Department for Education

Keeping children safe in education 2025

Statutory guidance for schools and colleges

September 2025

Part five: Child-on-child sexual violence and sexual harassment

450. This part of the statutory guidance is about how schools and colleges **should respond to all signs, reports and concerns** of child-on-child sexual violence and sexual harassment, including those that have happened outside of the school or college premises, and/or online (what to look out for and indicators of abuse are set out in Part one of this guidance). As set out in Part one of this guidance, all staff working with children are advised to maintain an attitude of **'it could happen here'**, and this is especially important when considering child-on-child abuse.

What schools and colleges should be aware of

451. Sexual violence and sexual harassment can occur between two or more children of any age and sex, from primary through to secondary stage and into college. It can occur also through a group of children sexually assaulting or sexually harassing a single child or group of children. Sexual violence and sexual harassment exist on a continuum and may overlap; they can occur online and face-to-face (both physically and verbally) and are never acceptable. Schools and colleges should be aware of the importance of:

- making clear that there is a **zero-tolerance** approach to sexual violence and sexual harassment, that it is never acceptable, and it will not be tolerated. It should **never** be passed off as "banter", "just having a laugh", "a part of growing up" or "boys being boys". Failure to do so can lead to a culture of unacceptable behaviour, an unsafe environment and in worst case scenarios a culture that normalises abuse, leading to children accepting it as normal and not coming forward to report it
- recognising, acknowledging, and understanding the scale of harassment and abuse and that even if there are no reports it does not mean it is not happening, it may be the case that it is just not being reported
- challenging physical behaviour (potentially criminal in nature) such as grabbing bottoms, breasts and genitalia, pulling down trousers, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them

452. Children who are victims of sexual violence and sexual harassment wherever it happens, may find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment and will be exacerbated if the alleged perpetrator(s) attends the same school or college.

453. Whilst any report of sexual violence or sexual harassment should be taken seriously, staff should be aware it is more likely girls will be the victims of sexual violence and sexual harassment and more likely it will be perpetrated by boys. Children with disabilities are also three times more likely to be abused than their peers[135]

454. Ultimately, it is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe.

Sexual violence

455. It is important that schools and colleges are aware of sexual violence and the fact children can, and sometimes do, abuse other children in this way and that it **can happen both inside and outside of school/college.** When referring to sexual violence in this advice, we do so in the context of child-on-child sexual violence.

When referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003[136] as described below:

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

Assault by penetration: A person (A) commits an offence if: s/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents.

Sexual assault: A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents. (NOTE - Schools and colleges should be aware that sexual assault covers a very wide range of behaviour so a single act of kissing someone without consent or touching someone's bottom/breasts/genitalia without consent, can still constitute sexual assault).

Causing someone to engage in sexual activity without consent: A person (A) commits an offence if: s/he intentionally causes another person (B) to engage in an activity, the activity is sexual, B does not consent to engaging in the activity, and A does not reasonably believe that B consents. (NOTE – this could include forcing

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[135] Jones, L et al. (2012) Prevalence and risk of violence against children with disabilities: a systematic review and meta-analysis of observational studies. The Lancet July 2012.
[136] Sexual Offences Act 2003 (Legislation.gov.uk).

someone to strip, touch themselves sexually, or to engage in sexual activity with a third party).

What consent is[137] 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.[138]

- a child under the age of 13 can never consent to any sexual activity
- the age of consent is 16 [139]
- sexual intercourse without consent is rape

Further information about consent can be found here: Rape Crisis England & Wales - Sexual consent

Sexual harassment

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

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

- sexual comments, such as telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names
- sexual "jokes" or taunting

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[137] It is important school and college staff (and especially designated safeguarding leads and their deputies) understand consent. This will be especially important if a child is reporting they have been raped or sexually assaulted in any way. Further information can be found at Rape Crisis

[138] PSHE Teaching about consent from the PSHE association provides advice and lesson plans to teach consent at Key stage 3 and 4.

[139] It is 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 a deputy) should be involved and generally speaking leading the school or college response. If in any doubt, they should seek expert advice.

- physical behaviour, such as deliberately brushing against someone, interfering with someone's clothes. Schools and colleges should be considering when any of this crosses a line into sexual violence – it is important to talk to and consider the experience of the victim
- displaying pictures, photos or drawings of a sexual nature
- upskirting (this is a criminal offence[140])
- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence.[141] It may include:
    - consensual and non-consensual sharing of nude and semi-nude images and/or videos.[142] Taking and sharing nude photographs of those aged under 18 is a criminal offence. UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people provides detailed advice for schools and colleges
    - sharing of unwanted explicit content
    - sexualised online bullying
    - unwanted sexual comments and messages, including, on social media
    - sexual exploitation; coercion and threats, and
    - coercing others into sharing images of themselves or performing acts they're not comfortable with online

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

Harmful sexual behaviour

459. Children's sexual behaviour exists on a wide continuum, ranging 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

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[140] The Voyeurism (Offences) Act 2019 which amends the Sexual Offences Act 2003 to make upskirting a specific offence of voyeurism. The Act came into force on 12 April 2019.
[141] Project deSHAME from Childnet provides useful research, advice and resources regarding online sexual harassment.
[142] Consensual image sharing, especially between older children of the same age, may require a different response. It might not be abusive – but children still need to know it is illegal- whilst non-consensual is illegal and abusive.

"harmful sexual behaviour" (HSB). The term has been widely adopted in child protection and is used in this advice. **HSB can occur online and/or face-to-face and can also occur simultaneously between the two.** HSB should be considered in a child protection context.

460. When considering HSB, both ages and the stages of development of the children are critical factors. Sexual behaviour between children can be considered harmful if one of the children is much older, particularly if there is more than two years' difference or if one of the children is pre-pubescent and the other is not. However, a younger child can abuse an older child, particularly if they have power over them, for example, if the older child is disabled or smaller in stature. Confidential specialist support and advice on HSB is available from the specialist sexual violence sector and sources are listed in Annex B.

