

# DAY ONE TRUST

Sexual Harassment & Sexual Violence Policy  
*Adapted for ELAM*

**EAST LONDON ARTS & MUSIC**



**THE INDUSTRY ACADEMY**

## **SEXUAL HARASSMENT & SEXUAL VIOLENCE POLICY**

Scope: Trust wide

Committee: Day One Trust board

Adapted for: ELAM

Principal: Matt Sheldon

### Change record

	Date	Action
1	October 2021	MAT Approved

This document has been contextualized to meet the needs of ELAM.

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This policy is available online at [www.dayonetrust.co.uk](http://www.dayonetrust.co.uk)

We will consider any request for this policy to be made available in an alternative format or language. Please contact the Academy.

Adapted from the DFE guidance released in September 2021:

*'Sexual violence and sexual harassment between trainees in schools and colleges. Advice for governing bodies, proprietors, headteachers, principals, senior leadership teams and designated safeguarding leads.'* [Sexual violence and sexual harassment between children in schools and colleges \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/97422/sexual-violence-and-sexual-harassment-between-children-in-schools-and-colleges.pdf)

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### 1. What is meant by sexual violence and sexual harassment between trainees?

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

Trainees 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. ELAM's aim is to support these trainees to access their education and get the correct specialist support, working in partnership with the police and trainees' services.

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

#### Harmful sexual behaviour

Children and young people' sexual behaviour exists on a wide continuum, from normal and developmentally expected to unwanted and unsolicited 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" (HSB). The term has been widely adopted in child protection and is used in this policy. HSB can occur online and/or face to face and can also occur simultaneously between the two. HSB should be considered in a child protection context. When considering HSB, ages and the stages of development of the children are critical factors. 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 disabled or smaller in stature.

## 2. What is the definition of sexual violence?

For the purpose of this policy, when referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003 as described below:

**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: he/she/they 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: he/she/they 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.

## 3. What is consent?

Someone consents to vaginal, anal or oral penetration only if he/she/they agrees by choice to that penetration and has the freedom and capacity to make that choice. 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.

## 4. What is sexual harassment?

For the purpose of this policy, when referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur online and offline and both inside and outside of school/college. 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 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: 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; and

- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
  - consensual and non-consensual sharing of nude and semi-nude images and/or videos. As set out in UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people (which provides detailed advice for schools and colleges) taking and sharing nude photographs of U18s is a criminal offence;
  - sharing of unwanted explicit content;
  - upskirting (is a criminal offence);
  - sexualised online bullying;
  - unwanted sexual comments and messages, including, on social media;
  - sexual exploitation; coercion and threats.

It is important to note that ELAM consider sexual harassment in broad terms. Sexual harassment (as set out above) creates a culture that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence

## 5. How do we respond to reports of sexual violence and sexual harassment

Reports of sexual violence and sexual harassment are likely to be complex and require difficult professional decisions to be made, often quickly and under pressure. Guidance from the DFE is clear that it does not attempt to provide (nor would it be possible to provide) detailed advice on what we should do in any or every particular case; it provides effective safeguarding practice and principles for us to consider in our decision making process. Ultimately, all decisions in ELAM will be made on a case-by-case basis. The Designated Safeguarding Leads (DSLs) will take the leading role and will use their professional judgement, supported by other agencies, such as trainees' 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
- the age of consent is 16
- sexual intercourse without consent is rape
- rape, assault by penetration and sexual assault are defined in law; and
- creating and sharing sexual photos and videos of under-18s is illegal (often referred to as sexting). This includes trainees 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 trainees' social care. A social worker

should respond to the referrer within one working day to explain what action they will be taking. We will usually inform parents that we are making a referral to trainees' social care (SPA); 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 trainees involved.

Once a referral is processed trainees' social care will consider if early help, section 17 and/or 47 statutory assessments are appropriate (see Keeping trainees Safe in Education on our policies page for an explanation of this process). We will support in an early help assessment, child protection enquiry, strategy discussion and child protection conference.

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 DSL will liaise with our Schools Safe Officer.

