



Child On Child Harmful Sexual Behaviour Policy

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Clarity Independent School is committed to safeguarding...

"Our school is committed to our whole-school approach to safeguarding, which ensures that keeping children safe is at the heart of everything we do, and underpins all systems, processes and policies...We promote an environment where children and young people feel empowered to raise concerns and report incidents and we work hard in partnership with pupils, parents and care-givers to keep children safe."

Clarity Safeguarding Policy September 2022

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1. Introduction

Children's sexual behaviour exists on a wide continuum. It ranges from normal and developmentally expected (age-appropriate), to inappropriate, problematic, abusive, and violent. Problematic, abusive, and violent sexual behaviour is developmentally inappropriate and may cause developmental damage. This is known as Harmful Sexual Behaviour and it can occur online or in person, or simultaneously. Our school recognises that children are vulnerable to and also capable of harmful sexual behaviour.

We take any allegation of abuse between our children seriously and follow our child protection procedures if a report of harmful sexual behaviour is made. This may include seeking advice and support from other agencies as appropriate. Decisions are made taking into account the age and developmental stages of any child involved. We also consider any other factors as appropriate and balance this with our duty and responsibilities to protect all children.

Within this policy we use the following widely used and recognised terms in places: 'victim(s)' and 'alleged perpetrator(s)'. We recognise that a child who has reported abuse may not consider themselves to be a victim and may not want to be described in this way. We also recognise that a child who is reported to have displayed abusive behaviour may not consider that they have done so, and that if abusive behaviour has occurred it will have been impactful to them too. We are conscious of the language we use when managing reported abuse, especially when speaking with our children, and will consider this on a case-by-case basis. We are prepared to use any term which our children are most comfortable with.

2. What Harmful Sexual Behaviour means

The Department for Education (DfE) publishes statutory guidance for all education settings: [Keeping children safe in education](#) (DfE, 2022). Part 5 of this guidance sets out how schools should manage reports of child-on-child sexual violence and harassment (harmful sexual behaviour).

[See also the Part Five: Response Flow chart - Child on child Sexual Violence and Harassment - APPENDIX 1 of this policy.]

Sexual violence

This means sexual offences under the Sexual Offences Act 2003 as described below:

- rape;
- assault by penetration;
- sexual assault (which includes inappropriate or unwanted sexualised touching); and
- causing someone to engage in sexual activity without consent.

Sexual harassment

This means unwanted conduct of a sexual nature, which can occur online and offline and both inside and outside of school, including:

- sexual comments (telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance, calling someone sexualised names);



- sexual 'jokes' or taunting;
- physical behaviour, such as deliberately brushing against someone, or interfering with someone's clothes;
- displaying pictures, photos, or drawings of a sexual nature; and
- upskirting, which typically involves taking a picture or video under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, and / or to cause the victim humiliation, distress, or alarm (this is a criminal offence).

Online sexual harassment

This can be a single event, 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 (this 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; and
- coercing others into sharing images of themselves or performing acts they are not comfortable with online.

We recognise that our children can experience harmful sexual behaviour in various settings. This includes at school, at home (or at another home), in public places, and online. At school, issues can occur in places which are supervised and unsupervised. For example, abuse may occur in toilets, corridors, changing areas, common rooms, outside spaces such as the playground and sports facilities, and when children are travelling home.

3. Preventative work

Today's children and young people are growing up in an increasingly complex world and living their lives seamlessly on and offline. This presents many positive and exciting opportunities, but also challenges and risks. In this environment, children and young people need to know how to be safe and healthy, and how to manage their academic, personal, and social lives in a positive way.

[Relationships and sex education \(RSE\) and health education](#) (DfE, 2019)

Children

We use relationships, sex, and health education to help our children understand, in an age-appropriate way, what harmful sexual behaviour is, including by children. We teach them the knowledge they need to recognise and report abuse, including sexual abuse. We also teach them about the importance of making sensible decisions to stay safe (including online), whilst being clear that if a child is abused, it is never their fault and victim blaming is always wrong. These subjects complement our delivery of health education,



including physical and mental health and wellbeing, and are part of our whole-setting approach to safeguarding our children.