461. It is effective safeguarding practice for the designated safeguarding lead (and their deputies) to have a good understanding of HSB. This could form part of their safeguarding training. This will aid in planning preventative education, implementing preventative measures, drafting and implementing an effective child protection policy and incorporating the approach to sexual violence and sexual harassment into the whole school or college approach to safeguarding.

462. HSB can, in some cases, progress on a continuum.[143] Addressing inappropriate behaviour can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future. Children displaying HSB have often experienced their own abuse and trauma.[144] It is important that they are offered appropriate support.

Preventing abuse

463. Effective safeguarding practice is demonstrated when schools and colleges are clear, in advance, about what local processes are in place and what support can be accessed when sexual violence or sexual harassment has occurred. It is important to prepare for this in advance and review this information on a regular basis to ensure it is up to date. As such:

- if required, the designated safeguarding lead (or a deputy) should discuss the local response to sexual violence and sexual harassment with police and local authority children's social care colleagues in order to prepare the schools or

[143] HSB framework and audit | NSPCC Learning discusses the continuum harmful behaviour can progress on (Hackett 2019 continuum model).
[144] Hackett et al 2013 study of children and young people with harmful sexual behaviour suggests that two-thirds had experienced some kind of abuse or trauma.

college's policies (especially the child protection policy) and responses, and

- the designated safeguarding lead (and their deputies) should be confident as to what local specialist support is available to support all children involved (including victims and alleged perpetrators) in sexual violence and sexual harassment and be confident as to how to access this support when required. Further information on specialist support and interventions can be found in Annex B in the additional advice and support section under "sexual violence and sexual harassment".

Responding to reports of sexual violence and sexual harassment

464. Part two of this guidance is clear that systems should be in place (and they should be well promoted, easily understood and easily accessible) for children to confidently report abuse, knowing their concerns will be treated seriously.

465. Reports of sexual violence and sexual harassment are likely to be complex and require difficult professional decisions to be made, often quickly and under pressure. Pre-planning, effective training and effective policies will provide schools and colleges with the foundation for a calm, considered and appropriate response to any reports. Governing bodies and proprietors should ensure that the school or college contributes to multi-agency working in line with statutory guidance Working Together to Safeguard Children (and as summarised in Part two of this guidance).

466. This part of the guidance does not attempt to provide (nor would it be possible to provide) detailed guidance on what to do in any or every case. The guidance provides effective safeguarding practice and principles for schools and colleges to consider in their decision-making process.

467. Ultimately, any decisions are for the school or college to make on a case-by-case basis, with the designated safeguarding lead (or a deputy) taking a leading role and using their professional judgement, supported by other agencies, such as local authority children's social care and the police as required.

468. The guidance also provides case studies. These are not intended to offer a step-by-step guide, but to provide an indication of some of the various options that are available to respond to reports of sexual violence and sexual harassment.

Support for schools and colleges

469. Schools and colleges should not feel that they are alone in dealing with sexual violence and sexual harassment.

470. Local authority children's social care and the police will be important partners where a crime might have been committed. Referrals to the police will often be a natural progression of making a referral to local authority children's social care. The designated safeguarding lead (or a deputy) should lead the school or college response and should be aware of the local process for referrals to children's social care and making referrals to the police (also see the section 'Reporting to the police' on page 128 for further information). Schools and colleges may also find the following resources helpful:

- **National Crime Agency's** CEOP Safety Centre aims to keep children and young people safe from online sexual abuse. Online sexual abuse can be reported on their website and a report made to one of its Child Protection Advisors.
- **The NSPCC** provides a helpline for professionals at 0808 800 5000 and help@nspcc.org.uk. The helpline provides expert advice and support for school and college staff and will be especially useful for the designated safeguarding lead (and their deputies).
- Support from **specialist sexual violence sector organisations** such as Rape Crisis or The Survivors Trust.
- **The Anti-Bullying Alliance** has developed guidance for schools about Sexual and sexist bullying.

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

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

sharing non-consensual nude and semi-nude images or videos (also known as sexting and youth-produced sexual imagery). See footnote 8 for more information.

- National Crime Agency's CEOP Education Programme provides information for the children's workforce and parents and carers on protecting children and young people from online child sexual abuse.
- LGFL 'Undressed' provided schools advice about how to teach young children about being tricked into getting undressed online in a fun way without scaring them or explaining the motives of sex offenders.

Additional sources of support are listed at the end of Annex B.

The immediate response to a report

Responding to the report

471. It is important to understand that children may not find it easy to tell staff about their abuse verbally. Children can show signs or act in ways that they hope adults will notice and react to. In some cases, the victim may not make a direct report. For example, a friend may make a report, or a member of school or college staff may overhear a conversation that suggests a child has been harmed or a child's own behaviour might indicate that something is wrong. As per Part one of this guidance, if staff have any concerns about a child's welfare, they should act on them immediately rather than wait to be told.

472. The initial response by a school or college to a report from a child is incredibly important. How the school or college responds to a report can encourage or undermine the confidence of future victims of sexual violence and sexual harassment to report or come forward.

473. It is essential that all victims are reassured that they are being taken seriously, regardless of how long it has taken them to come forward, and that they will be supported and kept safe. Abuse that occurs online or outside of the school or college should not be downplayed and should be treated equally seriously. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report. 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.

474. As per Part one of this guidance, all staff should be trained to manage a report. Local policies (and training) will dictate exactly how reports should be managed. However, effective safeguarding practice includes:

- if possible, managing reports with two members of staff present, (preferably one of

them being the designated safeguarding lead or a deputy)

