



EDUCATION
and
LEADERSHIP
Trust



MANAGING ALLEGATIONS OF PEER ON PEER ABUSE

V1.4

Date reviewed and approved by policy committee:	26.06.19	Responsible for this policy:	Deputy Headteachers Student Wellbeing
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Approval History

Approved By:	Date of Approval	Version Approved	Comments
Policy Committee		V1.0	
		V1.1	Addition of protocols for students on bail
Policy Committee	11.11.19	V1.4	Amended in light of annual KCSIE updates.

Revision History

Revision Date	Previous Revision Date	Rev	Summary of Changes	Changes Marked	Owner/Editor
			New Policy		
17.09.15			Added in Academy Headteacher and Executive Headteacher to 6.		KLU
14.10.15		V1.2	Amended school name to Trust on No.1		KLU
25.10.16	14.10.15	V1.3	TEMA Logo Added		SME
24.10.19	25.10.16	V1.4	Amended in light of annual KCSIE updates.	Yes	DGO/CTE

CONTENTS

1. Purpose of the Policy	4
2. Safeguarding Allegations	4
3. Examples of Peer on Peer Safeguarding issues.....	5
4. Minimising the risk of safeguarding concerns towards pupils from other students..	6
5. Action	6
6. Students on bail following an arrest	7

1.0 PURPOSE OF THE POLICY

In our Trust we believe that all children have a right to attend school and learn in a safe environment. Children should be free from harm by adults in the school and from other students.

We recognise that some students will sometimes negatively affect the learning and wellbeing of others and their behaviour will be dealt with under the school's Behaviour for Learning Policy.

2.0 SAFEGUARDING ALLEGATIONS

All staff should be aware that safeguarding issues can manifest themselves via peer on peer abuse.

Occasionally, allegations may be made against students by other students in the school, which are of a safeguarding nature. Safeguarding issues raised in this way may include physical abuse, emotional abuse, sexual abuse and sexual exploitation.

Children can abuse other children. This is generally referred to as peer on peer abuse and can take many forms. This can include (but is not limited to) bullying (including cyberbullying); sexual violence and sexual harassment; physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm; sexting and initiating/hazing type violence and rituals.

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. Children who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment. Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physical and verbal) and are never acceptable. It is important that **all** victims are taken seriously and offered appropriate support. Staff should be aware that some groups are potentially more at risk. Evidence shows girls, children with SEND and LGBT children are at greater risk.

When referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur online and offline. When we reference sexual harassment, we do so 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 sexualized 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: deliberately pushing against someone, interfering with someone's clothes (schools and colleges should be considering when any of this crosses a line into sexual violence – it is important to talk to and consider the

- experience of the victim) and displaying pictures, photos or drawings of a sexual nature; and
- Online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
 - Non-consensual sharing of sexual images and videos;
 - Sexualised online bullying
 - Unwanted sexual comments and messages, including, on social media; and
 - Sexual exploitation; coercion and threats

Staff should be aware of the importance of:

- Making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up;
- Not tolerating or dismissing sexual violence or sexual harassment as 'banter', 'part of growing up', or 'just having a laugh' and
- Challenging behaviours (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalizing them

3.0 EXAMPLES OF PEER ON PEER SAFEGUARDING ISSUES

- bullying (including cyberbullying)
- physical abuse such as hitting, kicking, shoving, biting, hair pulling, or otherwise causing physical harm
- sexual violence and harassment
- sexting (also known as youth pictured sexual imagery)
- initiations / hazing type violence and rituals

In areas where gangs are prevalent, older students may attempt to recruit younger pupils using any or all of the above methods. Young people suffering from sexual exploitation themselves may be forced to recruit other young people under threat of violence.

Criminal exploitations of children is a geographically widespread form of harm that is a typical feature of county lines criminal activity.

4.0 MINIMISING THE RISK OF SAFEGUARDING CONCERNS TOWARDS PUPILS FROM OTHER STUDENTS

On occasion, some students will present a safeguarding risk to other students. The school should be informed that the young person raises safeguarding concerns, for example, they are coming back into school following a period in custody.

These students will need an individual risk management plan to ensure that other pupils are kept safe and they themselves are not laid open to malicious allegations. There is a need to balance the tension between privacy and safeguarding.

5.0 ACTION

When an allegation is made by a pupil against another student, members of staff should report this using the school's Safeguarding protocol and alert the Child Protection team.

A member of the Child Protection Team should make a factual record of the allegation, but no attempt at this stage should be made to investigate the circumstances.

The initial response to a report from a child is important. It is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report. A referral should be made to Children's Services. It is possible that Children's Services are already aware of safeguarding concerns around this young person.

The member of the Child Protection Team will make a record of the concern, the discussion and any outcome and keep a copy in the files of both pupils' files.

If the allegation indicates a potential criminal offence has taken place, the police should be contacted at the earliest opportunity and parents informed (of both the student being complained about and the alleged victim).