We help our children to develop the skills to understand:

- the characteristics of positive, respectful and healthy relationships, including friendships;
- boundaries, privacy, and consent;
- what constitutes sexual harassment and sexual violence and why these are always unacceptable; and
- the concepts of, and laws relating to sexual consent, sexual exploitation, abuse, grooming, coercion, harassment, and rape.

We understand that our children may not always feel able to talk to adults about child-on-child sexual abuse. To help them, we will encourage them to share their thoughts and opinions, respond to their concerns, and respect and listen to them. We want our children to feel confident that any concerns they raise will be responded to appropriately.

Please refer to our RSE (Relationships and Sex Education) Policy for further information about how we help our children to develop the skills to understand the complex nature of healthy and unhealthy relationships.

Parents and carers

It is important that parents and carers understand what is meant by harmful sexual behaviour and that they reinforce key messages from school at home. We work in partnership with parents and carers to support our children and want to help them to keep their child/ren safe. Parents and carers should understand:

- the nature of harmful sexual behaviour;
- the effects of harmful sexual behaviour on children;
- the likely indicators that such behaviour may be taking place; and
- what to do if it is suspected that child-on-child sexual abuse has occurred.

Further information to support parents and carers in relation to harmful sexual behaviour is available online, including on the [NSPCC](#) and [Lucy Faithfull Foundation](#) websites.

Staff

Our staff undertake annual safeguarding training to ensure they are aware of the signs of abuse and how to recognise them. Staff also receive regular updates on a number of safeguarding issues, including harmful sexual behaviour. The training ensures that our staff know what to do if they receive a report that harmful sexual behaviour may have occurred, including how to support our children.



4. Managing reports of harmful sexual behaviour

Children

How we manage reports of harmful sexual behaviour made by our children is very important. The wellbeing of our children is always central to our approach. Any child reporting a concern will be treated respectfully. We always reassure them that they are being taken seriously and that they will be supported and kept safe. No child will ever be made to feel that they are creating a problem by reporting harmful sexual behaviour or to feel ashamed. Abuse that occurs online or outside of the school will not be downplayed and will be treated equally seriously.

Our staff will follow these safeguarding practice principles:

- wherever possible, managing any report of harmful sexual behaviour with two members of staff present. This will usually include our Designated Safeguarding Lead (or Deputy Designated Safeguarding Lead);
- listening carefully to a child in a non-judgemental way and ensuring we are clear about how the report will be progressed. We will ensure our children know they can speak to our staff again if they wish to provide more information, or for any other reason;
- where a report includes an online element, we work to the government advice in [Searching screening and confiscation](#) and [UKCIS Sharing nudes and semi nudes advice for education settings working with children and young people](#). We will never view an illegal image of a child as part of our response to a report of harmful sexual behaviour, unless absolutely necessary in exceptional circumstances. We will never forward an illegal image of a child; and
- working in partnership with other agencies (including statutory partners) to ensure that concerns are appropriately managed. Where a child already has Children's Social Care involvement, such as a Looked After Child, a Child In Need or a child with a Child Protection Plan, we will inform the child's Social Worker and work in partnership with them as appropriate.

Confidentiality and information sharing

Our staff will never guarantee confidentiality to anyone (including parents/carers or children) about a safeguarding concern, nor promise to keep a secret. In accordance with statutory requirements, where there is a child protection concern, this must be reported to our Designated Safeguarding Lead (or Deputy Designated Safeguarding Lead) and may require further referral to and subsequent investigation by appropriate authorities. Parents and carers will normally be informed about any report of abuse, unless we consider that this may place the victim at greater risk.

In some cases, we may need to make a request for support to Children's Social Care and / or a report to the police where this is against a child's wishes. In such cases, we will explain our reasons for doing so and support the child appropriately.

Anonymity

We will do all we reasonably can to protect the anonymity of any children involved in any report of harmful sexual behaviour. This means we will consider carefully, based on the nature of the report, which staff should know about it, and which staff should know about any support that will be put in place for the children involved.



We are aware of the potential impact of social media, which can facilitate the spreading of rumour and expose a victim's identity, making things more challenging for them. Where the use of social media becomes a factor and is affecting our capacity to manage the report and support our children, we will address this, linking with agencies as appropriate.

