

Child-on-Child Abuse Policy

August 2023

‘Because Children Deserve Better’

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1. Introduction

Pivot Academy recognises that children are susceptible to and capable of abusing their peers. We take such abuse as seriously as abuse perpetrated by an adult. This includes verbal as well as physical abuse. Child-on-child abuse will not be tolerated or passed off as part of “banter” or “growing up”.

We are committed to a whole school approach to ensure the prevention, early identification and appropriate management of child-on-child abuse within our school and beyond.

In cases where child-on-child abuse is identified we will follow our child protection procedures, taking a contextual approach to support all children and young people who have been affected by the situation.

We recognise that child-on-child abuse can manifest itself in many ways such as:

- Child Sexual Exploitation
- Sexting or youth produced digital imagery
- Up skirting
- Bullying
- Radicalisation
- Abuse in intimate relationships
- Children who display sexually harmful behaviour
- Gang association and serious violence (County Lines)
- Technology can be used for bullying and other abusive behaviour

Some of these behaviours will need to be handled with reference to other policies in school such as the behaviour policy, anti-bullying policy, child protection policy and online safety policy.

This policy concentrates on child-on-child abuse in the context of sexual harassment and sexual violence. It is compliant with the statutory guidance on child-on-child abuse as set out

in Keeping Children Safe in Education 2023 and should be read in conjunction with the Local Safeguarding Children Board's (LSCB) Safeguarding Policy and Procedures, and any relevant Practice Guidance issued by it.

2. Aims

The policy will:

- set out our strategies for preventing, identifying and managing child-on-child abuse;
- take a contextual approach to safeguarding all children and young people involved.

Acknowledging that children who have allegedly abused their peers or displayed harmful sexual behaviour are themselves susceptible and may have been abused by peer, parents or adults in the community.

3. Understanding Child-on-Child Abuse

Sexual violence and sexual harassment can occur between two children of any age and sex or a group of children sexually assaulting or sexually harassing a single child or group of children.

The impact of this behaviour on children can be very distressing and have an impact on academic achievement and emotional health and wellbeing.

Sexual harassment and sexual violence may also occur online and offline.

4. The Context

All behaviour takes place on a spectrum. Understanding where a child's behaviour falls on a spectrum is essential to being able to respond appropriately to it.

In this policy we recognise the importance of distinguishing between problematic and abusive sexual behaviour (Harmful Sexual Behaviour HSB).

We are adopting the NSPCC definition of HSB as:

"Sexual behaviours expressed by children that are developmentally inappropriate, may be harmful towards self or others, or be abusive towards another child or adult."

We will also use Simon Hackett's continuum model to demonstrate the range of sexual behaviours, and the Harmful Sexual Behaviour Framework.

5. Susceptible Groups

We recognise that all children can be at risk however we acknowledge that some groups are more susceptible. This can include: experience of abuse within their family; living within a domestic abusive household; children and young people in care; children who have a social worker; children who go missing; children with additional needs (SEN and/or disabilities); children who identify or are perceived as LGBTQ+ and/or have other protected characteristics under the Equalities Act 2010.

Whilst research tells us girls are more frequently identified as being abused by their peers and, girls are more likely to experience unwanted sexual touching in school's child-on-child abuse is not confined to girls.

Pivot Academy acknowledge that boys are less likely to report intimate relationship abuse and may display other behaviour such as antisocial behaviour. Boys report high levels of

victimisation in areas where they are affected by gangs. We recognise that both boys and girls experience child-on-child abuse, but they do so in gendered ways.

All staff should be aware of indicators, which may signal those children are at risk from, or are involved with serious violent crime. These may include increased absence from education, a change in friendships or relationships with older individuals or groups, a significant decline in performance, signs of self-harm or a significant change in wellbeing, or signs of assault or unexplained injuries.

Unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with, individuals associated with criminal networks or gangs.