- careful management and handling of reports that include an online element. Including being aware of searching screening and confiscation advice (for schools) and UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people. **The key consideration is for staff not to view or forward illegal images of a child.** The highlighted advice provides more details on what to do when viewing an image is unavoidable. In some cases, it may be more appropriate to confiscate any devices to preserve any evidence and hand them to the police for inspection
- not promising confidentiality at this initial stage as it is very likely a concern will have to be shared further (for example, with the designated safeguarding lead (or a deputy) or local authority children's social care) to discuss next steps. Staff should only share the report with those people who are necessary in order to progress it. It is important that the victim understands what the next steps will be and who the report will be passed to
- recognising that a child is likely to disclose to someone they trust: this could be **anyone** on the school or college staff. It is important that the person to whom the child discloses recognises that the child has placed them in a position of trust. They should be supportive and respectful of the child
- recognising that an initial disclosure to a trusted adult may only be the first incident reported, rather than representative of a singular incident and that trauma can impact memory and so children may not be able to recall all details or timeline of abuse
- keeping in mind that certain children may face additional barriers to telling someone because of their vulnerability, disability, sex, ethnicity, and/or sexual orientation
- listening carefully to the child, reflecting back, using the child's language, being non-judgemental, being clear about boundaries and how the report will be progressed, not asking leading questions and only prompting the child where necessary with open questions – where, when, what, etc. It is important to note that whilst leading questions should be avoided, staff can ask children if they have been harmed and what the nature of that harm was
- considering the best way to make a record of the report. Best practice is to wait until the end of the report and immediately write up a thorough summary. This allows the staff member to devote their full attention to the child and to listen to what they are saying. It may be appropriate to make notes during the report (especially if a second member of staff is present). However, if making notes, staff should be conscious of the need to remain engaged with the child and not appear distracted by the note taking. Either way, **it is essential a written record is made**

- only recording the facts as the child presents them. The notes should not reflect the personal opinion of the note taker. Schools and colleges should be aware that notes of such reports could become part of a statutory assessment by local authority children's social care and/or part of a criminal investigation, and
- informing the designated safeguarding lead (or a deputy), as soon as practically possible, if the designated safeguarding lead (or a deputy) is not involved in the initial report.

Considering confidentiality and anonymity

Confidentiality

475. Staff taking a report should never promise confidentiality as it is very likely that it will be in the best interests of the victim to seek advice and guidance from others in order to provide support and engage appropriate agencies.

476. The school or college should only engage staff and agencies who are required to support the children involved and/or be involved in any investigation.

477. The victim may ask the school or college not to tell anyone about the sexual violence or sexual harassment. There are no easy or definitive answers when a victim makes this request. If the victim does not give consent to share information, staff may still lawfully share it, if there is another legal basis under the UK GDPR that applies. For example, the public task basis may apply, where the overall purpose is to perform a public interest task or exercise official authority, and the task or authority has a clear basis in law. Advice should be sought from the designated safeguarding lead (or a deputy), who should consider the following:

- parents or carers should normally be informed (unless this would put the victim at greater risk)
- the basic safeguarding principle is: if a child is at risk of harm, is in immediate danger, or has been harmed, a referral should be made to local authority children's social care, and
- rape, assault by penetration and sexual assaults are crimes. Where a report of rape, assault by penetration or sexual assault is made, this should be referred to the police. Whilst the age of criminal responsibility is ten, if the alleged perpetrator is under ten, the starting principle of referring to the police remains. The police will take a welfare, rather than a criminal justice approach, in these cases.

478. Ultimately, the designated safeguarding lead (or a deputy) will have to balance the victim's wishes against their duty to protect the victim and other children.

479. If the designated safeguarding lead (or a deputy) decide to go ahead and make a referral to local authority children's social care and/or a report to the police against the victim's wishes, this should be handled extremely carefully, the reasons should be explained to the victim and appropriate specialist support should be offered.

480. Additional information on confidentiality and information sharing is available at Safeguarding Practitioners Information Sharing Advice and NSPCC: Information sharing and confidentiality for practitioners.

Anonymity

481. Where an allegation of sexual violence or sexual harassment is progressing through the criminal justice system, schools and colleges should be aware of anonymity, witness support, and the criminal process in general so they can offer support and act appropriately.[145] Relevant information can be found in: CPS: Safeguarding Children as Victims and Witnesses.

482. As a matter of effective safeguarding practice, schools and colleges should do all they 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 children involved.

483. Schools and colleges should also consider the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities. The unique challenges regarding social media are discussed at paragraph 470 along with potential support. In addition, the principles described in Childnet's cyberbullying guidance could be helpful.

Risk assessment

484. When there has been a report of sexual violence, the designated safeguarding lead (or a deputy) should 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 for a report of sexual violence should consider:

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[145]It is not the role of schools and colleges to provide legal advice or support to victims, alleged perpetrators or parents in respect of a criminal justice process. Rather, schools and colleges should be aware of their own position and responsibilities.

- the victim, especially their protection and support
- whether there may have been other victims
- the alleged perpetrator(s)
- 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 from the alleged perpetrator(s), or from future harms, and
- The time and location of the incident, and any action required to make the location safer.

485. Risk assessments should be recorded (paper or electronic) and should be kept under review. At all times, the school or college should be actively considering the risks posed to all their pupils and students and put adequate measures in place to protect them and keep them safe.

486. The designated safeguarding lead (or a deputy) should ensure they are engaging with local authority children's social care and specialist services as required. Where there has been a report of sexual violence, it is likely that professional risk assessments by social workers and or sexual violence specialists will be required. The above school or college risk assessment is not intended to replace the detailed assessments of expert professionals. Any such professional assessments should be used to inform the school or college approach to supporting and protecting their pupils and students and updating their own risk assessment.

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

What to consider

487. As set out above, sexual violence and sexual harassment can happen anywhere, and all staff working with children are advised to maintain an attitude of '**it could happen here'.** Schools and colleges should be aware of and respond appropriately to **all** reports and concerns about sexual violence and/or sexual harassment both online and offline, including those that have happened outside of the school/college. The designated safeguarding lead (or a deputy) is likely to have a complete safeguarding picture and be the most appropriate person to advise on the initial response by the school or college. Important considerations will include:

- 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. Victims should be given as much control as is reasonably possible over decisions regarding how any investigation will be progressed and any support that they will be offered. This will however need to be balanced with the schools or college's duty and

responsibilities to protect other children

- the nature of the alleged incident(s), including whether a crime may have been committed and/or whether HSB has been displayed
- the ages of the children involved
- the developmental stages of the children involved
- any power imbalance between the children. For example, is/are the alleged perpetrator(s) significantly older, more mature, confident and well known social standing? Does the victim have a disability or learning difficulty?
- if the alleged incident is a one-off or a sustained pattern of abuse (sexual abuse can be accompanied by other forms of abuse and a sustained pattern may not just be of a sexual nature)
- that sexual violence and sexual harassment can take place within intimate personal relationships between children
- importance of understanding intra familial harms and any necessary support for siblings following incidents
- are there ongoing risks to the victim, other children, adult students or school or college staff, and
- other related issues and wider context, including any links to child sexual exploitation and child criminal exploitation.

