EAST RIDING OF YORKSHIRE COUNCIL

Guidance to school and education settings for managing incidents of Inappropriate Sexual Behaviour(s), including Sexual Harassment and Violence

Date	**March 2022**
Version	**1**

Contents

Section	Title	Page(s)
1	Aim	3
2	Introduction	3
3	Supporting Guidance	3-4
4	Background and Ofsted Recommendations	4
5	Reporting Systems and Data	4-5
6	Curriculum based Preventative Approaches / PSHE	5-6
7	Contextual Considerations - Safeguarding Thresholds and Context of Behaviour	6
8	Responding to reports of Inappropriate Sexual Behaviour(s), Sexual Harassment and Violence - 4 levels (1) Managing Internally (2) Early Help (3) Contact with SaPH - Consultation/Request for Service (4) Reporting to the Police	6-9
9	Concerns involving online behaviour(s)	9
10	Harmful Sexual Behaviour (HSB) and East Riding HSB Panel	9-11
11	The 'Hackett Continuum'	12
12	Safeguarding Effective Support Windscreen	13
13	Overlapping the Hackett Continuum onto the Safeguarding Effective Support Windscreen	13
14	Overlapping the Hackett Continuum, ER Effective Support Windscreen 'Overlap' and School Response Level	13
15	Service provision for ER Effective Support Windscreen 'Overlap'	14
16	Incident Management Strategies • Approaches to Consider • Sanctions	14-15
17	ERYC - Safe Working Method and Risk Management	15-16
18	Training	17
19	Resources	17
20	References	18
Appendix 1	Recommendations for school and college leaders Ofsted Review of sexual abuse in schools and colleges, (June 2021)	19
Appendix 2	Distinguishing between Problematic and Abusive Sexual Behaviour	20
Appendix 3	What is Sexual Violence and Sexual Harassment and Upskirting - Definitions	21-22
Appendix 4	Consent and Confidentiality	23
Appendix 5	Actions Where There Are Concerns About A Child	24
Appendix 6	Ofsted School Inspection Handbook - Updates February 2022	25-26

1. Aim

To provide schools and education settings in the East Riding with effective safeguarding guidance and principles to support decision making and develop best practice to effectively support and manage incidents of Inappropriate Sexual Behaviour(s), Sexual Harassment and Violence, in and out of school, in person (both physically and verbally) and also, online.

2. Introduction

Child on child Inappropriate Sexualised Behaviour(s), Sexual Harassment and Violence is a challenging and complex area of safeguarding practice, requiring difficult, often finely balanced, professional decisions to be made. It is recognised that the nature, prevalence and significance of concerns in this area will vary across education settings and that a 'case by case' approach will be needed. Sexual Violence and Sexual Harassment exist on a continuum and may overlap. In terms of assessing the level of concern and risk and required response, the following models have been used primarily and are cross referenced throughout:

- ERSCP Effective Support for children, young people and families in the ER of Yorkshire (August 2020)
- Responding to reports of Sexual Violence and Harassment (DfE, 2021)
- Harmful sexual behaviour framework: an evidence-informed operational framework for children and young people displaying harmful sexual behaviours (Hackett et al, 2019) - subsequently referred to as the 'Hackett Continuum'
- ERSCP Procedure and Guidance - Child Harmful Sexual Behaviour (November 2021)
- Ofsted School Inspection Handbook (updated 09.02.22)

Expectations and responsibilities are clearly outlined in DfE advice and statutory guidance. Central to this is the requirement for an integrated 'whole school approach', incorporating preventative strategies and clear procedures to facilitate reporting of incidents. Accompanying this should be a proportionate and appropriate response, supported by robust and structured record keeping, with the victim at the centre of the process. (Pease see Appendix 6).

This needs to be underpinned by a culture and practice that champions 'zero tolerance' of Inappropriate Sexual Behaviour(s), Harassment and Violence, ensuring that such behaviour is always challenged, not 'normalised', always taken seriously and addressed immediately with support for the victim at the centre and management of any identified need and risk. Timely and appropriate information sharing is key. The remit extends to covering alleged incidents and behaviour(s) across the school community, in and out of school, in person (both physically and verbally) and also, online. It may also involve students from different education settings.

DfE advice - Sexual violence and sexual harassment between children in schools and colleges (2021) - (Para. 51) is clear that "Schools and colleges should not feel that they are alone in dealing with sexual violence and sexual harassment". It is likely that a multi-agency approach will be required, especially in more complicated cases. This guidance contains advice on when and how to access this.

3. Supporting Guidance

This guidance is based upon and should be read alongside:

- Sexual violence and sexual harassment between children in schools and colleges (2021) (DfE)*
- Keeping Children Safe in Education (KCSiE 2021) (DfE) - especially Part 5*
- Ofsted Review of sexual abuse in schools and colleges, (June 2021)
- Effective support for children, young people and families in the East Riding of Yorkshire
- Safeguarding Effective Support Windscreen

- ERYC Safe Working Method - Assessing concerns in relation to Inappropriate Sexualised Behaviour
- 'Tackling Child Sexual Abuse Strategy', HM Government, (2021)
- Working Together to Safeguard Children, HM Government, (updated 2020)
- Relationships Education, Relationships and Sex Education (RSE) and Health Education (DfE) (last updated September 2021)
- ERSCP Procedure and Guidance - Child Harmful Sexual Behaviour (November, 2021)
- Hackett, S., Branigan, P. and Holmes, D. (2019) 2nd ed. London: NSPCC. Harmful sexual behaviour framework: an evidence-informed operational framework for children and young people displaying harmful sexual behaviours
- Behaviour and discipline in schools: Advice for headteachers and school staff (DfE), (January, 2016)

***** These documents should be read in conjunction - the statutory guidance / advice covers children **of all ages**, from primary through to secondary stage and into colleges and online. It incorporates information on:

- what sexual violence and sexual harassment is, how to minimise the risk of it occurring and what to do when it does occur or is alleged to have occurred

Relevant school policies will also act as a point of reference, particularly the Child Protection and Safeguarding Policy and Behaviour Policy.

4. Background and Ofsted Recommendations

In April 2021, the government asked Ofsted to undertake an immediate review of safeguarding practice and policies in state and independent schools and colleges in relation to sexual abuse (Harassment and Violence). The catalyst for this was the information emerging from testimonials submitted to the web site 'Everyone's Invited' which provided a place where victims, mostly in schools, were / are encouraged to record their experiences of sexual assault and abuse.

