



CHILD ON CHILD ABUSE POLICY

**(including reports of sexual
violence and sexual harassment)**

September 2023

Date for Review: September 2024



Context

The Board of Trustees, school governors, senior leaderships and all the staff at **James Montgomery Academy Trust (thereafter referred to as JMAT)** are committed to the prevention, early identification and appropriate management of child on child abuse, both within and beyond the school.

This policy has been informed by learning from a recent report of sexual harassment, and input from a parent whose child reported a sexual harassment incident within one of the JMAT schools.

It is also informed by Local Safeguarding Children Partnership's online procedures. Further resources are available here to support decision-making in dealing with a report of child on child abuse.

Statement of intent

The JMAT has a zero tolerance approach towards all forms of child on child abuse and all JMAT staff are aware that any child-on-child abuse is unacceptable, that pupils are capable of abusing their peers, and no form of any such abuse is ever dismissed as "banter" or "part of growing up".

The JMAT and its staff understand that where there is a safeguarding concern, we will ensure that the child's wishes and feelings are considered when determining what action to take and what services to provide. Systems are in place, and well promoted in JMAT schools, that are easily understood and easily accessible for children to confidently report abuse, knowing their concerns will be treated seriously, and knowing they can safely express their views and give feedback.

The JMAT understands that harm committed by children and young people on other children or young people transcends equalities issues. Gender, ethnicity, age, disabilities, sexual identity can all be factors in harmful behaviour, for all children involved. Such abusive behaviour may be either a one-off incident, or may be a continuous experience for someone, that is physical, sexual or emotional (including verbal) in nature or may be a combination of those factors. It may be inflicted by a single child or young person, in pairs or by groups or gangs. It can be face to face, or in the form of cyberbullying (online via computers, games consoles or mobile phones). It may be exercised between children, and within children's relationships (both intimate and non-intimate), friendships and wider peer associations.

It can also include:

Sexual harassment refers to unwanted conduct of a sexual nature that occurs online or offline (in person). Sexual harassment violates a pupil's dignity, makes them feel intimidated, degraded or humiliated, and can create a hostile, sexualised or offensive environment. If left unchallenged, sexual harassment can create an atmosphere that normalises inappropriate behaviour and may lead to sexual violence. It includes:

- Sexual comments.
- Sexual "jokes" and taunting.
- Physical behaviour, such as deliberately brushing against another pupil.
- Initiation and hazing type violence and rituals.
- Online sexual harassment, including non-consensual sharing of images and videos and consensual sharing of sexual images and videos (often known as sexting), inappropriate comments on social media, exploitation, coercion and threats – online sexual harassment may be isolated or part of a wider pattern.
- Upskirting - which 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.

Sexual violence specifically refers to these three offences: rape, assault by penetration and sexual assault.

The term "**harmful sexual behaviour**" is used to describe behaviour that is problematic, abusive and violent, and that may cause developmental damage. Harmful sexual behaviour may include:

- Using sexually explicit words and phrases.

- Inappropriate touching.
- Sexual violence or threats.
- Sexual interest in adults or children of very different ages to their own.
- Forceful or aggressive sexual behaviour.
- Compulsive habits.
- Using sexually explicit words and phrases.
- Inappropriate touching.
- Sexual violence or threats.

Sexual behaviour can also be harmful if one of the children is much older (especially where there is two years or more difference, or where one child is pre-pubescent and the other is not) and where the child may have special educational needs or disabilities (SEND).

This policy has been written in line with the JMAT Safeguarding and Child Protection Policy.

Online child on child abuse with the JMAT schools

Online child on child abuse is any form of child on child abuse with a digital element, and in many cases abuse will take place concurrently via online channels and in daily life. This can take the form of abusive, threatening, harassing, and misogynistic messages, the non-consensual sharing of indecent images, especially around chat groups, and the sharing of abusive images and pornography, to those who do not want to receive such content.