488. As always when concerned about the welfare of a child, all staff should act in the best interests of the child. In all cases, schools and colleges should follow general safeguarding principles as set out throughout this guidance. **Immediate** consideration should be given as to how best to support and protect the victim and the alleged perpetrator(s) (and any other children involved/impacted).

Children sharing a classroom: Initial considerations when the report is made

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

Reports of rape and assault by penetration are likely to be especially difficult for the victim, and close proximity to the alleged perpetrator(s) is likely to be especially distressing. Whilst the school or college establishes the facts of the case and starts the process of liaising with local authority children's social care and the police, the alleged perpetrator(s) **should** be removed from any classes they share with the victim. The school or college should also **carefully** consider how best to keep the victim and alleged perpetrator(s) a reasonable distance apart on school or college premises (including during any before or after school-based activities) and on transport to and from the school or college, where appropriate. These actions are in the best interests of all children involved and should not be perceived to be a judgement on the guilt of the alleged perpetrator(s).

For other reports of sexual violence and sexual harassment, the proximity of the victim and alleged perpetrator(s) and considerations regarding shared classes, sharing school or college premises and school or college transport, should be considered immediately.

In all cases, the initial report should be carefully evaluated, reflecting the considerations set out at paragraph 487-488. The wishes of the victim, the nature of the allegations and the protection of all children in the school or college will be especially important when considering any immediate actions.

Options to manage the report

489. It is important that schools and colleges consider every report on a case-by-case basis as per paragraph 487. When to inform the alleged perpetrator(s) will be a decision that should be carefully considered. Where a report is going to be made to local authority children's social care and/or the police, then, as a general rule, the designated safeguarding lead should speak to the local authority children's social care and the police and discuss next steps and how the alleged perpetrator(s) will be informed of the allegations. However, as per general safeguarding principles,

this does not and should not stop the school or college taking immediate action to safeguard its children, where required.

490. There are four likely scenarios for schools and colleges to consider when managing any reports of sexual violence and/or sexual harassment. The four scenarios are:

1. Manage internally

491. In some cases of sexual harassment, for example, one-off incidents, the school or college may take the view that the children concerned are not in need of early help or that referrals to statutory services are not required, and that it would be appropriate to handle the incident internally, perhaps through utilising their behaviour policy and by providing pastoral support.

492. Whatever the response, it should be underpinned by the principle that there is a zero-tolerance approach to sexual violence and sexual harassment, and it is never acceptable and will not be tolerated.

493. All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

Case study

A 12-year-old girl reported to the head of year that five boys in her friendship group were playing a game, which involved daring each other to use increasingly graphic sexually explicit language, describing what they would like to do to her. She was very upset but did not want to get anyone into trouble or everyone to know about it. She just wanted them to stop. She explained this to her head of year. The head of year explained to her that what she had experienced was extremely serious and reassured her that her reaction was completely understandable. He also explained that he would pass the report to the designated safeguarding lead to ensure records were updated. He explained he would be following the school's behaviour policy and would speak to the boys involved and their parents, making it clear that what they were doing was sexual bullying and harassment and taken extremely seriously. The girl's parents were contacted and given the opportunity to discuss the action the school planned to take.

Result: the boys were removed from the classroom and reprimanded with their parents present. It was made clear that the behaviour was unacceptable, and they received a punishment in line with the school's behaviour policy. They were also warned about the more severe consequences that would arise if the harassment continued.

2. Early help

494. In line with managing internally, the school or college may decide that the children involved do not require referral to statutory services but may benefit from early help. Early help is support for children of all ages that improves a family's resilience and outcomes or reduces the chance of a problem getting worse. 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 HSB and may prevent escalation of sexual violence. It is particularly important that the designated safeguarding lead (and their deputies) know what the local early help process is and how and where to access support.

495. More information on early help is set out in Part one of this guidance with full details of the early help process in Working Together to Safeguard Children.

496. Multi-agency early help will work best when placed alongside strong school or college policies, preventative education and engagement with parents and carers.

497. Schools and colleges, as relevant agencies, should be part of discussions with statutory safeguarding partners to agree the levels for the different types of assessment and services to be commissioned and delivered, as part of the local arrangements. Safeguarding partners should publish a local threshold document which includes the process for the local early help assessment and the type and level of early help services to be provided, and designated safeguarding leads (and their deputies) will need to familiarise themselves with this document.

498. Early help and the option to manage a report internally do not need to be mutually exclusive: a school could manage internally and seek early help for both the victim and alleged perpetrator(s).

499. Whatever the response, it should be under-pinned by the principle that there is zero-tolerance approach to sexual violence and sexual harassment and that both are never acceptable and will not be tolerated.

500. All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

3. Referrals to local authority children's social care

501. Where a child has been harmed, is at risk of harm, or is in immediate danger, schools and colleges should make a referral to local authority children's social care.

502. At the point of referral to local authority children's social care, schools and colleges will generally inform parents or carers, unless there are compelling

reasons not to (if informing a parent or carer is going to put the child at additional risk). Any such decision should be made with the support of local authority children's social care.

503. If a referral is made, local authority children's social care will then make enquiries to determine whether any of the children involved are in need of protection or other services.

504. Where statutory assessments are appropriate, the school or college (especially the designated safeguarding lead (or a deputy)) should be working alongside, and cooperating with, the relevant lead social worker. Collaborative working will help ensure the best possible package of coordinated support is implemented for the victim and, where appropriate, the alleged perpetrator(s) and any other children that require support.

