

Sexual violence and sexual harassment between children in schools and colleges guidance updates

Summary of the updates to the Department for Education (DfE) guidance on sexual violence and sexual harassment between children in schools and colleges in England

July 2021

Background

This briefing summarises the updates to the Department for Education (DfE) guidance on sexual violence and sexual harassment between children in schools and colleges in England. This guidance updates earlier guidance published in May 2018 and is in force from 1 September 2021.

It covers children of all ages, from primary through to secondary stage and into colleges, and online settings. It sets out what sexual violence and sexual harassment is, how to minimise the risk of it occurring and what to do when it occurs or is alleged to have occurred. It highlights best practice and cross-references other advice, statutory guidance and the legal framework. The guidance is for governing bodies, proprietors of independent schools, headteachers, principals, senior leadership teams and designated safeguarding leads.

The DfE has updated this guidance in line with the revised statutory guidance Keeping children safe in education (DfE, 2021b), which is also in force from 1 September 2021.

For more information about the 2018 edition of the Sexual violence and sexual harassment between children in schools and colleges guidance, see our CASPAR briefing:

➤ **Sexual violence and sexual harassment between children in schools and colleges 2018 guidance: CASPAR briefing**

Part one: what do we mean by sexual violence and sexual harassment between children?

The context

The guidance sets out the context for sexual violence and harassment between children. The updates include:

- all staff working with children are advised to maintain an attitude of 'it could happen here'
- schools and colleges should be aware that safeguarding incidents and/or behaviours can be associated with factors outside the school or college, including intimate personal relationships
- it is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report
- schools or colleges need to provide the alleged perpetrator(s) with an education, safeguarding support as appropriate, and implement any disciplinary sanctions. The guidance points out that a child abusing another child may be a sign they have been abused themselves or a sign of wider issues that require addressing within the culture of the school or college. Taking disciplinary action and providing appropriate support, can, and should, occur at the same time if necessary.

The evidence

The evidence highlights why it is important that all school and college staff have an understanding of what sexual violence and sexual harassment might look like and

what to do if they have a concern or receive a report. This section of the guidance has been updated with the most recent evidence.

What schools and colleges should be aware of

The updated guidance states that schools and colleges should be aware of and respond appropriately to all reports and concerns, including those outside the school or college and/or online.

It points out that not recognising, acknowledging or understanding the scale of harassment and abuse and/or downplaying some behaviours related to abuse can lead to a culture of unacceptable behaviour, an unsafe environment and in worst case scenarios a culture that normalises abuse leading to children accepting it as normal and not coming forward to report it.

Sexual violence

The guidance points out that it is important that schools and colleges are aware of sexual violence, the fact children can abuse their peers in this way, and that it can happen both inside and outside of school or college.

The updated guidance states that schools should be aware that sexual assault covers a wide range of behaviour, and adds to the list of examples:

- a single act of kissing someone without consent or touching someone's bottom/breasts/genitalia without consent, can still constitute sexual assault
- causing someone to engage in sexual activity without consent could include forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party.

Sexual harassment

The guidance points out that when referring to sexual harassment it is referring to 'unwanted conduct of a sexual nature' that can occur online and offline – the update clarifies that this can occur both inside and outside of school/college.

Examples have been updated to include:

- consensual as well as non-consensual sharing of nude and semi-nude images
- sharing of unwanted explicit content
- 'upskirting' (a criminal offence).

Harmful sexual behaviour

The advice and support section for Harmful Sexual Behaviour has been updated to include information on sources of confidential, specialist support and advice from the specialist sexual violence sector.

Part two: what are schools' and colleges' legal responsibilities?

Schools and colleges have a statutory duty to safeguard and promote the welfare of the children at their school or college.

The updated guidance now states that:

- schools and colleges have a statutory duty to co-operate with safeguarding partnerships once designated as relevant agencies, and that safeguarding partners are expected to name schools and colleges as relevant agencies and engage with them in a meaningful way
- Relationships Education (for all primary pupils) and Relationships and Sex Education (for all secondary pupils) and Health Education (for all pupils in state-funded schools) is now mandatory.

The updated guidance also states that schools and colleges should consider what they can do to foster healthy and respectful relationships between boys and girls including through Relationships Education, Relationships and Sex Education and Health Education. Schools and colleges should ensure that their response to sexual violence and sexual harassment between children of the same sex is equally robust as it is for sexual violence and sexual harassment between children of the opposite sex.

Part three: a whole school or college approach to preventing child on child sexual violence and sexual harassment

The guidance states that the best responses to child sexual violence and harassment are those which take a whole school or college approach to safeguarding and child protection.

Extra-familial harms

This section of the updated guidance points out that all staff should be aware that safeguarding incidents and/or behaviours can be associated with factors outside the school or college and/or can occur between children outside of these environments. Extra-familial harms can include: sexual exploitation, criminal exploitation, sexual abuse, serious youth violence and county lines.

