

## Managing Allegations against other Pupils Policy

At St Bernard's Catholic Grammar School we believe that all children have a right to attend school, learn in a safe environment and be loved and valued for who they are as a child of God. No student should suffer from harm in the school, whether that is from an adult or another student(s). Where the behaviour of any student does negatively affect the learning or wellbeing of others, their behaviour will be dealt with under the school's Behaviour Policy.

DfE guidance states that the best schools take a whole school approach to safeguarding and child protection. This means involving everyone in the school, including the Governing Body, all the staff, children, adult students and parents and carers. Safeguarding and child protection should be a recurrent theme running through policies and procedures. The school's approach to any peer-on-peer abuse, sexual violence or sexual harassment should reflect and be part of the broader approach to safeguarding. The school's safeguarding procedures with regard to such matters should be transparent, clear and easy to understand for staff, pupils, students, parents and carers.

In most instances, the conduct of students towards each other will be covered by the school's behaviour policy. However, some allegations may be of such a serious nature that they may raise safeguarding concerns. If there were to be an allegation made against a student(s) by others in the school, which are of a safeguarding nature in relation to peer-on-peer abuse (issues raised in this way may include physical abuse, emotional abuse, sexual abuse, sexual coercion, sexual violence, sexual harassment or sexual exploitation) it is likely that some of the following features will be found.

The allegation:

- is made against an older pupil and refers to their behaviour towards a younger pupil or a more vulnerable pupil.
- is of a serious nature, possibly including a criminal offence.
- raises risk factors for other pupils in the school.
- indicates that other pupils may have been affected by this student.
- indicates that young people outside the school may be affected by this student.

Examples of safeguarding allegations against a student could include:

Physical Abuse:

For example violence (particularly pre-planned) or forcing others to use drugs, alcohol or other banned substances.

Emotional Abuse:

For example blackmail, extortion, threats or intimidation.

### Sexual Abuse:

For example indecent exposure, indecent touching, serious sexual assaults, upskirting, forcing others to watch pornography or take part in sexting.

### Sexual Exploitation:

For example encouraging other children to attend inappropriate parties, offering an incentive such as money for the performance of an indecent act or photographing or videoing other children performing indecent acts.

As the school is located in a town where gang culture does exist, older students may attempt to recruit younger pupils using any or all of the above methods. Young people suffering from sexual exploitation themselves may be forced to recruit other young people under threat of violence. These are concerns that staff at the school will continue to watch for carefully and, should they have concern, will report them to the Designated Safeguarding Lead as a matter of priority.

As a school we will minimise the risk of allegations against other pupils by:-

- Providing a developmentally appropriate PSHE syllabus which develops students' understanding of acceptable behaviour and keeping themselves safe.
- Having systems in place for any student to raise concerns with staff, knowing that they will be listened to, believed and valued.
- Delivering targeted work on assertiveness and keeping safe to those pupils identified as being at risk.
- Developing robust risk assessments & providing targeted work for pupils identified as being a potential risk to other pupils.

### Policy

When an allegation is made by a pupil against another student, the member of staff to whom the disclosure is made should consider whether the complaint raises a safeguarding concern. If it does, the Designated Safeguarding Lead (or the deputy in their absence) should be informed as soon as is possible. A written factual record should be made of the allegation within 24 hours of the disclosure, but no attempt should be made to investigate the circumstances.

The Designated Safeguarding Lead will discuss with the Headteacher and Deputy Safeguard Lead the need to contact children's services and/or the police to discuss the case. It is possible that children's services may already be aware of safeguarding concerns around this young person. The Designated Safeguarding Lead will follow through the outcomes of the discussion and make a referral where appropriate. If the allegation indicates a potential criminal offence has taken place, the police will be contacted at the earliest opportunity.

Any further interview of the student(s) involved will be in the presence of the member of staff to whom the initial disclosure was made. The Designated

Safeguarding Lead will make a record of the concern, the discussion and any outcome and keep a copy in the separate Child Protection files. In all events, parents will be informed, both those of the student to whom the allegation refers and those of the alleged victim, unless doing so endangers the welfare of the student(s).

