



ST. THOMAS MORE HIGH SCHOOL
ACADEMY

Guidance Sexual Violence, Sexual Harassment and Sexual Bullying Policy

Ratified by SLT on:

April 2018

Mrs Nuala Kelsey-Cashell
Chair of the Governing Body

The School's Mission Statement

To inspire,

To learn,

To achieve,

To keep our Catholic ethos at the centre of our lives,

To fulfil our educational potential, welcoming all and reaching out to the wider world,

To truly be God's servant first.



St. Thomas More High School

Sexual Violence, Sexual Harassment and Sexual Bullying Policy

St Thomas More School is committed to maintaining a learning environment free from sexual violence, sexual harassment and sexual bullying. Sexual violence, sexual harassment and sexual bullying of or by any member of the school community, on or off the school premises is not acceptable and will not be tolerated.

Aims of this Policy

St Thomas More School aims to:

- create a learning environment free from sexual violence, sexual harassment and sexual bullying where all members of the school community are treated with respect at all times
- raise awareness of this policy so that all members of the school community are aware of their rights and responsibilities regarding sexual violence, sexual harassment and sexual bullying
- to train all staff to recognise and respond to instances of sexual violence, sexual harassment and sexual bullying
- to encourage all members of the school community to report incidences of sexual violence, sexual harassment and sexual bullying
- To treat all reports in a serious, sensitive, fair, and timely manner in line with safeguarding responsibilities
- To guarantee against victim-blaming further victimisation and reprisals

Definition of Sexual Violence, Sexual Harassment and Sexual Bullying

Sexual Violence refers to the following sexual offences as defined in the Sexual Offences Act 2003.

- Rape- a person (A) commits an offence if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to this 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 and B consents
- Sexual assault- A person (A) commits an offence 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.

In order to **consent**, a person must have the freedom and capacity to make that choice.

Sexual Harassment includes, but is not restricted to, the following and can happen on line or off line.

- sexual comments such as lewd or sexual remarks about appearance, telling sexual stories, using sexualised or sexist names, use of an unwelcome sexual innuendo and spreading rumours of a sexual nature
- sexual 'jokes', taunting or cat-calling
- unnecessary and unwanted physical behaviour which has a sexual element, such as brushing or pushing against someone, interfering with someone's clothes or making sexual gestures
- displaying pictures, photos or drawing of sexual content
- online behaviour which has a sexual element, such as sharing indecent images of pornography, sexual comments on social media and coercion or threats to engage in sexual acts on line or off line.

Sexual Bullying is the general term used to describe any behaviour where sex or gender is used to degrade someone. It includes all of the examples outlined above and may also include homophobic language.

Legal Responsibilities

St Thomas more School acknowledges that sexual violence and sexual harassment are against the law and are covered by the Sexual Offences Act 2003, the Protection of Children Act 1978 and the Criminal Justice Act 1988.

The school acknowledges that being subjected to sexual violence, sexual harassment or sexual bullying may breach the Human Rights Act 1998, depending on the circumstances and nature of the conduct, and that schools must not act in a way that is incompatible with the European Convention on Human Rights. This includes:

- Article 3: the right of freedom from inhumane degrading treatment (an absolute right)
- Article 8: the right to respect for private and family life (a qualified right) including a duty to protect individuals' physical and psychological integrity
- Article 14 requires that all of the rights and freedoms set out in the Act must be protected and applied without discrimination
- Protocol 1, Article 2 protects the right to an effective education

St Thomas school acknowledges that schools are required to comply with the relevant requirements set out in the Equality Act 2010, which includes:

- schools must not unlawfully discriminate against students because of a **protected characteristic** (sex, race, disability, religion or belief, gender reassignment, pregnancy or sexual orientation)
- schools should consider positive action to address disadvantages faced by one group

St Thomas More School acknowledges that compliance with Public Sector Equality Duty (PSED) is a legal duty and schools have the general duty to:

- have regard to the need to eliminate unlawful discrimination, harassment and victimisation
- advance the quality of opportunity between different groups

- foster good relations between different groups.

How the school responds to a disclosure of sexual violence and sexual harassment

The school has in place procedures to deal with any disclosures within its Safeguarding and Keeping Children Safe policy as well as Schools Allegations of Abuse Against Staff policy. These policies are based upon parts of the new guidance given in the Keeping Children Safe in Education September 2018 and will be updated when the new guidance 2018 has been published.

The school recognises that:

- sexual violence refers to the most serious sexual offences (rape, assault by penetration and sexual assault), these are covered by statute so should be referred directly to the Police.
- sexual harassment and sexual bullying do not include the most serious sexual offences so, depending on the context and nature of harassment or bullying, the school may decide **not** to inform the Police immediately or at all, but rather to refer to children's social care or specialist support services, such as Rape Crisis
- a child under 13 cannot consent to any sexual activity
- the school should have a clear report procedure for both staff and students, but students should be able to report to a member of staff of their choosing so all staff should have relevant safeguarding training
- any student making a disclosure or report, no matter what the content, should feel believed, that they will be taken seriously, that they will be supported and they will be kept safe
- they should never feel like they are creating a problem, that they are to blame for what has happened or feel ashamed to report
- disclosures or reports may come via friends or friend's parents and the student should not be asked why they chose to disclose in that way or why they did not respond in a different way, such as tell someone sooner
- the designated safeguarding lead or their deputy should take the leading role when responding to a disclosure
- the first person to hear the disclosure may be called to attend Crown Court as a witness and asking leading questions may undermine a Police investigation
- the priority is always the immediate safety of the child, not gathering information (the Police will do that)
- professional judgement should be supported by other agencies, including the children's social care and Police
- all concerns, discussions, decisions and reason for decision should be carefully recorded
- specialist support services such as SOS Rape Crisis can support with risk assessments and safety planning for victims
- the NSPCC has a helpline for professionals at help@nspcc.org.uk or 0808 800 5000

