

**SHENFIELD  
HIGH SCHOOL**



# **Peer on Peer Abuse Policy**

**April 2021**

## SHENFIELD HIGH SCHOOL BEHAVIOUR FOR LEARNING – PEER ON PEER ABUSE POLICY

### Statement of intent

Shenfield High School is committed to providing a caring, friendly and safe environment for all of our students, so they can learn in a relaxed and secure atmosphere. Peer on peer abuse of any kind is unacceptable at our school. If peer on peer abuse does occur, all students can talk to someone, secure in the knowledge that incidents will be dealt with promptly and effectively.

### What is peer on peer abuse?

Peer on peer abuse is the consistent and deliberate actions of a person, or group of people, which are designed to hurt the person at whom they are directed. In line with 'Keeping Children Safe in Education (KCSIE) 2021, and also referenced in the School's Safeguarding and Child Protection Policy 2020, the school recognises that children and young people are capable of abusing their peers. This policy details the response that staff in our school must have when peer on peer abuse is disclosed.

Peer on peer abuse can take the form of verbal, cyber or physical behaviour and may incorporate one or more of the following:

Emotional	Being unfriendly, excluding and tormenting
Physical	Pushing, kicking, hitting, punching or the threatening of violence
Racist	Racial taunts, graffiti, gestures, comments or jokes
Sexual	Indication of sexual violence or harassment (Appendix 1), including any unwanted physical contact or sexual comments, or the use of sexual imagery to cause harm. This would include the deliberate making of inappropriate sexual pictures, for example sending these pictures on either by uploading onto social media or via messaging by asking another child/young person to send such pictures'. It would also include 'up skirting' - the taking of a picture under someone else's clothes without them knowing
Homophobic	Gestures, comments, graffiti or jokes focusing on the issue of sexuality
Verbal	Name calling, taunting, sarcasm, teasing, spreading rumours
Cyber	The abusive use of any form of social network or electronic communication to cause harm
Appearance	Nasty comments about the way someone looks
Initiation/hazing	Designed as "dare type" activities – often linked to gang initiation

Gender	Nasty comments, taunts, any negative behaviour that is directed at someone because of their gender identity, or is of a transphobic nature
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### **Why is it important to respond to peer on peer abuse?**

No-one deserves to be a victim of peer on peer abuse. Everybody has the right to come to school, feel safe, enjoy their learning and be treated with respect. Schools have a responsibility to respond promptly and effectively to issues of peer on peer abuse.

The Governing body ensures its school makes every effort to minimise the risk of peer on peer abuse, is clear about how peer on peer abuse will be recorded, investigated and dealt with; and that there are clear processes about how victims, perpetrators and any other child/young person affected by peer on peer abuse will be supported. In addition, the governors support strongly the statement:

“abuse is abuse and will never be tolerated or passed off as ‘banter’, ‘just having a laugh’ or ‘part of growing up’.” (KCSIE 2021; Governance Handbook 2020)

### **Signs and symptoms**

A student who is a victim of peer on peer abuse, may exhibit behaviours which are unusual. This could be seen in terms of their motivation to come to school; they may want to be escorted to or from school or could start truanting. It may become apparent through their property being damaged, an unwillingness to eat at school or they may want to bring extra money to school to pay the perpetrators. A victim of peer on peer abuse could become solitary or show traits of anxiety, have difficulty in getting to sleep, be frightened to talk or start stammering.

These indicators could suggest other problems but peer on peer abuse should be considered a possibility and should be considered.

### **Procedures**

1. All peer on peer incidents should be reported and recorded on an incident report form, by the students concerned, to any member of staff.
2. All peer on peer allegations and/or threats of peer on peer abuse will be promptly investigated by the most appropriate member of the Pastoral Team.
3. All proven cases of peer on peer abuse will be recorded and kept on the files of both the perpetrator and the victim, and parents of both will be notified. This will then be recorded centrally via the Pastoral Secretary in the school Bullying Log.
4. All proven incidents will result in sanctions for the perpetrator, together with appropriate support and/or counselling for both the victim and the perpetrator.

5. Via guidance, monitoring and support, an attempt will be made to help the perpetrator/s modify their behaviour. Parents may be asked into school to discuss the school's concerns and help work together towards a more positive way forward.
6. If necessary, in extreme or persistent cases, the police will be informed.
7. Where necessary, further outside agency referrals will be made designed to both protect and support the children/young people involved, and parents/carers will always be informed when this is the case; except if either the police or social care advise us not to speak to parents for any reason.
8. The victim's wishes and feelings will always be listened to and recorded, and as far as possible will be taken into account when the next steps after a disclosure is made, are planned.
9. All decision making will be recorded with the decision and the reasons why this decision was made.