It may be appropriate to formally exclude the student about whom the complaint has been made, either for a fixed period or on a permanent basis, according to the school's behaviour policy and procedures.

Where neither children's services nor the police accept the complaint, a thorough school investigation will take place into the matter using the school's usual disciplinary procedures. In situations where the school considers a safeguarding risk is present, a risk assessment will be undertaken and a preventative supervision plan put in place. The plan should be monitored and a date set for a follow-up evaluation involving everyone concerned.

On occasion, some students will present a safeguarding risk to other students. The school should be informed that a young person raises safeguarding concerns when, for example, they are coming back into school following a period in custody or they have experienced serious abuse themselves. These students will need an individual risk management plan to ensure that other pupils are kept safe and they themselves are not laid open to malicious allegations. There is a need to balance the tension between privacy and safeguarding.

No matter what the outcome is of an allegation of abuse against another pupil, the school will review the circumstances of the case to see if there are any improvements that can be made in its practice or policy to help prevent similar allegations in the future.

### **Responding to the report**

The school's 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 peer-on-peer abuse, sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.

In some cases, the victim may not make a direct report. For example, a friend may make a report or a member of school staff may overhear a conversation that suggests a child has been harmed. As with all safeguarding concerns, it is important that in such instances staff take appropriate action in accordance with the school's safeguarding and child protection policy. They should not assume that someone else is responding to any incident or concern. If in any doubt, they should speak to the designated safeguarding lead (or a deputy). In such cases, the basic safeguarding principles remain the same, but it is important for the school to

understand why the victim has chosen not to make a report themselves. This discussion should be handled sensitively and with the support of children's social care if required.

There may be reports where the alleged sexual violence or sexual harassment involves students from the same school, but is alleged to have taken place away from the school premises, or online. There may also be reports where the children concerned attend different schools. The safeguarding principles, and individual school's duties to safeguard and promote the welfare of their students, remain the same. In such circumstances, appropriate information sharing and effective multi-agency working will be especially important.

Effective safeguarding practice includes:

- not promising confidentiality at this initial stage as it is very likely a concern will have to be shared further to discuss next steps. Staff should only share the report with those people who are necessary in order to progress it. It is important that the victim understands what the next steps will be and who the report will be passed to;
- recognising a child is likely to disclose information to someone they trust: this could be anyone on the school staff. It is important that the person to whom the child discloses recognises that the child has placed them in a position of trust. They should be supportive and respectful of the child;
- listening carefully to the child, being non-judgmental, being clear about boundaries and how the report will be progressed, not asking leading questions and only prompting the child where necessary with open questions – where, when, what, etc.;
- considering the best way to make a record of the report. Best practice is to wait until the end of the report and immediately write up a thorough summary. This allows the staff member to devote their full attention to the child and to listen to what they are saying. It may be appropriate to make notes, especially if a second member of staff is present. However, if making notes, staff should be conscious of the need to remain engaged with the child and not appear distracted by the note taking.
- only recording the facts as the child presents them.
- where the report includes an online element, being aware of searching, screening and confiscation advice and UKCCIS sexting advice . The key consideration is for staff not to view or forward illegal images of a child. The highlighted advice provides more details on what to do when viewing an image is unavoidable.
- if possible, managing reports with two members of staff present, (preferably one of them being the designated safeguarding lead or a deputy).
- informing the designated safeguarding lead (or deputy), as soon as practically possible, if neither is involved in the initial disclosure.

## **Confidentiality.**

Staff taking a report should never promise confidentiality as it is very likely that it will be in the best interests of the victim to seek advice and guidance from others in order to provide support and engage appropriate agencies. The school should only engage staff and agencies who are required to support the children involved and/or be involved in any investigation.

