

Holland Haven Primary School Child on Child Abuse - Harmful Sexual Behaviour

Guidance for Essex schools
and education settings
Autumn 2023

Name of School	Holland Haven Primary School
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Designated Safeguarding Lead and deputies	Mrs S Bardetti - Lead Mrs C Humphrey - Deputy Mrs A Bradbury- Deputy Mrs D Blundell – Deputy Mrs A Cardy- KS1 Phase Leader Mrs K Williams- Safeguarding Governor

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This policy has been reviewed; to the best of our knowledge we do not feel it impacts negatively on any specific group or individual within our school community

ECC Education Safeguarding Team

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Introduction

An overview of the guidance

This guidance draws together a number of key statutory and non-statutory guidance documents, to support Essex schools and education settings in preventing and addressing harmful sexual behaviour and child-on-child abuse. It has been sourced from the documents below. All settings should read and be familiar with:

- [Keeping children safe in education \(DfE, 2023\)](#)
- [When to call the police - Guidance for school and colleges](#)
- [Working together to safeguard children \(2018\)](#)
- [Sexual Offences Act 2003](#)
- [Sharing nudes and semi-nudes: advice for education settings working with children and young people](#)
- [Effective Support for Children and Families in Essex \(2021\)](#)
- [Relationships Education, Relationships and Sex Education \(RSE\) and Health Education \(DfE, 2019\)](#)
- [SET Procedures \(ESCB, 2022\)](#)
- [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement \(DfE, 2023\)](#)
- [Behaviour in Schools: advice for headteachers and school staff \(DfE, 2022\)](#)
- [Equality Act 2010: advice for schools \(DfE, 2014\)](#)
- [Positive environments where children can flourish \(Ofsted, 2021\)](#)
- [Creating a Culture: how school leaders can optimise behaviour \(DfE, 2017\)](#)
- [Searching, screening and confiscation \(DfE, 2022\)](#)
- [Review of sexual abuse in schools and colleges \(Ofsted, 2021\)](#)

No guidance can provide definitive step-by-step advice for every case. Each case will need to be handled according to its own unique circumstances and decisions made on a case-by-case basis.

In this document, we use the terms ‘victim’ and ‘alleged perpetrator’. These are widely recognised and understood terms and helpful for the purposes of this guidance. However, it is important that settings are mindful of the language used to describe children and young people (CYP) and that they use appropriate language and terms. It is also important to understand that not all those who have experienced abuse will recognise themselves as a

‘victim’ and to understand that ‘alleged perpetrators’ may also be ‘victims’ of abuse themselves.

Part 1 - A whole school/setting approach to preventing HSB

A whole school/setting approach

Schools, colleges, and education settings have a statutory duty to safeguard and promote the welfare of the children and young people (CYP) within their organisations. Safeguarding underpins everything in a setting. It should run through all policies, procedures and training and be fully understood by all staff, pupils and parents and the wider community to ensure the setting is a safe environment where pupils can learn and flourish.

It is vital that settings adopt a whole setting approach to safeguarding, including child on child abuse, harmful sexual behaviour, and sexual harassment / violence. Whilst there are societal factors beyond the setting that can drive such behaviour, settings should ensure there are clear messages that it is not acceptable and will never be tolerated – such behaviour should not be normalised. Any inappropriate or harmful sexual behaviour should be challenged (by staff and pupils) and pupils should feel safe to report any concerns and be confident these will be taken seriously and responded to in a timely way. The [Ofsted Review of sexual abuse in schools and colleges](#) found that CYP are most likely to share concerns and seek advice from their peers, so it is important that CYP are taught about acceptable and unacceptable behaviours and can support each other to bring their concerns to adults within the setting.

Settings should be alert to issues such as sexism, misogyny, homophobia, and gender stereotypes. They should be proactive in setting a culture where these are not tolerated, and any occurrences are identified and tackled. Settings should have clear values and standards that are upheld and demonstrated through all aspects of school / setting life. These should be underpinned by effective safeguarding arrangements, training and policies, a robust Behaviour Policy and pastoral support system, and by a planned programme for curriculum delivery to address and support key safeguarding issues. There should be sound procedures for reporting and recording concerns, and mechanisms in place to review, analyse and triangulate data to inform practice.