### **Outcomes**

- a) Wherever possible, the students will be reconciled and, if appropriate, restorative approaches used.
- b) All proven incidents of peer on peer abuse will result in some form of sanction for the perpetrator. (Dependant on each specific incident, this may range from a warning or detention to the possibility of exclusion). All parties involved will be made aware of the sanction taken, which will vary depending on the severity of the incident.
- c) In serious cases, a Fixed Term Exclusion or even Permanent Exclusion will be considered. If necessary and appropriate, the police/Social Care will be involved.
- d) In some cases, a safety plan to manage the potential of further issues occurring will be planned and put into place. Where this is necessary the parameters of the safety plan will be discussed with the student concerned and their parent/carers.
- e) After the incident/incidents have been investigated and dealt with, the students in each case will be monitored to help ensure repeated peer on peer abuse does not take place.
- f) Once peer on peer abuse has been proven and resolved, all parties will be made aware that communication, preferably with a specifically named member of staff is vital to help avoid repetition, retaliation or further incidents, including those involving "third parties".

### **Parents**

Most concerns about peer on peer abuse will be resolved and discussed between home and school. However, where a parent feels their concerns have not been resolved, they are encouraged to use the formal Complaints Procedure, which is available on the school website or on request from the school.

Where a pupil is involved in peer on peer abuse with others outside school, i.e. in the street or through the use of internet at home, parents will be asked to work with the school in addressing their child's behaviour, for example, restricting/monitoring their use of the internet or mobile phone. In addition, the school will support parents/carers who wish to report peer on peer abuse incidents that took place outside of school to the police. Should the police request any details of children/young people named in any such referral, the school will supply these in line with safeguarding rules in information sharing (KCSIE 2021).

### **Preventative measures**

The school will:

- Raise awareness of the nature of peer on peer abuse through inclusion in PSHE, tutorial time, assemblies, subject areas and informal discussion, as appropriate, in an attempt to eradicate such behaviour. Further information regarding these areas are available in the RSE policy 2020
- Give care and support to create and maintain a safe learning environment where all pupils feel safe, secure and valued and know they will be listened to and taken seriously in line with the school ethos.
- Participate in local and national initiatives such as Anti-bullying Week
- Consider the use of specific strategies, e.g. peer mentoring, adult mentoring, counselling, use of 'broken friendship' contracts, and use of restorative practices and empower students as Anti-bullying ambassadors subject to available resources.

### **The law and statutory guidance with respect to peer on peer abuse**

#### **THE EQUALITY ACT 2010**

Under the Equality Act 2010, new duties on schools and other public bodies came into force from April 2011. The Act strengthens and simplifies existing equality legislation. The Act brings together existing duties not to discriminate on grounds of race, disability and gender which schools are already bound to comply with, and it extends these to include duties not to discriminate on the grounds of age, sexual orientation, religion or belief, or gender reassignment. It places a requirement on governing bodies and proprietors of schools to eliminate discrimination and promote equal opportunities.

#### **SAFEGUARDING CHILDREN AND YOUNG PEOPLE**

Under the Children Act 1989 a peer on peer abuse incident should be addressed as a child protection concern when there is 'reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm'. This is also referenced in KCSIE (2021) and in our Safeguarding and Child Protection Policy 2020.

Where this is the case, the school staff will report their concerns to their local authority children's social care. Even where safeguarding is not considered to be an issue, we may

need to draw on a range of external services to support the child/young person who is experiencing peer on peer abuse, or to tackle any underlying issue which has contributed to a child doing the peer on peer abuse.

#### CRIMINAL LAW

Although peer on peer abuse in itself is not a specific criminal offence in the UK, it is important to bear in mind that some types of harassing or threatening behaviour – or communications – could be a criminal offence, for example under the Protection from Harassment Act 1997, the Malicious Communications Act 1988, the Communications Act 2003, and the Public Order Act 1986. If school staff feel that an offence may have been committed they should seek assistance from the police. For example, under the Malicious Communication Act 1988, it is an offence for a person to send an electronic communication to another person with the intent to cause distress or anxiety or to send an electronic communication which conveys a message which is indecent or grossly offensive, a threat, or information which is false and known or believed to be false by the sender.

#### PEER ON PEER ABUSE OUTSIDE SCHOOL PREMISES

Head teachers have a specific statutory power to discipline pupils for poor behaviour outside of the school premises. Section 89(5) of the Education and Inspections Act 2006 gives head teachers the power to regulate pupils' conduct when they are not on school premises and are not under the lawful control or charge of a member of school staff. This can relate to any bullying incidents occurring anywhere off the school premises when the child/young person is in school uniform or might be reasonably be supposed to be at school or travelling to and from school, such as on school or public transport, outside the local shops, in a town or village centre; and also when cyber abuse or via social networking sites brings the issue into school, and continues to affect the victim whilst in school.

