11.4

St Chad's Community Project

11.4 Child on Child Abuse

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Change History Table

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1	01/09/22	L Coxon	

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Limited Company No. 04136595 - Registered Charity No. 1085793

Child on Child Abuse Policy

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Statement of intent

St Chads Community Project is committed to safeguarding and promoting the welfare of every child, both inside and outside of the premises, and is aware that abuse against children can be inflicted by other children. We implement a whole-organisation preventative approach to managing child-on-child abuse, ensuring that the wellbeing of children and young people is at the forefront of all action taken.

This policy sets out a clear and consistent framework for delivering this promise, in line with safeguarding legislation and statutory guidance.

It will be achieved by:

- Creating a culture of mutual respect amongst children and young people, irrespective of protected characteristics.
- Teaching children and young people about behaviour that is acceptable and unacceptable.
- Identifying and making provision for any child or young person that has been subject to abuse.
- Ensuring that the Trustees, the CEO, Head of Children Services and staff members understand their responsibilities under safeguarding legislation and statutory guidance, are alert to the signs of child-on-child abuse, and know to refer concerns to the DSL.

The DSL is: Leanne Coxon. In the absence of the DSL, child protection matters will be dealt with by DSL Deputies: Jaspreet Kaur, Kate Meldrum or Lindsey Ahmed.

1. Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Equality Act 2010
- Sexual Offences Act 2003
- The UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- Voyeurism (Offences) Act 2019
- DfE (2021) 'Keeping children safe in education 2021'

The policy also has regard to the following non-statutory guidance:

- DfE (2015) 'What to do if you're worried a child is being abused'
- DfE (2018) 'Information sharing'
- DfE (2021) 'Sexual violence and sexual harassment between children in schools and colleges'
- DfE (2020) 'Sharing nudes and semi-nudes: advice for education settings working with children and young people'

This policy operates in conjunction with the following organisation policies:

- Chapter 13 - Child Protection and Safeguarding Policy
- 11.1 Behaviour Policy

- 14.1 Data Protection Policy
- 11.4 Anti-Bullying Policy

2. Definitions

"Child-on-child abuse" is defined, for the purposes of this policy, as any form of abuse inflicted by one child or a group of children, i.e. individuals under the age of 18, against another child or group of children. This policy covers child-on-child abuse both in and outside of the setting and both in person and online.

"Harmful sexual behaviour" is defined as any sexual behaviour which:

- Does not observe and respect any individuals on the receiving end of the behaviour, e.g. touching someone without their consent.
- Is inappropriate for the age or stage of development of the person.
- Is problematic, abusive or violent.

The policy will use the following terms to describe children involved in child-on-child abuse:

- **Victim(s)** – the individual(s) against whom the abuse has, or has allegedly, been inflicted.
- **Perpetrator(s)** – the individual(s) exhibiting abusive behaviour against their peers.
- **Alleged perpetrator(s)** – individual(s) against whom a report of abusive behaviour has been made, where guilt has not yet been ascertained.

Note: The use of the word 'alleged' does not mean that the child in question is not guilty of child-on-child abuse, that the organisation does not believe the allegation, or that the allegation will not be taken seriously. Staff will remember that the organisation has a legal duty of care to all perpetrators and alleged perpetrators who are registered at the setting, including a requirement to ensure they can access their provision. Staff will think very carefully about terminology when speaking in front of children. Victims will be reassured that use of the term 'alleged perpetrator' is not an attempt to discredit their allegation.

3. Roles and responsibilities

The Board of Trustees in collaboration with the CEO has a duty to:

- Ensure that the organisation complies with its duties under the above child protection and safeguarding legislation.

- Guarantee that the policies, procedures and training opportunities in the organisation are effective and comply with the law at all times.

The CEO has a duty to:

- Guarantee that the organisation contributes to multi-agency working in line with the statutory guidance 'Working Together to Safeguard Children'.
- Confirm that the organisation's arrangements for handling child-on-child abuse take into account the procedures and practices of the LA as part of the inter-agency safeguarding procedures.
- Appoint a member of senior staff to the role of DSL as an explicit part of the role-holder's job description.
- Appoint one or more deputy DSL(s) to provide support to the DSL and ensure that they are trained to the same standard as the DSL, and that the role is explicit in their job description(s).
- Make sure that children are taught about child-on-child abuse, including online (including when they are online at home), through teaching and learning opportunities, projects and activities.
- Ensure that staff members are appropriately trained to support children to be themselves at the setting, e.g. if they are LGBTQ+.
- Ensure the organisation has clear systems and processes in place for identifying possible risk of harm in children, including clear routes to escalate concerns and clear referral and accountability systems.
- Guarantee that there are procedures in place to handle children's allegations against other children.
- Ensure that appropriate disciplinary procedures are in place, as well as policies pertaining to the behaviour of children.
- Ensure that procedures are in place to eliminate unlawful discrimination, harassment and victimisation in relation to child-on-child abuse.
- Make sure that children's wishes and feelings are taken into account when determining what action to take and what services to provide to protect individual children.
- Guarantee that there are systems in place for children to express their views and give feedback.

