



Peer on peer abuse and sexual violence and harassment: guidance for schools and colleges in Camden 2021



Christ Church School, Hampstead

A village school in London inspiring *life in all its fullness*

The Governing Body of Christ Church School, Hampstead, adopted this guidance in October 2021.

This guidance should be read alongside our Safeguarding and Child Protection Policy, our Positive Behaviour and Anti-Bullying Policy and our other policy documents.

This guidance has been shared with all staff members, including through our regular safeguarding training, and is also available on our school website.

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1 Introduction

Keeping children safe in education places a duty on schools and colleges to safeguard the welfare of pupils and provide a safe learning environment. One aspect of safeguarding that schools and colleges must ensure is responding to incidents of bullying and abuse, including sexual violence and harassment, that occur between pupils.

“Peer on peer abuse” is defined as the bullying, abuse or exploitation of a young person by peers of a similar age where the children involved are both under 18. It can take many forms, such as bullying and sexual harassment, and can take place online or in the real world.

2 Purpose and scope

All schools and colleges must have policies and processes in place that sets out the whole-school approach to peer on peer abuse setting out how school/colleges will work to prevent peer on peer abuse and how incidents will be responded to.

Schools/colleges need to ensure that there is a balanced response to incidents that considers the needs of the children involved whilst ensuring the safety of all pupils. Research shows that children who harm other children may be victims of abuse or have considerable needs themselves. Sometimes the abusive behaviour may constitute a criminal offence and the perpetrator may also be dealt with via the criminal justice system.

Schools should create an environment and culture where peer on peer abuse, including sexual harassment and online sexual abuse are not tolerated, where pupils feel confident to report their concerns and that the school will take them seriously and where issues are identified early and addressed. Schools should have a whole school approach to preventing and tackling peer on peer abuse including; a well-planned and taught Relationships, Sex Education and Health Education curriculum (usually through PSHE), a system for analysing incidents and intervening early and training for all staff so that there are consistent responses.

This document provides a model policy that schools and colleges can use to inform the approaches and responses to incidents in order to:

- protect the victim and other pupils from harm
- meet the needs of the victim and the perpetrator
- help the perpetrator take responsibility for their behaviour
- provide referral pathways to social care services where appropriate to support victims and perpetrators.

3 Standards, aims and objectives

- Schools/colleges should have a whole school approach to preventing peer on peer abuse and sexual violence and harassment, and systems in place to identify risks and take appropriate action to deal with incidents. This approach should be reflected in relevant policies such as behaviour management, online safety, staff conduct etc.
- Schools/colleges should ensure a planned PHSE curriculum conveys the school/college's policy for preventing peer on peer abuse and promoting respectful behaviour between pupils, particularly in relation to sexual conduct, and statutory sex and relationships education should provide opportunities to convey messages on respectful personal and sexual relationships.
- Schools/colleges should carry out a risk assessment to identify the type and prevalence of peer on peer abuse and any recognisable trends, with a view to putting in preventative measures, and in particular consider any specific community-based risks that the school/college may face, for example gangs, county lines etc.
- Schools/colleges should provide an environment of openness where pupils feel safe to disclose incidents and concerns knowing that they will be taken seriously and acted on.
- Pupils should be informed of procedures for reporting incidents and concerns and all staff should receive the training necessary to respond sensitively and effectively to these.
- The school/college behaviour policies should set out clear expectations of behaviour for pupils and expected sanctions for any breach. Parents should be made aware of these policies.
- The school/college should operate a zero-tolerance policy on inappropriate and discriminatory language and behaviour, including sexualised language and behaviour.
- Staff should be expected to respond appropriately to challenge any inappropriate or discriminatory language or behaviour under school/college policies and should not ignore, condone or otherwise minimise such behaviour in pupils or other staff.