505. Schools and colleges should not wait for the outcome (or even the start) of a local authority children's social care investigation before protecting the victim and other children in the school or college. It will be important for the designated safeguarding lead (or a deputy) to work closely with local authority children's social care (and other agencies as required) to ensure any actions the school or college takes do not jeopardise a statutory investigation. The risk assessment as per paragraph 483-485 will help inform any decision. Consideration of safeguarding the victim, alleged perpetrator(s), any other children directly involved in the safeguarding report, and all children at the school or college should be immediate.

506. In some cases, local authority children's social care will review the evidence and decide that a statutory intervention is not appropriate. The school or college (generally led by the designated safeguarding lead (or a deputy)) should be prepared to refer again if they believe the child remains in immediate danger or at risk of harm or if circumstances change. If a statutory assessment is not appropriate, the designated safeguarding lead (or a deputy) should consider other support mechanisms such as early help, specialist support and pastoral support.

507. Whatever the response, it should be under-pinned by the principle that there is a zero- tolerance approach to sexual violence and sexual harassment and that both are never acceptable and will not be tolerated.

508. All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

4. Reporting to the police

509. Any report to the police will generally be in parallel with a referral to local authority children's social care (as above).

510. It is important that the designated safeguarding lead (and their deputies) are clear about the local process for referrals and follow that process.

511. Where a report of rape, assault by penetration or sexual assault is made, the starting point is that this should be passed on to the police. Whilst the age of criminal responsibility is ten, if the alleged perpetrator(s) is under ten, the starting principle of reporting to the police remains. The police will take a welfare, rather than a criminal justice, approach. The following advice may help schools and colleges decide when to engage the Police and what to expect of them when they do: When to call the police.

512. Where a report has been made to the police, the school or college should consult the police and agree what information can be disclosed to staff and others, in particular, the alleged perpetrator(s) and their parents or carers. They should also discuss the best way to protect the victim and their anonymity.

513. At this stage, schools and colleges will generally inform parents or carers unless there are compelling reasons not to, for example, if informing a parent or carer is likely to put a child at additional risk. In circumstances where parents or carers have not been informed, it will be especially important that the school or college is supporting the child in any decision they take. This should be with the support of local authority children's social care and any appropriate specialist agencies.

514. All police forces in England have specialist units that investigate child abuse. The names and structures of these units are matters for local forces. It will be important that the designated safeguarding lead (and their deputies) are aware of their local arrangements.

515. In some cases, it may become clear very quickly that the police (for whatever reason) will not take further action. In such circumstances, it is important that the school or college continues to engage with specialist support for the victim and alleged perpetrator(s) as required.

516. Whilst protecting children and/or taking any disciplinary measures against the alleged perpetrator(s), it will be important for the designated safeguarding lead (or a deputy) to 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.

517. If a school or college has questions about the investigation, they should ask the police. The police will help and support the school or college as much as they can (within the constraints of any legal restrictions).

518. Whatever the response, it should be underpinned by the principle that there is a zero-tolerance approach to sexual violence and sexual harassment and that both are never acceptable and will not be tolerated.

519. All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

Considering bail conditions

520. The police will consider what action to take to manage the assessed risk of harm. This could involve the use of police bail with conditions, prior to a suspect appearing in court, or court bail with or without conditions after the first appearance.

521. Alternatively, the person suspected of an offence could be 'released under investigation' (RUI). People released under RUI will not necessarily have conditions attached to their release from custody and it is possible for a person on bail also to have no conditions.

522. Whatever arrangements are in place, the school or college will need to consider what additional measures may be necessary to manage any assessed risk of harm that may arise within their institution.

523. Particular regard should be given to the additional stress and trauma that might be caused to a victim within the institution; the potential for the suspected person to intimidate the victim or a witness; the need to ensure that any risk management measures strike a balance between management of risk and the rights of an un-convicted person (e.g. rights to privacy, family life, etc).

524. Careful liaison with the police investigators should help to develop a balanced set of arrangements.

Managing any delays in the criminal process

525. There may be delays in any case that is being progressed through the criminal justice system. Schools and colleges should not wait for the outcome (or even the start) of a police investigation before protecting the victim, alleged perpetrator(s) and other children in the school or college. The risk assessment as per paragraph 484-486 will help inform any decision.

526. Considering any disciplinary action against the alleged perpetrator(s) whilst an investigation is ongoing is discussed below in the alleged perpetrator(s) section.

527. Whilst protecting children and/or taking any disciplinary measures against the alleged perpetrator(s), it will be important for the designated safeguarding lead (or a deputy) to 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.

528. If schools or colleges have questions about the investigation, they should ask the police. The police will help and support the school or college as much as they can (within the constraints of any legal restrictions).

The end of the criminal process

529. If a child is convicted or receives a caution for a sexual offence, the school or college should update its risk assessment, ensure relevant protections are in place for all the children at the school or college and, if it has not already, consider any suitable action in line with their behaviour policy. This process should include a review of the necessary actions to keep all parties safe and meet their needs. If the perpetrator(s) remains in the same school or college as the victim, the school or college should be very clear as to their expectations regarding the perpetrator(s) now they have been convicted or cautioned. This could include expectations regarding their behaviour and any restrictions the school or college thinks are reasonable and proportionate with regard to the lesson timetable of the perpetrator(s).

530. Any conviction (even with legal anonymity reporting restrictions) is potentially going to generate interest among other pupils or students in the school or college. It will be important that the school or college ensures both the victim and perpetrator(s) remain protected, especially from any bullying or harassment (including online).

531. Where cases are classified as “no further action” by the police or Crown Prosecution Service, or where there is a not guilty verdict, the school or college should continue to offer support to the victim and the alleged perpetrator(s) 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 or was withdrawn does not necessarily mean that it was unfounded. Schools and colleges should discuss any decisions with the victim in this light and continue to offer support. The alleged perpetrator(s) is/are also likely to require ongoing support for what will have likely been a difficult experience.

Case study

A 15-year-old girl disclosed to a pastoral lead that she had been sexually touched by a 15-year-old boy, on public transport on the way to school. The school made a referral to local authority children's social care on the same day, submitting a MARF (Multi Agency Referral Form) for both children. The MARF led to immediate police involvement. The school arranged for the boy to have an amended timetable so that he was not in any class with the girl. Specific teaching staff were briefed on the need to ensure the children were not together. The girl was given a trusted adult she could go to at any time. This staff member agreed she would meet with the girl every day and she supported her with break and lunchtime arrangements. The girl was able to suggest how she would feel safest at lunchtime.

