

QAP	3.11
ISSUE DATE	Jul 2005
AUTHOR	D Hankey
SHEET	1 of 5
FORMS	0
REVIEWED	Nov 2025
REVIEWED BY	D Caygill
CHECK BY	Sep 2026

Quality Assurance Policies & Procedures

SAFEGUARDING AND PREVENT POLICY

CHILD AND VULNERABLE ADULT PROTECTION

Appendix I

Child-on-child sexual violence and sexual harassment

Sexual violence and sexual harassment can occur between two children of any age and sex. It can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children. Children who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment. Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physical and verbal) and are never acceptable. It is important that all victims are taken seriously and offered appropriate support. Children can abuse other children. This is generally referred to as peer on peer abuse and can take many forms. This can include (but is not limited to) bullying (including cyberbullying); sexual violence and sexual harassment; physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm; sexting and initiating/hazing type violence and rituals.

Staff should be aware that some groups are potentially more at risk. Evidence shows girls, children with SEND and LGBT children are at greater risk.

Children with Special Educational Needs and Disabilities (SEND) are three times more likely to be abused than their peers. Additional barriers can sometimes exist when recognising abuse in SEND children. These can include:

- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability without further exploration;
- the potential for children with SEND being disproportionately impacted by behaviours such as bullying and harassment, without outwardly showing any signs; and
- communication barriers and difficulties overcoming these barriers.

Any reports of abuse involving children with SEND will therefore require close liaison with the designated safeguarding lead (or deputy) and the special educational needs co-ordinators (SENCOs)

The College has a zero-tolerance approach to sexual violence and sexual harassment, that it is never acceptable, and it will not be tolerated. It should never be passed off as “banter”, “just having a laugh”, “a part of growing up” or “boys being boys”. Failure to do so 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

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- **recognising, acknowledging, and understanding the scale of harassment and abuse and that even if there are no reports it does not mean it is not happening, it may be the case that it is just not being reported.**

- **challenging physical behaviour (potentially criminal in nature) such as grabbing bottoms, breasts and genitalia, pulling down trousers, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them.**

Sexual violence

The college is aware of sexual violence and the fact children can, and sometimes do, abuse their peers in this way and that it **can** happen **both inside and outside** of college. When referring to sexual violence in this advice, we do so in the context of child-on-child sexual violence.

For the purpose of this advice, when referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003 as described below:

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. (Schools should be aware that sexual assault covers a very wide range of behaviour so 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: A person (A) commits an offence if: s/he intentionally causes another person (B) to engage in an activity, the activity is sexual, B does not consent to engaging in the activity, and A does not reasonably believe that B consents. (This could include forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party.)

What is consent?

Rape Crisis England & Wales - Sexual 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. Further information about consent can be found here:

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It is important school and college staff (and especially designated safeguarding leads and their deputies) understand consent. This will be especially important if a child is reporting they have been raped or sexually assaulted in any way.

It is important to differentiate between consensual sexual activity between children of a similar age and that which involves any power imbalance, coercion or exploitation. Due to their additional training, the designated safeguarding lead (or deputy) should be involved and generally speaking leading the college response. If in any doubt, they should seek expert advice.

It is important to note that:

- 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

For the purpose of this advice, when referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur online and offline and both inside and outside of college. 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:
 - consensual and non-consensual sharing of nude and semi-nude images and videos. UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people (which provides detailed advice for schools and colleges) highlights that taking and sharing nude photographs of U18s is a criminal offence;
 - sharing of unwanted explicit content;
 - upskirting (this is a criminal offence);
 - sexualised online bullying;
 - unwanted sexual comments and messages, including, on social media;

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- sexual exploitation; coercion and threats.

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

Consensual image sharing, especially between older children of the same age, may require a different response. It might not be abusive – but children still need to know it is illegal - whilst non-consensual is illegal and abusive.

The Voyeurism (Offences) Act 2019 which amends the Sexual Offences Act 2003 to make upskirting a specific offence of voyeurism. The Act came into force on 12 April 2019.

Harmful sexual behaviour

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. A useful umbrella term is "harmful sexual behaviour" (HSB). The term has been widely adopted in child protection and is used in this advice. **HSB can occur online and/or face to face and can also occur simultaneously between the two.** HSB should be considered in a child protection context.

When considering HSB, ages and the stages of development of the children are critical factors. 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. Confidential, specialist support and advice on HSB is available from the specialist sexual violence sector:

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A whole college approach to child sexual violence and harassment

The college takes a whole college approach to safeguarding and child protection. This involves everyone in the college, including the governing body or proprietor, all the staff, children, adult students and parents and carers. Safeguarding and child protection is a recurrent theme running through policies and procedures. The college's approach to sexual violence and sexual harassment reflects and is part of the broader approach to safeguarding. Ultimately, all systems, processes and policies operate with the best interests of the child at their heart.

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.

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Sexual violence and sexual harassment between children in schools and colleges

Advice for governing bodies, proprietors, headteachers, principals, senior leadership teams and designated safeguarding leads

Keeping children safe in education 2025 Statutory guidance for schools and colleges

https://assets.publishing.service.gov.uk/media/68add931969253904d155860/Keeping_children_safe_in_education_from_1_September_2025.pdf

Guidance

Sharing nudes and semi-nudes: how to respond to an incident (overview) (updated March 2024)

<https://www.gov.uk/government/publications/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people/sharing-nudes-and-semi-nudes-how-to-respond-to-an-incident-overview>

2024 guidance from the UK Council for Internet Safety (UKCIS), [Sharing nudes and semi-nudes: advice for education settings working with children and young people](#), for managing incidents.

<https://www.gov.uk/government/publications/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people>

Upskirting

Upskirting is a highly intrusive practice, which typically involves someone taking a picture under another person's clothing without their knowledge, with the intention of viewing their genitals or buttocks (with or without underwear). The purpose of the behavior is to obtain sexual gratification, or to cause humiliation, distress or alarm.

Anyone, and any gender, can be a victim and this behavior is completely unacceptable.

Punishment under the law

Under the new law perpetrators will face two years in prison. By criminalising this distressing practice, it is hoped that it deters people from committing the crime.

Upskirting, where committed to obtain sexual gratification, can result in the most serious offenders being placed on the sex offenders register.

The Voyeurism (Offences) Act, which was commonly known as the Upskirting Bill, was introduced on 21 June 2018. It came into force on 12 April 2019

<https://www.gov.uk/government/news/upsirting-law-comes-into-force>

Upskirting: know your rights

Published 11 February 2019 [Upskirting: know your rights - GOV.UK \(www.gov.uk\)](#)