The Ofsted Review of sexual abuse in schools and colleges, (June 2021), looked at the extent and severity of the issue and how to ensure schools have clear safeguarding processes in place and whether schools have appropriate processes in place to allow pupils to report sexual abuse concerns freely, knowing these will be taken seriously and dealt with swiftly, sensitively, seriously and appropriately. In turn this prompted the publication of DfE advice 'Sexual violence and sexual harassment between children in schools and colleges (2021) (DfE)' which is also embedded in the statutory guidance 'Keeping Children Safe in Education (KCSiE 2021) (DfE)'. This is linked to the Government's wider 'Tackling Child Sexual Abuse Strategy' published in January 2021.

The Ofsted Review of sexual abuse in schools and colleges, (June 2021), made 7 recommendations for school and college leaders. (Please see Appendix 1). In order to do this, school and college leaders along with multi-agency partners, should act as though sexual harassment and online sexual abuse are happening in their setting, even when there are no specific reports, and put in place a whole-school approach to address them.

Furthermore, updates (February 2022) to the Ofsted School Inspection Handbook, make explicit the approach to inspecting this area and the related expectations of school (Please see Appendix 6).

5. Reporting Systems and Data

Careful consideration should be given to developing and maintaining procedures that allow concerns to be shared in a confidential and sensitive manner, with an accompanying commitment that issues raised will be taken seriously, support provided, and investigation(s) undertaken. Guidance is clear that safeguarding procedures with regard to Sexual Violence and Sexual Harassment should be child

centred, victim focused, transparent, clear and easy to understand for staff, pupils, students, parents and carers.

Systems should be in place (and they should be well promoted, easily understood and easily accessible) for children to confidently report abuse, sexual violence and sexual harassment, knowing their concerns will be treated seriously, and that they can safely express their views and give feedback. There is no definitive 'best approach' and the actual education setting, and existing procedures, will help determine how the above requirements translate into practical arrangements. Some settings will incorporate this into existing procedures for reporting safeguarding concerns. Alternatively, a parallel procedure has, in some settings, been launched to manage the sharing of concerns (e.g. through a specific Google Form accessed via the school web site or school education app). In either case the process should be high profile and widely publicised, with attention given to planning a timely and discreet response to all reported incidents.

Developing a specific school protocol that is available on the school web site that documents the approach taken may be useful and a further means to publicise and clarify expectations.

The need to maintain meticulous recording in this area is self-evident, especially as there is the prospect of potential involvement of Children's Social Care and the Police. Having specific data readily available on the prevalence, context of incidents and response will help inform review and planning, and also help demonstrate that the situation is being monitored and managed in the event of external audit. (Please see Appendix 6).

6. Curriculum based Preventative Approaches / PSHE

This is central to a 'whole school' approach, one that instils and maintains a clear set of expectations, values and standards and that is underpinned by the relevant Behaviour Policy and pastoral support system. This will involve linking the curriculum based preventative work with a robust policy and procedural framework, including online safety and expectations. Whilst age and developmental stage appropriate, as part of this approach the following issues may be incorporated:

- healthy and respectful relationships
- what respectful behaviour looks like
- consent
- stereotyping
- equality
- body confidence and self-esteem
- prejudiced behaviour
- that sexual violence and sexual harassment is always wrong
- addressing cultures of sexual harassment

Many schools are choosing to deliver relationships or sex education as part of a timetabled Personal, Social, Health and Economic Education (PSHE) programme. In particular, Relationships Education for primary pupils covers the characteristics of healthy relationships, building the knowledge and understanding that will enable children to model these behaviours.

The topic of 'Being Safe' in Relationship and Sex Education (RSE) in secondary schools covers the concepts of, and laws relating to, sexual consent, sexual exploitation, abuse, grooming, coercion, harassment, forced marriage, rape, domestic abuse and FGM and how these can affect current and future relationships.

Thus, PSHE or the equivalent curriculum can be a vehicle by which awareness and 'zero tolerance' is embedded in the school culture. It also provides a clear reference point and documents that the messages to the school community have been communicated and underpins expectations. It is good practice for the DSL to have an awareness of how the above subject matter is taught and delivered

and that key areas of the child on child Inappropriate Sexual Behaviour(s), Sexual Harassment and Violence agenda are incorporated. Please see RSHE guidance.

7. Contextual Considerations - Safeguarding Thresholds and Context of Behaviour

Making sense of inappropriate sexualised behaviour between young people is complex and challenging. Aspects of sexual harassment and violence and inappropriate behaviours can vary significantly. Where the behaviour occurred - in or out of school / online - needs to be factored in. Careful consideration of a range of factors and context are essential to identifying and managing any potential risk and also fashioning an informed and proportionate response for those involved. The Designated Safeguarding Lead (or Deputy) is likely to have a complete safeguarding picture and be the most appropriate person to advise on the schools or college's initial response. Considerations that inform decision making will include:

- the wishes of the victim in terms of how they want to proceed. This is especially important in the context of sexual violence and sexual harassment. Victims should be given as much control as is reasonably possible over decisions regarding how any investigation will be progressed and any support that they will be offered. This will however need to be balanced with the school or college's duty and responsibilities to protect other children
- the nature of the alleged incident(s), including: whether a crime may have been committed and/or whether Abusive and Violent behaviours are evident
- the ages of the children involved
- the developmental stages of the children involved
- any power imbalance between the children. For example, is an alleged perpetrator significantly older, more mature or more confident? Does the victim have a disability or learning difficulty?
- if the alleged incident is a one-off or a sustained pattern of abuse (sexual abuse can be accompanied by other forms of abuse and a sustained pattern may not just be of a sexual nature)
- that sexual violence and sexual harassment can take place within intimate personal relationships between peers
- are there ongoing risks to the victim, other children, adult students or school or college staff? and
- other related issues and wider context, including any links to child sexual exploitation and child criminal exploitation.

Taking account of the above and the guidance outlined in Sections 11-14, will help decision making and how to progress addressing and supporting concerns.

As always when concerned about the welfare of a child, all staff should act in the best interests of the child. In all cases, schools and colleges should follow general safeguarding principles as per KCSiE (2021). Immediate consideration should be given as to how best to support and protect the victim and the alleged perpetrator(s) (and any other children involved/impacted).

Where appropriate a multi-agency approach will be required with potential Consultation and Request for Service via SaPH and also potential Police involvement in line with any consideration of potential criminal offences that may have been committed. Decision making should be clearly documented and subject to ongoing review until such time as the matter is concluded.

8. Responding to reports of Inappropriate Sexual Behaviour(s), Sexual Harassment and Violence - 4 levels

A graduated approach is recommended that takes account of context and significance of the allegation and concerns and the needs of both the alleged victim(s) and perpetrator(s). The nature and seriousness of the allegation will largely determine the response. This will be a school-based decision, on case by case basis, involving professional judgement, supported where appropriate by partner agencies. Please also refer to Section 7 - Contextual Considerations - Safeguarding Thresholds and Context of Behaviour.

