

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. This was updated in May 2018 and a chapter (part 5) is included within Keeping Children Safe in Education (September 2020) 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.

Its focus is child on child sexual violence and sexual harassment at schools and colleges. The advice 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. Whilst the focus of the advice is on protecting and supporting children, schools and colleges should of course protect any adult students and engage with adult social care, support services and the police as required.

The evidence

Research and crime statistics suggest that anywhere from one-fifth to two-thirds of sexual abuse is committed by other children and young people. Hackett (2014) gives an overview of some of the key studies. The NSPCC uses the figure of "around a third" as a mid-way point between the lower end and the higher end of the estimates.

- Over a third (37%) of female students and 6% of male students at mixed-sex schools have personally experienced some form of sexual harassment at school.
- Girls are significantly more likely to be victimised with unwanted sexual messages and images from their peers online, with 31% of female respondents aged 13-17 years saying they had experienced this in the last year compared to 11% of male respondents.
- In 2016/17 the NSPCC Childline service provided over 3000 counselling sessions to children and young people concerned about being sexually assaulted by their peers.

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. Evidence shows girls, children with SEND and LGBT children are at greater risk.

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.

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. 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 (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) 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 sexual images and videos;
- sexualised online bullying;
- unwanted sexual comments and messages, including, on social media;
- sexual exploitation; coercion and threats; and
- upskirting.

"Up-skirting"

The Voyeurism (Offences) Act, which is commonly known as the Up-skirting Act, came into force on 12 April 2019. 'Up-skirting' 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.

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

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 important. 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.

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. 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** (September 2020) (Part 5)
- **Sexual violence and sexual harassment between children in schools and colleges** (May 2018)
- **Exclusion from maintained schools, academies and pupil referral units in England** (September 2017)
- **Hackett, S.** (2014) Children and young people with harmful sexual behaviours.
- **Andrew Hall** – video about the DfE guidance
<https://www.safeguardinginschools.co.uk/sexual-violence-sexual-harassment-children-schools-colleges-dfe-2017/>
- **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. 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
- **How safe are our children?** NSPCC report
<https://learning.nspcc.org.uk/research-resources/how-safe-are-our-children>