



SEXUAL VIOLENCE AND HARASSMENT BETWEEN YOUNG PEOPLE POLICY (Secondary)

**Presented to
Trustee Standards Committee
23 June 2022**

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Approved by Trustees	
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Date of next review: ³	

¹ This is the date the policy was approved by the meeting

² This is the date the policy was reviewed prior to its approval above

³ This is the date as set by the policy review clause or the date approved plus three years

Footnote:

- Headteacher also means Head of College and Principal
- School also means College, Academy or Academies
- MAT refers to Multi-Academy Trust

SEXUAL VIOLENCE AND HARASSMENT POLICY

1 AIMS AND VALUES

This policy will help staff to achieve the vision of the Trust, particularly in fostering a safe and healthy school environment where students feel happy and cared for. Our purpose is developing students with empathy, understanding and appreciation for other views and opinions. We support the students to develop friendships which will last long beyond their time here and empower them to grow into independent, strong students who are equipped with the flexibility and moral courage to deal with the challenges of the modern world.

2 CONTEXT

2.1 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.

2.2 Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physically and verbally) and are never acceptable. All victims will be taken seriously and offered appropriate support.

2.3 Children who are victims and survivors of sexual violence and sexual harassment will find the experience stressful and distressing. This will, likely, adversely affect their educational attainment. We will ensure that victims and survivors are protected, offered appropriate support and every effort is made to ensure their education is not disrupted. Other students and school staff will be supported and protected as appropriate.

2.4 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. These can include:

- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability without further exploration;
- the potential for children with SEND being disproportionately impacted by behaviours such as bullying and harassment, without outwardly showing any signs; and
- communication barriers and difficulties overcoming these barriers.

Any reports of abuse involving children with SEND will involve close liaison with the Designated Safeguarding Lead and the SENCO.

2.6 Children who identify as LGBTQ can be targeted by their peers. In some cases, a child who is perceived by their peers to be LGBTQ (whether they are or not) can be just as vulnerable as children who identify as LGBTQ.

3 STATEMENT OF PRINCIPLES

The best schools take a whole school approach to Safeguarding and Child Protection. This means involving everyone in the school, including the Local Governing Committee, all the staff, students, and parents/carers. Our approach to sexual violence and sexual harassment therefore reflects and is part of the broader approach to safeguarding.

All staff, students and parents/carers 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”.
- challenging behaviour (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia and flicking bras and lifting up skirts. Dismissing or tolerating such behaviour risks normalising them.
- understanding that all of the above can be driven by wider societal factors beyond the school, such as everyday sexist stereotypes and everyday sexist language.

4 TERMS AND PHRASES

4.1 Harmful sexual behaviour

Children’s sexual behaviour exists on a wide continuum, from normal and developmentally expected to inappropriate, problematic, abusive, and violent. Problematic, abusive, and violent sexual behaviour is developmentally inappropriate and may cause developmental damage. A useful umbrella term is “harmful sexual behaviour”. Harmful sexual behaviour can occur online and/or offline and can also occur simultaneously between the two. Harmful sexual behaviour is considered in a Child Protection context.

When considering harmful sexual behaviour, ages, and the stages of development of the children are critical factors to consider. Sexual behaviour between children can be considered harmful if one of the children is much older, particularly if there is more than two years’ difference or if one of the children is pre-pubescent and the other is not. However, a younger child can abuse an older child, particularly if they have power over them, for example, if the older child is smaller in stature.

4.2 Sexual violence

When referring to sexual violence in this policy, we do so in the context of child-on-child sexual violence and referring to sexual offences under the Sexual Offences Act 2003

4.3 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. Consent can be withdrawn at any time during sexual activity and each time activity occurs.

- a child under the age of 13 can never consent to any sexual activity.
- the age of consent is 16.
- sexual intercourse without consent is rape.

4.4 Sexual harassment

Sexual harassment is unwanted conduct of a sexual nature between children that can occur online and offline. Sexual harassment (as set out below) creates an atmosphere that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence. 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 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 brushing 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.
- online sexual harassment. Online sexual harassment refers to a range of behaviours where digital technologies are used to facilitate both virtual and face-to-face sexually based harms. Online sexual harassment may constitute several criminal offences, depending on the nature of the online harassment. Whether the conduct constitutes a criminal offence or not, many victim-survivors experience these behaviours as a form of sexual violence.

Examples of online sexual harassment can be broadly split into the following areas:

- Unsolicited sexual content online refers to any sexual content shared online which is not wanted by the recipient. This could include content seen on apps, messaging services and websites which has not been sought out by the user.
- Image-based sexual abuse refers to the non-consensual creation and/or distribution of sexual images.
- Sexual coercion, threats and intimidation online could include a person receiving threats of a sexual nature or being coerced to engage in sexual behaviours on or offline via digital technologies.

