

# Responding to Harmful Sexual Behaviour, Sexual Harassment and Violence

## 1. Background

In April 2021, the Department for Education asked Ofsted to carry out a rapid review of sexual abuse in schools and colleges in England. This included looking at peer on peer<sup>1</sup> sexual harassment, sexual violence and online sexual abuse.

The review points out that - due to the prevalence of sexual harassment and online sexual abuse - schools, colleges and multi-agency partners should act as though it is happening to children and young people in their care, even when there are no specific reports.

St Piers School and College and Young Epilepsy is committed to providing a safe and respectful environment where children and young people are able to learn and thrive free from sexual violence and sexual harassment.

## 2. Introduction

This procedure should be read in conjunction with [Keeping Children Safe in Education \(2023\)](#) Part 1 and Annex B and St Piers School and College and Young Epilepsy's procedures around:

- Safeguarding and Child and Adult Protection
- Signs of Abuse
- Online safety
- Anti-bullying
- Relationships and Sexual Education and Wellbeing

Sadly, we recognise that sexual harassment and sexual violence are prevalent in all areas of society and can take many forms. The nature of sexual harassment can be difficult to recognise and if undetected, or not challenged, can result in a culture that tolerates such behaviour. This can lead to individuals feeling isolated and unsafe. St Piers School and College and Young Epilepsy recognises the importance of raising specific awareness of sexual harassment and sexual violence to promote a fully inclusive culture to ideally help prevent issues occurring, but also to enable issues to be tackled appropriately if they do occur, resulting in a better environment for all.

We take any incidents of harmful sexual behaviour, sexual violence or sexual harassment very seriously and are committed to handling all reports sensitively, effectively and in a timely manner. We are clear that sexual violence and sexual harassment are not acceptable, will never be tolerated and are not an inevitable part of growing up. We will always challenge behaviour or language that seeks to normalise sexual harassment or violence at St Piers School and College and Young Epilepsy. These allegations are managed in the same way as any other child or adult protection concern and follow the same procedures, including seeking advice and support from other agencies as appropriate.

Statistics show that Children with Special Educational Needs and Disabilities (SEND) are three times more likely to be abused than their peers. Children and young people with learning disabilities are not only more vulnerable to sexual abuse but also to displaying problematic sexual behaviour. In one large UK study, 38% of those referred to specialist

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<sup>1</sup> From September 2022 this is referred to as child on child

services because of Harmful Sexual Behaviour were assessed as having a learning disability.<sup>2</sup>

Children who are lesbian, gay, bisexual, transgender or queer/questioning (LGBTQ+) can be targeted by their peers. In some cases, a child who is perceived by their peers to be LGBTQ+ (whether they are or not) can be just as vulnerable as children who identify as LGBTQ+.

It is normal for, children and young people to typically display a range of sexualised behaviours as they grow up. (See Appendix 1 and 2). However, some may display problematic or abusive sexualised behaviour. This is harmful to the children and young people who display it as well as the people it's directed towards.

St Piers School and College and Young Epilepsy recognises that our young people are vulnerable to and are capable of abusing their peers sexually. We are aware that some young people may not feel ready or know how to tell someone that they are being abused, exploited, or neglected, and/or they may not recognise their experiences as harmful, hence the reason why the support from a knowledgeable and support staff team is essential.

### 3. Monitoring and Review

This procedure will be reviewed annually along with the Child and Adult Protection and Safeguarding Policy and Procedure. Staff will be asked to evaluate the effectiveness of the procedures whenever they have had occasion to put them into practice as part of their Refresher Safeguarding Training.

In addition, the Trustees and Governing Body are provided with relevant anonymous information regarding sexual harassment and sexual violence to enable them to carry out their oversight function, as part of our routine safeguarding reports.

### 4. Child on child abuse

**The principles and actions around child on child abuse also apply to our adult students, with due regard to their developmental age and mental capacity.**

Across St Piers School and College and Young Epilepsy we support children and young people and adults with a wide range of complex needs. Some students can demonstrate behaviours that challenge those around them, including staff and their peers. We aim to ensure that we support students through appropriate personal, social, health and economic education (PSHE) and relationship, sex and health education (RSHE) lessons to minimise the risks of any escalation of inappropriate problematic sexual behaviour.<sup>3</sup>

We recognise that child on child conflict can occur at St Piers School and College and Young Epilepsy. Generally, it is usually unplanned by the student and a consequence of an inability to self-regulate appropriately.

