



# CHILD-ON-CHILD ABUSE POLICY FOR SCHOOLS AND EDUCATION SERVICES

**September 2022**

|                                    |                                                                              |            |                                                                                       |
|------------------------------------|------------------------------------------------------------------------------|------------|---------------------------------------------------------------------------------------|
| Version                            | (V2) Replaces Peer on Peer Abuse Policy (V2) Sept 22                         |            |                                                                                       |
| Procedure Approved By:             | Senior Leadership Team                                                       |            |                                                                                       |
| Procedure Sign off by (Print Name) | Barbara Robinson<br>Chair of Governors                                       | Signature: |  |
| Date:                              | September 2022                                                               |            |                                                                                       |
| Review date:                       | September 2023<br>In conjunction with Safeguarding & Child Protection Policy |            |                                                                                       |

## Introduction

Bramingham Primary recognises that children are vulnerable to, and capable of, abusing their peers. We take such abuse as seriously as abuse perpetrated by an adult. This includes verbal abuse as well as physical and sexual abuse. Child-on-child abuse will not be tolerated or passed off as part of “banter” or part of “growing up”.

We are committed to a whole school approach to ensure the prevention, early identification and appropriate management of child-on-child abuse within our school and beyond.

Keeping Children Safe in Education (KCSIE), 2022 states that -

*‘All staff should be aware that children can abuse other children at any age (often referred to as child-on-child abuse). And that it can happen both inside and outside of school or college and online. It is important that all staff recognise the indicators and signs of abuse and know how to identify it and respond to reports’*

*‘All staff should be clear as to the school’s or college’s policy and procedures with regards to child-on-child abuse’*

In cases where child-on-child abuse or bullying is identified we will follow our child protection procedures, taking a contextual approach to support all children and young people who have been affected by the situation.

We recognise that child-on-child abuse can manifest itself in many ways such as:

- Bullying (including cyberbullying, prejudice-based and discriminatory bullying);
- Abuse in intimate personal relationships between peers;
- Physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm (this may include an online element which facilitates, threatens and/or encourages physical abuse);
- Sexual violence, such as rape, assault by penetration and sexual assault; (this may include an online element which facilitates, threatens and/or encourages sexual violence);
- Sexual harassment, such as sexual comments, remarks, jokes and online sexual harassment, which may be standalone or part of a broader pattern of abuse;
- Causing someone to engage in sexual activity without consent, such as forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party;
- Consensual and non-consensual sharing of nudes and semi nudes images and or videos (also known as sexting or youth produced sexual imagery);
- Upskirting, which typically involves taking a picture under a person’s clothing without their permission, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm; and
- Initiation/hazing type violence and rituals (this could include activities involving harassment, abuse or humiliation used as a way of initiating a person into a group and may also include an online element)

Some of these behaviours will need to be handled with reference to other policies in school such as the behaviour policy, anti- bullying policy, child protection policy and online safety policy.

This policy concentrates on child-on-child abuse in the context of sexual harassment and sexual violence. It is compliant with the statutory guidance on child-on-child abuse as set out in Keeping Children Safe in Education (September 2022) and should be read in conjunction with the Local

Safeguarding Children Board's (LSCB) Safeguarding Policy and Procedures, and any relevant Practice Guidance issued by it.

## **Policy Development**

The policy has been developed in consultation with the Senior Leadership Team.

## **Aims**

### **The policy will: -**

- Set out our strategies for preventing, identifying and managing child-on-child abuse
- Take a contextual approach to safeguarding all children and young people involved. Acknowledging that children who have allegedly abused their peers or displayed harmful sexual behaviour are themselves vulnerable and may have been abused by peer, parents or adults in the community.

## **Understanding Child-on-child abuse**

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

The impact of this behaviour on children can be very distressing and have an impact on academic achievement and emotional health and wellbeing.

Sexual harassment and sexual violence may also occur online and offline.

## **The Context**

All behaviour takes place on a spectrum. Understanding where a child's behaviour falls on a spectrum is essential to being able to respond appropriately to it.

In this policy we recognise the importance of distinguishing between problematic and abusive sexual behaviour (Harmful Sexual Behaviour HSB).

We are adopting the NSPCC definition of HSB as: -

*"Sexual behaviours expressed by children...that are developmentally inappropriate, may be harmful towards self or others, or be abusive towards another child...or adult."*

We will also use Simon Hackett's continuum model to demonstrate the range of sexual behaviours (Appendix 1).

## **Vulnerable groups**

We recognise that all children can be at risk, however we acknowledge that some groups are more vulnerable. This can include children or young people who:

- have experience of abuse within their family.
- are living with domestic violence.
- are young people in care.
- are children who go missing.

- are children with additional needs (SEN and/or disabilities).
- are children who identify or are perceived as LGBT and/or have other protected characteristics under the Equalities Act 2010.

Whilst research tells us girls are more frequently identified as being abused by their peers and, girls are more likely to experience unwanted sexual touching in schools, this is not confined to girls.

Boys are less likely to report intimate relationship abuse and may display other behaviour such as antisocial behaviour. Boys report high levels of victimisation in areas where they are affected by gangs. We recognise that both boys and girls experience child-on-child abuse, but they do so in gendered ways.

All staff should be aware of indicators, which may signal that children are at risk from, or are involved with serious violent crime. These may include:

- increased absence from school,
- a change in friendships or relationships with older individuals or groups,
- a significant decline in performance,
- signs of self-harm or a significant change in wellbeing,
- signs of assault or unexplained injuries.
- unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with, individuals associated with criminal networks or gangs.

## **Responding to Alleged Incidents**

### **Responding to reports of sexual violence and sexual harassment**

All reports of child-on-child abuse will be assessed on a case-by-case basis, with the designated safeguarding lead or their deputy taking a leading role using their professional judgement. Support will be sought from other agencies such as social care, or the police as required.

### **An assessment of an incident between peers should be completed and consider:**

- Chronological and developmental ages of everyone involved
- Difference in their power or authority in relation to age, race, gender, physical, emotional or intellectual vulnerability
- All alleged physical and verbal aspects of the behaviour and incident
- Whether the behaviour involved inappropriate sexual knowledge or motivation
- What was the degree of physical aggression, intimidation, threatening behaviour or bribery?
- The effect on the victim
- Any attempts to ensure the behaviour and incident is kept a secret
- The child or young person's motivation or reason for the behaviour, if they admit that it occurred
- Whether this was a one-off incident, or longer in duration

It is important to deal with a situation of peer abuse immediately and sensitively. It is necessary to gather the information as soon as possible to get the true facts. It is equally important to deal with it sensitively and think about the language used and the impact of that language on both the children and the parents when they become involved. Avoid language that may create a 'blame' culture and leave a child labelled.

Staff will talk to the children in a calm and consistent manner. Staff will not be prejudiced, judgmental, dismissive or irresponsible in dealing with such sensitive matters.

### **The immediate response to a report**

- The school or college will take all reports seriously and will reassure the victim that they will be supported and kept safe.
- All staff will be trained to manage a report.
- Staff will not promise confidentiality as the concern will need to be shared further (for example, with the designated safeguarding lead or social care) staff will however only share the report with those people who are necessary to progress it.
- It is important to explain that the law is in place to protect children and young people rather than criminalise them, and this should be explained in such a way that avoids alarming or distressing them.
- A written report will be made as soon after the discussion as possible, only recording the facts as presented by the child. These may be used as part of a statutory assessment if the case is escalated later.
- Assess the needs of the victim and child alleged to have caused harm.
- Where the report includes an online element the school or college will follow advice on searching, screening and confiscation. The staff will not view or forward images unless unavoidable and only if another member of staff (preferably the Designated Safeguarding Lead) is present.
- The Designated Safeguarding Lead will be informed as soon as possible and consider a referral to the police and social care.
- The Designated Safeguarding Lead must complete a risk assessment where sexual violence has occurred. This must be shared with Children's Social Care.

### **When recording sexualised behaviour, it is essential that:**

- Record as soon as possible, as you can quickly forget or confuse detail
- Be clear, explicit and non-avoidant, and avoid vague statements or euphemisms
- Follow the prompts on your safeguarding and child protection recording form/system
- Use proper names for body parts but record exactly any language or vocabulary used by the child.
- Use the child's exact words in quotation marks.
- Note where and when the incident happened and whether anyone else was around.

### **Gather the Facts**

Speak to all the young people involved separately and gain a statement of facts from them. Use consistent language and open questions for each account. Ask the young people to tell you what happened. Use open questions, 'where, when, why, who'. (What happened? Who observed the incident? What was seen? What was heard? Did anyone intervene?). Do not interrogate or ask leading questions.

### **Consider the Intent**

Has this been a deliberate or contrived situation for a young person to be able to harm another?

### **Decide on your next course of action**

## *Child-on-child abuse policy*

If you believe any young person to be at risk of significant harm you must report to the Designated Safeguarding Lead immediately; they will follow the school's Safeguarding and Child Protection Policy.

If Social Care and the police intend to pursue this further, they may ask to interview the young people in school or they may ask for parents to come to school to be spoken to. It is important to be prepared for every situation and the potential time it may take.

### **Informing parents/carers**

The best way to inform parents/carers is face to face. Although this may be time consuming, the nature of the incident and the type of harm/abuse a young person may be suffering can cause fear and anxiety to parents/carers whether their child is the child who was harmed or who harmed another.

Is the pupil 13+ and does not want to share with parents? Use the 'Gillick' test and the 'Fraser' guidelines.

<https://www.nspcc.org.uk/preventing-abuse/child-protection-system/legal-definition-child-rights-law/gillick-competency-fraser-guidelines/>

In all circumstances where the risk of harm to the child is evident, the school should encourage the young person to share the information with their parent/carer (they may be scared to tell parents/carers that they are being harmed in any way).

### **Anonymity**

As a matter of effective safeguarding practice, Bramingham Primary will do all we reasonably can to protect the anonymity of any children involved in any report of sexual violence or sexual harassment. Amongst other things, this will mean carefully considering, based on the nature of the report, which staff should know about the report and any support that will be put in place for the child/ren involved.

Following an incident, Bramingham Primary will also consider the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities. We will follow the principles described in [Childnet's cyberbullying guidance](#) when considering this.

### **Points to consider**

- What is the age of the children involved?
- How old are the young people involved in the incident and is there any age difference between those involved? In relation to sexual exploration, children under the age of 5, in particular 1-4 year olds who are learning toileting skills may show a particular interest in exploration at around this stage. This, however, should not be overlooked.
- The wishes of the victim and how they want to proceed.
- Any imbalance of power between the children.
- Where did the incident or incidents take place?
- Was the incident in an open, visible place to others? If so, was it observed? If not, is more supervision required within this particular area?
- What was the explanation by all children involved of what occurred?

- Can each of the young people give the same explanation of the incident and also what is the effect on the young people involved? Is the incident seen to be bullying for example (regular and repetitive)? Is the version of one young person different from another, and if so, why?
- What is each of the children's own understanding of what occurred? Do the young people know/understand what they are doing? E.g. do they have knowledge of body parts, of privacy and that it is inappropriate to touch?
- Is the young person's explanation in relation to something they may have heard or been learning about? Has that prompted the behaviour?
- Is the behaviour deliberate and contrived?
- Does the young person have understanding of the impact of their behaviour on the other person?
- importance of understanding intra familial harms and any necessary support for siblings following incidents.

