

Child on child sexual abuse Policy

Version	Author/owner	Reviewer(s)	Governor	Next review date
September 23	CLJ	SWW	LEC	Sept 2024
September 24	CLJ	JK	LEC	Sept 2025

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1. Related Queen's School policies

- Safeguarding policy
- Anti-bullying policy
- Promoting positive behaviour policy

This policy also applies to trips both residential and non-residential.

2. Aim

This whole school policy sets out The Queen's School policy when responding to allegations of child-on-child sexual violence and harassment.

This policy is written in reference to the following;

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1161273/Keeping_children_safe_in_education_2023_-_statutory_guidance_for_schools_and_colleges.pdf

<https://www.gov.uk/government/publications/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/908013/Relationships_Education_Relationships_and_Sex_Education_RSE_and_Health_Education.pdf

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1008443/UKCIS_sharing_nudes_and_semi_nudes_advice_for_education_settings_Web_accessible.pdf

The purpose of the policy is to ensure a clear but flexible pathway for responding to allegations of child-on-child sexual abuse. This policy complements the guidance on child-on-child abuse in both the safeguarding policy and anti-bullying policy but deals solely with child-on-child sexual violence and harassment.

The evidence shows that girls are more likely to be subject to sexual violence and sexual harassment than boys, and that boys are more likely to perpetrate such violence and harassment. However, we recognise that the response to sexual violence and sexual harassment between children of the same sex must be equally robust as it is for sexual violence and sexual harassment between children of the opposite sex. It can be perpetrated by girls as well as boys.

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

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Children who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment. Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physically and verbally) and are never acceptable. It is important that all victims are taken seriously and offered appropriate support.

Reports of sexual violence and sexual harassment are extremely complex to manage. It is essential that victims are protected, offered appropriate support and every effort is made to ensure their education is not disrupted. It is also important that other children, adult students and school staff are supported and protected as appropriate.

It is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.

The Queen's School is not complacent in its attitude toward sexual violence and sexual harassment and adopts an 'it could happen here' attitude.

The Queen's School aims to ensure that systems are in place for pupils to report sexual violence and sexual harassment. This may be a direct disclosure to a form tutor, pastoral lead or to any member of staff and so all staff who have contact with pupils are made aware of the procedures set out in this policy.

It is important to note that children may not find it easy to tell staff about their abuse verbally. Children can show signs or act in ways that they hope adults will notice and react to. In some cases, the victim may not make a direct report. For example, a friend may make a report or a member of school or college staff may overhear a conversation that suggests a child has been harmed or a child's own behaviour might indicate that something is wrong. If staff have any concerns about a child's welfare, they should act on them immediately rather than wait to be told. It is important that the person to whom the child discloses recognises that the child has placed them in a position of trust. They should be supportive and respectful of the child, recognising that an initial disclosure to a trusted adult may only be the first incident reported, rather than representative of a singular incident and that trauma can impact memory and so children may not be able to recall all details or timeline of abuse.

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3. Terminology

The term '**victim**' will be used to identify the pupil making the allegation. The term '**alleged perpetrator**' is used to identify the pupil accused of committing the sexual abuse. However, caution must be used when conducting any conversations as these terms, though widely understood, can have harmful connotations.

When referring to **sexual violence** we are referring to sexual offences under the Sexual Offences Act 2003 as described below:

Rape: A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration and A does not reasonably believe that B consents.

Assault by Penetration: A person (A) commits an offence if: 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 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.

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

Sexual harassment means 'unwanted conduct of a sexual nature' that can occur online and offline. When we reference sexual harassment, we do so in the context of child-on-child sexual harassment. Sexual harassment is likely to: violate a child's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment.

Whilst not intended to be an exhaustive list, sexual harassment can include:

- sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
- sexual "jokes" or taunting;
- physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes (schools would be considering when any of this crosses a line into sexual violence - it is important to talk to and consider the experience of the victim) and displaying pictures, photos or drawings of a sexual nature; and

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- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
 - non-consensual sharing of sexual images and videos
 - sexualised online bullying;
 - unwanted sexual comments and messages, including, on social media; and
 - sexual exploitation; coercion and threats.

Nudes and semi-nudes

The term 'sharing nudes and semi-nudes' is used to mean the sending or posting of nude or semi-nude images, videos or live streams by young people under the age of 18 online. This could be via social media, gaming platforms, chat apps or forums. It could also involve sharing between devices via services like Apple's AirDrop which works offline. The term 'nudes' is used as it is most commonly recognised by young people and more appropriately covers all types of image-sharing incidents. Alternative terms used by children and young people may include 'dick pics' or 'pics'.

Many professionals may refer to 'nudes and semi-nudes' as:

- youth produced sexual imagery or 'youth involved' sexual imagery
- indecent imagery. This is the legal term used to define nude or semi-nude images and videos of children and young people under the age of 18.
- 'sexting'. Many adults may use this term, however some young people interpret sexting as 'writing and sharing explicit messages with people they know' rather than sharing images
- image-based sexual abuse. This term may be used when referring to the nonconsensual sharing of nudes and semi-nudes.

