

## **Sexual Violence and Sexual Harassment between children in schools and colleges**

### **Introduction**

The Department for Education (DfE) first published guidance on Sexual Violence and Sexual Harassment between children in schools and colleges, in December 2017. The guidance has been extensively updated for September 2021, following a DfE consultation, and the Ofsted review into sexual abuse in schools triggered by the Everyone’s Invited movement. Part 5 of Keeping Children Safe in Education (September 2021) focuses on sexual violence and sexual harassment which means that schools and colleges in England must have regard to it when carrying out their duties to safeguard and promote the welfare of children.

The guidance covers children of **all ages**, from the primary through secondary stage and into colleges. For the purposes of the advice, a child is anyone under the age of 18.

### **The evidence**

The evidence highlights why it is important that all school staff have an understanding of what sexual violence or sexual harassment might look like and what to do if they have a concern or receive a report.

- Ofsted’s Review of sexual abuse in schools and colleges revealed how prevalent sexual harassment and online sexual abuse is for children and young people and that the issues are so widespread that they need addressing for all children and young people.
- Nationally collected statistics show that there has been a sharp increase in reporting of child sexual abuse to the police in recent years. Figures that include all child sexual abuse cases show that the police recorded over 83,000 child sexual abuse offences (including obscene publications) in the year ending March 2020.
- In the year ending March 2019, the police recorded 73,260 sexual offences where there are data to identify the victim was a child. Around one-quarter (27%) of these were rape offences.
- Police recorded crime data (England and Wales) for year ending March 2020 indicated that 51.9% of female victims and 62.4% of male victims of sexual offences were aged between 5 and 19.
- NSPCC’s how safe are our children report 2020 found that girls are particularly vulnerable to sexual abuse, accounting for around 90% of victims of recorded rape offences against 13- to 15-year-olds in England, Wales and Scotland.

Staff should know that not recognising, acknowledging the scale of harassment and abuse and/or downplaying some behaviours related to abuse 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. As stated in Keeping Children Safe in Education (KCSIE), all staff working with children are advised to maintain an attitude of ‘it could happen here’. Indeed, the Ofsted review into sexual abuse found that pupils often see no point in reporting harmful behaviour because, they say, incidents are so commonplace.

Children who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment. Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physical and verbal) and are never acceptable. It is important that **all** victims are taken seriously and offered appropriate support.

Staff should be aware that some groups are potentially more at risk. Children with Special Educational Needs and Disabilities are three times more likely to be abused than their peers.

Reports of sexual violence and sexual harassment are extremely complex to manage. It is essential that victims are protected, offered appropriate support and every effort is made to ensure their education is not disrupted. It is also important that other children, adult students and school and college staff are supported and protected as appropriate.

### **What do we mean by sexual violence and sexual harassment between children?**

Sexual violence and sexual harassment can occur between two children of **any age and sex**. It can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children. This can happen both inside and outside of school/college.

#### **Sexual violence**

For the purpose of the DfE advice, sexual violence refers to sexual offences under the Sexual Offences Act 2003, including rape, assault by penetration and sexual assault (described in the guidance and in KCSiE). It is important that schools and colleges are aware of sexual violence and the fact children can, and sometimes do, abuse their peers in this way.

#### **Sexual harassment**

For the purpose of the advice, sexual harassment means ‘unwanted conduct of a sexual nature’ that can occur online and offline and both inside and outside of school/college. When the guidance references sexual harassment, it does 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.

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;
- physical behaviour, such as: deliberately brushing against someone, interfering with someone’s clothes and displaying pictures, photos or drawings of a sexual nature; and
- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
  - non-consensual sharing of nude and semi-nude images and videos;
  - sexualised online bullying;
  - unwanted sexual comments and messages, including, on social media;
  - sexual exploitation; coercion and threats; and
  - upskirting.

**“Upskirting”** The Voyeurism (Offences) Act, which is commonly known as the Upskirting Act, came into force on 12 April 2019. ‘Upskirting’ is where someone takes a picture under a person’s clothing (not necessarily a skirt) without their permission and or knowledge, with the intention of viewing their genitals or buttocks (with or without underwear) to obtain sexual gratification, or cause the victim humiliation, distress or alarm. It is a criminal offence. Anyone of any gender, can be a victim.