At the end of the second day, another girl went to the designated safeguarding lead (DSL) and made a report about the same boy. She reported that he had sexually assaulted her in school three weeks before. The school submitted a MARF for the girl and a second MARF for the boy. The school knew the police were involved and that a MERLIN (a crime report involving a child) had been submitted, but they knew the police would not have the ongoing and detailed information held by the school about the boy. The school did not want either girl further distressed by possibly seeing the boy around school. The option choices and group sizes for the three children meant it was very difficult to educate separately. The school contacted another secondary school. The school links had been established as part of the In Year Fair Access Process (IYFAP) and made immediate arrangements for the boy to move to the other school so that his education was not disrupted. The boy remained at the new school for the duration of the investigation. The DSLs from both schools worked together with police and the children and ensured appropriate child protection information was shared so the receiving school was fully aware of the allegations. The boy received a caution, and the decision was made for him to remain at his new school where he engaged with a personalised RSHE plan. Parents were involved throughout. The children were at the centre of decision-making, often suggesting how they could be supported.

Unsubstantiated, unfounded, false or malicious reports

532. As set out in paragraph 66 of Part one of this guidance, all concerns, discussions and decisions made, and the reasons for those decisions, should be recorded in writing. Records should be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified, and addressed.

533. If a report is determined to be unsubstantiated, unfounded, false or malicious, the designated safeguarding lead should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this was a cry for help. In such circumstances, a referral to local authority children's social care may be appropriate.

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

Ongoing response

Safeguarding and supporting the victim

535. The following principles are based on effective safeguarding practice and should help shape any decisions regarding safeguarding and supporting the victim.

- The needs and wishes of the victim should be paramount (along with protecting the child) in any response. It is important they feel in as much control of the process as is reasonably possible. Wherever possible, the victim, if they wish, should be able to continue in their normal routine. Overall, the priority should be to make the victim's daily experience as normal as possible, so that the school or college is a safe space for them.
- Consider the age and the developmental stage of the victim, the nature of the allegation(s) and the potential risk of further abuse. Schools and colleges should be aware that, by the very nature of sexual violence and sexual harassment, a power imbalance is likely to have been created between the victim and alleged perpetrator(s).
- The victim should never be made to feel they are the problem for making a report or made to feel ashamed for making a report.
- Consider the proportionality of the response. Support should be tailored on a case-by-case basis. The support required regarding a one-off incident of sexualised name-calling is likely to be vastly different from that for a report of rape.
- Schools and colleges should be aware that sexual assault can result in a range of health needs, including physical, mental, and sexual health problems and unwanted pregnancy. Children and young people that have 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.

- It will be important in all scenarios that decisions and actions are regularly reviewed and that relevant policies are updated to reflect lessons learnt. It is particularly important to look out for potential patterns of concerning, problematic or inappropriate behaviour. Where a pattern is identified, the school or college should decide on a course of action. Consideration should be given as to whether there are wider cultural issues within the school or college that enabled the inappropriate behaviour to occur and where appropriate extra teaching time and/or staff training could be delivered to minimise the risk of it happening again.

536. Support can include:

- Early help and local authority children's social care as set out in Part one of this guidance.
- 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.
- Police and social care agencies can signpost to ChISVA services (where available), or referrals can be made directly to the ChISVA service by the young person or school or college. Contact details for ChISVAs can be found at Rape Crisis and The Survivors Trust.
- Children and young people's mental health services (CYPMHS) is used as a term for all services that work with children who have difficulties with their emotional or behavioural wellbeing. Services vary depending on local authority. Most CYPMHS have their own website, which will have information about access, referrals and contact numbers.
- The specialist sexual violence sector can provide therapeutic support for children who have experienced sexual violence. Contact Rape Crisis (England & Wales) or The Survivors Trust for details of local specialist organisations. The Male Survivors Partnership can provide details of services which specialise in supporting men and boys.
- The NHS – Help after rape and sexual assault - NHS (www.nhs.uk) provides a range of advice, help and support including advice about the risk of pregnancy, sexually transmitted infections (STI), reporting to the police and forensics.
- Rape and sexual assault referral centres services can be found at: Find a rape and sexual assault referral centre . Sexual assault referral centres (SARCs) offer

medical, practical and emotional support. They have specially trained doctors, nurses and support workers. If children, young people, or their families are unsure which service to access, they should contact their GP or call the NHS on 111.

- Childline provides free and confidential advice for children and young people.
- Internet Watch Foundation works internationally to remove child sexual abuse online images and videos and offers a place for the public to report them anonymously.
- Childline / IWF: Remove a nude image shared online Report Remove is a free tool that allows children to report nude or sexual images and videos of themselves that they think might have been shared online, to see if they can be removed from the internet.

Case study

A 15-year-old boy and girl who go to the same school had sex at a party and, without them knowing, other people at the party filmed it. The video was then uploaded to a site and shared around their school and other schools in the area.

Following this, the girl was sexually harassed at school being called a 'slag and a slut' during lessons. Other boys in the school began propositioning her in school and trying to touch her aggressively and inappropriately. A teacher who saw the sexual harassment in his class talked to the girl about how she was feeling and suggested she spoke to the designated safeguarding lead (DSL). The DSL spoke to the girl and recorded the report, discussed her options about trying to get the video deleted from people's devices and the website it was on, and how to talk to her parents about what happened. The teachers and parents did not view the video, and this was communicated to the girl and boy.

Whilst in this case the boy was not harassed in the same way as the girl, the school recognised he was also a victim and spoke to him about his feelings and what could be done to support him.

The teacher arranged a workshop as part of the RSHE curriculum for all Year 10s about respect, shame, consent, and their collective responsibility to challenge inappropriate sexual behaviour.

The parents of the girl and boy worked with the school and the police to get the content removed via the IWF and identify who recorded and distributed the video. Both the girl and boy were supported through the investigation with counselling.