Settings should adopt the approach ‘it could happen here’ and realise that harmful sexual behaviour is likely to exist within the setting, even if there have been no reports.

Appendix A provides a self-audit checklist tool to support settings in assessing the effectiveness of their safeguarding arrangements for harmful sexual behaviour / child on child abuse.

Legal responsibilities

All settings have a statutory duty to safeguard and promote the welfare of the CYP within their organisation and must work to a range of statutory guidance in terms of harmful sexual behaviour:

- [Keeping children safe in education \(2023\)](#)
- [Relationships Education, Relationships and Sex Education \(RSE\) and Health Education \(DfE, 2019\)](#)
- [Working Together to Safeguard Children \(DfE, 2018\)](#)
- Human Rights Act 1998
- Equality Act 2010
- Public Sector Equality Duty

In Essex, all professionals must also work to the [SET Procedures \(ESCB, 2022\)](#)

Policies

Each setting must have a policy which sets out its approach to child-on-child abuse. This may be in a Child Protection / Safeguarding Policy, or a separate Child on Child Abuse / HSB Policy. ECC Model HSB Policies for both primary and secondary settings can be found in Appendix E and Appendix F. All staff must be clear about the setting's policies and procedures in relation to this. Paragraphs 156 and 157 in [Keeping children safe in education \(2023\)](#) detail the elements that should be included within the policy regarding harmful sexual behaviour.

RE / RSE and Health curriculum

All settings are required to provide relationships education (RE) to all primary age pupils and relationships and sex and education (RSE) to all secondary pupils. There must be a written policy in place which reflects the setting's approach to this aspect of the curriculum, which should prepare CYP for the opportunities, responsibilities and experiences of adult life and help them become responsible, respectful members of their community. Further information is available in [Relationships Education, Relationships and Sex Education \(RSE\) and Health Education \(DfE, 2019\)](#). Resources to support settings in this area can be found in Appendix G.

Online safety

[Relationships Education, Relationships and Sex Education \(RSE\) and Health Education \(DfE, 2019\)](#) highlights the importance of understanding that CYP live in an increasingly online world and often operate more freely within the online environment than they would offline. To help to prevent child on child abuse from occurring online, the setting's curriculum should prepare CYP to operate safely within the online world by supporting them to recognise abuse and behave safely online within the three main areas of online risk: content, contact and conduct. Further guidance for settings can be found within [Teaching Online Safety in Schools \(2019\)](#). Settings should ensure they have robust filtering and monitoring arrangements in place to support their policies and processes around online safety.

Pupil voice

The [Ofsted Review of sexual abuse in schools and colleges](#) found that CYP rarely speak to adults about sexual harassment and sexual violence, even though it is prevalent for them. It sets out there should be an assumption that harmful sexual behaviour is happening in a setting, even when there are no specific reports of it.

It is vital that all settings provide a safe environment in which pupils can discuss challenging issues (including harmful sexual behaviour) in an open way. Pupil voice should be actively sought and heard and should feed into the setting's culture and systems.

Settings should consider how (and when / how often) they gather pupil views and how they enable their CYP to contribute to and shape policies and develop practice. Initiatives should be designed to reach as many pupils as possible, be pupil-led and remove barriers to discussion - this may include small focus groups on specific HSB issues, pupil councils, questionnaires, RSHE lessons, 'listening events', or assemblies and include both online and face-to-face options. It would be beneficial for settings to ask pupils about the current pupil voice initiatives and reporting routes and use the pupil recommendations to create further mechanisms for gathering pupil voice. There should be fair representation of pupils within initiatives, including from more vulnerable groups and those harder to reach. Settings should be able to evidence that pupil voice is heard and responded to and demonstrate how it has influenced aspects of school / setting life. It is important that there are arrangements in place to feed back to CYP so they can see their concerns are listened and responded to and taken seriously.