The online aspect within JMAT schools also includes the use of WhatsApp, Snapchat and similar messaging apps used by pupils. It also includes the opportunity for sexual harassment within the gaming arena, with children playing 'live' games, such as Among Us, Fortnite, Minecraft and Roblox.

The JMAT and its DSLs are aware that contextual safeguarding recognises that the different relationships children have within their own communities, school and online can have an impact on the risk of harm to which they can be exposed. These can occur outside the family into a range of different social contexts and can undermine parent-child relationships.

Legal framework

This policy has due regard to statutory legislation and guidance including, but not limited to, the following:

- The Data Protection Act 2018 (GDPR)
- **DfE Keeping Children Safe in Education 2023: Part Five**
- DfE Information Sharing (July 2018)
- UK Council for Internet Safety (UKCIS) Guidance: Sharing nudes and semi-nudes (December 2020)

Guidance for this policy has also been taken from the United Nations Convention on the Rights of the Child, which makes it clear that a child has a right to be protected from abuse and neglect (Article 19), and sexual exploitation (Article 34). However, there are other children's rights that need to be acknowledged, such as the child's opinion (Article 12), freedom of expression (Article 13), freedom of thought, conscience and religion (Article 14), privacy (Article 16) and education (Article 28). In aspiring to ensure that children are free from harm, we should be mindful that their rights are not eroded in order to keep them 'safe'.

Awareness

The JMAT and its staff are aware that child on child abuse can be manifested in many different ways, including sexting and gender issues, such as girls being sexually touched or assaulted, and boys being subjected to hazing/initiation type of violence, which aims to cause physical, emotional or psychological harm.

All staff will be made aware of the heightened vulnerability of pupils with SEND, who are three times more likely to be abused than their peers. Staff will not assume that possible indicators of abuse relate to the pupil's SEND and will always explore indicators further.

LGBTQ+ children can be targeted by their peers/other children. In some cases, children who are perceived to be in this group of children, whether they are or not, can be just as vulnerable to abuse as LGBTQ+ children.

The school's response to boy-on-boy and girl-on-girl sexual violence and sexual harassment will be equally as robust as it is for incidents between children of the opposite sex.

Managing allegations

Allegations of child on child abuse, and particularly sexual abuse, must be dealt with on a case-by-case basis and must be led by the Designated Safeguarding Lead (DSL). **Parents should be contacted immediately, and action taken to ensure the child who has made the allegation has immediate support in a separate area in school.**

Whilst the DSL will take the lead on managing the allegation, it is important to remember that a child will most likely make the disclosure to someone they trust. It is key for that person to remember that the child has placed them in a position of trust and they must be respectful and supportive to the child.

The needs and wishes of the child must be paramount in how the allegations are managed from the moment of reporting. Considerations should include how the investigation proceeds and what support the child requires. However, if both the victim and the child displaying the harmful behaviour are present in the same class, key stage or school they must be separated immediately so no further unsupervised contact is possible until the investigation is completed.

The DSL will record the incident in writing (or add further information if they weren't the person making the initial report) on RecordMy and decide what course of action is necessary, with the best interests of the child in mind at all times. They will work in conjunction with other services if required, such as police and social care.

If appropriate, a referral may be made to children's social services and, depending on the nature of the incident, the police. Before doing so, it is important to discuss this with parents and the child, explaining why it is important for other agencies to know and how these agencies will be able to support them. In all cases, parents/carers will be informed of the incident and how it is being managed, unless doing so would put the pupil at further risk of harm.

Possible actions to take

- Immediate support for child (victim)
- Separating pupils in lessons and during the school day
- Contacting parents of both children (victim and alleged perpetrator)
- Investigation of incident
- Risk assessments – including for both children, location of incident, etc
- Disciplinary action/support for alleged perpetrator and their behaviour
- Seeking advice from other agencies, such as social care, police, etc.

Responding to the report

Our first response to a pupil disclosing an incident is vital. The child must be reassured that they will be taken seriously and be kept safe. Immediate action must be taken to ensure the pupil is in a safe space to discuss the incident with a trusted member of staff (this may be in addition to the DSL).

