



Broughton Hall Catholic High School

SEXUAL VIOLENCE AND SEXUAL HARASSMENT POLICY

1. Rationale

Founded by the Sisters of Mercy, Broughton Hall Catholic High School is committed to the teaching of Gospel values and respect for one another. We are committed to providing a caring, friendly and safe environment for all pupils to learn in a relaxed and secure atmosphere. The school takes any incidents of sexual violence or sexual harassment very seriously and is committed to handling all reports sensitively, effectively and in a timely manner.

We are clear that sexual violence and sexual harassment are not acceptable, will never be tolerated and are not an inevitable part of growing up. We will always challenge behaviour or language that seeks to normalise sexual harassment or violence in school. Sanctions will be applied in accordance with our Behaviour for Learning Policy.

The policy and procedures outlined below should be considered alongside the school Child Protection Policy and relevant published government guidance.

2. Sexual Violence and Sexual Harassment

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

- Sexual violence and sexual harassment can occur between two children of any age and sex. It can also occur 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. All staff working with children are advised to maintain an attitude of 'it could happen here'.
- Addressing inappropriate behaviour (even if it appears to be relatively innocuous) will be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future.
- Children who are victims of sexual violence and sexual harassment, wherever it happens, will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment and will be exacerbated if the alleged perpetrator(s) attends the same school.
- The school will be aware that safeguarding incidents and/or behaviours can be associated with factors outside the school, including intimate personal relationships.

- Whilst any report of sexual violence or sexual harassment will be taken seriously, staff will be aware it is more likely that girls will be the victims of sexual violence and sexual harassment and more likely it will be perpetrated by boys.
- All victims will be reassured that they are being taken seriously and that they will be supported and kept safe. A victim will never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor will a victim ever be made to feel ashamed for making a report.

3. Terminology - Victims and alleged perpetrator(s)

There are many different ways to describe children who have been subjected to sexual violence and/or sexual harassment and many ways to describe those who are alleged to have carried out any form of abuse. For the purposes of this policy, we use the term 'victim'. It is a widely recognised and understood term. It is important that the school recognises that not everyone who has been subjected to sexual violence and/or sexual harassment considers themselves a victim or would want to be described in this way. When managing any incident, we will be prepared to use any term with which the individual child is most comfortable.

For the purpose of this policy, we use the term 'young people who sexually harm' and where appropriate 'perpetrator(s)/ alleged perpetrators(s). These are widely used and recognised terms and the most appropriate to aid effective drafting of advice. However, we will think very carefully about terminology, especially when speaking in front of children, not least because in some cases the sexual behaviour will have been harmful to the perpetrator as well. The use of appropriate terminology will be determined by the school, as appropriate, on a case-by-case basis.

4. Definition

Sexual Violence Children can, and sometimes do, abuse their peers in a sexually violent way. Sexual violence refers to sexual offences under the Sexual Offences Act 2003

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

5. Consent

Consent to sexual activity may be given to one sort of sexual activity but not another. Consent can be withdrawn at any time during sexual activity and each time activity occurs.

6. Sexual Harassment

Sexual harassment means 'unwanted conduct of a sexual nature' that can occur online and offline. Reference to sexual harassment, is in the context of child on child sexual harassment. 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.

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

- sexual comments, such as 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 deliberating brushing against someone or interfering with someone's clothes
- displaying pictures, photos or drawings of a sexual nature
- online sexual harassment, which might include non-consensual sharing of sexual images and videos and sharing sexual images and videos (both often referred to as youth produced sexual imagery /nudes /sexting), inappropriate sexual comments on social media, exploitation, coercion and threats
- online sexual harassment may be standalone or part of a wider pattern of sexual harassment and/or sexual violence

Sexual harassment creates an atmosphere that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence.

7. Vulnerabilities

As a school we recognise any child can be vulnerable to child on child sexual abuse and harassment both in and out of the school setting, including:

- Individual and situation factors can increase a child's vulnerabilities to abuse by their peers such as the sharing of an image or photograph
- Children who are socially isolated from their peers
- Children who are questioning or exploring their sexuality may also be particularly vulnerable to abuse
- Children with certain characteristics such as sexual orientation, ethnicity, race or religious beliefs
- Children with Special Educational Needs and Disabilities (SEND) are three times more likely to be abused than their peers. Additional barriers can sometimes exist when recognising abuse in SEND children.

8. Responding to Reports of Sexual Violence and Sexual Harassment

Reports of sexual violence and sexual harassment are likely to be complex and, therefore, require difficult professional decisions to be made, often quickly and under pressure. All decisions will be made on a case-by-case basis. The Designated Safeguarding Lead (DSL) and deputies will take the leading role and will use their professional judgement, supported by other agencies, such as children's social care and the police as required.

