

Ormiston Forge Academy

Peer on Peer Abuse Policy

October 2019



Approved by the Senior Leadership Team under powers delegated by the Governing Body:
Oct 2019.

Review period: **Oct 2021**

Introduction

At Ormiston Forge Academy we recognise 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 as well as physical abuse. Peer on peer abuse will not be tolerated or passed off as part of “banter” or “growing up”.

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

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

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

- Child Sexual Exploitation
- Sexting or youth prolonged digital imagery
- Bullying
- Radicalisation
- Abuse in intimate relationships
- Children who display sexually harmful behaviour
- Gang association and serious violence (County Lines)
- Technology can be used for bullying and other abusive behaviour

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 peer on peer abuse in the context of sexual harassment and sexual violence. It is compliant with the statutory guidelines on peer on peer abuse as set out in Keeping Children Safe In Education (September 2019) and should be read in conjunction with the Local Safeguarding Children Partnerships Safeguarding Policy and Procedures and any relevant Practice Guidance issued.

Aims

The policy will:-

- Set out our strategies for preventing, identifying and managing peer on peer 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 Peer on Peer 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).

We are adopting the NSPCC definition of Harmful Sexual Behaviour as:-

“Sexual behaviours expressed by children ... that are developmentally inappropriate, maybe harmful towards self or others, or be abusive towards another child ... or adult.”

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 LGBT, race, religion (protected characteristics).

Responding to alleged incidents responding to reports of sexual violence and sexual harassment

All reports of peer on peer 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 of the police as required.

The immediate response to a report

- The academy will take all reports seriously and will reassure the complainant that and 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 lead or social care). Staff will, however only share the report with those people who are necessary to progress it.

- A CPOMS log will be made as soon after the interview as possible recording the facts as presented by the student. These may be used as part of a statutory assessment if the case is escalated later.
- Where the report includes an online element the academy 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.
- The DSL will be informed as soon as possible.

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. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis. The risk and needs assessment should consider:

- The complainant, especially their protection and support
- The alleged perpetrator; and
- All the other students (and, if appropriate, adult and staff) at the academy, especially any actions that are appropriate to protect them.

Risk assessments will be recorded on CPOMS and be kept under regular review.

The designated safeguarding lead (or a deputy) will ensure they are engaging with MASH.

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 students involved;
- The development stages of the students involved;
- Any power imbalance between the student. For example, is the alleged perpetrator significantly older, more mature or more confident? Does the complainant 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 complainant, other students, or academy staff; and other related issues and wider context?

Follow up Actions

Students sharing a classroom:

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

- The academy will consider how best to keep the complainant and alleged perpetrator a reasonable distance apart on academy premises and on transport to and from the academy.

- Alternative educational provision will be considered on a case by case basis.
- Advice will be sought from children's social care and police to ensure the educational needs of all parties involved continue to be met.

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

In some cases of sexual harassment, for example, one-off incidents, we may decide that the student concerned is 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 DSL on CPOMS.

The academy may decide that the student involved does 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.

Where a student has been harmed, is at risk of harm, or is in immediate danger, we will make a referral to the MASH 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 complainant and, where appropriate, the alleged perpetrator and any other student that require support.

Reporting to the Police

Any report to the police will generally be made through the MASH. The designated safeguarding lead (and their deputies) will follow local process for referrals.

Where a report of rape, assault by penetration, sexual assault or up-skirting is made, the starting point is this will be passed on to the police. 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 academy will consult the police and agree what information can be disclosed to staff and others, in particular, the alleged perpetrator and their parents or carers. They will also discuss the best way to protect the complainant and their anonymity.

Where there is a criminal investigation we will work closely with the relevant agencies to support all students involved (especially potential witnesses). Where required, advice from the police will be sought in order to help us.

Whilst protecting students 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 academy take do not jeopardise the police investigation.

The end of the criminal process

If a student is convicted or receives a caution for a sexual offence, the academy will update its risk assessment, ensure relevant protections are in place for all students. We will consider any suitable action in light of our behaviour policy. If the perpetrator remains in the academy we will be very clear as to our expectations regarding the perpetrator now they have been convicted or cautioned. This could include expectations regarding their behaviour and any restrictions we think are reasonable and proportionate with regarding to the perpetrator's timetable.

