Fair Ways School
Managing allegations and sexual violence between children Policy

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Fair Ways Vision, Mission and Values

Our vision
To build a community that changes lives, makes a difference to society and leaves a legacy greater than ourselves and our contributions.

Our mission
To grow a compassionate, resilient, and trauma-informed community, that embraces learning, so that we improve the lives and outcomes of individuals.

Our values
Our values form the heart of the work we do, defined by Fair Ways people, for Fair Ways people. These are the values by which we operate, by which we are governed, and to which we are held accountable.

We therefore expect every individual within Fair Ways to *play their part*:

PROFESSIONAL	**A**CCEPTING	**R**EFLECTIVE	**T**RANSPARENT
· We do what we say we will. · We approach challenges with optimism and enthusiasm. · We don't judge, we notice. · We put the needs of the service before our own personal gains.	· We don't give up on people. · We value all individuals and are willing to challenge them. · We embrace each other's differences as much as our similarities. · We accept responsibility for our actions.	· We give feedback, we invite feedback, we listen to feedback. · We look inward before we look outward. · We learn as much from our mistakes as from our successes. · We listen to each other, learn from each other and grow together.	· We are always willing to explain why. · We have the courage to be open and honest. · We earn trust through our transparency. · We live by our values even when no-one is watching.

1 Introduction

1.1 DfE guidance Keeping Children Safe in Education (2025) has incorporated DfE Sexual Violence and Sexual Harassment guidance (2017) into the same document to ensure all information is in once place. The document states that 'governing bodies should ensure that there are procedures in place to handle allegations against other children'. The guidance also states the importance of minimising the risks of child-on-child abuse.

1.2 When referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003

1.3 Members of staff need to be aware that children can abuse other children. This is most likely to include, but may not be limited to: bullying, physical abuse, sexual violence, sexual harassment, up-skirting, inappropriate texting of images, initiation violence.

1.4 In most instances, the conduct of students towards each other will be covered by the school's behaviour policy. Some allegations may be of such a serious nature that they may raise safeguarding concerns. These allegations are most likely to include physical abuse, emotional abuse, sexual abuse and sexual exploitation.

1.5 It is also likely that incidents dealt with under this policy will involve older students and their behaviour towards younger students or those who are vulnerable.

2 Sexual Violence and sexual harassment between children in schools

2.1 Sexual violence and sexual harassment can occur between two children of ANY age and gender. It can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children.

2.2 Fair Ways Education will respond to all reports and concerns of child on child sexual violence and sexual harassment, including those that have happened outside of the school and online.

2.3 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.

2.4 Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physical and verbal) and are never acceptable. It is important that all victims are taken seriously and offered appropriate support.

2.5 Members of staff 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”; and
- challenging behaviours (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them.

2.5 **What is Sexual violence and sexual harassment?**

Sexual violence

It is important that school and members of 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 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: he intentionally penetrates the vagina, anus or mouth of another person (B) with his 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.

What is consent?

Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g.to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.

Sexual harassment

When referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur online and offline. When we reference sexual harassment, we do so in the context of child on child sexual harassment. Sexual harassment is likely to: violate a child's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment. 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.
- Physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes (schools and colleges 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) and displaying pictures, photos or drawings of a sexual nature.
- Online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and / or sexual violence. It may include:
  - Non-consensual sharing of sexual images and videos.
  - Sexualised online bullying.
  - Unwanted sexual comments and messages, including, on social media.
  - Sexual exploitation; coercion and threats.

Upskirting

The Voyeurism (Offences) Act, which is commonly known as the Upskirting Act, came into force on 12 April 2019. 'Upskirting' is where someone takes a picture under a person's clothing (not necessarily a skirt) without their permission and or knowledge, with the intention of viewing their genitals or buttocks (with or without underwear) to obtain sexual gratification, or cause the victim humiliation, distress or alarm. It is a criminal offence. Anyone of any gender, can be a victim.

2.6 **The response to a report of sexual violence or sexual harassment**

The 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 sexual violence or sexual harassment, nor should a victim ever be made to feel ashamed for making a report.

If members of staff have a concern about a child or a child makes a report to them, they should report to the school DSL and Childrens Services should be contacted using the referral process.

Please refer to Appendix A for flow chart of responses to reports of sexual violence or harassment.

