



# The Minster School

For Boys and Girls Aged 5-13



**Allegations of Abuse against other  
Pupils (peer-on-peer abuse)  
& Harmful Sexual Behaviours**  
Dated March 2020

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## Policy and Procedures

### Allegations of Abuse against other Pupils (peer-on-peer abuse) & Harmful Sexual Behaviours

#### Who is this policy for?

This policy is for staff and adults at The Minster School. Check with Angela – did the inspectors expect this to be available to parents?

#### The statutory framework for this policy

1. The content in this document is based on the [Department for Education \(2018\), 'Sexual violence and sexual harassment between children in schools and colleges: Advice for governing bodies, proprietors, head teachers, principals, senior leadership teams and designated safeguarding leads'](#).
2. It should be considered alongside the [City of York Children's Partnership \(2018\), 'Multi-agency procedure for children who sexually harm'](#)
3. It should utilise the advice and resources on the [City of York Children's Partnership \(2018\) 'Harmful Sexual Behaviour' advice and resource page](#)

#### Policy

4. The Minster School recognises that children are capable of abusing their peers, and that this can have a long lasting and harmful impact.
5. The school is committed to identifying and recognising, and robustly responding to, incidents of peer on peer abuse.
6. This policy and procedure is concerned specifically with incidents of a sexual nature, which require particular responses and sensitivities.
7. Staff should be clear about the school's policy and procedures with regard to peer on peer abuse and, regardless of the suspected form of abuse, should discuss concerns with the Designated Safeguarding Lead (DSL), or Deputy Designated Safeguarding Lead (DDSL) and consult the relevant policies and procedures.

#### Sexual harassment

8. Sexual harassment refers to unwanted conduct of a sexual nature that occurs online or offline. Sexual harassment violates a pupil's dignity and 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.

9. Sexual harassment includes:

- Sexual comments
- Sexual “jokes” and taunting
- Physical behaviour, such as deliberately brushing against another pupil
- 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.

## Sexual violence

10. Sexual violence refers to the three following offences:

- **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.

## What is consent?

11. 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, e.g. to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.

## Harmful sexual behaviours

12. 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
- Full penetrative sex with other children or adults
- Sexual interest in adults or children of very different ages to their own

- Forceful or aggressive sexual behaviour
- Compulsive habits
- Sexual behaviour affecting progress and achievement
- Using sexually explicit words and phrases
- Inappropriate touching
- Sexual violence or threats.

13. 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 and Disabilities (SEND).

### **A preventative approach**

14. In order to prevent peer-on-peer abuse and address the wider societal factors that can influence behaviour, the school will educate pupils about abuse, its forms and the importance of discussing any concerns and respecting others through the curriculum, assemblies and Personal Social and Health Education Lessons (PSHE) lessons.

15. The school will also ensure that pupils are taught about safeguarding, including online safety, as part of a broad and balanced curriculum in PSHE lessons, (Relationship and Sex Education) and group sessions. 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
- Pupils will be allowed an open forum to talk about concerns and sexual behaviour. They are taught how to raise concerns and make a report, including concerns about their friends or peers, and how a report will be handled.

### **Awareness**

16. All staff will be aware that pupils of any age and sex are capable of abusing their peers and will never tolerate abuse as “banter” or “part of growing up”.

17. All staff will be aware that peer-on-peer 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.

18. 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.
19. LGBTQ+ children can be targeted by their peers. In some cases, children who are perceived to be LGBTQ+, whether they are or not, can be just as vulnerable to abuse as LGBTQ+ children.
20. 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.
21. Pupils will be made aware of how to raise concerns or make a report and how any reports will be handled. This includes the process for reporting concerns about friends or peers.

#### **Support available if a child has been harmed, is in immediate danger or at risk of harm**

22. If a child has been harmed, is in immediate danger or is at risk of harm, a referral will be made to Children's Social Care Services (CSCS), via City of York Council's (CYC) Children's Front Door by telephoning 01904 551900.
23. Within one working day, a social worker will respond to the referrer to explain the action that will be taken.

