

# Managing Allegations Against Pupils

At Frank Wise School we believe that all children have a right to attend school and learn in a safe environment. Children should be free from harm by everyone in the school which includes other pupils.

We recognise that some pupils will sometimes negatively affect the learning and wellbeing of others and their behaviour will be dealt with under the school's behaviour policy.

## Introduction

DfE guidance Keeping Children Safe in Education, 2022 says that, "governing bodies should ensure that there are procedures in place to handle allegations against other children". The guidance also states the importance of minimising the risks of peer-on-peer abuse.

In most instances, the conduct of pupils towards each other will be covered by the school's behaviour policy. However, some allegations might be of such a serious nature that they become safeguarding concerns. These allegations are most likely to include physical abuse, emotional abuse, sexual abuse and / or exploitation, which could include sexual violence or sexual harassment. We are aware however, that the abuse may take any form.

## Definitions

- The definition for domestic abuse (Home Office 2013) relates to young people aged 16 and 17 who experience physical, emotional, sexual and/or financial abuse, and coercive control, in their intimate relationships
- The definition for child sexual exploitation (DCSF 2009) captures young people aged under-18 who are sexually abused in the context of exploitative relationships, contexts and situations by a person of any age – including another young person
- The definition for young people who display harmful sexual behaviour refers to any young person, under the age of 18, who demonstrates behaviour outside of their normative parameters of development (this includes, but is not exclusive to abusive behaviours) (Hackett 2011, NICE 2014)
- Serious youth violence is defined with reference to offences (as opposed to relationships/ contexts) and captures all those of the most serious in nature including murder, rape and GBH between young people under-18 (London Safeguarding Children Board 2009)

## The safeguarding implications of sexual activity between young people

\*Taken from The safeguarding implications of events leading to the closure of Stanbridge Earls School – A Serious Case Review (2015)

The intervention of child protection agencies in situations involving sexual activity between children can require professional judgments. Some situations are statutorily clear – for example, a child under the age of 13 cannot consent to sexual activity. But it will not necessarily be appropriate to initiate safeguarding procedures where sexual activity involving children and young people below the age of legal consent (16 years) comes to notice. In our society generally the age at which children become

sexually active has steadily dropped. It is important to distinguish between consensual sexual activity between children of a similar age (where at least one is below the age of consent), and sexual activity when thinking about the capacity of our students to understand what they are being asked to do or be a part of, either actively or passively.

## Prevention

At Frank Wise School we will minimise the risk of allegations against other pupils by:

- Providing PSHE as part of the curriculum, which will help pupils develop their understanding of acceptable behaviours, healthy relationships and keeping themselves safe;
- Teaching the Protective Behaviours approach so that pupils understand and recognise the physical signs of feeling safe or in danger;
- Modelling appropriate social interactions;
- Having effective systems within our school for pupils to be able to raise concerns with staff, knowing they will be listened to, supported and valued, and that the issues they raise will be looked into and addressed;
- Liaising and working with other professionals to develop robust risk assessments for pupils that are identified as posing a potential risk to other pupils;
- Liaising with specialists to deliver appropriate targeted work to pupils identified as being at potential risk

## Allegations against other pupils (safeguarding issues)

Allegations of abuse or that are a safeguarding concern may be made against other pupils within our setting. These may include allegations of physical abuse, emotional abuse, sexual abuse and / or exploitation, which could include sexual violence or sexual harassment. It may also be considered a safeguarding issue if the allegation:

- Is being made against an older pupil and refers to their behaviour towards a younger or more vulnerable pupil
- Is being made and indicates an imbalance of power between pupils
- Is of a possible criminal nature
- Puts other pupils in the school at risk, or raises the risk factor for others
- Indicates that other pupils may have been harmed or be at risk or harm
- Includes bullying (under the definition of emotional abuse) or intimidation

