



Managing Allegations Against Other Students Policy

2021/22 Edition

to be read in conjunction with the Student Protection and Duty to Prevent Policy and Procedures and the Safeguarding Policy and Guidance

St Vincent Sixth Form College Managing Allegations against other students Policy

This policy should be read in conjunction with the College's Safeguarding Policy and Procedures and Child Protection Policy.

1.0 POLICY

- 1.1 The College recognises that it has a statutory obligation towards the safety and welfare of its students, staff and visitors. DfE guidance *Keeping Children Safe in Education (latest revision commenced September 2020)* says that 'governing bodies should ensure that there are procedures in place to handle allegations against other children'.
- 1.2 The guidance also states the importance of minimising the risks of peer-on-peer abuse. Part 5 of the KCSiE guidance provides for safeguarding concerns relating to allegations of sexual abuse and harassment by one student against another. Details relating to this are provided in sections 3 and 4 below.
- 1.3 In most instances, the conduct of students towards each other will be covered by the College Code of Conduct and Anti-Bullying 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. 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.
- 1.4 When concerned about the welfare of a student/child, all College staff should act in the best interests of the student/child.

2.0 PREVENTION

- 2.1 As a College we will minimise the risk of allegations by one student against another:
 - Providing students with information and guidance which develops students understanding of acceptable behaviour and keeping themselves safe
 - Having systems in place for any student to raise concerns with staff, knowing that they will be listened to, believed and valued
 - Delivering targeted support and intervention to those students identified as being at risk
 - Liaising with feeder Colleges and external services to identify and mitigate any risks or concerns at the time of transition to College and throughout their college experience
 - Undertaking review and assessment of as to the appropriateness of providing a someone with a place at college who is identified as being a potential risk to other students
 - Providing targeted work for students identified as being a potential risk to other students
- 2.2 These duties fall under the remit of the Designated Senior Lead for Safeguarding to lead and are monitored by the Governing Body via a nominated link Governor.

3.0 SAFEGUARDING IMPLICATIONS OF SEXUAL ACTIVITY BETWEEN STUDENTS¹

- 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. But it will not necessarily be appropriate to initiate safeguarding procedures where sexual activity involving children and young people below the age of legal consent (16 years) comes to notice. In our society generally the age at which children become sexually active has steadily dropped. It is important to

¹ Taken from The safeguarding implications of events leading to the closure of Stanbridge Earls College – A Serious Case Review (2015)

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.

- 3.2 Decisions regarding whether or not action is required should be made by a member of the Safeguarding Team and assessed on a case by case basis, following an assessment of the student's best interests. Referral under safeguarding arrangements must be completed, guided by an assessment of the extent to which a student is suffering, or is likely to suffer, significant harm.
- 3.3 Sexual violence and sexual harassment is not acceptable and will not be tolerated. Sexual violence and sexual harassment will not be passed off as 'banter', 'part of growing up' or 'having a laugh'. The DfE has published detailed advice to support Colleges and colleges (this can be found on the DfE website under *Sexual Violence and Sexual Harassment between Children in Colleges and Colleges*).
- 3.4 The College takes reports of sexual violence and sexual harassment seriously. All reported incidents are immediately managed by a member of the Safeguarding Team led by the Designated Safeguarding Lead (DSL).
- 3.5 Each report is taken on a case by case basis and the DSL and member(s) of safeguarding team will take a leading role using their experience, training and professional judgement supported by other agencies such as social care and the police if required.
- 3.6 The College will follow its usual safeguarding procedures when dealing with a report of this nature. All victims are reassured they are being taken seriously and that they will be supported and kept safe.
- 3.7 If the report includes an online element the College may seek to get advice from the DfE document *Searching and Screening and Confiscation* and the *UKCCIS Sexting* document. The key consideration is for staff not to view or forward illegal images of a child.
- 3.8 The College will where possible manage reports with two members of staff present preferably one being a DSL or member of the safeguarding team. If not possible the DSL must be informed as soon as reasonably practical.

4.0 ASSESSING THE RISKS AND NEEDS OF STUDENTS SUBJECT TO SEXUAL ABUSE/VIOLENT ALLEGATIONS

- 4.1 When there has been a report of sexual violence the DSL or Deputy DSL 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 College uses a student risk assessment pro forma which considers the risk and needs for the victim, alleged perpetrator and other children or adults in the College.
- 4.2 Risk assessments are completed by the DSL or Deputy DSL and if necessary they will engage with social care and/or specialist services as required. Where there has been a report of sexual violence, it is likely that a professional risk assessment by social workers and or sexual violence specialist will be required.
- 4.3 The DSL or member of the safeguarding team will be the person to advise on the College's initial response paying careful consideration to the wishes of how the victim wants to proceed. Victims will be given as much control as is reasonably possible over decisions regarding how any investigation is progressed and what support is offered.

