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The British School of Gran Canaria **Sexual Violence and Sexual Harassment** Policy Document



Contents

A.	Rationale	1
B.	Definitions	1
C.	Procedures	3
D.	Managing a Disclosure	4
E.	Tracking and Monitoring a Disclosure	6
F.	Education Against Harmful Sexual Behaviours	8

THE BRITISH SCHOOL OF GRAN CANARIA

SEXUAL VIOLENCE AND SEXUAL HARASSMENT POLICY

A. Rationale

BSGC is committed to providing a safe and respectful environment where everyone is able to learn and thrive free from sexual violence and sexual harassment. Any incidents of sexual violence or sexual harassment are taken very seriously and we are committed to handling all issues sensitively, effectively and in a timely manner.

The school's values make it clear that sexual violence and harassment are not acceptable, will not be tolerated and are not an inevitable part of growing up. We will always challenge behaviour or language that seeks to normalise sexual harassment or violence in school. Sanctions will be applied in accordance with our Behaviour, Discipline and Exclusion Policy.

The policy and procedure should be considered alongside the school's Child Protection Policy and the Anti-Bullying Policy, along relevant published governmental guidance.

What is meant by sexual violence and sexual harassment between children?

Sexual violence and sexual harassment can occur between two children of any sex. Additionally, sexual violence and harassment can occur through a group of children sexually assaulting or sexually harassing a single child or a group of children.

B. Definitions

1. **Sexual Violence** - When referring to sexual violence we refer to sexual offences outlined under the Sexual Offences Act 2003 and Spanish equivalent:
 - Rape: A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with the 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.

2. **Consent** - 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. 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.
3. **Sexual Harassment** - When referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur person-to-person and online. In this policy we reference sexual harassment 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.

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 or interfering with their clothes.
- displaying pictures, photos or drawings of a sexual nature

Online sexual harassment can include:

- non-consensual sharing of sexual images and videos and sharing sexual images and videos (both often referred to as youth produced sexual imagery /nudes /sexting), inappropriate sexual comments on social media, exploitation, coercion and threats
- online sexual harassment may be standalone or part of a wider pattern of sexual harassment and/or sexual violence

Sexual harassment creates an atmosphere that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence.

4. LGBTQ+ Considerations

Children who are lesbian, gay, bi, or trans (LGBTQ+) can be targeted by their peers. Similarly, a child who is perceived by their peers to be LGBTQ+ (whether they are or not) can be just as vulnerable as children who identify as LGBTQ+.

5. Harmful Sexual Behaviour

Children's sexual behaviour exists on a wide continuum, from the perceived normal and developmentally expected to inappropriate, problematic, abusive and violent. Problematic, abusive and violent sexual behaviour is inappropriate and may cause developmental damage. An umbrella term, 'harmful sexual

behaviour' summarises problematic, abusive and violent sexual behaviour which is developmentally inappropriate, and is widely adopted in child protection. Harmful sexual behaviour can occur online or offline and can also occur simultaneously between the two. Harmful sexual behaviour should be considered in a child protection context with through consultation with the Designated Safeguarding Lead (DSL).

C. Procedures

1. **Responding** - Reports of sexual violence and sexual harassment can be complex, often requiring difficult professional decisions to be made quickly and under pressure. Governmental and professional guidance does not attempt to provide (nor would it be possible to provide) detailed advice on what to do in any or every particular case. This policy reflects this by providing effective safeguarding practice and principles to consider in our decision-making process. Ultimately, all decisions in will be made on a case-by-case basis, sometimes with the support of the local children's social service and police, as required.

Some situations are statutorily clear:

- A child under the age of 13 can never consent to any sexual activity.
- It is not illegal for children older than 13 and under 16 to engage in sexual activity with a similar aged individual.
- A person under the age of 16 cannot consent to sex with someone older than 16.
- Sexual intercourse without consent is rape.
- Rape, assault by penetration and sexual assault are defined in law.
- Creating and sharing sexual photos and videos of under 13s is illegal.
- Creating and sharing sexual photos and videos of under 16s by over 16s is illegal (often referred to as sexting, nudes or youth produced sexual imagery); this includes children making and sharing sexual images and videos of themselves.
- Sharing of sexual photos and videos of under 16s on social media is illegal.

BSGC's basic safeguarding principle: if a child has been harmed, is in immediate danger or is at risk of harm, a referral should be made to the relevant local authority. The victim's parents will usually be informed of the referral. However, this too is on a case-by-case basis as the situation needs to be assessed and a referral without parental knowledge may be required in order to safeguard the student(s) involved.