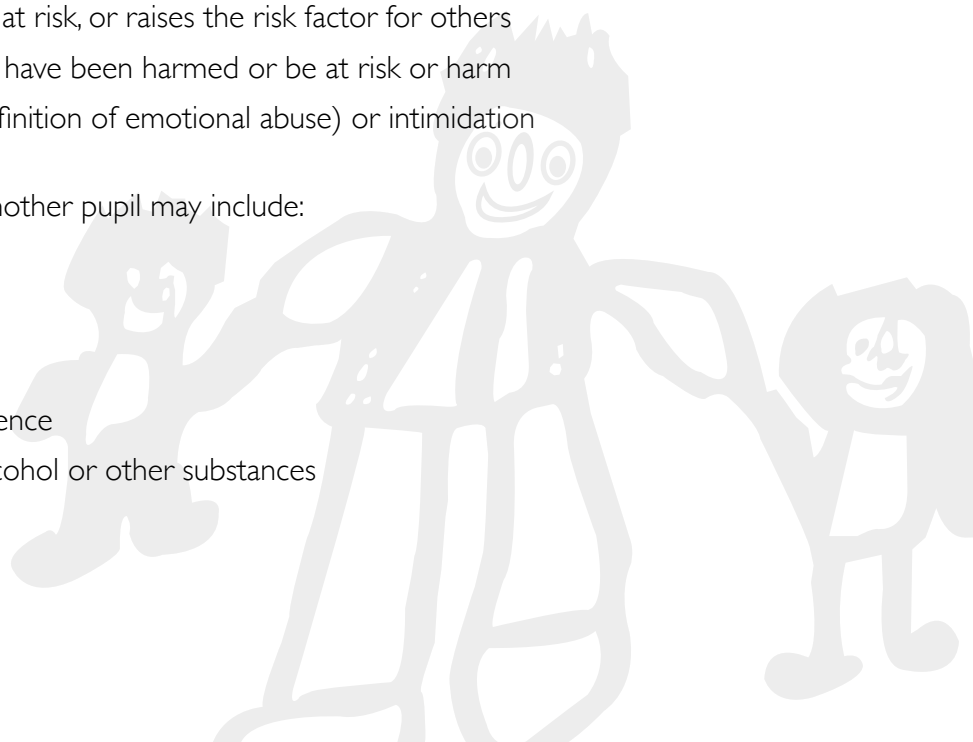
Specific safeguarding issues against another pupil may include:

### Physical abuse:

- Pre-planned violence
- Physical altercations
- Forcing other to carry out violence
- Forcing others to use drugs, alcohol or other substances

### Emotional abuse:

- Bullying



- Threats and Intimidation
- Blackmail/extortion

### **Sexual abuse / violence:**

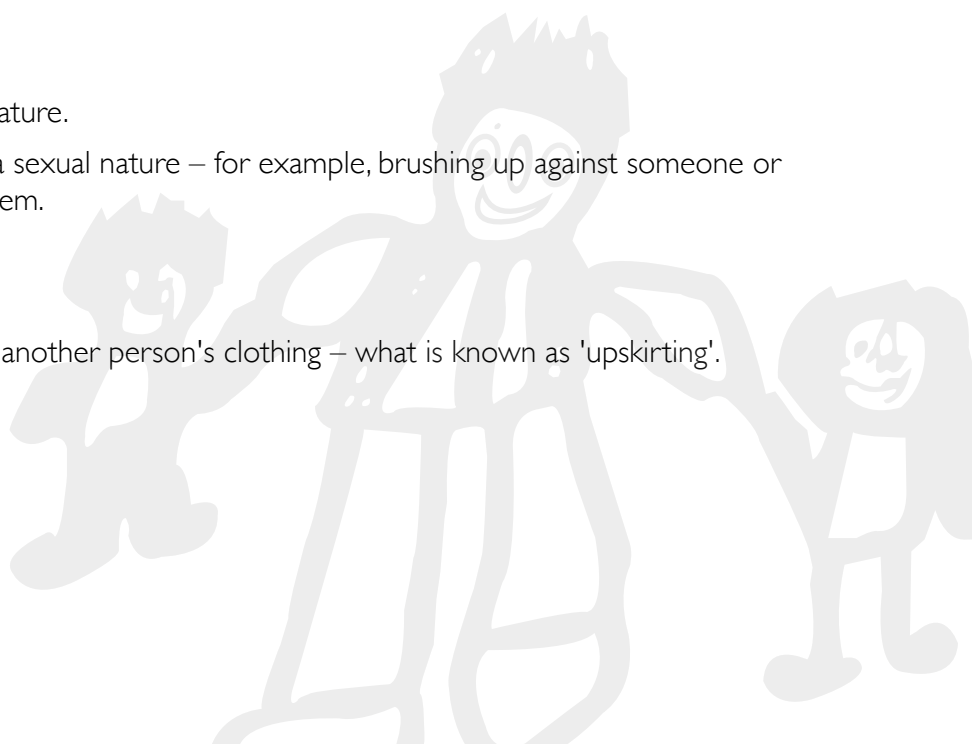
- Sexual assault
- Rape
- Indecent exposure
- Indecent touching
- Showing pornography to others
- Forcing others to create/share/download indecent images
- Sexting