#### **Support available if early help, section 17 and/or section 47 statutory assessments are appropriate**

24. If early help, section 17 and/or section 47 statutory assessments (assessments under the Children Act 1989) are appropriate, school staff may be required to support external agencies. The DSL and deputies will support staff as required.

#### **Support available if a crime may have been committed**

25. Rape, assault by penetration and sexual assaults are crimes. Where a report includes such an act, the police will be notified, often as a natural progression of making a referral to CSCS. The DSL will be aware of the local process for referrals to both CSCS and the police.
26. Whilst the age of criminal responsibility is 10 years of age, if the alleged perpetrator is under 10, the principle of referring to the police remains. In these cases, the police will take a welfare approach rather than a criminal justice approach.
27. The school has a close relationship with the local police force and the DSL will liaise closely with the local police presence.

#### **Support available if reports include online behaviour**

28. Online concerns can be especially complicated. The school recognises that there is potential for an online incident to extend further than the local community and for a victim,

or the alleged perpetrator, to become marginalised and excluded both online and offline. There is also strong potential for repeat victimisation if the content continues to exist.

29. If the incident involves sexual images or videos held online, the [Internet Watch Foundation](#) will be consulted to have the material removed.
30. Staff will not view or forward illegal images of a child. If they are made aware of such an image, they will contact the DSL.

### Managing disclosures

31. Victims will always be taken seriously, reassured, supported and kept safe. Victims will never be made to feel like they are causing a problem or made to feel ashamed.
32. If a friend of a victim makes a report or a member of staff overhears a conversation, staff will take action – they will never assume that someone else will deal with it. The basic principles remain the same as when a victim reports an incident; however, staff will consider why the victim has not chosen to make a report themselves and the discussion will be handled sensitively and with the help of CSCS where necessary. If staff are in any doubt, they will speak to the DSL.
33. Where an alleged incident took place away from the school or online but involved pupils from the school, the school's duty to safeguard pupils remains the same.
34. All staff will be trained to handle disclosures. Effective safeguarding practice includes:
- Never promising confidentiality at the initial stage
  - Only sharing the report with those necessary for its progression
  - Explaining to the victim what the next steps will be and who the report will be passed to
  - Recognising that the person the child chose to disclose the information to is in a position of trust
  - Being clear about boundaries and how the report will be progressed
  - Not asking leading questions and only prompting the child with open questions
  - Waiting until the end of the disclosure to immediately write a thorough summary. If notes must be taken during the disclosure, it is important to still remain engaged and not appear distracted
  - Only recording the facts as the child presents them – not the opinions of the note taker
  - Where the report includes an online element, being aware of searching, screening and confiscation advice and UK Council for Child Internet Safety ([UKCCIS](#)) [sexting advice](#)
  - Wherever possible, managing disclosures with two staff members present (preferably with the DSL or a deputy as one of the staff members)

- Informing the DSL or deputy as soon as possible after the disclosure if they could not be involved in the disclosure
- The DSL will be informed of any allegations of abuse against pupils with SEND. They will record the incident in writing and, working with the Special Educational Needs Coordinator (SENCO), decide what course of action is necessary, with the best interests of the pupil in mind at all times.

## **Confidentiality**

35. The school will only engage staff and agencies required to support the victim and/or be involved in any investigation. If a victim asks the school not to tell anyone about the disclosure, the school cannot make this promise. Even without the victim's consent, the information may still be lawfully shared if it is in the public interest and protects children from harm.

36. The DSL will consider the following when making confidentiality decisions:

- Parents will be informed unless it will place the victim at greater risk.
- If a child is at risk of harm, is in immediate danger or has been harmed, a referral will be made to CSCS.
- Rape, assault by penetration and sexual assaults are crimes – reports containing any such crimes will be passed to the police.
- The DSL will weigh the victim's wishes against their duty to protect the victim and others. If a referral is made against the victim's wishes, it will be done so extremely carefully and the reasons for referral will be explained to the victim. Appropriate specialist support will always be offered.

## **Anonymity**

37. There are legal requirements for anonymity where a case is progressing through the criminal justice system. The school will do all it can to protect the anonymity of children involved including consideration of which staff will be informed and what support will be in place for the children involved.

