

# City of London School Peer-on-Peer Abuse Policy

## 0. Review of Policy

0.1 This policy and its implementation are reviewed annually prior to approval by the governors.

Policy last reviewed by:	Alice Martineau (Deputy Head (Pastoral))
Date last reviewed:	April 2021 (changes as shown)
Approved for Governors:	Board of Governors
Date approved:	10 March 2021

## 1. Introduction

1.1 The Governors, all staff and volunteers at the School are committed to the prevention, early identification and appropriate management of peer-on-peer abuse (as defined below) both within and beyond School.

In particular we:

- Believe that in order to protect children, all schools should (a) be aware of the level and nature of risk to which their pupils are or may be exposed, and put in place a clear and comprehensive strategy which is tailored to their specific safeguarding context; and (b) take a contextual whole-school approach to preventing and responding to peer-on-peer abuse;
- Regard the introduction of this policy as a preventative measure, and do not feel it is acceptable merely to take a reactive approach to peer-on-peer abuse in response to alleged incidents of it;
- Recognise national and increasing concern about these issues, and wish to implement this policy in order to ensure that our pupils are safe; and
- Encourage parents to hold us to account on this issue, so that if their child is feeling unsafe as a result of the behavior of any of their peers, they should inform the School so that it can ensure that appropriate and prompt action is taken in response.

1.2 This policy sets out our strategy for preventing, identifying and appropriately managing peer-on-peer abuse.

1.3 This policy avoids the term 'victim' and / or 'perpetrator'. This is because the School takes a safeguarding approach to all individuals involved in allegations of or concerns about peer-on-peer abuse, including those who are alleged to have been abused and those who are alleged to have abused their peers, in addition to any sanctioning work that may also

be required for the latter. Research has shown that many children or young people who present with harmful behavior towards others, in the context of peer-on-peer abuse, are themselves vulnerable and may have been victimized by peers, parents or adults in the community prior to their abuse of peers.

- 1.4 This policy uses the terms 'child' or 'young person', which are defined for the purposes of this policy as a person aged under 18. We have chosen not to restrict our approach under this policy to peer-on-peer abuse to children or young people but instead to adopt a wider interpretation of our safeguarding responsibilities so that they apply to all pupils, regardless of age. We recognize that there may be some additional considerations in relation to a pupil aged 18 or over in terms of how local agencies and / or partners respond. Similarly, the School's response to incidents involving the exchange of youth produced sexual imagery will need to differ depending on the age of the pupils involved (see Appendix 1).
- 1.5 This policy builds on *Sexual violence and sexual harassment between children in schools and colleges* (December 2017), *Keeping Children Safe in Education* (September 2020), *Sexting in schools and colleges: responding to incidents and safeguarding children* (UKCCIS), the NSPCC's and Research in Practice's *Harmful Sexual behavior Framework* and Hackney Safeguarding Children's Board *Safeguarding in the Context of Access to Technology and Use of Social Media* (2017).
- 1.6 This policy applies to all staff, governors, contractors and volunteers. It is reviewed annually, and updated in the interim as required, to ensure that it continually addresses the risks to which pupils are or may be exposed.
- 1.7 This policy is the School's overarching policy for any issue that could constitute peer-on-peer abuse. It relates to and should be read alongside the Safeguarding and Child Protection Policy (which includes the Staff Safeguarding Code of Conduct) and any other relevant policies including, but not limited to:
  - the School Standards (Rules and Regulations).
  - the Acceptable Use Policies.
  - the Digital Safety Policy.
  - the Anti-Bullying Policy.
  - the Mental Health Policy.
  - the Behaviour Policy.
- 1.8 This policy has regard to Part 3 (Welfare, health and safety of pupils), Paragraph 7 (Safeguarding) of the Independent School Standards Regulations

## 2. Understanding peer-on-peer abuse

- 2.1 Peer-on-peer abuse is defined as '**any form of physical, sexual, emotional and financial abuse, and coercive control, exercised between children and within children's relationships (both intimate and non-intimate)**' (*Abuse between young people: a contextual account* (Routledge 2017)).

