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INSTITUTO ESPAÑOL
VICENTE CAÑADA BLANCH

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SEXUAL VIOLENCE AND SEXUAL HARASSMENT

This is a whole school policy

Created: December 2022

Review Date: December 2023

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Introduction

This policy follows the advice provided by the Department for Education. Its focus is child-on-child sexual violence and sexual harassment at schools. The advice covers children of all ages, from early years through secondary stage. For the purposes of this advice, a child is anyone under the age of 18. Whilst the focus of the advice is on protecting and supporting children, our school will of course protect any adult students and engage with adult social care, support services and the police as required.

Over recent years there have been growing concerns about sexual violence and sexual harassment between children and young people. It is vitally important to understand that it can happen anywhere, and our staff will maintain an attitude that it could already be taking place in our school. All reports and concerns must be taken seriously, and our school will operate a zero-tolerance policy on this kind of behaviour, be it verbal or physical.

Context

Sexual violence and sexual harassment can occur between two or more 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 and harassment can occur online and offline, both physically and verbally. A young person may perceive sexual harassment as teasing, banter or the 'consensual' sending of nudes or semi-nudes, as part of their social norm.

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, and are never acceptable. 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.

It is important that our staff are aware of sexual violence and the fact children can, and sometimes do, abuse other children in this way. When referring to sexual violence in this policy, we do so in the context of child on child sexual violence. When referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003.

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Sexual Harassment

Sexual harassment is 'unwanted conduct of a sexual nature in the context of child-on-child relations'; it can violate a child's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment. It can occur online and offline, inside and outside of school. Sexual harassment must be considered in broad terms and can include, among others:

- 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. School will 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.
- displaying pictures, photos or drawings of a sexual nature
- upskirting (this is a criminal offence), and
- online sexual harassment. This may be standalone, 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. Taking and sharing nude photographs of U18s 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're not comfortable with online.

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Harmful sexual behaviour

Harmful sexual behaviour is defined by the National Institute for Health and Care Excellence (NICE) as: “One or more children engaging in sexual discussions or acts that are inappropriate for their age or stage of development. These can range from using sexually explicit words and phrases to full penetrative sex with other children or adults”.

Children’s sexual behaviour exists on a continuum, from normal which is socially acceptable and reflects healthy sexual development, to behaviours that are not healthy and safe; these can be abusive, violent and coercive. Problematic, abusive and violent sexual behaviour is developmentally inappropriate and may cause developmental damage.

Identifying what is part of normal healthy development to what may cause a young person to be vulnerable or inflict harm on others is important for professionals to understand. Ages and the stages of development of the children are critical when assessing and addressing inappropriate behaviour. In many cases, children and young people can be victims and perpetrators of harmful sexual behaviour. Harmful sexual behaviour can occur online and offline and can also occur simultaneously between the two. It will be considered in a child protection context. Children displaying HSP will be offered appropriate support.

Preventing abuse

Our school will 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”;
- Challenging behaviour, such as grabbing bottoms, breasts and genitalia and flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them; and
- Understanding that all of the above can be driven by wider societal factors beyond the school and college, such as everyday sexist stereotypes and everyday sexist language.

If required, the designated safeguarding lead (or a deputy) will discuss the local response to sexual violence and sexual harassment with police and local authority

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children's social care colleagues, and the designated safeguarding lead (and their deputies) will be aware of which local specialist support is available to support all children involved (including victims and alleged perpetrators) in sexual violence and sexual harassment and be confident as to how to access this support when required.

Staff should recognise that children and young people feel under pressure with matters of sexual harassment. Our school will promote and support a whole school ethos to help prevent sexual harassment and sexual violence, and incidents will not be treated as 'banter', or seen as part of growing up.

To help provide a school environment where sexual harassment and sexual violence is not tolerated, our school will:

- Challenge incidents of a sexual nature, not acting or dismissing such behaviours will risk promoting or normalising them.
- Encourage staff, pupils and parents to share their concerns openly, feel listened to and not feel judged by their opinions.
- Have clear policies and procedures regarding sexual harassment and violence that are reflected throughout the safeguarding practice within the school.
- Develop an effective sex and relationship education (SRE) programme that is supported by the wider curriculum.

