



Hart Hill Nursery School

Child on Child Policy

Updated Autumn Term 2022

Ratified by Governors on 13.12.22

Signed 

To be updated Autumn Term 2025

Introduction

Hart Hill Nursery School 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);
- 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 Local Authority, school's SLT and staff and has been ratified by the school's Governing Body.

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 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 a 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

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, **school/setting** 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, **school/setting** 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 will be linked to specific children's Cpoms. They will be kept under regular review with the support of the Safeguarding in Education Team.

Follow up Actions

Children sharing a classroom:

Whilst Hart Hill Nursery school 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 individualised support. 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 appropriately on the Cpoms system by a member of the Senior Leadership Team.

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 co-operating 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

Hart Hill Nursery School will follow local processes for making safeguarding referrals.

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, Hart Hill Nursery School 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 Hart Hill Nursery School 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.

Hart Hill Nursery School 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, Hart Hill Nursery School will ensure the new school is aware of the ongoing support they may need. The Designated Safeguarding Lead will support this move.

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 Hart Hill Nursery School, 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.

Hart Hill Nursery School 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.

Hart Hill Nursery School will consider the support that children 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 in the school's online safety policy and the safeguarding and child protection policy.

Prevention

Hart Hill Nursery School 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 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.
 - Children 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 lead so that they can spot and address any concerning trends and identify pupils/students who maybe in need of additional support.
 - Challenging the attitudes that underlie such abuse (both inside and outside the classroom).
 - Working with Governors, Senior Leadership Team, all staff and volunteers, children 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 children can aspire to and realise safe and healthy relationships.
 - Creating a culture in which our children 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.

Monitoring of Policy and Practice

This policy will be reviewed as part of the three year policy cycle, or sooner in response to any new safeguarding requirements or concerns surrounding the wider cultural issues in the school. Any changes made to this policy will be communicated to all members of staff by the Headteacher.

All members of staff are responsible for ensuring they remain refreshed with this policy's content and that they are seen to follow the policy.

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 'upskirting' 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](#)

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 Developmentally expected Socially acceptable Consensual, mutual, reciprocal Shared decision making	Inappropriate <ul style="list-style-type: none"> • Single instances of inappropriate sexual behaviour • Socially acceptable behaviour within peer group • Context for behaviour may be inappropriate • Generally consensual and reciprocal 	Problematic <ul style="list-style-type: none"> • Problematic and concerning behaviours • Developmentally unusual and socially unexpected • No overt elements of victimisation • Consent issues may be unclear • May lack reciprocity or equal power • May include levels of compulsivity 	Abusive <ul style="list-style-type: none"> • Victimising intent or outcome • Includes misuse of power • Coercion and force to ensure victim compliance • Intrusive • Informed consent lacking, or not able to be freely given by victim • May include elements of expressive violence 	Violent <ul style="list-style-type: none"> • Physically violent sexual abuse • Highly intrusive • Instrumental violence which is physiologically and/or sexually arousing to the perpetrator • Sadism
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<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
- [The UK Safer Internet Centre](#) helpline - **0344 381 4772** or email 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](#)

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](#)

Brook sexual behaviours traffic light tool

Behaviours: age 0 to 5 - All green, amber and red behaviours require some form of attention and response. It is the level of intervention that will vary.