- 2.2 We recognise that peer-on-peer abuse can take various forms, including:
- serious bullying (including cyber-bullying).
  - relationship abuse.
  - domestic violence.
  - child sexual exploitation.
  - youth and serious youth violence.
  - harmful sexual behaviour.
  - gender-based violence.
- 2.3 We acknowledge that these types of abuse rarely take place in isolation and often indicate wider safeguarding concerns. Children’s experiences of abuse and violence are rarely isolated events, and they can often be linked to other things that are happening in their lives and spaces in which they spend their times.
- 2.4 We recognise the need to adopt a contextual safeguarding approach and to ensure that our response to incidents of peer-on-peer abuse takes into account any potential complexity. As a result, we:
- adopt an approach to safeguarding children that recognises their experiences of significant harm in extra-familial contexts, and seeks to include these contexts within prevention, identification, assessment and intervention safeguarding activities.
  - recognise that as children enter adolescence, they spend increasing amounts of times outside the home in public environments (including the internet) within which they may experience abuse.
  - consider interventions to change the systems or social conditions of the environments where abuse has occurred.
- 2.5 We acknowledge that research suggests that peer-on-peer abuse is one of the most common forms of abuse affecting children in the UK. We therefore must adopt an approach of **‘it could happen here.’**

### 3. Sexual behaviour

- 3.1 Sexual violence and sexual harassment is further categorized and defined by the DfE<sup>1</sup> as follows:
- i. Sexual violence
  - ii. Sexual harassment
  - iii. Harmful sexual behaviour

When referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003.

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<sup>1</sup> See:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/719902/Sexual\\_violence\\_and\\_sexual\\_harassment\\_between\\_children\\_in\\_schools\\_and\\_colleges.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719902/Sexual_violence_and_sexual_harassment_between_children_in_schools_and_colleges.pdf)

## Sexual violence

Sexual violence can be defined as follows:

**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.

## Sexual harassment

When referring to sexual harassment we mean ‘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 (schools and colleges 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; and
- 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; and
  - sexual exploitation; coercion and threats.

It is important to consider sexual harassment in broad terms. Sexual harassment (as set out above) creates an atmosphere that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence.

### Harmful sexual behaviour

Harmful sexual behaviour is a useful umbrella term that has been widely adopted in child protection. 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. Harmful sexual behaviour can occur online and/or offline and can also occur simultaneously between the two. Harmful sexual behaviour should be 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 disabled or smaller in stature. See NSPCC: Harmful sexual behaviour for more information on what is harmful sexual behaviour.

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.

3.2 The NSPCC explains that ‘*children’s sexual behaviours exist on a wide continuum, from normal and developmentally expected to highly abnormal and abusive. [Staff] should recognise the importance of distinguishing between problematic and abusive sexual behavior ... As both problematic and abusive sexual behaviours are developmentally inappropriate and may cause developmental damage, a useful umbrella term is Harmful Sexual Behaviours (or HSB).*’ In the NSPCC’s and Research in Practice’s *Harmful Sexual Behavior Framework*, harmful sexual behaviours are defined as ‘*sexual behaviours expressed by children ... that are developmentally inappropriate, may be harmful towards self or others, or be abusive towards another child ... or adult.*’

3.3 Simon Hackett, in the NSPCC’s and Research in Practice’s *Harmful Sexual Behavior Framework*, proposes the following continuum model to demonstrate the range of sexual behaviours presented by children. This model is helpful when seeking to understand a pupil’s sexual behaviour and in deciding how to respond to it.