Further information on this topic can be found within the [Ofsted Review of sexual abuse in schools and colleges](#) section 'How does the current system of safeguarding listen to the voices of children and young people?', the '[Beyond referrals](#)' project and in Appendix G.

Reporting and recording procedures

Settings should have effective systems and mechanisms to enable pupils to report any concerns or incidents. These systems should be well promoted, easily understood and accessible, and CYP should be confident that their concerns will be taken seriously and responded to promptly and appropriately.

Settings should be aware of the barriers to CYP reporting harmful sexual behaviour concerns to adults at their setting, and the systems should seek to alleviate these barriers as far as possible. The [Ofsted Review of sexual abuse in schools and colleges](#) section 'How does the current system of safeguarding listen to the voices of children and young people?' provides a list of common barriers to reporting and examples of how some settings addressed these in practice.

Settings should understand that CYP may not find it easy to tell staff about abuse. If CYP do not feel able to share their concerns with an adult at school, they may prefer to tell a friend, a family member or submit their concern online. The reporting systems should enable pupils to report concerns in a variety of ways and these systems should be well understood by the whole school community, including parents / carers, so they are aware of how to share concerns that a CYP has disclosed to them (further information can be found in the '[Communicating safeguarding arrangements](#)' section).

It may be through behavioural or emotional changes that CYP communicate they have a concern - the [Ofsted Review of sexual abuse in schools and colleges](#) found that professionals can rely too much on CYP verbally reporting abuse so it is important that staff notice and act on these changes. [Keeping children safe in education \(2023\)](#) is clear that staff should act immediately if they have any concerns about a CYP's welfare, rather than wait to be told by the CYP.

There should be an assumption that harmful sexual behaviour is happening in a setting, even when there are no specific reports. It is important that reporting procedures are monitored and reviewed to ensure they are fit for purpose and being used effectively. Pupil voice should be a key part of this process. Resources to support settings on this subject can be found in Appendix G.

Communicating safeguarding arrangements

Settings should have effective communication systems in place to inform parents, pupils, and the wider school community about safeguarding arrangements, including the approach to HSB. All stakeholders should be aware of the setting's key messages in relation to HSB and should know where to find information on the setting's processes and policies, as well as be clear on the reporting process and support available if they have any concerns. Communication systems should engage parents in supporting the safeguarding arrangements, keeping their CYP safe, and in reinforcing key messages with their CYP at home. Both pupils and parents should know that the setting takes the management of harmful sexual behaviour seriously and should be aware of how to escalate concerns if they feel issues are not being recognised or addressed.

Data collection and analysis

Settings should gather and analyse data on harmful sexual behaviour concerns and incidents. The systems for recording incidents should support this process. Data is useful in assisting settings to understand the scale of harmful sexual behaviour. It should also be used to review the setting response to incidents, identify any emerging patterns and implement changes to positively influence practice. Scrutiny of this data should take place at leadership level, to ensure there is strategic oversight of harmful sexual behaviour and that it is considered as part of the setting's wider approach to safeguarding.

Governance

Governing bodies and proprietors have strategic leadership responsibility for the setting safeguarding arrangements, including the response to harmful sexual behaviour and child on child abuse. As such, they must have regard to Part two of [Keeping children safe in education \(2023\)](#) and ensure that the setting's policies, procedures and training are effective and comply with the law. They should ensure the relevant policy complies with the standards outlined on pages 40 and 41 of [Keeping children safe in education \(2023\)](#). The [Governor Monitoring of Safeguarding Tool](#) supports Governors with their oversight responsibilities, including in relation to HSB.

Governors should receive regular reports about harmful sexual behaviour, including the number of incidents that have occurred / been reported.