### **Repetition**

Has the behaviour been repeated to an individual on more than one occasion? In the same way it must be considered has the behaviour persisted to an individual after the issue has already been discussed or dealt with and appropriately resolved?

### **Risk Assessment**

When there has been a report of sexual violence, the designated safeguarding lead (or a deputy) will make an immediate risk and needs' assessment. This will be shared with Children's Social Care. The risk and needs' assessment should consider:

- The victim, especially their protection and support.
- The child alleged to have caused harm; and
- All the other children (and, if appropriate, adult students and staff) at the school or college, especially any actions that are appropriate to protect them.
- The time and location of the incident, and any action required to make the location safer.

Risk assessments will be recorded electronically and stored on the child's record on CPOMS and be kept under review.

### **Follow up Actions**

#### **Children sharing a classroom:**

Whilst Bramingham Primary establishes the facts of the case and starts the process of liaising with children's social care and the police:

- The child alleged to have caused harm will be removed from any classes they share with the victim.
- We will consider how best to keep the victim and child alleged to have caused harm a reasonable distance apart on school or college premises and on transport to and from the school or college.

These actions are in the best interests of both children and should not be perceived to be a judgment on the guilt of the child alleged to have caused harm.

## **Options to manage the report**

### **Manage internally**

1. In some cases of sexual harassment, for example, one-off incidents, it may be appropriate to handle the incident internally, perhaps through utilising the behaviour and bullying policies and by providing pastoral support with the most appropriate person. This decision is considered on the outcome of contact with Children's Social Care and submission of a completed risk assessment.

This decision will be made based on the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated. All decisions, and discussions around making these decisions, will be recorded and stored on CPOMS and/or in a locked filing cabinet in the Co-headteachers office.

**Details of sanctions for the child alleged to have caused harm will not be shared with any other persons, other than those providing care for them. This is to maintain confidentiality and privacy for the child involved.**

2. In line with point 1 above, we may decide that the children 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 child's life. Providing early help is more effective in promoting the welfare of children than reacting later. Early help can be particularly useful to address non-violent harmful sexual behaviour and may prevent escalation of sexual violence. The Designated Safeguarding Lead will consult the local threshold document when deciding if Early Help is appropriate.
3. Where a child has been harmed, is at risk of harm, or is in immediate danger, we will make a referral to Children's Social Care following locally agreed protocols.

Where statutory assessments are appropriate, the Designated Safeguarding Lead or a deputy will be working alongside, and cooperating 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 child alleged to have caused harm and any other children that require support.

## **Reporting to the Police**

***Designated Safeguarding Leads have a responsibility to report all alleged crimes to the police.***

### **[When to call the Police](#)**

Bramingham Primary School will follow local processes for making safeguarding referrals.



## *Child-on-child abuse policy*

Where a report of rape, assault by penetration or sexual assault is made, this will be passed on to the police immediately. Whilst the age of criminal responsibility is ten, if the child alleged to have caused harm is under ten, the starting principle of reporting to the police remains. The police will take a welfare approach, rather than a criminal justice approach.

Children and Young People's Independent Sexual Violence Advisors (ChISVAs) provide emotional and practical support for victims of sexual violence. They are based within the specialist sexual violence sector and will help the victim understand what their options are and how the criminal justice process works if they have reported or are considering reporting to the police. ChISVAs will work in partnership with schools and colleges to ensure the best possible outcomes for the victim

Where a report has been made to the police, the school or college will consult the police and agree what information can be disclosed to staff and others, the child alleged to have caused harm and their parents or carers. They will also discuss the best way to protect the victim and their anonymity.

Where there is a criminal investigation, we will work closely with the relevant agencies to support all children involved (including potential witnesses). Where required, advice from the police will be sought in order to help us, such as management of bail conditions.

Whilst protecting children and/or taking any disciplinary measures against the child alleged to have caused harm, we will work closely with the police (and other agencies as required), to ensure any actions the school or college take do not jeopardise the police investigation.

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

If a child is convicted or receives a caution for a sexual offence, Bramingham Primary will update our risk assessment, ensuring relevant protections are in place for all children. We will consider any suitable action following our behaviour policy. If the child alleged to have caused harm remains at Bramingham Primary we will be very clear as to our expectations regarding the child alleged to have caused harm now they have been convicted or cautioned. This could include expectations regarding their behaviour and any restrictions we think are reasonable and proportionate about the child alleged to have caused harm's timetable.

Any conviction (even with legal anonymity reporting restrictions) is potentially going to generate interest among other pupils or students in the school or college. We will ensure all children involved are protected, especially from any bullying or harassment (including online).

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 child alleged to have caused harm 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. We will continue to support all parties in this instance.

***It is also important to note that by law, every child has the right to an education.***

## **Support for Children Affected by Sexual Assault**

What support children require depends on the individual. It may be that children wish to seek counselling or one to one support via a mentor. It may also be that they feel able to deal with the incident(s) on their own or with support of family and friends; in which case it is necessary that this young person continues to be monitored and offered support should they require it in the future. If the incidents are of a bullying nature, the young person may need support in improving peer groups/relationships with other young people, or some restorative justice work with all those involved may be required.

Other interventions that could be considered may target a whole class or year group. For example a speaker on online bullying, relationship abuse etc. It may be that through the continued curriculum of Relationship and Sex Education (from 2020), PSHE and SMSC that certain issues can be discussed and debated more frequently.

If the young person feels particularly vulnerable, it may be that a risk assessment can be put in place for them whilst in school so that they have someone named that they can talk to, support strategies for managing future issues and identified services to offer additional support.

Bramingham Primary understand that sexual assault can result in a range of health needs, including physical, mental, and sexual health problems and unwanted pregnancy. Any child or young person that has a health need arising from sexual assault or abuse can access specialist NHS support from a Sexual Assault Referral Centre (SARC). SARCs offer confidential and non-judgemental support to victims and survivors of sexual assault and abuse. They provide medical, practical, and emotional care and advice to all children and adults, regardless of when the incident occurred.

We will support the victim of sexual assault to remain in school but if they are unable to do so we will enable them to continue their education elsewhere. This decision will be made only at the request of the child and their family. If the child moves to another school, Bramingham Primary School will ensure the new school is aware of the ongoing support they may need. The most appropriate professional will support the move, identified at the time.

Where a criminal investigation into a rape or assault by penetration leads to a conviction or caution, we may take suitable action, if we 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 child alleged to have caused harm to remain in the same school or college would seriously harm the education or welfare of the victim (and potentially other pupils or students).

Where a criminal investigation into sexual assault leads to a conviction or caution, we may, if we have not already done so, consider any suitable sanctions using our behaviour policy, including consideration of permanent exclusion.

Where the child alleged to have caused harm is going to remain at Bramingham Primary we will aim to continue keeping the victim and child alleged to have caused harm in separate classes and continue to consider the most appropriate way to manage potential contact on school premises and transport. The nature of the conviction or caution and wishes of the victim will be especially important in determining how to proceed.

All the above will 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 will be kept under review.

**For the young person who has displayed harmful behaviour**

It is important to find out why the young person has behaved in such a way. It may be that the young person is experiencing their own difficulties and may even have been harmed themselves in a similar way. In such cases support such as one to one mentoring or counselling may also be necessary.

Specific support from identified services may be necessary through an early help referral and the young person may require additional support from family members.

Once the support required to meet the individual needs of the young person has been met, it is important that the young person receives a consequence for their behaviour, in line with the behaviour policy. This may be in the form of restorative justice e.g. making amends with the young person they have targeted if this has been some form of bullying. In the cases of sexually harmful behaviour, it may be a requirement for the young person to engage in one-to-one work with a particular service or agency (if a crime has been committed this may be through the police or youth offending service). If there is any form of criminal investigation ongoing it may be that this young person cannot be educated on site until the investigation has concluded. In which case, the young person will need to be provided with appropriate support and education elsewhere.

It may be that the behaviour that the young person has displayed may continue to pose a risk to others, in which case an individual risk assessment may be required. This should be completed via a multi- agency response to ensure that the needs of the young person and the risks towards others are measured by all agencies involved including the young person and their parents. This may mean additional supervision of the young person or protective strategies if the young person feels at risk of engaging in further inappropriate or harmful behaviour.

Bramingham Primary may also deem a sanction is appropriate as a consequence, such as exclusion or internal exclusion/inclusion/seclusion for a period of time to allow the young person to reflect on their behaviour. We are aware that school can be a significant protective factor for children who have displayed harmful behaviour, and continued access to school, with a comprehensive safeguarding management plan in place, is an important factor to consider before final decisions are made.

### **After care**

It is important that following the incident the young people involved continue to feel supported and receive help, even if they have stated that they are managing the incident. Sometimes the feelings of remorse, regret or unhappiness may occur at a much later stage than the incident. It is important to ensure that the young people do not engage in any further harmful behaviour either towards someone else or to themselves as a way of coping (e.g. self-harm). For this reason, regular reviews with the young people following the incident(s) are imperative.

Bramingham Primary will consider the support that children (and adult students) who have witnessed sexual violence, especially rape and assault by penetration, may require. Witnessing such an event is likely to be traumatic and support may be required. Following any report of sexual violence or sexual harassment, it is likely that some children will take "sides". We will do all we can to ensure all involved, including any witnesses, are not bullied or harassed.

### **Online Behaviour**

Many forms of child-on-child abuse have an element of online behaviour including behaviours such as cyberbullying and sexting.

Policies and procedures concerning this type of behaviour can be found the Safeguarding Policy, Behaviour Policy and ICT Acceptable Use (in revision)

## **Prevention**

Bramingham Primary actively seeks to raise awareness of and prevent all forms of child-on-child abuse by:

- Educating all Governors, Senior Leadership Team, staff and volunteers, pupils and parents about this issue. This will include training all Governors, Senior Leadership Team, staff and volunteers on the nature, prevalence and effect of child-on-child abuse, and how to prevent, identify and respond to it. This includes:
  - Contextual Safeguarding.
  - The identification and classification of specific behaviours.
  - The importance of taking seriously all forms of child-on-child abuse (no matter how low level they may appear) and ensuring that no form of child-on-child abuse is ever dismissed as horseplay or teasing.
  - Educating children about the nature and prevalence of child-on-child abuse via PSHE and the wider curriculum.
  - Pupils/Students are frequently told what to do if they witness or experience such abuse, the effect that it can have on those who experience it and the possible reasons for it, including vulnerability of those who inflict such abuse.
  - They are regularly informed about the School's approach to such issues, including its zero- tolerance policy towards all forms of child-on-child abuse.
  - Engaging parents on this issue by:
    - (a) talking about it with parents, both in groups and one to one;
    - (b) asking parents what they perceive to be the risks facing their child and how they would like to see the School address those risks; and
    - (c) involving parents in the review of School policies and lesson plans; and (d) Encouraging parents to hold the School to account on this issue.
  - Ensuring that all child-on-child abuse issues are fed back to the School's safeguarding team so that they can spot and address any concerning trends and identify pupils/students who maybe in need of additional support. This will also be discussed at weekly Senior Leadership Team meeting.
  - Challenging the attitudes that underlie such abuse (both inside and outside the classroom).
  - Working with Governors, Academy Trusts, Senior Leadership Team, all staff and volunteers, pupils/students and parents to address equality issues, to promote positive values, and to encourage a culture of tolerance and respect amongst all members of the School community.
  - Creating conditions in which our pupils/students can aspire to and realise safe and healthy relationships.
  - Creating a culture in which our pupils/students feel able to share their concerns openly, in a non-judgmental environment, and have them listened to.
  - Responding to cases of child-on-child abuse promptly and appropriately.