Terms such as 'revenge porn' and 'upskirting' are also used to refer to specific incidents of nudes and semi-nudes being shared. However, these terms are more often used in the context of adult-to-adult non-consensual image sharing offences outlined in s.33-35 of the Criminal Justice and Courts Act 2015, Voyeurism (Offences) Act 2019 and s.67A of the Sexual Offences Act 2003.

Harmful sexual behaviour; children's sexual behaviour exists on a wide continuum, from normal and developmentally expected to inappropriate, problematic, abusive and violent. Problematic, abusive and violent sexual behaviour is developmentally inappropriate and may cause developmental damage. A useful umbrella term is "harmful sexual behaviour". 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 would be considered in a child protection context.

When considering harmful sexual behaviour, ages and the stages of development of the children are critical factors to consider. Sexual behaviour between children can be considered harmful if one of the children is much older, particularly if there is more than two years' difference or if one of the children is pre-pubescent and the other is not. However, a younger child can abuse an older child, particularly if they have power over them, for example, if the older child is disabled or smaller in stature. See <https://www.nspcc.org.uk/keeping-children-safe/sex-relationships/sexual-behaviour-children/> for more information on what is harmful sexual behaviour.

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4. Vulnerable groups

We recognise that all children can be at risk, however, we acknowledge that some groups are more vulnerable. This can include: experience of abuse within their family; living with domestic violence; young people in care; children who go missing; children with additional needs (SEN and/or disabilities); children who identify or are perceived as LGBTQ+ and/or have other protected characteristics under the Equalities Act 2010.

5. Online

Sexual violence and sexual harassment occurring online (either in isolation or in connection with face-to-face incidents) can introduce a number of complex factors. Amongst other things, this can include widespread abuse or harm across a number of social media platforms that leads to repeat victimisation. Online concerns can be especially complicated and support is available from:

- The UK Safer Internet Centre provides an online safety helpline for professionals at 0344 381 4772 and helpline@saferinternet.org.uk. The helpline provides expert advice and support for school and college staff with regard to online safety issues
- Internet Watch Foundation: If the incident/report involves sexual images or videos that have been made and circulated online, the victim can be supported to get the images removed by the Internet Watch Foundation (IWF)
- Childline/IWF Report Remove is a free tool that allows children to report nude or sexual images and/or videos of themselves that they think might have been shared online
- UKCIS Sharing nudes and semi-nudes advice: Advice for education settings working with children and young people on responding to reports of children sharing non-consensual nude and semi-nude images and/or videos
- Thinkuknow from NCA-CEOP provides support for the children's workforce, parents and carers on staying safe online
- LGFL 'Undressed' provided schools advice about 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.

6. Preventative measures

Preventative education takes place through the PSHE programme, which tackles issues such as;

- healthy and respectful relationships;
- what respectful behaviour looks like;
- consent;
- gender roles, stereotyping, equality;
- body confidence and self-esteem;
- prejudiced behaviour;
- that sexual violence and sexual harassment is always wrong; and
- addressing cultures of sexual harassment.

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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.

Topics are revisited each year, particularly consent, to build confidence in setting personal boundaries and equip pupils with strategies to call out cultural inequalities and abusive relationships.

Examples of this are:

Year 7 – explore different types of relationships, boundaries and self-esteem, FGM, staying safe in all aspects of your life, personal hygiene and body confidence.

Year 8 – look at sexting (sending Nudes), consent – what it means and what it should look like in practice, including legal definitions, forming new healthy relationships, including the risk of online digital relationships,

Year 9 – have lessons on healthy relationships, partnerships (marriage, forced marriage, honour-based violence), strategies to delay sex and to be able to say 'No' in a relationship if they want to.

Year 10 – receive lessons on personal choice, consent, sexually transmitted diseases, abortion, and developing positive relationships, self-screening and looking after your personal health.

Year 11 – sessions are delivered on sex and pornography, consent, how to support friends who wish to make a disclosure.

Year 12 – Complete an undergraduate programme set up by the University of Exeter on how to be an active bystander, identifying strategies to help people intervene in a safe and non-confrontational way. Addressing prejudice, sexual violence and harassment.

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7. Responding to reports of sexual violence and sexual harassment

All reports of child on child abuse will be made on a case by case basis with the designated safeguarding lead or their deputy taking a leading role using their professional judgement and supported by other agencies such as social care or the police as required.

7.1 The immediate response to a report

- The school 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 as part of the annual safeguarding training along with other disclosures of a safeguarding nature.
- If possible, managing reports with two members of staff present, (preferably one of them being the designated safeguarding lead or a deputy). However, this might not always be possible;
- 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.
- The DSL will be informed as soon as possible.
- A written report will be made as soon after the interview as possible. Best practice is to wait until the end of the report and immediately write up a thorough summary. This allows the staff member to devote their full attention to the child and to listen to what they are saying. It may be appropriate to make notes during the report (especially if a second member of staff is present). However, if making notes, staff should be conscious of the need to remain engaged with the child and not appear distracted by the note taking. Either way, it is essential a written record is made. Only recording the facts as the child presents them. The notes should not reflect the personal opinion of the note taker and should reflect the language and 'voice' of the child as far as possible. Schools and colleges should be aware that notes of such reports could become part of a statutory assessment by children's social care and/or part of a criminal investigation. Ensure records are clearly dated.
- Where the report includes an online element the school or 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 DSL) is present.