In Section 14 you will see that, there is a model that combines the three frameworks:

- 'Hackett Continuum'
- Safeguarding Effective Support Windscreen' and also the
- 4 levels identified in DfE Guidance

This will assist in identifying in a holistic way, the most appropriate initial way to progress addressing and supporting concerns and risk. Guidance on SaPH and Police involvement is incorporated along with advice regarding 'safeguarding thresholds.

Operating on a case -by-case basis, immediate action should nonetheless be taken to safeguard children and manage any risk issues. This will necessarily involve consideration and ongoing review of basic school arrangements (sharing classes, seating plans, school day, curriculum, unstructured time, supervision, clarification of expectations etc), transport and after school activities across alleged victim(s) and perpetrators. See Section 16.

Although this may initially be on an interim / short term basis, it could be, that such arrangements have to be managed and developed for a longer period of time and may extend to considerations of alternative setting(s) . This is something that would be led by school / college, potentially using local Managed Move protocols or reciprocal arrangements. The SiET would be available to support with advice. Where possible, involving parents / carers, professionals involved and in particular the wishes and feelings of the victim will help develop a sustainable approach. Efforts to minimise disruption to the education of alleged victim(s) / perpetrator(s) can be challenge, both are requiring of support (albeit in a different format) to progress improvements in the situation.

It is important that the perpetrator(s) is/are also given the correct support to try to stop them repeating behaviours of concern and to address any underlying trauma that may be causing this behaviour. Addressing inappropriate behaviour can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future.

Similarly, careful management of information, with due regard to sensitivity of issues and impact, must be maintained with details shared on a 'need to know' basis, in and out of school.

Informing the alleged perpetrator(s) / family - where a report is to be made / or made to SaPH and/or the Police, as a general rule, guidance from the agency / agencies should be sought as to the timing and means of how the alleged perpetrator(s) will be informed. Arrangements to provide ongoing management and monitoring of the situation should be agreed and be available to be communicated.

The 4 Levels:

Level	Support	Details
1	**Managing Internally**	Guidance is clear that in some cases of sexual harassment, for example, one-off incidents, the school or college may take the view that the children concerned are not in need of Early Help or that no referrals need to be made to statutory services and that it would be appropriate to handle the incident internally, perhaps through utilising their behaviour policy and by providing pastoral support.
2	**Early Help**	In line with 1 above, the school or college may decide that the children involved do not require involvement of statutory services or the Police, but may benefit from Early Help. **With the consent of parent / carer, Early Help structures in the ER offer a broad range of tiered support services and can facilitate an effective multi-agency approach straddling school, out of school and home settings and are a means of**

		providing support as soon as a problem emerges, at any point in a child's life. Providing Early Help is more effective in promoting the welfare of children than reacting later and can be particularly useful to address non-violent incidents and may prevent escalation of Inappropriate Sexual Behaviour(s), Harassment and Violence. Early Help and the option to manage a report internally do not need to be mutually exclusive. A school could manage internally and seek early help for both the victim and perpetrator(s). ERSCP advice continues to be "if unsure, Consult".
3	**Contact with SaPH - Consultation / Request for Service**	As is always the case, where a child has been harmed, is at risk of harm, or is in immediate danger, contact should be made with the Safeguarding and Partnership Hub (or Police using 999 if there is immediate danger), in line with established local safeguarding protocols and procedures. Consultation with SaPH should be sought in the event of significant instances of 'Problematic or Concerning' behaviours and certainly instances of Sexual Abuse and Sexual Violence, where there will be a consideration of Intensive and / or Specialist support and assessment. Potentially, cases of repeated Sexual Harassment would also fall into this category of seeking a consultation. ERSCP advice continues to be "if unsure, Consult" - this is particularly relevant from the point where 'Problematic and Concerning' behaviours are identified, it will involve consideration of the implications in relation to both alleged victim(s) and perpetrator.
4	**Reporting to the Police**	Any report to the Police will normally be in parallel with contact and advice from SaPH or the allocated Social Worker, if it is an open case. **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. (Please see Appendix 3 for definitions). Whilst the age of criminal responsibility is ten, if the alleged perpetrator(s) is under ten, the starting principle of reporting to the Police remains.** Advice which may help schools and colleges decide when to engage the Police and what to expect of them when they do: When to call the Police: See link - Police Where a report has been made to the Police, the school or college should consult the Police and agree what information can be disclosed to staff and others, in particular, the alleged perpetrator(s) and their parents or carers. They should also discuss the best way to protect the victim and their anonymity. At this stage, it is probable that schools and colleges will inform parents or carers unless there are compelling reasons not to, for example, if informing a parent or carer is likely to put a child at additional risk. In circumstances where parents or carers have not been informed, it will be especially important that the school or college is supporting the child in any decision they take. This should be with the support of children's social care and any appropriate specialist agencies.

		In some cases, it may become clear very quickly that the police (for whatever reason) will not take further action. In such circumstances, it is important that the school or college continue to engage with specialist support for the victim and alleged perpetrator(s). Whilst protecting children and/or taking any disciplinary measures against the alleged perpetrator(s), it will be important for the Designated Safeguarding Lead (or a Deputy) to work closely with the Police (and other agencies as required), to ensure any actions the school or college take do not jeopardise the Police investigation. If schools or colleges have questions about the investigation, they should ask the Police.

Please see Section 14 for details of cross refencing with the '**Hackett Continuum', ER Effective Support Windscreen and School Response Level.**

9. Concerns involving online behaviour(s)

Where the report includes an online element, being aware of relevant guidance will help support the approach taken. Online activity can be just as concerning and create equal distress and harm for the victim(s) and may accompany 'in person' behaviours directed at the victim. Useful guidance:

Searching, screening and confiscation: Advice for headteachers, school staff and governing (DfE, January 2018)

Searching, screening and confiscation at school - GOV.UK (www.gov.uk)

Sharing nudes and semi-nudes: advice for education settings working with children and young people (UKCIS, December, 2020)

Sharing nudes and semi-nudes: advice for education settings working with children and young people - GOV.UK (www.gov.uk)

The key consideration is for staff not to view or forward illegal images of a child. The highlighted advice provides more details on what to do when viewing an image is unavoidable. In some cases, it may be more appropriate to confiscate any devices to preserve any evidence and hand them to the police for inspection.

10. Harmful Sexual Behaviour (HSB) and East Riding HSB Panel

It is worth noting for the purpose of clarity that HSB is a term that has been widely adopted in child protection work and is used as an umbrella term for this cluster of behaviours. It is based on the understanding that children's sexual behaviour exists on a wide continuum, from normal and developmentally expected to inappropriate, problematic, abusive and violent (Please see Appendix 2). As outlined above, the unique characteristics of the behaviour displayed will determine both the level of concern and response required. Abusive and Violent sexual behaviour and some aspects of Problematic and Concerning behaviour, is developmentally inappropriate and may cause developmental damage.