Part 2 - Understanding Harmful Sexual Behaviour (HSB) and Child on Child abuse

Understanding Harmful Sexual Behaviour

A CYP's sexual behaviour exists, occurs and / or progresses on a continuum, from normal and developmentally appropriate to inappropriate and / or harmful. Each CYP is different and may become interested in relationships, sex, and sexuality at slightly different ages. As CYP get older and develop, the way they express their sexual feelings changes. Many sexual behaviours displayed by CYP as they grow up are normal and healthy. However,

sometimes CYP can develop sexual behaviour that is inappropriate and / or harmful to themselves or others – these may include:

- displaying sexual behaviour that is inappropriate for the age of the CYP
- sexual behaviour that is becoming a compulsive habit or happening frequently
- behaviour using force, aggression or pressuring other CYP
- engaging in behaviour that upsets other CYP
- sexual interest in adults or CYP of very different ages to their own
- sexual behaviour that starts to affect other aspects of the CYP's life
- use of pornography or sending explicit images online, particularly without consent
- any sexual behaviour that is harmful to themselves or others

Settings must be alert to such behaviours and appropriately address any concerns in accordance with safeguarding procedures. It is important to note that harmful sexual behaviour can occur online or offline or simultaneously between the two.

The NSPCC website page [‘Understanding sexu](#) and provides settings with guidance, training, and resources.

The Brook Traffic Light Tool can also be used for this purpose if the setting has completed the training and holds a licence – see appendix G for information.

Child on child sexual violence and sexual harassment

Sexual violence / harassment can occur between two CYP of any age and sex. It can also occur through a group of CYP against a single CYP or group. Settings should understand that certain CYP are more likely to be abused than their peers – for example, girls, LGBTQ pupils or CYP with SEND. Settings should think about the context of their own organisation and have appropriate arrangements in place to meet its specific needs and issues.

Reports of sexual violence and sexual harassment are extremely complex to manage. It is essential that victims are protected, offered appropriate support and that every effort is made to ensure their education is not disrupted.

Sexual offence definitions

Settings should ensure they are familiar with the definitions of sexual violence offences and sexual harassment, and the subsequent actions that should be taken following a report of a particular offence, so they are able to respond quickly and appropriately.

The DfE defines **sexual violence** as an offence under the Sexual Offences Act 2003:

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.

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. (NOTE – this could include forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party).

(Consent – an agreement by choice to that penetration and the freedom and capacity to make that choice) Further information about consent can be found here: [Rape Crisis England & Wales - Sexual consent](#)

The DfE defines **sexual harassment** as ‘unwanted conduct of a sexual nature’ and something which 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’. It can occur online and offline and settings should have clear plans for preventing such behaviour and processes for responding to it where it occurs.

Further information is available in the DfE guidance: [Keeping children safe in education \(2023\)](#)

Online Harmful Sexual Behaviour, including sharing nudes and semi-nudes

It is important to recognise that harmful sexual behaviour can occur online or offline (or simultaneously between the two) and that technology is a significant factor in many safeguarding concerns. [Keeping children safe in education \(2023\)](#) notes that online child-on-child abuse can include, “*abusive, harassing, and misogynistic/misandrist messages, the non-consensual sharing of indecent images, especially around chat groups, and the sharing of abusive images and pornography to those who do not want to receive such content*”. All staff in the setting, including the DSL, should be aware of and alert to these factors when dealing with incidents of child-on-child abuse.

[Sharing nudes and semi-nudes: advice for education settings working with children and young people](#) defines sharing nudes and semi-nudes as “the sending or posting of nude or semi-nude images, videos, or live streams by young people under the age of 18 online. This could be via social media, gaming platforms, chat apps or forums. It could also involve sharing between devices via services like Apple’s AirDrop which works offline.” Section 1 of the guidance, ‘Background and context’, should be read and understood by settings.

Designated Safeguarding Lead (DSL) knowledge and training

[Keeping children safe in education \(2023\)](#) states that safeguarding is most effective when settings are prepared to respond to incidents before they occur. The DSL will need to take a lead role in each incident of harmful sexual behaviour and make decisions on a case-by-case basis, taking a wide range of factors into account each time. The DSL and deputy DSLs should be knowledgeable on harmful sexual behaviour and confident in both distinguishing and categorising sexualised behaviour, as well as handling and responding to incidents, including the sharing of nudes and semi-nudes. They should have read the relevant guidance, accessed training and be aware of their policies and processes (including when statutory agencies need to be contacted) in advance of incidents being

reported. This allows for professional decisions to be made quickly and for responses to be considered and appropriate in often complex situations.