Recording

It is essential that we record all reports about harmful sexual behaviour within our school, as with any other child protection concern, in line with our Safeguarding and Child Protection Policy which you can find on our website. Any member of staff receiving a report of harmful sexual behaviour or noticing signs or indicators of this will record it as soon as possible, noting what was said or seen (if appropriate, using a body map to record), giving the date, time, and location. The record will then be presented to the Designated Safeguarding Lead (or Deputy Designated Safeguarding Lead), who will decide on appropriate action and record this accordingly.

If a child is at immediate risk of harm, our staff will first speak with the Designated Safeguarding Lead (or Deputy Designated Safeguarding Lead) as soon as possible, and deal with recording as soon as possible afterwards.

Investigation

Our Designated Safeguarding Lead will be responsible for leading investigations, and for liaising with other agencies as appropriate, for example Children's Social Care and the police. They will also be the main point of contact for parents and carers. The Designated Safeguarding Lead will ensure there are accurate records for each stage of the investigation and that any supporting information is included in our Child Protection files.

Risk Assessment

We will usually complete a risk assessment following a report of harmful sexual behaviour. Our risk assessment will include the following considerations:

- the victim, and any actions that may be appropriate to protect them;
- whether there may have been other victims;
- the alleged perpetrator(s);
- the time and location of the incident(s), and any action required to make the location(s) safer; and
- all other children (and, if appropriate, our staff) at the school, especially any actions that are appropriate to protect them from the alleged perpetrator(s), or from future harms.

Our risk assessment will be recorded and reviewed regularly to ensure it remains relevant and fit for purpose. Wherever possible, the victim, alleged perpetrator, and their parents and carers will be invited to contribute to the completion and subsequent reviews of the risk assessment.

At all times, we will be actively considering any risks that are identified through our risk assessment, and its ongoing review, to our children. We will put measures in place to protect our children accordingly.



Considerations

The safety of our children is paramount. We will use a proportionate approach, based on the principle that harmful sexual behaviour is not acceptable and will not be tolerated. Our approach will help us to ensure that all children are protected and supported appropriately.

The following principles will guide us:

- the wishes of the victim in terms of how they want to proceed;
- the nature of the alleged incident(s), including whether a crime may have been committed and/or whether harmful sexual behaviour has been displayed;
- the ages and developmental stages of all children involved;
- consideration of any power imbalance between the children involved;
- consideration of whether the alleged incident is a one-off or part of a sustained pattern of abuse;
- that sexual violence and sexual harassment can take place within intimate personal relationships between children;
- the importance of understanding intra-familial harms and any necessary support for siblings following incidents;
- consideration of any ongoing risks to the victim, other children, or school staff; and
- consideration of any other related issues and wider context.

All concerns will be considered carefully on a case-by-case basis. Our actions will not be judgemental about the guilt of the alleged perpetrator and will always be taken in the interests of all children involved, balanced with our duty and responsibilities to protect our other children.

Safeguarding and supporting a victim

We will assess what short-term and long-term support a child may need to help them manage the immediate aftermath of an incident, and to recover from what they have experienced. A child's existing support network will be central to this work; we will work with other partners as appropriate and in accordance with a child's wishes and, wherever appropriate, in discussion with parents and carers.

We will consider what is necessary to support a victim straightaway. For example, making adaptations to their timetable and in-school support and taking steps to protect them from attention or peer pressure they may experience due to making a report. We will also ensure there is regular review of arrangements to be confident they meet the needs of all children involved.

It may be necessary to make requests for support to mental health and wellbeing services or for therapeutic intervention. We may also need to liaise with other agencies to remove inappropriate material from the Internet, such as the [Internet Watch Foundation](#).

Safeguarding and supporting an alleged perpetrator

We have a duty of care to all children and will protect and support children who have displayed harmful sexual behaviour. We will do this through considering a child's needs, any risks to their safety and what multi-agency responses are needed to support them and their family.

Some children may not realise they have behaved abusively. We will not use language that may make them feel judged or criminalised and ensure that any intervention will be at the least intrusive level required to effectively address the behaviour.

We will carefully consider when to inform an alleged perpetrator(s) about a report of harmful sexual behaviour made against them. Where a request for support is going to be made to Children's Social Care or the police, then, as a general principle, our Designated Safeguarding Lead will speak to those agencies to discuss next steps, including how the alleged perpetrator(s) will be informed of the allegations. This will not prevent the school from taking immediate action to safeguard children, where required.