### **Serious violence**

All staff should be aware of indicators, which may signal that children are at risk from, or are involved with serious violent crime. These may include increased absence from school, a change in friendships or relationships with older individuals or groups, a significant decline in performance, signs of self-harm or a significant change in wellbeing, or signs of assault or unexplained injuries. Unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with, individuals associated with criminal networks or gangs.

All staff should be aware of the associated risks and understand the measures in place to manage these. Advice for schools and colleges is provided in the Home Office’s Preventing youth violence and gang involvement and its Criminal exploitation of children and vulnerable adults: county lines guidance.

### **Schools and colleges should be aware of the importance of:**

Staff should be aware of the importance of:

- making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up;
- not tolerating or dismissing sexual violence or sexual harassment as “banter”, “part of growing up”, “just having a laugh” or “boys being boys”; and
- challenging behaviours (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them.

### **A whole school approach to preventing child on child sexual violence and sexual harassment**

The best schools take a whole school approach to safeguarding and child protection. This means involving everyone in the school, including the governing body and/or trustees, all the staff, children, adult students, volunteers and parents and carers.

Safeguarding and child protection should be a recurrent theme running through policies and procedures. The school or college’s approach to sexual violence and sexual harassment should reflect and be part of the broader approach to safeguarding.

The school or college’s safeguarding procedures with regard to sexual violence and sexual harassment should be transparent, clear and easy to understand for staff, pupils, students, parents and carers.

Your school’s child protection policy states:

*“We do not tolerate any harmful behaviour in school and will take swift action to intervene where this occurs. We use lessons and assemblies to help children understand, in an age-appropriate way, what abuse is and we encourage them to tell a trusted adult if someone is behaving in a way that makes them feel uncomfortable.”*

It is important that schools record incidents across the whole spectrum of sexual violence and sexual harassment, so that they can understand the scale of the problem in their own schools and make appropriate plans to reduce it.

### **The response to a report of sexual violence or sexual harassment**

The initial response 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.

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 or their experience minimised.

The guidance is clear that victims and alleged perpetrators can be kept apart in classrooms and other shared spaces, and that consideration should be given about travel to and from school. The emphasis should be on ensuring that the victim can continue their normal routines. Schools can consider the conduct of the alleged perpetrator as part of their behaviour policy on the ‘balance of probabilities’ and apply appropriate and proportional consequences.

If staff have a concern about a child, or a child makes a report to them, they should act immediately. You should not assume that someone else is responding to any incident or concern. Staff (and volunteers) should follow their own organisation’s child protection policy and speak to the designated safeguarding lead (or deputy).

### **Additional guidance and further reading**

- **Keeping children safe in education –statutory guidance for schools and colleges** (Sept 2021)
- **Sexual violence and sexual harassment between children in schools and colleges** (Sept 2021)
- **Exclusion from maintained schools, academies and pupil referral units in England** (Sept 2017)
- **Ofsted review of sexual abuse in schools and colleges**  
<https://www.gov.uk/government/publications/review-of-sexual-abuse-in-schools-and-colleges/review-of-sexual-abuse-in-schools-and-colleges>
- **Ofsted review of sexual abuse in schools** - EPHA 7-minute staff meeting
- **Managing a Disclosure** – EPHA 7-minute staff meeting  
<https://essexprimaryheads.co.uk/info-and-documents/seven-minute-staff-meetings/>
- **Hackett, S.** (2014) Children and young people with harmful sexual behaviours.
- **National Society for the Prevention of Cruelty to Children**  
<https://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/child-sexual-abuse/>
- **Someone to lean on** Advice for professionals giving therapeutic support to children who have been sexually abused
- **The NSPCC** provides a helpline for professionals at 0808 800 5000 and [help@nspcc.org.uk](mailto: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).
- **Childline**  
<https://www.childline.org.uk/> 0800 1111