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- Schools/colleges should recognise that some pupils are more vulnerable to peer on peer abuse, for example pupils with SEND, and take steps to ensure they are able to seek help, ensuring policies are flexible to respond to their specific needs.
- Schools/colleges should recognise the role of technology in facilitating bullying, abuse and exploitation, especially sexual harassment and exploitation, and be aware that many incidents will take place online. These incidents should be dealt with under the *model online safety policy for schools and colleges*. <https://cscp.org.uk/professionals/schools-and-nurseries-safeguarding-policies/>
- Schools/colleges should be aware of incidents involving pupils that take place outside of school and the need to respond appropriately in order to support victims and maintain a safe school environment.
- Schools/colleges must be aware of the following when considering the school/college response to peer on peer abuse and sexual violence and harassment:
 - Peer on peer abuse is likely to breach the pupil's rights under the Human Rights Act 1998.
 - Some forms of abuse will involve prejudice-based bullying and harassment, or sexual violence or harassment which is primarily directed against specific groups of pupils, and the school/college must be aware of their duty under the Equality Act 2010 to ensure these groups are protected and are not discriminated against by school/college policy.
 - Schools/colleges should remain aware that every pupil, victim or perpetrator, is entitled to an education and it is in the duty of the school/college to ensure that pupils' education is not adversely affected as a result of peer on peer abuse or any action taken in response to incidents.

4 Recognising peer on peer abuse

Bullying and other forms of harmful behaviour by children against their peers can range from low-level, problematic behaviour to abusive behaviour that can put victims at risk of significant harm.

Peer on peer abuse

Staff should be aware that pupils may not report incidents immediately or at all for a variety of reasons, but must be proactive in recognising any peer on peer abuse taking place and take the view that it may be happening even if it is not apparent. Reports may be made by friends of the pupil on their behalf or staff may identify changes in behaviour that signal the pupil's distress and should be attentive to these signs.

It is important that professionals are able to recognise the form that peer on peer abuse can take, including the following:

- physical abuse including hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm to another person;
- emotional abuse through bullying including name-calling, making threats, spreading rumours, verbal abuse or deliberate social exclusion;
- cyber bullying; the use of the internet and mobile devices to post threatening, intimidating or malicious messages/images on social media sites; more information on this is available in the online safety policies:

<https://cscp.org.uk/professionals/schools-and-nurseries-safeguarding-policies/>

- hazing; a form of initiation rite involving physically and/or emotionally abusive behaviour towards the person being initiated into a group, often as part of a "trial";
- relationship abuse; abuse within teenage intimate relationships that can involve physical and emotional abuse or threats and/or control or coercion and where the perpetrator tries to gain power over the victim;
- prejudice-based bullying or harassment linked to a child or young person's ethnicity, religion, disability or sexual orientation; staff should be aware of the heightened vulnerability of some groups to bullying and abuse based on discrimination.
- sexual violence, including sexual assault and sexual harassment including consensual and non-consensual sharing of nude images (see section 10);
- exploitation of peers through sexual exploitation or criminal exploitation on the county lines model for example (which may be linked to gang involvement).

5 Extra-familial harm and exploitation

Extra-familial harm describes the risks faced by young people arising from their peer group, school or community rather than the home environment. These risks include involvement in crime and drug use or gang membership and may involve their exploitation by their peers for example through sexual exploitation, criminal exploitation (such as county lines dealing) and serious youth violence.

Schools/colleges should consider incidents of peer on peer abuse in the context of extra-familial harm and be aware of the presence of exploitative relationships between the victim and perpetrator.

6 Responding to incidents

Schools/colleges should have in place a system for allowing pupils to raise concerns and report incidents in confidence. Where possible, a named member of staff can be appointed, for example a head of year, although pupils may prefer to speak to a staff member whom they trust.

First responses are crucial as this can set the tone for what pupils will expect in terms of reports being taken seriously and acted on, which will in turn determine the extent to which pupils have trust in the school/college and will feel safe to come forward with concerns.

It is essential that where concerns and incidents may have involved harm to the victim, the designated safeguarding lead should be consulted in order to make an informed decision on whether a referral to social care is necessary.

The member of staff responding to the incident or concern should:

- gather all the facts, speaking to both the victim and perpetrator
- liaise with the designated safeguarding lead
- inform parents of the incident/concern (see section 14)
- carry out a risk assessment to see if there is any further risk to the victim or other pupils
- make a report of the incident including a decision on what actions will be taken by the school.

Where incidents involve material posted online, the school/college should request that the electronic device is handed over as part of the investigation and may use legal powers to search and confiscate property as set out in the statutory guidance *Searching, screening and confiscation advice for schools*.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674416/Searching_screening_and_confiscation.pdf

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Where a referral will be made to CSSW or the police, the designated safeguarding lead will discuss the issue with the relevant agency and following this discussion a decision will be made on whether and how to inform the alleged perpetrator and their parents.

