KING EDWARD VI ACADEMY TRUST BIRMINGHAM

Sexual Violence and Sexual Harassment Policy

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School	King Edward VI Camp Hill School for Girls
School Policy Owner	Lyndsey Maginnis
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Please note that this and all other safeguarding and pastoral policies have been created with stakeholders in mind. Policies are compliant with our legal and statutory guidance and adhere to best practice; however, they are laid out in a way that is accessible to those for whom the policies are intended: school staff and governors; students and parents. Please click on the headings/links in the contents table below/throughout the documents to take you to the section(s) you require.

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1. Introduction

This policy will help staff to achieve the vision of Schools of King Edward VI, which is that all staff and Governors are committed to the nurture and development of all those who learn here and seek to inspire all to be their best. We embrace the transformative power of education and value a love of learning and intellectual curiosity.

King Edward VI Camp Hill School for Girls (KECHG) aims to provide a full range of quality experiences, within a forward thinking and supportive environment. We strive to develop independent thinking, mature young adults who achieve their best and make positive contributions to school and the wider community.

AT KECHG, we want all students to achieve their potential and enjoy their time at Camp Hill. We hope that they will work hard and participate in the whole range of academic, extra-curricular and social activities on offer. Students are actively encouraged to acquire the understanding knowledge, skills, qualifications and interests that will help them find fulfilment in their future lives and careers.

We will endeavour to provide an environment where every pupil can feel:
- safe;
- healthy;
- able to enjoy and achieve;
- able to contribute to future economic well-being; and
- able to make a positive contribution.

Equality, Diversity & inclusion statement
We celebrate diversity and value fairness and equal treatment for everyone at the school regardless of their race, age, ethnicity, religion, sex, sexual orientation or disability. We promote equality through our rich and diverse curriculum, equipping students with the skills, knowledge and understanding to succeed in a diverse world outside and beyond school. We challenge discrimination in all its forms so that all members of the school community feel safe and valued.

Unconscious Bias Key definitions:
There are two types of bias:
1. **Conscious bias** (also known as **explicit** bias) and
2. **Unconscious bias** (also known as **implicit** bias)

Conscious bias is an inclination or prejudice for or against one person or group, especially in a way considered to be unfair.

Unconscious bias is implicit bias. It is unintended and subtle, based on unconscious thought. People may have unfair beliefs about others but not be aware of them. Typically unconscious bias happens involuntarily without any awareness or intentional control. Everyone holds unconscious beliefs about various social and identity groups.

Under the 2010 Equality Act, it is unlawful to discriminate against people because of nine areas termed in the legislation as protected characteristics:
- age

- [disability](#)
- [gender reassignment](#)
- [marriage and civil partnership](#)
- [pregnancy and maternity](#)
- [race](#)
- [religion or belief](#)
- [sex](#)
- [sexual orientation](#)

How to overcome unconscious bias
- Be aware of unconscious bias.
- Don't rush decisions, rather take your time and consider issues properly.
- Justify decisions by evidence and record the reasons for your decisions
- Ensure that everyone knows what kind of behaviour is expected of them.
- Ensure that everyone knows how to report prejudice related incidents.
- Encourage people to work with a wider range of people and get to know them as individuals.
- Focus on the positive behaviour of people and not negative stereotypes.
- Employers should implement policies and procedures which limit the influence of individual characteristics and preferences.

2. 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 sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physically and verbally) and are never acceptable. All victims and survivors will be taken seriously and offered appropriate support.

Children who are victims and survivors of sexual violence and sexual harassment will find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment. We will ensure that victims and survivors are protected, offer appropriate support and make every effort to ensure their education is not disrupted. Other children and school staff will be supported and protected as appropriate.

[The UK report It's just everywhere](#) found that 14% of girls were significantly more likely than boys (7%) to report that their partner had pressured them to share nude images of themselves in the last year. Girls are also significantly more likely to be victimised with unwanted sexual messages and images from their peers online, with 31% of female respondents aged 13-17 years saying they had experienced this in the last year compared to 11% of male respondents.