The CEO in collaboration with the Head of Children Services has a duty to:

- Safeguard children's wellbeing and maintain public trust in the childcare profession.
- Ensure that the policies and procedures adopted by the Board of Trustees and the organisation, particularly concerning referrals of cases of suspected abuse and neglect, are followed by staff members.

- Provide staff, upon induction, with the Child Protection and Safeguarding Policy, Staff Code of Conduct, part one and, where appropriate, Annex A of the 'Keeping children safe in education' (KCSIE) guidance, the Behaviour Policy, online safety training, and the identity of the DSL and any deputies.
- Ensure staff receive training on recognising indicators of abuse and handling disclosures or concerns about a child.

The DSL has a duty to:

- Understand and keep up-to-date with local safeguarding arrangements.
- Act as the main point of contact with the three safeguarding partners and the child death review partner.
- Make the necessary child protection referrals to appropriate agencies.
- Understand when they should consider calling the police, in line with the National Police Chiefs' Council (NPCC) guidance.
- Liaise with the CEO and Head of Children Services to inform them of safeguarding issues and ongoing enquiries.
- Liaise with the deputy DSL(s) to ensure effective safeguarding outcomes.
- Act as a source of support for children who have been abused by, or who have abused, other children.
- Leading the organisation in taking a preventative approach to child-on-child abuse.

Other staff members have a responsibility to:

- Safeguard children's wellbeing and maintain public trust in the childcare profession as part of their professional duties.
- Provide a safe environment in which children can partake in learning, activities and projects.
- Act in accordance with organisation procedures with the aim of eliminating unlawful discrimination, harassment and victimisation in relation to child-on-child abuse.
- Maintain an attitude of 'it could happen here' where safeguarding is concerned.
- Be aware of the signs of abuse.
- Be aware of the early help process and understand their role in it.
- Be aware of and understand the procedure to follow in the event that a child confides they are being abused by a peer.
- Support social workers in making decisions about individual children, in collaboration with the DSL.
- Maintain appropriate levels of confidentiality when dealing with individual cases, and always act in the best interest of the child.

4. Types of child-on-child abuse

Staff will familiarise themselves with the forms that child-on-child abuse can take, including:

Physical abuse

A form of abuse which may involve actions such as hitting, throwing, burning, drowning and poisoning, or otherwise causing physical harm to another child.

Sexual abuse

A form of abuse involving sexual activity between children – sexual abuse, for the purposes of this policy, is divided into two categories: sexual violence and sexual harassment.

"Sexual violence" encompasses the definitions provided in the Sexual Offenses Act 2003, including rape, assault by penetration, sexual assault, i.e. non-consensual sexual touching, and causing another child to engage in sexual activity without consent, e.g. forcing someone to touch themselves sexually.

"Sexual harassment" refers to any sexual behaviour that could violate another child's dignity, make them feel intimidated, degraded or humiliated, and/or create a hostile, offensive or sexualised environment, including:

- Sexualised jokes, taunting or comments.
- Physical behaviour, e.g. deliberately brushing against someone.
- Online sexual harassment, including
    - Upskirting
    - Sexualised online bullying
    - Unwanted sexual comments and messages, including on social media.
    - Sexual threats or coercion.

The "sharing of sexualised imagery" can also constitute sexual harassment – this refers to the consensual and non-consensual sharing between children of sexually explicit content, including that which depicts:

- Another child posing nude or semi-nude
- Another child touching themselves in a sexual way
- Any sexual activity involving another child
- Someone hurting another child sexually

Staff will be aware that children creating, possessing, and distributing indecent imagery of other children is a criminal offence, even where the imagery is created, possessed, and distributed with the permission of the child depicted, or by the child themselves. Incidents of

sharing sexualised imagery will be handled in line with the Child Protection and Safeguarding Policy.

Bullying

Many kinds of behaviour can be considered bullying, and bullying can be related to almost anything.

Bullying is acted out through the following mediums:

- Verbally
- Physically
- Emotionally
- Online (cyberbullying)

Bullying will generally be handled in line with the Anti-bullying Policy; however, particularly severe instances will be handled in line with this policy and the Child Protection and Safeguarding Policy.