A report of a rape, assault by penetration or sexual assault, will be passed to the police who will advise and log according to their own guidelines.

2. Online Sexual Violence and Harassment

Online incidents of sexual violence and harassment that occur (either in isolation or in connection to offline incidents) can be complex. There is potential for such incidents to take place across a number of social media platforms and services. There is also the potential for the impact of the incident to extend further than our local community (for example, shared images or content) and for a victim (or alleged perpetrator) to become marginalised and excluded. Additionally, there is the potential for repeat future victimisation if abusive content continues to exist online.

BSGC will apply our Anti-Bullying Policy if we are made aware of students using online platforms to jeopardise the safety of other members of our school community.

D. Managing a Disclosure

1. **Immediate Response** - Ensuring victims are reassured that they are being taken seriously, that they will be supported and kept safe must be the school's immediate response. In some cases, the victim may not make a direct report or disclosure with a friend, for example, making a report, or a school member overhearing a conversation that suggests a child has been harmed. This discussion will be handled sensitively and with the support of social care services, if required.

2. Confidentiality

- Staff taking a disclosure must never promise confidentiality as it is highly likely that the victim's best interests will require seeking advice and guidance from others.
- BSGC staff do not consider themselves as experts in this area and it is vital that appropriate, wider support is available and publicised to students and their parents.
- The victim may ask us not to tell anyone about the sexual violence or sexual harassment. 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 / individual's interest; for example, to protect children from harm and to promote the welfare of children.

Ultimately, the Designated Safeguarding Lead (DSL) has to balance the victim's wishes against their duty to protect the victim and other children within the school setting. If a decision is made to refer an incident to children's social care services and/or report to the police against the victim's wishes, this must be handled extremely carefully with the reasons, in most cases, being explained to the victim and appropriate support offered.

3. **Anonymity** - If BSGC is aware of an allegation of sexual violence or sexual harassment progressing through the criminal justice system, we will be mindful of anonymity, witness support and the criminal process, offering appropriate support to those involved. In addition, BSGC will endeavour to reasonably protect the anonymity of any children involved in any report of sexual violence or sexual harassment. Careful consideration will be given to which school staff know about the report and any support that will be in place for the children involved.
4. **Risk Assessment** - When there has been a report of sexual violence, the DSL will make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis. The risk and needs assessment should consider:
 - the victim,
 - the alleged perpetrator,
 - the other children (and, if relevant, staff) at school.

The risk assessments will be recorded and kept under regular review, reflecting changing circumstances. At all times, consideration will be given to risks posed to all students and put adequate measures in place to protect them and keep them safe during school hours. The DSL will liaise with Children's Social Services, police and specialist services as required.

Where there has been a report of sexual violence, it is likely that professional risk assessments by social workers or specialist will be required. Any such professional assessments will guide and form the basis of any GC Risk Assessment.

5. **Action Following a Disclosure** - Careful consideration of any report of sexual violence and/or sexual harassment will include:
 - The wishes of the alleged victim and how they wish to proceed. This is especially important in the context of sexual violence and sexual harassment, with victims being given as much control as is reasonably possible over decisions regarding how any investigation will be progressed and support offered.
 - The nature of the alleged incident(s).
 - The ages of the students involved.
 - The developmental stages of the students involved.
 - Any power imbalance between the students (for example, is the alleged perpetrator being significantly older?).
 - If the alleged incident is a one off or a sustained pattern of abuse (where this may be known).
 - Whether there are any ongoing risks.
 - Other related issues and wider context.

When incidents and/or behaviours occur between children outside the school, we will consider contextual safeguarding. This means assessments of children will consider whether wider environmental factors are present in a child's life that pose a threat to their safety and/or welfare.

E. Tracking and Monitoring a Disclosure

1. Informing External Agencies

Each report of sexual violence or harassment is managed on a case-by-case basis and when to inform the alleged perpetrator will be carefully considered. Where a report is going to be made to Social Services and/or the Police then, as a general rule, these agencies are consulted on the next steps and how the alleged perpetrator will be informed of the allegations.