We will consider appropriate sanctions using our behaviour policy, and work with a child and their support network to consider measures that may help to address their behaviour.

Informing parents and carers

In line with our child protection procedures, we inform parents or carers about reports of sexual abuse unless to do so may place a child at additional risk. We will seek advice from other safeguarding partners in individual cases. In circumstances where parents or carers have not been informed, we will ensure that we support a child in any decision we take. This is likely to be with the support of Children's Social Care and any appropriate specialist agencies.

Ongoing support for our children

Children who have experienced harmful sexual behaviour display a wide range of responses. Children may show clear signs of trauma, physical and emotional responses, or no overt signs at all. Children who display harmful sexual behaviour may also respond in these or in other ways. We will remain vigilant and show sensitivity to the needs of all our children, for example, about attendance in lessons.

We will consider what ongoing support our children may need, and tailor this on a case-by-case basis. For example, the support provided for children following a single incident of a lewd remark may be different from that following a report of sexual assault. Examples are Keyworker support, counselling services (with our 'Wellbeing coach'), Pastoral/Mentoring support from a DSL/DDSL and ensuring that there is a trusted adult for the children involved to speak with if they wish to. It may be necessary for us to maintain arrangements to protect and support victims for some time, working with Children's Social Care and other agencies as required.

We may also need to provide support to children who have witnessed harmful sexual behaviour, or otherwise been affected. This will be informed by our risk assessment and our ongoing work.

We will also consider whether any intervention or support is required as part of a whole-setting approach for our children, or with the wider school community.

5. Outcomes

We will always seek to ensure that outcomes are appropriate and proportionate to the circumstances in relation to a report, liaising with our safeguarding partners as appropriate.

The following scenarios may apply:

Manage internally

In some cases of sexual harassment, for example one-off incidents, we may take the view that the children involved are not in need of early help or statutory intervention. In these cases, we will follow our other school policies in addressing matters, for example our behaviour / anti-bullying policies, and provide pastoral support where appropriate [*you can access these policies on our school website*].

Early Help

Where statutory intervention is not required or agreed, we may use early help instead. This means providing support as soon as a problem emerges, at any point in a child's life. We will work with parents and carers and other relevant partners when following this approach, which can be particularly useful in addressing non-violent harmful sexual behaviour and may prevent escalation.

Requests for support to Children's Social Care

Where a child has been harmed, is at risk of harm, or is in immediate danger, we will make a request for support to Children's Social Care. We will inform parents and carers of this unless to do so may put a child at additional risk. We will seek advice from other safeguarding partners in individual cases.

If we make a request for support, Children's Social Care will consider whether the children involved need protection or other services. Where statutory assessments are appropriate, the school will work with Children's Social Care and other agencies as appropriate. Partnership working helps to ensure the best possible package of coordinated support is implemented for the victim and, where appropriate, the alleged perpetrator and any other children that require support.

In some cases, Children's Social Care will review the evidence and decide a statutory intervention is not appropriate. If a statutory assessment is not considered appropriate by Children's Social Care, we will consider what other support for the children involved may be required. We will make further requests for support to Children's Social Care if we consider that a child remains in immediate danger or at risk of harm.

Reporting to the police

Where a report of rape, assault by penetration or sexual assault is made, we will report it 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.