**Once there is a report of Sexual Harrassment or Sexual Violence the prepretrator is will be be asked to stay home peneding the outcome of an investigation. Work and pastoral support will be provided whilst the perpetrator is away from the college.**

## 6. 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 introduce a number of complex factors. These include the potential for the incident to take place across a number of social media platforms and services and for things to move from platform to platform online. It also includes the potential for the impact of the incident to extend further than our local community (e.g. for images or content to be shared around neighbouring schools/colleges) and for a victim (or alleged perpetrator) to become marginalised and excluded by both online and offline communities. There is also the strong potential for repeat victimisation in the future if abusive content continues to exist somewhere online.

We will act in accordance with our Bullying policy if we are made aware that our trainees are using online platforms which in any way jeopardises the safety of other members of our College community.

## 7. The immediate response to a report - 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 College may overhear a conversation that suggests a trainee has been harmed. As with all safeguarding concerns, our staff are trained to follow the College protocol regarding the recognised signs of safety and will speak to one of the DSLs. This discussion will be handled sensitively and with the support of trainees' social care if

required.

Our safeguarding practice includes:

- not promising confidentiality at this initial stage as it is very likely a concern will have to be shared further (for example with the designated safeguarding lead or trainee's social care) to discuss next steps.
- only sharing the report with those people who are necessary in order to progress it.
- listening carefully to the trainee, being non-judgmental, being clear about boundaries and how the disclosure will be progressed, not asking leading questions and only prompting the trainee where necessary with open questions – where, when, what etc;
- When making a record of the disclosure we wait until the end of the disclosure and immediately write up a thorough summary and log it on CPOMS (our child protection recording system). This allows us to devote our full attention to the trainee and to listen to what they are saying. It may be appropriate to make notes during the disclosure (especially if a second member of staff is present). However, if making notes during any disclosures we are conscious of the need to remain engaged with the trainee;
- We make sure to only record the facts as the trainee presents them. The notes should not reflect the personal opinion of the note taker. We are aware that notes of such disclosures could become part of a statutory assessment by trainees's social care and/or part of a criminal investigation;
- If possible, we aim to manage disclosures with two members of staff present, (preferably one of them being the DSL). However this might not always be possible; and
- informing the designated safeguarding lead (or deputy) as soon as practically possible if the designated safeguarding lead (or deputy) is not involved in the initial disclosure.

## 8. Considering confidentiality and anonymity

### a) 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 flagged up to the trainees and 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 interest, for example, to protect trainees from harm and to promote the welfare of trainees. The DSLs will consider the following:

- parents or carers should normally be informed (unless this would put the victim at greater risk);

- the basic safeguarding principle is: if a trainee is at risk of harm, is in immediate danger or has been harmed a referral should be made to trainees's social care; and
- rape, assault by penetration and sexual assaults are crimes. The starting point is that reports should be passed to the police often via our Schools Safe Officer

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

If we do decide to make a referral to trainees' 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.

#### b) 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 trainees 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 trainees involved.

We are, however, mindful that if an investigation is ongoing it is not our place to offer guidance and support to the trainees and their families beyond what could reasonably be expected in regards to their education.

We will also act in accordance with our Bullying policy when considering the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities.

### 9. Risk Assessment

When there has been a report of sexual violence, the DSL will make an immediate 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; and
- the other trainees (and, if appropriate, staff) at school.

The risk assessments will be recorded (written or electronic) and will be kept under regular review, reflecting any changes in circumstances. At all times, we will be actively considering the risks posed to all our pupils and put adequate measures in place to protect them and keep them safe during school hours. The DSLs will continue to liaise with trainees'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 trainees and updating our own risk assessment.

## 10. Action following a report of sexual violence and/or sexual harassment

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

- the wishes of the 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), including: might a crime have been committed and consideration of harmful sexual behaviour;
- the ages of the trainees involved;
- the developmental stages of the trainees involved;
- any power imbalance between the trainees (e.g. 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);
- are there ongoing risks; and
- other related issues and wider context. Where incidents and/or behaviours are associated with factors outside the College or occur between trainees outside the College, we will consider contextual safeguarding. This simply means assessments of trainees in such cases should consider whether wider environmental factors are present in trainee's life that are a threat to their safety and/or welfare.

## 11. Options to manage the report

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. When a report is going to be made to trainees' 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.