The DSL is responsible for ensuring that all staff at the setting have the required training to confidently understand and respond to disclosures of harmful sexual behaviour, alongside their wider safeguarding training.

Part 3 - Responding to incidents of Harmful Sexual Behaviour (HSB)

No guidance can provide definitive step-by-step advice for every case. Each case will need to be handled according to its own unique circumstances and decisions made on a case-by-case basis.

Principles to guide the setting response

When responding to a report of an incident of HSB, there are some general principles which should guide the setting response:

- the needs of both the victim and alleged perpetrator should be considered immediately to ensure that both are safeguarded and protected. The safeguarding of all pupils should underpin any actions taken by the setting. Within this, CYP sharing a classroom must be considered carefully. [Keeping children safe in education \(2023\)](#) provides guidance on page 118
- responses to harmful sexual behaviour should be proportionate and reflect the level of risk and need presented
- all reports of harmful sexual behaviour should be responded to appropriately, whether it has occurred online or offline and including those that have happened outside of the setting
- the response should be at the least intrusive level required to effectively address the behaviour
- the wishes of the victim and how they wish to proceed must be important considerations within the setting's response to a report. They should have as much control as is reasonably possible over decisions regarding the support provided to them and the progression of the investigation, however this must be balanced carefully with the setting's duties and their responsibility to protect CYP

[Keeping children safe in education \(2023\)](#) identifies four likely scenarios that settings will consider when managing a report of harmful sexual behaviour:

1. Manage the incident internally
2. Early Help
3. Referrals to local authority Children's Social Care
4. Reporting to the Police

The considerations in Part 3 of this guidance document will support settings to determine which response will most likely be appropriate. Further information on the four likely scenarios can be found on pages 119 to 124 of [Keeping children safe in education \(2023\)](#).

Handling reports and disclosures sensitively

Any adult in the setting may observe an incident or receive a disclosure of harmful sexual behaviour, so it is important that all staff understand how to respond to it appropriately. It is also important that everyone in the setting understands that concerns will be taken seriously and responded to in a sensitive way. Appropriate handling of a concern will increase confidence across the setting, contributing to a positive culture and encouraging others to report in the future, should the need arise.

A victim should never be made to feel they are the problem for making a report or made to feel ashamed for making a report. They should be made to feel comfortable to disclose further information at a future date if needed, as it is recognised that they may not feel comfortable to disclose all information at first. [Keeping children safe in education \(2023\)](#) recommends that, where possible, two members of staff should manage a report of harmful sexual behaviour and one should preferably be a designated or deputy designated safeguarding lead.

All staff at the setting should be trained to handle a report/disclosure of harmful sexual behaviour/child-on-child abuse, following the guidance principles provided in [Keeping children safe in education \(2023\)](#) pages 112 to 115 (paragraphs 467 – 479). The document 'Supporting Young Survivors of Sexual Violence' produced by SERRIC gives further guidance on handling disclosures and can be found in Appendix G. The NSPCC's [Let children know you're listening](#) is another useful resource.

If an incident involves nudes or semi-nudes, the setting should refer to the guidance provided in [Sharing nudes and semi-nudes: advice for education settings working with children and young people - GOV.UK \(www.gov.uk\)](#). Section 2 of the guidance, 'Handling incidents', gives detailed advice including a flowchart of actions to take when responding to an incident. It is important to note that **in most cases, images or videos should not be viewed** and further guidance is given within section 2.10 of the document. The setting should also follow the advice within [Searching, screening and confiscation \(DfE, 2022\)](#) if necessary.

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 to provide support and engage appropriate agencies. Parents or carers should normally be informed unless this would put the victim at greater risk, or if the police/Children's Social Care have advised not to. The guidance on pages 133 to 134 of [Keeping children safe in education \(2023\)](#) should be followed when working with parents and carers following an incident involving their CYP.

If a CYP requests that a report of harmful sexual behaviour is kept confidential, the setting should follow the guidance provided in [Keeping children safe in education \(2023\)](#) on pages 114 and 115 (paragraphs 471 – 479), as the setting may still be required to lawfully share information.