Children with Special Educational Needs and Disabilities (SEND) are three times more likely to be abused than their peers. Additional barriers can sometimes exist when recognising abuse in SEND children. These can include:

- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability without further exploration;

- the potential for children with SEND being disproportionately impacted by behaviours such as bullying and harassment, without outwardly showing any signs; and
- communication barriers and difficulties overcoming these barriers.

Any reports of abuse involving children with SEND will involve close liaison with the Designated Safeguarding Lead (DSL) (or deputy) and the Special Education Needs and Disabilities Coordinator (SENDCo).

Children who identify as LGBTQQIP2SAA (lesbian, gay, bisexual, transgender, questioning, queer, intersex, pansexual, two-spirit (2S), androgynous and asexual) can be targeted by their peers. In some cases, a child who is perceived by their peers to be LGBTQQIP2SAA (whether they are or not) can be just as vulnerable as children who identify as LGBTQQIP2SAA.

3. Statement of Principles

The best schools take a whole school approach to safeguarding and child protection. This means involving everyone in the school, including the governing body, all the staff, children, and parents/carers. Our approach to sexual violence and sexual harassment therefore reflects, and is part of the broader approach to, safeguarding.

All staff, pupils and parents/carers should be aware that:

- there is a zero-tolerance approach to sexual violence and sexual harassment and it is never acceptable, will never be tolerated and is not an inevitable part of growing up;
- sexual harassment or violence is **never** to be passed off as "banter", "just having a laugh" or "boys being boys". Failure to challenge can lead to a culture of unacceptable behaviour, an unsafe environment and in worst case scenario, a culture that normalises abuse leading to children accepting it as normal and not coming forward to report it;
- even if there are no reports made to school staff it does not mean it is not happening, it may be the case that it is just not being reported;
- dismissing or tolerating behaviour (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia and flicking bras and lifting up skirts, risks normalising them; and
- understanding that all of the above can be driven by wider societal factors beyond the school, such as everyday sexist stereotypes and everyday sexist language.

All sexual violence and sexual harassment decisions and actions will be regularly reviewed and relevant policies updated to reflect lessons learnt. The Senior Leadership and Pastoral Teams will look out for potential patterns of concerning, problematic or inappropriate behaviour. Where a pattern is identified, the school will decide on a course of action. Consideration will be given as to whether there are wider cultural issues within the school that have enabled the inappropriate behaviour to occur and where appropriate extra teaching time and/or staff training will be delivered to minimise the risk of it happening again.

Unsubstantiated, unfounded, false or malicious allegations

All concerns, discussions and decisions made, and the reasons for those decisions, will be recorded on MyConcern. Records will be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified, and addressed. If a report is determined to be unsubstantiated, unfounded, false or malicious, the Designated Safeguarding Lead (DSL) or deputies will consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to local authority children's social care may be appropriate.

If a report is shown to be deliberately invented or malicious, the Headteacher will consider whether any disciplinary action is appropriate against the individual who made it.

4. Terms and Phrases

[Harmful sexual behaviour](#)

Children's sexual behaviour exists on a wide continuum, from normal and developmentally expected to inappropriate, problematic, abusive and violent. Problematic, abusive and violent sexual behaviour is developmentally inappropriate and may cause developmental damage. A useful umbrella term is "harmful sexual behaviour" (HSB). Harmful sexual behaviour can occur online and/or offline and can also occur simultaneously between the two. Harmful sexual behaviour is considered in a child protection context.

When considering harmful sexual behaviour, ages and the stages of development of the children are critical factors to consider. 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 smaller in stature.

Sexual violence

It is important that we are all aware of sexual violence and the fact children can, and sometimes do, abuse other children in this way and that it can happen both inside and outside of school. When referring to sexual violence in this policy, we do so in the context of child-on-child sexual violence and referring to sexual offences under the [Sexual Offences Act 2003](#).

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. Consent can be withdrawn at any time during sexual activity and each time activity occurs.