38. When deciding on the steps to take, the school will consider the role of social media in potentially exposing victims' identities and facilitating the spread of rumours.

## **Risk assessment**

39. The DSL or a deputy will make an immediate risk and needs assessment any time there is a report of sexual violence.

40. For reports of sexual harassment, a risk assessment will be considered on a case-by-case basis.

41. Risk assessments are not intended to replace the detailed assessments of experts, e.g. a professional risk assessment by a social worker or sexual violence specialist.

42. Risk assessments will consider:

- The victim
- The alleged perpetrator
- Other children at the school, especially any actions that are appropriate to protect them
- Risk assessments will be recorded (either on paper or electronically) and kept under review in accordance with the school's Data Protection Policy.

### **Taking action following a disclosure**

43. The DSL or a deputy will decide the school's initial response, taking into consideration:

- The victim's wishes.
- The nature of the incident.
- The ages and developmental stages of the children involved.
- Any power imbalance between the children.
- Whether the incident is a one-off or part of a pattern.
- Any ongoing risks.
- Any related issues and the wider context, such as whether there are wider environmental factors in a child's life that threaten their safety and/or welfare.
- The best interests of the child.
- That sexual violence and sexual harassment are always unacceptable and will not be tolerated.

44. Immediate consideration will be given as to how to support the victim, alleged perpetrator and any other children involved.

45. For reports of rape and assault by penetration, whilst the school establishes the facts, the alleged perpetrator will be removed from any classes shared with the victim. The school will consider how to keep the victim and alleged perpetrator apart on school premises, and on transport where applicable. These actions will not be seen as a judgement of guilt on the alleged perpetrator.

46. For reports of sexual violence and sexual harassment, the proximity of the victim and alleged perpetrator and the suitability of shared classes, premises and transport will be considered immediately.

47. In all cases, the initial report will be carefully evaluated and the wishes of the victim, nature of the allegations and requirement to protect all children considered.



## Managing the report

48. The decision of when to inform the alleged perpetrator of a report will be made on a case-by-case basis. If a report is being referred to CSCS or the police, the school will speak to the relevant agency to discuss informing the alleged perpetrator.

49. There are four likely outcomes when managing reports of sexual violence or sexual harassment:

- Managing internally
- Providing early help
- Referring to CSCS
- Reporting to the police.

50. Whatever outcome is chosen, it will be underpinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated. All concerns, discussion, decisions and reasons behind decisions will be recorded either on paper or electronically.

51. The following situations are statutorily clear and do not allow for contrary decisions:

- A child under the age of 13 can never consent to sexual activity
- 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 children under 18 is illegal – including children making and sending images and videos of themselves.

## Managing internally

52. In some cases, e.g. one-off incidents, the school may decide to handle the incident internally through behaviour and bullying policies and by providing pastoral support.

## Providing early help

53. The school may decide that statutory interventions are not required, but that pupils may benefit from early help – as soon as a problem emerges. This approach can be particularly useful in addressing non-violent harmful sexual behaviour and may prevent escalation of sexual violence.

## Referral to CSCS

54. If a child has been harmed, is at risk of harm or is in immediate danger, the school will make a referral to CSCS. Parents will be informed unless there is a compelling reason not to do so (if referral will place the victim at risk). This decision will be made in consultation with CSCS.

55. The school will not wait for the outcome of an investigation before protecting the victim and other children.
56. The DSL will work closely with CSCS to ensure that the school's actions do not jeopardise any investigation. Any related risk assessment will be used to inform all decisions.
57. If CSCS decide that a statutory investigation is not appropriate, the school will consider referring the incident again if they believe the child to be in immediate danger or at risk of harm.
58. If the school agrees with the decision made by CSCS, they will consider the use of other support mechanisms such as early help, pastoral support and specialist support.