3 The safeguarding implications of sexual activity between students

3.1 The intervention of child protection agencies in situations involving sexual activity between children can require difficult professional judgments. Some situations are statutorily clear – for example, a child under the age of 13 cannot consent to sexual activity.

- A child under the age of 13 can never consent to any sexual activity
- The age of consent is 16
- Sexual intercourse without consent is rape

3.2 In our society generally the age at which children become sexually active has steadily dropped. It is important to distinguish between consensual sexual activity between children of a similar age (where at least one is below the age of consent) and sexual activity involving a power imbalance, or some form of coercion or exploitation. It may also be difficult to be sure that what has or has been alleged to have taken place definitely does have a sexual component.

3.3 As usual, important decisions should be made on a case by case basis, on the basis of an assessment of the children's best interests. Referral under safeguarding arrangements may be necessary, guided by an assessment of the extent to which a child is suffering, or is likely to suffer, significant harm. Key specific considerations will include:

- The age, maturity and understanding of the children.
- Any disability or special needs of the children.
- Their social and family circumstance.
- Any evidence in the behaviour or presentation of the children that might suggest they have been harmed.
- Any evidence of pressure to engage in sexual activity.
- Any indication of sexual exploitation.

3.4 There are also contextual factors. Gender, sexuality, race and levels of sexual knowledge can all be used to exert power. A sexual predator may sometimes be a woman or girl and the victim a boy.

4. Policy

4.1 At Fair Ways Education we believe that all children have a right to attend school and learn in a safe environment. Children should be free from harm by adults in the school and other students.

4.2 We recognise that some students will sometimes negatively affect the learning and wellbeing of others and their behaviour will be dealt with under the school's behaviour policy.

5 Prevention

5.1 As a school we will minimise the risk of allegations against other students by:

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

6 Allegations against other students which are safeguarding issues

6.1 Occasionally allegations may be made against students by others in the school which are of a safeguarding nature. Safeguarding issues raised in this way may include physical abuse, emotional abuse, sexual abuse and sexual exploitation. It is likely that, to be considered a safeguarding allegation against a student, some of the following features will be found.

6.2 If the allegation:

- Is made against an older student and refers to their behaviour towards a younger student or a more vulnerable student.
- Is of a serious nature, possibly including a criminal offence.
- Raises risk factors for other students in the school.
- Indicates that other students may have been affected by this child.
- Indicates that children outside the school may be affected by this child.

6.3 Examples of safeguarding issues against a child could include:

Physical Abuse

- Violence, particularly pre-planned.
- Forcing others to use drugs or alcohol.

Emotional Abuse

- Blackmail or extortion.
- Threats and intimidation.

Sexual Abuse

- Indecent exposure, indecent touching or serious sexual assaults.
- Forcing others to watch pornography or take part in the sending of inappropriate images via text.

Sexual Exploitation

- Encouraging other children to engage in inappropriate sexual behaviour (For example - having an older boyfriend / girlfriend, associating with unknown adults or other sexually exploited children, staying out overnight)
- Photographing or videoing other children performing indecent acts.
- Upskirting, involves taking a picture under a person's clothing without them knowing.

7 Procedure

7.1 When an allegation is made by a student against another student, members of staff should consider whether the complaint raises a safeguarding concern. If there is a safeguarding concern the Designated Safeguarding Lead (DSL) or Deputy Designated Safeguarding Lead (DDSL) should be informed.

These are the following:

- Victoria Adams Executive Head of education DSL
- Charlotte Leech Head of School Swanwick
- Emma Moore Head teacher Glade
- Thomas Backaller Head of school Fort Wallington
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All members of the Senior leadership team in each education site have trained as DDSLs.

7.2 A factual record should be made of the allegation, but no attempt at this stage should be made to investigate the circumstances.

7.3 The DSL should contact children's services and/or police. The DSL will follow through the outcomes of the referrals and make a decision with the schools SLT team of any additional safeguarding measure that need to be put in place.

7.4 If the allegation indicates that a potential criminal offence has taken place, the school will contact the police.

7.5 Parents of both the child being complained about and the alleged victim, should be informed and kept updated on the progress of the referral.

7.6 The DSL will make a record of the concern, the discussion and any outcome and attach a copy to the child Clearcare safeguarding record.

7.7 It may be appropriate to exclude the student being complained about for a period of time according to the school's behaviour policy and procedures.