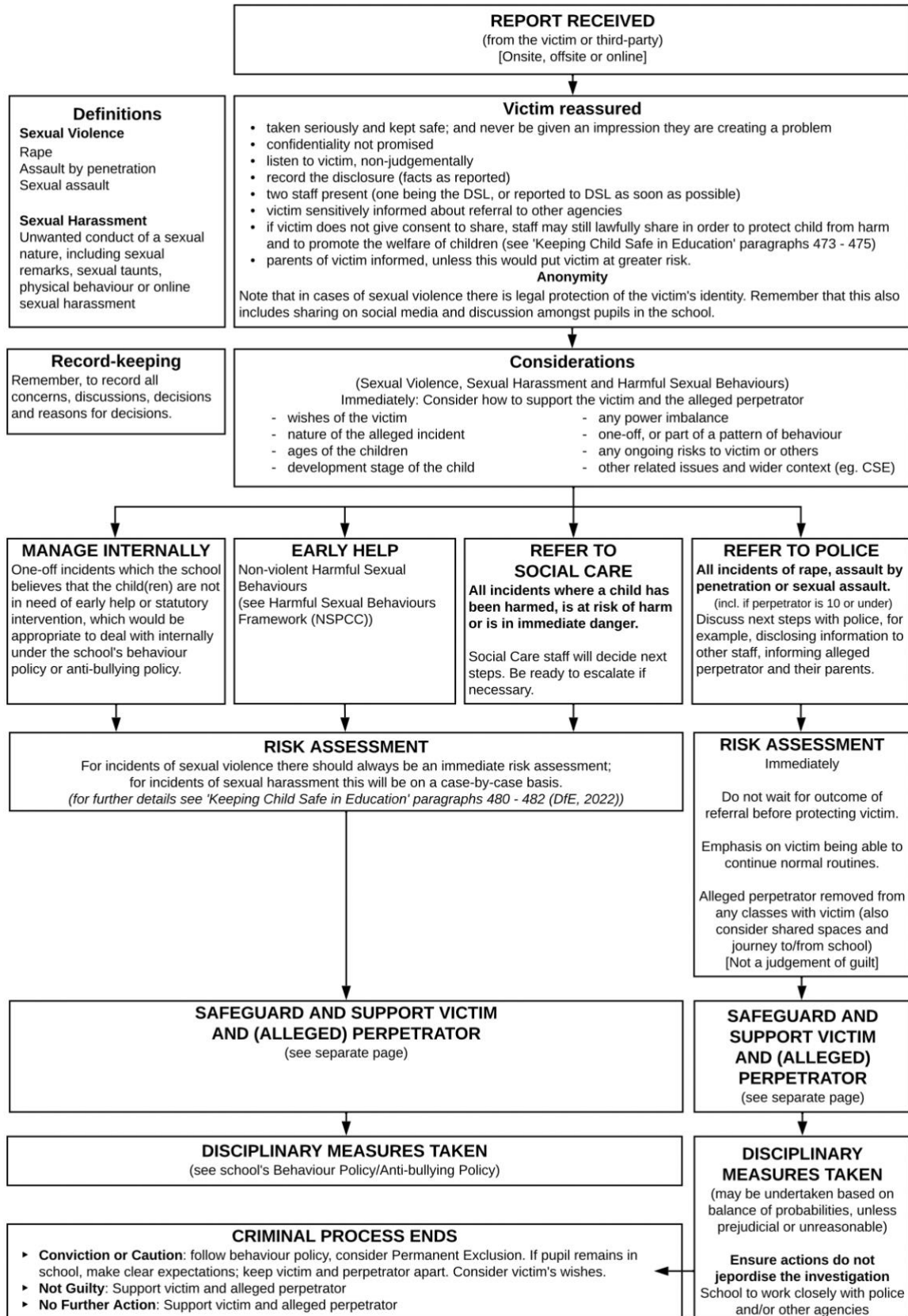
Where we have made a report to the police, we will consult with them and agree what information can be disclosed to our staff and others, in particular the alleged perpetrator and their parents or carers. We will also discuss the best way to protect the victim and their anonymity.

Where there is a criminal investigation, we will work closely with the police and other agencies as appropriate to support all children involved (including potential witnesses). This will help to ensure that any actions we take do not jeopardise a police investigation. Sometimes the police will decide that further action is not required. In these circumstances we will continue to engage with other agencies to support the children involved.



Appendix A

*PART FIVE: CHILD-ON-CHILD SEXUAL VIOLENCE AND SEXUAL HARASSMENT



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Source:

*Keeping Children Safe in Education September 2022 (DfE, 2022)

2022 SVSH Flowchart

Appendix B: Harmful Sexual Behaviour: Common Language Framework (ECC)

When dealing with incidents of sexual behaviour, it is important there is mutual understanding of these behaviours and of whether they are normally developmental or harmful. This framework is to support settings in assessing behaviours and to promote consistency of approach across the system. It is also important to think about appropriate and inappropriate language when discussing sexual behaviours, and the impact of this for the children/young people (CYP) we are working with.

The below Common Language Framework is in-line with the current language used and recommended by several sources including: the Government, Children’s Social Care, the Police and Health.