### **a) Manage internally**

- In some cases of sexual harassment, for example one-off incidents, the College may take the view that the trainees 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 Bullying

policies and by providing pastoral support.

#### **b) Early help**

- In line with A) above, we may decide that the trainees involved do not require statutory interventions but may benefit from early help. Early help means providing support as soon as a problem emerges, at any point in a trainee's life. Providing early help is more effective in promoting the welfare of trainees than reacting later. Early help can be particularly useful to address non-violent harmful sexual behaviour and may prevent escalation of sexual violence.
- Full details of the early help process are in the Working Together to Safeguard trainees policy (available on our Safeguarding & Child protection Policy).
- Multi-agency early help will work best when placed alongside strong school policies, preventative education and engagement with parents and carers.

#### **c) Referrals to trainees's social care**

- Where a trainee 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 trainees's social care.
- At the referral to trainees' social care stage, the College will generally inform parents or carers unless there are compelling reasons not to (if informing a parent or carer is going to put the trainee at additional risk). Any such decision should be made with the support of trainees' social care.
- If a referral is made, trainees' social care will then make enquiries to determine whether any of the trainees involved are in need of protection or other services.
- Where statutory assessments are appropriate, we will (especially DSLs) work alongside, and cooperate with, the relevant lead social worker. Collaborative working will help ensure the best possible package of coordinated support is implemented for the victim and, where appropriate, the alleged perpetrator and any other trainees that require support.
- We do not need to wait for the outcome (or even the start) of a trainee's social care investigation before protecting the victim and other trainees in the school. It will be important for us to work closely with trainees' social care (and other agencies as required) to ensure any actions we take do not jeopardise a statutory investigation. The risk assessment will help inform all of our decisions.
- In some cases, trainees's social care will review the evidence and decide a statutory intervention is not appropriate. The school (generally led by the DSL) may refer again if we believe the child remains in immediate danger or at risk of harm. If a statutory assessment is not appropriate, we will consider other support mechanisms such as early help, specialist support and pastoral support.

#### **d) 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 trainees's social care (as above).
- At this stage, the College will generally inform parents or carers unless there are compelling reasons not to, for example if informing a parent or

carer is likely to put a child at additional risk. In circumstances where parents or carers have not been informed, it will be especially important that the College is supporting the trainee in any decision they take. This should be with the support of trainees's social care.

- When a report has been made to the police, the College will consult the police and agree what information can be disclosed to staff and others, in particular the alleged perpetrator and their parents or carers. We will also discuss the best way to protect the victim and their anonymity.

## 12. Considering bail conditions

- In the absence of bail conditions, when there is a criminal investigation, early engagement and joining up working between the College, trainees' social care and the police will be critical to support the victim, alleged perpetrator and other trainees involved (especially potentially witnesses). Where required, advice from the police will be sought in order to help the school manage our 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.
- Where bail is deemed proportionate and necessary, as above, the school will work with trainees' social care and the police to manage any implications and safeguard their trainees. An important consideration will be to ensure that the victim can continue in their normal routine, including continuing to receive a suitable education.

## 13. Managing any delays in the criminal process

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

- Considering any disciplinary action against the alleged perpetrator whilst an investigation is ongoing is discussed below in the alleged perpetrator section.
- Whilst protecting trainees and/or taking any disciplinary measures against the alleged perpetrator, it will be important for the designated safeguarding lead (or a deputy) to work closely with the police (and other agencies as required), to ensure any actions the school takes do not jeopardise the police investigation.
- The College will ask the police if we have questions about the investigation. The police will help and support the College as much as they can (within the constraints of any legal restrictions).

## 14. The end of the criminal process

If a trainee is convicted or receives a caution for a sexual offence, the College will update its risk assessment, ensure relevant protections are in place for all the trainees and consider any suitable action in light of our Behaviour Policy. If the perpetrator remains in College we will be very clear as to our expectations regarding the perpetrator now they have been convicted or cautioned. This could include expectations regarding their behaviour and any restrictions we think are reasonable and proportionate with regard to the perpetrator's timetable and movement around the College. Our risk assessment will continue to be revisited and revised where necessary.

Any conviction (even with legal anonymity reporting restrictions) is potentially going to generate interest among other trainees in the school. We will do our utmost to ensure that the victim and alleged perpetrator remain protected, especially from any bullying or harassment (including online). Where necessary we will invoke sanctions from our Behaviour and Bullying policies.