<https://www.gov.uk/government/publications/searching-screening-and-confiscation>

7.2 Risk Assessment

When there has been a report of sexual violence, the designated safeguarding lead (or a deputy) will make an immediate risk assessment. Where there has been a report of sexual harassment, the need for a risk assessment would be considered on a case-by-case basis.

The risk assessment should consider:

- The victim, especially their protection and support;

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- The alleged perpetrator;
- All the other children (and, if appropriate, adult students and staff) at the school, especially any actions that are appropriate to protect them
- Importance of understanding intra familial harms and any necessary support for siblings following incidents.

Risk assessments will be recorded and be kept under review by the DSL.

The designated safeguarding lead (or a deputy) will ensure they are engaging with the CWAC Safeguarding Children in Education team (SCiE). Where there has been a report of sexual violence, it is likely that professional risk assessments by social workers and or sexual violence specialists will be required. The school risk assessment is not intended to replace the detailed assessments of expert professionals. Any such professional assessments will be used to inform the school's approach to supporting and protecting pupils and updating our own risk assessment.

7.3 Action following a report of sexual violence and/or sexual harassment

Following an incident, we will consider;

- The wishes of the victim in terms of how they want to proceed. This is especially important in the context of sexual violence and sexual harassment.
- The nature of the alleged incident(s), including: whether a crime may have been committed and consideration of harmful sexual behaviour;
- The ages of the children involved;
- The developmental stages of the children involved;
- Any power imbalance between the children. For example, is the alleged perpetrator significantly older, more mature or more confident? Does the victim have a disability or learning difficulty?
- If the alleged incident is a one-off or a sustained pattern of abuse;
- Are there ongoing risks to the victim, other children, adult students or school staff; and other related issues and wider context?

7.4 Follow up Actions

Children sharing a classroom - whilst the school establishes the facts of the case and starts the process of liaising with children's social care and the police:

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

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

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7.5 Options to manage the report

7.5.1 Manage internally - In some cases of sexual harassment, for example, one-off incidents, we may decide that the children concerned are not in need of early help or statutory intervention and that it would be appropriate to handle the incident internally, perhaps through utilising the behaviour and bullying policies and by providing pastoral support. 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 by the Designated safeguarding lead on 3sys.

In line with this, 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 nonviolent harmful sexual behaviour and may prevent escalation of sexual violence.

Where a child has been harmed, is at risk of harm, or is in immediate danger, we will make a referral to iART 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 alleged perpetrator and any other children that require support.

7.5.2 Reporting to the Police - Where a report of rape, assault by penetration or sexual assault is made, the designated safeguarding lead or deputy will call the police on 101 (999 if there is an immediate risk). Whilst the age of criminal responsibility is ten, if the alleged perpetrator is under ten, the starting principle of reporting to the police remains. The police will take a welfare, rather than a criminal justice, approach. Where a report has been made to the police, the school will consult the police and agree what information can be disclosed to staff and others, the alleged perpetrator 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 (especially potential witnesses).

Where required, advice from the police will be sought in order to help us. Whilst protecting children and/or taking any disciplinary measures against the alleged perpetrator, we will work closely with the police (and other agencies as required), to ensure any actions the school takes do not jeopardise the police investigation.

There may be delays in any case that is being progressed through the criminal justice system. Schools should not wait for the outcome (or even the start) of a police investigation before protecting the victim, alleged perpetrator and other children and adult students in the school.

7.6 Internal investigation

The fact that another body is investigating or has investigated an incident does not in itself prevent a school from coming to its own conclusion, on the balance of probabilities, about what happened, and imposing a penalty accordingly. This is a matter for the school and will be carefully considered

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on a case-by-case basis. The designated safeguarding lead (or a deputy) will take a leading role. The school will consider if, by taking any action, they would prejudice an investigation and/or any subsequent prosecution. Careful liaison with the police and/or children's social care should help the school make a determination. It will also be important to consider whether there are circumstances that make it unreasonable or irrational for the school to reach their own view about what happened while an independent investigation is considering the same facts.

7.7 Risk assessment

A risk assessment will be carried out by the designated safeguarding lead or deputy in conjunction with the police and social services to determine what measures should be put in place to safeguard the victim and alleged perpetrator. See appendix 1 for the type of questions that might be considered. See also point 6.8 Working with parents.

7.8 Working with parents

The school will, in most instances, engage with both the victim's and the alleged perpetrator's parents or carers when there has been a report of sexual violence (this might not be necessary or proportional in the case of sexual harassment and will be considered on a case-by-case basis). The exception to this rule is if there is a reason to believe informing a parent or carer will put a child at additional risk. The pupil's age and competence will be taken into account.

Schools will carefully consider what information they provide to the respective parents or carers about the other child involved and when they do so. In some cases, children's social care and/or the police will have a very clear view and it will be important for the school to work with relevant agencies to ensure a consistent approach is taken to information sharing.