### **Reporting to the police**

59. Reports of rape, assault by penetration or sexual assault will be passed on to the police – even if the alleged perpetrator is under 10 years of age. Generally, this will be in parallel with referral to CSCS. The DSL and deputies will follow the local process for referral.
60. Parents will be informed unless there is a compelling reason not to do so. Where parents are not informed, it is essential for the school to support the child with any decision they take, in unison with CSCS and any appropriate specialist agencies.
61. The DSL and governing body will agree what information will be disclosed to staff and others, in particular the alleged perpetrator and their parents. They will also discuss the best way to protect the victim and their anonymity.
62. The DSL will be aware of local arrangements and specialist units that investigate child abuse.
63. In some cases, it may become clear that the police will not take further action, for whatever reason. In these circumstances, the school will continue to engage with specialist support for the victim as required.

### **Bail conditions**

64. Police bail is only used in exceptional circumstances. It is unlikely that a child will be placed on police bail if alternative measures can be used to mitigate risks.
65. The school will work with CSCS and the police to support the victim, alleged perpetrator and other children (especially witnesses) during criminal investigations. The school will seek advice from the police to ensure they meet their safeguarding responsibilities.
66. The term 'released under investigation' (RUI) is used to describe alleged perpetrators released in circumstances that do not warrant the application of bail.

67. Where bail is deemed necessary, the school will work with CSCS and the police to safeguard children – ensuring that the victim can continue in their normal routine and continue to receive a suitable education.

### **Managing delays in the criminal justice system**

68. The school will not wait for the outcome (or even the start) of criminal proceedings before protecting the victim, alleged perpetrator and other children. The associated risk assessment will be used to inform any decisions made.

69. The DSL will work closely with the police to ensure the school does not jeopardise any criminal proceedings, and to obtain help and support as necessary.

### **The end of the criminal process**

70. Risk assessments will be updated if the alleged perpetrator receives a caution or is convicted. If the perpetrator remains in the same school as the victim, the school will set out clear expectations regarding the perpetrator, including their behaviour and any restrictions deemed reasonable and proportionate with regards to the perpetrator's timetable.

71. The school will ensure that the victim and perpetrator remain protected from bullying and harassment (including online).

72. Where an alleged perpetrator is found not guilty or a case is classed as requiring "no further action", the school will offer support to the victim and alleged perpetrator for as long as is necessary. The victim is likely to be traumatised and the fact that an allegation cannot be substantiated does not necessarily mean that it was unfounded. The school will discuss decisions with the victim and offer support.

73. The alleged perpetrator is also likely to require ongoing support, as they have also been through a difficult and upsetting experience.

### **Ongoing support for the victim**

74. Any decisions regarding safeguarding and supporting the victim will be made with the following considerations in mind:

- The terminology the school uses to describe the victim
- The age and developmental stage of the victim
- The needs and wishes of the victim
- Whether the victim wishes to continue in their normal routine
- The victim will not be made to feel ashamed about making a report
- What a proportionate response looks like

- Victims may not disclose the whole picture immediately and they may be more comfortable talking about the incident on a piecemeal basis; therefore, a dialogue will be kept open and the victim can choose to appoint a designated trusted adult.
- Victims may struggle in a normal classroom environment. Whilst it is important not to isolate the victim, the victim may wish to be withdrawn from lessons and activities at times. This will only happen when the victim wants it to, not because it makes it easier to manage the situation
- The school will provide a physical space for victims to withdraw to
- Victims may require support for a long period of time and the school will be prepared to offer long-term support in liaison with relevant agencies
- Everything possible will be done to prevent the victim from bullying and harassment as a result of any report they have made
- If the victim is unable to remain in the school, alternative provision or a move to another school will be considered – this will only be considered at the request of the victim and following discussion with their parents
- If the victim does move to another school, the DSL will inform the school of any ongoing support needs and transfer the child protection file.