Where cases are classified as "no further action" (NFA'd) by the police or Crown Prosecution Service, or where there is a not guilty verdict, we will continue to offer support to the victim and the alleged perpetrator for as long as is necessary. The fact that an allegation cannot be substantiated does not necessarily mean that it was unfounded. We will discuss any decisions with the victim in this light and continue to offer support in order for them to access their education. The alleged perpetrator is also likely to require ongoing support for what will have likely been a difficult experience.

#### 15. Ongoing response - Safeguarding and supporting the victim

We will:

- Consider the age and the developmental stage of the victim, the nature of the allegations and the potential risk of further abuse.
- Make certain the needs and wishes of the victim are paramount (along with protecting the student) in any response. It is important they feel in as much control of the process as is reasonably possible. Wherever possible, the victim, if they wish, should be able to continue in their normal routine.
- Overall, the priority should be to make the victim's daily experience as normal as possible, so that their school is a safe space for them.
- Make certain the victim is not made to feel they are the problem for making a report or made to feel ashamed for making a report.
- Consider the proportionality of the response. Support should be tailored on a case-by case basis. The support required regarding a one-off incident of sexualised name-calling is likely to be vastly different from that for a report of rape.
- Provide a physical space for victims to withdraw and avoid any action that would have the effect of isolating the victim, in particular from supportive peer groups
- It may be necessary for us to maintain arrangements to protect and support the victim for a long time. We will do our best to continue to support this need and will continue to work with trainees's social care and other agencies as

- required.
- Aim to do all we can to reasonably protect the victim from bullying and harassment as a result of any report they have made in accordance with our Bullying Policy and Behaviour Policy.
  - Give all the necessary support for the victim to remain in school, but if the trauma results in the victim being unable to do this, alternative provision or a move to another school or college should be considered to enable them to continue to receive suitable education. This should only be at the request of the victim (and following discussion with their parents or carers).

#### 16. Ongoing Considerations: Victim and alleged perpetrator sharing classes

Once we have decided what the next steps will be in terms of progressing the report, we will consider again the question of the victim and alleged perpetrator sharing classes and sharing space at school. This will inevitably involve complex and difficult professional decisions, including considering our duty to safeguard trainees 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 into a rape, assault by penetration or sexual assault, the alleged perpetrator should be removed from any classes they share with the victim. The College will also consider how best to keep the victim and alleged perpetrator a reasonable distance apart on College premises and on transport to and from College where appropriate. This is in the best interests of both trainees 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 trainees).

Where a criminal investigation into sexual assault leads to a conviction or caution, the school should, if it has not already, consider any suitable sanctions in light of our behaviour policy, including consideration of permanent exclusion. Where the perpetrator is going to remain at the 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 on school and college premises and transport. The nature of the conviction or caution and wishes of the victim will be especially important in determining how to proceed in such cases.

Reports of sexual assault and sexual harassment will, in some cases, may not lead to a report to the police (for a variety of reasons). In all cases of rape, assault by penetration, sexual assault or sexual harassment etc will be reported to the police. It must be noted that, in some cases, rape, assault by penetration, sexual assault or sexual harassment whilst are reported to the police, the case may not progress to an arrest.

In some cases when cases are reported to the police and go to court the result may not be a guilty verdict. None of this means the offence did not happen or that the victim lied. The process will have affected both victim and alleged perpetrator. Appropriate support should be provided to both as required and consideration given to sharing classes and potential contact as required on a case-by-case basis. In all cases, schools should record and be able to justify their decision making.

All of the above should be considered with the needs and wishes of the victim at the heart of the process (supported by parents and carers as required). Any arrangements should be kept under review.

### 17. Safeguarding and supporting the alleged perpetrator

The school needs to consider the following:

- On the one hand to safeguard the victim (and the wider student body) and on the other hand providing the alleged perpetrator with an education, safeguarding support as appropriate and implementing any disciplinary sanctions.
- Consider the age and the developmental stage of the alleged perpetrator and nature of the allegations. Any trainee will likely experience stress as a result of being the subject of allegations and/or negative reactions by their peers to the allegations against them.
- Consider the proportionality of the response. Support (and sanctions) should be considered on a case-by-case basis. Advice will be taken, as appropriate, from trainees's social care, specialist sexual violence services and the police.
- If it is the case that the alleged perpetrator is moved to another educational institution (for any reason), then we will ensure that the new educational institution is made aware of any ongoing support needs.

