

Guidance for Education professionals relating to Child-on-child Sexual violence and Sexual harassment

Sexual violence and sexual harassment can occur between two or more children of any age and sex from primary through to 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 and both physically and verbally.

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. There should be policies and training to deal with any concerns or disclosures and a zero-tolerance approach. It should be made clear that it is never acceptable and will not be tolerated.

Sexual violence offenses under the Sexual offences Act 2003

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

What is consent?

Consent is about having the freedom and capacity to choose.

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

What constitutes Sexual harassment?

'Unwanted conduct of a sexual nature' that can occur online and offline and both inside and outside of school/college. 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.

Can include

- sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance, and calling someone sexualised names
- sexual "jokes" or taunting
- physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes. Schools 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
- up skirting (this is a criminal offence¹³⁶)
- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
 - consensual and non-consensual sharing of nude and semi-nude images and/or videos. Taking and sharing nude photographs of U18s is a criminal offence.
 - sharing of unwanted explicit content
 - sexualised online bullying
 - unwanted sexual comments and messages, including, on social media
 - sexual exploitation; coercion and threats
 - coercing others into sharing images of themselves or performing acts they are not comfortable with online

It is important that schools and colleges challenge any form of sexual harassment as to not normalise inappropriate behaviours. It is also important that some elements of sexual harassment are not criminalised and that is explained the law is there to protect and safeguard children.

Preventing abuse

Schools should have local processes in place regarding support that can be accessed when sexual violence or sexual harassment occurs.

Should you have any concerns whilst working on supply or if a disclosure is made against another pupil of a sexual nature, you must reassure the child that they are being taken seriously and contact the local designated safeguarding lead, or headteacher immediately.

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.

Dealing with a disclosure

- Listen carefully, reflecting back and be non-judgemental.
- Reassure the child that they are in a safe space.
- Do not promise confidentiality and explain that the information needs to be shared with key members of staff. Explain the next steps and who you are passing the information to.
- If a disclosure relates to a video or image DO NOT VIEW THIS OR FORWARD IT ON! If necessary, confiscate any devices to preserve evidence.
- Write up a record of the events straight away and only record the facts not personal opinion.
- Go straight to the Safeguarding Lead or the Headteacher with your concerns.
- Do not share with anyone else any information given except for those mentioned in the school's safeguarding policy.
- Do not take it upon yourself to investigate or deal with any concerns, there are trained members of staff to do so.

Further guidance and tools

[Working together to safeguard children - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

[Sharing nudes and semi-nudes: advice for education settings working with children and young people - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

[Investigating and responding to sexual bullying \(anti-bullyingalliance.org.uk\)](https://anti-bullyingalliance.org.uk)

[Undressed \(lgfl.net\)](https://lgfl.net)

[Searching, Screening and Confiscation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Information taken from KCSIE 2022