We recognise that it is more likely that girls will be victims and boys' perpetrators, but that all child on child abuse is unacceptable and will be taken seriously.

Child on child abuse can also be due to:

- having difficulties being understood or getting their needs and desires met
- an inability to regulate emotions
- side effects from medication
- responses to physiological triggers
- previous experiences of harm for the individual.

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<sup>2</sup> <https://www.csacentre.org.uk/resources/key-messages/harmful-sexual-behaviour/>

<sup>3</sup> Problematic sexual behaviour (PSB) is developmentally inappropriate or socially unexpected sexualised behaviour which doesn't have an overt element of victimisation or abuse.

It is important that staff know the students they work with, and that they adhere to the clear guidance in place from the psychology team about how best to support each individual, to ensure that staff are managing behaviour positively.

We will minimise the risk of child-on-child abuse by:

- making clear there is a zero-tolerance approach to sexual violence and sexual harassment, that it is never acceptable, and it will not be tolerated. It will never be passed off as “banter”, “just having a laugh”, “a part of growing up” or “boys being boys” etc. We believe that 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 and young people accepting it as normal and not coming forward to report it
- recognising, acknowledging, and understanding the scale of harassment and abuse and that even if there are no reports it does not mean it is not happening, it may be the case that it is just not being reported
- challenging physical behaviour (potentially criminal in nature) such as grabbing bottoms, breasts and genitalia, pulling down trousers, flicking bras and lifting up skirts. As we believe that dismissing or tolerating such behaviours risks normalising them
- taking a whole setting approach to safeguarding and child protection
- providing training to staff, trustees and governors
- providing a clear set of values and standards, underpinned by our behaviour strategy and pastoral support; and by a planned programme of evidence-based content delivered through the curriculum
- engaging with any specialist support and interventions
- responding robustly to reports of sexual violence and sexual harassment
- providing students at St Piers School and College with appropriate PSHE and RSE lessons within the curriculum.

## 5. Responding to reports of sexual violence and/or sexual harassment

Children and young people who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. This could adversely affect their education attainment as well as their emotional well-being. Reports of sexual violence and sexual harassment can be complex to manage. It is essential that victims are protected, offered appropriate support and that every effort is made to ensure their education is not disrupted. It is also important that other students and staff are supported and protected as appropriate. (Appendices 3, 4 and 5 provide further information on the definitions of harmful sexual behaviour, sexual harassment and sexual violence)

We will consider every report on a case-by-case basis. When to inform the alleged perpetrator will be a decision that will be carefully considered. Where a referral is made to Children’s/Adult Social Care and/or the Police, then, as a general rule, we will speak to the relevant agency and discuss next steps and how the alleged perpetrator will be informed of the allegations.

If the report includes an online element staff will be mindful of the [Searching, screening and confiscation at school - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/searching-screening-and-confiscation-at-school) guidance.

The staff member who has been informed of or witnessed an incident of sexual violence or sexual harassment will inform the DSL immediately, who will advise them further and this must be recorded on MyConcern promptly, but only AFTER discussion with the DSL/DDSL.

We will carefully consider which staff should know about the report and any support that will be in place for the young people involved.

Staff dealing with a disclosure can never promise confidentiality, as this cannot be guaranteed.

Following a report of sexual harassment or violence, the DSL needs to make an immediate risk and needs assessment on a case-by-case basis. This should include whether a crime has been committed and if harm has been caused.

The risk assessment should consider:

- the details of the concern raised and any information shared by the child or adult at risk or by someone on their behalf
- impact on the alleged victim and how they will be supported and protected from any further harm, pending further investigation
- the location of the alleged perpetrator
- the risk of harm to any other students in the environment
- the ages and ability levels of the students involved, and any power imbalance between them.
- any previous or related incidents
- the wider context, such as what contact the alleged victim and perpetrator have – are they in the same class, tutor group, residential house or share the same transport
- the wishes of the alleged victim, as appropriate.

Ultimately, St Piers School and College and Young Epilepsy will have to balance the victim's wishes against their duty to protect the victim and other children and young people. If we do decide to make a referral to MASH/C-SPA and/or a report to the police against the victim's wishes, this will be handled due sensitivity and extremely carefully. The reasons will, in most cases, be explained to the victim and appropriate specialist support offered.

The risk assessment will be filed on MyConcern<sup>®</sup> and will be kept under regular review, by the Lead DSL and relevant Deputy DSL and Head of Department, reflecting any changes in circumstances.