Some situations are statutorily clear:

- a child under the age of 13 can never consent to any sexual activity

Reviewed: Dec 2024

Next Review: Dec 2025

- the age of consent is 16
- sexual intercourse without consent is rape
- rape, assault by penetration and sexual assault are defined in law
- creating and sharing sexual photos and videos of under 18s is illegal (often referred to as sexting, nudes or youth produced sexual imagery); this includes children making and sharing sexual images and videos of themselves

Our basic safeguarding principle is: if a child has been harmed, is in immediate danger or is at risk of harm a referral should be made to Children's Social Care. We will usually inform parents that we are making a referral to Children's Social Care. However, this too is on a case-by-case basis. It may be that we have assessed the situation and believe that a referral is needed without parental knowledge in order to safeguard the student(s) involved.

We will work closely with the police as rape, assault by penetration and sexual assaults are crimes. Where there is a report of a rape, assault by penetration or sexual assault, the starting point is it should be passed to the police who will advise and log according to their own guidelines. The school will utilise the Safer School's Officer for advice and guidance where a potential crime may have been committed.

9. Responding to reports of sexual violence and sexual harassment online

We are aware that incidents of sexual violence and sexual harassment that occur online (either in isolation or in connection to offline incidents) can be complex. There is potential for the incident(s) to take place across a number of social media platforms and services. There is also the potential for the impact of the incident to extend further than our local community (for example, for images or content to be shared around neighbouring schools) and for a victim (or alleged perpetrator) to become marginalised and excluded by both online and offline communities. Additionally, there is the potential for repeat victimisation in the future if abusive content continues to exist somewhere online. We will act in accordance with our Anti-Bullying Policy if we are made aware that our students are using online platforms which may jeopardise the safety of other members of our school community.

10. Managing the disclosure

We will always do our utmost to ensure that victims are reassured that they are being taken seriously and that they will be supported and kept safe. In some cases, the victim may not make a direct report or disclosure. For example, a friend may make a report or a member of our school may overhear a conversation that suggests a child has been harmed. This discussion will be handled sensitively and with the support of children's social care if required.

11. Confidentiality

- Staff taking a disclosure will never promise confidentiality as it is very likely that it will be in the best interests of the victim to seek advice and guidance from others in order to provide support and engage appropriate agencies.
- We do not consider ourselves to be experts in this area and it is vital that appropriate support is publicised to students and their parents, or organised by us for them.

- The victim may ask us not to tell anyone about the sexual violence or sexual harassment. There are no easy or definitive answers when a victim makes this request. If the victim does not give consent to share information, staff may still lawfully share it, if it can be justified to be in the public / individual's interest; for example, to protect children from harm and to promote the welfare of children.

Ultimately, the DSL will have to balance the victim's wishes against their duty to protect the victim and other children within the school setting.

If we do decide to make a referral to children's social care and/or a report to the police against the victim's wishes, this will be handled extremely carefully, the reasons will in most cases be explained to the victim and appropriate specialist support offered.

12. Anonymity

Where we are aware that an allegation of sexual violence or sexual harassment is progressing through the criminal justice system, we will be mindful of anonymity, witness support and the criminal process in general so that we can offer support and act appropriately. In addition, we will endeavour to do all we can to reasonably protect the anonymity of any children involved in any report of sexual violence or sexual harassment. We will carefully consider which staff in our school should know about the report and any support that will be in place for the children involved.

13. Risk Assessment

When there has been a report of sexual violence, the DSL will make a risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis. The risk and needs assessment should consider:

- the victim
- the alleged perpetrator
- the other children (and, if relevant, staff) at school

The risk assessments will be recorded on CPOMS and will be kept under regular review, reflecting any changes in circumstances. At all times, we will actively consider the risks posed to all our students and put adequate measures in place to protect them and keep them safe during school hours. The DSL will continue to liaise with Children's Social Care and specialist services as required. Where there has been a report of sexual violence, it is likely that professional risk assessments by social workers and or sexual violence specialists will be required. Any such professional assessments will be used to inform our approach to supporting and protecting the student(s) and updating our own risk assessment.

14. Actions Following a Report

We will carefully consider any report of sexual violence and/or sexual harassment. Important considerations will include:

- The wishes of the alleged victim in terms of how they want to proceed. This is especially important in the context of sexual violence and sexual harassment. Victims should be given

as much control as is reasonably possible over decisions regarding how any investigation will be progressed and any support that they will be offered.

- The nature of the alleged incident(s).
- The ages of the students involved as indicated by the Traffic Light Tool.
- The developmental stages of the students involved as indicated by the Traffic Light Tool.
- Any power imbalance between the students (for example, is the alleged perpetrator significantly older?).
- If the alleged incident is a one off or a sustained pattern of abuse (where this may be known).
- Whether there are any ongoing risks.
- Other related issues and wider context.