7 Levels of harm and intervention

Peer on peer abuse will cover a spectrum of behaviours involving different levels of harm and requiring different levels of intervention, and schools/colleges should take the following into account when deciding on how to deal with incidents:

- *Inappropriate behaviours*: one off incidents that involve a low level breach of school/college policies where there is thoughtlessness rather than malice and which may not be aimed at a particular pupil; these may be dealt with internally under school behaviour policies with provision of pastoral care within the school to support any victim or the perpetrator.
- *Problematic behaviours*: on-going behaviours that are socially unacceptable involving some element of victimisation which may be opportunistic rather than deliberately targeted; the behaviour may raise concerns regarding the impact on the wellbeing of the victim and may imply that the perpetrator has unmet needs that are driving their behaviour; the school/college may deal with the matter internally and/or consider a referral for early help service for both the victim and perpetrator.
- *Harmful and abusive behaviours*: persistent behaviours that continue despite previous sanctions with evidence of harmful intent and victimisation, deliberate and pre-planned, targeted at specific pupils and leading to harm of the victim; the school/college may deal with the incident locally, perhaps involving the safer schools officer (where available) or consider making a referral for a social care response for both the victim and perpetrator, including a child protection response. The seriousness of the behaviour and the impact on the victim will determine which route is taken. Schools may consult with MASH if unsure. Where a criminal offence has taken place, the school/college should consider reporting the matter to the police.

The following factors should be taken into consideration when deciding on whether the behaviour is harmful:

- the behaviour is considered unacceptable or inappropriate for their peer group
- whether it is a single incident or a history of incidents and discernible patterns of behaviour or evidence of escalation is present

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- there are specific concerns about the victim or the perpetrator, including any vulnerabilities
- there are elements of victimisation or discrimination on the basis of race, gender, sexuality etc in the behaviour
- there is evidence of coercion or pre-planning or the involvement of other pupils
- there is a power imbalance between the victim or perpetrator (for example age or developmental stage)
- the impact on the victim, particularly in the context of any vulnerabilities, for example SEND
- whether the behaviour involves a criminal offence (eg: rape/serious sexual assault).

8 Referral for social care services

- Schools/colleges should refer to their safeguarding and child protection policies when considering a referral for a social care service.
- Prior to any referral, the matter should be discussed with the designated safeguarding lead to decide whether this is the best course of action. Schools/colleges may also contact the Contact Service social worker for advice on a “no names” basis.
- All referrals for a social care service should be made to the Children and Families Contact Service.
- A referral must be made for both the victim and the perpetrator using an e-CAF referral and should contain as much information as possible.
- Urgent child protection referrals can be made by telephone but must be followed up in writing within 48 hours.
- If a child lives in another local authority area, the referral should be made to the home authority but Camden should be notified of the referral.
- Cases will be dealt with under MASH procedures and a decision made on whether to refer on for an early help or social work service. Generally, the case will be referred on to CSSW for a social work service where there are concerns that the perpetrator may be a victim of abuse themselves or where the perpetrator presents a risk to other children.

On receipt of the referral, the Contact Service will consider the information and decide on the most appropriate response:

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- Where the victim or perpetrator requires a preventative, early help response the case will be passed to the **Early Help First Stop team** who will allocate the case to the most appropriate early help service.
- Where the victim or perpetrator is a child in need, the case will be passed to **CSSW** for a **child in need service**.
- If there are concerns that the victim is at risk of significant harm or the perpetrator is the victim of abuse, the case will be passed to the MASH team to gather relevant information and the case passed to **CSSW** for a **child protection response**.
- Child protection cases will be dealt with Chapter 15 of the London Safeguarding Children Board procedures and a strategy meeting will be convened within 3-5 working days.
<http://www.londoncp.co.uk/>

9 Reporting to the police

Schools/colleges should report incidents to the police where it is believed a criminal offence may have taken place; this decision should be taken by the designated safeguarding lead who should follow the guidance for schools and colleges on when to call the police.

