



EDUCATION
and
LEADERSHIP
Trust

Managing Allegations of Peer on Peer Abuse Policy

V1.5

Date reviewed & approved by designated person or committee where necessary	Sept 2020
Responsible for this policy	Executive Team

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1.0 PURPOSE OF THE POLICY

In our Trust we are clear that abuse is abuse and should never be tolerated or passed off as 'banter', 'just having a laugh' or 'part of growing up'. All peer on peer abuse is unacceptable and will be taken seriously.

In our Trust we believe that all children have a right to attend school and learn in a safe environment. Children should be free from harm by adults in the school and from other students.

We recognise that some students will sometimes negatively affect the learning and wellbeing of others and their behaviour will be dealt with under the school's Behaviour for Learning Policy.

2.0 SAFEGUARDING ALLEGATIONS

All staff should be aware that children can abuse other children (often referred to as peer on peer abuse).

Occasionally, allegations may be made against students by other students in the school, which are of a safeguarding nature. Safeguarding issues raised in this way may include physical abuse, emotional abuse, sexual abuse and sexual exploitation.

It is likely that to be considered a safeguarding allegation against a pupil, some of the following features will be found.

The allegation:

- is made against an older pupil and refers to their behaviour towards a younger pupil or a more vulnerable pupil
- is of a serious nature, possibly including a criminal offence
- raises risk factors for other pupils in the school
- indicates that other pupils may have been affected by this student
- indicates that young people outside the school may be affected by this student

3.0 EXAMPLES OF PEER ON PEER SAFEGUARDING ISSUES

Peer on peer abuse is most likely to include, but may not be limited to:

- bullying (including cyberbullying)

- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm (this may include an online element which facilitates, threatens and/or encourages physical abuse)
- sexual violence (this may include an online element)
- sexual harassment
- sharing self-generated indecent images (also known as sexting)
- upskirting
- initiations / hazing type violence and rituals
- abuse in intimate personal relationships between peers

In areas where gangs are prevalent, older students may attempt to recruit younger pupils using any or all of the above methods. Young people suffering from sexual exploitation themselves may be forced to recruit other young people under threat of violence.

Criminal exploitations of children is a geographically widespread form of harm that is a typical feature of county lines criminal activity.

4.0 MINIMISING THE RISK OF SAFEGUARDING CONCERNS TOWARDS PUPILS FROM OTHER STUDENTS

On occasion, some students will present a safeguarding risk to other students. The school should be informed that the young person raises safeguarding concerns, for example, they are coming back into school following a period in custody.

These students will need an individual risk management plan to ensure that other pupils are kept safe and they themselves are not laid open to malicious allegations. There is a need to balance the tension between privacy and safeguarding.

5.0 ACTION

When an allegation is made by a pupil against another student, members of staff should report this using the school's Child Protection protocol and alert the Child Protection team.

A member of the Child Protection Team should make a factual record of the allegation, but no attempt at this stage should be made to investigate the circumstances.

A referral should be made to Children's Services. It is possible that Children's Services are already aware of safeguarding concerns around this young person.

The member of the Child Protection Team will make a record of the concern, the discussion and any outcome and keep a copy in the files of both pupils' files.

If the allegation indicates a potential criminal offence has taken place, the police should be contacted at the earliest opportunity and parents informed (of both the student being complained about and the alleged victim).

It may be appropriate to exclude the pupil being complained about for a period of time according to the school's behaviour policy and procedures.

Where neither social services nor the police accept the complaint, a thorough school investigation should take place into the matter using the school's usual disciplinary procedures.

In situations where the school considers a safeguarding risk is present, a risk assessment should be prepared along with a preventative, supervision plan. Risk assessments should be generated in partnership with Children's Services and the police to manage any implications and safeguard the children. An important consideration will be to ensure that the victim can continue their normal routine, including continuing to receive a suitable education.

The plan should be monitored and a date set for a follow-up evaluation with everyone concerned.

6.0 STUDENTS ON BAIL OR RELEASED UNDER INVESTIGATION FOLLOWING ARREST

The school acknowledges that the circumstances where a student has been arrested and is released on bail will differ and therefore there follows a general set of procedures with the acknowledgement that these will need to be bespoke for each individual circumstance.

- 1) Academy Headteacher and Executive Headteacher informed of student on bail by relevant agency and any relevant bail conditions pertaining to school and/or which would impact on the safeguarding of other students or staff
- 2) Deputy Headteacher and Designated Safeguarding Lead informed. Decision to be taken whether a further key worker to be assigned.
- 3) Risk Assessment generated, taking into account the safeguarding of the student concerned plus other students and staff.
- 4) Risk Assessment signed off by Academy Headteacher.
- 5) Daily welfare check undertaken with student by keyworker
- 6) Multi-agency meeting to be arranged where protocols regarding attendance, absence, behaviour, liaison with parents are to be established.
- 7) Risk Assessment to be reviewed regularly as circumstances both internally and externally may change
- 8) Staff informed only on a need to know basis.

From April 2017, the use of police bail has been dramatically reduced and will only be used when deemed necessary and proportionate in exceptional circumstances, thus students may also be released in the absence of bail conditions or 'released under investigation'. Consideration will be given to less invasive options to safeguard victims and witnesses and the administration of justice. Therefore, it is less likely that a child attending school will be on police bail with conditions attached if there are alternative measures to mitigate any risk.

- In the absence of bail conditions, when there is a criminal investigation, early engagement and joined up working between the school or college, children's social care and the police will be critical to support the victim, alleged perpetrator and other children involved (especially potential witnesses). Where required, advice from the police will be sought in order to help the school manage their safeguarding responsibilities.
- The term 'Released Under Investigation' or 'RUI' will replace those previously on bail for offences in circumstances that do not warrant the application of bail to either re-attend on a particular date or to include conditions preventing activity or in some cases ensuring compliance with an administrative process.
- There may be delays in any case that is being progressed through the criminal justice system. The school will not wait for the outcome (or even the start) of a police investigation before protecting the victim, alleged perpetrator and other children in the school. The risk assessment undertaken will help inform any decision.
- If a child is convicted or receives a caution for a sexual offence, the school will update its risk assessment, ensure relevant protections are in place for all the children at the school and, if it has not already, consider any suitable action in light of their behaviour policy. If the perpetrator remains in the same school as the victim, the school will be very clear as to their expectations regarding the perpetrator now they have been convicted or cautioned. This could include expectations regarding their behaviour and any restrictions the school thinks are reasonable and proportionate with regard to the perpetrator's timetable.
- Any conviction (even with legal anonymity reporting restrictions) is potentially going to generate interest among other students in the and so it will be important that the school ensures both the victim and alleged perpetrator remain protected, especially from any bullying or harassment (including online).
- Where cases are classified as "no further action" (NFA'd) by the police or Crown Prosecution Service, or where there is a not guilty verdict, the school will continue to offer support to the victim and the alleged perpetrator for as long as is necessary. A not guilty verdict or a decision not to progress with their case will likely be traumatic for the victim. The fact that an allegation cannot be substantiated does not necessarily mean that it was unfounded. The schools will discuss any decisions with the victim in this light and continue to offer support. The alleged perpetrator is also likely to require ongoing support for what will have likely been a difficult experience.