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ACCIÓN
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EXTERIOR



SEXUAL VIOLENCE AND SEXUAL HARASSMENT

This is a whole school policy

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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 the primary through secondary stage and into colleges. 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 should 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 should maintain an attitude that it could already be taking place in our school. All reports and concerns must be taken seriously, and our school should 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 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, they can occur online and offline (both physically and verbally) 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 their peers 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

Sexual Harassment

Sexual harassment is ‘unwanted conduct of a sexual nature’; it can make a child feel embarrassed, offended, and humiliated. Sexual harassment can occur on or offline. Sexual harassment can include:

- sexual jokes or provocation
- sexual comments, including sexualised nicknames, sexual remarks about appearance, and personal or anecdotal sexual stories
- deliberately brushing up against someone
- non-consensual display or sharing of sexual drawings or photos
- online sexual harassment.

Online sexual harassment is extremely serious and may occur on its own or alongside in-person harassment. It can include:

- the consensual or non-consensual sharing of nudes or semi-nudes, as when this material depicts or is exchanged between under-18s, it is illegal
- sharing any unwanted explicit content, such as pornography • upskirting, a criminal offence involving taking a photo or video under someone’s clothing without consent, and often sharing this online
- sexualised online bullying or unwanted messages on social media
- sexual exploitation, coercion, and threats via messaging or social media.

Young people may also experience coercive control. This is an act or a pattern of acts of assault, threats, humiliation, intimidation, or other form of abuse that is used to harm, punish, or frighten a victim.

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.

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. 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. Harmful sexual behaviour should be considered in a child protection context.

Managing sexual violence and sexual harassment

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. Any allegation should be taken seriously, and the victim should be offered appropriate support. Each report should be acted upon case-by-case.

When dealing with sexual violence and sexual harassment we should:

- Act quickly and sensitively.
- Reassure the young person.
- Do 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 should not become distracted from what the young person is telling you, so we may consider writing up the report immediately after the disclosure. We should be aware that your report may become part of a criminal investigation.
- Explain what the next steps are to the victim and who the report will be passed on to.
- Follow our child protection policy

Our school should 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.

When there has been a report of sexual violence, the designated safeguarding lead (or a deputy) should make an immediate risk and needs assessment. Where there has been a report of 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;
- whether there may have been other victims,
- the alleged perpetrator(s); and
- 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

Risk assessments should be recorded (written or electronic) 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 put adequate measures in place to protect them and keep them safe

The designated safeguarding lead (or a 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.

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 The school or college should only engage staff and agencies who are required to support the children involved and/or be involved in any investigation.order to provide support and engage appropriate agencies.

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

Preventative strategies

Staff should recognise that children and young people feel under pressure with matters of sexual harassment. our school should promote and support a whole school ethos to help prevent sexual harassment and sexual violence, and incidents should 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 should:

- 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.

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RESPONSE TO REPORT



Report Received

DEFINITIONS

Sexual Violence

Rape
Assault by penetration
Sexual assault

Sexual Harassment

Unwanted conduct of a sexual nature, including sexual remarks, sexual taunts, physical behavior or online sexual harassment

VICTIM REASSURED

- Taken seriously and kept safe
- Confidentially not promised
- Listen to victim, non judgmentally
- Record to disclosure
- Two staff present (one being the DSL, or reported to DSL as soon as possible)
- Victim sensitively informed about referral to other agencies
- If victim does not give consent to share, staff may still lawfully share in order to protect child from harm and to promote the welfare of children

Anonymity

Note that in cases of sexual violence there is legal protection of the victim's identity. Remember that this also includes sharing on social media and discussion amongst pupils in the school.

Record- keeping

Remember, to record all concerns, discussions, decisions and reasons for decisions

CONSIDERATIONS

(Sexual Violence, Sexual Harassment and Harmful Sexual Behavior)

Immediately: consider how to support the victim and the alleged perpetrator

- wishes of the victim
- nature of the alleged incident
- ages of the children
- development stage of the child
- any power in balance
- one-off, or part of a pattern behaviour
- any ongoing risks
- other related issues and wider context

MANAGE INTERNALLY

One- off incidents which the school believes that the children are not in need of early help or statutory intervention, which would be appropriate to deal with internally under the school's behavior policy or and bullying policy.

EARLY HELP

Non- violent Harmful Sexual Behaviours
(See Harmful Sexual Behavior frameworks (Nspcc) and the Brook

REFER TO SOCIAL CARE

All incidents where a child has been harmed, is a risk of harm or is in immediate danger. Social Care staff will decide next steps. Be ready to escalate if necessary

REFER TO POLICE

All incidents of rape, assault by penetration of sexual assault

Discuss next steps with police, for example, disclosing information to other staff, informed alleged perpetrator and their parents

RISK ASSESSMENT

Case by case basis

RISK ASSESSMENT

Immediately

Do not wait to outcome of referral before protecting victim
Emphasis on victim being able to continue normal routines

Alleged perpetrator removed from any classes with victim (also consider shared spaces and journey to/from school
(Not a judgement of guilt)

SAFEGUARDING AND SUPPORT VICTIM AND (ALLEGED) PERPETRATOR

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DISCIPLINARY MEASURES TAKEN

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(may be undertaken based on the balance of probabilities, unless prejudicial or unreasonable)

Ensure the actions do not jeopardise the investigation.
School to work closely with police and/ or other agencies

CRIMINAL PROCESS ENDS

- * Conviction or Caution: follow behavior policy, consider permanent exclusion. If pupil remains in schoolmate clear expectations, keep victim and perpetrator apart. Consider victim's wishes.
- * Not Guilty: support victim and alleged perpetrator
- * No Further Action: Support victim and alleged perpetrator