Online abuse

This involves the use of technology and the internet in order to harass, threaten or intimidate another child. Instances of online abuse will be managed in line with this policy, the Online Safety Policy and the Anti-bullying Policy.

Discriminatory behaviour

Discriminatory behaviour encompasses abuse inflicted on a child because of their protected characteristics, e.g. religion, ethnicity, gender, sexual orientation, culture, or SEND. Discriminatory behaviour is never acceptable, and all cases will be handled in line with this policy and the Child Protection and Safeguarding Policy.

Intimate partner abuse

This involves a romantic partnership between children in which one or both partners are emotionally, physically or sexually abusive to the other. This could include:

- Repetitive insults
- Controlling behaviour, e.g. preventing a child from socialising with others or deliberately isolating them from sources of support.
- Sexual harassment.
- Threats of physical or sexual abuse.

The organisation will manage intimate partner abuse in the same way as a case of abuse between any other children, i.e. via the processes outlined in section 9 of this policy, and in line with the Child Protection and Safeguarding Policy.

5. A whole-organisation approach to child-on-child abuse

The organisation will continue to involve all members of the St Chads CP community, including the Board of Trustees, staff, children, parents and other stakeholders, in creating a whole-organisation approach to child-on-child abuse.

The CEO in collaboration will ensure that keeping children safe and protected from harm, including child-on-child abuse, is central to all policies and procedures implemented across the organisation. The organisation will ensure that procedures for handling child-on-child abuse are transparent, clear and understandable, and are readily accessible to any member of the St Chads CP community who wishes to access them.

The organisation will implement a contextual approach to safeguarding children against child-on-child abuse, and will ensure that all procedures take into account incidents of child-on-child abuse that occur outside of setting or online.

The CEO in collaboration with the Head of Children Services will ensure that all staff receive adequate training on handling child-on-child abuse.

Organisation culture

The organisation prioritises cultivating a safe and respectful environment amongst children, and ensures that all children are aware that the organisation adopts a zero-tolerance stance on child-on-child abuse of any kind.

The organisation promotes respectful interactions amongst children, and all staff model appropriate and respectful behaviour. Staff will take care to avoid normalising harmful behaviour, particularly harmful sexual behaviour, e.g. by refraining from the use of phrases such as ‘boys will be boys’ or describing such behaviour as ‘just having a laugh’ or ‘part of growing up’.

The organisation will ensure that wider societal factors that exacerbate the problem of child-on-child abuse are reflected in its approach to creating a preventative culture. This means that individuals who are more likely to be abused, e.g. girls or LGBTQ+ children, or who are at increased risk of acting as a perpetrator in abusive situations, e.g. due to abusive home situations or anger management issues, are given additional support from an early stage.

The organisation manages all early help and intervention for children showing early signs of harmful behaviour, or early signs of being the victim of harmful behaviour, in line with the Child Protection and Safeguarding Policy.

Educating children about child-on-child abuse

The organisation maintains the position that delivering projects and activities surrounding respectful and healthy attitudes and behaviour towards others is the best way to combat child-on-child abuse in the setting. All staff, not just childcare staff, are responsible for passing this knowledge on to children.

In order to prevent child-on-child abuse and address the wider societal factors that can influence behaviour, the organisation will educate children about abuse, its forms and the importance of discussing any concerns and respecting others through extra-curricular projects and activities.

The organisation will also ensure that children are taught about safeguarding, including online safety, as part of a range of projects and activities. Such content will be age and stage of development specific, and tackle issues such as the following:

- Healthy relationships
- Respectful behaviour
- Stereotyping and equality
- LGBTQ+ identities and relationships
- Body confidence and self-esteem
- Prejudiced behaviour
- That sexual violence and sexual harassment is always wrong
- Addressing cultures of sexual harassment

Children will be allowed an open forum to talk about concerns and sexual behaviour. They are taught how to raise concerns and make a report, including concerns about their friends or peers, and how a report will be handled.

The organisation will ensure that children of all ages are taught about and understand the concept of consent and its importance in an age-appropriate way.

6. Channels for reporting abuse

Children will be able to report incidents of child-on-child abuse or concerns about the behaviour of their peers through the following channels:

- Disclosing to their Key Worker who will inform the DSL.

- Disclosing to a member of the Childcare team
- Disclosing to the DSL or deputies in person during opening times.
- Disclosing to the DSL in writing to a secure email address for children appropriately aged.

All channels for reporting abuse will be promoted and publicised throughout the setting, and all children will be made aware of how, and to whom, to report incidents of abuse. The organisation will also ensure children are aware of the type of behaviour that should be reported, ranging from criminal behaviour, e.g. rape or sexual assault, to everyday harassment, e.g. sexualised jokes or inappropriate comments, to ensure that victims do not view their experience as 'not serious enough' to report.