<p>What is an amber behaviour?</p> <p>Amber behaviours have the potential to be outside of safe and healthy behaviour. They may be of potential concern due to age, or developmental differences. A potential concern due to activity type, frequency, duration or con- text in which they occur.</p> <p>What can you do?</p> <p>Amber behaviours signal the need to take notice and gather information to assess the appropriate action.</p>	<p>What is a green behaviour?</p> <p>Green behaviours reflect safe and healthy sexual development. They are displayed between children or young people of similar age or developmental ability. They are reflective of natural curiosity, experimentation, consensual activities and positive choices</p> <p>What can you do?</p> <p>Green behaviours provide opportunities to give positive feedback and additional information.</p>	<p>What is a red behaviour?</p> <p>Red behaviours are outside of safe and healthy behaviour. They may be excessive, secretive, compulsive, coercive, degrading or threatening and involving significant age, developmental, or power differences. They may pose a concern due to the activity type, frequency, duration or the context in which they occur</p> <p>What can you do?</p> <p>Red behaviours indicate a need for immediate intervention and action.</p>
<p>Amber behaviours</p> <ul style="list-style-type: none"> • preoccupation with adult sexual behaviour <ul style="list-style-type: none"> • pulling other children's pants down/skirts up/trousers down against their will • talking about sex using adult slang • preoccupation with touching the genitals of other people • following others into toilets or changing rooms to look at them or touch them • talking about sexual activities seen on TV/online 	<p>Green behaviours</p> <p>holding or playing with own genitals</p> <ul style="list-style-type: none"> • attempting to touch or curiosity about other children's genitals • attempting to touch or curiosity about breasts, bottoms or genitals of adults • games e.g. mummies and dad-dios, doctors and nurses • enjoying nakedness • interest in body parts and what they do • curiosity about the differences between boys and girls 	<p>Red behaviours</p> <ul style="list-style-type: none"> • persistently touching the genitals of other children • persistent attempts to touch the genitals of adults • simulation of sexual activity in play • sexual behaviour between young children involving penetration with objects • forcing other children to engage in sexual play

Behaviours: age 5 to 9: All green, amber and red behaviours require some form of attention and response. It is the level of intervention that will vary.

<p>What is a green behaviour?</p> <p>Green behaviours reflect safe and healthy sexual development. They are displayed between children or young people of similar age or developmental ability and reflective of natural curiosity, experimentation, con- sensual activities and positive choices</p> <p>What can you do?</p> <p>Green behaviours provide opportunities to give positive feedback and additional information.</p> <p>Green behaviours 5-9</p> <ul style="list-style-type: none"> • feeling and touching own genitals • curiosity about other children's genitals • curiosity about sex and relationships, e.g. differences between boys and girls, how sex happens, where babies come from, same- sex relationships • sense of privacy about bodies • telling stories or asking questions using swear and slang words for parts of the body 	<p>What is an amber behaviour?</p> <p>Amber behaviours have the potential to be outside of safe and healthy behaviour. They may be of potential concern due to age, or developmental differences. A potential concern due to activity type, frequency, duration or context in which they occur.</p> <p>What can you do?</p> <p>Amber behaviours signal the need to take notice and gather information to assess the appropriate action.</p> <p>Amber behaviours 5-9</p> <ul style="list-style-type: none"> • questions about sexual activity which persist or are repeated frequently, despite an answer having been given • sexual bullying face to face or through texts or online messaging • engaging in mutual masturbation • persistent sexual images and ideas in talk, play and art • use of adult slang language to discuss sex 	<p>What is a red behaviour?</p> <p>Red behaviours are outside of safe and healthy behaviour. They may be excessive, secretive, compulsive, coercive, degrading or threatening and involving significant age, developmental or power differences. They may pose a concern due to the activity type, frequency, duration or the context in which they occur</p> <p>What can you do?</p> <p>Red behaviours indicate a need for immediate intervention and action.</p> <p>Red behaviours 5-9</p> <ul style="list-style-type: none"> • frequent masturbation in front of others • sexual behaviour engaging significantly younger or less able children • forcing other children to take part in <ul style="list-style-type: none"> • sexual activities • simulation of oral or penetrative sex • sourcing pornographic material online
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Behaviours: age 9 to 13

All green, amber and red behaviours require some form of attention and response. It is the level of intervention that will vary.

