

Procedure for managing Peer on Peer Abuse

(including bullying, cyber-bullying, sexting, sexual violence, up skirting and sexual harassment)

1. Purpose and content

The purpose of this appendix of the College Safeguarding Policy is to provide a clear set of guidelines to staff regarding the actions they must take if they become aware that a learner is at risk of abuse from peers including through bullying, cyber-bullying and sexting.

2. Definitions

The key terms in this document are defined as:

- Peer: A person of similar age
- Child: Those under the age of eighteen
- Vulnerable Adult: For the purpose of safeguarding, and the College duty of care, a vulnerable adult is defined as any adult considered to be at risk
- Education and Health Care Plan (EHCP): From September 2014 EHCPs began to replace Statements of special educational needs and Learning Difficulty Assessments from those under the age of 25. An EHCP outlines information about the person including how they communicate, what support they need and what they would like to achieve
- Bullying: Behaviour by an individual or group, repeated over time, that intentionally hurts another individual or group either physically or emotionally. This includes any repeated words or actions, which are aimed at causing someone to feel frightened, miserable and helpless. Bullying can take many forms, including:
 - o Verbal: e.g. name calling, sarcasm, threatening and teasing
 - o Physical: e.g. pushing, hitting, kicking, punching or any use of physical aggressive contact
 - o Social: e.g. ignoring, spreading rumours or treating someone like an outsider
 - o Psychological: e.g. stalking and intimidation
- Cyber-bullying: 'Virtual' bullying using technology (e.g. chat rooms, instant messaging, email and mobile phone) which can occur in or outside College. Cyber-bullying can happen at all times of the day, with a potentially bigger audience, as people can forward on content very quickly and easily. See Appendix E, online safety.
- Sexting: Whilst professionals refer to the issue as 'sexting' there is no clear definition. Many professionals consider sexting to be sending or posting sexually suggestive images, including nude or semi-nude photographs, via mobiles or over the Internet but learners may be more likely to interpret sexting as writing and sharing explicit messages with people they know. Creating and sharing sexual photos and videos of under-18s, including selfies, is illegal.
- Sexual misconduct: relates to all unwanted conduct of a sexual nature. This includes, but is not limited to: i. Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010) ii.

Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010) iii. Assault (as defined by the Sexual Offences Act 2003) iv. Rape (as defined by the Sexual Offences Act 2003) v. Physical unwanted sexual advances (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)² vi. Intimidation, or promising resources or benefits in return for sexual favours (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)³ vii. Distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015)

Harassment: Any conduct which is unwanted by a learner, which affects the dignity of the learner or group of learners in the College. Harassment may be repetitive or an isolated occurrence against one or more learners

- Up skirting: Up skirting typically involves taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification or cause the victim humiliation, distress or alarm. Since April 2019 Up skirting has been a criminal offence - Under the Voyeurism Act, up skirting offenders can now be arrested, face up to 2 years in prison and have their name placed on the sex offenders register if caught up skirting. This includes instances where culprits say the images were taken "just for a laugh".
- Sexual Harassment: Sexual harassment means 'unwanted conduct of a sexual nature' that can occur online and offline. When we reference sexual harassment, we do so in the context of child on child sexual harassment. Sexual harassment is likely to: violate a child's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment. Whilst not intended to be an exhaustive list, sexual harassment can include:

Sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;

Sexual "jokes" or taunting;

Physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes (college should be considering when any of this crosses a line into sexual violence - it is important to talk to and consider the experience of the victim) and displaying pictures, photos or drawings of a sexual nature;

Online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:

- Non-consensual sharing of sexual images and videos. (UKCCIS sexting advice provides detailed advice for schools and colleges);
- Sexualised online bullying;
- Unwanted sexual comments and messages, including, on social media; Sexual exploitation; coercion and threats.
- Sexual Violence: Under the Sexual Offences Act 2003 sexual violence is described as:

Rape: A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, (B) does not consent to the penetration and (A) does not reasonably believe that (B) consents.

Assault by Penetration: A person (A) commits an offence if: s/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents.

Sexual Assault: A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents.

What is consent?

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

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

3. External guidance

Peer on peer abuse can take many forms including physical, sexual (e.g. inappropriate touching) and emotional abuse (including bullying). Department for Education (DfE) September 2021: Keeping Children Safe in Education; statutory guidance for schools and colleges, makes it clear that abuse is abuse and should never be tolerated or passed off as 'banter' or part of 'growing up.'