Responding to a report

Victims of sexual violence and harassment are likely to be stressed and upset. They may have been affected physically and verbally both face-to-face and online by an individual or by a group. Children might find it difficult to tell staff about their abuse verbally. They will often show signs or act in ways that they hope adults will notice and react to. In some cases, the victim may not make a direct report. If staff have any concerns about a child's welfare, they will act on them rather than wait to be told.

All the victims should be 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. It is important to explain that the law is in place to protect children and young people rather than criminalise them. This should be explained in such a way that avoids alarming or distressing them.

Each report will be acted upon case-by-case.

When dealing with sexual violence and sexual harassment we will:

- Act quickly and sensitively.



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- Listen carefully to the child, reflecting back, using the child's language, being non-judgemental, 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.
- Reassure the young person. Not promise confidentiality.
- Only ask open questions to obtain clarity.
- Make a written record, recording the facts, not our personal opinion. When making notes we will not become distracted from what the young person is telling you, so we may consider writing up the report immediately after the disclosure. We will be aware that our report may become part of a criminal investigation. If possible, managing reports with two members of staff present.
- Explain what the next steps are to the victim and who the report will be passed on to.
- Follow our Safeguarding policy

Confidentiality and anonymity

Confidentiality

Staff taking a report will 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 will only engage staff and agencies who are required to support the children involved and/or be involved in any investigation.

Victims will be 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 will not be downplayed and will be treated equally seriously. A victim will never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor will a victim ever be made to feel ashamed for making a report or their experience minimised.

The victim may ask the school not to tell anyone about the 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 there is another legal basis under the UK GDPR that applies. The

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designated safeguarding lead (or deputy) will 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 local authority children's social care, and
- 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, irrespective of the alleged perpetrator's age.

The designated safeguarding lead (or a deputy) will balance the victim's wishes against their duty to protect the victim and other children.

If the designated safeguarding lead (or a deputy) decides to make a referral to local authority children's social care and/or a report to the police against the victim's wishes, this will be handled extremely carefully, the reasons will be explained to the victim and appropriate specialist support will be offered. The professionals involved will act bearing in mind the information available at [Safeguarding Practitioners Information Sharing Advice](#) and [NSPCC: Information sharing and confidentiality for practitioners](#).

Anonymity

The school will do everything it can to protect the anonymity of any children involved in any report of 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. The potential impact of social media in facilitating the spreading rumours and exposing victim's identities will also be considered.

Managing sexual violence and sexual harassment

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

- the victim, especially their protection and support, their wishes in terms of how they want to proceed. Victims will be given as much control as possible over decisions regarding how any investigation will be progressed. This will

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however need to be balanced with the school's duty and responsibilities to protect other children.

- the alleged incidents
- whether there may have been other victims
- the alleged perpetrator(s),
- the ages and the developmental stages of the children involved
- any power imbalance between the children
- if the alleged incident is a one-off or a sustained pattern of abuse
- possible intra familial harms and necessary support for siblings following incidents
- all the other children, (and, if appropriate, adult students and staff) at the school, especially any actions that are appropriate to protect them from the alleged perpetrator(s), or from future harms, and
- the time and location of the incident, and any action required to make the location safer.

Risk assessments will be recorded and kept under review. At all times, the school will be actively considering the risks posed to all their pupils and students and set adequate measures in place to protect them and keep them safe.

Immediate consideration will be given as to how best to support and protect the victim, the alleged perpetrators and any other children involved or impacted. The designated safeguarding lead (or a deputy) will 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 designated safeguarding lead will contact with the institutions involved (Local authority children's social care, police, CEOP, NSPCC, specialist sexual violence sector organisations, Anti-Bullying Alliance. If sexual violence or harassment is occurring online, institutions to contact might be UK Safer Internet Centre, Internet Watch Foundation, UKCIS, NCA-CDEOP or LGFL).

When managing reports of sexual violence and/or harassment, four likely scenarios are:

1. Managing internally

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In cases of one-off incidents, the school might take the view that the children concerned are not in need of further help or that referrals to statutory services are not required, and that it will be appropriate to handle the incident internally through utilising the behaviour policy.