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

It is also good practice for the school to meet with the alleged perpetrator's parents or carers to discuss any arrangements that are being put into place that impact the alleged perpetrator, such as, for example, moving them out of classes with the victim and what this means for their education. The reason behind any decisions should be explained. Support for the alleged perpetrator should be discussed. Parents and carers may well struggle to cope with a report that their child has been the victim of an assault or is alleged to have assaulted another child.

7.9 Support for other pupils

Following any report of sexual violence or sexual harassment, it is likely that some children will take "sides". The school will be doing all they can to ensure both the victim and alleged perpetrator, and any witnesses, are not being bullied or harassed. Social media is very likely to play a central role in the fall out from any incident or alleged incident. There is the potential for contact between victim and alleged perpetrator and a very high likelihood that friends from either side could harass the victim or alleged perpetrator online and/or become victims of harassment themselves. School transport is a potentially vulnerable place for a victim or alleged perpetrator following any incident

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or alleged incident. The school, as part of its risk assessment, would consider any additional potential support needs to keep all of their children safe.

7.10 End of a criminal process

Where a criminal investigation into sexual violence leads to a conviction or caution, the School may take suitable action, if we have not already done so, under the Anti-bullying and Promoting Positive Behaviour policy. In all but the most exceptional of circumstances, the offense is likely to constitute a serious breach of discipline and lead to the view that allowing the perpetrator to remain in the same school would seriously harm the education or welfare of the victim (and potentially other pupils or students).

If the perpetrator remains in school we will be very clear as to our expectations regarding the perpetrator now they have been convicted or cautioned. This could include expectations regarding their behaviour and any restrictions we think are reasonable and proportionate about the perpetrator's timetable.

Where the perpetrator is going to remain at the school, the principle would be to continue keeping the victim and perpetrator in separate classes and continue to consider the most appropriate way to manage potential contact on school premises and transport. The nature of the conviction or caution and wishes of the victim will be especially important in determining how to proceed in such cases.

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

Reports of sexual assault and sexual harassment will, in some cases, not lead to a report to the police (for a variety of reasons). In some cases, rape, assault by penetration, sexual assault or sexual harassment are reported to the police and the case is not progressed or are reported to the police and ultimately result in a not guilty verdict. None of this means the offence did not happen or that the victim lied. The process will have affected both victim and alleged perpetrator. Appropriate support will be provided to both as required and consideration given to sharing classes and potential contact as required on a case-by-case basis. 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 would be kept under review.

Where cases are classified as "no further action" by the police or Crown Prosecution Service, or where there is a not guilty verdict, we will continue to offer support to the victim and the alleged perpetrator for as long as is necessary. 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.

7.11 Ongoing support

7.11.1 For victims

Further information on ongoing support for the victim, including sources of support can be found in Part 5 of KCSIE.

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Support for victims of sexual assault is available from a variety of agencies;

<https://csass.org.uk/>

<https://www.rapecentre.org.uk/>

<https://www.cheshire.police.uk/advice/advice-and-information/rsa/rape-and-sexual-assault/support-for-victims-of-rape-and-sexual-assault/>

We will support the victim of sexual assault to remain in school but if, due to the trauma involved, 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 they are moved, we will ensure the new school is aware of the ongoing support they may need. The DSL will support this move.

7.11.2 For perpetrators

Further information on ongoing support for the perpetrator, including sources of support can be found in Part 5 of KCSIE.

The school will have a difficult balancing act to consider. On one hand, the school will need to safeguard the victim (and the wider pupil/student body) and on the other hand provide the alleged perpetrator(s) with an education, safeguarding support as appropriate and implement any disciplinary sanctions. Taking disciplinary action and still providing appropriate support are not mutually exclusive actions. They can, and should, occur at the same time if necessary.

The school will;

- Consider the age and the developmental stage of the alleged perpetrator(s), the nature of the allegations and frequency of allegations. Any child will likely experience stress as a result of being the subject of allegations and/or negative reactions by their peers to the allegations against them.
- Consider the proportionality of the response. Support (and sanctions) will be considered on a case-by-case basis. The alleged perpetrator(s) may potentially have unmet needs (in some cases these may be considerable) as well as potentially posing a risk of harm to other children.

It is important that the perpetrator(s) is/are also given the correct support to try to stop them re-offending and to address any underlying trauma that may be causing this behaviour. Addressing inappropriate behaviour can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future.

7.11 Unsubstantiated, unfounded, false or malicious reports

All concerns, discussions and decisions made, and the reasons for those decisions, should be recorded in writing. Records are held on 3sys should be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified by the DSL, and addressed.

If a report is determined to be unsubstantiated, unfounded, false or malicious, the designated safeguarding lead will consider whether the child and/or the person who has made the allegation is

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in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children's social care may be appropriate.

If a report is shown to be deliberately invented or malicious, the school will consider whether any disciplinary action is appropriate against the individual who made it as per the behaviour policy.

8. Sharing nudes and semi-nudes

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1008443/UKCIS_sharing_nudes_and_semi_nudes_advice_for_education_settings_Web_accessible.pdf

The law criminalising indecent images of children was created to protect children and young people from adults seeking to sexually abuse them or gain pleasure from their sexual abuse. It was not intended to criminalise children and young people. The law was also developed long before mass adoption of the internet, mobiles and digital photography.