It is important to:

- not promise confidentiality at any stage of the process
- only share the disclosure with those people necessary to progress it
- explain to the child what the next steps will be and who the information will be passed to
- listen to the pupil carefully, without judgement and be clear about boundaries
- not ask leading questions but use open questions to ascertain the necessary information – where, when, what, etc.

Once the disclosure has been made the member of staff must report this straightaway, in person, to

the DSL for immediate action. It must be recorded on RecordMy however, this can be done after the verbal report has been made.

Recording the information accurately

Staff should consider the best way to record the information on RecordMy, and it must be in line with the JMAT's data protection policies and procedures.

Notes may be made, if appropriate, during the disclosure (if another member of staff is present), in order to make an accurate report. However, best practice is to wait until the end of the disclosure. This ensures the member of staff can pay full attention to the pupil and listen to what they are saying.

The staff member should only record the facts as the pupil presents them, the notes should not reflect the personal opinion or words of the note-taker. The staff member should consider carefully the language they use in the report, that it isn't emotive and is appropriate to the situation.

It is important to remember these notes/report may become part of a statutory investigation by social care or a criminal investigation by police, and are also available to parents on request.

After the disclosure has been made, it is important that the staff member immediately logs a concise and factual summary on the child's chronology on RecordMy.

Risk Assessment

If there has been a report of physical or sexual violence the DSL must make an immediate risk assessment. If there is a report of sexual harassment the DSL must consider whether a risk assessment is required on a case-by-case basis.

The risk assessment must consider:

- the protection and support of the child (victim)
- the child who has displayed the harmful behaviour and further risk
- the risk to other children, staff, etc

The risk assessment should follow the usual JMAT format for a specific child, it must be uploaded to the child's chronology on the electronic recording system and reviewed regularly. It should also be shared with parents, and other agencies as required.

What to consider

The DSL must consider the following:

- the wishes of the child (victim), they should be given as much control in decision-making as practically possible
- the nature (physical/verbal aspects) of the incident, including whether a crime has been committed
- consideration of harmful sexual behaviour in relation to the child's age and developmental stage, and any power imbalance between the children
- whether the incident involved one child or a number of children
- if the incident is a one-off or follows a pattern
- the on-going risks
- if the incident requires a referral to social care/police (the criminal age of responsibility is 10 in England)
- whether the behaviour involved sexually inappropriate knowledge or motivation
- if the incident is linked to honour-based violence (children being instructed to harm others by older family members)

Consideration whether to make a referral to social care or police must not impede the DSL in the immediate response required to support the child and risk assess the on-going situation in school. Neither should waiting for the outcome of a referral affect the protection and support given to the child immediately.

On-going response to protect and safeguard the child (victim)

The following should help shape any decisions made about protecting and supporting the child:

- consider the age and developmental stage of the child, the nature of the allegations and the potential risk of further abuse
- the needs and wishes of the child must be paramount to any decision-making.
- the victim (rather than the alleged perpetrator) should be allowed to carry on in their normal routine, their daily school experience should be as normal as possible to ensure they feel they are in a safe space
- the response to the incident should be proportional and considered on a case-to-case basis – for example, the response for a one-off sexualised name-calling incident will be vastly different to the response for a sexually violent assault, such as rape
- the child may not always disclose the whole picture immediately, it's important that a designated person (of their choice) is available for the pupil to talk to if they need to.
- support for the child may be longer term (could involve social care, police, etc), may eventually require a move of schools or other such measures, these must be led by child and parents.

Safeguarding and supporting the child displaying the harmful behaviour

The following should help shape any decisions made about protecting and supporting the pupil who has displayed the harmful behaviour:

- in addition to protecting the victim, consideration must be also given to the child displaying the harmful behaviour with regard to their education, safeguarding support and any disciplinary action
- consider the age and developmental stage of the child displaying the harmful behaviour, and the nature of the allegations, the pupil may experience stress and anxiety being the subject of allegations and negative reactions from their peers
- consider how you respond to the incident on a case-by-case basis and also the child's possible unmet needs in displaying behaviour that may be harmful, sexual physical aggression, etc. Take advice to support your decision-making where necessary.