Where incidents and/or behaviours are associated with factors outside the school or occur between children outside the school, we will consider contextual safeguarding. This simply means assessments of children in such cases should consider whether wider environmental factors are present in a child's life that is a threat to their safety and/or welfare.

15. Further Considerations

We will consider every report on a case-by-case basis. When to inform the alleged perpetrator will be a decision that will be carefully considered. Where a report is going to be made to Children's Social Care and/or the Police, then, as a general rule, we will speak to the relevant agency and discuss next steps and how the alleged perpetrator will be informed of the allegations.

There are four likely scenarios we will need to consider when managing any reports of sexual violence and/or sexual harassment.

1. Manage internally

In some cases of sexual harassment (for example, one-off incidents) the school may take the view that the students 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 our Behaviour and Anti-Bullying Policies and by providing pastoral support.

2. Early Help

In line with the above, we may decide that the children involved do not require statutory interventions but may benefit from Early Help. Early Help can be particularly useful to address non-violent harmful sexual behaviour and may prevent escalation of sexual violence.

3. Referral to Children's Social Care

Where a child has been harmed, is at risk of harm or is in immediate danger, a likely course of action will be that we make a referral to local children's social care.

4. Reporting to the Police

- Where a report of rape, assault by penetration or sexual assault is made, the starting point is this should be passed on to the Police.

- Reporting to the Police will generally be in parallel with referrals to Children’s Social Care.
- At this stage, schools will generally inform parents unless there are compelling reasons not to do so (for example, if informing a parent is likely to put a child at additional risk). In circumstances where parents have not been informed, it will be especially important that the school supports the child in any decision they take. This should be in conjunction with the support of Children’s Social Care.
- 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; in particular, the alleged perpetrator and their parents. We will also discuss the best way to protect the victim and their anonymity.

16. Ongoing Considerations

We will consider the scenario where the victim and alleged perpetrator are sharing classes and sharing space at school. This will inevitably involve complex and difficult professional decisions, including considering our duty to safeguard children and our duty to educate them. It is important each report is considered on a case-by-case basis and risk assessments are updated as appropriate.

Where there is a criminal investigation, the alleged perpetrator could be removed from any classes they share with the victim. We will consider how best to keep the victim and alleged perpetrator a reasonable distance apart on school premises. This is in the best interests of both students and should not be perceived to be a judgement on the guilt of the alleged perpetrator; close liaison with the police is essential.

DfE guidance states that where a criminal investigation into a rape or assault by penetration leads to a conviction or caution, the school should take suitable action, if they 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 students). Where a criminal investigation into sexual assault leads to a conviction or caution, we will consider any suitable sanctions in light of our Behaviour Policy, including consideration of permanent exclusion (even if the incident(s) has not occurred in school).

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

The fact that another body is investigating or has investigated an incident does not in itself prevent school from imposing a sanction in accordance with the school’s Behaviour Policy, using the balance of probabilities to draw objective and appropriate conclusions.

Reports of sexual assault and sexual harassment will, in some cases, not lead to a report to the Police (for a variety of reasons). In some cases, rape, assault by penetration, sexual

assault or sexual harassment is reported to the police and the case is not progressed or is reported to the Police and ultimately results in a not-guilty verdict. The process will have affected both victim and alleged perpetrator and these results do not necessarily mean the offence did not happen or that the victim lied. Appropriate support should be provided to both as required, and consideration will be given when considering the sharing of classes and potential contact as required on a case-by-case basis.

All of the above should be considered with the needs and wishes of the victim at the heart of the process and any arrangements will be kept under review.

17. Safeguarding Other Children

Consideration should be given to supporting children who have witnessed sexual violence, especially rape and assault by penetration. Witnessing such an event is likely to be traumatic and support may be required. We will signpost agencies and support services available where needed. Following any report of sexual violence or sexual harassment, it is likely that some children will take 'sides'. The school will do all we can to ensure both the victim and alleged perpetrator, and any witnesses, are not subject to any bullying or harassment.

Social media is very likely to play a central role in the consequences from any incident or alleged incident. There is the potential for contact between victim and alleged perpetrator and a very high likelihood that friends from either side could well harass the victim or alleged perpetrator online. Any evidence we have of students using social media inappropriately will be managed and sanctioned according to our Behaviour and Anti-Bullying Policies.

What we do in school to educate our students against harmful sexual behaviours We have a planned programme of evidence-based content delivered through the Personal Development curriculum, daily collective worship and assemblies. Our programme is developed to be age and stage of development appropriate, and tackles issues such as:

- healthy and respectful relationships, including information on consent
- what respectful behaviour looks like
- gender roles, stereotyping, equality
- body confidence and self-esteem
- prejudiced behaviour
- that sexual violence and sexual harassment is always wrong
- addressing cultures of sexual harassment

This policy should be read in conjunction with the School Child Protection Policy and RSHE Policy.