



# Wakefield Grammar School Foundation

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<b>Author/Lead</b> <b>Job Title</b>	James Harris, DSL WGHS Emma Gill, DSL WGPPS Jim Palin, DSL QEGS
<b>Consultation</b>	Ben Ward, Head of HR
<b>Checker Person Name</b> <b>Quality Assurance</b>	Penny Plumpton, Safeguarding Governor
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## CHANGE RECORD - REVIEW PERIOD ANNUALLY

<b>Version</b>	<b>Date</b>	<b>Change details</b>
V1.00	Nov 2019	Updated, L Ladds
V1.01	Sept 2020	Updated, L Ladds
V1.02	Sept 2022	Updated, L Ladds
V1.03	Sept 2023	Updated, James Harris
V2.00	Sept 2024	Previous WGHS policy adopted as Foundation wide.

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## **WGSF Sexual Harassment Policy**

### **1. Purpose**

This policy outlines the Foundation's response to dealing with child-on-child sexual violence and sexual harassment in or out of school and is for pupils, parents/carers, staff and the governing body. This policy is written in accordance with the guidance available in [DfE Keeping Children Safe in Education \(2024\)](#).

The Foundation works under the culture that 'this can happen anywhere' and therefore we treat any issues, concerns, allegations or reports very seriously and in line with the procedures noted below. All our approaches are underpinned by the principle that there is a zero-tolerance approach to sexual violence and sexual harassment and it is never acceptable and will not be tolerated.

### **2. Policy aims**

Everyone has the right to be respected and be treated equally. Sexual harassment is discriminatory and unlawful.

Sexual harassment may lead to disciplinary measures and may also entail civil liability and even criminal consequences.

Once an act of sexual harassment has occurred, any person in the school has a right to lodge a complaint.

The determination of the school to eliminate and to prevent sexual harassment should be clearly conveyed. Sexual harassment will not be tolerated in the school.

### **3. Definition of Sexual Harassment**

Sexual harassment means a person makes an unwelcome conduct of a sexual nature to you. The unwelcome conduct includes unwelcome sexual attention, physical contact, talking about issues of a sexual nature, or making a sexual advance. It also amounts to sexual harassment if you find the environment you work or study in is sexually hostile, in which you feel intimidated, offended or humiliated.

Sexual harassment may occur to any person, regardless of their gender; all provisions in this policy related to sexual harassment are applicable to both men and women as well as sexual harassment to persons of the same sex.

Intention is irrelevant. Even if the act of sexual harassment is not intentional or there is no evidence to prove the intention, it amounts to sexual harassment once the act meets the definition of sexual harassment. Hence, no matter whether the act is intentional or not, or even if the act is of a playful nature, it may amount to sexual harassment.

A single incident may also amount to sexual harassment.

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 (the Foundation will consider when any of this crosses a line into sexual violence noting that it is important to talk to and consider the experience of the victim) and displaying pictures, photos or drawings of a sexual nature
- 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.
  - sharing of unwanted explicit content;
  - upskirting (a criminal offence);
  - sexualised online bullying or unwanted sexual comments and messages, including, on social media;
  - sexual exploitation, coercion and threats.

The Foundation considers 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.

In school, a pupil may harass a fellow pupil or harass a teacher. If such incidents happen, they are also acts of sexual harassment which the school must handle in an appropriate manner.

#### **4. 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 policy. 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, the 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:

- Contact [Rape Crisis \(England & Wales\)](#) or [The Survivors Trust](#) for information, advice, and details of local specialist sexual violence organisations.
- [NICE guidance](#) contains information on, amongst other things: developing interventions; working with families and carers; and multi-agency working.
- [The Lucy Faithfull Foundation](#) has developed a HSB toolkit.
- The [NSPCC](#) provides free and independent advice about HSB.

Children displaying HSB have often experienced their own abuse and trauma. We acknowledge that it is important that they are offered appropriate support.

#### **5. Sexual violence**

As outlined above, sexual harassment includes things such as sexual comments, jokes and physical behaviour such as deliberately brushing up against someone.

Sexual violence refers to rape or assault.