<b>Normal</b>	<b>Inappropriate</b>	<b>Problematic</b>	<b>Abusive</b>	<b>Violent</b>
<ul style="list-style-type: none"> <li>• Developmentally expected</li> <li>• Socially Acceptable</li> </ul>	<ul style="list-style-type: none"> <li>• Single instances of inappropriate</li> </ul>	<ul style="list-style-type: none"> <li>• Problematic and concerning behaviour</li> </ul>	<ul style="list-style-type: none"> <li>• Victimising intent or outcome</li> </ul>	<ul style="list-style-type: none"> <li>• Physically violent sexual abuse</li> </ul>

<ul style="list-style-type: none"> <li>• Consensual, mutual, reciprocal</li> <li>• Shared decision making</li> </ul>	<p>sexual behaviour</p> <ul style="list-style-type: none"> <li>• Socially acceptable behaviour within peer group</li> <li>• Context for behaviour may be inappropriate</li> <li>• Generally consensual and reciprocal</li> </ul>	<ul style="list-style-type: none"> <li>• Developmentally unusual and socially unexpected</li> <li>• No overt elements of victimisation</li> <li>• Consent issues may be unclear</li> <li>• May lack reciprocity or equal power</li> <li>• May include levels of compulsivity</li> </ul>	<ul style="list-style-type: none"> <li>• Includes misuse of power</li> <li>• Coercion and force to ensure compliance</li> <li>• Intrusive</li> <li>• Informed consent lacking or not able to be freely given</li> <li>• May include elements of expressive violence</li> </ul>	<ul style="list-style-type: none"> <li>• Highly intrusive</li> <li>• Instrumental violence which is psychologically and / or sexually arousing to the child responsible for the behaviour</li> <li>• Sadism</li> </ul>
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## 4. Other behaviour

4.1 When dealing with other alleged behaviour which involves, for example, emotional or physical abuse, Hackett's continuum is a useful tool to assess where behaviour falls on the spectrum and to decide how to respond. Criteria may include it:

- being socially acceptable
- involving a single incident or occurring over a period of time
- being socially acceptable within the peer group
- problematic and concerning
- involving any overt elements of victimisation or discrimination (e.g. related to race, gender, sexual orientation, physical, emotional or intellectual vulnerability)
- involving an element of coercion or pre-planning
- involving a power imbalance between the child(ren) responsible for the behaviour and the child(ren) allegedly the subject of that power
- involving a misuse of power

4.2 The School recognises that issues rarely occur in isolation and that we may be required to deal with cases involving a range of alleged behaviours including sexual behaviour, emotional behaviour, physical behaviour and behaviour online.

4.3 The School recognises that behaviour which is not abusive at first (e.g. a one-off physical fight between two children), may become abusive quickly or over time. Intervening early and addressing any inappropriate behaviour which may be displayed by a child is vital and could potentially prevent their behaviour from progressing on a continuum to become problematic, abusive and / or violent, and ultimately requiring (greater or more formal) engagement with specialist external or statutory agencies.

## 5. Identifying peer-on-peer abuse

5.1 Signs that a child may be suffering peer-on-peer abuse can overlap with those indicating other types of abuse (see Annexure 1 of the School's Safeguarding and Child Protection Policy). Signs can include:

- failing to attend school, disengaging from classes or struggling to carry out school related tasks to the standard ordinarily expected
  - physical injuries
  - experiencing difficulties with mental health and / or emotional wellbeing
  - becoming withdrawn and / or shy
  - experiencing headaches, stomach aches, anxiety and / or panic attacks
  - suffering from nightmares or lack of sleep or sleeping too much
  - broader changes in behaviour including alcohol or substance misuse
  - changes in appearance and / or starting to act in a way that is not appropriate for the child's age
  - abusive behaviour towards others
- 5.2 The School acknowledges that research suggests that peer-on-peer abuse may affect boys differently to girls, and that this difference may result from societal norms (particularly around power, control and the way in which femininity and masculinity are constructed) rather than biological make up.
- 5.3 The School also recognises that there are other factors, situational and individual, which may make a child more vulnerable to peer-on-peer abuse, including, but not limited to:
- the onset of adolescence
  - peer group dynamics
  - sexuality
  - gender identity