6. Responding to Alleged Incidents/Reports of Sexual Violence and Sexual Harassment

All reports of child-on-child abuse will be made on a case-by-case basis with the Designated Safeguarding Lead (DSL) or their deputy taking a leading role using their professional judgement and supported by the Lead DSL/Social Worker and other agencies such as Children's Social Care Services or the Police as required.

The immediate response to a report.

- The school will take all reports seriously and will reassure the victim that they will be supported and kept safe.
- All staff will be trained to manage a report.
- Staff will not promise confidentiality as the concern will need to be shared further with the DSL, and where necessary the Lead DSL/Social Worker, Children's Social Care Services or the Police. Staff will however, only share the report with those people who are necessary to progress it.
- The DSL will speak to all children involved in the allegation in order to obtain view points and establish the facts of what has happened to be able to appropriately assess and mitigate risk.
- A written report of the incident will be made as soon after recording the facts as presented by the child. These may be used as part of a statutory assessment if the case is escalated later.
- Where the report includes an online element, the school will follow advice on searching, screening and confiscation. Staff will not view or forward images unless unavoidable and only if another member of staff (preferably the DSL) is present.
- The DSL will be informed as soon as possible.

7. Risk Assessment

When there has been a report of sexual violence, the DSL (or a deputy) will make an immediate risk and needs' assessment each assessment will be considered on a case-by-case basis. The risk and needs' assessment should consider:

- the victim, especially their protection and support;
- the alleged perpetrator; their risk to self and others, as well as their protection and support;
- all the other children (and, if appropriate, adult students and staff) at the school, especially any actions that are appropriate to protect them;
- risk assessments will be recorded electronically and be kept under regular timely review;
- the DSL (or a deputy) will ensure they are engaging with Children's Social Care Services and or the Police where necessary.

8. Action Following a Report of Sexual Violence and/or Sexual Harassment

Following an incident, we will consider:

- the wishes of the victim in terms of how they want to proceed. This is especially important in the context of sexual violence and sexual harassment;
- the nature of the alleged incident(s), including: whether a crime may have been committed and consideration of harmful sexual behaviour;
- the ages of the children involved;
- the developmental stages of the children involved;
- any power imbalance between the children. For example, is the alleged perpetrator significantly older, more mature or more confident? Does the victim have a disability or learning difficulty?
- if the alleged incident is a one-off or a sustained pattern of abuse;
- Are there ongoing risks to the victim, other children, adult students or school staff; and other related issues and wider context?

9. Follow up Actions

Children Sharing a Classroom

Whilst the school establishes the facts of the case and starts the process of liaising with Children's Social Care Services and the Police (where necessary):

- The perpetrator will be removed from any classes they share with the victim.
- We will consider how best to keep the victim and alleged perpetrator at a reasonable distance apart on school premises and on transport to and from the school.

These actions are in the best interests of both children and should not be perceived to be a judgment on the guilt of the alleged perpetrator.

10. Options to Manage the Report Manage Internally

1. In some cases of sexual harassment, for example, one-off incidents, we may decide that the children concerned are not in need of early help or statutory intervention and that it would be appropriate to handle the incident internally, perhaps through utilising the behaviour and bullying policies and by providing pastoral support. This decision will be made based on the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated. All decisions including the rationale, and discussions around making these decisions will be recorded and stored securely.
2. In other cases, we may decide that the children involved do not require statutory 'interventions but may benefit from Early Help intervention. Early help means providing support as soon as a problem emerges, at any point in a child's life. Providing early help is more effective in promoting the welfare of children than reacting later. Early help can be particularly useful to address non-violent harmful sexual behaviour and may prevent escalation of sexual violence.
3. Where a child has been harmed, is at risk of harm, or is in immediate danger, we will make a referral to Children's Social Care Services and the Police following locally agreed protocols.