For the purpose of this policy, when referring to sexual violence we are referring to sexual offences under the [Sexual Offences Act 2003](#) and as noted in section 458 in [Keeping Children Safe in Education](#).

## **6. Sexual consent**

- 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

The idea of 'consent' is taught from FS1 (3 year olds) in the Foundation. We talk to the children about consent as always choosing to respect others' boundaries. This starts in the Early Years with permission for borrowing equipment and teaching them empowering language and opportunities to use it. The children are taught the PANTS rule (NSPCC) across WGPPS and the Junior Sections - that what is in their pants is private.

We also talk to the parents about ensuring they respect their children's wishes around consent. For example, asking children if it is okay to tickle them, not forcing them to kiss relatives if they do not want to, or ensuring they ask for permission if posting photos to social media.

Healthy relationships are continually discussed as part of the PSHE/RSHE curriculum across the Foundation.

### **Extra-familial harms**

All staff are aware that safeguarding incidents and/or behaviours can be associated with factors outside the school and/or can occur between children outside of school. Extra-familial harms take a variety of different forms and children can be vulnerable to multiple harms including (but not limited to) sexual exploitation, criminal exploitation, sexual abuse, serious youth violence and county lines.

### **Technology**

All staff are aware that technology is a significant component in many safeguarding and wellbeing issues. Children are at risk of abuse online as well as face to face. In many cases abuse will take place concurrently via online channels and in daily life. Children can also abuse their peers online. This can take the form of abusive, harassing, and misogynistic messages, the non-consensual sharing of indecent images, especially around chat groups, and the sharing of abusive images and pornography, to those who do not want to receive such content.

In all cases, if staff are unsure, they should always speak to the DSL or a Deputy DSL.

## **7. Ongoing response: Safeguarding the victim and the alleged harasser**

Children who are victims of sexual violence and sexual harassment, wherever it happens, will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment and will be exacerbated if the alleged harasser(s) attends the same school. As set out in Part one of KCSIE, we are aware that safeguarding incidents and/or behaviours can be associated with factors outside the school, including intimate personal relationships (see also sections of child sexual exploitation and coercive and controlling behaviour at paragraph 34 of KCSIE).

The Foundation recognises that 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.

Along with providing support to children who are victims of sexual violence or sexual harassment, the Foundation, as set out in Part Five of KCSIE, must continue to provide the alleged harasser(s) with an education, safeguarding support as appropriate, and implement any disciplinary sanctions.

A child abusing another child may be a sign they have been abused themselves or a sign of wider issues that require addressing within the culture of the Foundation. Taking disciplinary action and providing appropriate support, can, and should, occur at the same time if necessary. Reports of sexual violence and sexual harassment are extremely complex to manage. It is essential that victims are protected, offered appropriate support and every effort is made to ensure their education is not disrupted. It is also important that other children, and School staff, are supported and protected as appropriate

We are aware that girls are more likely to be the victims and boys are more likely to be perpetrators of sexual harassment and children with SEND are likely to be more vulnerable. LGBTQ+ children can be targeted by their peers. In some cases, 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+.

The needs and wishes of the victim should be paramount (along with protecting the child) in any response. It is important they feel in as much control of the process as is reasonably possible. Wherever possible, the victim, if they wish, should be able to continue in their normal routine. Overall, the priority should be to make the victim's daily experience as normal as possible, so that the School is a safe space for them.

The age and the developmental stage of the victim, the nature of the allegations and the potential risk of further abuse are always considered. A power imbalance is likely to have been created between the victim and alleged perpetrator(s). The victim should never be made to feel they are the problem for making a report or made to feel ashamed for making a report.

Support will be tailored on a case by-case basis. The support required regarding a one-off incident of sexualised namecalling is likely to be vastly different from that for a report of rape. Support can include:

- Early help and children social care support as set out in [Part Five of Keeping Children Safe in Education](#).
- Children and Young People's Independent Sexual Violence Advisors (ChISVAs) provide emotional and practical support for victims of sexual violence.
- [Child and adolescent mental health services \(CAMHS\)](#). CAMHS is used as a term for all services that work with children and young people who have difficulties with their emotional or behavioural wellbeing.
- The specialist sexual violence sector can provide therapeutic support for children who have experienced sexual violence. Contact [Rape Crisis \(England & Wales\)](#) or [The Survivors Trust](#) for details of local specialist organisations.
- [NHS - Help after rape and sexual assault](#) provides a range of advice, help and support including advice about the risk of pregnancy, sexually transmitted infections (STIs), reporting to the police and forensics.