Appendix 1

Simon Hackett (2010) has proposed a continuum model to demonstrate the range of sexual behaviours presented by children and young people, from those that are normal, to those that are highly deviant:

<https://learning.nspcc.org.uk/media/1657/harmful-sexual-behaviour-framework.pdf>

| Normal                         | Inappropriate                                                                                        | Problematic                                                                                                                                                                | Abusive                                                                                                                                                                                        | Violent                                                                                                                                      |
|--------------------------------|------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Developmentally expected       | <ul style="list-style-type: none"><li>• Single instances of inappropriate sexual behaviour</li></ul> | <ul style="list-style-type: none"><li>• Problematic and concerning behaviours</li></ul>                                                                                    | <ul style="list-style-type: none"><li>• Victimising intent or outcome</li></ul>                                                                                                                | <ul style="list-style-type: none"><li>• Physically violent sexual abuse</li></ul>                                                            |
| Socially acceptable            | <ul style="list-style-type: none"><li>• Socially acceptable behaviour within peer group</li></ul>    | <ul style="list-style-type: none"><li>• Developmentally unusual and socially unexpected</li></ul>                                                                          | <ul style="list-style-type: none"><li>• Includes misuse of power</li></ul>                                                                                                                     | <ul style="list-style-type: none"><li>• Highly intrusive</li></ul>                                                                           |
| Consensual, mutual, reciprocal | <ul style="list-style-type: none"><li>• Context for behaviour may be inappropriate</li></ul>         | <ul style="list-style-type: none"><li>• No overt elements of victimisation</li></ul>                                                                                       | <ul style="list-style-type: none"><li>• Coercion and force to ensure victim compliance</li></ul>                                                                                               | <ul style="list-style-type: none"><li>• Instrumental violence which is physiologically and/or sexually arousing to the perpetrator</li></ul> |
| Shared decision making         | <ul style="list-style-type: none"><li>• Generally consensual and reciprocal</li></ul>                | <ul style="list-style-type: none"><li>• Consent issues may be unclear</li><li>• May lack reciprocity or equal power</li><li>• May include levels of compulsivity</li></ul> | <ul style="list-style-type: none"><li>• Intrusive</li><li>• Informed consent lacking, or not able to be freely given by victim</li><li>• May include elements of expressive violence</li></ul> | <ul style="list-style-type: none"><li>• Sadism</li></ul>                                                                                     |

<https://learning.nspcc.org.uk/media/1149/harmful-sexual-behaviour-framework-audit-tool.pdf>

## Appendix 2

### Support for Young People:

If you think that a child has been harmed or is being neglected, contact the MASH (Multi Agency Safeguarding Hub) on **01582 547653**, or out of hours 0300 300 8123.

The Police are also there to offer support and guidance to both alleged victims and children alleged to have caused harm, they can be contacted on 101.

- [Internet Watch Foundation](#) (to potentially remove illegal images)
- [NSPCC – Report Abuse in Education](#) helpline - 0800 136 663 or email [help@nspcc.org.uk](mailto:help@nspcc.org.uk)
- [The UK Safer Internet Centre](#) helpline - 0344 381 4772 or email [helpline@saferinternet.org.uk](mailto:helpline@saferinternet.org.uk)

### National charities:

#### [Victim Support](#)

A national charity dedicated to helping anyone affected by crime – not just victims and witnesses, but friends, family and anyone else caught up in the aftermath.

#### [Rape Crisis](#)

A national charity offering confidential help, advice and a range of Rape Crisis Centres around the UK.

#### [Galop](#)

A national charity providing advice and support to members of the LGBT community.

#### [Survivors UK](#)

A national charity supporting men who have been raped or sexually assaulted.

#### [Crimestoppers](#)

A national charity with a free helpline for reporting crime anonymously.

#### [Refuge](#)

Refuge supports women, children and men with a range of services, including refuges, independent advocacy, community outreach and culturally specific services.

#### [Women's Aid](#)

Women's Aid is a national charity working to end domestic abuse against women and children.

[Men's Advice Line: 0808 801 0327](tel:08088010327)

Confidential helpline for men experiencing domestic violence from a partner or ex-partner (or from other family members).

## Appendix 3

### Useful Publications and Websites

#### Government Publications

- [Keeping Children safe in Education](#)
- [Preventing youth violence and gang involvement](#)
- [Preventing and tackling bullying in schools](#)
- [DfE: Statutory guidance: Working together to safeguard children, 2018](#)
- [DfE: Searching, screening and confiscation at school, January 2018](#)
- [DfE: Statutory guidance Suspension and Permanent exclusion, Sept 2022](#)
- [DfE: Teaching Online Safety in Schools, June 2019](#)
- [DfE: Relationship Education and Relationship and Sex Education, Sept 21](#)
- [DfE: Behaviour in schools, Sept 2022](#)
- [DfE: Mental health and behaviour in schools, November 2018](#)
- [DfE: Cyberbullying: Advice for headteachers and school staff, November 2014](#) -
- [DfE: Sharing nudes and semi-nudes: advice for education settings, December 2020](#)
- [UKCIS: Tackling race and faith targeted bullying face to face and online, May 2017](#)
- [UKCIS: Education for a connected world, June 2020](#)
- [Gov.uk: Equality Act 2010: advice for schools, June 2018](#)

#### Other useful documents

- [LGFL 'Undressed'](#) -how to teach young children about being tricked into getting undressed online in a fun way without scaring them or explaining the motives of sex offenders
- [The Safeguarding Network – Child-on-child abuse](#)
- [Preventing abuse among children and young people-guidance from Stop it Now](#)
- [What is Age appropriate?](#)
- [Brook Traffic lights](#)
- [NSPCC-Harmful sexual behaviour](#)
- [NCB Harmful sexual behaviour](#)
- [NSPCC – Is this sexual abuse?](#)
- [Anti-Bullying Alliance guidance for school about sexual and sexist bullying](#)
- [Childnet - Project deSHAME- Digital Exploitation and Sexual Harassment Amongst Minors in Europe Understanding, Preventing, Responding](#)
- [Equality and Human Rights Commission: Public Sector Equality Duty Guidance for Schools in England](#)
- [Key messages from research on children and young people who display harmful sexual behaviour - CSA Centre](#)
- [NPCC- When to call the police](#)
- [West Midlands Procedures for Child-on-child abuse](#)

## **Appendix 4**

# **Child-on-Child Abuse**

## **Guidance**

**Please Note: This policy template remains current and in line with the statutory guidance contained within Keeping Children Safe in Education 2022 and Working Together to Safeguard Children 2018. Useful definitions can be found on page 4.**

### **What is Child-on-child Abuse?**

Unfortunately, child-on-child abuse can and does happen in a whole range of settings that children attend, however it often goes unseen. It might take place online, for example, or away from the school or setting. Therefore, training for professionals to help them recognise the signs, and know what to do, is essential. All children are capable of abusing their peers, and this is most likely to include, but may not be limited to:

- bullying (including cyber bullying);
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;
- sexual violence, such as rape, assault by penetration and sexual assault;
- sexual harassment, such as sexual comments, remarks, jokes and online sexual harassment, which may be stand-alone or part of a broader pattern of abuse;
- upskirting, which typically involves taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm;
- consensual and non-consensual sharing of nude and semi-nude images and/or videos also known as sexting or youth produced sexual imagery; and
- initiation/hazing type violence and rituals.

All schools need to include child-on-child abuse in their schools' policies and procedures and all staff need to be aware of these and ensure they are part of their everyday practice. It should be clear that child-on-child abuse will never be accepted or dismissed as 'children being children'.

Settings should not wait until an incident of child-on-child abuse happens before taking action. We expect any provider educating or caring for children to create an environment in which children and staff show respect for one another. They should know what language and behaviour are acceptable and what to do and who to speak to if they are worried or feel unsafe.

All settings should take a whole-establishment approach to keeping children safe. They should set expectations that violence and harassment of any kind will not be tolerated, support children to have a good understanding of consent and healthy relationships and provide immediate support for victims of abuse.

### **All schools need to consider:**

- Procedures to minimise the risk of child-on-child abuse
- What is in place to encourage/support/facilitate disclosures of child-on-child abuse



## *Child-on-child abuse policy*

- How allegations are recorded, investigated and dealt with
- Clear processes as to how victims, the child alleged to have caused harm and any other children affected will be supported
- Recognition of the gendered nature of child-on-child abuse but recognising that all forms of this behaviour are unacceptable and will be taken seriously

It is important that schools see this guidance and model template as a framework that will need to be adapted to fit the age and developmental stage and understanding of their pupil group.

### **Prevention**

As well as having strategies for dealing with incidents, schools and colleges should consider what they can do to foster healthy and respectful relationships between boys and girls including through Relationship and Health Education and Personal Social Health and Economic education. The most effective preventative education programme will be through a whole-school approach that prepares pupils for life in modern Britain. The school 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?
- Consent.
- Gender roles, stereotyping, and equality.
- Body confidence and self-esteem.
- Prejudiced behaviour.
- That sexual violence and sexual harassment is always wrong; and
- Addressing cultures of sexual harassment.

Schools often deliver this currently, through planned, high-quality, Sex and Relationship Education (SRE) and Personal, Social, Health and Economic (PSHE) education.

### **Additional considerations for schools**

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.

A younger child can, however, abuse an older child, particularly if they have power over them, for example if the older child is disabled or smaller in stature. Schools and colleges should ensure that their response to sexual violence and sexual harassment between children of the same sex is equally robust as it is for sexual violence and sexual harassment between children of the opposite sex.

A further consideration that must be made is that SRE should be considered on a 1:1 basis for children whom schools are aware have been sexually abused. This work should be delivered on a 1:1 basis prior to the whole class SRE sessions so that anything the child wishes to explore, given their own experiences, can be done safely and without fear of judgment.

### **A Whole School Policy**

While schools cover many aspects of child-on-child abuse in other policies such as the whole school behaviour policy, the anti-bullying policy and the online safety policy (cyberbullying and sexting) schools need to be robust and clear about their strategies around wider behaviours including sexist and sexual

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bullying, sexual harassment, sexual violence and how such behaviour will be managed and addressed. It is recommended that schools introduce a separate child-on-child abuse policy to fully encapsulate the management of such issues.

It's important that all schools and colleges familiarise themselves with the statutory guidance. Individual professionals should know, understand and, most importantly, use their school/college policy on child-on-child abuse to make sure that children are protected.

### **Multi-agency Approach**

Schools should actively engage with its local partners in relation to child-on-child abuse and work closely with Luton Borough Council children's social care, other schools, and/or other relevant agencies.

The relationships the school builds with these partners are essential to ensuring that the School is able to prevent, identify early and appropriately handle cases of child-on-child abuse. They help the School:

- (a) To develop a good awareness and understanding of the different referral pathways that operate in its local area, as well as the preventative and support services which exist.
- (b) To ensure that our pupils/students can access the range of services and support they need quickly.
- (c) To support and help inform our local community's response to child-on-child abuse.
- (d) To increase our awareness and understanding of any concerning trends and emerging risks in our local area to enable us to take preventative action to minimise the risk of these being experienced by our pupils/students.