The organisation will maintain a culture that promotes reporting abuse, whether the individual reporting is the victim, a bystander, or a friend or relative of the victim. Staff will address any incidents of children equating reporting abuse to 'snitching' or being a 'tattle-tale', and will convey to these children how important it is to report abuse to help tackle the wider problem of child-on-child abuse in childcare settings and schools.

7. Protecting children with increased vulnerability to child-on-child abuse

The organisation is aware that, while child-on-child abuse can be perpetrated by, and against, anyone, there are certain groups of children who are at an increased risk of being on the receiving end of child-on-child abuse.

Staff will be careful to acknowledge the increased risk certain children face while refraining from making assumptions about the nature of any reported, witnessed or suspected abuse. Staff will be aware that children who are generally at increased risk of abuse can also be perpetrators of abuse.

The organisation will ensure that action is taken, where possible, before major concerns arise; therefore, incidents of low-level abuse related to the characteristics of the below groups will be handled in line with early help procedures, which are laid out within the Child Protection and Safeguarding Policy and the Reporting Low-level Safeguarding Concerns Policy.

Girls

Staff will be aware that girls are more likely to be on the receiving end of child-on-child sexual abuse than their male counterparts, and that sexual violence and harassment against girls is very common and accounts for the majority of cases.

Taking into account that sexual harassment against girls is widespread in society, and largely based in gender inequality, the organisation will aim to encourage gender equality in all aspects of its operations. The organisation will aim to promote and nurture healthy attitudes and relationships amongst children of all genders, e.g. by challenging and working to deconstruct gender stereotypes in the setting.

Staff will challenge any incidents of misogynistic language or gender-based abuse, whether of a sexualised nature or not, as holding misogynistic viewpoints can make a child more likely to commit sexualised violence in the future.

LGBTQ+ children

Staff will be aware that children who are LGBTQ+, or are perceived to be LGBTQ+ whether they are or not, are more likely to be targeted by their peers, e.g. for discriminatory bullying.

The organisation holds a zero-tolerance policy towards children using homophobic, biphobic or transphobic language, regardless of whether or not the language is being directed at another individual. Every staff member is individually responsible for challenging such behaviour and making clear to all children that any abuse towards children who are LGBTQ+, or who are perceived to be, is unacceptable.

Children with SEND

Staff will be aware that children with SEND are at increased risk of child-on-child abuse. The organisation will ensure that there are mechanisms in place to support children with SEND in reporting abuse, with due regard paid to the fact that these children may face additional barriers to reporting abuse and that spotting signs of abuse in these children may be harder.

Staff will avoid assuming that changes in the behaviour of children with SEND are as a result of their needs or disability, and will report any concerns to the DSL. The DSL and the SENCO will collaborate in the handling of instances of abuse towards children with SEND to ensure that barriers to communication can be effectively managed.

Black, Asian and minority ethnic (BAME) children

Staff will be aware that minority ethnic children, particularly black children, may be less likely to report abuse committed against them, and may be more likely to be misidentified as perpetrators of abuse.

The organisation holds a zero-tolerance policy towards children using racist language, regardless of whether the language is being directed at another individual. Every staff member is individually responsible for challenging such behaviour and making clear to all children that any abuse towards children from BAME backgrounds is unacceptable.

Staff will also be aware that BAME girls, BAME children with SEND, or BAME LGBTQ+, or perceived LGBTQ+ children, are likely to face increased abuse due to the intersection of these identities. Staff will be vigilant with regard to these children and the ways in which other children behave towards them, in order to ensure any incidents or potential incidents can be handled as soon as they occur.

8. Staff identifying and reporting concerns

Staff will receive safeguarding training as part of their induction, and refresher training every three years. This training will include guidance on how to recognise indicators of child-on-child abuse of all kinds, and how to distinguish between behaviour, particularly sexual behaviour, that is developmentally appropriate and that which is harmful.

When identifying children at risk of potential harm or who have been harmed by their peers, staff members will look out for a number of indicators including, but not limited to, the following:

- Injuries in unusual places, such as bite marks on the neck, that are also inconsistent with their age
- Lack of concentration and acting withdrawn
- Knowledge ahead of their age, e.g. sexual knowledge
- Use of explicit language
- Fear of abandonment
- Depression and low self-esteem
- Changes to their social group, e.g. spending time with older children, or social isolation
- Alcohol or substance misuse

Where a child is displaying signs of being impacted by child-on-child abuse, or perpetrating child-on-child abuse, staff will report this to the DSL as soon as is reasonably practical.