Disciplinary action

The Headteacher and/or DSL may wish to consider whether disciplinary action may be appropriate for any child/children involved. However, if there are police proceedings underway, or there could be, it is critical that school works in partnership with the police and/or children's social care.

Disciplinary action may sometimes be appropriate, including to:

- a) ensure that the child/children take responsibility for and realise the seriousness of their behaviour
- b) demonstrate to the child/children and others that child on child abuse can never be tolerated
- c) ensure the safety and wellbeing of other children

The Headteacher and/or DSL will consider the appropriate and proportional action to be taken to address the incident with the alleged perpetrator e.g. **sanction within school, suspension period, permanent or fixed exclusion**, etc. This will be considered within the wider actions that may need to be taken to provide support to the alleged perpetrator in the longer term.

Data sharing

When managing an allegation of abuse relating to pupils, you will be able to share personal data with children's social care and the police in the same way as you would with managing any other safeguarding concerns. Data protection laws support appropriate information sharing, rather than prevent you from it.

If a current or former pupil makes an allegation directly to the police, the police may approach you for access to personal data relating to the victim, the alleged perpetrator and/or other witnesses. Again, data protection law supports such sharing where the police require that personal data for the purposes of the prevention or detection of crime, or the apprehension or prosecution of offenders.

The duty remains on school to share appropriately and good practice dictates that, unless the individuals have provided consent for their personal data to be shared with the police, school should ask the police to complete a disclosure form to set out what information they need and why ([see Appendix 1](#)).

A preventative approach

It is important that pupils in all JMAT schools are aware of who they can talk to in school in the event of a child on child abuse incident, or any worries and concerns they have. This includes understanding when the information will be shared with others, and what will happen next. Children are taught how to raise concerns and make a report, including concerns about their friends or peers. They will also be taught about how spreading rumours and gossip (both in person and online) can exacerbate the situation and add to the distress of the victim. Pupils will be empowered to support each other as part of the response to a child on child incident, no matter the severity or perceived level.

In order to prevent child on child abuse and address the wider societal factors that can influence behaviour, the school will educate pupils (age appropriately) about abuse, its forms and the importance of discussing any concerns and respecting others through the curriculum, assemblies and PSHE lessons.

The JMAT actively supports healthy and positive relationships, gender equality and the acceptance of difference. Its schools will ensure that pupils are taught about safeguarding, including online safety, as part of a broad and balanced curriculum in PSHE and RHSE lessons. Such content will be age and stage of development specific, and tackle issues such as the following:

- Healthy relationships
- Respectful behaviour
- Gender roles, stereotyping and equality
- Body confidence and self-esteem
- Prejudiced behaviour
- That sexual violence and sexual harassment is always wrong
- Addressing cultures of sexual harassment

It is important that pupils and staff feel able to challenge a range of behaviours and language that may promote child on child abuse, such as that classed as 'banter' and 'part of growing up'. It also includes language that could be interpreted as 'victim or perpetrator blame'.

Monitoring, Evaluation and Policy review

The policy will be promoted and implemented throughout the JMAT schools.

This policy will be assessed for its implementation and effectiveness **annually** by the **Trust DSL**.

The scheduled review date for this policy is **September 2024**.

Appendix 1



REQUEST FOR DISCLOSURE OF SAFEGUARDING INFORMATION



NOT TO BE DISCLOSED TO UNAUTHORISED PERSONNEL

Organisation requiring information:	Date of request:
Name of Person requesting information:	Position:
Consent from child has been obtained:	Yes No (Please tick)
Consent from parent has been obtained:	Yes No (Please tick)
If no, why not?	
Information required and reason why:	
COMPLETION BY DISCLOSING SCHOOL	
Name of school:	Date information disclosed:
Information disclosed:	
Name of person who has agreed disclosure:	Date:
Position:	Signature:
Authorised by (if applicable):	
Signature:	
Date:	