The victim may ask the school not to tell anyone about the peer-on-peer abuse, sexual violence or sexual harassment. There are no easy or definitive answers when a victim makes this request. If the victim does not give consent to share information, staff may still lawfully share it, if it can be justified to be in the public interest, for example, to protect children from harm and to promote the welfare of children. The designated safeguarding lead (or deputy) should consider the following:

- parents or carers should normally be informed (unless this would put the victim at greater risk);
- the basic safeguarding principle is: if a child is at risk of harm, is in immediate danger, or has been harmed, a referral should be made to children's social care;
- rape, assault by penetration and sexual assaults are crimes. Where a report of rape, assault by penetration or sexual assault is made, this should be referred to the police. Whilst the age of criminal responsibility is ten, if the alleged perpetrator is under ten, the starting principle of referring to the police remains.

Ultimately, the designated safeguarding lead (or deputy) will have to balance the victim's wishes against their duty to protect the victim and other children. If the decision is made to go ahead and make a referral to children's social care and/or a report to the police against the victim's wishes, the reasons should be explained to the victim and appropriate specialist support should be offered.

## **Anonymity**

Where an allegation of peer-on-peer abuse, sexual violence or sexual harassment is progressing through the criminal justice system, schools should be aware of anonymity, witness support and the criminal process in general so they can offer support and act appropriately.

As a matter of effective safeguarding practice, schools should do all they reasonably can to protect the anonymity of any children involved in any report of peer-on-peer abuse, sexual violence or sexual harassment. Amongst other things, this will mean carefully considering, based on the nature of the report, which staff should know about the report and any support that will be put in place for the children involved. Schools should also consider the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities

## **Risk Assessment**

When there has been a report of sexual violence, the designated safeguarding lead (or deputy) should make an immediate risk and needs assessment. Where there has been a report of peer-on-peer abuse or sexual harassment, the need for a risk assessment should be considered on a case-by-case basis.

The risk and needs assessment should consider:

- the victim, especially their protection and support;
- the alleged perpetrator;
- all the other children (and, if appropriate, staff) at the school

It is not the role of schools to provide legal advice or support to victims, alleged perpetrators or parents in respect of a criminal justice process. Rather, should be aware of their own position and responsibilities.

Risk assessments should be recorded and should be kept under review. At all times, the school should be actively considering the risks posed to all their pupils and students and putting adequate measures in place to protect them and keep them safe. The designated safeguarding lead (or deputy) should ensure they are engaging with children's social care and specialist services as required. Where there has been a report of sexual violence, it is likely that professional risk assessments by social workers and or sexual violence specialists will be required.

The risk assessment is not intended to replace the detailed assessments of expert professionals. Any such professional assessments should be used to inform the school's approach to supporting and protecting their students and updating their own risk assessment.

## **Action following a report of sexual violence and/or sexual harassment**

Schools should carefully consider any report of sexual violence and/or sexual harassment. The designated safeguarding lead (or deputy) is likely to have a complete safeguarding picture and be the most appropriate person to advise on the school's initial response. Important considerations will include:

- the wishes of the victim in terms of how they want to proceed. This is especially important in the context of sexual violence and sexual harassment. Victims should be given as much control as is reasonably possible over decisions regarding how any investigation will be progressed and any support that they will be offered;
- the nature of the alleged incident(s), including: whether a crime may have been committed and consideration of harmful sexual behaviour;
- the ages of the children involved;
- the developmental stages of the children involved;

- any power imbalance between the children. For example, is the alleged perpetrator significantly older, more mature or more confident? Does the victim have a disability or learning difficulty?;
- is the alleged incident is a one-off or a sustained pattern of abuse?;
- are there ongoing risks to the victim, other children, or school staff?;
- other related issues and wider context.

As always when concerned about the welfare of a child, all staff should act in the best interests of the child. In all cases, schools should follow general safeguarding principles as per Keeping Children Safe in Education. Immediate consideration should be given as to how best to support and protect the victim and the alleged perpetrator (and any other children involved/impacted). The starting point regarding any report should always be that peer-on-peer abuse, sexual violence or sexual harassment are not acceptable and will not be tolerated. Especially important, is not to pass off any sexual violence or sexual harassment as 'banter', 'part of growing up' or 'having a laugh'

**Approved by the Governors' Leadership Committee: 29<sup>th</sup> January 2020**

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