The updated guidance also states that all staff should be aware that technology is a significant component in many safeguarding and wellbeing issues and that children are at risk of abuse online as well as face to face.

The role of education in prevention

The updated guidance emphasises that Relationships Education for all primary school age pupils, Relationships and Sex Education (RSE) for all secondary school age pupils, and Health Education for all pupils in state-funded schools is compulsory. It includes new links to information to support teachers to deliver these topics safely and with confidence, and clarifies that schools choosing to deliver relationships or sex education as part of a timetabled Personal, Social, Health and Economic Education (PSHE) programme are free to continue with this model where that provision meets the requirements of the framework of core content.

Guidance has been expanded to include a recommendation that teachers should let the designated safeguarding lead and other relevant staff know when they are teaching topics relating to sexual consent, sexual exploitation, abuse, grooming, coercion, harassment, forced marriage, rape, domestic abuse and FGM, so they are prepared to support pupils who disclose or are affected by the issues raised.

The updated guidance also states that good practice allows children an open forum to talk things through, and that such discussions can lead to increased safeguarding reports. Children should be made aware of the processes to raise their concerns or make a report and how any report will be handled. This should include processes when they have a concern about a friend or peer. All staff should be aware of how to support children and how to manage a safeguarding report from a child

Part four: responding to reports of sexual violence and sexual harassment

The guidance acknowledges that reports of sexual violence and sexual harassment are likely to be complex, requiring difficult professional decisions to be made. It points out that any decisions are for the school or college to make on a case-by-case basis, with the designated safeguarding lead (or a deputy) taking a leading role.

The update states that governing bodies and proprietors should ensure that the school or college contributes to multi-agency working in line with statutory guidance Working Together to Safeguard Children (DfE, 2018).

Support for schools and colleges

The guidance states that schools and colleges should not feel that they are alone in dealing with sexual violence and sexual harassment.

Updates to the guidance include:

- the multi-agency safeguarding partners including local authority children's social care should have a comprehensive range of effective, evidence-based services in place to address assessed needs early
- for more complex needs, or where there are child protection concerns a referral to children's social care should be made.

Responding to a report

The guidance states it is important to note that children may not find it easy to tell staff about their abuse verbally. Children can show signs or act in ways that they hope adults will notice and react to. The guidance points out that if staff have any concerns about a child's welfare, they should act on them immediately rather than wait to be told. It points out that as per part one of Keeping children safe in education (DfE, 2021b), all staff should be trained to manage a report.

Updates to the guidance include:

- the school or college's initial response to a report from a child is incredibly important. How the school or college respond to a report can encourage or undermine the confidence of future victims of sexual violence and sexual harassment to report or come forward
- It is essential that all victims are reassured that they are being taken seriously, regardless of how long it has taken them to come forward and that they will be supported and kept safe
- abuse that occurs online or outside of the school or college should not be downplayed and should be treated equally seriously.
- staff should recognise that an initial disclosure to a trusted adult may only be the first incident reported, rather than representative of a singular incident and that trauma can impact memory and so children may not be able to recall all details or timeline of abuse
- staff should keep in mind that certain children may face additional barriers to telling someone because of their vulnerability, disability, sex, ethnicity and/or sexual orientation.

Action following a report of sexual violence and/or sexual harassment

Schools and colleges should carefully consider any report of sexual violence and/or sexual harassment both online and offline, including those that have happened outside of the school or college.

The updated guidance outlines likely scenarios for schools and colleges to consider when managing any reports of sexual violence and/or sexual harassment. It points out that it is important that decisions and actions are regularly reviewed and that relevant policies are updated to reflect lessons learnt. It is particularly important to look out for potential patterns of concerning, problematic or inappropriate behaviour.

Unsubstantiated, unfounded, false or malicious reports

This is a new section in the guidance.

The guidance states that:

- if a report is determined to be unsubstantiated, unfounded, false or malicious, the designated safeguarding lead should 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 children's social care may be appropriate
- if a report is shown to be deliberately invented or malicious, the school or college should consider whether any disciplinary action is appropriate against the individual who made it.

References

Department for Education (2021a) **Sexual violence and sexual harassment between children in schools and colleges (PDF)**. London: Department for Education (DfE).

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/999239/SVSH_2021.pdf>

Department for Education (2021b) **Keeping children safe in education 2021: statutory guidance for schools and colleges (PDF)**. London: Department for Education (DfE).

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/999348/Keeping_children_safe_in_education_2021.pdf>

Department for Education (2018) **Working together to safeguard children: a guide to inter-agency working to safeguard and promote the welfare of children**. London: Department for Education (DfE).

<<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>>

+ Additional resources



Take our Harmful sexual behaviour in schools training
<https://learning.nspcc.org.uk/training/harmful-sexual-behaviour-hsb-schools> nspcc.org.uk



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