1. General language around harmful sexual behaviour
2. Sexual Offence definitions

General language around harmful sexual behaviour	
Term	Definition
Harmful Sexual Behaviour (HSB)	<p>Description from Keeping Children Safe in Education (2022): <i>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 “harmful sexual behaviour” (HSB). The term has been widely adopted in child protection. 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.</i></p> <p>Description from Hackett, 2021 & NICE 2014: <i>Any Young Person under 18 years of age, who demonstrates behaviours outside of their normative parameters of development.</i></p>
Child on child abuse	The term used to describe abusive behaviour, including harmful sexual behaviour, occurring amongst CYP. This was previously referred to as peer-on-peer abuse.
Child displaying the harmful sexual behaviour / perpetrator / alleged perpetrator	<p>Harmful sexual behaviour is a behaviour the CYP is using to communicate an unmet need. Understanding this unmet need is important. Labels such as ‘perpetrator’ and ‘abuser’ should be avoided, especially in front of the CYP. ‘Child displaying the harmful sexual behaviour’ is a useful term.</p> <p>Keeping Children Safe in Education (2022) states: <i>‘... schools and colleges should think very carefully about terminology [Alleged perpetrator(s)] and where appropriate ‘perpetrator(s)’, especially when speaking in front of children, not least because in some cases the abusive behaviour will have been harmful to the perpetrator as well... the use of appropriate terminology will be for schools and colleges to determine, as appropriate, on a case-by-case basis.</i></p>
Child who has experienced harmful sexual behaviour / victim / survivor	A CYP who has experienced harmful sexual behaviour may not want to be referred to as ‘victim’ or ‘survivor’. Settings should be guided by the CYP’s wishes on how they would like to be referred to.



	<p>Keeping Children Safe in Education (2022) states: <i>... ‘victim’... is a widely recognised and understood term. It is important that schools and colleges recognise that not everyone who has been subjected to abuse considers themselves a victim or would want to be described in this way. Ultimately, schools and colleges should be conscious of this when managing any incident and be prepared to use any term with which the individual child is most comfortable.</i></p>
<p>Abuse in intimate personal relationships between children (sometimes known as ‘teenage relationship abuse’)</p>	<p>For relationships where both CYP are under 16 and abuse is present, it is referred to as ‘abuse in intimate personal relationships between children’ or ‘teenage relationship abuse’. In law, the term ‘domestic abuse’ is only applied to relationships where both parties are over 16 years of age.</p>
<p>Sexual violence offences</p>	<p>Sexual violence is a non-legal term which can be used to describe the range of sexual offences set out in the Sexual Offences Act 2003. Definitions of these offences can be found in the section below.</p>
<p>Consent</p>	<p>The dictionary definition of consent is ‘permission for something to happen or agreement to do something.’ But consent in a sexual context is wider than this.</p> <p>Keeping Children Safe in Education (2022) states: <i>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. A child under the age of 13 can never consent to any sexual activity.</i></p> <p>Rape Crisis UK states: <i>Consenting to someone touching you in a sexual manner means agreeing to it by choice and having both the freedom and capacity to make that choice.</i> <i>It is NOT consent if you or someone else was:</i></p> <ul style="list-style-type: none"> ▪ <i>Asleep, unconscious, drunk, drugged or ‘on’ drugs.</i> ▪ <i>Pressured, manipulated, tricked or scared into saying yes.</i> ▪ <i>Too young or vulnerable to have the freedom and capacity to make that choice.</i> <p><i>Consent can be withdrawn at any time, including during sex or a sexual act. Just because someone consented to something before doesn’t mean they consented to it happening again.</i></p>
<p>Zero-tolerance culture</p>	<p>School and college leaders should create a culture where sexual harassment and online sexual abuse are not tolerated, and where they identify issues and intervene early to better protect children and young people. (Ofsted 2021)</p> <p>Keeping Children Safe in Education (2022) states: <i>“Schools and colleges should be aware of the importance of making clear that there is a zero-tolerance approach to sexual violence and sexual</i></p>