While there are distinctions between these three categories above, there are evident overlaps and links. It is important to be aware of some of the terms that are regularly used by the public and the media when reporting on cases and the impact that the use of these terms may have on victims and survivors of sexual abuse/harassment/violence.

4.5 **Victims and survivors rather than ‘victims’ or ‘survivors’**

Both these words have very different connotations and varying personal meanings for individuals. Some people identify as victims and some as survivors, therefore it is important to use the words ‘victims and survivors’ together when collectively referring to people that have been subjected to sexual violence and/or sexual harassment.

4.6 **Alleged perpetrator**

For the purpose of this policy we will use the term ‘alleged perpetrator’ and where appropriate ‘perpetrator’. These are widely used and recognised terms and the most appropriate to aid the effective writing of policies. Adults should, however, think very carefully about terminology, especially when speaking in front of children.

5 **THE LAWS RELEVANT TO ONLINE SEXUAL HARASSMENT IN ENGLAND**

5.1 **Unsolicited sexual content online**

There are several laws in which a person could be prosecuted for sending unsolicited sexual content online, however, the act in and of itself is not yet illegal in England and Wales (though it is in Scotland). Laws which could be applied to this include the Protection from Harassment Act 1997 and some aspects of the Sexual Offences Act 2003 such as ‘causing a child to watch a sex act’ and ‘sexual communication with a child’.

5.2 **Image-Based Sexual Abuse**

As of 2015, it is 'an offence for a person to disclose a private sexual photograph or film if the disclosure is made without the consent of an individual who appears in the photograph or film, and with the intention of causing that individual distress'. In April 2017, the Sentencing Council included the 'threat to disclose intimate material or sexually explicit images', within its guideline for offences under the Communications Act 2003 (7); however, prosecuting threats of image-based sexual abuse remains challenging.

Under the Protection of Children Act 1978, creating or sharing indecent images of a child is illegal. It is illegal if the person creating the image is under the age of 18, even if they consent to it being created, or share it with children of the same age. The Home Office Recording Rules 'Outcome 21' (January 2016) allows police to respond in a proportionate way to reports of youth produced sexual imagery. This states that even though a young person has broken the law and the police may have evidence that they have done so, the police can record that they chose not to take further action as it was not in the public interest.

Since April 2019, it has been an offence to take an image or video up a person's skirt without their consent, often referred to as 'upskirting'.

5.3 **Sexual coercion, threats and intimidation online**

Several sections of the Sexual Offences Act 2003 could be relevant in instances of sexual coercion, threats and intimidation including 'causing or inciting a child to engage in sexual activity'. In situations of demands for sexual images where threats are made, Section 21 of the Theft Act 1968 (Blackmail) is likely to apply.

All kinds of persistent harassment and stalking are offences under the Protection from Harassment Act 1997. What constitutes harassment or stalking is not explicitly defined but can include a range of actions when considering the context, nature, and duration of the acts.

6 **WHAT'S THE IMPACT OF ONLINE SEXUAL HARASSMENT?**

The experience of online sexual harassment will of course be different for all young people. It is important to recognise that it can have both short- and long-term consequences for victims and survivors which will appear differently for each individual, impacting mental health and wellbeing.

6.1 **What's the impact of unsolicited sexual content for young people?**

- Severe mental distress - feeling threatened, intimidated, and violated.
- Violates dignity and autonomy of victims and survivors - it removes the right to control what we see and engage with online.
- Leads to older siblings (who are still children) monitoring the content on younger siblings' social media platform to remove any unsolicited content. This puts additional pressure on older siblings to keep younger siblings safe.
- Normalisation of non-consensual sexual activity and intimidation.

6.2 **What's the impact of image-based sexual abuse (IBSA) for young people?**

- Severe mental distress - feeling threatened, violated, and anxious regarding repercussions including fearing direct physical attacks, to name but a few.
- Violates dignity and privacy of victims - it removes right to control who we share intimate images with.
- Impacts on feelings of self-worth and self-esteem levels: IBSA can relate strongly to issues of body image and self-esteem.
- Takes away right to freedom of sexual expression - feelings of shame from culture of blaming victim for their own abuse.

- Normalisation of non-consensual sexual activity and sexual violence.
- Social stigma can negatively impact peer relationships leading to risk of isolation.
- School refusal if issues of social stigma begin to prevent a young person from feeling comfortable in the school setting.
- Victims fear chances of employment and other opportunities will be put at risk if images are put online or if there is police involvement.