Staff will challenge all instances of abusive or harmful behaviour displayed by children that they witness or are reported to them. Staff will not wait for concerns or situations between children to escalate before intervening; minor or singular instances of abusive behaviour will still be brought to the attention of the DSL and the child will always be spoken to about their behaviour and disciplined, where appropriate, in line with the 11.2 Behaviour Policy.

Staff will enforce the organisation's policy that no known and substantiated incident of abusive or harmful behaviour between children will occur without consequences for the perpetrator(s), although these consequences will be decided on a case-by-case basis and will

take into account the views of any victims involved, the context of the behaviour and the severity of the incident.

Staff will be aware that just because a victim of abusive behaviour does not report the behaviour or react to the behaviour negatively, this does not mean that the behaviour is not still harmful; some children will be uncomfortable challenging their peers on inappropriate behaviour, or may not be aware themselves that the behaviour is abusive. Staff have a responsibility to ensure that both the perpetrator(s), or alleged perpetrator(s), and the victim(s) understand that such behaviour inflicted by or against them was unacceptable; failing to challenge a child on unacceptable behaviour can normalise that behaviour not just for the child in question, but for all children who see the behaviour going unchallenged.

Staff will remain cognisant that downplaying abusive behaviour can lead to a culture of unacceptable behaviour throughout the setting and, as such, will treat all displays or reports of abusive behaviour with the utmost severity and sensitivity in order to reinforce to all children that such behaviour will not be tolerated, and to prevent further instances of this behaviour in the future.

9. Handling allegations of abuse against children and young people

Staff will always, when handling an incident of alleged abuse, take the report of the victim seriously, reassure them, support them and work to keep them safe. Victims will never be made to feel like they are causing a problem, be made to feel ashamed, or have their experience minimised by staff at the setting. Staff will be aware of the importance of not downplaying any reports of abuse; however, will ensure that they remain sympathetic, and observant of the duty of care, to both the alleged perpetrator(s) and victim(s).

If a friend of a victim makes a report or a member of staff overhears a conversation, staff will take action – they will never assume that someone else will deal with it, or wait for a disclosure. The basic principles remain the same as when a victim reports an incident; however, staff will consider why the victim has not chosen to make a report themselves and the discussion will be handled sensitively and with the help of the Integrated Referral Team (IRT) for children's social care where necessary. If staff are in any doubt, they will speak to the DSL.

Where an alleged incident took place away from the setting or online but involved children from the setting, the organisation's duty to safeguard children remains the same and the incident will be treated equally as seriously and investigated in the same way as an incident that took place in setting.

All staff will be trained to handle disclosures. Effective safeguarding practice includes:

- Never promising confidentiality at the initial stage.
- Only sharing the report with those necessary for its progression.
- Explaining to the victim what the next steps will be and who the report will be passed to.
- Recognising that the person the child chose to disclose the information to is in a position of trust.
- Being clear about boundaries and how the report will be progressed.
- Not asking leading questions and only prompting the child with open questions.
- Waiting until the end of the disclosure to immediately write a thorough summary on a disclosure form. If notes must be taken during the disclosure, it is important to still remain engaged and not appear distracted.
- Only recording the facts as the child presents them – not the opinions of the note taker.
- Where the report includes an online element, being aware of searching, screening and confiscation advice.
- Wherever possible, managing disclosures with two staff members present (preferably with the DSL or a deputy).
- Informing the DSL or deputy as soon as possible after the disclosure if they could not be involved in the disclosure.

The DSL will be informed of any allegations of abuse against children with SEND. They will record the incident in writing and, working with the SENCO, decide what course of action is necessary, with the best interests of the child in mind at all times.

Confidentiality

The organisation will only engage staff and agencies required to support the victim and/or be involved in any investigation. If a victim asks the organisation not to tell anyone about the disclosure, the organisation cannot make this promise. Even without the victim's consent, the information may still be lawfully shared if it is in the public interest and protects children from harm.

The DSL will consider the following when making confidentiality decisions:

- Parents will be informed unless it will place the victim at greater risk.
- If a child is at risk of harm, is in immediate danger or has been harmed, a referral will be made to Integrated Referral Team (IRT) for children's social care.
- Rape, assault by penetration and sexual assault are crimes – reports containing any such crimes will be passed to the police.

The DSL will weigh the victim's wishes against their duty to protect the victim and others. If a referral is made against the victim's wishes, it will be done so extremely carefully and the reasons for referral will be explained to the victim. Appropriate specialist support will always be offered.

