

Trust Safeguarding Policy – additional section, to be listed in the Contents (this means that appendix 4 can be removed, as it is incorporated in this new section):

15 – Child on child sexual violence and sexual harassment

There is concern nationally relating to a culture of misogyny and sexual harassment in many schools and the DfE and Ofsted are reviewing school procedures. As a response, all Trust schools include a statement on the school's website that gives information on reporting concerns or abuse using the new Government helpline and email address. Schools have clear mechanisms for students to report concerns within school that are signposted and prevalent.

Part 5 of the statutory guidance in [Keeping Children Safe in Education 2020](#) sets out how our Trust schools will manage reports of child-on-child sexual violence and harassment. That part of the guidance also links through to a further Department for Education (DfE) advice document from May 2018: [‘Sexual violence and sexual harassment between children in schools and colleges’](#). This document is read and understood by DSLs and referred to as needed, particularly if a report of child on child sexual violence or sexual harassment is made.

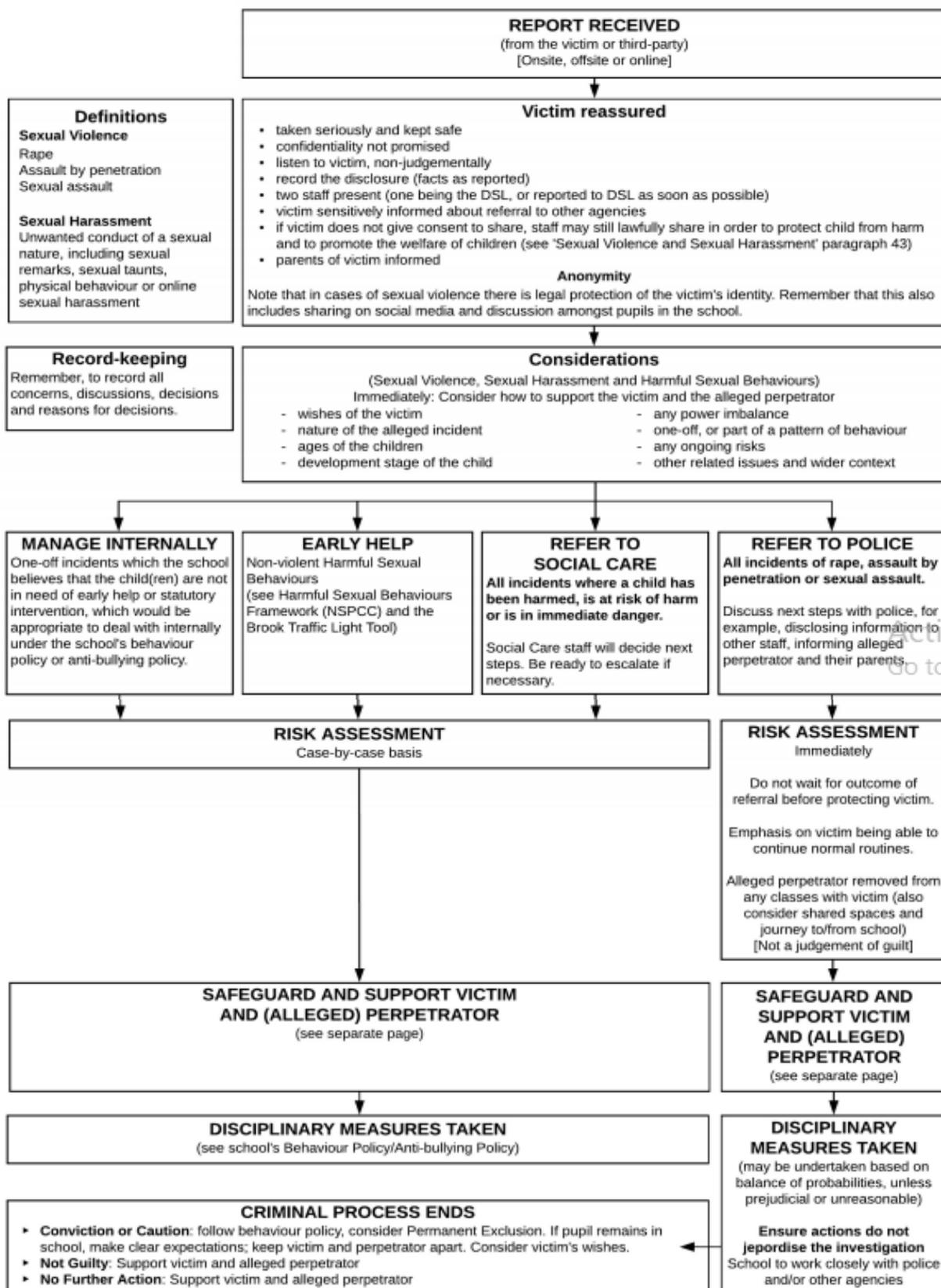
If a report is made, the designated safeguarding lead will lead how the report is dealt with, given the high profile nature of the report. This will be in liaison with the Headteacher. Where the DSL is unavailable, a Deputy DSL will lead. On a case by case basis, there will be consideration made as to the gender of the DSL or Deputy, so that the victim feels comfortable with how the investigation is managed.