It may be appropriate to exclude the pupil being complained about for a period of time according to the school's behaviour policy and procedures.

Where neither social services nor the police accept the complaint, a thorough school investigation should take place into the matter using the school's usual disciplinary procedures.

In situations where the school considers a safeguarding risk is present, a risk assessment should be prepared along with a preventative, supervision plan.

The plan should be monitored and a date set for a follow-up evaluation with everyone concerned.

Where there is a safeguarding concern the child's wishes and feelings are taken into account when determining what action to take and what services to provide. Systems are in place for children to express their views and give feedback. All systems and process operate with the **best** interests of the child at their heart.

We recognize that victims may not disclose the whole picture immediately. They may be more comfortable providing information on a piecemeal basis. It is essential that dialogue is kept open and encouraged. When it is clear that ongoing support will be required, the school will ask the victim if they would find it helpful to have a designated trusted adult (for example, their form tutor or designated safeguarding lead) to talk about their needs. The choice of any such adult should be the victims. The school respects and supports this choice.

A victim of sexual violence is likely to be traumatised and, in some cases, may struggle in a normal classroom environment. Whilst the school avoids any action that would have the effect of isolating the victim, in particular from supportive peer groups, there may be times when the victim finds it difficult to maintain a full-time timetable and may express a wish to withdraw from lessons and activities. This should be because the victim wants to, not because it makes it easier to manage the situation. Reasonable adjustments will be made for victims to withdraw.

The school commits to doing everything they reasonably can to protect the victim from bullying and harassment as a result of any report they have made.

The school recognises the difficult balancing act that must be maintained. On one hand, the need to safeguard the victim (and the wider pupil/student body) and on the other hand provide the alleged perpetrator with an education, safeguarding support as appropriate and implement any disciplinary sanctions.

6.0 STUDENTS ON BAIL FOLLOWING ARREST

The school acknowledges that the circumstances where a student has been arrested and is released on bail will differ and therefore there follows a general set of procedures with the acknowledgement that these will need to be bespoke for each individual circumstance.

- 1) Academy Headteacher and Executive Headteacher informed of student on bail by relevant agency and any relevant bail conditions pertaining to school and/or which would impact on the safeguarding of other students or staff
- 2) Deputy Headteacher and Designated Safeguarding Lead informed. Decision to be taken whether a further key worker to be assigned.
- 3) Risk Assessment generated, in partnership with children's services and the police to manage any implications and safeguard their children. An important consideration will be to ensure that the victim can continue in their normal routine, including continuing to receive a suitable education and taking into account the safeguarding of the student concerned plus other students and staff.
- 4) Risk Assessment signed off by Academy Headteacher.
- 5) Daily welfare check undertaken with student by keyworker
- 6) Multi-agency meeting to be arranged where protocols regarding attendance, absence, behaviour, liaison with parents are to be established.

- 7) Risk Assessment to be reviewed regularly as circumstances both internally and externally may change
- 8) Staff informed only on a need to know basis.

In the absence of bail conditions or 'released under investigation'

From April 2017, the use of police bail has been dramatically reduced and will only be used when deemed necessary and proportionate in exceptional circumstances.

Consideration will be given to less invasive options to safeguard victims and witnesses and the administration of justice. Therefore, it is less likely that a child attending school will be on police bail with conditions attached if there are alternative measures to mitigate any risk.

- In the absence of bail conditions, when there is a criminal investigation, early engagement and joined up working between the school or college, children's social care and the police will be critical to support the victim, alleged perpetrator and other children involved (especially potential witnesses). Where required, advice from the police will be sought in order to help the school manage their safeguarding responsibilities.
- The term 'Released Under Investigation' or 'RUI' will replace those previously on bail for offences in circumstances that do not warrant the application of bail to either re-attend on a particular date or to include conditions preventing activity or in some cases ensuring compliance with an administrative process.

There may be delays in any case that is being progressed through the criminal justice system. The school **will not wait** for the outcome (or even the start) of a police investigation before protecting the victim, alleged perpetrator and other children in the school. The risk assessment undertaken will help inform any decision.

If a child is convicted or receives a caution for a sexual offence, the school will update its risk assessment, ensure relevant protections are in place for all the children at the school and, if it has not already, consider any suitable action in light of their behaviour policy. If the perpetrator remains in the same school as the victim, the school will be very clear as to their expectations regarding the perpetrator now they have been convicted or cautioned. This could include expectations regarding their behaviour and any restrictions the school thinks are reasonable and proportionate with regard to the perpetrator's timetable.

Any conviction (even with legal anonymity reporting restrictions) is potentially going to generate interest among other students in the end so it will be important that the school ensures both the victim and alleged perpetrator remain protected, especially from any bullying or harassment (including online).

Where cases are classified as 'no further action' (NFA's) by the police or Crown Prosecution Service, or where there is a not guilty verdict, the school 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. The schools will discuss any decisions with the victim in this light and continue to offer support. The alleged perpetrator is also likely to require ongoing support for what will have likely been a difficult experience.