- 4.4 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.
- 4.5 Consideration will be made to the following when assessing the level of risk;
- The age, maturity and understanding of the students or children involved;
 - Any disability or special needs of the student or children;
 - Their social and family circumstance;
 - Any evidence in the behaviour or presentation of the student/children that might suggest they have been harmed
 - Any evidence of pressure to engage in sexual activity
 - Any indication of sexual exploitation
 - The nature of the alleged incident(s), including; whether a crime may have been committed and consideration of harmful sexual behaviour;
 - The developmental stages of the student/children involved;
 - Any power imbalance between the student/children. For example, is the 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;
 - Are there ongoing risks to the victim, other children, adult students or College staff; and
 - Other related issues and wider context.
- 4.6 Any reports of rape or assault by penetration are likely to be especially difficult with regard of the victim being in close proximity to the alleged perpetrator. Whilst the College and other professionals establish the facts of the case the alleged perpetrator will be removed from any classes that they share with the victim. The College will consider how best to keep the victim and alleged perpetrator safe and to keep a reasonable distance apart on College premises and on transport to and from the College where appropriate. This is in the best interest of both children and should not be perceived to be a judgement on the guilt of the alleged perpetrator. Where appropriate and agreed by all relevant parties, both students will remain in college where possible subject to agreed conditions set by the DSL.

5.0 OPTIONS TO MANAGING THE REPORTING OF SEXUAL ABUSE/VIOLENCE CLAIMS

- 5.1 The College will make the decision on when to inform the alleged perpetrator of the report. If social care or police are to be involved then a joint decision will be made between the College and other agencies. The College will make an informed decision but this will not stop immediate action being taken to safeguard the students/children as part of our professional responsibilities.
- 5.2 Here are the four likely scenarios that the College will consider when managing any reports of sexual violence and/or sexual harassment.
1. Manage internally through the College behaviour and bullying policies and by providing pastoral support. In this instance the College has decided that no statutory interventions are necessary and the students are not in need of early help.
 2. The College may feel that the students require early help and a referral will be made to the relevant services.
 3. If the College feels that the student has been harmed, is at risk of harm or is in immediate danger it will make a referral to the local children's social care. In this instance the College will work closely with the social worker. The College will not wait for the outcome of a referral but will ensure safeguarding procedures and in place immediately.
 4. The College may report any reported incident to the police, in most cases this will generally run parallel with a referral to children's services.

¹ Taken from The safeguarding implications of events leading to the closure of Stanbridge Earls College – A Serious Case Review (2015)

5.3 Where a report of rape, assault by penetration or sexual assault is made, the College will inform the police and seek their advice. The College will generally 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.

6.0 MANAGING CRIMINAL PROCEDURES, INCLUDING POTENTIAL DELAYS

6.1 The College will not wait for the outcome of a police investigation before protecting the victim, alleged perpetrator and other students in the College. The DSL and safeguarding team will work closely with the police throughout the investigation.

6.2 If a student is convicted or receives a caution for a sexual offense the College will update its risk assessment and ensure relevant protections are in place for all the children in the College. The College will need to assess whether or not it is suitable or appropriate for the student to continue their studies and reserves the right to withdraw a student if there is potential risk to other students, staff and the reputation of the College.

6.3 When there is verdict of no further action or not guilty verdict then the College will continue to put support measures in place for all children involved. This includes safeguarding support for the victim through pastoral means (KCSiE Sept 2018 section 250 offers a range of different support networks).

6.4 If the perpetrator is found guilty of rape or assault by penetration and leads to conviction or caution the College will take suitable action and in all but the most exceptional circumstances the rape or assault is likely to constitute a serious breach of discipline and lead to the view that allowing the perpetrator to remain in College would seriously harm the education or welfare of the victim

7.0 PEER ON PEER ABUSE - ALLEGATIONS MADE BY A STUDENT AGAINST ANOTHER STUDENT WHICH ARE SAFEGUARDING ISSUES (NOT OF A SEXUAL NATURE)

7.1 Occasionally, allegations may be made against students by others in the College, 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. In such instances the Student Protection and Duty to Prevent Policy and its inherent processes should be reviewed and followed where appropriate.

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 College
- Indicates that other students may have been affected by this student
- Indicates that young people outside the College may be affected by this student

7.2 Examples of safeguarding issues against a student could include:

7.2.1 Physical Abuse

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

7.2.2 Emotional Abuse

- Blackmail or extortion
- Threats and intimidation

7.2.3 Sexual Abuse

- Indecent exposure, indecent touching or serious sexual assaults
- Forcing others to watch pornography or take part in sexting

7.2.4 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
- Requesting 'nudes' from children

8.0 PROCEDURE

- 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 member of the Safeguarding Team should be informed immediately.
- If the allegation does not pertain to a safeguarding concern please refer the matter to the students' Progress Tutor who will provide advice and where appropriate, instigate support or action to address the allegation.
- The procedures detailed in the Child Protection Policy and Procedures will then be enacted to ensure an appropriate response to the allegation is undertaken.
- For the purposes of this and all safeguarding related policies the term student refers to all learners; including children (aged 0-18) and adult (aged 18+).
- As outlined in Keeping Children Safe in Education (2018), anyone has the right to refer to Social Care regarding any concerns for an individual. The College gives this right with regards to extremism and anyone can report a concern to Hampshire Police via 101. Where this does occur please inform the Designated Senior Manager for Safeguarding.
- All staff will reassure victims of abuse that they are being taken seriously and will be supported.

This policy should be used in consideration of the following associated documents:

- Student Protection Policy
- Safeguarding and Duty to Prevent Policy
- Anti-Bullying Policy

Responsibility:	Approved by:	Date:	Review Date:
Designated Safeguarding Lead	Governors	September 2021	September 2022

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