Those responsible for harassing the girl and sharing the video received sanctions in line with the school behaviour policy.

537. Victims may not disclose the whole picture immediately. They may be more comfortable providing information on a piecemeal basis. It is essential that dialogue is kept open and encouraged. When it is clear that ongoing support will be required, schools and colleges should ask the victim if they would find it helpful to have a designated trusted adult (for example, their form tutor or designated safeguarding lead) to talk to about their needs. The choice of any such adult should be the victim's (as far as is reasonably possible). Schools and colleges should respect and support this choice.

538. Children who have experienced sexual violence display a very wide range of responses to their experience, including in some cases clear signs of trauma,

physical and emotional responses, or no overt signs at all. Schools and colleges should remain alert to the possible challenges of detecting those signs and show sensitivity to the needs of the child (e.g. about attendance in lessons) irrespective of how overt the child's distress is.

539. While schools and colleges should avoid any action that would have the effect of isolating the victim, in particular from supportive peer groups, there may be times when the victim finds it difficult to maintain a full-time timetable and may express a wish to withdraw from lessons and activities. This should be because the victim wants to, not because it makes it easier to manage the situation. If required, schools and colleges should provide a physical space for victims to withdraw to.

540. It may be necessary for schools and colleges to maintain arrangements to protect and support the victim for a long time. Schools and colleges should be prepared for this and should work with local authority children's social care and other agencies as required.

541. It is therefore important that the designated safeguarding lead (or a deputy) knows how, when, and where to seek support.

542. It is important that the school or college do everything they reasonably can to protect the victim from bullying and harassment as a result of any report they have made.

543. Whilst they should be given all the necessary support to remain in their school or college, if the trauma results in the victim being unable to do this, alternative provision or a move to another school or college should be considered to enable them to continue to receive suitable education. This should only be at the request of the victim (and following discussion with their parents or carers).

544. It is important that if the victim does move to another educational institution (for any reason), that the new educational institution is made aware of any ongoing support needs. The designated safeguarding lead should take responsibility to ensure this happens (and should discuss with the victim and, where appropriate their parents or carers as to the most suitable way of doing this) as well as transferring the child protection file. Information sharing advice referenced at paragraphs 114-122 will help support this process.

Ongoing considerations: victim and alleged perpetrator(s) sharing classes

Pages 119 - 121 consider the immediate response to a report. Once the designated safeguarding lead (or a deputy) has decided what the next steps will be in terms of progressing the report, they should **carefully consider** again the question of the victim and alleged perpetrator(s) sharing classes and sharing space at school or college. This will inevitably involve complex and difficult professional decisions, including considering their duty to safeguard children and their duty to educate them.

It is important each report is considered on a case-by-case basis and risk assessments are updated as appropriate. As always when concerned about the welfare of a child, the best interests of the child should come first. In all cases, schools and colleges should follow general safeguarding principles as per this guidance.

Where there is a criminal investigation into a rape, assault by penetration or sexual assault, the alleged perpetrator(s) should be removed from any classes they share with the victim. The school or college should also consider how best to keep the victim and alleged perpetrator(s) a reasonable distance apart on school or college premises (including during before and after school-based activities) and on transport to and from school or college where appropriate. This is in the best interests of both children and should not be perceived to be a judgement on the guilt of the alleged perpetrator(s). As per paragraph 508, close liaison with the police is essential.

Where a criminal investigation into a rape or assault by penetration leads to a conviction or caution, the school or college should take suitable action, if they 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 perpetrator(s) 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, the school or college should, if it has not already, consider any suitable sanctions in light of their behaviour policy, including consideration of permanent exclusion.[146] Where the perpetrator(s) is going to remain at the school or college, the principle would be to continue keeping the victim and perpetrator(s) in separate classes and continue to consider the most appropriate way to manage potential contact on school and college 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.

In all cases, schools and colleges should record and be able to justify their decision-making.

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

All of the above should 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 should be kept under review.

Safeguarding and supporting the alleged perpetrator(s) and children and young people who have displayed harmful sexual behaviour

545. The following principles are based on effective safeguarding practice and should help shape any decisions regarding safeguarding and supporting the alleged perpetrator(s):

- The school or college will have a difficult balancing act to consider. On one hand, they need to safeguard the victim (and the wider pupil/student body) and on the other hand provide the alleged perpetrator(s) with an education, safeguarding support as appropriate and implement any disciplinary sanctions. Taking disciplinary action and still providing appropriate support are not mutually exclusive actions. They can, and should, occur at the same time if necessary.
- Consider the age and the developmental stage of the alleged perpetrator(s), the nature of the allegations and frequency of allegations. Any child will likely experience stress as a result of being the subject of allegations and/or negative reactions by their peers to the allegations against them.
- Consider the proportionality of the response. Support (and sanctions) should be considered on a case-by-case basis. The alleged perpetrator(s) may potentially have unmet needs (in some cases these may be considerable) as well as potentially posing a risk of harm to other children. HSB in young children may be (and often is[147]) a symptom of either their own abuse or exposure to abusive

[146] Maintained schools, academies and pupil referral units should follow the statutory guidance here. Independent schools and colleges should consider excluding as per their own policies.
[147] Hackett et al 2013 study of children and young people with harmful sexual behaviour suggests that two-thirds had experienced some kind of abuse or trauma.

practices and or materials. More information on HSB can be found at paras 459-462. Advice should be taken, as appropriate, from local authority children's social care, specialist sexual violence services and the police.

- The Lucy Faithfull Foundation has developed a HSB toolkit, which amongst other things, provides support, advice and information on how to prevent it, links to organisations and helplines, resources about HSB by children, internet safety, sexual development and preventing child sexual abuse.
- The Lucy Faithfull Foundation in collaboration with the Home Office, has developed 'Shore Space', an online resource which works to prevent harmful sexual behaviour. Shore Space offers a confidential chat service supporting young people who are concerned about their own or someone else's sexual thoughts and behaviour.
- The NSPCC provides free and independent advice about HSB: NSPCC Learning: Protecting children from harmful sexual behaviour and NSPCC - Harmful sexual behaviour framework.
- Beyond Referrals | Contextual Safeguarding provides a school self-assessment toolkit and guidance for addressing HSB in schools.
- StopItNow – Preventing harmful sexual behaviour in children - Stop It Now provides a guide for parents, carers and professionals to help everyone do their part in keeping children safe, they also run a free confidential helpline.