Follow up Procedures when dealing with sexual bullying

Procedures for dealing with bullying laid out in the schools Anti-Bullying Policy as well as reference to the Keeping Children Safe in Education DfE guidance 2016 which has been the basis for the schools Safeguarding Policy and procedures.

The Anti-Bullying alliance document entitled 'Sexual Bullying: developing effective anti-bullying practice - a guide for school staff, suggests the following response to sexual bullying.

- **listen and take complaint seriously:** children often report that they are not taken seriously or believed when they try to report bullying – particularly disabled young people and those with SEN. Every complaint will be taken seriously in order to keep the young person safe. No leading questions so as to bias a response to a serious incident will be asked to avoid further escalation
- **record and report:** notes will be taken for each incident that is disclosed and reported to the school Designated Safeguarding Lead (DSL). The DSL will decide whether to make a referral to the LCSB. Records will be kept of all incidents and bullying by its very nature is repetitive so patterns and trends can be monitored. This record can also be used to sanction a student at a later date or provide information in the event of a later incident or investigation
- **sanction as appropriate but take every opportunity to educate:** the sanctions given would depend on the nature of the incident, and the age and development level of the child or young person involved. Every incident will be seen as an opportunity to educate the children involved as to the appropriate way to behave and should be part of a wider school education programme. The nature of bullying is that it is repetitive and so it is vital to check that lessons have been learnt, and the behaviour has stopped.
- **confidentiality is vital:** it is recognised these can be embarrassing and difficult issues for children to share and disclose and it is therefore important that they have the schools trust to keep information private. Information will only be shared on a need to know basis.
Compliance with General Data Protection Regulation (GDPR) will be consistently maintained.
- **Incidents outside of school will be dealt with:** All Headteachers have powers to sanction behaviour outside of school 'to such an extent as is reasonable' (section 90 of the Education and Inspections Act 2006) this is particularly pertinent to cyber related bullying, bullying on transport to and from school, and bullying on school trips. This is explicit in the schools safeguarding policies including anti-bullying.

Additional actions to be considered when a disclosure of an allegation against another student or made includes:

- The victim, the alleged perpetrator and any other children involved or impacted need to be supported and safeguarded
- Sexual bullying and sexually harmful behaviours should not be considered as part of growing up, as 'banter' or as 'boys being boys'
- If there is an open police investigation, the suspect may have bail conditions but will more likely be released under investigation, both come with conditions which the school must support the suspect to adhere to (typically this is to not contact the victim, directly or indirectly, and to not be in their vicinity)
- Regardless of whether a report is made to police, the alleged perpetrator should be removed from lessons they share with the victim and consideration must be given to transport arrangement and social times to ensure they are kept apart
- The victim's educational experience should not be significantly affected by disclosing and it is essential they do not feel they are being sanctioned for speaking out
- Disciplinary action can be taken by schools even when there is an ongoing police investigation and sanctions should not be passed over just because police are involved (but consideration should be given to prejudicing the investigation)

- It is good practice for both the victim and alleged perpetrator's parents to be informed to explain what support is being put in place but information should not be shared about the student who is not their child
- SoS Rape Crisis can support with risk assessments and safety planning for victims and provide support for their parents
- Staff must be vigilant against bullying of the victim and alleged perpetrator
- All concerns, discussions, decision and reasons for decisions should be carefully recorded

A statement about sexual violence, sexual harassment and sexual bullying will be included in the student planners (for September 2018):

- St Thomas More High School is committed to maintaining a learning environment free from sexual violence, sexual harassment and sexual bullying. This means the following are prohibited:
 - All forms of sexual assault
 - Unnecessary and unwanted physical behaviour which has a sexual element, such as brushing against someone or pushing against someone, interfering with someone's clothes or making sexual gestures
 - Sexual comments about someone's appearance, telling sexual stories, using sexualised or sexist names, use of unwelcome sexual innuendo and spreading rumours of a sexual nature
 - Sexual 'jokes', taunting or cat-calling
 - Displaying pictures, photos or drawing of sexual content
 - Online behaviour which has a sexual element, such as sharing indecent images or pornography, sexual comments on social media and coercion or threats to engage in sexual acts online or offline

Sexual violence, sexual harassment and sexual bullying of or by any member of the school community, on or off the school premises, is not acceptable and it will never be tolerated.

If you experience sexual violence, sexual harassment or sexual bullying, you should report to a senior member of staff that is designated for Safeguarding:

- **Mr G Mason, Director of Learning i/c Behaviour and Safety**
- **Mrs M Walford, Pupil and Community Support Officer**
- **Mr P Maxfield, Deputy Headteacher**
- **Ms E Corr, Director of Learning i/c Sixth Form**
- **Ms C Webb, Director of Religious Life**