When considering HSB, ages and the stages of development of the children are critical factors. Sexual behaviour between children can be considered harmful if one of the children is much older, particularly if there is more than two years' difference or if one of the children is pre-pubescent and the other is not. However, a younger child can abuse an older child, particularly if they have power over them, for example, if the older child is disabled or smaller in stature.

Addressing inappropriate behaviour can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future. Children displaying HSB have often experienced their own abuse and trauma. It is important that they are offered appropriate support.

The East Riding HSB PANEL

This will be held monthly and will consider the need to further assess the case, including where appropriate an AIM assessment and/or consider the need for intervention through HSB protocol and procedure.

The East Riding HSB Panel process ensures there is a coordinated approach on the part of youth justice, children's social care, education, health (including CAMHS) and the Police in undertaking assessment and intervention work with children and young people who display Harmful Sexual Behaviours and their families in line with Working Together to Safeguard Children (updated 2020). Current ERSCP guidance outlines the following :

- There will be an effective service in place that is "in house" and prevents children and young people demonstrating further harmful sexual behaviours.
- Ensure children will be safeguarded and protected.
- There will be improved outcomes for children and young people.
- Services will develop their knowledge of HSB.
- Reduction in crime.
- Co-ordinate a more joined up approach with other agencies when responding to HSB with clear response and referral route identified.
- Cost effective alternative to commissioning services.

Route for Referral to the HSB Panel

ERSCP Procedure and Guidance - Child Harmful Sexual Behaviour (November 2021) identifies two routes for referral and accompanying procedures:

1. The Criminal Justice Route

This will involve a specialist assessment (AIM) and apply to any young person between the age of 10 and 18 who has committed and admitted guilt to an alleged sexual offence against children, adolescents or adults. A referral will be made by the Police Officer in the case to the Protecting Vulnerable People Unit (PVP) and there will then be a follow up contact to SAPH within 24 hours of receiving the referral. If the Police take No Further Action but the Police Officer still has concerns about a young person, a contact will be made to SaPH.

Where there is no admission of guilt or a not guilty plea is entered, professionals will need to allow legal processes to take their course. It likely that a specialist assessment will take place post-conviction and would come directly from Court to the Youth Offending Service. If the young person is found not guilty at Court, then a contact may still be made to SAPH if there are safeguarding concerns. On receipt of the contact, SAPH will send it to the appropriate Team Manager. The Team Manager may then hold a strategy discussion with the Police etc and if appropriate allocate a Social Worker. If there are HSB concerns the Social Worker will complete a Referral Form and send this to the HSB Inbox. The case will be allocated to a YOS worker and a Social Worker to joint work.

Any referrals which go straight to the Youth Offending Service such as ones directly from Court, will be allocated a YOS worker and they will send a Referral form directly to the HSB inbox and the Case Consultants will allocate the case to a Social Worker to joint work with the YOS worker. The Social Worker and YOS worker allocated to the case may arrange a Multi-agency Meeting within 5 working days. This meeting will be for all agencies to share relevant information and decide whether a full AIM assessment is appropriate. From the multi-agency meeting, the Social Worker and YOS worker have

20 working days to complete the AIM assessment and this will be reviewed at a panel meeting which is led by the four case consultants. Concerns which related to young people subject to out of court disposals or who are on an order other than a reason relating to HSB should be referred to the HSB panel by the lead professional for their case.