- 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](#)

Sexual harassment

Sexual harassment is unwanted conduct of a sexual nature between children that can occur online and offline both inside and outside school. When we reference sexual harassment, we do so in the context of child-on-child sexual harassment. Sexual harassment (as set out below) creates an atmosphere that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence. 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. 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 (when any of this crosses a line into sexual violence - it is important to talk to and consider the experience of the victim and survivor);
- displaying pictures, photos or drawings of a sexual nature;
- upskirting (is a criminal offence) and
- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence.

Online sexual harassment refers to a range of behaviours where digital technologies are used to facilitate both virtual and face-to-face sexually based harms. Online sexual harassment may constitute a number of criminal offences, depending on the nature of the online harassment. Whether the conduct constitutes a criminal offence or not, many victim and survivors experience these behaviours as a form of sexual violence.

Examples of online sexual harassment can be broadly split into the following areas:

- **Unsolicited sexual content online** refers to any sexual content shared online which is not wanted by the recipient. This could include content seen on apps, messaging services and websites which has not been sought out by the user. Taking and sharing nude photographs of under 18s is a criminal offence.
- **Image-based sexual abuse** refers to the non-consensual creation and/or distribution of sexual images.
- **Sexual coercion, threats and intimidation online** could include a person receiving threats of a sexual nature or being coerced to engage in sexual behaviours on or offline via digital technologies.

While there are distinctions between these three categories above, there are evident overlaps and links.

It is important to be aware of some of the terms that are regularly used by the general public and the media when reporting on cases and the impact that the use of these terms may have on victims and survivors of sexual abuse/harassment/violence.

Victims and survivors rather than 'victims' or 'survivors'

Both these words have very different connotations and varying personal meanings for individuals. Some people identify as victims and some as survivors, therefore it is important to use the words 'victims and survivors' together when collectively referring to people that have been subjected to sexual violence and/or sexual harassment.

Alleged perpetrator

For the purpose of this document we will use the term 'alleged perpetrator' and where appropriate 'perpetrator'. These are widely used and recognised terms and the most appropriate to aid the effective writing of policies. Adults should, however, think very carefully about terminology, especially when speaking in front of children.

5. The Laws Relevant to Online Sexual Harassment in England

Unsolicited sexual content online

There are a number of laws in which a person could be prosecuted for sending unsolicited sexual content online, however, the act in and of itself is not yet illegal in England and Wales (though it is in Scotland). Laws which could be applied to this include the Protection from Harassment Act 1997 and some aspects of the Sexual Offences Act 2003 such as 'causing a child to watch a sex act' and 'sexual communication with a child'.

Image-Based Sexual Abuse

It is 'an offence for a person to disclose a private sexual photograph or film if the disclosure is made without the consent of an individual who appears in the photograph or film, and with the intention of causing that individual distress'. In April 2017, the Sentencing Council included the 'threat to disclose intimate material or sexually explicit images', within its guideline for offences under the Communications Act 2003 (7); however, prosecuting threats of image-based sexual abuse remains challenging.

Under the Protection of Children Act 1978, creating or sharing indecent images of a child is illegal. It is illegal if the person creating the image is under the age of 18, even if they consent to it being created, or share it with children of the same age. The Home Office Recording Rules 'Outcome 21' (January 2016) allows police to respond in a proportionate way to reports of youth produced sexual imagery. This states that even though a young person has broken the law and the police may have evidence that they have done so, the police can record that they chose not to take further action as it was not in the public interest

It is an offence to take an image or video up a person's skirt without their consent, often referred to as 'upskirting'.

Sexual coercion, threats and intimidation online

Several sections of the Sexual Offences Act 2003 could be relevant in instances of sexual coercion, threats and intimidation including 'causing or inciting a child to engage in sexual activity'. In situations of demands for sexual images where threats are made, Section 21 of the Theft Act 1968 (Blackmail) is likely to apply.