## **6. Responding to concerns or allegations of peer-on-peer abuse**

- 6.1 It is essential that all concerns / allegations of peer-on-peer abuse are handled sensitively, appropriately and promptly. The way in which they are responded to can have a significant impact on our School environment. Any response should:
- include a thorough investigation of the concerns / allegations and the wider context in which they may have occurred (as appropriate)
  - treat all children involved as being at potential risk; while the child allegedly responsible for the abuse may pose a significant risk of harm to other children, he may also have considerable unmet needs and be at risk of harm himself. The School is committed to ensuring that a safeguarding response is in place for both the child who has allegedly experienced the abuse, and the child who has allegedly been responsible for it, and additional sanctioning work may be required for the latter
  - take into account:
    - that the abuse may indicate wider safeguarding concerns for any of the children involved and consider and address the effect of wider socio-cultural contexts, such as the child(ren)'s peer group (both within and outside the School).
    - family, the School environment, their experience(s) of crime and victimisation in the local community, and the child(ren)'s online presence. The School must consider what changes may need to be made to these contexts to address the child's/children's needs and to mitigate risk.

- the potential complexity of peer-on-peer abuse and of children's experiences and consider the interplay between power, choice and consent. While children may appear to be making choices, if those choices are limited they are not consenting.
- the views of the child/children affected. Unless it is considered unsafe to do so (e.g. where a referral needs to be made immediately), the Designated Safeguarding Lead (DSL) should discuss the proposed action with the child(ren) and their parents and obtain consent to any referral before it is made. The School should manage the child(ren)'s expectations about information sharing, and keep them and their parents informed of developments, where appropriate and safe to do so.

**6.2 What should you do if you suspect either that a child may be at risk of or experiencing abuse by their peer(s), or that a child may be at risk of abusing or may be abusing their peer(s)?**

If a pupil is in immediate danger, or at risk of significant harm, a referral to children's social care (if the pupil is aged under 18) and / or the police should be made immediately. Anyone can make a referral. Where referrals are not made by the DSL, the DSL should be informed as soon as possible that a referral has been made (see the School's Safeguarding and Child Protection Policy).

If a member of staff thinks for whatever reason that a child may be at risk of or experiencing abuse by their peer(s), or that a child may be at risk of abusing or may be abusing their peer(s), they should discuss their concern with the DSL without delay (in accordance with the procedures set out in the School's Safeguarding and Child Protection Policy) so that a course of action can be agreed.

If a child speaks to a member of staff about peer-on-peer abuse that they have witnessed or are a part of, the member of staff should listen to the child and use open language that demonstrates understanding rather than judgement (for further details please see the procedure set out in the School's Safeguarding and Child Protection Policy).

**6.3 How will the School respond to concerns or allegations of peer-on-peer abuse?**

The DSL will discuss the concerns or allegations with the member of staff who has reported them and will, where necessary, take any immediate steps to ensure the safety of the child(ren) affected.

DSLs should always use their professional judgement to determine whether it is appropriate for alleged behaviour to be dealt with internally and, if so, whether any external specialist support is required. In borderline cases the DSL may wish to consult with children's social care and / or any other external agencies on a 'no names' basis to determine the most appropriate response. Where the DSL considers or suspects that the behaviour in question might be abusive or violent on a spectrum (as opposed to inappropriate or problematic), the DSL should contact the local Safeguarding Children Partnership as well as the Safeguarding Children Partnership(s) in which the pupil(s) reside immediately, and in any event within 24 hours of the DSL becoming aware of it. The DSL will discuss the allegations / concerns with the local Safeguarding Children Partnership and the Safeguarding Children Partnership(s) in which the pupil(s) reside and agree on a course of action, which may include:



**a) Manage internally with help from external specialists where appropriate and possible**

Where behaviour between peers is abusive or violent (as opposed to inappropriate or problematic), scenarios (b), (c) or (d) should ordinarily apply. However, where support from local agencies is not available, the School may need to handle allegations / concerns internally. In these cases, the School will engage and seek advice from external specialists (in the private and / or voluntary sector).