<https://www.npcc.police.uk/documents/Children%20and%20Young%20people/When%20to%20call%20the%20police%20guidance%20for%20schools%20and%20colleges.pdf>

Cases that are referred to CSSW for a social work service will also be referred to the police and CSSW will liaise with the police Child Abuse Investigation Team (CAIT) who will attend any strategy meeting.

The police will be responsible for investigating any criminal offence and will set any bail conditions, but it is likely that perpetrators will be released under investigation. Schools/colleges will therefore need to consider what arrangements should be in place to manage risks (see section 11).

The designated safeguarding lead should liaise with the police and CSSW with regard to the progress of any criminal proceedings and ensure the school/college have contingency plans in place following the outcome of the case.

10 Dealing with incidents of sexual violence or harassment

The following are additional to the procedures set out in sections 6, 8 and 9 which should also be followed when dealing with incidents of sexual violence and harassment.

10.1 Legal framework

Schools/colleges should follow Part 5 of *Keeping children safe in education (2021)* and the statutory guidance *Sexual violence and sexual harassment between children in schools and colleges (2021)* when dealing with incidents of sexual violence or sexual harassment. The following procedures are based on these documents.

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/999239/SVSH_2021.pdf

Schools/colleges should ensure staff have an understanding of the specific criminal offences under the Sexual Offences Act 2003 and the importance of consent, in particular whether consent to sexual acts is given freely by someone with the capacity to choose and in the absence of any duress or exploitation.

- Sexual violence is defined as any act which is an offence under the Sexual Offences Act 2003, including rape, assault by penetration or sexual assault without the consent of the victim.
- Sexual harassment is defined as unwanted sexual conduct likely to violate the victim's dignity and/or make them feel intimidated, degraded or humiliated or create a hostile, offensive or sexualised environment. This includes making sexual comments or jokes, physical contact such as touching or interfering with clothing or displaying sexual images. It also includes online harassment.

10.2 Recognition and response

Experiencing sexual violence or harassment is extremely distressful and it is crucial that schools/colleges deal with these incidents in a sensitive manner given the highly personal nature of the abuse and harm and the fact that the perpetrator may continue to attend the same school/college. As victims may be reluctant to come forward it is important schools/colleges ensure procedures are in place that enable pupils to disclose in confidence. Schools/colleges should also be aware of those pupils who face additional barriers to reporting incidents due to their vulnerability, for example pupils with SEND.

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It is likely the school/college may hear second-hand reports of incidents, some of which may have taken place outside of school involving pupils or that have happened online. The school/college should actively investigate these reports rather than wait for a formal disclosure to be made.

Reported incidents should be investigated by the member of staff to whom the young person discloses in partnership with the designated safeguarding lead, who will also carry out a risk assessment to look at any continued risk to the victim or other pupils and staff from the alleged perpetrator within the school/college environment.

A report should be written of the incident and investigation covering the following:

- details of the incident and whether it constitutes harmful sexual behaviour
- the ages and stages of development of the pupils involved
- any power imbalances between the victim and perpetrator
- whether it is a one-off incident or part of a series of incidents
- whether other forms of abuse, for example physical abuse, have also taken place
- whether the abuse has taken place within an intimate personal relationship between the pupils involved
- details of what action will be taken by the school/college.

Staff dealing with disclosures should ensure the pupil's wishes and feelings on what action is taken are taken into account, but it should be made clear to the pupil that in some cases the school must take any action necessary to safeguard all pupils.

Schools/colleges should also be mindful of dealing with cases where investigation shows that the concerns raised are unsubstantiated, unfounded or malicious. It is important that the designated safeguarding lead keeps these incidents under review and considers whether any pupil making the allegation has unmet needs and what help they may need. Malicious allegations should be dealt with under school/college behaviour policies.

10.3 Levels of harm and intervention

All incidents should be considered within the context of harmful sexual behaviour: this is a wide-ranging term describing a spectrum of sexual behaviours involving differing levels of harm. These are linked to societal norms and the expected behaviours for the child's age and stage of development. Staff should refer to the *Harmful sexual behaviour* protocol available at: [link](#)

- **Inappropriate sexual behaviour** involves single instances of sexual behaviour that is in breach of school/college behaviour policies but with no continuing risk to

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other pupils, for example inappropriate language or touching. These behaviours must be challenged and incidents may be dealt with internally under school/college policies with support provided to the victim and perpetrator via school/college pastoral care.