All kinds of persistent harassment and stalking are offences under the Protection from Harassment Act 1997. What constitutes harassment or stalking is not explicitly defined but can include a range of actions when considering the context, nature, and duration of the acts.

6. What is the Impact of Online Sexual Harassment?

The experience of online sexual harassment will of course be different for all young people. It is important to recognise that it can have both short- and long-term consequences for victims and survivors which will appear differently for each individual, impacting mental health and wellbeing.

What is the impact of unsolicited sexual content for young people?

- Severe mental distress - feeling threatened, intimidated and violated
- Violates dignity and autonomy of victims and survivors - it removes the right to control what we see and engage with online
- Leads to older siblings (who are still children) monitoring the content on younger siblings' social media platform to remove any unsolicited content. This puts additional pressure on older siblings to keep younger siblings safe
- Normalisation of non-consensual sexual activity and intimidation.

What is the impact of image-based sexual abuse (IBSA) for young people?

- Severe mental distress - feeling threatened, violated and anxious regarding repercussions including fearing direct physical attacks, to name but a few
- Violates dignity and privacy of victims - it removes right to control who we share intimate images with
- Impacts on feelings of self-worth and self-esteem levels: IBSA can relate strongly to issues of body image and self-esteem
- Takes away right to freedom of sexual expression - feelings of shame from culture of blaming victim for their own abuse
- Normalisation of non-consensual sexual activity and sexual violence
- Social stigma can negatively impact peer relationships leading to risk of isolation
- School refusal if issues of social stigma begin to prevent a young person from feeling comfortable in the school setting
- Victims fear chances of employment and other opportunities will be put at risk if images are put online or if there is police involvement.

What is the impact of sexual coercion, threats and intimidation for young people?

- Severe mental distress - feeling threatened, violated and anxious regarding repercussions including fearing direct physical attacks, to name but a few
- Violates dignity and privacy of victims - it removes right to control what we do online
- Impacts on feelings of self-worth and self-esteem levels: threatening IBSA can relate strongly to issues of body image and self-esteem
- Normalisation of non-consensual sexual activity and sexual violence
- Victim's fear chance of employment and other opportunities will be put at risk if employers or potential employers find images and police involvement

7. Prevention

Schools play an important role in preventative education. [Keeping Children Safe in Education](#) sets out that all schools should ensure children are taught about safeguarding, including how to stay safe online. The Schools of King Edward VI will consider this as part of providing a broad and balanced curriculum.

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

A planned curriculum as part of a whole school approach

The most effective preventative education programme will be through a whole-school approach that prepares pupils for life in modern Britain. KECHG will have a clear set of values and standards, and these will be upheld and demonstrated throughout all aspects of school life. This will be underpinned by the school's behaviour policy and by a planned programme of evidence-based content delivered through the whole curriculum including PSHE. The programme will be developed to be age and stage of development appropriate (especially when considering SEND children and their cognitive understanding), and may tackle such issues as:

- healthy and respectful relationships;
- what respectful behaviour looks like;
- recognising and resisting pressure/seeking help;
- [consent](#);
- gender roles, stereotyping, equality;
- body confidence and self-esteem;
- practising assertiveness techniques;
- prejudiced behaviour;
- recognising and managing risk;
- understanding acceptable/unacceptable physical contact;
- that sexual violence, abuse and sexual harassment is always wrong; and addressing cultures of sexual harassment;
- human rights – the idea that all individuals have a right to fairness and to having their privacy respected;
- **digital defence** - educating young people on how to navigate online platforms and digital devices safely and effectively. It can include aspects of digital literacy related to privacy settings, reporting and blocking other users, identifying and addressing issues of online sexual harassment and recognising misinformation. Pupils should understand about:
  - Using technology including learning how to use and manage social media apps and web platforms. This includes supporting the creation of youth-led change-making and awareness raising resources and providing resources and commitment to youth led gender activism including girls' rights and LGBTQ+ rights.