There are four likely scenarios to consider when managing any reports of sexual violence and/or sexual harassment.

a) Manage internally

In some cases of sexual harassment (for example, one-off incidents) the school may take the view that the students concerned are not in need of statutory intervention and that it would be appropriate to handle the incident internally, utilising the Behaviour and/or Anti-Bullying Policies and by providing pastoral support.

b) Specialist Professional Help

In-line with the above, the school may decide that the children involved do not require statutory interventions but may benefit from specialist professional support. Such support can be particularly useful to address non-violent harmful sexual behaviour and may prevent escalation of sexual violence.

c) Referral to Children's Social Services

Where a child has been harmed, is at risk of harm or is in immediate danger, the likely course of action is a referral to local children's social services.

d) Reporting to the Police

- Where the school receives a report of rape, assault by penetration or sexual assault, the starting point is that this should be passed on to the police.
- Reporting to the police will generally be in parallel with referrals to Children's Social Services.
- When reporting to police and social services, parents are generally informed unless there are compelling reasons not to do so (for example, if informing a parent is likely to put a child at risk). Such decisions will be made in conjunction and in full consultation with the support agencies and, where parents are not informed, school support is especially important. This should be in conjunction with the support of Children's Social Services.

- Where a report is made to the police, the school will consult the police as to what information can be disclosed to staff and others; in particular, the alleged perpetrator and their parents. Discussion will also discuss clarify the best way to protect the victim and their anonymity.

2. Ongoing Considerations

a) Victim and Alleged Perpetrator Sharing Classes

In a school context there is a possibility of a victim and alleged perpetrator sharing classes and common spaces at school. Such a scenario invokes complex and difficult professional decisions, including considering our duty to safeguard children and our duty to educate them. Each report is considered on a case-by-case basis and risk assessments updated as appropriate. Where there is a criminal investigation, the alleged perpetrator should be removed from any classes shared with the victim. Careful consideration will also be given as to how best to keep the victim and alleged perpetrator a reasonable distance apart on school premises. This is in the best interests of both students and should not be perceived as a judgement on the guilt of the alleged perpetrator.

If a criminal investigation into a rape or assault by penetration leads to a conviction or caution, the school should take suitable action which, as in all but the most exceptional of circumstances, constitutes a serious breach of discipline and supports the view that allowing the perpetrator to remain in school would seriously harm the education or welfare of the victim (and potentially other students). Where a criminal investigation into sexual assault leads to a conviction or caution, BSGC will consider any suitable sanctions related to the Behaviour Policy, including permanent exclusion (even if the incident(s) has not occurred in school).

Where the perpetrator remains in school, every effort will be made to keep the victim and perpetrator in separate classes and consider the most appropriate way to manage potential contact. The nature of the conviction or caution, and wishes of the victim will be especially important in determining how to proceed in such cases.

Disclosure to the school of sexual assault and sexual harassment will, in some cases, not lead to a report to the police (for a variety of reasons). In some cases, rape, assault by penetration, sexual assault or sexual harassment are reported to the police and the case is not progressed or ultimately result in a not-guilty verdict. Such outcomes affect both the victim and alleged perpetrator, and these results do not necessarily mean an offence did not take place or that the victim lied. Appropriate support should be provided to both parties, and consideration given to the sharing of classes and potential contact. All of the above should be considered with the needs and wishes of the victim at the heart of the process and any arrangements kept under review.

3. Safeguarding Other Children

Consideration should be given to supporting children who have witnessed sexual violence, especially rape and assault by penetration. Witnessing such an event is likely to be traumatic and support may be required. BSGC will seek to identify appropriate support agencies in such cases.

Following any report of sexual violence or sexual harassment, it is likely that some children will take 'sides'. The school will look to ensure the victim and alleged perpetrator, and any witnesses, are not subject to bullying or harassment. Social media can play a central role in the consequences from any incident or alleged incident. There is the potential for contact between victim and alleged perpetrator and a very high likelihood that friends from either side could harass the victim or alleged perpetrator online. Any evidence we have of students using social media inappropriately will be managed and sanctioned according to our Behaviour and Anti-Bullying Policies.

F. Education Against Harmful Sexual Behaviours

An important and on-going component of BSGC's work against Sexual Violence and Harassment is its PSHE programme which is developed to be age and stage of development appropriate. The BSGC programme addresses issues such as:

- healthy and respectful relationships, including information on consent,
- what respectful behaviour looks like,
- gender roles, stereotyping, equality,
- body confidence and self-esteem,
- prejudiced behaviour,
- that sexual violence and sexual harassment is always wrong,
- addressing cultures of sexual harassment.

Guidance and information taken from:

'Sexual violence and sexual harassment between children in schools and colleges' document, DfE, September 2021

'Keeping Children Safe in Education 2022', DfE, September 2022