When it comes to action to manage the report, the needs and wishes of the victim will take centre stage. Considerations should include how the investigation proceeds and what support the victim requires (see paragraph 278 of the guidance). Sexual violence and sexual harassment are not acceptable and will not be tolerated. Reports will not be passed off as banter or part of growing up.

Where a report of rape, assault by penetration or sexual assault is made, children's social care and the police will be informed. Before doing so, this will be discussed with the victim and their parents/carers, explaining why it is important for other agencies to know and how these agencies will be able to support the victim. Other allegations will be managed within the school and/or with support from children's social care providers.

The guidance and the DfE advice set out the steps the school will take to manage the students involved, including risk assessments, separating the students in lessons, investigating the report, and supporting the victim and alleged perpetrator.

Somerset have produced a Harmful Sexual Behaviour Protocol (May 2020) as an additional guide and support for schools in managing reports. This will be used as needed, in liaison with the Somerset Education Safeguarding Service. As a Trust, we also use Andrew Hall's Sexual Violence and Sexual Harassment Flow Chart for Schools (2017) to support our management of a report, displayed below.



All schools ensure that staff are fully up to date with training on how to report concerns and that a disclosure of child on child abuse (whether current or historic) should be reported immediately.

All schools teach children about healthy relationships and consent, following the expectations set out in the statutory guidance document that came into action from September 2020: [Relationships Education, Relationships and Sex Education \(RSE\) and Health Education](#).

As a Trust, we ensure all staff and students understand the importance of the following:

- Sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up.
- We will not tolerate or dismiss sexual violence or sexual harassment as “banter”, “part of growing up”, “just having a laugh” or “boys being boys”.
- We will challenge behaviour (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia and flicking bras and lifting up skirts. We will not dismiss or tolerate such behaviours as this risks normalising them.
- We understand that all of the above can be driven by wider societal factors beyond the schools, such as everyday sexist stereotypes and everyday sexist language. Through our schools’ curriculum and personal development, we educate our students to challenge any such wider societal factors.

Definitions:

Sexual Violence: For the purpose of this policy, when referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003 as described below:

- **Rape:** A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his 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.

What is consent?

- Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g to vaginal but not anal sex or penetration with conditions, such as wearing a condom.
- Consent can be withdrawn at any time during sexual activity and each time activity occurs.
- Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.
- A child under the age of 13 can never consent to any sexual activity;
- The age of consent is 16/17
- Sexual intercourse without consent is rape.
- Sexual harassment means ‘unwanted conduct of a sexual nature’ that can occur online and offline. Sexual harassment is likely to: violate a child’s dignity, and/or make them

feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment.

Sexual Harassment: Whilst not intended to be an exhaustive list, sexual harassment can include:

- Sexual comments.
- Telling sexual stories.
- Making lewd comments.
- Making sexual remarks about clothes and appearance and calling someone sexualised names.
- Sexual “jokes” or taunting.
- Physical behaviour, such as: deliberately brushing against someone, interfering with someone’s clothes.
- Displaying pictures, photos or drawings of a sexual nature.
- Online sexual harassment.
- Non-consensual sharing of sexual images and videos.
- Sexualised online bullying.
- Unwanted sexual comments and messages, including, on social media.
- Sexual exploitation; coercion and threats.