- o Online privacy (data protection) including how to use privacy settings on their most- used platforms (e.g. Instagram, Snapchat, Tiktok), and knowing how to identify fake profiles.
- o Digital defence strategies, such as reporting, blocking and being aware of the Internet Watch foundation, CEOP and Report Harmful Content (links below).
- o Being a bystander: providing young people with an understanding of what they could do if they witnessed someone being harassed or bullied.

Our school will deliver this content through planned, high-quality, Sex and Relationship Education (SRE) and Personal, Social, Health and Economic (PSHE) lessons; form time activities and assemblies; and Enrichment week (when necessary and appropriate). As part of our curriculum offer, we may engage with appropriate, well established external agencies to deliver materials to students.

8. Roles, Responsibilities, Procedures and Advice if you have concerns

- **INFORMATION FOR STAFF AND GOVERNORS**
- **INFORMATION FOR PUPILS**
- **INFORMATION FOR PARENTS/CARERS**

9. Monitoring, Evaluation and Review

This policy will be promoted and implemented throughout the school.

The Designated Safeguarding Lead (DSL) will ensure that accurate records of all incidents of sexual violence and harassment are logged on My Concern and data (not details) reported to the Governors. This data will be analysed the DSL who will review this policy to assess its implementation and effectiveness and re-design further strategies to improve procedures if necessary.

It is the responsibility of the Headteacher to implement the school's Sexual Violence and Harassment strategy, to ensure that all stakeholders are aware of the school policy, and that they know how to identify and deal with incidents of sexual violence and harassment. The Headteacher can also report to the Governing Body about the effectiveness of the Policy on request.

The Governing Body will monitor incidents of sexual violence and harassment that do occur, and review the effectiveness of this policy and the school's strategies annually. The Governing Body supports the Headteacher in all attempts to eliminate sexual violence and harassment from the school. The Governing Body will not condone any sexual violence and harassment at all, and any incidents that do occur will be taken very seriously, and dealt with appropriately.

A parent/carer who is dissatisfied with the way the school has dealt with an incident can make a complaint to the Chair of Governors. The complaint will be dealt with in accordance with the complaints policy which can be accessed from the school's website.

10. Related Documents/ Policies

The advice and guidance in this policy should not be read in isolation. It is important for us to consider other relevant advice and guidance, including the following (which is not intended to be an exhaustive list), as part of our approach to protecting children from sexual violence and sexual harassment:

- Exclusions From Maintained Schools, Academies and PRUs (statutory guidance)
- Keeping Children Safe in Education (statutory guidance)
- Sex and Relationship Education (statutory guidance for maintained schools and academies)
- Working Together to Safeguard Children (statutory guidance)
- Behaviour and Discipline in Schools (advice for schools)
- Children Missing Education (advice for schools)
- Cyberbullying (advice for schools)
- Equality Act 2010 and Public Sector Equality Duty (advice for schools)
- Mental Health and Behaviour in Schools (advice for schools)
- Preventing and Tackling Bullying (advice for schools)
- The Equality and Human Rights Commission (provides advice on avoiding discrimination in a variety of educational contexts). Schools must be aware of their obligations under the Human Rights Act 1998 (HRA). It is unlawful for schools to act in a way that is incompatible with the European Convention on Human Rights.
- Schools and colleges are required to comply with relevant requirements as set out in the Equality Act 2010 (the Equality Act) see advice for schools Provisions within the Equality Act allow schools to take positive action, where it can be shown that it is proportionate, to deal with particular disadvantages affecting one group.
- UKCCIS Sexting advice (advice for schools and colleges)
- Compliance with the Public Sector Equality Duty is a legal requirement for schools and colleges that are public bodies and therefore have a general duty to have regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between different groups and to foster good relations between different groups. The duty applies to all protected characteristics and means that whenever significant decisions are being made or policies developed, thought must be given to the equality implications such as, for example, the elimination of sexual violence and sexual harassment.

Related Policies

- Behaviour Policy
- Safeguarding and Child Protection Policy
- Digital Safety and Child Protection Policy
- RSE Policy
- Anti-bullying Policy
- Suicide Safer School Policy
- Self-Harm Policy