Despite this, children and young people who share nudes and semi-nudes of themselves, or peers, are breaking the law. However, children and young people should not be unnecessarily criminalised. Children and young people with a criminal record face stigma and discrimination in accessing education, training, employment, travel and housing and these obstacles can follow them into adulthood.

Whilst children and young people creating and sharing images can be risky, it is often the result of their natural curiosity about sex and their exploration of relationships. Therefore, engaging in the taking or sharing of nudes and semi-nudes may not always be 'harmful' to all children and young people. Situations will be considered on a case by case context, considering what is known about the children and young people involved and if there is an immediate risk of harm. Often, children and young people need education and support for example, on identifying healthy and unhealthy behaviours within relationships and understanding consent and how to give it. Safeguarding action will also be required in cases where there is risk of harm.

Investigation by police of an incident of sharing nudes and semi-nudes does not automatically mean that the child/young person involved will have a criminal record.

The NSPCC has made it clear that incidents involving sharing nudes and semi-nudes should have an immediate focus on safeguarding children. In many cases, education settings may respond to incidents without involving the police, for example where an incident can be defined as 'experimental' and there is no evidence abusive or aggravating elements.

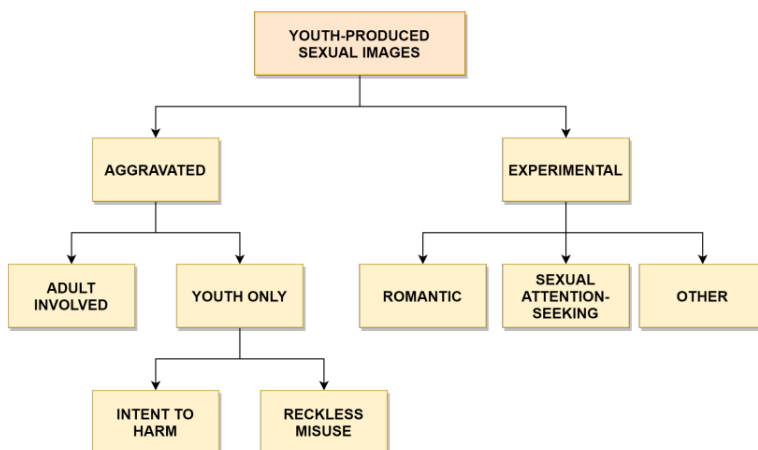
Incidents can broadly be divided into two categories;

1. aggravated: incidents involving additional or abusive elements beyond the creation, sending or possession of nudes and semi-nudes. These can further be sub-categorised into:
 - adult involved: adult offenders attempt to develop relationships by grooming children and young people, in criminal sex offences even without the added element of nudes and semi-

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nudes. Victims may be family friends, relatives, community members or contacted via the Internet. The images may be solicited by adult offenders

- youth only – intent to harm: these cases can arise from interpersonal conflict, such as break-ups and fights among friends, or criminal/abusive conduct such as blackmail, threats or deception, sexual abuse or exploitation by young people
 - youth only – reckless misuse: no intent to harm but images are taken or sent without the knowing or willing participation of the young person who is pictured. In these cases, pictures are taken or sent thoughtlessly or recklessly and a victim may have been harmed as a result.
2. experimental: incidents involving the creation and sending of nudes and semi-nudes with no adult involvement, no apparent intent to harm or reckless misuse. These can further be subcategorised into:
- romantic: incidents in which young people in ongoing relationships make images for themselves or each other, and images were not intended to be distributed beyond the pair
 - ‘sexual attention seeking’: the phrase ‘sexual attention seeking’ is taken directly from the typology however it is important to note that incidents within this category can be a part of normal childhood. A child or young person should not be blamed for taking and sharing their image
 - other: cases that do not appear to have aggravating elements, like adult involvement, malicious motives or reckless misuse, but also do not fit into the Romantic or Attention Seeking sub-types. These involve either young) or pre-adolescent children (age 9 or younger) who did not appear to have sexual motives