### **Sexual exploitation**

- Encouraging/enticing other pupils to engage in inappropriate sexual behaviour
- Photographing or videoing other children performing indecent acts
- Sharing images through social media

### **Sexual Harassment**

- Sexual comments or noises – for example, catcalling or wolf-whistling.
- Sexual gestures.
- Leering, staring or suggestive looks. This can include looking someone up and down.
- Sexual 'jokes'.
- Sexual innuendos or suggestive comments.
- Unwanted sexual advances or flirting.
- Sexual requests or asking for sexual favours.
- Sending emails or texts with sexual content – for example, unwanted 'sexts' or 'dick pics'.
- Sexual posts or contact on social media.
- Intrusive questions about a person's private or sex life.
- Someone discussing their own sex life.
- Commenting on someone's body, appearance or what they're wearing.
- Spreading sexual rumours.
- Standing close to someone.
- Displaying images of a sexual nature.
- Unwanted physical contact of a sexual nature – for example, brushing up against someone or hugging, kissing or massaging them.
- Stalking.
- Indecent exposure.
- Taking a photo or video under another person's clothing – what is known as 'upskirting'.



## Procedure

- When an allegation is made by a pupil against another pupil, which is of a safeguarding nature, it should be reported to the designated safeguarding lead (DSL) as soon as possible
- A factual record must be kept (as other safeguarding child protection procedures) and updated with all actions and outcomes
- The incident should not be investigated at this time
- The DSL will contact the MASH to discuss the case, and make a formal referral where appropriate
- If the allegation indicates that a potential crime has taken place the MASH will refer the case to the police
- Parents of both the alleged victim and the pupil against whom the allegation has been made should be informed. This should be discussed during the consultation with the MASH
- A risk assessment will be considered at this time to protect all parties involved
- It may be appropriate to exclude the alleged culprit against whom the report has been made for a fixed time in line with our school's behaviour policy and procedures
- Police and social care will lead any investigation. However, where neither police nor social care thresholds are met, Frank Wise School will then undertake a thorough investigation following our school's policies and procedures
- A risk assessment should be considered along with an appropriate supervision plan
- Support should be given to all pupils involved, and they should be involved in the relevant meetings and sign and agree to the plans that are set
- The plan should be monitored and review dates set

## If allegations are made directly to other agencies

In some circumstances parents or the alleged victims will report directly to other agencies. In these cases (if not police or social care) these agencies should make referrals to the MASH or the police.

MASH or police should liaise directly with the DSL for the school to inform them of the situation, or liaise with a member of the Designated Officer (LADO) and schools safeguarding team who will contact the DSL with the information.

All professionals involved can support with the risk assessment and management of such allegations.

## Police action and responsibility

Thames Valley Police will make an assessment on a case by case basis as to the legality, proportionality and necessity to share information with partner agencies, including schools.

Where a report is made concerning a school-age child, and the school / educational establishment is already involved, the police should keep the DSL for that setting updated with developments in the case and police officer / staff dealing with the matter. In Oxfordshire, schools receive domestic abuse reports where children are involved in those cases where the police identify a safeguarding need.

Where a report is made concerning a school-age child and the school / educational establishment is not already involved, the police must always give active consideration to sharing relevant information

with the setting. This will ensure that the setting can take necessary measures to ensure the safety of the children involved and others they may come into contact with. The decision on appropriate measures to take should be made by the setting with support from the police as necessary.

In the case of police or court bail conditions for safeguarding cases, the police must notify the setting of the conditions which are relevant to keep the child and others safe in the setting.

If a report indicates a safeguarding concern regarding a child or a risk they may pose to others, the presumption is the report will be shared with those who need to know to help keep children safe. A review strategy meeting may be the most appropriate way of communicating and agreeing a suitable course of action.

## Contact Numbers

### Jo Lloyd

Local Authority Designated Officer

### Donna Crozier

Assistant Designated Officer

### Sandra Barratt

Assistant Designated Officer

### Lorna Berry

Assistant Designated Officer

To contact the team:

[lado.safeguardingchildren@oxfordshire.gov.uk](mailto:lado.safeguardingchildren@oxfordshire.gov.uk) or call 01865 810603

## Other relevant policies and procedures

- Safeguarding and Child Protection
- Keeping Children Safe in Education

**Reviewed by:** Lara Hughes

**Date:** January 2023

**Approved by Governors:**

**Date:**