Any conviction (even with legal anonymity reporting restrictions) is potentially going to generate interest among other students in the academy.

We will ensure all students involved are protected, especially from any bullying or harassment (including online).

Where cases are classified as "no further action" by the police or Crown Prosecution Service, or where there is not a guilty verdict, we will continue to offer support to the complainant and the alleged perpetrator for as long as is necessary. A not guilty verdict or a decision not to progress with the case will likely be traumatic for the complainant. 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.

Support for Students affected by Sexual-Assault

We will support the victim of sexual assault to remain in the academy 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 student 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.

Where there is a criminal investigation the alleged perpetrator will be removed from any shared classes with the complainant and will also consider how best to keep them a reasonable distance apart on the academy premises or on academy transport. This is in the best interest of the children concerned and should not be perceived to be a judgement of guilt before any legal proceedings. We will work closely with the police.

Where a criminal investigation into sexual assault leads to a conviction or caution, we will, if we have not already done so, consider any suitable sanctions in light of the academy behaviour policy, including consideration of permanent exclusion as this is likely to constitute a serious breach of discipline and lead to the view that allowing the perpetrator to remain in the same academy would seriously harm the education or welfare of the victim (and potentially other students).

In exceptional circumstances, where the perpetrator is going to remain at the academy, 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 academy premises and transport. The nature of the conviction or caution and wishes of the victim will be especially important in determining how to proceed in such cases.

Reports of sexual assault and sexual harassment will, in some cases, not lead to a report to the police (for a variety of reasons). In some cases, it is 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 complainant lied. The process will have affected both complainant 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 of the above should be considered with the needs and wishes of the complainant at the heart of the process (supported by parents and carers as required). Any arrangements should be kept under review.

Physical Abuse

While a clear focus on peer on peer abuse is around sexual abuse and harassment, physical assault and initiation violence and rituals from pupils to pupils can also be abusive.

These are equally not tolerated and if it is believed that a crime has been committed, will be reported to the police.

The principles from the anti-bullying policy will be applied in these cases, with recognition that any police investigation will need to take priority.

When dealing with other alleged behaviour which involves reports of, for example, emotional and/or physical abuse, the Principal will consider the following factors in reaching an appropriate sanction;

- Involves a single incident or has occurred over a period of time
- Is problematic and concerning
- Is socially acceptable
- Is socially acceptable within the peer group
- Involves a misuse of power
- Involves a power imbalance between the child/children allegedly responsible for the behaviour
- Involves an element of coercion or pre-planning
- Involves any overt elements of victimisation or discrimination online behaviour

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

Prevention

Ormiston Forge Academy actively seeks to raise awareness of and prevent all forms of peer on peer abuse by educating all Governors, Senior Leadership Team, staff and volunteers, students and parents about this issue. This will include training Governors, Senior Leadership Team, staff and volunteers on the nature, prevalence and effect of peer on peer abuse, and how to prevent, identify and respond to it. This includes:

- Contextual Safeguarding;
- The identification and classification of specific behaviours; and
- The importance of taking seriously all forms of peer on peer abuse (no matter how low level they may appear) and ensuring that no formal peer on peer abuse is ever dismissed as horseplay or teasing.
- Educating students about the nature and prevalence of peer on peer abuse via PSHE and the wider curriculum.
- 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 peer on peer abuse.
- Engaging parents on this issue.
- Challenging the attitudes that underlies such abuse (both inside and outside the classroom);
- Working with Governors, Senior Leadership Team, all staff and volunteers, 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 academy community.
- Creating conditions in which our students can aspire to and realise safe and healthy relationships;
- Creating a culture in which our students feel able to share their concerns openly, in a non-judgmental environment, and have them listened to; and
- Responding to cases of peer on peer abuse promptly and appropriately.

Multi-agency working

The school actively engages with its local partners in relation to peer on peer abuse, and works closely with both, Sandwell and Dudley, Local Safeguarding Partnership, Sandwell and Dudley children's social care, and/or other relevant agencies and other schools.

The relationships the academy has built with these partners are essential to ensuring that the academy is able to prevent, identify early and appropriately handle cases of peer on peer abuse. They help the academy 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.