Even if the connection to school is not in line with above advice, if the misbehaviour could be criminal or poses a serious threat to a member of the public, the police will always be informed by the school if they have not been contacted already. In addition, the school works very closely with local schools and the local police force and other law administering bodies to help deal with local and community issues. The school will pass on intelligence gathered about local issues, and on request, will pass on details of young people in line with safeguarding rules of information sharing (KCSIE 2021) to the law enforcement agencies.

#### **Appendix 1: Sexual Violence and Sexual Harassment**

This part of the peer on peer abuse policy is about managing reports of child on child sexual violence and sexual harassment. This policy relies on guidance detailed in KCSIE (2021) and also 'Sexual Violence and Sexual Harassment between Children in Schools and Colleges (2018).

This school recognises that reports of child on child sexual violence and sexual harassment are likely to be complex, and therefore this policy seeks to give guidance so that decision making following a disclosure of sexual violence or sexual harassment can be done in a calm and considered way.

### **What is sexual violence and sexual harassment?**

Sexual violence and sexual harassment can occur between two children of any sex. They can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children. Under the Sexual Offences Act (2003), sexual behaviours should be identified in the following means:

#### Sexual Violence

Rape: 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/A does not reasonably believe that B consents.

Assault by Penetration: 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.

Sexual Assault: 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.

#### What is consent?

Someone consents to penetration only if chosen with freedom and capacity to make that choice. Consent to sexual activity may be given to one sort of sexual activity but not another, and can be withdrawn at any time during sexual activity and each time activity occurs. Not saying anything and appearing to go along with sexual activity is NOT consent.

The law says that a child under the age of 13 cannot legally give consent and therefore disclosures about sexual violence or sexual activity from young people aged under 13 will always be referred immediately to the police and to social care.

#### Sexual harassment

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
- Misogyny
- physical behaviour, such as: deliberating brushing against someone and displaying pictures, photos or drawings of a sexual nature

- online sexual harassment, which might include: non-consensual sharing of sexual images and videos and sharing sexual images and videos, inappropriate sexual comments on social media; exploitation; coercion and threats. Online sexual harassment may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence.

### **Actions following a disclosure of child on child sexual violence or sexual harassment**

In the situation that a disclosure is made to a member of staff at school, the following principles will be followed:

- any child reporting sexual violence or sexual harassment will be taken seriously, will be supported and will be kept safe.
- A victim will never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment.
- A victim will never be made to feel ashamed for making a report.
- Confidentiality will never be promised as it is likely a concern will be shared further to discuss next steps – initially with a DSL in the school and then with Children and Families Hub (Social Care). However, staff hearing the disclosure should only share with those who are necessary to progress the issue such as one of the school's DSLs.
- The victim must always be informed of the next steps and to whom the disclosure will be passed.
- It is essential that at the time of the disclosure, or immediately after, a written report is made by the person hearing the disclosure. Staff must remain engaged with the child/young person to check that they are recording the facts as the child/young person presents them and the notes must never reflect the personal opinion of the note taker. In particular, the note taker must not describe the child's words in any way such as 'this does not sound true to me'. The note taker must be aware that these notes may well become part of a statutory assessment or a criminal investigation.
- Where the report has an 'online element' staff must have regard for our Online Safety policy. The key part of this is that staff must not view (unless this is made unavoidable) or save or forward any images of a child. If viewing such images is unavoidable – such as a child puts a phone with the image on in front of the member of staff, the reasons for this must be included in the report.
- If possible, such reports should always be managed with two members of staff present where one should always be a DSL or a senior member of staff.
- If a DSL is not available, it is essential that a DSL is informed as soon as possible.

### **Next Steps:**



When there has been a report of sexual violence, a DSL and the key worker for the children concerned should make an immediate risks and needs assessment. (See Appendix 2 – school safety plan for children/young people).

When there has been a report of sexual harassment a risk assessment should be considered.

### **Safety Plan:**

The safety plan should consider the following:

- Protecting and supporting the victim.
- Protecting and supporting the alleged perpetrator.
- Protecting and supporting all other students and staff who may be affected by the allegation.
- The safety plan must be recorded and kept under review with the sole purpose of protecting the individuals concerned and the wider school population where appropriate.
- Any professional advice received (such as from the police or Children and Families Hub (CFH)) should also be included in the safety plan.