### 18. Discipline and the alleged perpetrator

With regard to the alleged perpetrator, we will act in accordance with our behaviour policy and discipline pupils whose conduct falls below the standard which could be reasonably expected of them. Disciplinary action can be taken whilst other investigations by the police and/or trainee's social care are ongoing. The fact that another body is investigating or has investigated an incident does not in itself prevent the College from coming to its own conclusion, on the balance of probabilities, about what happened, and imposing a penalty accordingly.

This is, however, a matter for the College and should be carefully considered on a case by-case basis. The school should consider if, by taking any action, they would prejudice an investigation and/or any subsequent prosecution. Careful liaison with the police and/or trainee's social care should help us as a school make a determination. It will also be important to consider whether there are circumstances that make it unreasonable or irrational for the school to reach their own view about what happened while an independent investigation is considering the same facts.

## 19. Discipline and support

Taking disciplinary action and still providing appropriate support are not mutually exclusive actions. They can, and should, occur at the same time if necessary.

On the one hand there is preventative or forward-looking action to safeguard the victim and/or the perpetrator, especially where there are concerns that the perpetrator themselves may have been a victim of abuse; and, on the other, there is disciplinary action to punish a perpetrator for their past conduct.

The school will be clear during the process as to which category any action they are taking falls or whether it is really both, and should ensure that the action complies with the law relating to each relevant category.

## 20. Working with parents and carers

The College will, in most instances, engage with both the victim's and the alleged perpetrator's parents or carers when there has been a report of sexual violence (this might not be necessary or proportional in the case of sexual harassment and should be considered on a case-by-case basis).

The exception to this rule is if there is a reason to believe informing a parent or carer will put a child at additional risk. The College will carefully consider what information they provide to the respective parents or carers about the other child involved and when they do so. In some cases, trainees' social care and/or the police will have a very clear view and it will be important for the school to work with relevant agencies to ensure a consistent approach is taken to information sharing.

It should be the case that the College will meet the victim's parents or carers with the victim present to discuss what arrangements are being put in place to safeguard the victim and understand their wishes in terms of support they may need and how the report will be progressed.

It is also likely we will meet with the alleged perpetrator's parents or carers to discuss any arrangements that are being put into place that impact the alleged perpetrator, such as, for example, moving them out of classes with the victim and what this means for their education. The reason behind any decisions will be explained. Support for the alleged perpetrator will be discussed. Consideration to the attendance of other agencies will be considered on a case-by-case basis.

We understand that parents and carers may well struggle to cope with a report that their child has been the victim of an assault or is alleged to have assaulted another child. Details of organisations that support parents are provided on the school website.

## 21. Safeguarding other trainees

Consideration should be given to supporting trainees 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 trainees will take “sides”. The College will do all we can to ensure both the victim and alleged perpetrator, and any witnesses, are not being bullied or harassed.

Social media is very likely to play a central role in the fall out 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 trainees using social media inappropriately will be sanctioned according to our Behaviour and Bullying policies.

## 22. What we do in school to educate our trainees against harmful sexual behaviours

We have a planned programme of evidence-based content delivered through the curriculum and assemblies. Our programme is developed to be age and stage of development appropriate, and tackles such issues 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; and
- addressing cultures of sexual harassment.

We also invite organisations and speakers in to deliver information sessions to our trainees and parents. We have information regarding sexual assault and violence on the safeguarding pages of our website which we update regularly according to lessons learned. We ensure DSLs have appropriate and regularly updated training and all staff are trained to recognise signs of safety and harmful sexual behaviours.

### **Legislation and Guidance**

#### *Legislation*

- KCSIE 2021
- Education Act 2002
- Section 5B of the FGM Act 2003 as inserted by section 74 of the Serious Crime Act 2015
- Sexual Offences Act 2003
- Children Act 2004
- Safeguarding Vulnerable Groups Act 2006



# Appendix 1: Flow chart