- Rape and sexual assault referral centres services can be found at: [NHS Find Rape and sexual assault referral centres](#). Sexual assault referral centres (SARCs) offer medical, practical and emotional support. They have specially trained doctors, nurses and support workers. If children, young people, or their families are unsure which service to access, they should contact their GP or call the NHS on 111.
- [Childline](#) provides free and confidential advice for children and young people.
- [Internet Watch Foundation](#) (IWF) works internationally to remove child sexual abuse online images and videos and offers a place for the public to report them anonymously.

Victims may not disclose the whole situation immediately. They may be more comfortable providing information on a piecemeal basis. It is essential that dialogue is kept open and encouraged. When it is clear that ongoing support will be required, the DSL or Deputy DSL will ask the victim if they would find it helpful to have a designated trusted adult (for example, their form tutor/class tutor or the DSL) to talk to about their needs. The choice of any such adult should be the victim's (as far as reasonably possible). We will respect and support this choice.

A victim of sexual violence is likely to be traumatised and, in some cases, may struggle in a normal classroom environment. Whilst we would avoid any action that would have the effect of isolating the victim, in particular from supportive peer groups, there may be times when the victim finds it difficult to maintain a full-time timetable and may express a wish to withdraw from lessons and activities. This should be because the victim wants to, not because it makes it easier to manage the situation. If required, we will provide a physical space for victims to withdraw to.

It may be necessary to maintain arrangements to protect and support the victim for a long time. We will be prepared for this and will work with children's social care and other agencies as required. We will do everything we reasonably can to protect the victim from bullying and harassment as a result of any report they have made. Whilst the pupil(s) should be given all the necessary support to remain in school, if the trauma results in the victim being unable to do this, alternative provision or a move to another school should be considered to enable them to continue to receive suitable education. This should only be at the request of the victim (and following discussion with their parents or carers). It is important that if the victim does move to another educational institution (for any reason), then the new educational institution is made aware of any ongoing support needs. The DSL will take responsibility to ensure this happens (and should discuss with the victim and, where appropriate, their parents or carers as to the most suitable way of doing this) as well as transferring the child protection file.

## **8. Objectives and Responsibilities of the Foundation**

- To ensure that all pupils and staff members and other persons who provide services to the Foundation (including voluntary helpers, contract workers/service providers/agents) are able to study, work, conduct extra-curricular activities or provide/have access to services in a safe and sexually hostile-free environment.
- To provide appropriate training to pupils and members of staff in order to raise their awareness about sexual harassment and to nurture the right and proper value of respecting others.
- To provide effective channels for all pupils and members of staff to lodge complaints in order to make the complaint handling process more user-friendly.

- To handle complaints on the principles of fairness, impartiality and confidentiality, and in a serious and discreet manner and ensure that nobody will be punished because of lodging a complaint in good faith.

## **9. Obligation and responsibility of all members of staff and pupils**

All members of staff and pupils have the obligation and responsibility to prevent and eliminate sexual harassment, including respecting the will and feelings of others, refusing to tolerate any sexual harassment behavior, and supporting co-workers/pupils to take reasonable steps to stop sexual harassment.

Any pupil / member of staff can lodge a complaint with a member of staff responsible for handling sexual harassment complaints if that pupil / member of staff witnessed any other pupil / member of staff committing any sexual harassment act or was sexually harassed.

## **10. Rights of the victim**

Every person has a right to lodge a complaint on sexual harassment.

When a person is sexually harassed, they may take the following actions:

- Speak up at the time. Tell the harasser that their act is unwelcome and should be stopped immediately.
- Keep a written record of the incidents, including the dates, times, locations, witnesses and nature (what the harasser has said or done) and their own response.
- Tell someone they trust or a counsellor, and ask for emotional support and advice.
- Make a formal or informal complaint to the Head or Designated Safeguarding Lead.