Anonymity

There are legal requirements for anonymity where a case is progressing through the criminal justice system. The organisation will do all it can to protect the anonymity of children involved in any report of sexual violence or sexual harassment. It will carefully consider, based on the nature of the report, which staff will be informed and what support will be in place for the children involved. When deciding on the steps to take, the organisation will consider the role of social media in potentially exposing victims' identities and facilitating the spread of rumours.

Risk assessment

The DSL or a deputy will make an immediate risk and needs assessment any time there is a report of sexual violence. For reports of sexual harassment, a risk assessment will be considered on a case-by-case basis. Risk assessments are not intended to replace the detailed assessments of experts, and for incidents of sexual violence it is likely that a professional risk assessment by a social worker or sexual violence specialist will be required.

Risk assessments will consider:

- The victim.
- The alleged perpetrator.
- Other children at the setting, especially any actions that are appropriate to protect them.

Risk assessments will be recorded (either on paper or electronically) and kept under review in accordance with the organisation's 14.1 Data Protection Policy.

Taking action following a disclosure

The DSL or a deputy will decide the organisation's initial response, taking into consideration:

- The victim's wishes.
- The nature of the incident.
- The ages and developmental stages of the children involved.
- Any power imbalance between the children.
- Whether the incident is a one-off or part of a pattern.

- Any ongoing risks.
- Any related issues and the wider context, such as whether there are wider environmental factors in a child's life that threaten their safety and/or welfare.
- The best interests of the child.
- That sexual violence and sexual harassment are always unacceptable and will not be tolerated.

Immediate consideration will be given as to how to support the victim, alleged perpetrator and any other children involved.

For reports of rape and assault by penetration, the alleged perpetrator will be removed from any services, rooms or groups shared with the victim whilst the organisation establishes the facts. The organisation will consider how to keep the victim and alleged perpetrator apart on premises, and on transport where applicable. These actions will not be seen as a judgement of guilt on the alleged perpetrator.

For reports of sexual violence and sexual harassment, the proximity of the victim and alleged perpetrator and the suitability of shared rooms, premises and transport will be considered immediately. In all cases, the initial report will be carefully evaluated and the wishes of the victim, nature of the allegations and requirement to protect all children will be taken into consideration.

Where a child is found to have been involved in harmful sexual behaviour, e.g. non-consensually sharing indecent imagery of another child, the organisation will help the child to move forward from the incident by supporting them in adopting more positive behaviour patterns and attitudes.

Managing the report

The decision of when to inform the alleged perpetrator of a report will be made on a case-by-case basis. If a report is being referred to Integrated Referral Team (IRT) for children's social care or the police, the organisation will speak to the relevant agency to discuss informing the alleged perpetrator.

In cases of sexual violence or sexual harassment there are four likely outcomes when managing reports:

- Managing internally.
- Providing early help.
- Referring to Integrated Referral Team (IRT) for children's social care.
- Reporting to the police.

Whatever outcome is chosen, it will be underpinned by the principle that sexual violence and sexual harassment are never acceptable and will not be tolerated. All concerns, discussions, decisions and reasons behind decisions will be recorded either on paper or electronically.

The following situations are statutorily clear and do not allow for contrary decisions:

- The age of consent is 16.
- A child under the age of 16 can **never** consent to sexual activity.
- Sexual intercourse without consent is **always** rape.
- Rape, assault by penetration and sexual assault are defined in law.
- Creating and sharing sexual photos and videos of children under 18 is illegal – including children making and sending images and videos of themselves.

Managing internally

In some cases, e.g. one-off incidents, the organisation may decide to handle the incident internally through behaviour and anti-bullying policies and by providing support.

Providing early help

The organisation may decide that statutory interventions are not required, but that children may benefit from early help – providing support as soon as a problem emerges. This approach can be particularly useful in addressing non-violent harmful sexual behaviour and may prevent the escalation of sexual violence.

Referral to Integrated Referral Team (IRT) for children's social care

If a child has been harmed, is at risk of harm or is in immediate danger, the organisation will make a referral to Integrated Referral Team (IRT) for children's social care. Parents will be informed unless there is a compelling reason not to do so (if referral will place the victim at risk). This decision will be made in consultation with Integrated Referral Team (IRT) for children's social care.

The organisation will not wait for the outcome of an investigation before protecting the victim and other children.

The DSL will work closely with Integrated Referral Team (IRT) for children's social care to ensure that the organisation's actions do not jeopardise any investigation. Any related risk assessment will be used to inform all decisions. If Integrated Referral Team (IRT) for children's social care decide that a statutory investigation is not appropriate, the organisation will consider referring the incident again if they believe the child to be in immediate danger or at risk of harm. If the organisation agrees with the decision made by

Integrated Referral Team (IRT) for children's social care, they will consider the use of other support mechanisms such as early help and specialist support.