**b) Undertake / contribute to an inter-agency early help assessment, with targeted early help services provided to address the assessed needs of a child(ren) and their family**

These services may, for example, include CAMHS, a specialist harmful sexual behaviour team, and / or youth offending services.

**c) Refer child(ren) to children's social care for a Section 17 (Child in Need) and / or Section 47 (Child Protection) statutory assessment**

As a matter of best practice, if an incident of peer-on-peer abuse requires referral to and action by children's social care and a strategy meeting is convened, then the School will hold every professional involved in the case accountable for their safeguarding response, including themselves, to both the child who has experienced the abuse, and the child who was responsible for it, and the contexts to which the abuse was associated.

**d) Report alleged criminal behaviour to the Police**

Alleged criminal behaviour will ordinarily be reported to the Police. However, there are some circumstances where it may not be appropriate to report such behaviour to the Police. For example, where the exchange of youth produced sexual imagery does not involve any aggravating factors (see Appendix 1). All concerns / allegations will be assessed on a case by case basis, and in light of the wider context.

#### **6.4 Individual risk and needs assessment**

Where there is an incident of peer-on-peer abuse, the School will carry out a robust risk and needs assessment in respect of each child affected by the abuse. These risk assessments will:

- assess and address the nature and level of risks that are posed and / or faced by the child
- engage the child's parents and draw upon local services and agencies to ensure that the child's needs are met in the long-term
- consider whether any targeted interventions are needed to address the underlying attitudes or behaviour of any child
- be reviewed at regular intervals in light of the child's on-going needs to ensure that real progress is being made which benefits the child.

If at any stage the child's needs escalate, the DSL should contact the local Safeguarding Children Partnership to determine the appropriate course of action.

## 6.5 **Disciplinary action**

The School will consider whether disciplinary action may be appropriate for any child(ren) involved; any such action should address the abuse, the causes of it, and attitudes underlying it. Disciplinary action may sometimes be appropriate, including to:

- ensure that the child(ren) take(s) responsibility for and realise(s) the seriousness of their behaviour
- demonstrate to the child(ren) and others that peer-on-peer abuse can never be tolerated
- ensure the safety and wellbeing of other children. However, these considerations must be balanced against the child(ren)'s own potential unmet needs and any safeguarding concerns. Before deciding on appropriate action the School will always consider its duty to safeguard all children from harm; the underlying reasons for a child's behaviour; any unmet needs, or harm or abuse suffered by the child; the risk that the child may pose to other children; and the severity of the peer-on-peer abuse and the causes of it.

The School will take any disciplinary action in line with processes set out in the School's Behaviour Policy.

## **7. Preventative work and whole school-approach**

7.1 The School is committed to ensuring that its response to concerns / allegations of peer-on-peer abuse is part of on-going proactive work by the School to embed best practice and take a contextual whole-school approach to such abuse. The School actively seeks to raise awareness of and prevent all forms of peer-on-peer abuse by:

- Educating all staff, governors, contractors and volunteers, parents and pupils about this issue. This includes:
  - training all Governors, members of the Senior Management Team (SMT), staff and volunteers on the nature, prevalence and effect of peer-on-peer abuse, and how to prevent, identify and respond to it. This includes (a) Contextual Safeguarding; (b) the identification and classification of specific behaviours; and (c) the importance of taking seriously all forms of peer-on-peer abuse (no matter how low level they may appear) and ensuring that no form of peer-on-peer abuse is ever dismissed as horseplay, teasing, 'boys will be boys' or 'banter'. Training includes case studies which the staff design themselves.
  - educating children about the nature and prevalence of peer-on-peer abuse via PSHE, assemblies, form time and the wider curriculum. Pupils are regularly informed about the School's approach to such issues, including its zero-tolerance policy towards all forms of peer-on-peer abuse.
  - engaging parents on this issue by: (a) talking about it with parents, both in groups and one to one; (b) asking parents what they perceive to be the risks facing their child and how they would like to see the School address those risks; (c) involving parents in the review of School policies and lesson plans;

and (d) encouraging parents to hold the School to account on this issue. This is carried out through the Parents' Forum, termly meetings with the Friends of CLS and the sharing of the Anti-Bullying Handbook with parents and pupils.