6.3 **What's the impact of sexual coercion, threats, and intimidation for young people?**

- Severe mental distress - feeling threatened, violated, and anxious regarding repercussions including fearing direct physical attacks, to name but a few.
- Violates dignity and privacy of victims - it removes right to control what we do online.
- Impacts on feelings of self-worth and self-esteem levels: threatening IBSA can relate strongly to issues of body image and self-esteem.
- Normalisation of non-consensual sexual activity and sexual violence.
- Victim's fear chance of employment and other opportunities will be put at risk if employers or potential employers find images and police involvement.

7 **PREVENTION**

Schools play an important role in preventative education. Keeping Children Safe in Education sets out that all schools should ensure children are taught about safeguarding, including how to stay safe online. Schools should consider this as part of providing a broad and balanced curriculum.

Addressing inappropriate behaviour can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future. Children displaying harmful sexual behaviour have often experienced their own abuse and trauma. It is important that they are offered appropriate support.

7.1 **A planned curriculum as part of a whole school approach**

The most effective preventative education programme will be through a whole- school approach that prepares students for life in modern Britain. Trust schools will have a clear set of values and standards, and these will be upheld and demonstrated throughout all aspects of school life. This will be underpinned by the school's Behaviour Policy and Pastoral Support System, and by a planned programme of evidence-based content delivered through the whole curriculum. Such a programme should be developed to be age and stage of development appropriate (especially when considering SEND children and their cognitive understanding), and may tackle such issues as:

- healthy and respectful relationships.
- what respectful behaviour looks like.
- recognising and resisting pressure/seeking help.
- consent.
- gender roles, stereotyping, equality.
- body confidence and self-esteem.
- practising assertiveness techniques.
- prejudiced behaviour.
- recognising and managing risk.
- understanding acceptable/unacceptable physical contact.
- that sexual violence, abuse and sexual harassment is always wrong.
- addressing cultures of sexual harassment.

- human rights – the idea that all individuals have a right to fairness and to having their privacy respected.
- digital defence - educating young people on how to navigate online platforms and digital devices safely and effectively. It can include aspects of digital literacy related to privacy settings, reporting and blocking other users, identifying and addressing issues of online sexual harassment and recognising misinformation.

Students should understand about:

- Using technology including learning how to use and manage social media apps and web platforms. This includes supporting the creation of youth-led change-making and awareness raising resources and providing resources and commitment to youth led gender activism including children’s rights and LGBTQ rights.
- Online privacy (data protection) including how to use privacy settings on their most- used platforms and knowing how to identify fake profiles.
- Digital defence strategies, such as reporting, blocking and being aware of the Internet Watch Foundation, CEOP and Report Harmful Content.
- Being a bystander: providing young people with an understanding of what they could do if they witnessed someone being harassed or bullied.

Trust schools will deliver this content through planned, high-quality, Sex and Relationship Education (RSE) and Life skills lessons; Form Time and assemblies. As part of our curriculum offer, we may engage with appropriate, well established external agencies to deliver materials to students.

8 MONITORING, EVALUATION AND REVIEW

This policy will be promoted and implemented throughout The Trust’s secondary schools.

The DSL will ensure that accurate records of all incidents of sexual violence and harassment are logged on the MIS and My Concern (or equivalent) and reported to the Local Governing Committee termly. This data will be analysed by the DSL who will review this policy to assess its implementation and effectiveness and re-design further strategies to improve procedures if necessary.

It is the responsibility of the Assistant Headteacher (Pastoral Lead) to implement the school’s Sexual Violence and Harassment strategy, to ensure that all are aware of the Trust’s policy, and that they know how to identify and deal with incidents of sexual violence and harassment. The Headteacher can also report to the Local Governing Committee about the effectiveness of the policy on request.

The Local Governing Committee will monitor incidents of sexual violence and harassment that do occur and review the effectiveness of this policy and the school’s strategies annually. The Local Governing Committee supports the Headteacher in all attempts to eliminate sexual violence and harassment from the school. The Local Governing Committee will not condone any sexual violence and harassment at all, and any incidents that do occur will be taken very seriously and are dealt with appropriately.

A parent/carer who is dissatisfied with the way the school has dealt with an incident can make a complaint in accordance with the Trust’s Complaints Policy which can be accessed from the school’s website.

9 MONITORING, EVALUATION AND REVIEW

9.1 The Trust Board (or responsible committee) will review this policy in line with the procedure for policy review.

9.2 Date for Review

If no other reason for review (see policy review procedure) this policy will be reviewed every 3 years.