### **Ongoing support for the alleged perpetrator**

75. When considering the support required for an alleged perpetrator, the school will take into account:

- The terminology they use to describe the alleged perpetrator or perpetrator
- The balance of safeguarding the victim and providing the alleged perpetrator with education and support
- The reasons why the alleged perpetrator may have abused the victim – and the support necessary
- Their age and developmental stage
- What a proportionate response looks like
- Whether the behaviour is a symptom of their own abuse or exposure to abusive practices and/or materials
- When making a decision, advice will be taken from CSCS, specialist sexual violence services and the police as appropriate
- If the alleged perpetrator moves to another school (for any reason), the DSL will inform the destination school of any ongoing support needs and transfer the child protection file
- The school will work with professionals as required to understand why the abuse took place and provide a high level of support to help the pupil understand and overcome the reasons for their behaviour and reduce the likelihood of them abusing again
- Disciplining the alleged perpetrator
- Disciplinary action can be taken whilst investigations are ongoing and the fact that investigations are ongoing does not prevent the school reaching its own conclusion and imposing an appropriate penalty.

- The school will make such decisions on a case-by-case basis, with the DSL taking a leading role. The school will take into consideration whether any action would prejudice an investigation and/or subsequent prosecution. The police and CSCS will be consulted where necessary.
- The school will also consider whether circumstances make it unreasonable or irrational for the school to make a decision about what happened while an investigation is considering the same facts.
- Disciplinary action and support can take place at the same time.
- The school will be clear whether action taken is disciplinary, supportive or both.

### **Shared classes**

76. Once the DSL has decided to progress a report, they will again consider whether the victim and alleged perpetrator will be separated in classes, on school premises and on school transport – balancing the school’s duty to educate against its duty to safeguard. The best interests of the pupil will always come first.
77. Where there is a criminal investigation into rape or assault by penetration, the alleged perpetrator will be removed from classes with the victim and potential contact on school premises and transport will be prevented.
78. Where a criminal investigation into rape or assault by penetration leads to a conviction or caution, in all but the most exceptional circumstances, this will constitute a serious breach of discipline and result in the view that allowing the perpetrator to remain in the school would harm the education or welfare of the victim and potentially other pupils.
79. Where a criminal investigation into sexual assault leads to a conviction or caution, the school will consider suitable sanctions and permanent exclusion. If the perpetrator will remain at the school, the school will keep the victim and perpetrator in separate classes and manage potential contact on school premises and transport. The nature of the conviction or caution, alongside the wishes of the victim, will inform any discussions made.
80. Where a report of sexual assault does not lead to a police investigation, this does not mean that the offence did not happen or that the victim has lied. Both the victim and alleged perpetrator will be affected and appropriate support will be provided. Considerations regarding sharing classes and potential contact will be made on a case-by-case basis.
81. In all cases, the school will record its decisions and be able to justify them. The needs and wishes of the victim will always be at the heart of the process.

### **Working with parents and carers**

82. In most sexual violence cases, the school will work with the parents of both the victim and alleged perpetrator. For cases of sexual harassment, these decisions will be made on a case-by-case basis.

83. The school will meet the victim's parents with the victim present to discuss the arrangements being put in place to safeguard the victim, and to understand their wishes in terms of support arrangements and the progression of the report.
84. Schools will also meet with the parents of the alleged perpetrator to discuss arrangements that will impact their child, such as moving them out of classes with the victim. Reasons behind decisions will be explained and the support being made available will be discussed. The DSL or a deputy will attend such meetings, with agencies invited as necessary.
85. Clear policies regarding how the school will handle reports of sexual violence and how victims and alleged perpetrators will be supported will be made available to parents.

### **Safeguarding other children**

86. Children who have witnessed sexual violence, especially rape and assault by penetration, will be provided with support.
87. It is likely that children will "take sides" following a report, and the school will do everything in its power to protect the victim, alleged perpetrator and witnesses from bullying and harassment.
88. The school will keep in mind that contact may be made between the victim and alleged perpetrator and that harassment from friends of both parties could take place via social media and do everything in its power to prevent such activity.
89. As part of the school's risk assessment following a report, transport arrangements will be considered, as it is a potentially vulnerable place for both a victim and alleged perpetrator. Schools will consider any additional support that can be put in place.

### **Communication and confidentiality**

90. All child protection and safeguarding concerns will be treated in the strictest of confidence in accordance with school data protection policies.
- 91. Where there is an allegation or incident of sexual abuse or violence, the victim is entitled to anonymity by law; therefore, the school will consult its policy and agree what information will be disclosed to staff and others, in particular the alleged perpetrator and their parents.**