School should actively refer concerns/allegations of child-on-child abuse where necessary to Luton Borough Council children's social care, and/or other relevant agencies. Children residing out of county but attending a Luton Borough Council school/academy must be referred to their home authority Social Care team. In cases involving children who are subject to risk, harm and abuse and who have LAC status, the children's social worker must be informed and a coordinated approach to address any incidents or concerns will be required.

Child-on-child abuse that involves sexual assault and violence must always result in a multi-agency response. As well as supporting and protecting the victim, professionals need to consider whether the child alleged to have caused harm could be a victim of abuse too. We know that children who develop harmful sexual behaviours have often experienced abuse and neglect themselves.

We need to make sure that the children affected are getting the help they need. A typical response will involve:

- children's social care
- the police
- any specialist services that support children who demonstrate harmful sexual behaviour
- the family
- any other professionals who know or have had contact with the child

If the children involved are in the same class, the school will need to consider carefully whether to separate them while the concerns are being investigated. In situations of alleged rape and assault by penetration, the statutory guidance is clear that the child alleged to have caused harm should always be removed from classes they share with the victim.

Schools and colleges need to consider how best to keep the victim and child alleged to have caused harm a reasonable distance apart while they are on the same premises, as well as on transport to and from school or college, where appropriate.

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The school will need to consider how long these measures should be in place, especially if any police investigation is inconclusive. Lack of a conviction is not the same as the allegation being unfounded. The school or college must continue to provide support to the victim and the child alleged to have caused harm for as long as necessary. Therefore, any separation arrangements must also be continued with for as long as is necessary to make sure the children are safe.

### **The importance of context**

Professionals also need to consider risks to other children. If there's an incident in a school, has this put other children at risk? Have other children witnessed the incident? Could any siblings of the child alleged to have caused harm be at risk? There may well be a need for a range of assessments and interventions for different children. A multi-agency approach is needed. No school or college can deal with this issue alone.

In addition, schools need to consider the potential vulnerabilities of the victims and any risks to them, including their potential abuse by others. Extra consideration should be given for pupils who may have additional vulnerabilities due to protected characteristics. Schools and colleges should consider how they are supporting their pupils with regard to their sex, sexuality, and if relevant, gender reassignment.

Schools and colleges should assess any potentially unsafe spaces on the premises, based on where incidents have occurred, and consider what can be done to make that environment safer.

It's equally important that schools and colleges think about children's safety outside of the school gates and any extra-familial risks. Things to consider include –

- Are they aware of any unsafe spaces in their local area?
- Do the children attend the same clubs or activities outside of school?
- Are schools and colleges aware of incidents of sexual harassment or violence involving children in the local park or other places where young people congregate?

Contextual information like this needs to be assessed and shared in a multiagency forum so risks can be fully assessed outside of the school.

### **Useful definitions**

#### **Sexual Harassment**

This can be defined as 'unwanted conduct of a sexual nature' that can occur online and offline. In the context of this guidance this means 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.

It 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.

#### **Sexting**

Sexting is when someone shares sexual, naked or semi-naked images or videos of themselves or others or sends sexually explicit messages. They can be sent using mobiles, tablets, smartphones, laptops - any device that allows you to share media and messages. This is also known as youth produced sexual imagery

The UK Council for Internet Safety (UKCIS) Education Group has published [Advice for Schools and Colleges on Responding to Sexting Incidents](#)

### **Upskirting**

This typically involves taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm. It is now a criminal offence and may constitute sexual harassment. Cases of 'up skirting' have a mandatory requirement for being reported.

### **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.

### **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, 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.

It is important to know that: -

- The age of consent is 16:
- A child under the age of 13 can never consent to any sexual activity;
- Sexual intercourse without consent is rape.

It is also important to differentiate between consensual sexual activity between children of a similar age and that which involves any power imbalance, coercion or exploitation. Due to their additional training, the designated safeguarding lead (or deputy) should be involved and leading the school or college response. If in any doubt, they should seek expert advice.

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

### **Harmful Sexual Behaviour (HSB)**

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". The term has been widely adopted in child protection and is used in this advice. Harmful sexual behaviour can occur online and/or offline and can also occur simultaneously between the two. Harmful sexual behaviour should be considered in a child protection context.

### **Initiation/hazing**

Hazing or initiation ceremonies refers to the practice of rituals, challenges, and other activities involving harassment, abuse or humiliation used as a way of initiating a person into a group. Hazing is seen in many different types of social groups, including gangs, sports teams and school groups. The initiation rituals can range from relatively low-level pranks, to protracted patterns of behaviour that rise to the level of abuse or criminal misconduct. Hazing may include physical or psychological abuse. It may also include nudity or sexual assault.

### **Contextual Safeguarding**

All staff, but especially the designated safeguarding lead (or deputy) should be considering the context within which incidents and/or behaviours occur. This is known as contextual safeguarding, which simply means assessments of children should consider whether wider environmental factors are present in a child's life that are a threat to their safety and/or welfare.

### **Legislation, guidance and Law**

- [Keeping children safe in education - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/keeping-children-safe-in-education)
- [Human Rights Act 1998](#)
- [Equalities Act 2010](#)

*Child-on-child abuse policy*

## **Appendix 5**

### **When to call the Police.**



# WHEN TO CALL THE POLICE

Guidance for schools & colleges

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# INTRODUCTION

## Who is this for?

This advice is for school and college staff with responsibility for behaviour management, including designated safeguarding leads (DSLs), their deputies, head teachers and senior leadership teams in schools and colleges in England.

## What does this advice cover?

This advice covers incidents on school and college premises where students have potentially committed a crime. It provides guidance on what schools and colleges should bear in mind when considering contacting the police. This advice covers the following situations:

- Assault
- Criminal damage
- Cyber crime
- Drugs
- Harassment
- Sexual offences
- Theft
- Weapons

This advice aims to support schools and college to make defensible decisions when considering whether to involve the police.

## Safeguarding incidents

This advice does not cover safeguarding incidents. Where a child is suffering, or is likely to suffer from harm, it is important that a referral to children's social care (and if appropriate the police) is made immediately. Referrals should follow the local referral process.

Chapter 1 of working together to safeguard children explains that the safeguarding partners should publish a threshold document that should include the criteria, including the level of need, for when a case should be referred to local authority children's social care for assessment and for statutory services under section 17 and 47 of the Children's Act 1989.

Local authorities, with their partners, should develop and publish local protocols for assessment. A local protocol should set out clear arrangements for how cases will be managed once a child is referred into local authority children's social care.

## Sexual offences

In the case of incidents involving sexual offences, schools and colleges should refer to local safeguarding protocols, alongside [Keeping children safe in education](#) and [Sexual violence and harassment between children in schools and colleges](#) guidance.

In cases involving youth produced sexual imagery – often called 'sexting' - schools and college may refer to the non-statutory [UKCCIS sexting in schools and colleges guidance](#).

## What is the status of this advice?

This advice has been produced by the National Police Chiefs' Council working alongside the Department for Education, Home Office and the PSHE Association.

This advice is non-statutory and should be read alongside the Department for Education's (DfE) keeping children safe in education statutory guidance

and non-statutory searching, Screening and Confiscation advice for schools.

## Police assistance is required

All other non-emergency incidents should be reported using 101 or online reporting methods, or through existing arrangements, for example, to a safer schools officer. The call will be logged by an operator and depending on the nature of the incident the appropriate response made.

Contact with police should ideally be made by a single point of contact from the school. This may be the headteacher or the designated safeguarding lead. Every school and college should have a designated safeguarding lead who will provide support to staff to carry out their safeguarding duties and who will liaise closely with other services such as children's social care. The designated safeguarding lead (and any deputies) are most likely to have a complete picture of safeguarding and be the most appropriate person to advise on the response to safeguarding concerns.

Having a single point of contact between a school or college and the police helps increase consistency in referrals.

## Contacting the police

In an emergency dial 999. This should be used if:

- There is a danger to life or
- Risk of serious injury or
- A serious crime is in progress or about to happen.

Any member of staff witnessing such an incident should be empowered to dial 999 as they will be able to give the most accurate account of the incident.





## Making a decision to involve the police

When an incident occurs in which a crime has or may have been committed, the school or college need to consider whether to involve the police. Many incidents can be dealt with and resolved internally. The school or college behaviour policy will give guidance on how to deal with and record such incidents.

This guidance document outlines the factors which school or college leaders should consider when deciding to involve the police. These considerations would inform whether the police would expect and need to be involved.

All concerns, discussions and decisions made, and the reasons for those decisions, should be recorded in writing. If in doubt about recording requirements, staff should discuss with the designated safeguarding lead (or deputy).

## Things to consider

In making a decision to involve the police it is important that the school or college ensure a balance is struck between the needs of the students involved and the needs of other students and the wider school or college community.

It is not always clear initially who is involved in an incident and in what capacity. The victim in any incident should be supported and protected as a priority. Those suspected of being the offender will also need to be supported. There will often be significant circumstances in a young person's life that are contributing factors to an incident and it is important that they are taken into consideration.

The seriousness of the incident will be a judgement call for the school or college. In making this decision the level of harm and the circumstances leading to the incident would need to be carefully considered.

Any aggravating factors which contribute to making the incident and subsequent level of harm more serious would be relevant in making a decision on whether or not to involve the police.

Ideally the decision as to whether the school or college deal with an incident internally or pass it over to the police needs to be made at the initial stage, by gathering only enough information to establish the facts of the case.

The school or college should be aware that they may not be aware of all circumstances leading to or connected to the incident i.e. students behaviour or involvement outside school or within their family. Contacting the police or other agencies may allow a further picture to be obtained, which assists in making informed decisions.

When the decision is made that the school or college will deal with the incident internally, it remains the responsibility of the school or college to investigate and resolve it in accordance with their behaviour policy. Parental cooperation should be maintained throughout and the incident and actions recorded.

The designated safeguarding lead (or a deputy) should be leading the school or college's response and should be aware of the local process for referrals to children's social care and making referrals to the police.

Schools and colleges should be aware that if a referral is made to children's social care, this may result in a subsequent referral to the police.

Many schools and colleges have close relationships with their local police force and many police forces have a permanent or semi-permanent police presence in schools and colleges. The designated safeguarding lead (or deputy) should be liaising closely with the local police when an incident in which a crime may have been committed occurs.

## Vulnerable young people

All staff should be prepared to identify children and young people who may benefit from early help. Early help means providing support as soon as a problem emerges at any point in a young person's life, from the foundation years through to the teenage years.

Some areas of vulnerability are highlighted below, but should not be seen as a comprehensive list. It's important to note that most children and young people with vulnerabilities do not commit offences.

However, the challenges that children and young people with vulnerabilities are facing can sometimes contribute to behaviour which may lead them to unwittingly commit offences.