2. Early help

This alternative means providing support as soon as the problem emerges. This would be effective in promoting the welfare of children involved.

3. Referring to local authority children's social care

This alternative will be considered when a child has been harmed, is at risk of harm or is in immediate danger. Generally, parents or carers will be informed, unless there are compelling reasons not to. Such a decision will be made with the support of local authority children's social care.

Where statutory assessments are appropriate, the school (especially the DSL) will be working alongside and cooperating with the relevant lead social worker.

The school will not wait for the outcome of a local authority children's social care investigation before protecting the victim and other children. Consideration of the safeguarding of those affected will be immediate.

4. Reporting to the Police

This decision will be generally in parallel with a referral to local authority children's social care.

Where a report of rape, assault by penetration or sexual assault is made, the starting point is that this should be passed on to the police, even if the alleged perpetrator is under ten.

When a report has been made to the police, the school will consult the police and agree what information can be disclosed to staff and others, in particular, the alleged perpetrators and their parents or carers.

The school will inform parents or carers unless there are compelling reasons not to. If this is the case, the school would support the child in the decisions they take.

If the police do not take further action, the school will continue to engage with specialist support for the victim and alleged perpetrator(s).

The DSL will work closely with the police.

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In any of these four responses, it will be under-pinned by the principle that there is a zero-tolerance approach to sexual violence and sexual harassment. All concerns, discussions, decisions and reasons for decision will be recorded in writing.

Ongoing response

Principles based on effective safeguarding practice such as those stated previously will help shape any decisions regarding safeguarding and supporting the victim.

In all scenarios, decisions and actions will be regularly reviewed and relevant policies will be updated to reflect the lessons learnt.

Victims may not disclose the whole picture immediately. Dialogue will be kept open and encouraged. If it is clear that ongoing support will be required, the school should ask the victim if they would find it helpful to have a designated trusted adult to talk about their needs. The choice of any such adult should be the victim's.

If the victim finds it difficult to maintain a full-time timetable and expresses a wish to withdraw, the school will provide a physical space.

The school will do every reasonable thing to protect the victim from bullying and harassment as a result of any report they have made.

Whilst they should be given all the necessary support to remain in their school or college, if the trauma results in the victim being unable to do this, alternative provision or a move to another school would be considered. If the victim does move to another educational institution, this will be made aware of any ongoing support needs.

Principles based on effective safeguarding practice such as those stated previously will help shape any decisions regarding safeguarding and supporting the perpetrators and children and young people who have displayed harmful sexual behaviour.

Support will help the perpetrators to prevent problematic behaviour in the future and to address any underlying trauma that such behaviour may be causing. If an alleged perpetrator does move to another educational institution, the new educational institution will be made aware of any ongoing support needs and where appropriate, potential risks to other children and staff. The DSL will ensure this happens, as well as transferring the children protection file.

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Follow-up with those affected

Alleged perpetrator

Disciplinary action can be taken whilst other investigations by the police and/or local authority children's social care are ongoing. This will be considered on a case-by-case basis. The DSL or a deputy will take the leading role. Liaison with the police or local authority children's social care should help the school make a determination.

Appropriate support action should occur at the same time as any disciplinary action.

Working with parents or carers

Unless there is a reason to believe informing a parent or carer will put a child at additional risk, the school will engage with both the victim's and the alleged perpetrator's parents or carers. The school will carefully consider what information is provided about the other children involved.

The school will meet the victim's parents or carers with the victim present to discuss what arrangements are being put in place to safeguard the victim and understand their wishes.

The school will also meet with the alleged perpetrator's parents or carers to discuss any arrangements that are being put into place that impact an alleged perpetrator, such as moving them out of classes with the victim and what it means for their education.

The DSL or a deputy will attend such meetings. Consideration to the attendance of other agencies will be considered on a case-by-case basis. Organisations included in Annex B of KCSE might be contacted.

Safeguarding other children

Consideration will be given to supporting children who have witnessed sexual violence. The school will do everything it can to ensure both the victim and alleged perpetrator(s) and any witnesses are not being bullied or harassed.