546. It is important that the perpetrator(s) is/are also given the correct support to try to stop them re-offending and to address any underlying trauma that may be causing this behaviour. Addressing inappropriate behaviour can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future. Advice on behaviour in schools is clear that teachers can sanction pupils whose conduct falls below the standard which could be reasonably expected of them. If the perpetrator(s) is to be excluded the decision must be lawful, reasonable and fair. Further information about exclusions can be found in statutory guidance for schools: Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England.

547. School can be a significant protective factor for children who have displayed HSB, and continued access to school, with a comprehensive safeguarding management plan in place, is an important factor to consider before final decisions are made. It is important that if an alleged perpetrator does move to another educational institution (for any reason), that the new educational institution is made aware of any ongoing support needs and where appropriate, potential risks to other children and staff. The designated safeguarding lead should take responsibility to

ensure this happens as well as transferring the child protection file. Information sharing advice referenced at paragraphs 114-122 will help support this process.

Sanctions and the alleged perpetrator(s)

Schools

548. With regard to the alleged perpetrator(s), advice on behaviour in schools is clear that teachers can sanction pupils whose conduct falls below the standard which could be reasonably expected of them. Statutory guidance for maintained schools, academies and PRUs on exclusions can be found here. Disciplinary action can be taken whilst other investigations by the police and/or local authority children's social care are ongoing. The fact that another body is investigating or has investigated an incident does not in itself prevent a school from coming to its own conclusion, on the balance of probabilities, about what happened, and imposing a penalty accordingly. This is a matter for the school and should be carefully considered on a case-by-case basis. The designated safeguarding lead (or a deputy) should take a leading role. The school should consider if, by taking any action, it would prejudice an investigation and/or any subsequent prosecution. Careful liaison with the police and/or local authority children's social care should help the school make a determination. It will also be important to consider whether there are circumstances that make it unreasonable or irrational for the school to reach its own view about what happened while an independent investigation is considering the same facts.

Colleges

549. Whilst colleges are not under the same legal obligations as schools with regard to behaviour, the principles set out in paragraph 550 will still be relevant and should be applied to their decision-making process.

Discipline and support

550. Taking disciplinary action and still providing appropriate support are not mutually exclusive actions. They can, and should, occur at the same time if necessary. The school or college should be very clear as to what its approach is. On the one hand there is preventative or forward-looking action to safeguard the victim and/or the perpetrator(s), especially where there are concerns that a perpetrator themselves may have been a victim of abuse; and, on the other, there is disciplinary action to punish a perpetrator for their past conduct. The school or college should be very clear as to which category any action they are taking falls or whether it is really both and should ensure that the action complies with the law relating to each relevant category.

Working with parents and carers

551. The school or college will, in most instances, engage with both the victim's and the parents or carers of the alleged perpetrator(s) when there has been a report of sexual violence (this might not be necessary or proportionate in the case of sexual harassment and should be considered on a case-by-case basis). The exception to this rule is if there is a reason to believe informing a parent or carer will put a child at additional risk. Schools and colleges should carefully consider what information they provide to the respective parents or carers about the other child involved and when they do so. In some cases, local authority children's social care and/or the police will have a very clear view and it will be important for the school or college to work with relevant agencies to ensure a consistent approach is taken to information sharing.

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

553. It is also good practice for the school or college to meet the parents or carers of the alleged perpetrator(s) to discuss any arrangements that are being put into place that impact an alleged perpetrator(s), such as, for example, moving them out of classes with the victim and what this means for their education. The reason behind any decisions should be explained. Support for the alleged perpetrator(s) should be discussed.

554. The designated safeguarding lead (or a deputy) would generally attend any such meetings. Consideration to the attendance of other agencies should be considered on a case-by-case basis.

555. Clear behaviour policies and child protection policies, especially policies that set out the principles of how reports of sexual violence will be managed and how victims and alleged perpetrators are likely to be supported, that parents and carers have access to, will, in some cases, help manage what are inevitably very difficult conversations.

556. Parents and carers may well struggle to cope with a report that their child has been the victim of a sexual assault or is alleged to have sexually assaulted another child. Details of organisations that support parents are provided in Annex B. Schools and colleges should consider signposting parents and carers to this support.

Safeguarding other children

557. Consideration should be given to supporting children (and adult students) who have witnessed sexual violence, especially rape and assault by penetration. Witnessing such an event is likely to be traumatic and support may be required.

558. Following any report of sexual violence or sexual harassment, it is likely that some children will take “sides”. The school or college should be doing all they can to ensure both the victim and alleged perpetrator(s), and any witnesses, are not being bullied or harassed.

559. Social media is very likely to play a central role in the fall out from any incident or alleged incident. There is the potential for contact between victim and alleged perpetrator(s) and a very high likelihood that friends from either side could harass the victim or alleged perpetrator(s) online and/or become victims of harassment themselves. Specialist online safety support is discussed at paragraph 469.

560. School transport is a potentially vulnerable place for a victim or alleged perpetrator(s) following any incident or alleged incident. The school or college, as part of its risk assessment, should consider any additional potential support needs to keep all of their children safe.

561. A whole school or college approach to safeguarding, a culture that makes clear that there is a zero-tolerance approach to sexual violence and sexual harassment and that both are never acceptable, and it will not be tolerated, and a strong preventative education programme will help create an environment in which all children at the school or college are supportive and respectful of their peers when reports of sexual violence or sexual harassment are made.

562. It is important that schools and colleges keep their policies, processes, and curriculum under constant review to protect all their children. Reports of sexual violence and sexual harassment (especially where there is evidence of patterns of behaviour) may point to environmental and or systemic problems that could and should be addressed by updating relevant policies, processes, or relevant parts of the curriculum. Alongside this, patterns identified in schools may also be reflective of the wider issues within a local area and it is good practice to share emerging trends with safeguarding partners.