All school and college staff should be particularly alert to the potential need for early help for a child or young person who:

- is disabled and has specific additional needs
- has special educational needs (whether or not they have a statutory education, health and care plan)
- is a young carer
- is showing signs of being drawn in to anti-social or criminal behaviour, including gang involvement and association with organised crime groups
- is frequently missing/goes missing from care or from home
- is at risk of modern slavery, trafficking or exploitation
- is at risk of being radicalised or exploited
- is in a family circumstance presenting challenges for the child, such as drug and alcohol misuse, adult mental health issues and domestic abuse
- is misusing drugs or alcohol themselves
- has returned home to their family from care
- is a privately fostered child
- is a child in care
- has experienced recent trauma ie bereavement



## Crimes reported to the police

When the decision is made to report an incident to the police for investigation, due to the seriousness of the incident or for other aggravating circumstances, the school or college should cease their own investigation, having asked only enough questions to establish the basic facts of the incident. Every effort should be made by the school or college to preserve any relevant evidence.

Initial enquiries undertaken by the school or college should be fully documented as they may be required if the matter goes to court. This includes recording questions asked to young people and their replies.

Where a crime is reported to the police, it will be recorded as a crime and an investigation will commence.

Whilst the age of criminal responsibility is ten, if the alleged perpetrator of a crime is under ten, it may still be necessary to involve the police. The police will take a welfare approach in these cases rather than a criminal justice approach.

## Arresting on school or college premises

Arresting on school or college premises should be avoided unless the seriousness and urgency of an incident deems the arrest absolutely necessary. The head teacher should always be made aware of the situation and the arrest should be conducted as discreetly as possible.

In any incident where a crime may have occurred schools and colleges should consider:

- The seriousness of the incident. Whether an incident is 'serious' will be a matter of judgement and will depend on the type of incident.
- Whether there are any aggravating factors. These factors increase the level of risk, or highlight the need for a wider investigation and the need for the involvement of a range of agencies as well as the police
- Whether the young people involved have any vulnerabilities.
- Whether this could be part of a pattern of behaviour also occurring in the community, in which case the police will want to be involved.

The context of the offence is really important and the school or college are in the best position to gather together all the relevant information prior to making a decision whether or not to report to the police. The decision and the rationale behind it should both be recorded.

## What are hate or prejudice based incidents?

Hate incidents and hate crimes are acts of violence or hostility directed at people because of who they are or who someone perceives them to be. The police and Crown Prosecution Service have agreed a common definition of hate incidents.

An incident is considered a hate incident when the victim or anyone else believes that the incident was motivated by hostility or prejudice based on one of the following things:

- disability
- race
- religion
- transgender identity
- sexual orientation

If you believe something is a hate or prejudiced based incident it should be recorded as such by the person you are reporting it to. All police forces record hate incidents based on these five personal characteristics.

## When is a hate or prejudice incident also a hate crime?

When hate incidents become criminal offences they are known as hate crimes. Any criminal offence is a hate crime if it is motivated by hostility or prejudice based on disability, race, religion, transgender identity or sexual orientation.



## GUIDANCE

The following guide outlines questions schools or colleges should ask for different types of incidents and possible aggravating offence factors to be considered. The context of the offence should always be taken into consideration and the vulnerabilities previously outlined taken into account.

### Assault – see flowchart

**An act which intentionally or recklessly causes violence to another.**

The school or college should first establish:

#### Are there any injuries?

If there are any suspected broken bones or significant injuries then seek medical help first, then call the police on 101.

If no significant injuries are apparent consider:

- What has happened?
- Who is involved?
- Is there any history between the individuals involved?
- Are there any safeguarding concerns? If YES — Refer to Keeping children safe in education and follow local safeguarding protocols

#### Are there any aggravating factors?

- Is there a significant age gap between the individuals involved, ie more than a year apart?
- Is there any evidence of injuries?
- Is there evidence of escalating behaviour? Or previous incidents of a similar nature?
- What is the impact on the victim?
- What are the victim's wishes?
- Are there any hate elements?
- Is the assault gang-related?
- Were weapons involved? (see weapons flow chart for the definition of a weapon)

### Criminal damage including arson – see flowchart

**To destroy or damage property belonging to another either intending to do so or being reckless as to whether damage is caused.**

The school or college should be able to deal with most incidents of criminal damage.

#### What has happened and who is involved? Are there any aggravating factors?

Schools or colleges will need to decide whether to involve the police by establishing:

- Is the damage of a high value? (What constitutes high value is a professional judgement call for the school)
- Is there evidence of escalating behaviour? Or previous incidents of a similar nature?
- Have any threats or violence been used in the course of the damage?
- What is the impact on the victim?
- What are the victim's wishes?
- Is there a hate element?

Schools or colleges may decide that the presence of aggravating factors requires the police to be involved.

### Cybercrime – see flowchart

**Cybercrime is criminal activity committed using computers and/or the internet. It can involve malicious attacks on computer software, including:**

- Breaking IT rules
- Unauthorised access to computers
- Denial of Service or other computer interference and impairment

- Acts causing serious damage to or loss of data
- 'Hacking'
- Cheating at online gaming

This guidance has a focus on offences committed by young people rather than external cybercrime and cyber security. Further guidance can be found at [www.ncsc.gov.uk](http://www.ncsc.gov.uk)

The school or college should first establish:

- What has happened?
- Who is involved?
- Is this part of a pattern of behaviour?
- Are there any safeguarding concerns? If YES — Refer to Keeping children safe in education – (link) and follow local safeguarding protocols

#### Are there any aggravating factors?

- Did this incident cause any disruption to the school? eg. loss of access to website and online learning platforms or school communication networks disrupted.
- Did the school suffer a loss of data or corruption of files?
- Did the school suffer loss of teaching time resulting in an impact on other students?
- Is there a hate element?
- Have they expressed any ideological motivation or reason for their actions?
- Is there evidence of escalating behaviour? Or previous incidents of a similar nature?
- Is the behaviour related to gang activity or an Organised Crime Group?
- Do the young people involved have any additional relevant vulnerabilities? This could include:
  - Neurodiversity including Autistic Spectrum Disorder
  - Mental health concerns
  - Living in a chaotic or dysfunctional household or one in which their skills are not likely to be fostered at home
  - In a household with inappropriate ideological influences

- Gang or Organised Crime Group associations
- Socially isolated

## Cyber Choices Program

Wherever possible, students should be referred into the Cyber Choices Program. This initiative is aimed at 12-18 year olds supported by the National Crime Agency and the Home Office, together with regional and local police force cyber specialists.

The objective of the program is to encourage students to use their cyber skills positively by highlighting alternative opportunities, along with providing victim awareness and deterrents, such as the potential penalties for continuing along the cybercriminal pathway.

## Drugs – see flowchart

**Possession:** It is an offence for any person to unlawfully have a controlled drug in their possession.

**Supply:** It is an offence to either supply, be concerned in the supply, offer to supply or be concerned in making an offer to supply a controlled drug.

The school or college should first establish:

### What has happened?

- Have drugs been found?
- Who is involved?
- Are there suspicions of drug dealing?

### If drugs are found

- Is it on school or college premises?
- Seize the substance — it is legal to possess an illegal substance in order to prevent an offence being committed and then destroy it, or hand it to the police.

- If the substance needs to be kept pending police collection, then it should be securely stored in the school safe.
- Schools and colleges are allowed to dispose of substances. If this action is taken, a witness must be present and the action recorded.

### If a student is under the influence of a substance

- If a student is suspected of being under the influence of drugs or alcohol on its premises, the school or college must prioritise the safety of the young person and those around them. If necessary it should be dealt with as a medical emergency, administering first aid and summoning appropriate support. Depending on the circumstances, parents or the police may need to be contacted.
- If the student is seen to be at risk the school or college's safeguarding policy will come into effect and social services may need to be contacted.
- If the student is taken to hospital in an ambulance or receives medical attention at a hospital, parents and carers and the police must be informed. As the student has been placed at significant risk or harm, the police will need to investigate potential offences in relation to the misuse or illegal taking of substances.

### A student suspected to be in possession of drugs

- Ask the student to turn out their pockets and bags. Given the circumstance, the designated member of staff is permitted to use reasonable force when conducting a search. However, if a pupil is not compliant or a more personal search is required, consider calling the police to conduct the search.
- The student should be supervised at all times to ensure they have no opportunity to dispose of any substance.
- Ensure that a second adult witness is present throughout and that any action taken is recorded.
- If a substance is found – seize substance – it is legal to possess an illegal substance in order to prevent an offence being committed and then destroy it or hand it to the police. If the substance needs to be kept pending police collection, it should be stored in the school or college safe. Seal the sample in a plastic bag and include

details of the date and time of the seizure/find and witness present.

- Schools and colleges are allowed to dispose of substances. If this action is taken, a witness must be present and the action recorded.
- If a small quantity is found, a school or college can manage the incident in line with their drug policy – consider a referral to a local young person drug service for support and intervention.

The law does not require a school or college to divulge to the police the name of the pupil from whom the drugs were taken but it is advisable to do so;

- Record full details of the incident, including the police incident reference number;
- inform parents/carers, unless this is not in the best interests of the student;
- identify any safeguarding concerns and develop a support and disciplinary response.

### Are there any aggravating factors?

- What age are the students involved?
- Is there a large amount or the substance prepared for dealing?
- Are there signs and symptoms of problematic drug use e.g. change of appearance/behaviour?
- Is there any indication of links to gangs or county lines?

### If there are rumours of drug use within the school or college

School and college staff are best placed to decide on the most appropriate response to tackling drugs within their school. This is most effective when:

- It is supported by the whole school or college community; with a current schools drugs and alcohol policy in place



- Drug education is part of a well-planned programme of PSHE education delivered in a supportive environment, where students are aware of the school or college rules, feel able to engage in open discussion and feel confident about asking for help if necessary;
- Staff have access to high quality training and support

### Involving the police

It is essential to work in partnership with local officers for support and advice and where required, operational intervention.

### Drug Dogs and Drug Testing

The National Police Chief's Council does not recommend that drug dogs and drug testing should be used for searches where there is no evidence of the presence of drugs on school or college premises.

### Prevention

Schools and colleges should ensure that students have access to and knowledge of up-to-date information on sources of help.

This includes local and national helplines (including FRANK for drugs, NHS Smoking Services for tobacco and Drinkline for alcohol), youth and community services and drug services. These sources can be used as part of, or in addition to, the school or college's own drug and alcohol education.

When evaluating the behaviour and safety of students under the Ofsted inspection framework, inspectors will consider student's ability to assess and manage risk appropriately and to keep themselves safe. In supplementary PSHE guidance for subject survey visits, students awareness of the dangers of

substance misuse is included in the criteria for inspectors when grading the quality of PSHE delivery.

### Behaviour Management

Any response to drug-related incidents must balance the needs of the individual students with the wider school and college community. In deciding what action to take, schools and colleges should follow their own disciplinary procedures.

Exclusion should not be the automatic response to a drug incident and permanent exclusion should only be used in serious cases. More detail on excluding students can be found in the [DfE exclusion guidance](#).

Drug use can be a symptom of other problems and schools and colleges should be ready to involve or refer students to other services when needed. It is important that schools and colleges are aware of the relevant youth and family support services available in their local area.

Sources of advice and local services should be listed in the school or college drug policy for reference. The senior member of staff responsible for drugs should have established relationships with local agencies to understand what support is available.

Schools and colleges can have a key role in identifying students at risk of drug misuse. The process of identifying needs should aim to distinguish between students who require general information and education, those who could benefit from targeted prevention, and those who require a detailed needs assessment and more intensive support.