Where statutory assessments are appropriate, the DSL or a deputy will be working alongside, and cooperating with, the relevant lead social worker. Collaborative working will help ensure the best possible package of coordinated support is implemented for the victim and, where appropriate, the alleged perpetrator and any other children that require support.

11. Reporting to the Police

The DSL (and their deputies) will follow local processes for referrals.

Where a report of rape, assault by penetration or sexual assault is made, the starting point is this will be passed on to the Police. Whilst the age of criminal responsibility is ten years old, if the alleged perpetrator is under the age of ten years old, the starting principle of reporting to the police remains. The police will take a welfare, rather than a criminal justice, approach.

Where a report has been made to the Police, the school will consult the Police and agree what information can be disclosed to staff and others, the alleged perpetrator and their parents or carers. They 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 relevant agencies to support all children involved (especially potential witnesses). Where required, advice from the Police will be sought in order to help us.

Whilst protecting children and / or taking any disciplinary measures against the alleged perpetrator, we will work closely with the Police (and other agencies as required), to ensure any actions Pivot Academy take do not jeopardise the Police investigation.

12. The End of the Criminal Process

If a child is convicted or receives a caution for a sexual offence, Pivot Academy will update its risk assessment and ensure relevant protections are in place for all children. We will consider any suitable action following our behaviour policy. If the perpetrator remains in Pivot Academy we will be very clear as to our expectations regarding the perpetrator now they have been convicted or cautioned. This could include expectations regarding their behaviour and any restrictions we think are reasonable and proportionate about the perpetrator's timetable.

Any conviction (even with legal anonymity reporting restrictions) is potentially going to generate interest among other pupils or students in Pivot Academy.

We will ensure all children involved are protected, especially from any bullying or harassment (including online).

Where cases are classified as "no further action" (NFA'd) by the Police or Crown Prosecution Service, or where there is a not guilty verdict, we will continue to offer support to the victim and the alleged perpetrator for as long as is necessary. A not guilty verdict or a decision not to progress with their case will likely be traumatic for the victim. The fact that an allegation cannot be substantiated does not necessarily mean that it was unfounded. We will continue to support all parties in this instance.

13. Support for Children Affected by Sexual Assault

Support for victims of sexual assault is available from a variety of agencies (see Appendix 3).

We will support the victim of sexual assault to remain in school but if they are unable to do so we will enable them to continue their education elsewhere. This decision will be made only at the request of the child and their family.

If they are moved, we will ensure the new school is aware of the ongoing support they may need. The DSL will support this move.

Where there is a criminal investigation, the alleged perpetrator will be removed from any shared classes with the victim and we will also consider how best to keep them at a reasonable distance apart on the school premises or on school transport. This is in the best interest of the children concerned and should not be perceived to be a judgement of guilt before any legal proceedings. We will work closely with the Police.

Where a criminal investigation into a rape or assault by penetration leads to a conviction or caution, we may take suitable action, if we have not already done so. In all but the most exceptional of circumstances, the rape or assault is likely to constitute a serious breach of discipline and lead to the view that allowing the perpetrator to remain in the same school would seriously harm the education or welfare of the victim (and potentially other pupils or students).

Where a criminal investigation into sexual assault leads to a conviction or caution, we may, if we have not already done so, consider any suitable sanctions using our behaviour policy, including consideration of permanent exclusion.

Where the perpetrator is going to remain at Pivot Academy, the Head Teacher would continue keeping the victim and perpetrator in separate classes and continue to consider the most appropriate way to manage potential contact on school premises and transport. The nature of the conviction or caution and wishes of the victim will be especially important in determining how to proceed in such cases.

In all cases, rape, assault by penetration, sexual assault or sexual harassment are reported to the Police. It will be progressed accordingly with the Police as lead agency. Any new evidence or information will also be reported to the Police. The outcomes of the investigation may result in a not guilty verdict. None of this means the offence did not happen or that the victim lied. The process will have affected both victim and alleged perpetrator which needs to be considered with any allegation made.