Reporting to the police – reports of sexual violence

Reports of rape, assault by penetration or sexual assault will be passed on to the police – even if the alleged perpetrator is under 10 years of age. Generally, this will be in parallel with referral to Integrated Referral Team (IRT) for children's social care. The DSL and deputies will follow the local process for referral.

Parents will be informed unless there is a compelling reason not to do so. Where parents are not informed, it is essential for the organisation to support the child with any decision they take, in unison with Integrated Referral Team (IRT) for children's social care and any appropriate specialist agencies.

The DSL and CEO will agree what information will be disclosed to staff and others, in particular the alleged perpetrator and their parents. They will also discuss the best way to protect the victim and their anonymity. The DSL will be aware of local arrangements and specialist units that investigate child abuse.

In some cases, it may become clear that the police will not take further action, for whatever reason. In these circumstances, the organisation will continue to engage with specialist support for the victim as required.

Bail conditions

Children against whom further action is taken by the police may be released under bail conditions or 'released under investigation' (RUI) in circumstances that do not warrant the application of bail. Where this occurs and the perpetrator returns to the setting, the organisation's primary focus will be conducting an assessment of the risk the perpetrator poses to the victim or other children and staff at the setting, both physically and in terms of trauma or emotional stress, and implementing any mitigating measures necessary to reduce the harm caused.

The organisation will work with Integrated Referral Team (IRT) for children's social care and the police to support the victim, alleged perpetrator and other children (especially witnesses) during criminal investigations. The organisation will seek advice from the police to ensure they meet their safeguarding responsibilities.

The organisation will liaise with police investigators to develop a balanced set of arrangements whereby both the alleged perpetrator and the victim can continue to attend the setting without compromising any ongoing investigations or the emotional state of the victim.

Managing delays in the criminal justice system

The organisation will not wait for the outcome (or even the start) of criminal proceedings before protecting the victim, alleged perpetrator and other children. The associated risk assessment will be used to inform any decisions made. The DSL will work closely with the police to ensure the organisation does not jeopardise any criminal proceedings, and to obtain help and support as necessary.

The end of the criminal process

Risk assessments will be updated if the alleged perpetrator receives a caution or is convicted. If the perpetrator remains in the setting with the victim, the organisation will set out clear expectations regarding the perpetrator, including their behaviour and any restrictions deemed reasonable and proportionate with regards to the perpetrator's timetable. The organisation will ensure that the victim and perpetrator remain protected from bullying and harassment (including online).

Where an alleged perpetrator is found not guilty or a case is classed as requiring "no further action", the organisation will offer support to the victim and alleged perpetrator for as long as is necessary. The victim is likely to be traumatised and the fact that an allegation cannot be substantiated does not necessarily mean that it was unfounded. The organisation will discuss decisions with the victim and offer support. The alleged perpetrator is also likely to require ongoing support, as they have also been through a difficult and upsetting experience.

The CEO will carefully consider, on a case-by-case basis, whether allowing the victim and the alleged perpetrator to share sessions or attend the same activities, and will implement alternative arrangements, in consultation with the DSL (and SENCO where the victim or alleged perpetrator has SEND), where necessary.

Ongoing support for the victim

Any decisions regarding safeguarding and supporting the victim will be made with the following considerations in mind:

- The terminology the organisation uses to describe the victim
- The age and developmental stage of the victim
- The needs and wishes of the victim
- Whether the victim wishes to continue in their normal routine
- The victim will not be made to feel ashamed about making a report
- What a proportionate response looks like

Victims may not disclose the whole picture immediately and they may be more comfortable talking about the incident on a piecemeal basis; therefore, a dialogue will be kept open and the victim can choose to appoint a designated trusted adult, e.g. Key Worker.

Victims may struggle in a normal childcare room environment. Whilst it is important not to isolate the victim, the victim may wish to be withdrawn from activities at times. This will only happen when the victim wants it to, not because it makes it easier to manage the situation. The organisation will provide a physical space for victims to withdraw to.

Victims may require support for a long period of time and the organisation will be prepared to offer long-term support in liaison with relevant agencies. Everything possible will be done to prevent the victim from bullying and harassment as a result of any report they have made. If the victim is unable to remain in the setting, alternative provision will be considered – this will only be considered at the request of the victim and following discussion with their parents. If the victim does move to another setting, the DSL will inform the organisation of any ongoing support needs and transfer the child protection file.