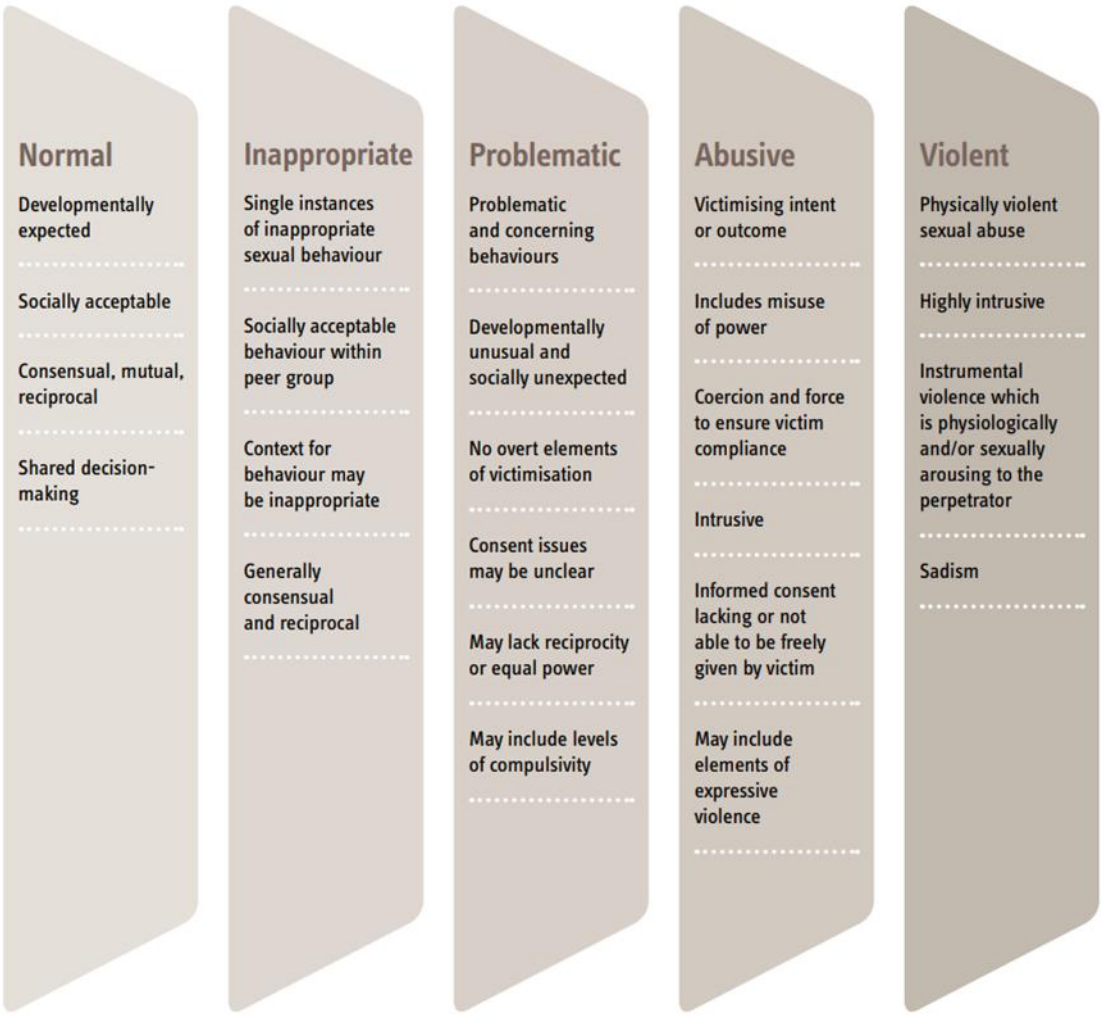
2. The Concern Route

If any worker from any agency considers that the behaviour of any young person (of any age) is a cause for concern (in terms of sexually harmful behaviour) they should make a contact to SAPH. On receipt of the contact, SAPH will send it to the appropriate Team Manager. The Team Manager may then hold a strategy discussion with the Police etc and if appropriate allocate a Social Worker. If there are HSB concerns the Social Worker will complete a Referral Form and send this to the HSB Inbox which is managed by the case consultants. The panel will provide consultation on the case and where appropriate will then allocate the case to a YOS worker and a Social Worker to joint work.

If a Social Worker has an open case and there are HSB concerns, they will send a Referral Form to the HSB inbox. The assessment will be allocated to a YOS practitioner and a Social Worker. The Social Worker and YOS worker allocated to the case may arrange a Multi-agency Meeting (MAM) within 5 working days. This meeting will be for all agencies to share relevant information and decide whether a full AIM assessment is appropriate. From the MAM, the Social Worker and YOS worker have 20 working days to complete the AIM assessment and this will be reviewed at a panel meeting which is led by the appointed chair of the HSB Panel.

11. The 'Hackett Continuum'

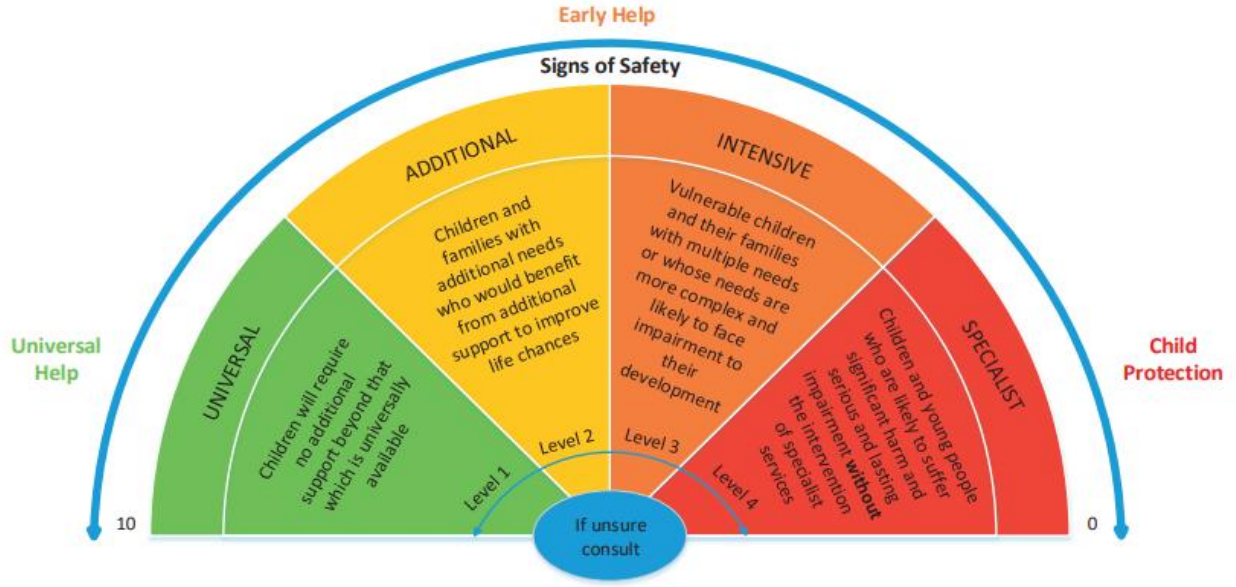
This framework is designed to differentiate between behaviours across a continuum ranging from 'Normal' to 'Violent' using age and development characteristics to locate behaviours accordingly. This will help to differentiate between healthy sexual behaviours and those that are inappropriate, problematic or harmful. Where appropriate, in line with a tiered approach to support and risk management that accompanies the 'continuum', a more specialist risk assessment may be required by a suitably qualified member of a specialist service.



Chaffin, Letourneau and Silovsky (2002, p208) suggest it is vital for professionals to distinguish 'normal' from 'abnormal' sexual behaviours and a child's sexual behaviour should be considered abnormal if it:

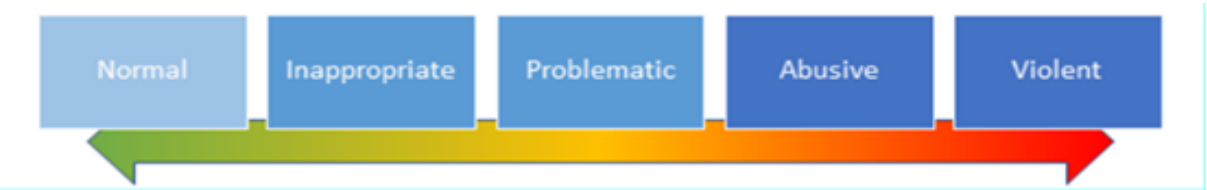
- occurs at a frequency greater than would be developmentally expected
- interferes with the child's development
- occurs with coercion, intimidation, or force
- is associated with emotional distress
- occurs between children of divergent ages or developmental abilities
- repeatedly recurs in secrecy after intervention by caregivers

12. Safeguarding Effective Support Windscreen



The East Riding Effective Support Windscreen

13. Overlapping the Hackett Continuum onto the Safeguarding Effective Support Windscreen



Hackett Continuum	ER Effective Support Windscreen 'Overlap'	
Normal	Universal	
Inappropriate	Universal	Additional
Problematic and Concerning	Additional	Intensive
Abusive	Intensive	Specialist
Violent	Specialist	

14. Overlapping the Hackett Continuum, ER Effective Support Windscreen 'Overlap' and School Response Level

Hackett Continuum	ER Effective Support Windscreen 'Overlap'		School Response Level 'Overlap'
Normal	Universal		Internal
Inappropriate	Universal	Additional	Internal / Early help
Problematic and Concerning	Additional	Intensive	Early Help (consider SaPH consultation)
Abusive	Intensive	Specialist	SaPH consultation / Request for Service (possible Police)
Violent	Specialist		SaPH consultation / Request for Service (probable Police)