	<i>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”</i>
Power imbalance	<p>A power imbalance is an environment, relationship, or interaction where one party has far more social power than the other. Many factors can lead to a power imbalance such as: physical strength, social standing, abuse, age or one party holding sensitive information about the other.</p> <p>Keeping Children Safe in Education (2022) states: <i>“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).”</i></p>
Coercive and controlling behaviour / coercion	<p>The Government definition outlines the following: <i>“Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim</i></p> <p><i>Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour”</i></p>
Continuum of sexual behaviours	Hackett (2010) created a continuum which presents sexualised behaviour as a range from 'normal' to 'inappropriate', 'problematic', 'abusive' and 'violent'.
Statutory Partners	Children’s Social Care, the Police and Health Services are known as Statutory Partners.
Sexual Assault Referral Centre (SARC).	Keeping Children Safe in Education (2022) states: <i>“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.”</i>
Children and Young People’s Independent Sexual Violence Advisors (ChISVAs)	Keeping Children Safe in Education (2022) states: <i>“[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.”</i>
Initiation / hazing type violence and rituals	This could include activities involving harassment, abuse or humiliation used as a way of initiating a person into a group and may also include an online element.
Child Sexual Exploitation (CSE)	The ESCB define Child Sexual Exploitation as: <i>“Child Sexual Exploitation (CSE) is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the</i>

	<p><i>perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology. (Department for Education, 2017)”</i></p> <p>The Children’s Society have produced ‘Appropriate Language in Relation to Child Exploitation: Guidance for Professionals’. The document seeks to provide guidance to professionals on the appropriate use of language when discussing CYP and their experience of exploitation in a range of contexts.</p>
Risk in the Community	<p>The ESCB Risk in the Community page states: <i>“Risk in the Community is the Essex partnership approach to tackling exploitation of young people. Traditionally, safeguarding young people focused on risks within the home, but it is more apparent today that young people experience risks in various contexts outside their family unit”</i></p>
Grooming	<p>The ESCB define grooming as: <i>“Grooming is when someone builds a relationship, trust and/or emotional connection with a child or young person so that they can exploit them. Children and young people who are groomed can be exploited, radicalised, trafficked or sexually abused.”</i></p>

Sexual Offence definitions	
Sexual Offences	Definition
Rape	<p>Sexual Offences Act 2003 definition: <i>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.</i></p>
Assault by Penetration	<p>Sexual Offences Act 2003 definition: <i>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.</i></p>
Sexual Assault (previously referred to as ‘indecent assault’ prior to the Sexual Offences Act 2003)	<p>Sexual Offences Act 2003 definition: <i>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.</i></p> <p>Note from Keeping Children Safe in Education (2022): <i>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.</i></p> <p>Rape Crisis UK: <i>It’s a really common myth about sexual assault, rape and other kinds of sexual violence and abuse that they have to involve physical force or leave the person with visible injuries. But that isn’t true. There are many other ‘tactics’ that someone might use to sexually assault someone. For example: pressure, manipulation, bullying,</i></p>



	<p><i>intimidation, threats, deception, drugs or alcohol. BUT, none of these have to have happened for it to still be sexual assault.</i></p> <p><i>Many people find themselves unable to speak or move when faced with a scary, shocking or dangerous situation. If that happened, it does not mean the person gave their consent.</i></p> <p><i>And if there's no consent then it is always sexual assault.</i></p>
<p>Causing someone to engage in sexual activity without consent</p>	<p>Sexual Offences Act 2003 definition: <i>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.</i></p> <p>Note from Keeping Children Safe in Education (2022): <i>this could include forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party.</i></p>
<p>Sexual harassment</p>	<p>Rape Crisis UK: <i>Sexual harassment is any unwanted sexual behaviour that makes someone feel upset, scared, offended or humiliated, or is meant to make them feel that way.</i></p> <p><i>Sexual harassment is a form of unlawful discrimination under the Equality Act 2010.</i></p> <p><i>This means that people are legally protected from sexual harassment in certain places – for example, at work, on transport and at schools, colleges and universities. So, if sexual harassment does happen in these places, victims and survivors have the right to take action to find a solution. This could include making a complaint or making a claim in the civil courts.</i></p> <p><i>Some forms of sexual harassment automatically break criminal law in England and Wales and are therefore crimes. These include: stalking, indecent exposure, ‘upskirting’ and any sexual harassment involving physical contact (this amounts to sexual assault in English and Welsh law).</i></p> <p><i>Other forms of sexual harassment might also break criminal law, depending on the situation. For example, if someone carries out sexual harassment behaviours on more than one occasion that are intended to cause another person alarm or distress, they may be committing the crime of harassment.</i></p> <p>Description from Keeping Children Safe in Education (2022): <i>[Sexual harassment is] ‘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.</i></p> <p><i>Whilst not intended to be an exhaustive list, sexual harassment can include:</i></p> <ul style="list-style-type: none"> ▪ <i>sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names</i> ▪ <i>sexual “jokes” or taunting</i>