Further support regarding risk assessments can be accessed from the [Education Safeguarding Team](#) – [education.safeguarding@surreycc.gov.uk](mailto:education.safeguarding@surreycc.gov.uk)

If a child is at risk of harm, is in immediate danger, or has been harmed, a Request for Support will be made to the C-SPA securely via email: [cspa@surreycc.gov.uk](mailto:cspa@surreycc.gov.uk) or by telephone on 0300 470 9100, as appropriate.

For an adult at risk please contact the MASH via email: [ascmash@surreycc.gov.uk](mailto:ascmash@surreycc.gov.uk) or by telephone on 0300 470 9100, as appropriate.

If a criminal offence may have occurred, the police should also be contacted on 101. If the student lacks capacity to share their views regarding outcomes, a decision should be made in their best interests. ***This decision should be made in line with safeguarding not just for that student, but potentially for their peers who may be at risk of similar behaviour from the perpetrator.***

Parents or carers and social workers would usually be informed unless this could put the child or young person at greater risk. If the person lacks capacity, we should seek the views of that student's advocates(s) if appropriate, however, whether or not to involve the police is not generally a decision they should make, regardless of capacity. This is due to the potentially wider implications including the protection of others and not just the individual involved.

When there is a criminal investigation into a rape, assault by penetration or sexual assault, we will need to ensure that the alleged perpetrator has no contact with the victim.

When a criminal investigation into a rape or assault by penetration leads to a conviction or caution, St Piers School and College and Young Epilepsy will take suitable action, which

may include consideration of permanent exclusion. In all but the most exceptional of circumstances, the rape or assault is likely to constitute a serious breach and may lead to the view that allowing the perpetrator to remain at St Piers School and College and Young Epilepsy would seriously harm the education or welfare of the victim (and potentially themselves and other students).

The victim, alleged perpetrator and any other students affected will receive appropriate support and safeguards on a case-by-case basis.

Where incidents and/or behaviours are associated with factors outside St Piers School and College and Young Epilepsy or occur between children and young people outside our setting, we will consider contextual safeguarding.

Where we are aware that an allegation of sexual violence or sexual harassment is progressing through the criminal justice system, we will be mindful of anonymity, witness support and the criminal process in general so that we can offer support and act appropriately. In addition, we will endeavour to do all we can to reasonably protect the anonymity of any young people involved in any report of sexual violence or sexual harassment.

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**This policy is agreed by Director of Health, Research & Compliance and will be implemented by all departments.**

Signed:



Director of Health, Research and Compliance

Date of review: 31 January 2024  
Date of next review: 31 Jan 2025

## Version table

**Creation: - Gill Walters**

**Approved by: - Rosemarie Pardington**

Version No.	Date of changes	Reason for change	Changes made by
N/A	N/A	N/A First Version September 2022	N/A

## Appendix 1

### Sexual Development

Whilst each child is different, there are four different stages to childhood sexual development. Some children may develop later than others depending on their understanding and their own global development.

The stages of development are:

#### **Infancy from 0-4 years old.**

Sexual exploratory behaviours start to emerge such as by kissing, cuddling, showing curiosity about their genitals and talking about them. Children may not show inhibitions such as by wandering round naked. They imitate and copy behaviours of life around them including 'mummies and daddies' and 'doctors and nurses'. Random masturbation can occur as this is a sensual stage in development. The distinction between toileting behaviours and comforting behaviours begin to emerge. Parents and carers are most influential, and children learn the social rules and what is permissible from them.

#### **Young children from 5-9 years old.**

As they become older, children start recognising the need for greater privacy. At the same time there are more exploratory behaviour with peers, as well as them comparing their bodies with their peers and asking more questions. Masturbation is less random but more likely among boys due to gender socialisation. They may use words associated with body parts or sex that they may have heard, and they may try to shock adults around them by using these words although they don't fully understand the meaning. The influence of peers begins to emerge.

#### **Pre-adolescents from 10-12 years old.**

Children become more curious about sex and sexual behaviour, such as through kissing, hugging and 'dating' other children. They may become more interested in other people's body parts and the changes that happen in puberty. At this age children become more aware about sex and bodies and so they may start to ask more questions about relationships and sexual behaviour. They might try to find out information about sex from the internet and may be influenced by social media. Children may start to masturbate in private as they develop a greater awareness of the need for privacy.