15. Service provision for ER Effective Support Windscreen 'Overlap'

Level	Support	Examples of Types of Support
1	Universal	• Education • Children's Centres • Health Visiting / School Nurse • GP • Midwifery • Sexual Health Services • Voluntary and Community Agencies
2	Additional	• Early Help support • Emotional wellbeing and mental health service
3	Intensive	Seek consent and consultation with SaPH - 01482 395500 • Multi-disciplinary support for families caring for a disabled child with complex needs. • A co-ordinated response with a lead professional and intensive engagement with the family • Targeted Early Help or Child in Need (CIN) which can span across Levels 3 and 4. • Intensive Family Support Practitioners are able to provide TARGETED support with families for up to one year • Referral for Service, potential involvement of Children's Social Care
4	Specialist	• Contact SaPH (01482 395500) if you are unsure as to whether the situation meets the threshold for intensive or specialist support, you can consult with a Social Worker • Referral for Service, potential involvement of Children's Social Care • Consider Police involvement following advice from SaPH if you suspect a criminal offence has been committed

16. Incident Management Strategies

Whilst clearly challenging, and dependent upon the potential available for altering arrangements resulting from the context of any incident, there can be, nonetheless, considerable scope within an education setting to manage arrangements on a case by case and proportionate basis, until an outcome is determined.

Whilst this will normally be an interim approach, born of necessity, arrangements could last for some time as a wider and more targeted intervention is formulated and progressed.

There could also be the backdrop of ongoing Police investigation and potential criminal proceedings that can lengthen the process considerably.

Meeting and discussion with respective parents / carers of alleged perpetrator(s)and victim(s) to agree expectations will be helpful - if possible, unless there is a belief that so doing would put a child at additional risk. However, this should be considered on a case by case basis and in line with guidance on information that can be shared, from agencies involved, especially Police and Children's Social Care where relevant. Great care should be taken to avoid the risk of potentially compromising any ongoing investigation involving the Police.

Approaches to consider:

- Separating the alleged perpetrator and victim from shared classes is good practice (certainly where there is a criminal investigation into a rape, assault by penetration or sexual assault, the alleged perpetrator(s) should be removed from any classes they share with the victim)
- Careful consideration should be given as to how best to keep the victim and alleged perpetrator(s) a reasonable distance apart on school or college premises - including during before and after school-based activities - and on transport to and from school or college where appropriate)
- Ensure that both parties are supported (the type of support is liable to be very different) and disruption to education minimised
- Identify a designated trusted adult to support the victim / alleged victim (ensuring any such person is suitably skilled and able to discharge such a role and supported to do so)
- Adjusted seating plan
- Introduction of 1:1 support via TA to support and supervise as necessary
- Formal 'Behaviour Contract' confirming expectations and explicit arrangements, including unstructured time (areas / staff supervision etc)
- Consider sanctions
- Revised timing of school day and transport arrangements
- Regular review and update meetings
- At the request of the victim consider timetable adjustments and possible move to another school or college
- Bespoke Risk Assessment / Risk Management Plan

Sanctions

Incidents of Inappropriate Sexual Behaviour(s), Sexual Harassment and Violent are likely to constitute what could ultimately be a serious breach of school Behaviour Policy. This would certainly be the case where criminal investigation leads to a conviction or caution for a sexual assault. The nature of the conviction or caution and wishes of the victim will be especially important in determining how to proceed in such cases.

Whilst protecting children and/or taking any disciplinary measures against the alleged perpetrator(s), it will be important for the Designated Safeguarding Lead (or a Deputy) to work closely with the police (and other agencies as required), to ensure any actions the school or college take do not jeopardise the police investigation. The situation may necessarily extend to unavoidable considerations of following the process leading to Permanent Exclusion, in the event of serious breaches of Behaviour Policy. The clear and explicit expectation that there is a school wide , 'zero tolerance' culture and approach means that as part of the proactive strategies and procedures to prevent and / or manage incidents of Inappropriate Sexualised Behaviour(s), Sexual Harassment and Sexual Violence, it may be necessary to consider sanctions in line with the Behaviour Policy. A fully integrated approach, led by the Designated Safeguarding Lead (or a Deputy) and Senior Leaders is central to this.

17. ERYC - Safe Working Method and Risk Management

The accompanying Safe Working Method is a supporting document to this Guidance and should be referred to in the event of an incident occurring.

Effective risk management is based upon identifying and implementing Internal and External Controls and ensuring a balance between the two. They are a dynamic and work in tandem and shift in emphasis as progress is made:

Internal Controls - targeted interventions to develop coping strategies insight, awareness, self-regulation and control, reducing the risk of repeat behaviours, without external control present or minimised

External Controls - factors to monitor, supervise and manage behaviour and reduce opportunities and exposure to triggers in the environment and including parent / carer etc.

In principle, External Controls are scaled back as work to develop resilience and Internal Controls is progressed and has an impact, supported by evidence that this is the case.

When there has been a report of an incident, 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 or college, especially any actions that are appropriate to protect them from the alleged perpetrator(s), or from future harms.

Risk Assessment should be recorded (written or electronic) and should be kept under review. Please see accompanying pro-forma - 'School Risk Assessment Template'. At all times, the school or college 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. This will necessarily be a 'fluid' situation.

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. The above school or college risk assessment is not intended to replace the detailed assessments of expert professionals. Any such professional assessments should be used to inform the school's or college's approach to supporting and protecting their pupils and students and updating their own risk assessment.

18. Training

Bespoke ER Training is under development and will be offered to Designated Safeguarding Leads as soon available. In the meantime, in addition to this Guidance and the Guidance cited throughout the following e.learning may be of use:

Title	Provider	Link	Cost*
Raising Awareness of Peer on Peer Abuse	Educare	Peer-on-Peer Abuse (educare.co.uk)	£16k
Harmful sexual behaviour in schools training	NSPCC	Harmful sexual behaviour in schools training | NSPCC Learning	£35
General Resources around Peer on Peer Abuse	NSPCC	Resources on peer-on-peer sexual abuse in education and healthy relationships | NSPCC Learning	N/A just resources
Peer on Peer Abuse	The Key	Safeguarding Training Centre | Peer-on-peer abuse (thekeysupport.com)	Yearly membership
Certificate in Understanding Sexual Violence and Sexual Harassment	The National College	Sexual Violence & Sexual Harassment | Essential CPD | The National College	£50
Sexual Violence and Harassment between Children and Young People	Educare	Sexual Violence and Harassment between Children and Young People (educare.co.uk)	£18.50
Harmful Sexual Behaviour in Schools	High Speed Training	Sexual Harassment & Violence In Schools | Online Course (highspeedtraining.co.uk)	£25
How to Respond to Harmful Sexual Behaviours in School - Information	High Speed Training	highspeedtraining-how-to-respond-to-harmful-sexual-behaviour	Free