## Harassment – see flowchart

Causing alarm or distress to another on more than one occasion, which they either know or should have known would amount to harassment of the other.

Harassment can include repeated attempts to impose unwanted communications and contact upon a victim in a manner that could be expected to cause distress or fear in any reasonable person.

- What has happened?
- Who is involved?
- What is the nature of previous incidents?
- Are there any safeguarding concerns? If YES — Refer to [Keeping children safe in education](#) and follow local safeguarding protocols

### Are there any aggravating factors?

- Is there evidence of escalating behaviour?
- Are there any on line elements?
- Is it sexual harassment? If YES – refer to [Sexual harassment guidance](#)
- Are there any hate elements?
- What is the impact on the victim?
- What are the victims' wishes?



## Theft – see flowchart

A person is guilty of theft if they dishonestly appropriate property belonging to another with the intention of permanently depriving the other of it.

Schools and colleges should take steps to establish what has happened and who is involved. The school or college would normally deal with such an incident internally unless there were aggravating factors present.

The following questions will support the school or college in the decision making process.

### Are there any aggravating factors?

- Is the stolen goods of a high value? The definition of high value here is a professional judgment call to be made by the school
- Is there evidence of escalating behaviour? Or previous incidents of a similar nature?
- Have any threats or violence been used in the course of the theft?
  - What is the impact on the victim?
  - What are the victim's wishes?
  - Is there a hate element?

## Weapons – see flowchart

**An offensive weapon is any article which is made, intended or adapted to cause injury. Offensive weapon can be broken down into two categories:**

a) Those that are made as an offensive weapon (e.g. knuckle-duster, dagger, gun) or adapted (e.g. broken bottle) for use for causing injury to the person; and

b) Weapons not made or adapted as an offensive weapon (e.g. kitchen knife, spanner, hammer) but intended by the person having in possession of it to cause injury to another

Possession of a weapon, particularly a knife on school or college premises is often an indicator of vulnerabilities for the young person concerned and therefore a multi-agency approach is important, instigated by a police referral. The school or college should not be expected to manage the situation in isolation.

School staff do have the power to search for weapons, using force as is reasonable in the circumstances. It is important that staff do not put themselves at risk.

### Offences

Section 139A of the Criminal Justice Act 1988 creates the offence of possessing an article with a blade or sharp point or an offensive weapon on school premises.

Section 1 of the Prevention of Crime Act 1953 prohibits the possession in any public place of an offensive weapon without lawful authority or excuse.

Section 139 of the Criminal Justice Act 1988 prohibits having with you, in a public place any article which has a blade or is sharply pointed, (including a folding pocket knife if the cutting edge of its blade exceeds 7.62cm/3 inches)

139A(1) Any person who has an article to which section 139 of this Act applies with him on school premises shall be guilty of an offence.

139A(2) Any person who has an offensive weapon within the meaning of section 1 of the Prevention of Crime Act 1953 with him on school premises shall be guilty of an offence.

### Defences

139A(3) It shall be a defence for a person charged with an offence under subsection (1) or (2) above to prove that he had good reason or lawful authority for having the article or weapon with him on the premises in question.

139A(4) Without prejudice to the generality of subsection (3) above, it shall be a defence for a person charged with an offence under subsection (1) or (2) above to prove that he had the article or weapon in question with him:-  
(a) For use at work, (b) for educational purposes, (c) for religious reasons, or (d) as part of any national costume.

### BB guns (plastic pellet guns)

The possession of these types of guns under legislation is not an offence as they are deemed to be toys. However, if from a school or college's perspective they breach school rules, they could be seized and retained under the Education Act.

If an item is found which is suspected to be a gun,

and it cannot be ascertained whether it is a genuine firearm or a BB gun, it should always be treated as a firearm and the police called to make that decision. Possession of these items becomes an offence when a person is misled into believing they are genuine firearms in order to provoke fear; the BB gun may then be classed as an imitation firearm. Circumstances giving rise to this belief may include use:



1. in connection with a robbery
2. To threaten someone
3. As a weapon to assault someone, e.g. pellet injures

### Contacting the police

The presumption would be to contact the police unless in exceptional circumstances where there is a reasonable explanation or set of circumstance where it is obvious that a weapon or prohibited article has been brought into school or college as a genuine mistake.

The weapon should be seized and stored securely by the school.

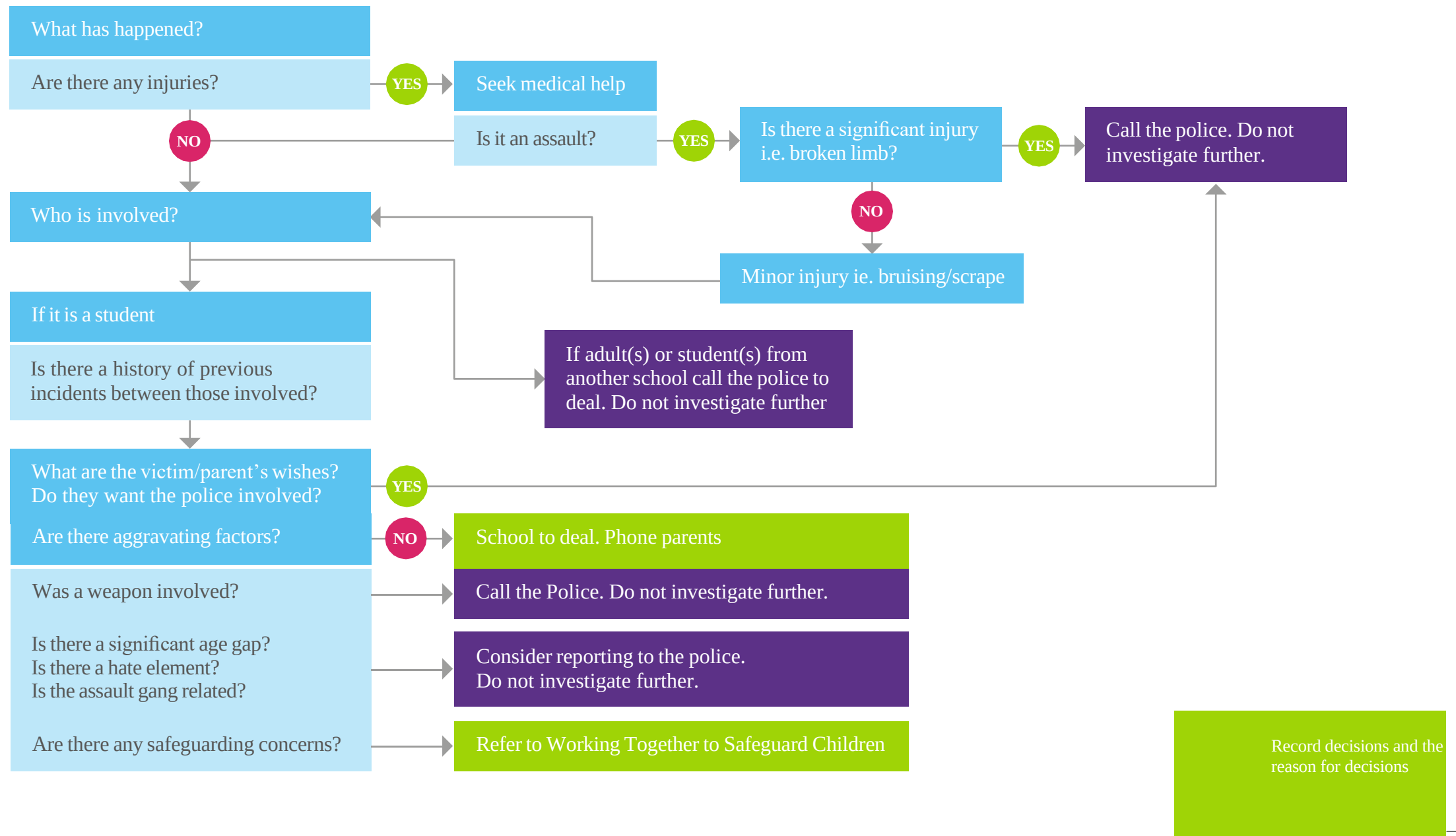
- Head teachers and staff authorised by them have the power to search students for offensive weapons, with their consent. They also have statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have an offensive weapon. Further information can be found [here](#)

### Aggravating factors

Therefore as the police will be involved in most situations where a weapon is involved, the full circumstances relating to the incident will be investigated.

# ASSAULTS

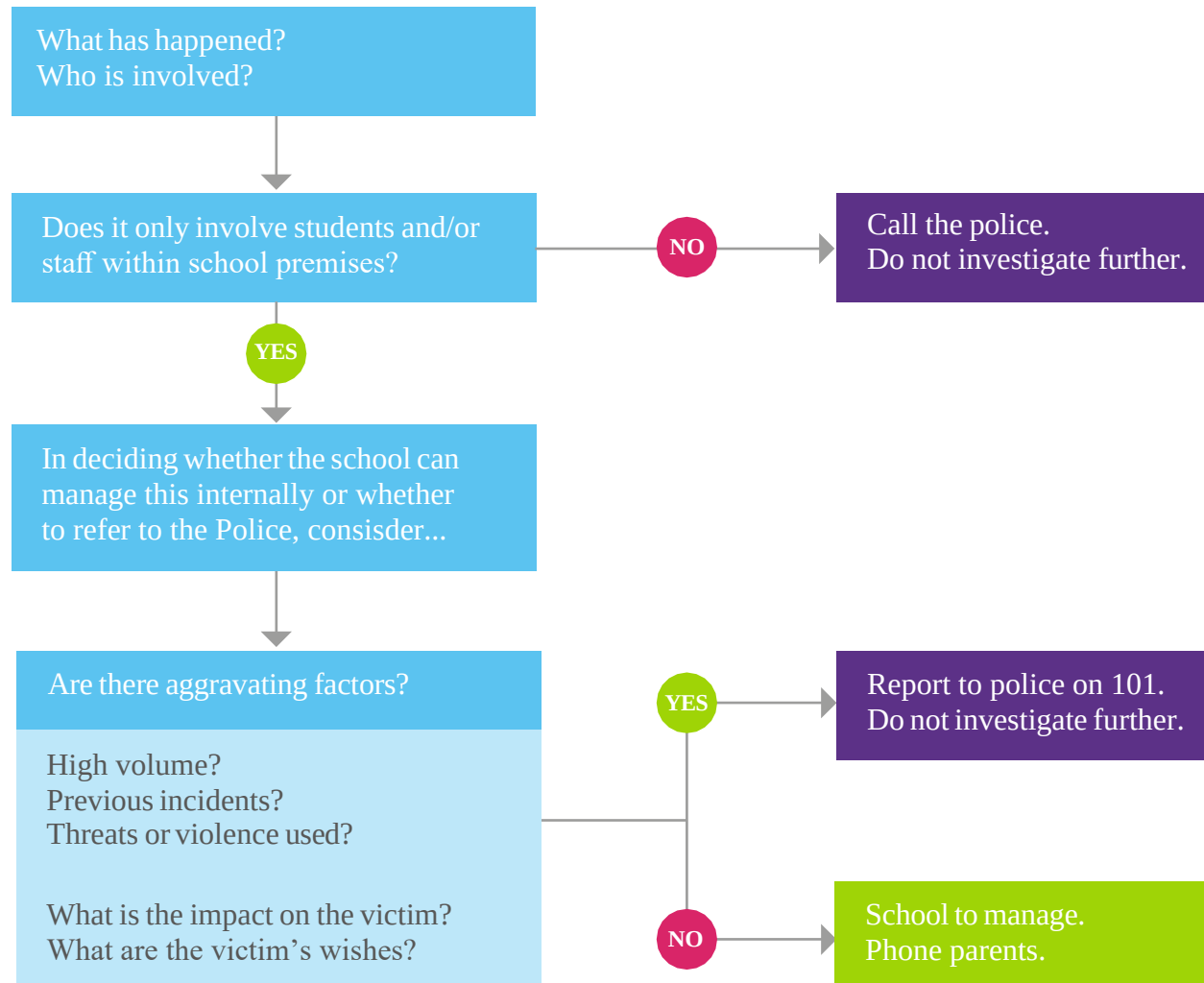
**Definition:** It is an act which intentionally or recklessly causes violence to another