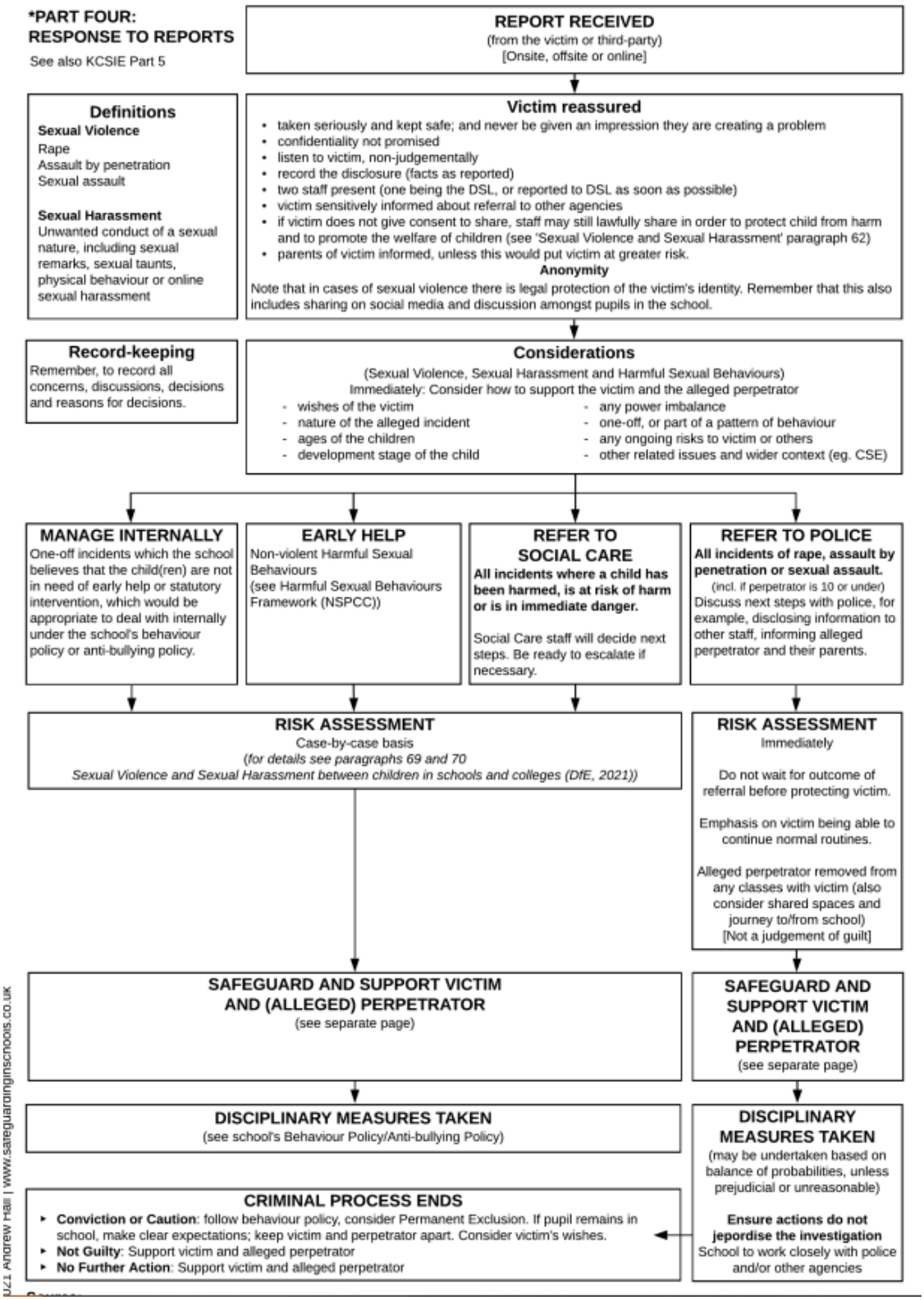
7.8 Where neither social services nor the police accept the complaint, a thorough school investigation should take place into the matter using the school's usual disciplinary procedures.

7.9 In situations where the school considers a safeguarding risk is present, a risk assessment should be prepared along with a preventative, supervision plan.

7.10 The plan should be monitored and a date set for a follow-up evaluation with everyone concerned.

7.11 The School has the right to serve notice on a child's placement if deemed a safeguarding risk for the child to continue to attend the provision.

8 Associated Documentation & Legislation

- DfE guidance Keeping Children Safe in Education (2025)
- The Voyeurism (Offences) Act

Appendix A: Process for reporting