Ongoing support for the alleged perpetrator

Any decisions made regarding the support required for an alleged perpetrator will be made with the following considerations in mind:

- The terminology the organisation uses to describe the alleged perpetrator
- The balance of safeguarding the victim and providing the alleged perpetrator with support
- The reasons why the alleged perpetrator may have abused the victim – and the support necessary
- Their age and developmental stage
- What a proportionate response looks like
- Whether the behaviour is a symptom of their own abuse or exposure to abusive practices and/or materials
- What the outcome of the investigation was

When making a decision, advice will be taken from Integrated Referral Team (IRT) for children's social care, specialist sexual violence services and the police as appropriate. If the alleged perpetrator moves to another setting (for any reason), the DSL will inform the destination setting of any ongoing support needs and transfer the child protection file.

If the reported abuse is found to have taken place, the setting will work with professionals as required to understand why the abuse took place and provide a high level of support to help the child understand and overcome the reasons for their behaviour and reduce the likelihood of them abusing again.

Disciplining the alleged perpetrator

Disciplinary action can be taken whilst investigations are ongoing and the fact that investigations are ongoing does not prevent the organisation reaching its own conclusion and imposing an appropriate penalty.

The organisation will make such decisions on a case-by-case basis, with the DSL taking a leading role. The organisation will take into consideration whether any action would prejudice an investigation and/or subsequent prosecution. The police and the Integrated Referral Team (IRT) for and children's social care will be consulted where necessary. The organisation will also consider whether circumstances make it unreasonable or irrational for the organisation to make a decision about what happened while an investigation is considering the same facts.

Disciplinary action and support can take place at the same time. The organisation will be clear whether action taken is disciplinary, supportive or both.

Shared sessions

Once the DSL has decided to progress a report, they will again consider whether the victim and alleged perpetrator will be separated in sessions, on the premises and on transport – balancing the organisation's duty to offer a childcare service against its duty to safeguard. The best interests of children will always come first.

10. Cases of sexual violence

Where there is a criminal investigation into rape or assault by penetration, the alleged perpetrator will be removed from sessions with the victim and potential contact on the premises and transport will be prevented.

Where a criminal investigation into rape or assault by penetration leads to a conviction or caution, in all but the most exceptional circumstances, this will constitute a serious breach of discipline and result in the view that allowing the perpetrator to remain in the setting would harm the welfare of the victim and potentially other children.

Where a criminal investigation into sexual assault leads to a conviction or caution, the organisation will consider suitable sanctions and permanent exclusion. If the perpetrator remains at the setting, the organisation will keep the victim and perpetrator in separate sessions and manage potential contact on setting premises and transport. The nature of the conviction or caution, alongside the wishes of the victim, will inform any discussions made.

Where a report of sexual assault does not lead to a police investigation, this does not mean that the offence did not happen or that the victim has lied. Both the victim and alleged

perpetrator will be affected and appropriate support will be provided. Considerations regarding sharing childcare rooms and potential contact will be made on a case-by-case basis.

In all cases, the organisation will record its decisions and be able to justify them. The needs and wishes of the victim will always be at the heart of the process.

Working with parents – cases of sexual violence

In most sexual violence cases, the organisation will work with the parents of both the victim and alleged perpetrator. For cases of sexual harassment, these decisions will be made on a case-by-case basis.

The organisation will meet the victim's parents with the victim present to discuss the arrangements being put in place to safeguard the victim, and to understand their wishes in terms of support arrangements and the progression of the report.

The organisation will also meet with the parents of the alleged perpetrator to discuss arrangements that will impact their child, such as moving them out of sessions with the victim. Reasons behind decisions will be explained and the support being made available will be discussed. The DSL or a deputy will attend such meetings, with agencies invited as necessary.

Clear policies regarding how the organisation will handle reports of sexual violence and how victims and alleged perpetrators will be supported will be made available to parents.

Safeguarding other children – cases of sexual violence

Children who have witnessed sexual violence, especially rape and assault by penetration, will be provided with support. It is likely that children will "take sides" following a report, and the organisation will do everything in its power to protect the victim, alleged perpetrator and witnesses from bullying and harassment.

The organisation will keep in mind that contact may be made between the victim and alleged perpetrator, and that harassment from friends of both parties could take place via social media, and will do everything in its power to prevent such activity.

As part of the organisation's risk assessment following a report, transport arrangements will be considered, as it is a potentially vulnerable place for both the victim and alleged perpetrator. The organisation will consider any additional support that can be put in place.

11. Monitoring and review

This policy is reviewed annually by the CEO, DSL and the Head of Children Services. Any changes made to this policy will be communicated to all members of staff. All members of

staff are required to familiarise themselves with all processes and procedures outlined in this policy as part of their induction programme. The next scheduled review date for this policy is September 2025.