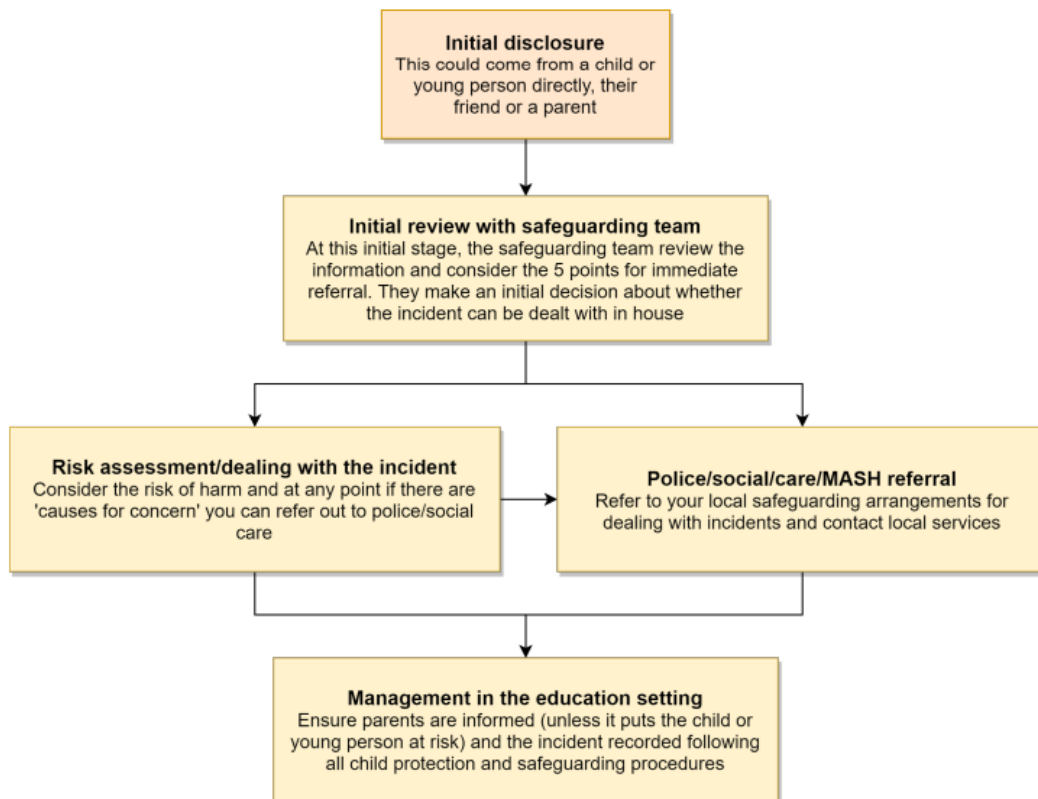


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8.1 Response to an incident

When an incident involving nudes and semi-nudes comes to the attention of any member of staff in an education setting:

- the incident should be referred to the DSL (or equivalent) as soon as possible
- the DSL (or equivalent) should hold an initial review meeting with appropriate staff. This may include the staff member(s) who heard the disclosure and the safeguarding or leadership team who deal with safeguarding concerns
- there should be subsequent interviews with the children or young people involved (if appropriate)
- parents and carers should be informed at an early stage and involved in the process in order to best support the child or young person unless there is good reason to believe that involving them would put the child or young person at risk of harm
- A referral should be made to children’s social care and/or the police immediately if there is a concern that a child or young person has been harmed or is at risk of immediate harm at any point in the process.



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An immediate referral to police and/or children's social care through the MASH or equivalent should be made if at this initial stage:

1. The incident involves an adult
2. There is reason to believe that a child or young person has been coerced, blackmailed or groomed, or there are concerns about their capacity to consent (for example, owing to special educational needs)
3. What you know about the images or videos suggests the content depicts sexual acts which are unusual for the young person's developmental stage, or are violent
4. The images involve sexual acts and any pupil in the images or videos is under
5. You have reason to believe a child or young person is at immediate risk of harm owing to the sharing of nudes and semi-nudes, for example, they are presenting as suicidal or self-harming.

If none of the above apply, an education setting may decide to respond to the incident without involving the police or children's social care. They can still choose to escalate the incident at any time if further information/concerns are disclosed at a later date. The decision to respond to the incident without involving the police or children's social care should only be made in cases where the DSL (or equivalent) is confident that they have enough information to assess the risks to any child or young person involved and the risks can be managed within the education setting's pastoral support and disciplinary framework and, if appropriate, their local network of support.

The decision should be made by the DSL (or equivalent) with input from the education's settings headteacher/principal or manager and leadership team and input from other members of staff if appropriate. The decision should be made and recorded in line with the education setting's safeguarding or child protection procedures and should be based on consideration of the best interests of any child or young person involved. This should consider proportionality as well as the welfare and protection of any child or young person. The decision should be reviewed throughout the process of responding to the incident.

8.1.1 Supporting the pupil

The purpose of a conversation with the pupil is to:

- identify, without viewing wherever possible, what the image contains and whether anyone else has been involved
- find out whether the image has been shared between two people or shared further. This may be speculative information as images or videos may have been shared more widely than the child or young person is aware of
- discuss what actions and support might be needed, including preventing further distribution.

This discussion should take into account the views of the child or young person as well as balancing what are considered to be appropriate actions for responding to the incident.

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When discussing the sharing of nudes and semi-nudes, it is important that the DSL (or equivalent)/member of staff:

- reassures the child or young person that they are not alone, and the education setting will do everything that they can to help and support them. They should also be reassured that they will be kept informed throughout the process
- recognises the pressures that children and young people can be under to take part in sharing an image and, if relevant, supports their parents and carers to understand the wider issues and motivations around this
- remains solution-focused and avoids any victim-blaming questions such as 'why have you done this?' as this may prevent the child or young person from talking about what has happened. For example, use questions such as 'describe what happened' or 'explain to me who was involved'
- helps the child or young person to understand what has happened by discussing the wider pressures that they may face and the motivations of the person that sent on the image(s)
- discusses issues of consent and trust within healthy relationships. Explain that it is not ok for someone to make them feel uncomfortable, to pressure them into doing things that they do not want to do, or to show them things that they are unhappy about. Let them know that they can speak to the DSL or equivalent if this ever happens
- explains the law on the sharing of nudes and semi-nudes. It is important to highlight that the law is in place to protect children and young people rather than criminalise them and should be explained in such a way that avoids alarming or distressing them
- signposts to the IWF and Childline's Report Remove tool at www.childline.org.uk/info-advice/bullying-abuse-safety/online-mobilesafety/sexting/report-nude-image-online/. Report Remove helps children and 23 young people to report an image shared online, to see if it is possible to get the image removed. This must be done as soon as possible in order to minimise the number of people that have seen the picture.