- ensuring that all peer-on-peer abuse issues are fed back to the DSL and Safeguarding team so that they can spot and address any concerning trends and identify pupils who may need additional support. This is done by sharing of pastoral and safeguarding information in MyConcern, weekly team meetings, and sharing of bullying incidents in the Bullying Log. Logs are cross-referenced and checked against SEND and other pastoral information.
- challenging the attitudes that underlie such abuse (both inside and outside the classroom). This is done via PSHE, assemblies, form time and internal and external speakers.
- working with Governors, the SMT, all staff and volunteers, pupils and parents to address equality issues, to promote positive values, and to encourage a culture of respect amongst all members of the School community. This is done via PSHE, assemblies, form time, the School charity programmes, School outreach work; promotion of the School ethos of respect for diversity and inclusion.
- creating conditions in which pupils can aspire to and realise safe and healthy relationships. This is done through PSHE, assemblies, form time, Sex and Relationships Education (SRE), Parents' Forum and specific pastoral events for parents and pupils.
- creating a culture in which our pupils feel able to share their concerns openly, in a non-judgmental environment, and have them listened to. This is done via a culture of openness. There are pastoral offices for discussions with pupils, open door policies from Heads of Year and pastoral staff, three School Counsellors, the PSHE programme and Mindfulness courses.
- responding to cases of peer-on-peer abuse promptly and appropriately.

## 7.2 Multi-agency working

The School actively engages with its local partners in relation to peer-on-peer abuse, and works closely with, for example, City and Hackney Safeguarding Children Partnership, children's social care, Early Help teams, the City of London Children Missing in Education worker, the City of London Police, CAMHS teams, other relevant agencies, and other schools.

The relationships the School has built with these partners are essential to ensuring that the School is able to prevent, identify early and appropriately handle cases of peer-on-peer abuse. They help the School to (a) develop a good awareness and understanding of the different referral pathways that operate in its local area, as well as the preventative and support services which exist; (b) ensure that pupils are able to access the range of services and support they need quickly; (c) support and help inform our local community's response to peer-on-peer abuse; (d) increase our awareness and understanding of any concerning trends and emerging risks in our local area to enable us to take preventative action to minimise the risk of these being experienced by our pupils.

The School actively refers concerns / allegations of peer-on-peer abuse where necessary to the relevant LCSP, children's social care and / or other relevant agencies. This is particularly important because peer-on-peer abuse can be a complex issue, and even more so where

wider safeguarding concerns exist. It is often not appropriate for one single agency (where the incident cannot be managed internally) to try to address the issue alone – it requires effective partnership working.

## Appendix 1: Youth Produced Sexual Imagery/'Sexting'

- 1.1 In August 2016, the UK Council for Child Internet Safety (UKCCIS) published [non-statutory guidance](#) on managing incidents of sexting by under-18s. The UKCCIS guidance is non-statutory, but should be read alongside [Keeping Children Safe in Education \(KCSIE, 2020\)](#) and it should be followed unless there's a good reason not to do so.
- 1.2 There is no clear definition of 'sexting'. The UKCCIS guidance talks about 'youth-produced sexual imagery'. This is imagery that is being created by under-18s themselves and involves still photographs, video and streaming. In the guidance, this content is described as sexual and not indecent. 'Indecent' is subjective and has no specific definition in UK law.
- 1.3 Incidents covered by the guidance:
- A person under 18 creates a sexual image of themselves and shares it with another person under 18.
  - A person under 18 shares an image of another under 18 with another person under 18 or an adult.
  - A person under 18 is in possession of sexual imagery created by another person under 18.
- 1.4 Incidents not covered by the guidance:
- Under 18s sharing adult pornography.
  - Under 18s sharing sexual texts without sexual imagery.
  - Adults sharing sexual imagery of under 18s. (This is child sexual abuse and must always be reported to police.)
- 1.5 **Response to incidents of youth produced sexual imagery<sup>2</sup>**  
The response should be guided by the 'principle of proportionality'. *'The primary concern at all times should be the welfare and protection of the young people involved.'* (*Sexting in schools and colleges: responding to incidents and safeguarding young people*).
- 1.6 **The Law**  
Making, possessing, and distributing any imagery of someone under 18 which is indecent is illegal. This includes imagery of yourself if you're under 18. Indecent is not definitively defined in law, but images are likely to be considered indecent if they depict:
- a naked young person
  - a topless girl
  - an image which displays genitals
  - sex acts including masturbation
  - overtly sexual images of young people in their underwear

