premises. It may be necessary to suspend an alleged perpetrator pending investigation.

Where an incident includes an online element, we will always work in accordance with appropriate guidance, taking advice from other partners as necessary. Our staff will not view an indecent image of a young person unless absolutely necessary and will not forward it for any reason.

## **Recording**

All incidents will be recorded on our Safeguarding Register as would any other Safeguarding incident. Staff are trained to report any disclosure or concerns to the Designated or Deputy Designated Safeguarding Lead as soon as possible, presenting the facts as the student relays them. At this point, all actions will adhere to the requirements of the Safeguarding Policy, including calling the police if there is cause to believe the student is in immediate risk of harm.

## **Investigation**

The Designated Safeguarding Lead will be responsible for leading investigations, and for liaising with other agencies as appropriate, for example Children's Social Care and the police. They will also be the main point of contact for parents and carers. The Designated Lead will ensure there are accurate records of each stage of the investigation and that any supporting information is included in the Child Protection files.

## **Risk Assessment**

We will undertake a risk management plan, where appropriate, following a report of harmful sexual behaviour, considering all students involved in an incident. We will also consider all other students at ELATT and any actions that may be appropriate to protect them. This is especially important as we could have a mix of age groups (both children and adults) on site at the same time.

## **Guiding principles**

The safety of our students is paramount. We will use a proportionate approach, basing our actions on the principle that harmful sexual behaviour is not acceptable and will not be tolerated.

All concerns will be considered carefully and on a case by case basis, underpinned by robust risk assessments. Our actions will not be judgemental about the guilt of the alleged perpetrator and will always be taken in the interests of all students concerned.

Our approach will help us to ensure that all students are protected and supported appropriately. The following principles will guide us:

- the wishes of the young person in terms of how they want to proceed;
  - the nature of the alleged incident(s), including whether a crime may have been committed;
  - consideration of any power imbalance between the young people involved – for example, does the victim have a disability or learning difficulty;
  - consideration of whether the alleged incident is a one-off or a sustained pattern of abuse;
  - consideration of any ongoing risks to the victim, other young people, or staff;
  - consideration of any other related issues and wider context.
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## **Supporting the student who has allegedly experienced harmful sexual behaviour**

We will assess what short-term and long-term support a young person may need to help them manage the immediate aftermath of an incident, and to recover from what they have experienced. The young person's existing support network will be central to this work; we will work with other partners as appropriate and in accordance with the young person's wishes and, if appropriate, in discussion with parents / carers.

We will consider what is necessary to support the alleged victim straightaway, for example by providing wellbeing support whether in-house or externally.

## **Dealing with the student who has allegedly displayed harmful sexual behaviour**

Our students are all 16 and over, and can therefore be presumed to have developed some level of understanding of what constitutes harmful sexual behaviour. Nevertheless, we have a duty of care to all students and we will take steps to protect and support students who have displayed abusive or harmful sexual behaviour. We will do this through considering the needs of the young person, any risks to their safety and what multiagency responses are needed to support them and their family. This work will be guided by a robust risk assessment process. We will also ensure there is regular review of arrangements to be confident they meet the needs of all involved.

We will consider appropriate sanctions using our Student Disciplinary Policy, and work with the young person and their support network to consider measures that may help to address the young person's behaviour.

## **Investigation outcomes**

Our investigation of an allegation or incident as set out in this policy will enable us to determine the outcome, working with our safeguarding partners as appropriate. We will always seek to ensure that the outcome of an investigation is appropriate and proportionate to the circumstances in relation to the report.

In some cases, for example, one-off incidents, we may take the view that the young people concerned are not in need of intervention from any outside agency. In these cases, we will follow our other policies in addressing matters, for example our Bullying and Harassment Policy or Equality and Diversity Policy. We will also consider what support the young people involved may need going forward - for example, pastoral support, counselling services, and ensuring that there is a trusted adult for those affected to speak with if they wish to.

In some circumstances, we will make a request for support to Children's Social Care. We will generally inform parents and carers of this unless to do so may put a young person at additional risk. We will seek advice from other partners on such matters. If we make a request for support, Children's Social Care will consider whether the young people involved are in need of protection or other services. Where statutory assessments are appropriate, we will work with Children's Social Care and other agencies as appropriate. Partnership working helps to ensure the best possible package of coordinated support is implemented for the victim and, where appropriate, the alleged perpetrator and any other young people that require support.

In some cases, Children's Social Care will review the evidence and decide a statutory intervention is not appropriate. If a statutory assessment is not considered appropriate by Children's Social Care, we will consider what other support may be required. We will make further requests for support to Children's Social Care if we consider that a young person remains in immediate danger or at risk of harm.

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Where a report of rape, assault by penetration or sexual assault is made, we will report it to the police. Unless the involvement of parents is likely to increase any risk to the young person, we will strongly encourage the alleged victim to inform and involve their parent/carer. We will seek advice from other partners and specialist agencies in individual cases.

Where a report has been made to the police, we will consult with them and agree what information can be disclosed to staff and others, in particular the alleged perpetrator and their parents or carers. We will also discuss the best way to protect the victim and their anonymity.

Where there is a criminal investigation, we will work closely with the police and other agencies as appropriate to support all young people involved (including potential witnesses). This will help to ensure that any actions we take do not jeopardise a police investigation. Sometimes the police will decide that further action is not required. In these circumstances we will continue to engage with other agencies to support the students involved.

## **Review**

All child protection concerns are reviewed regularly, to ensure that everything has been fully addressed, that actions are completed, and to consider whether the student involved needs any further support. We will continue to work with the student and parents/carers/other agencies as appropriate, and risk assessments will be reviewed and updated as required.

Review is overseen by the Board of Trustees' Safeguarding Committee supported by the Designated Safeguarding Lead and the Deputy Designated Safeguarding Lead.

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