### **Further actions:**

The DSLs involved will decide upon the next course of action, and the following must always be kept in consideration when deciding:

- The wishes and feelings of the victim in terms of how they want to proceed.
- The nature of the alleged incident(s) and whether a crime has been committed. If in doubt the DSL should seek further advice from the CFH Consultation line.
- The ages and developmental stages of the children/young people concerned.
- The likely power imbalance between the children/young people involved such as age, maturity, confidence, SEND or other disability.
- The potential persistence of the issue e.g. is it a one off offence or is there a sustained pattern.
- Likely on-going risks
- Wider context. The DSL must always consider Contextual Safeguarding e.g. the potential of outsiders to the school being involved, family risks, and any element of exploitation.

### **Children sharing a classroom:**

The school understands that any report of sexual trauma is likely to be distressing for the victim and anyone else involved, and this is especially true if the trauma is rape or assault and there is likely to be on going close proximity from the alleged perpetrator such as having to sit in the same classroom.

The victim must always be given the opportunity to have a quiet and safe area to work in and where the allegation is so serious that a referral has been made to the police and/or CFH, the

perpetrator must be removed from the classrooms that the victim would be in also whilst the safeguarding team takes advice from the appropriate outside agencies. In line with KCSIE (2021) the school considers this the best way to safeguard the interests of both parties, and is not intended to be pre judgement on the perpetrator.

There must be detailed consideration as to how to keep the two children/young people apart whilst they are on school grounds and/or transport together.

All decisions made on these lines must be recorded in the RA.

### **Judging the severity of the allegation:**

The safeguarding team and the DSL concerned should consider the allegation against the following categories to judge the severity of the allegation, and having done that take the appropriate action indicated below. The judgement is divided into four guiding principles, where the most serious allegation is deemed to be category 4 as described in KCSIE (2021).

1. In some cases of sexual harassment, such as one off incident, the school may well handle the incident using our Behaviour for Learning Policy providing support and consequence without referral to outside agency, with support being sourced from within the school.
2. In more persistent but lower level sexual harassment the above will apply, but both the victim and the perpetrator may be provided with help from specialist outside agencies in line with Working Together to Safeguard Children (2019). This will be sourced via a TAF meeting or early help agencies such as those signposted in the Essex Effective Support directory or via a Request for Support application via the Effective support website. Any in school or outside help of this kind requires both child and parent/carer consent.
3. In the case of persistent higher level sexual harassment where the child is at risk of harm or has been harmed, the school will make a referral to Children's social care and to the police. The DSL may take a CFH consultation to help differentiate between lower level and higher level sexual harassment, and the decision will be dependent on a variety of factors such as those described above.
4. Where there is a report of rape, and/or sexual assault or sexual activity which is not consensual or has an element of coercion about it, there will be an immediate referral to the police and to Children's Social Care via 101 and the CFH priority line respectively. Within the referral a discussion will be had with the agency receiving the referral about exactly what can be disclosed to the perpetrator, their parents/carers and also to staff. We will also discuss how best we can protect the victim as the case proceeds.

### **Ongoing issues to manage:**

- In some cases both the police and Children's Social Care may decide to take no further action.

- Sometimes there may be delays in the criminal justice system.
- A child may be convicted for sexual offences following disclosure but this is not likely to be for many months and sometimes years.

In the case that any of the above occur – the safety plan will be ongoing until such time as the young people concerned are no longer on the roll of the school. That safety plan will always work in conjunction with all the other policies in our school, including our Behaviour for Learning Policy (2020)

In addition, the school acknowledges that sexual violence and sexual harassment, along with sexual abuse is sometimes disclosed piecemeal, with only the minimum revealed by the victim at the beginning to test the response of the adults around them and how protected and supported they feel. Therefore, it is essential that support for victims, however low level the allegation may seem, is constant and prolonged over time, and regularly reviewed.

**Further Guidance**

- NSPCC – Harmful Sexual behaviours <https://www.nspcc.org.uk/preventing-abuse/childabuse-and-neglect/harmfulsexual-behaviour/>
- NSPCC Helpline – ‘Report Abuse in Education – [help@nspcc.org.uk](mailto:help@nspcc.org.uk) 0800 136 663
- Brook Sexual behaviours traffic light tool <https://www.brook.org.uk/our-work/these-sexual-behaviours-traffic-light-tool>
- Rape Crisis - England & Wales <https://rapecrisis.org.uk/>
- SERRIC: 0300 003 7777 or 01375380609
- Children and Young Peoples’ Independent Sexual Violence Advisors accessed via Rape Crisis and SERRIC.

**Appendix 2: Safety Plan proforma**

Blank Safety Plans can be found on the W drive in the safeguarding area:

**Individual Student Safety Plan**

THIS IS A CONFIDENTIAL DOCUMENT

Student Name:	Form:
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Background Information:		Date:
Risk	Control Measure	Other info
People involved with the Student In School:		
Resources:		