Children and young people who have had their nudes or semi-nudes shared publicly should be:

- reassured that they have done the right thing by speaking to an adult and that the education setting and other adults are there to help
- advised to delete images or videos from social media accounts (including from cloud photo backups) if they have uploaded them themselves
- advised to use the IWF and Childline's Report Remove tool at www.childline.org.uk/info-advice/bullying-abuse-safety/online-mobilesafety/sexting/report-nude-image-online/. Report Remove helps children and young people to report an image shared online, to see if it is possible to get the image removed. This must be done as soon as possible in order to minimise the number of people that have seen the picture
- advised on how to report sexual images or videos on individual sites to get them taken down. If the image has been shared via a mobile, they should be informed that they can contact the mobile phone operator to have a mobile number changed as this may stop others from contacting them
- advised to speak to the school if they are concerned about any bullying behaviour.

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Children and young people who have been sent a nude or semi-nude should be:

- reassured that they have done the right thing by speaking out and that the education setting and other adults are there to help
- asked whether it was sent by an adult or another child or young person and if they requested the photo or if it was sent unsolicited
- advised of the importance of reporting it online if it has been shared
- advised to delete it from their devices and accounts
- advised on the importance of not sharing the image further

If they asked to receive the photos, explain that they should not put pressure onto others to do things that they are uncomfortable with.

Children and young people who have shared another child's or young person's nudes or semi-nudes should be asked:

- whether they asked for the photo or were initially sent it without requesting
- who the image has been sent to and where it has been shared. Agree next steps for taking the image down, including deleting the image from their phone or any social media accounts and reporting it to service providers
- about their motivations for sharing the photo and discuss what they could have done differently. If they have reacted to an upsetting incident, such as the break-up of a relationship, by sending the photo onwards, talk about how they could have managed their feelings in a healthier and more positive way. Emphasise that whatever the reason, it is always wrong to share nudes and semi-nudes of another child or young person. This can be used as an opportunity to discuss the importance of consent and not putting pressure on others to take or share nudes and semi-nudes.

They should be advised on the law on the sharing of nudes and semi-nudes.

8.1.2 Supporting parents and carers

Children and young people can be involved in an incident in several different ways. They may lose control of their own image, receive an image of someone else or share an image of another person. In any of these situations, parents and carers may find it difficult to know how to deal with the knowledge that their child has been involved in an incident and may display differing emotions. Whatever their feelings, it is important that professionals listen to their concerns and take them seriously.

It can also be helpful for staff members and the police or social care, to reassure parents and carers by explaining that it is normal for young people to be curious about sex.

In all situations, parents or carers should be:

- given information about the sharing of nudes and semi-nudes, what they can expect to happen next, and who will be their link person within the education setting

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- given support to deal with their own feelings of upset and concern including signposting to further resources that can help them to understand the sharing of nudes and semi-nudes or support services they can contact, where appropriate
- given support on how to speak to their child about the incident
- advised on the law around the sharing of nudes and semi-nudes
- kept updated about any actions that have been taken or any support that their child is accessing, unless the child involved has specifically asked for this not to happen and is judged to be old enough to make that informed decision
- informed about sources of support for their child, in case they are feeling anxious or depressed about what has happened. This could include speaking to a Childline counsellor at www.childline.org.uk or on 0800 11 11, in house counselling services where available, or a GP. If they are concerned that their child is suicidal, they should contact 999
- directed to NCA-CEOP at www.ceop.police.uk/safety-centre if the child or young person discloses any further details to them that may suggest they are being groomed or sexually exploited.

See the guidance for support in specific scenarios.

8.1.3 How to handle the images

Staff and parents or carers must not intentionally view any nudes and semi-nudes unless there is good and clear reason to do so as outlined below. Wherever possible, responses to incidents should be based on what DSLs (or equivalents) have been told about the content of the imagery. It is important that all members of staff are clear on what they can and can't do in relation to viewing nudes and semi-nudes and that this is communicated to any child, young person or parent and carer requesting that imagery be viewed.

The decision to view any imagery should be based on the professional judgement of the DSL (or equivalent) and should always comply with the child protection policy and procedures of the education setting. Imagery should never be viewed if the act of viewing will cause significant distress or harm to any child or young person involved.

If a decision is made to view imagery, the DSL (or equivalent) would need to be satisfied that viewing:

- is the only way to make a decision about whether to involve other agencies because it is not possible to establish the facts from any child or young person involved
- is necessary to report it to a website, app or suitable reporting agency (such as the IWF) to have it taken down, or to support the child or young person or parent or carer in making a report
- is unavoidable because a child or young person has presented it directly to a staff member or nudes or semi-nudes have been found on an education setting's device or network.