## CRIMINAL DAMAGE (includes Arson)

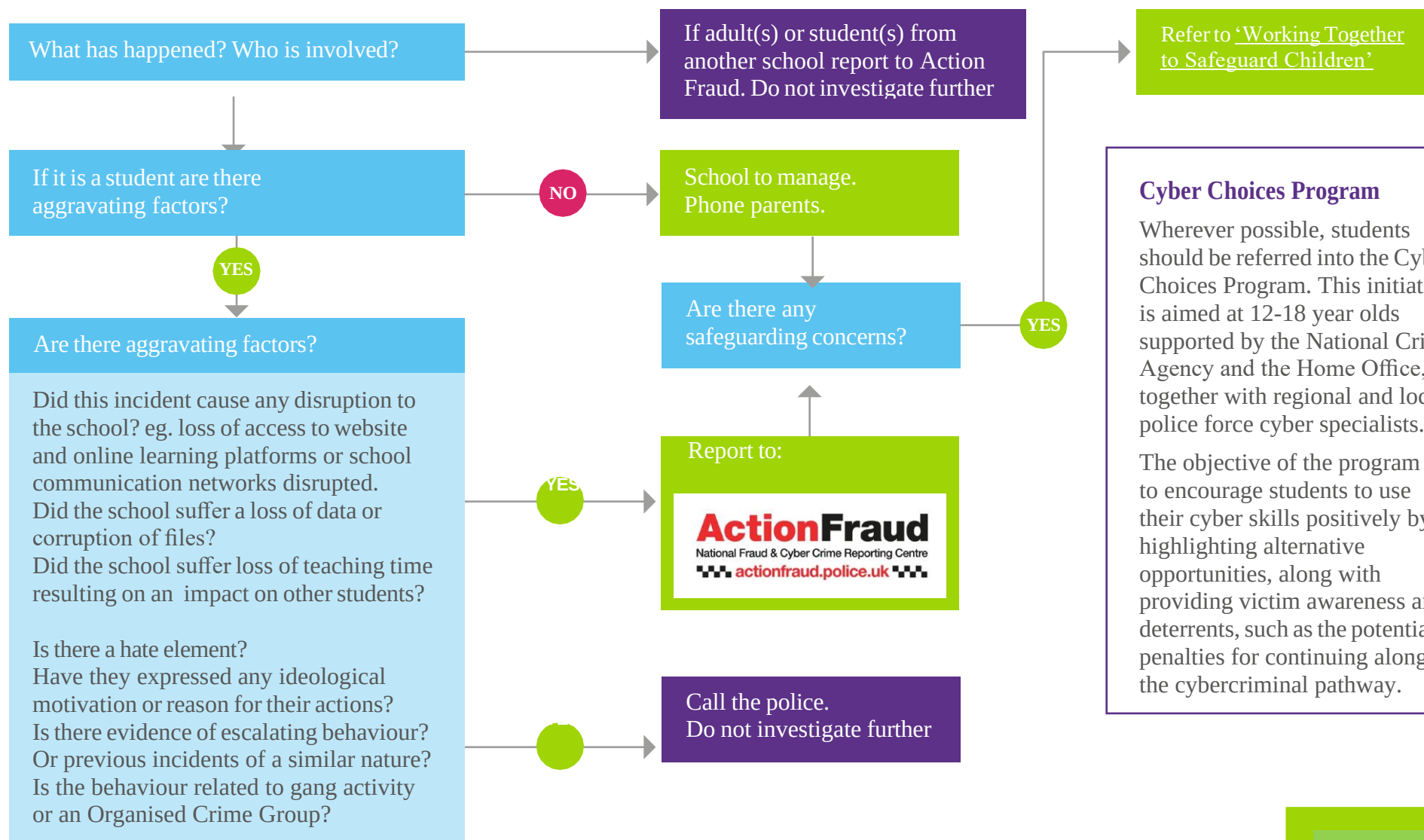
**Definition:** Criminal damage is the intentional and malicious damage to property or vehicles, including graffiti, or being reckless as to whether damage is caused. Arson is the act of deliberately setting fire to property, including buildings and vehicles.



Record decisions  
and the reasons  
for decisions

# CYBER CRIME

**Definition:** Cyber Dependent Activity includes: Unauthorised access to computers, Denial of Service or other computer interference and impairment, Acts causing serious damage to or loss of data, 'Hacking'.



## Cyber Choices Program

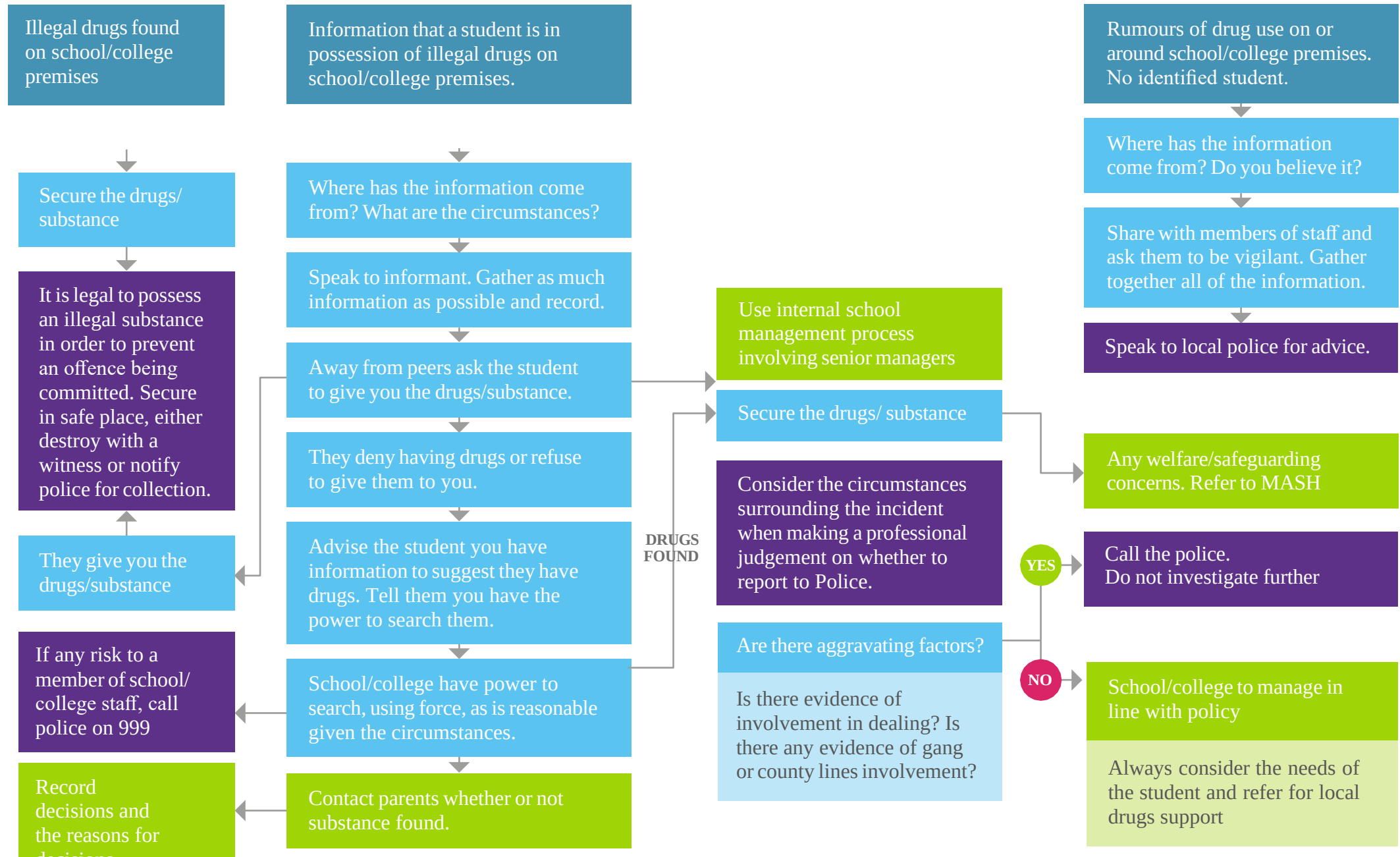
Wherever possible, students should be referred into the Cyber Choices Program. This initiative is aimed at 12-18 year olds supported by the National Crime Agency and the Home Office, together with regional and local police force cyber specialists.

The objective of the program is to encourage students to use their cyber skills positively by highlighting alternative opportunities, along with providing victim awareness and deterrents, such as the potential penalties for continuing along the cybercriminal pathway.