## **11. Handling cases discreetly**

All cases will be handled discreetly and empathy shown to the feelings of victims, for instance, avoiding asking the victim to repeat their painful story, appointing investigators of the same sex to interview the victim, etc. in order to ensure that the victim would not be unnecessarily further distressed or humiliated.

Complaint cases will be handled discreetly so that the other related parties would not be unnecessarily distressed.

Assurance will be given to all pupils and members of staff that all information and records related to a sexual harassment complaint will be confidential and only be disclosed to relevant staff on a need-to-know basis. Since the alleged harasser is a key person in the case, under the principle of natural justice, they will be informed about the details of the allegation.

## **12. Mechanism for handling sexual harassment complaints**

Taking into account the age, the education level of and the distress suffered by the victim after the sexual harassment incident, the victim can lodge a formal or informal complaint in various ways.

Names and contacts of all staff members who handle complaint cases should be listed out at the time of the complaint to the complainant.

Both informal and formal complaint handling mechanisms for sexual harassment complaints should be established. If the primary concern of the victim is to stop the acts of sexual

harassment as soon as possible by way of taking informal action (e.g., sending a clear message to the alleged harasser) instead of conducting an investigation into their case, the complaint will be handled informally.

Generally speaking, the informal complaint handling mechanism is an appropriate way for handling minor and single incidents rather than serious and repeated acts of sexual harassment.

Avoid delay: complaints will be handled promptly because both the victim and the alleged harasser are under pressure.

Transparent procedures: this policy will be made known to all pupils and staff members including the rules and disciplinary measures.

If the victim or alleged harasser is a pupil, they are entitled to be accompanied by their parent/guardian/family member to attend the relevant interview so as to safeguard their rights.

If necessary, the victim and the alleged harasser should avoid contact (in particular, private contact) during the period of investigation.

If necessary, support and counselling should be offered to the victim. If the victim is a pupil, support and counselling can also be offered to the pupil and their parents.

The interviews and the statements of both the victim and the alleged harasser should be documented.

A written report should be prepared and the investigation result, any sanction, and any other considerations should be made known to both the victim and the alleged harasser.

If one party does not accept the investigation result, as a principle of natural justice, appeals to the senior level of school management should be allowed.

Victims and witnesses will be protected against victimisation.

Sexual harassment acts may also amount to criminal offences, such as indecent assault and the distribution and display of indecent and obscene articles. The Foundation may consider referring those cases to the police.

### **13. Outcomes**

With regard to the alleged perpetrator(s), advice on behaviour and discipline in schools is clear that teachers can discipline pupils whose conduct falls below the standard which could be reasonably expected of them. Please refer to the schools' Behaviour Policies.

Disciplinary action can be taken whilst other investigations by the police and/or children's social care are ongoing. The Foundation will consider if, by taking any action, it would prejudice an investigation and/or any subsequent prosecution. Careful liaison with the police and/or children's social care should help the school make a determination. It will also be important to consider whether there are circumstances that make it unreasonable for us to reach our own view about what happened while an independent investigation is considering the same facts.



The specific disciplinary measures to which sexual harassment acts could lead and what the maximum penalty is should be stated, for instance, making apologies, attending counseling sessions, being excluded, etc.

If the case involves criminal offences, it will be reported to the police.

If the case involves any pupils, the pupils and their parents should be informed of all the related regulations and disciplinary measures.

#### **14. Measures for prevention of sexual harassment**

This policy will be uploaded to the Foundation's FireFly and website so that pupils and staff members can have access to the policy at any time.

All service providers and external parties should know that there is zero-tolerance to any sexual harassment acts and should be provided with the relevant information.

#### **15. Training**

Regular training and education programmes on gender equality, respecting others and enhancing awareness about the prevention of sexual harassment for pupils and staff members are carried out.

#### **16. Other useful documents**

- [Harmful sexual behaviour framework](#) - An evidence-informed operational framework for children and young people displaying harmful sexual behaviours
- [Harmful sexual behaviour framework Audit tool](#) - an audit exercise to enable local areas to assess their practice, processes and leadership against the five key domains.