Initial investigation - establishing the facts

The setting's initial response should include asking questions to establish the basic facts of the incident. It is important to decide at an early stage whether the incident needs to be reported to police and/or Children's Social Care or whether it should be managed internally. If the incident needs to be reported to the police, the setting should stop any internal investigation and contact the police.

The setting should:

- fully document the initial disclosure and setting enquires as they may be required if the matter goes to court. This includes recording the questions asked to CYP and their replies
- make every effort to preserve any relevant evidence
- carefully consider when to inform the alleged perpetrator. If the incident requires a referral to Children's Social Care and/or the police, then, generally, the approach should be discussed with these agencies. However, this does not and should not stop the setting taking immediate action to safeguard its CYP where required

Assessing whether an incident of sexual behaviour is harmful

To decide whether an incident of sexual behaviour could be harmful, and therefore guide the setting response, several factors need to be considered. Settings should note that even if both CYP involved claim the act was consensual, if any of the following factors apply, the behaviour may still be harmful. The factors to consider include:

- the nature of the alleged incident(s) and whether a crime may have been committed or HSB has been displayed
- the ages of the CYP involved (particularly if there is more than two years' difference or if one of the CYP is pre-pubescent and the other is not)
- the stages of development of the CYP involved
- whether there are any SEND needs of the CYP involved
- whether the behaviour is secretive or has an element of manipulation
- whether the behaviour is an isolated incident or a pattern of behaviour following previous advice and interventions
- if there is any power imbalance between the CYP involved (e.g., related to race, gender, age, maturity, social standing, confidence, physical, emotional, or intellectual vulnerability of the victim). Settings should note that an incident of sexual violence or harassment is likely to create a power imbalance

The NSPCC website page [‘Understanding sexualised behaviour in children’](#) provides also provides support.

When to contact other agencies, including statutory agencies (see Appendix D)

Settings are not alone when dealing with incidents of harmful sexual behaviour and should be supported by other agencies as appropriate. Local authority Children's Social Care and the police are statutory agencies and will be vital partners where a crime may have been committed or where there are safeguarding concerns for a CYP. 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. Whilst the age of criminal responsibility is ten, if the alleged perpetrator is under ten, the starting principle of reporting to the police remains. Alongside a report to the police, there should also be a referral to Children's Social Care. In some

cases, the police may decide that a welfare, rather than a criminal, response will be more appropriate, but it is for the police and / or Children's Social Care to decide that, not the setting. There are also health agencies available to provide specialist support for both victims and alleged perpetrators.

Appendix D provides detailed guidance to support settings when deciding whether they need to contact the police, Children's Social Care, and/or health agencies following an incident of HSB.

Risk assessments and safety plans

If a report includes sexual violence, a risk assessment and safety plan should be created immediately. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis. Risk assessments and safety plans should be kept under constant review and should be contributed to by the CYP, parents / carers and any other agencies involved with the CYP.

There are resources available to support settings in completing a risk assessment and safety plan. Appendix C provides a risk assessment and safety plan template and guidance on how to complete it. Settings should follow the guidance provided in [Keeping children safe in education \(2023\)](#) on pages 115 and 116 (paragraphs 480 – 482). 'Safety planning in education: a guide for professionals supporting CYP following incidents of harmful sexual behaviour' provides further practical advice and can be found in Appendix G.

Reporting and recording incidents

It is essential that concerns about harmful sexual behaviour, once reported, are recorded on a child protection file and that all subsequent actions, rationales for actions and decisions and outcomes are then recorded and added to the file. Templates (for paper files) for reporting concerns are available on [Essex Schools Infolink](#).

Data about the incident should be made available as part of the setting's wider monitoring of harmful sexual behaviour within the setting (See Part 1 – [Data collection and analysis](#)).

Sanctions, suspension, and exclusion

Disciplinary action, in line with the setting's Behaviour Policy, can be taken whilst other investigations by the police or social care are ongoing as long as they do not interfere with the investigation. Settings can decide on a balance of probabilities what happened in the incident and act accordingly. Support can be provided for the CYP alongside disciplinary action.

[Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement \(DfE, 2023\)](#) provides guidance on the suspension and exclusion processes and paragraphs 23 to 26 provide specific guidance safeguarding for pupils who have abused another pupil. In Essex, the ECC [Education Access Team](#) can provide advice and guidance on exclusions and suspensions and the team must be contacted without delay if an exclusion or suspension is issued. [Keeping children safe in education \(2023\)](#) acknowledges that education settings can be a significant protective factor for CYP who have displayed harmful sexual behaviour and continued access to education, with a comprehensive safety plan, is an important factor to consider before making a final decision. If the CYP does move to another setting, all relevant

information about the CYP, including ongoing support needs and potential risks, must be shared with the new setting.

A setting must not ask a CYP to stay at home for any period unless they are formally excluded, suspended or unless one of the reasons for absence listed within the attendance guidance has been agreed. An informal or unofficial exclusion is unlawful when it does not follow the formal school exclusion process and regardless of whether it occurs with the agreement of parents – this includes asking pupils to stay at home to ‘cool off’. Settings should refer to pages 15 and 16 of [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement \(DfE, 2023\)](#) for further information.

Disciplinary action may also be taken if a report of harmful sexual behaviour is shown to be deliberately invented or malicious. The setting’s Behaviour Policy will guide the response as appropriate.

Part 4 – Ongoing considerations following an incident of Harmful Sexual Behaviour (HSB)

Ongoing support for victims

Following a report of harmful sexual behaviour, ongoing support should be provided to the victim. Their voice is important and should be captured within all record keeping and safety planning. A priority should be to make the setting a safe space for the victim, minimising disruption to their education as much as possible. If the victim wishes to move to another educational setting, this should also be supported.

A regular review of the ongoing response should be planned and undertaken. A list of principles to guide the setting’s ongoing response, based on effective safeguarding practice, can be found on pages 126 to 131 of [Keeping children safe in education \(2023\)](#).

Referrals to appropriate agencies should be considered within the ongoing support response, including referrals to health agencies for any resulting physical, mental, or sexual health needs. Further guidance on making referrals to other agencies can be found within Appendix D and details of agencies who can offer support can be found within Appendix G.

CYP who have experienced harmful sexual behaviour may not disclose the whole picture or may not feel ready to access support when they initially report the incident. Settings should ensure they keep an open dialogue with the victim, ideally with a designated trusted adult in place for the victim who can be available for further disclosures or to signpost to support when/if the CYP feels ready.

Ongoing support for alleged perpetrators

CYP who display harmful sexual behaviour also need to be offered appropriate support. Settings should be aware that CYP who display harmful sexual behaviour have often experienced abuse and trauma themselves and this should be acknowledged/explored within the response. It should also be acknowledged that displaying harmful sexual behaviour is often due to the CYP having an unmet need themselves. They are also likely to

be negatively impacted by the incident and may require support for this. It may be necessary for the setting to provide both support and sanctions at the same time.

A list of principles to guide the setting's ongoing response, based on effective safeguarding practice, can be found on pages 131 to 133 of [Keeping children safe in education \(2023\)](#). Further guidance on making referrals to other agencies can be found within Appendix D and details of agencies who can offer support can be found within Appendix G.

Supporting parents/carers and siblings

Parents and carers of a CYP who has experienced or displayed harmful sexual behaviour may require support themselves. They may also benefit from guidance on how to support their CYP. Details of agencies who can offer support to parents/carers and families can be found within Appendix G.

The impact on the siblings of CYP involved in incidents of harmful sexual behaviour must be considered (if applicable). They should be considered within the risk assessment and safety plan and their ongoing support needs should be addressed and reviewed as appropriate.

Supporting other CYP

The support needs of any CYP who have witnessed, or have been impacted by, an incident of harmful sexual behaviour between other CYP will need to be considered and addressed. The possibility of other CYP 'taking sides', harassing, or bullying the CYP involved in an incident should also be considered and factored into the setting response. Further guidance can be found on pages 134 to 135 of [Keeping children safe in education \(2023\)](#).