- **Problematic sexual behaviour** involves ongoing behaviour that may involve victimisation and that may be harmful to the victim and raises concerns about the welfare of the perpetrator. Examples of behaviours include sexualised language and invasive touching, exposing themselves, sending nude images. In these cases the school/college may deal with the matter internally and/or consider a referral for early help service for both the victim and perpetrator.
- **Harmful/abusive sexual behaviour** involves victimisation that includes an element of coercion or manipulation or circumstances involving a power imbalance where the victim is not able to give informed consent and where the behaviour could cause physical or emotional harm. Coercion may be based on power imbalances due to differences in age, intellectual ability or physical strength. It may involve a sexual act against the victim in an aggressive, exploitative or threatening manner and in some cases may constitute a criminal offence. In these cases the school/college may consider making a referral for a social care service for both the victim and perpetrator, including a child protection response. Where a criminal offence has taken place, the school/college should consider reporting the matter to the police.

11 Managing risks

Schools/colleges should take any necessary action to continue to safeguard the victim and other pupils within the school/college environment based on the level of risk established from the risk assessment, and this should include any risks to the perpetrator.

These decisions will be reviewed in the light of any on-going police and CSSW investigations to take account of any changes in the status of investigations and any bail conditions placed on the alleged perpetrator.

Schools/colleges must give careful thought to the day to day management of risk and support for the victim, particularly in cases involving sexual violence and harassment, such as decisions on practical issues such as the victim and perpetrator sharing classrooms.

When making these decisions, the school/college should take into account the victim's views. However schools/colleges must be able to justify any measures taken and that they do not interfere with the educational opportunities of either party.

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Schools/colleges may consider drawing up a safety plan that sets out actions to be taken by the school/college to minimise risk, keep the victim safe and address the perpetrator's behaviour. The plan should be agreed with the victim and the perpetrator and should allow them both to continue school life as normal, and should be kept under review by the designated safeguarding lead.

Examples of actions that could be included in the plan are:

- an assessment of risk (times, locations etc)
- details of sources of support available for the victim and perpetrator (within the school and externally)
- name of a trusted adult to whom the victim can report
- measures the school have put in place to keep the victim safe/separate from the perpetrator
- any agreements on behaviour by the perpetrator
- any restorative actions to be taken
- any action the school/college will make regarding the learning environment, policies etc
- what happens if there are further incidents or concerns escalate.

12 Confidentiality and information-sharing

The Children Act 2004 places a safeguarding duty on schools and colleges and provides a legal basis to share information with other agencies in order to safeguard and promote the welfare of children when taking action in response to peer on peer abuse.

Schools and colleges should try to obtain parental consent to making a referral but should inform parents that consent is not needed should it be withheld.

Parental consent to making a referral should not be sought where this would:

- place the child or young person at further risk
- interfere with a criminal investigation
- cause undue delay to safeguarding a child or young person.

When seeking consent to share information, the following should be taken into account:

- Young people aged over 16 are legally able to give consent to disclosure where they are judged to have mental capacity.

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- Where a child is under 12 years old, parents must consent to disclosure.
- Young people aged between 12 and 15 years old may be able to give their own consent if they are able to understand the issues and make an informed decision; otherwise, their parents must be asked to give consent.

Within schools, information sharing should be limited to the head teacher and the designated safeguarding lead and any member of staff involved in responding to the incident or involved in managing risk and implementing the safety plan. Decisions on disclosure should be made by the head teacher on a case by case basis.

13 Working with parents

Schools and colleges should inform the parents of victims and perpetrators as proportionate to the level of harm caused unless this may put the child at risk of further harm. The designated safeguarding lead should meet with parents in order to explain arrangements that will be put in place to keep victims safe and support both pupils, as well

Staff should ensure a high level of sensitivity when working with parents. Many parents are likely to be shocked on hearing about the allegations, but it is important that they are involved in agreeing any action to support the perpetrator to take responsibility and to manage behaviour.

However, professionals also need to be aware of the possibility that parents may be implicated in the abusive behaviours. Where this is thought to be the case, professionals should discuss the matter with the Contact Service social worker to decide whether parents should be notified of any referral.