These laws weren't created to criminalise young people but to protect them. Although sharing sexual images of themselves is illegal and risky, it is often the result of curiosity and exploration. Young people need education, support, and safeguarding, not criminalisation. The National Police Chiefs' Council (NPCC) is clear that "youth-produced sexual imagery should be primarily treated as a safeguarding issue."

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<sup>2</sup> See [Guidance from UKCCIS Sexting in Schools and Colleges: Responding to Incidents and Safeguarding Young People 2016](#)

Schools may respond to incidents without involving the police. (However, in some circumstances, the police must always be involved.)

### 1.7 **Crime recording**

When the police are notified about youth-produced sexual imagery, they must record this as a crime. The incident is listed as a crime, and the young person is the suspect. This is, however, not the same as a criminal record. Every crime reported to the police must have an outcome code. The NPCC, Home Office and the DBS have agreed a new outcome code for youth-produced sexual imagery:

- **Outcome 21:** This outcome code allows the police discretion not to take further action if it is not in the public interest, even though there is enough evidence to prosecute.

Using this outcome code is likely to mean the offence would not appear on a future Enhanced DBS check (although it is not impossible) as that disclosure is a risk-based decision. Schools can be assured that the police have the discretion they need not to adversely impact young people in the future.

### 1.8 **Handling incidents:**

- Refer to the Designated Safeguarding Lead (DSL)
- DSL meets with the young people involved
- Do not view the image unless it is avoidable
- Discuss with parents, unless there is an issue where that's not possible
- contact social care or the police where there is any concern the young person is at risk of harm

Always refer to the police or social care if incident involves:

- an adult
- coercion, blackmail, or grooming
- concerns about capacity to consent (e.g. SEND)
- images show atypical sexual behavior for the child's developmental stage
- violent acts are depicted
- image shows sex acts and includes a child under 13
- a young person at risk of immediate harm as a result of the disclosure (e.g. self-harm or suicide)

Once a DSL has enough information, the decision should be made to deal with the matter in school, refer it to the police or to social care. All information and decision-making should be recorded in line with the School's procedures (see the School's Safeguarding and Child Protection Policy). If the incident has been dealt with in School, a further review should be held to assess risks.

### 1.9 **Assessing the risks once the images have been shared**

- Has it been shared with the knowledge of the young person?
- Are adults involved in the sharing?
- Was there pressure to make the image?
- What is the impact on those involved?
- Does the child or children have additional vulnerabilities?
- Has the child taken part in producing sexual imagery before?

#### 1.10 **Viewing images**

- Avoid viewing youth-produced sexual imagery. Instead, respond to what you have been told the image contains.
- If it is felt necessary to view, discuss with the Head and DSL first.
- If it is felt necessary to view, do so with another member of staff present
- Never copy, print, or share the image (it is illegal to do so)
- Record the fact that the images were viewed along with reasons and who was present; sign and date this record.

#### 1.11 **Deleting images (from devices and social media)**

If the School has decided that involving other agencies is not necessary, consideration should be given to deleting the images. It is recommended that pupils are asked to delete the images themselves and confirm they have done so. This should be recorded, signed, and dated. Any refusal to delete the images should be treated seriously, reminding the pupil that possession is unlawful.