<h3>What is a green behaviour?</h3>	<h3>What is an amber behaviour?</h3>	<h3>What is a red behaviour?</h3>
<p>Green behaviours reflect safe and healthy sexual development. They are displayed between children or young people of similar age or developmental ability and reflective of natural curiosity, experimentation, consensual activities and positive choices</p>	<p>Amber behaviours have the potential to be outside of safe and healthy behaviour. They may be of potential concern due to age, or developmental differences. A potential concern due to activity type, frequency, duration or context in which they occur.</p>	<p>Red behaviours are outside of safe and healthy behaviour. They may be excessive, secretive, compulsive, coercive, degrading or threatening and involving significant age, developmental or power differences. They may pose a concern due to the activity type, frequency, duration or the context in which they occur</p>
<h3>What can you do?</h3>	<h3>What can you do?</h3>	<h3>What can you do?</h3>
<p>Green behaviours provide opportunities to give positive feedback and additional information.</p>	<p>Amber behaviours signal the need to take notice and gather information to assess the appropriate action.</p>	<p>Red behaviours indicate a need for immediate intervention and action.</p>
<h3>Green behaviours 9-13</h3>	<h3>Amber behaviours 9-13</h3>	<h3>Red behaviours 9-13</h3>
<ul style="list-style-type: none"> • solitary masturbation • use of sexual language including swear and slang words • having girl/boyfriends who are of the same, opposite or any gender • interest in popular culture, e.g. fashion, music, media, online games, chatting online • need for privacy • consensual kissing, hugging, holding hands with peers 	<ul style="list-style-type: none"> • uncharacteristic and risk-related behaviour, e.g. sudden and/or provocative changes in dress, withdrawal from friends, mixing with new or older people, having more or less money than usual, going missing • verbal, physical or cyber/virtual sexual bullying involving sexual aggression • LGBT (lesbian, gay, bisexual, transgender) targeted bullying • exhibitionism, e.g. flashing or mooning • giving out contact details online • viewing pornographic material • worrying about being pregnant or having STIs 	<ul style="list-style-type: none"> • exposing genitals or masturbating in public • distributing naked or sexually provocative images of self or others • sexually explicit talk with younger children • sexual harassment • arranging to meet with an online acquaintance in secret • genital injury to self or others • forcing other children of same age, younger or less able to take part in sexual activities • sexual activity e.g. oral sex or inter-course • presence of sexually transmitted infection (STI) • evidence of pregnancy

What is a green behaviour?	What is an amber behaviour?	What is a red behaviour?
<p>Green behaviours reflect safe and healthy sexual development. They are displayed between children or young people of similar age or developmental ability and reflective of natural curiosity, experimentation, consensual activities and positive choices</p>	<p>Amber behaviours have the potential to be outside of safe and healthy behaviour. They may be of potential concern due to age, or developmental differences. A potential concern due to activity type, frequency, duration or context in which they occur.</p>	<p>Red behaviours are outside of safe and healthy behaviour. They may be excessive, secretive, compulsive, coercive, degrading or threatening and involving significant age, developmental or power differences. They may pose a concern due to the activity type, frequency, duration or the context in which they occur</p>
<p>What can you do?</p>	<p>What can you do?</p>	<p>What can you do?</p>
<p>Green behaviours provide opportunities to give positive feedback and additional info</p>	<p>Amber behaviours signal the need to take notice and gather information to assess the appropriate action.</p>	<p>Red behaviours indicate a need for immediate intervention and action.</p>
<p>Green behaviours</p>	<p>Amber behaviours</p>	<p>Red behaviours</p>
<ul style="list-style-type: none"> • solitary masturbation • sexually explicit conversations with peers • obscenities and jokes within the current cultural norm • interest in erotica/pornography • use of internet/e-media to chat online • having sexual or non-sexual relationships • sexual activity including hugging, kissing, holding hands • consenting oral and/or penetrative sex with others of the same or opposite gender who are of similar age and developmental ability • choosing not to be sexually active 	<ul style="list-style-type: none"> • accessing exploitative or violent pornography • uncharacteristic and risk-related behaviour, e.g. sudden and/or provocative changes in dress, • withdrawal from friends, mixing with new or older people, having more or less money than usual, going missing • concern about body image • taking and sending naked or sexually provocative images of self or others • single occurrence of peeping, exposing, mooning or obscene gestures • giving out contact details online • joining adult-only social networking sites and giving false personal information • arranging a face to face meeting with an online contact alone 	<ul style="list-style-type: none"> • exposing genitals or masturbating in public • preoccupation with sex, which interferes with daily function • sexual degradation/humiliation of self or others • attempting/forcing others to expose genitals • sexually aggressive/exploitative behaviour • sexually explicit talk with younger children • sexual harassment • non-consensual sexual activity • use of/acceptance of power and control in sexual relationships • genital injury to self or others • sexual contact with others where there is a big difference in age or ability • sexual activity with someone in authority and in a position of trust • sexual activity with family members