Appropriate support will be provided to both as required and consideration given to sharing classes and potential contact as required on a case-by-case basis.

All the above will be considered with the needs and wishes of the victim at the heart of the process (supported by parents and carers as required). Any arrangements should be kept under review.

14. Physical Abuse

While a clear focus of child-on-child abuse is around sexual abuse and harassment, physical assaults and initiation violence and rituals from pupils to pupils can also be abusive.

These are equally not tolerated and if it is believed that a crime has been committed, it will be reported to the Police.

The principles from the anti-bullying policy will be applied in these cases, with recognition that any Police investigation will need to take priority.

When dealing with other alleged behaviour which involves reports of, for example, emotional and/or physical abuse, staff can draw on aspects of Hackett's continuum (Appendix 1) to assess where the alleged behaviour falls on a spectrum and to decide how to respond. This could include, for example, whether it:

- 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/children allegedly responsible for the behaviour;
- involves a misuse of power.

15. Online Behaviour

Many forms of child-on-child abuse have an element of online behaviour including behaviours such as cyberbullying and child produced imagery (formally known as sexting).

Policies and procedures concerning this type of behaviour can be found in our behaviour, anti-bullying and safeguarding policies.

16. Prevention

Pivot Academy actively seeks to raise awareness of and prevent all forms of child-on-child abuse by:

- Educating all Directors, Senior Leadership Team, staff and volunteers, pupils/students, and parents are aware of the issue of child-on-child abuse. This will include training all Directors, Senior Leadership Team, staff and volunteers on the nature, prevalence and effect of child-on-child abuse, and how to prevent, identify and respond to it. This includes:

Contextual Safeguarding:

- The identification and classification of specific 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 or teasing. Educating children about the nature and prevalence of child-on-child abuse via PSHE and the wider curriculum.
- Pupils/Students 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 the School's approach to such issues, including its zero-tolerance policy towards all forms of child-on-child abuse.

Engaging parents on this issue by:

- Talking about it with parents, both in groups and one to one.
- Asking parents what they perceive to be the risks facing their child and how they would like to see the school address those risks.
- Involving parents in the review of school policies and lesson plans.
- Encouraging parents to hold the school to account on this issue.
- Ensuring that all child-on-child abuse issues are fed back to the school's DSL so that they can spot and address any concerning trends and identify pupils who maybe in need of additional support.
- Challenging the attitudes that underlie such abuse (both inside and outside the classroom);

- Working with Directors, Academy Trusts, Senior Leadership Team, all staff and volunteers, pupils/students and parents to address equality issues, to promote positive values, and to encourage a culture of tolerance and respect amongst all members of the school community.
- Creating conditions in which our pupils/students can aspire to and realise safe and healthy relationships.
- Creating a culture in which our pupils/students feel able to share their concerns openly, in a non-judgmental environment, and have them listened to.
- Responding to cases of child-on-child abuse promptly and appropriately.

17. Multi-Agency Working

Pivot Academy actively engages with its local partners in relation to child-on-child abuse, and works closely with its partner Local Authorities, Children's Social Care Services, and/or other relevant agencies, and other schools.

The relationships Pivot Academy has built with these partners are essential to ensuring that the school is able to prevent, identify early and appropriately handle cases of child-on-child abuse. They help Pivot Academy to:

- develop a good awareness and understanding of the different referral pathways that operate in its local area, as well as the preventative and support services which exist;
- ensure that our pupils/students can access the range of services and support they need quickly;
- support and help inform our 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 to minimise the risk of these being experienced by our pupils/students.

Pivot Academy actively refers concerns/allegations of child-on-child abuse where necessary to Children's Social Care Services, the Police and/or other relevant agencies such as Prevent.

In cases involving children who are subject to risk, harm and abuse and who have Looked After Child status, the children's social worker must be informed and a coordinated approach to address any incidents or concerns will be required.