The Equality Act 2010 replaced previous anti-discrimination laws with a single Act. A key provision was a new public sector Equality Duty, which came into force on 5 April 2011. This requires the College to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the act
- Advance equality of opportunity between people who share a protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and people who do not share it
- Foster good relations between people who share a protected characteristic and people who do not share it

Peer on peer abuse often involves an imbalance of power between the perpetrator and the victim, can include intimate relationships between peers; could involve perpetrators having control over the relationship which makes it difficult for those they abuse to defend themselves. This imbalance of power can manifest itself in several ways. It may be physical, psychological (knowing what upsets

someone), or social (e.g. isolating or excluding someone). It could also include issues such as revenge porn or what are often gender issues (e.g. girls being touched or boys being involved in initiation activities).

Bullying (including cyber-bullying) can be involved in any type of abuse and is often motivated by prejudice or ignorance due to actual or perceived differences between people or groups or people. People who are lesbian, gay, bisexual or transgender (LGBT), those from minority ethnic groups, or those with disabilities and/or learning difficulties can be more vulnerable to this form of abuse and the College takes it duty to protect more vulnerable learners very seriously.

Peer on peer abuse should be addressed as a child or vulnerable adult protection concern when there is reasonable cause to suspect that a child or vulnerable adult is suffering, or is likely to suffer, significant harm. Sexting involving those under the age of 18 must always be referred to a Designated/ Deputy Designated Safeguarding Lead (DSL/ DDSL).

4. Actions

The following actions must be taken by all staff:

- All staff and learners have a responsibility to work together to ensure that abuse does not occur, or where it is found, action is taken
- Staff must ensure ground rules are set in induction and that learners are made aware of the importance of adhering to fundamental British values, what constitutes abuse (including bullying and cyber-bullying) and how any incidents of abuse will be addressed through the Student Behaviour and Intervention Procedure
- Curriculum Team Leaders/Course Tutors/ Progress Tutors for under 18s, and those under the age of 25 in receipt of an EHCP and/or high needs funding, must ensure learners understand how to stay safe from abuse through the mandatory tutorial programme
- Staff receiving reports of abuse, including incidents that take place off College premises, must take appropriate action to follow up all allegations/incidents and trigger an investigation which will be managed in line with the Student Behaviour and Intervention Procedure. Sanctions against perpetrators may include suspension whilst an investigation takes place and permanent exclusion
- Staff must ensure appropriate managers are notified. This includes the Head of Student Support and Safeguarding) for a learner who is under the age of 16 (e.g. Y10/11) at the start of the academic year and the Head for SEND and High Needs for a learner under the age of 25 who is in receipt of an EHCP and/or high needs funding
- All staff involved must carefully consider the potential impact of the abuse on both the perpetrator/s and the victim/s and refer those involved for additional support from the student support team as appropriate. All concerns must be referred to a DDSL/ Safeguarding team following the safeguarding for all staff procedure (appendix 3).
- The Student Support Team and/or DDSL will consider referring learners and their parents/carers to other agencies where appropriate. This may include referral for counselling and to

the police as although some types of abuse (e.g. bullying) may not be a specific criminal offence in the UK, some types of harassing or threatening behaviour could be a criminal offence (e.g. under the Protection from Harassment Act 1997)

- All allegations/incidents must be recorded and learners involved told what is being recorded, in what context, and why
- Any incident of abuse must be discussed with the learners' parents/carers for under 18s and those under the age of 25 in receipt of an EHCP and/or high needs funding, and with the appropriate school where appropriate (for Y10/Y11s) by the Head of Student Support and Safeguarding. An agreement must be reached as to what action should be taken subject to compliance with the Student Behaviour And Intervention Procedure

- Advice for Deputy Designated Safeguarding Leads where sexual violence occurs –

The victim may ask the 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;
- 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.

5. Useful contacts

- NSPCC Helpline 0808 800 5000
- NSPCC Harmful Sexual Behaviour
- ChildLine 0800 500 / www.childline.org.uk
- Kidscape www.kidscape.org.uk
- Anti-Bullying Alliance www.antibullyingalliance.org
- Bullying UK www.bullyinguk.org.uk
- Brook Sexual Behaviours Traffic Light Tool