19. Resources

Parents Protect - A toolkit for parents, carers and professionals https://www.parentsprotect.co.uk/harmful-behaviour-in-young-people-and-children.htm
Lucy Faithfull Foundation UK-wide charity dedicated solely to preventing child sexual abuse and supporting concerns about child sexual abuse and its prevention https://www.stopitnow.org.uk/
NSPCC - What is harmful sexual behaviour? https://learning.nspcc.org.uk/child-abuse-and-neglect/harmful-sexual-behaviour
NICE guidance - Harmful sexual behaviour among children and young people https://www.nice.org.uk/guidance/ng55

20. References

Hackett, S., Branigan, P. and Holmes, D. (2019) 2nd ed. London: NSPCC. Harmful sexual behaviour framework: an evidence-informed operational framework for children and young people displaying harmful sexual behaviours.

NSPCC (2019) Completing the Harmful sexual behaviour framework audit tool: a guide for designated safeguarding leads in health. London: NSPCC.

NSPCC (2019) Harmful sexual behaviour framework: audit tool. London: NSPCC.

Safeguarding Briefing - Andrew Hall - safeguardinginschools.co.uk

Appendix 1 - Recommendations for school and college leaders

Ofsted Review of sexual abuse in schools and colleges, (June 2021)

1	A carefully sequenced RSHE curriculum, based on the Department for Education's (DfE's) statutory guidance, that specifically includes sexual harassment and sexual violence, including online. This should include time for open discussion of topics that children and young people tell us they find particularly difficult, such as consent and the sending of 'nudes'
2	High-quality training for teachers delivering RSHE
3	Routine record-keeping and analysis of sexual harassment and sexual violence, including online, to identify patterns and intervene early to prevent abuse
4	A behavioural approach, including sanctions when appropriate, to reinforce a culture where sexual harassment and online sexual abuse are not tolerated
5	Working closely with LSPs in the area where the school or college is located so they are aware of the range of support available to children and young people who are victims or who perpetrate harmful sexual behaviour
6	Support for designated safeguarding leads (DSLs), such as protected time in timetables to engage with LSPs
7	Training to ensure that all staff (and governors, where relevant) are able to: • better understand the definitions of sexual harassment and sexual violence, including online sexual abuse • identify early signs of peer-on-peer sexual abuse • consistently uphold standards in their responses to sexual harassment and online sexual abuse

Appendix 2 - Distinguishing between Problematic and Abusive Sexual Behaviour

It is helpful to distinguish between problematic and abusive sexual behaviour:

Problematic

- Problematic behaviours don't include overt victimisation of others may be disruptive to the child's development and can cause distress, rejection or increase victimisation of the child displaying the behaviour. They include behaviours involving sexual body parts that are developmentally inappropriate or potentially harmful to the child or others. They range from problematic self-stimulation and nonintrusive behaviours, to sexual interactions with other children that include behaviours more explicit than sex play, and aggressive sexual behaviours. Sometimes, the term 'problematic sexual behaviour' is used to describe behaviours that may be developmentally appropriate but that are expressed inappropriately in a given context.
- When this type of behaviour appears to be trauma-related – for example when symptoms originate from sexual abuse the child has experienced – the behaviour may be termed sexually reactive. Sexually reactive and sexually problematic behaviours are more commonly associated with children in the pre-adolescent age range.

Abusive

- Abusive behaviours involve an element of coercion or manipulation and a power imbalance that means the victim cannot give informed consent, and where the behaviour has potential to cause physical or emotional harm. Power imbalance may be due to age, intellectual ability, disability or physical strength. Abusive sexual behaviour may or may not have resulted in a criminal conviction or prosecution.

Such behaviours are more commonly associated with young people over the age of criminal responsibility or those in puberty.

As both problematic and abusive sexual behaviours are developmentally inappropriate and may cause developmental damage, a useful umbrella term is 'harmful sexual behaviour' or HSB. This term has been adopted widely in the field, and is used throughout this framework.

Appendix 3 - What is Sexual Violence and Sexual Harassment and Upskirting - Definitions

(KCSiE, 2021 - pp. 139-141)

When referring to sexual violence we are referring to sexual violence offences under the Sexual Offences Act 2003135 as described below:

(1) 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 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. (Schools 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.)

(2) Sexual harassment

When referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur online and offline and both inside and outside of school/college. 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:
- consensual and non-consensual sharing of nude and semi-nude images and/or videos (as set out in UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people (which provides detailed advice for schools and colleges) taking and sharing nude photographs of U18s is a criminal offence
    - sharing of unwanted explicit content
    - upskirting (criminal offence)
    - sexualised online bullying
    - unwanted sexual comments and messages, including, on social media
    - sexual exploitation; coercion and threats.

(3) Upskirting

The Voyeurism (Offences) Act 2019, which is commonly known as the Upskirting Act, came into force on 12 April 2019. Upskirting is where someone takes a picture under a persons 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 sex, can be a victim.

Appendix 4 - Consent and Confidentiality

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.

- 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.

Further information about consent can be found here: Rape Crisis England & Wales - Sexual consent https://rapecrisis.org.uk/get-informed/about-sexual-violence/sexual-consent/

(KCSiE 2021 - p.11)

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 order to provide support and engage appropriate agencies. 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.

The victim may ask the school or college 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 it can be justified to be in the public interest, for example, to protect children from harm and to promote the welfare of children. The designated safeguarding lead (or a deputy) should consider the following:

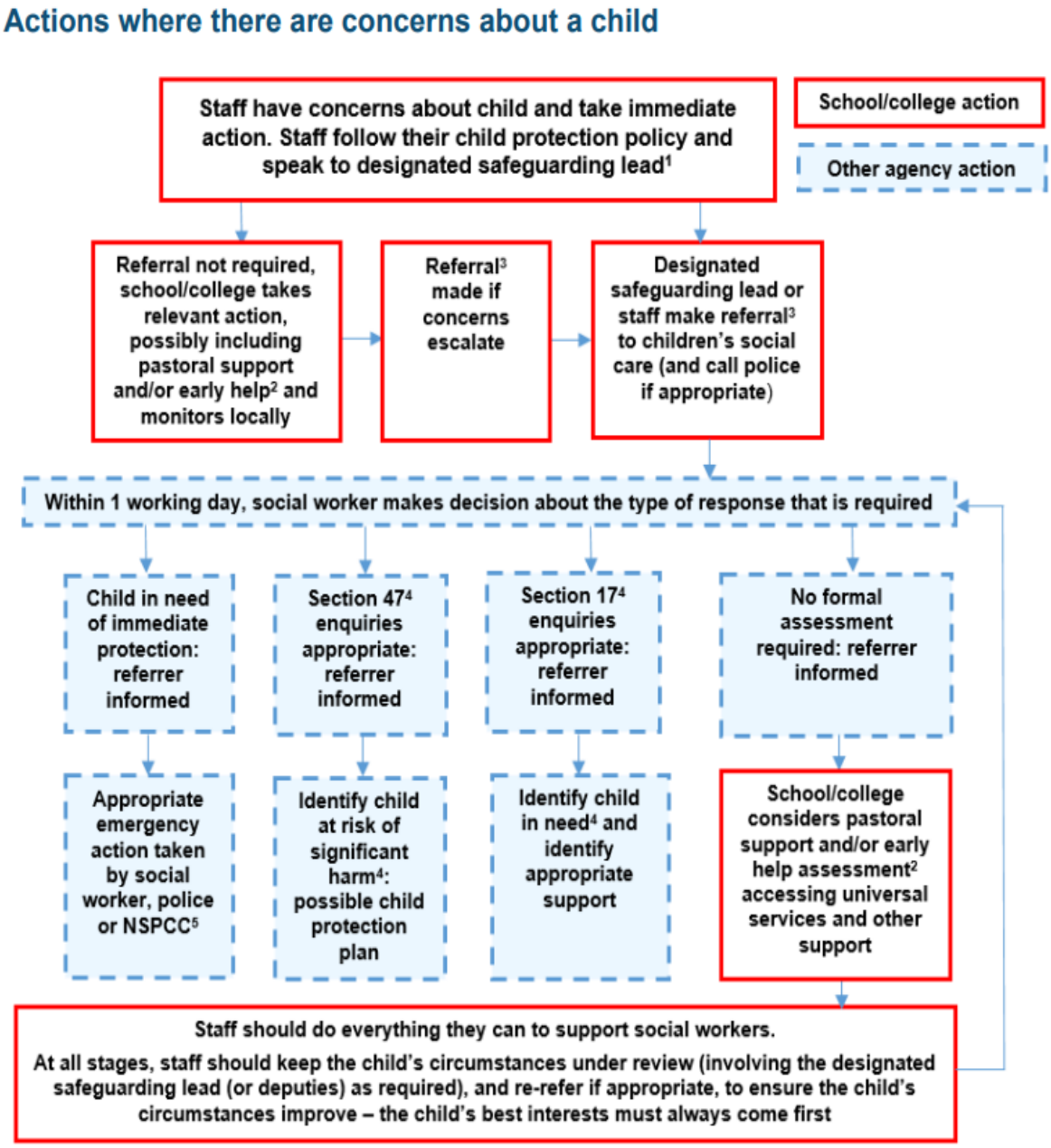
- parents or carers should normally be informed (unless this would put the victim at greater risk):
- the basic safeguarding principle is: if a child is at risk of harm, is in immediate danger, or has been harmed, a referral should be made to children's social care; and
- rape, assault by penetration 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. Whilst the age of criminal responsibility is ten, if the alleged perpetrator is under ten, the starting principle of referring to the police remains. The police will take a welfare, rather than a criminal justice approach, in these cases.

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

If the designated safeguarding lead (or a deputy) decide to go ahead and make a referral to children's social care and/or a report to the police against the victim's wishes, this should be handled extremely carefully, the reasons should be explained to the victim and appropriate specialist support offered.

Appendix 5 - Actions Where There Are Concerns About A Child

(KCSiE, 2021, p 22)



Appendix 5 - Ofsted School Inspection Handbook - Updates February 2022

In February 2022, Ofsted updated their School inspection handbook. The changes relate to Ofsted's approach to harmful sexual behaviour which is set out in the following paragraphs (

New Paragraph Added - 67

67. During section 5 inspections, Ofsted will look at how leaders ensure that their school's culture addresses harmful sexual behaviour. Inspectors will expect schools to assume that sexual harassment, online sexual abuse and sexual violence are happening in the community, and potentially in the school, even when there are no specific reports, and put in place a whole-school approach to address them. Schools should have appropriate, clear and well-communicated school-wide policies in place that make it clear that sexual harassment, online sexual abuse and sexual violence (including sexualised language) are unacceptable. Those policies should be consistently reflected throughout the school (see paragraphs 236, 252 and 315 to 317). The school's approach will not be inspected separately but will be considered when assessing the following: the curriculum in the quality of education judgement; behaviour policies in the behaviour and attitudes judgement; pastoral support and relationships, sex and health education in the personal development judgement; and safeguarding in the leadership and management judgement.

New Paragraph Added - 236 (inserted into the section on Behaviour and Attitudes).

236. Additionally, we will expect schools to have effective behaviour policies in place regarding harmful sexual behaviour. The policies should include details of appropriate sanctions that should be consistently applied and that reflect the messages that are taught across the curriculum.

New Paragraph Added - 252 (inserted into the section on Personal Development).

252. Ofsted will expect the school's relationships, sex and health education curriculum (and wider curriculum) to specifically address sexual harassment, online abuse and sexual violence. The curriculum should also address safeguarding risks (including online risks), issues of consent, and what constitutes a healthy relationship both online and offline. We will also expect schools to provide effective pastoral support. This includes being alert to factors that increase a child's vulnerability, or potential vulnerability, such as mental ill health, domestic abuse, having additional needs, and being at greater risk of exploitation and/or of feeling unable to report abuse (for example, girls and LGBT children).

Allegations of sexual harassment, abuse or violence

315. Inspectors will not investigate allegations of sexual harassment, abuse or violence, but will ensure that allegations are reported to the appropriate authority.

316. As set out in 'Inspecting safeguarding in early years, education and skills settings', inspectors will consider how schools handle allegations of sexual harassment, abuse and violence, including whether:

- staff have appropriate knowledge of part 5 of 'Keeping children safe in education'
- staff also have good awareness of the signs that a child is being neglected or abused, as described in 'What to do if you're worried a child is being abused'
- all pupils are supported to report concerns about harmful sexual behaviour, and barriers that could prevent a pupil from making a disclosure, for example communication needs, are identified and addressed
- staff are confident and well trained in handling reports of sexual harassment, abuse or violence in line with the DfE's guidance, including incidents between children and those off school premises

- all allegations are taken seriously, comprehensively recorded and dealt with swiftly and appropriately, and pupils are confident that this is the case
-

317. If schools do not have adequate processes in place, it is likely that safeguarding will be considered ineffective.

You can find the updated School Inspection Framework here: https://www.gov.uk/government/publications/school-inspection-handbook-eif/school-inspection-handbook