	<ul style="list-style-type: none"> ▪ <i>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.</i> ▪ <i>displaying pictures, photos or drawings of a sexual nature</i> ▪ <i>upskirting (this is a criminal offence)</i>
<p>Online sexual harassment</p>	<p>Description from Keeping Children Safe in Education (2022): <i>This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:</i></p> <ul style="list-style-type: none"> ▪ <i>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.</i> ▪ <i>sharing of unwanted explicit content</i> ▪ <i>sexualised online bullying</i> ▪ <i>unwanted sexual comments and messages, including, on social media</i> ▪ <i>sexual exploitation; coercion and threats, and</i> ▪ <i>coercing others into sharing images of themselves or performing acts they’re not comfortable with online.</i>
<p>Upskirting</p>	<p>The Voyeurism (Offences) Act 2019 which amends the Sexual Offences Act 2003 to make upskirting a specific offence of voyeurism Description from Keeping Children Safe in Education (2022): <i>[Upskirting] typically involves taking a picture under a person’s clothing without their permission, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress, or alarm.</i></p>
<p>Consensual and non-consensual sharing of nude and semi-nude images and/or videos</p> <p>Sexting</p> <p>Youth produced sexual imagery</p> <p>Nudes</p> <p>Indecent imagery</p>	<p>The Protection of Children Act 1978 (England and Wales) as amended in the Sexual Offences Act 2003 (England and Wales) criminalised indecent photographs of children. The Act states:</p> <ul style="list-style-type: none"> ▪ It is an offence to take, permit to be taken, possess, distribute, show and make indecent images of children ▪ The Sexual Offences Act 2003 (England and Wales) defines a child, for the purposes of indecent images, as anyone under the age of 18 <p>The below is paraphrased from the Government guidance ‘Sharing nudes and semi-nudes: advice for education settings working with children and young people’ (2020): In the context of harmful sexual behaviour within education settings, we are referring to: a person under the age of 18 creating and sharing nudes and semi-nudes of themselves with a peer who is also under the age of 18; a person under the age of 18 sharing nudes and semi-nudes created by another person under the age of 18 with a peer under the age of 18; and a person under the age of 18 who is in possession of nudes and semi-nudes created by another person under the age of 18. The sharing of nudes and semi-nudes of under 18s by adults (18 and over) constitutes child sexual abuse and education settings should always inform their local police force as a matter of urgency. The term ‘sharing nudes and semi-nudes’ encompasses the sending or posting of nude or semi-nude images, videos or live streams by young people under the age of 18 online. This could be via social media,</p>



gaming platforms, chat apps or forums. It could also involve sharing between devices via services like Apple's AirDrop which works offline. The motivations for taking and sharing nude and semi-nude images, videos and live streams are not always sexually or criminally motivated. Such images may be created and shared consensually by young people who are in relationships, as well as between those who are not in a relationship. It is also possible for a young person in a consensual relationship to be coerced into sharing an image with their partner. Incidents may also occur where:

- CYP find nudes and semi-nudes online and share them claiming to be from a peer
- CYP digitally manipulate an image of a young person into an existing nude online
- images created or shared are used to abuse peers e.g. by selling images online or obtaining images to share more widely without consent to publicly shame

Nude or semi-nude images, videos or live streams may include more than one CYP

Definition of indecent

'Indecent' is not defined in legislation. When cases are prosecuted, the question of whether any photograph of a CYP is indecent is for a jury, magistrate or district judge to decide based on what is the recognised standard of propriety.

Indecent imagery does not always mean nudity; however, images are likely to be defined as such if they meet one or more of the following criteria:

- nude or semi-nude sexual posing (e.g. displaying genitals and/or breasts or overtly sexual images of young people in their underwear)
- someone nude or semi-nude touching themselves in a sexual way
- any sexual activity involving a CYP
- someone hurting someone else sexually
- sexual activity that includes animals