#### **Adolescents from 13-16 years old.**

As puberty starts, sexual behaviour becomes more private with young people kissing, hugging, dating and forming short and longer-lasting relationships with peers. They may be interested in and asking questions about body parts, relationships and sexuality. Young people may use sexual language and talk about sex with friends. They may look for sexual pictures or pornography on the internet. Young people may masturbate in private and experiment sexually with the same age group.



## Appendix 2

### Brooks Sexual Behaviours Traffic Light Tool

Sexual behaviours in children and young people can be seen on a continuum ranging from 'normal' and developmentally appropriate, through 'inappropriate' and 'problematic', to 'abusive' and 'violent'.

Brook's nationally recognised Sexual Behaviours Traffic Light Tool provides a highly visible, multi-agency response that helps professionals to identify, understand and respond appropriately to sexual behaviours in young people.<sup>4</sup> The behaviours identified in the tool are examples used to show the differences between healthy and unhealthy sexual development and distinguish it from harmful behaviour.

The resource does not aim to define how children and young people should behave, but to show which behaviours are a natural part of growing up and exploring sexuality, and which are problematic and may need intervention or support.

Assessing what is 'normal' behaviour at each developmental stage is not straightforward, and needs to take the social, emotional and cognitive development of the individual child or young person into account. Put simply, some behaviours that are normal in young children are concerning if they continue into adolescence; other behaviours, normal in adolescence, would be worrying in younger children. Behaviour outside the normative range may be called 'harmful', because it is harmful to others or to the child or young person themselves. It may range from activities that are simply inappropriate in a particular context to serious sexual assault.

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<sup>4</sup>[https://www.proceduresonline.com/manchester/cs/user\\_controlled\\_lcms\\_area/uploaded\\_files/Brook%20Traffic%20Light.pdf](https://www.proceduresonline.com/manchester/cs/user_controlled_lcms_area/uploaded_files/Brook%20Traffic%20Light.pdf)

## Appendix 3

### What is harmful sexual behaviour?

Harmful sexual behaviour (HSB) is developmentally inappropriate sexual behaviour which is displayed by children and young people and which may be harmful or abusive.

It can be displayed towards younger children, peers, older children or adults. It's harmful to the children and young people who display it, as well as those it is directed towards.

In addition, sexual behaviour between young people, where one of the pair is much older can be considered harmful (especially if there is more than two years difference, and if one is pre-pubescent and one is not). However, a younger child can still harm an older child.

Harmful sexual behaviour can include young people using sexually explicit words or phrases, inappropriate touching, using sexual violence or threats, penetrative sex with other children/young people.

**Harmful sexual behaviours can take place between children of any age and sex, both offline and online**

#### Concerns to watch out for:

- Behaviour that's developmentally or socially unexpected, or not appropriate to the context.
- Behaviour that's not consensual or reciprocal.
- Behaviour that upsets other students.
- Victimising someone else.
- Behaviour involving violence, coercion or force.
- Intrusive behaviour.

If staff see any of these red flags for potential harmful sexual behaviour, they should report it to the safeguarding team.

**Harmful sexual behaviours can also be an indicator of abuse, so it's doubly important to share concerns – to protect both the student showing the behaviour, and those who may be showing harmful sexual behaviours towards**



## Appendix 4

### What is sexual harassment?

Sexual harassment is defined in the Equality Act 2010 as unwanted conduct of a sexual nature, which has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment.

For the purpose of this procedure when sexual harassment is referenced it is in the context of student on student sexual harassment.

Sexual harassment is likely to violate a young person's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment.

#### Sexual harassment can include:

- sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names
- sexual "jokes" or taunting
- physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes (we 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)
- displaying pictures, photos or drawings of a sexual nature
- online sexual harassment which may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence – and comprises
  - 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
  - upskirting (this is a criminal offence)
  - sexualised online bullying
  - unwanted sexual comments and messages, including, on social media
  - sexual exploitation, coercion and threats.<sup>5</sup>

Sexual harassment creates a culture that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to **sexual violence**.

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<sup>5</sup> Revisit [Spotlight Bitesize Training – Sexting Nov 2021](#)

## Appendix 5

### What is sexual violence?

When referring to sexual violence we are referring to sexual offences under the *Sexual Offences Act 2003* as described below:

**Rape:** A person (A) commits an offence of rape if: they intentionally penetrate the vagina, anus or mouth of another person (B) with their penis, B does not consent to the penetration and 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. **We 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.**

**Causing someone to engage in sexual activity without consent:** 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. (This could include forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party.)