Record decisions and the reasons for decisions

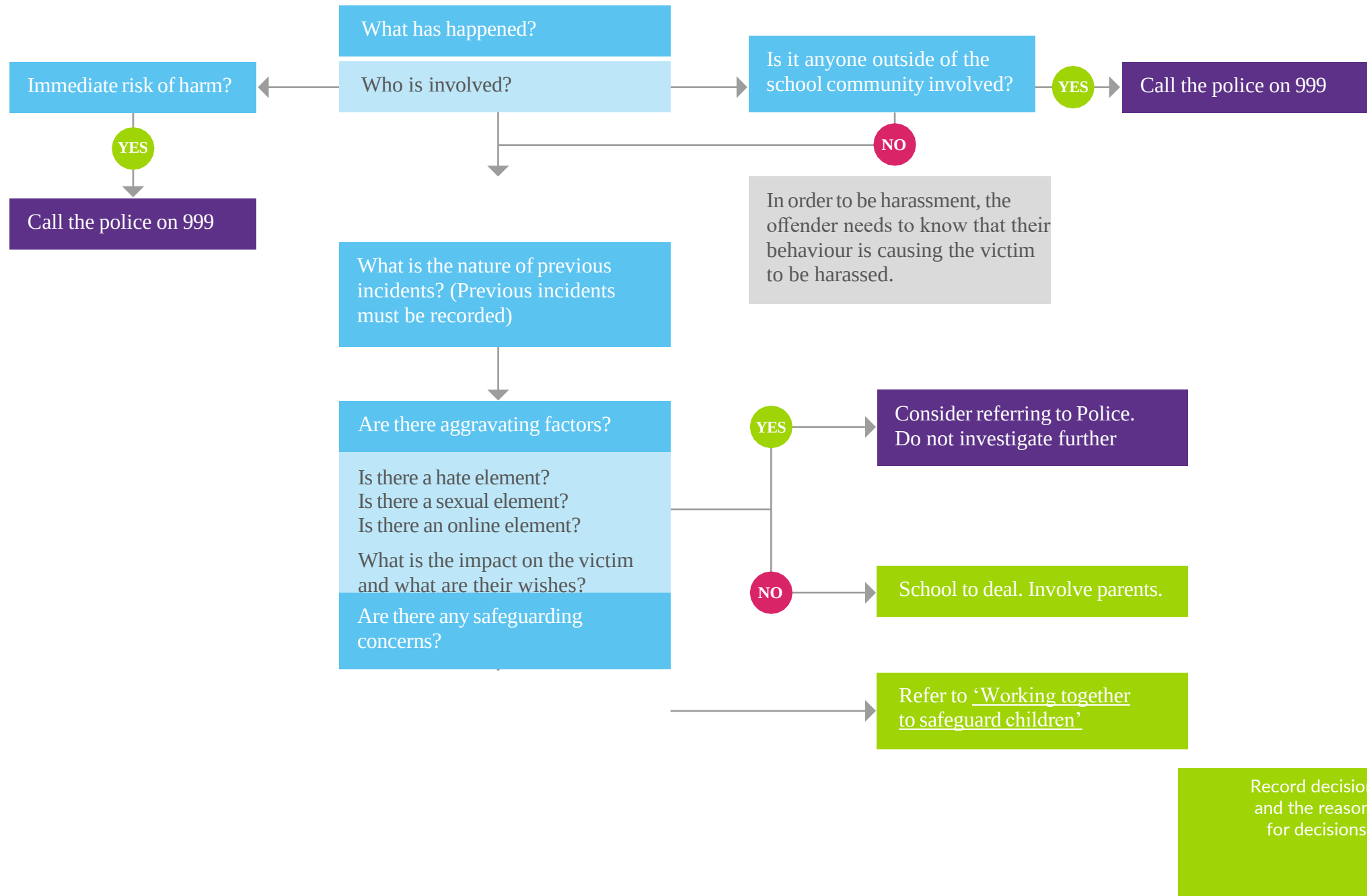
# ILLEGAL DRUGS

**Definition:** Misuse of Drugs Act 1971: It is an offence for any person to unlawfully have a controlled drug in their possession. It is an offence to supply, or be concerned in the supply of a controlled drug. It is an offence to offer to supply, or be concerned in making an offer to supply a controlled drug.



# HARASSMENT

**Definition:** Causing alarm or distress or putting people in fear of violence, on more than one occasion (course of conduct) and the incidents are connected.



# SEXUAL OFFENCE

**Definition:** Any sexual contact with another person without that other person's consent. Generally speaking guidance on dealing with sexual offences is covered in working together to safeguard children. For incidents of rape or serious sexual assault call the police immediately.

Any concerns about  
any sexual behaviour

Refer to 'Sexual violence and sexual  
harassment between Children in  
Schools and Colleges' document -  
Department for Education

See 'Reporting to Police'  
page 29, point 4

Any kind of sexual abuse

Refer to 'Working together to  
safeguard children'

Sexting – youth  
produced sexual images

Refer to 'Sexting guidance for  
schools' page 43

Are there any  
safeguarding concerns?

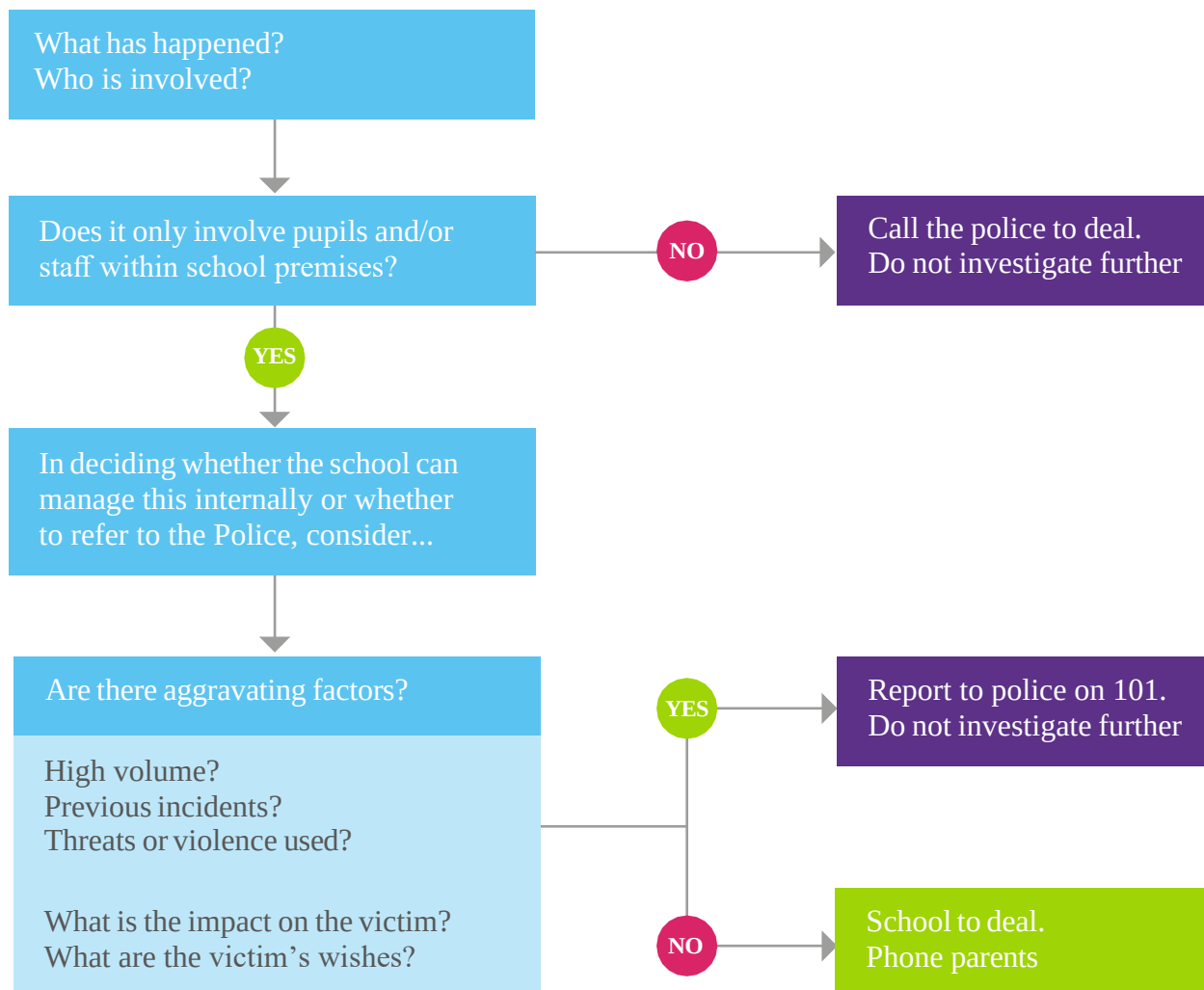
Refer to 'Working together to  
safeguard children'



Record decisions  
and the reasons  
for decisions

# THEFT

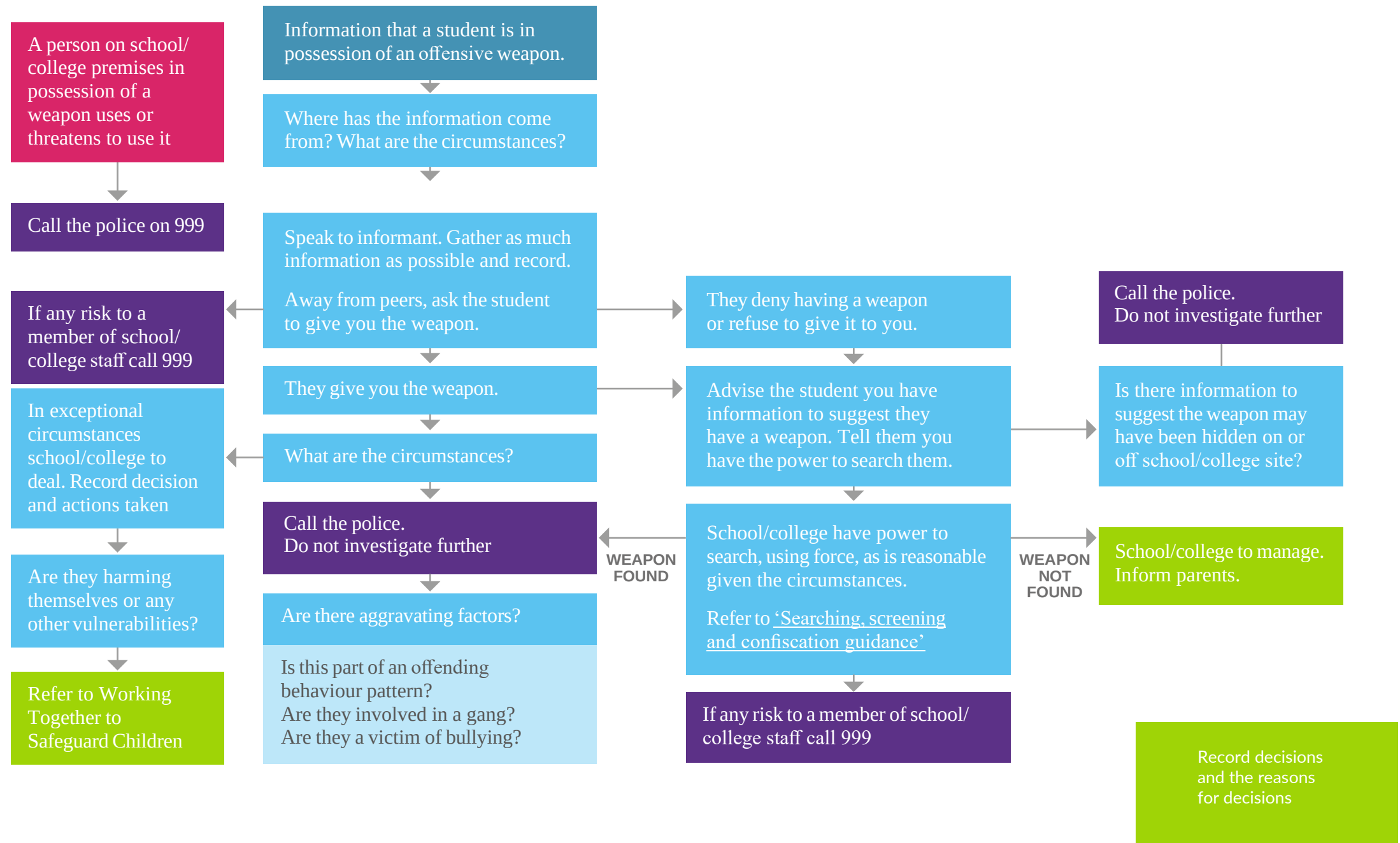
**Definition:** A person is guilty of theft if they dishonestly appropriate property belonging to another with the intention of permanently depriving the other of it.



Record decisions  
and the reasons  
for decisions

# WEAPONS

**Definition:** An offensive weapon is any article which is made, intended or adapted to cause injury. It is an offence to possess an offensive weapon or bladed or sharply pointed article on primary school or secondary school premises.



*Child-on-child abuse policy*