If it is necessary to view the imagery then the DSL (or equivalent) should:

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- never copy, print, share, store or save them; this is illegal. If this has already happened, please contact your local police for advice and to explain the circumstances
- discuss the decision with the headteacher or a member of the senior leadership team
- make sure viewing is undertaken by the DSL (or equivalent) or another member of the safeguarding team with delegated authority from the headteacher or a member of the senior leadership team
- make sure viewing takes place with another member of staff present in the room, ideally the headteacher or a member of the senior leadership team. This staff member does not need to view the images
- wherever possible, make sure viewing takes place on the premises of the education setting, ideally in the headteacher or a member of the senior leadership team's office
- make sure wherever possible that they are viewed by a staff member of the same sex as the child or young person in the images
- record how and why the decision was made to view the imagery in the safeguarding or child protection records, including who was present, why the nudes or semi-nudes were viewed and any subsequent actions. Ensure this is signed and dated and meets any appropriate wider standards e.g. such as those set out in statutory safeguarding guidance and local authority policies and procedures
- if any devices need to be taken and passed onto the police, confiscate the device(s) and call the police. The device should be disconnected from Wi-Fi and data and turned off immediately to avoid imagery being removed from the device remotely through a cloud storage service. The device should be placed in a secure place, for example in a locked cupboard or safe until the police are able to come and collect it.

If nudes or semi-nudes have been viewed by a member of staff, either following a disclosure from a child or young person or as a result of a member of staff undertaking their daily role (such as IT staff monitoring school systems), DSLs (or equivalents) should make sure that the staff member is provided with appropriate support. Viewing nudes and semi-nudes can be distressing for both children, young people and adults and appropriate emotional support may be required.

If the school has decided that other agencies do not need to be involved, then consideration should be given to deleting nudes and semi-nudes from devices and online services to limit any further sharing. In most cases, children and young people should be asked to delete the imagery and to confirm that they have deleted them. They should be given a deadline for deletion across all devices, online storage or social media sites. They should be reminded that possession of nudes and semi-nudes is illegal. They should be informed that if they refuse or it is later discovered they did not delete the imagery, they are continuing to commit a criminal offence and the police may become involved. Any decision to search a child or young person's device and delete imagery should be based on the professional judgement of the DSL (or equivalent) and should always comply with the safeguarding or child protection policy and procedures of the education setting. All of these decisions need to be recorded, including times, dates and reasons for decisions made and logged in the safeguarding records. Parents and carers should also be informed unless this presents a further risk to any child or the young person.

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Appendix 1 Risk assessing – guidance from CWAC

The following issues questions are a guide to what could form the basis of a risk assessment

Staffing:

- What staff are involved in teaching / supporting the child/ young person?
- Who is aware of concerns about their problem sexual behaviours?
- Do other staff need to be made aware and if so how will this be managed?
- What is the current level of supervision and is this appropriate?
- Is the level of supervision required achievable in the current circumstances?
- Are all staff aware of the level of supervision required?
- Who is responsible for discussing the child/ young person' risk and needs to other staff?

School site:

- Are there areas within the school and grounds that are unsupervised?
- Are there any other building issues that may increase risk? e.g. building works, nursery or primary school located in same building, communal play ground

In the classroom:

- Has the child/ young person engaged in any inappropriate sexual behaviours within the classroom setting now or previously? If so what were the circumstances?
- Who in the class may be vulnerable and why?
- Is the level of supervision in the class adequate?
- How much information does the class teacher and any others responsible for the child/ young person in the class have about the young person's behaviours, risk and needs?
- Are there particular time when the child/ young person seems more relaxed and content?
- Are there particular times or circumstances where the child/ young person seems more unhappy/ upset/ distracted/ irritable / distressed?
- Can extra support / supervision be put in place during difficult times?
- Are the seating arrangements satisfactory?
- Are there times when the child/ young person is allowed to leave the class during class times?
- Are there times when other adults are in the class besides the class teacher?
- Is the classroom environment free of confusing sexual images and behaviours?
- How is sex and relationship education managed and does the child/ young person need further information?
- Does the class teacher need to be able to talk to the child/ young person about their problem sexual behaviours? If so what level of support will the teacher require?
- Are there particular areas of risk in the class e.g. when the teacher is occupied with other pupils, and how can this be managed?

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- Is this a case open to the police? If so, seek advice on what can be discussed / disclosed to staff.

Other areas of school:

- Have there been concerns about the child/ young person's sexual behaviours in school outside of the classroom?
- If so who were the behaviours directed to and in what circumstances?
- What children may be particularly vulnerable and how can this be managed?
- What level of supervision is there when the child / young person is going between classes, at lunch and break times? Is this adequate? If more supervision is required how will this be achieved?
- Are particular rules required for going to the toilet?
- Are there rules about showering, dressing and undressing for PE that need to be considered?
- Are there rules about physical contact during play that need to be considered?
- Is the environment free of confusing sexual messages, images and behaviours, e.g. access to computers, magazines etc?
- Are the right staff aware of the child's level of supervision required?
- Has the child/ young person a history of absconding?
- How are they transported to school? Does someone meet them or take them to their transport? Is the transport supervised?

