



St Francis Xavier Catholic Primary

Harmful Sexual Behaviour & Child-on-Child Sexual Violence Policy

APPROVED BY: GOVERNING BODY

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What is harmful sexual behaviour?

This is statutory guidance about how schools should respond to all signs, reports and concerns of child-on-child sexual violence and Sexual harassment, including those that have happened outside of the school premises, and/or online, what to look out for and indicators of abuse are.

All staff working with children are advised to maintain an attitude of 'it could happen here', and this is especially important when considering child-on-child abuse.

This policy was written alongside the DFE guidance and Keeping Children Safe in Education 2023.

Harmful sexual behaviour (HSB) is a term used to describe sexual actions that are outside what is safe for a young person's stage of development. It includes actions that can harm either the child or young person themselves, or another person. The following policy provides information on assessing sexual behaviours and recognising harmful behaviours.

Sexual violence

It is important that schools are aware of sexual violence and the fact children can, and sometimes do, abuse other children in this way and that it can happen both inside and outside of school. When referring to sexual violence in this advice, we do so in the context of child-on-child sexual violence.

When referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003¹³⁴:

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. (NOTE – 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. (NOTE – this could include forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party).

Sexual harassment

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 school. 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 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.
- Displaying pictures, photos or drawings of a sexual nature
- Upskirting (this is a criminal offence)
- 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/or videos. Taking and sharing nude photographs of those aged under 18 is a criminal offence.

Advice for education settings working with children and young people provides detailed advice for schools:

- Sharing of unwanted explicit content
- Sexualised online bullying
- Unwanted sexual comments and messages, including, on social media
- Sexual exploitation; coercion and threats, and
- Coercing others into sharing images of themselves or performing acts they're not comfortable with online.

It is important that schools 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.

At St Francis Xavier Catholic Primary school, we will not tolerate HSB and accordance with the school's Behaviour Policy, our response will be:

- Proportionate
- Considered
- Supportive
- Decided upon a case-by-case basis

The sanctions will be linked to the School's Behaviour Sanctions Chart **and involve parents immediately**

No matter how 'low-level' – we will inform parents what their child has said or done, in the hope of getting parents on board and having conversations at home about what is acceptable and unacceptable.

This can just be a quick phone call, but it is important that it happens **immediately** and **every time** staff have concerns about their child's behaviour.

AIMS:

Our aim is to create a culture and ethos of respect, tolerance, acceptance and diversity and understand that 'low-level' incidents are more frequent.

Through our RSHCE curriculum and assemblies, pupils know that we will:

- Take their safety and wellbeing seriously
- Listen to them
- Act on their concerns
- Not tolerate or accept abuse

Our programme will be age and stage of development appropriate (especially when considering SEND children and their cognitive understanding), and may tackle such issues as:

- stereotyping, equality;
 - prejudiced behaviour;
 - that sexual violence and sexual harassment is always wrong; and
 - addressing cultures of sexual harassment.
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- Consent
 - What respectful behaviour looks like
 - Body confidence and self-esteem
 - Healthy relationships

Child on child abuse

Is most likely to include, but not limited to:

- Frequently and intentionally accessing age-inappropriate sexual material online
- Using inappropriate language
- Inappropriate or unwanted sexualised touching
- Pressuring, forcing or coercing someone to share nude images (Sexting)
- Sharing sexual images without consent, or taking a picture under a person's clothing (upskirting)
- Sexual or sexist name calling
- Undertaking mutual sexual activity they are not ready for with peers
- Sending and receiving illegal images
- Sexual interactions where there are significant power differences, lack of consent, or through force or threats
- Engaging in abusive or sexually violent sexual behaviour online or offline
- Bullying (including cyberbullying, prejudice-based and discriminatory bullying);
- Sexual violence, such as rape, assault by penetration and sexual assault; (this may include an online element which facilitates, threatens and/or encourages sexual violence);
- Sexual harassment, such as sexual comments, remarks, jokes and online sexual harassment, which may be standalone or part of a broader pattern of abuse

Recognising harmful sexual behaviour:

Children's sexual behaviour exists on a wide continuum, ranging 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. 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. Between the two, HSB should be considered in a child protection context.

When considering HSB, both 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.

Signs and indicators

Children and young people demonstrate a range of sexual behaviours as they grow up, and this is not always harmful.

It can be difficult to work out if a child is displaying **appropriate, inappropriate, problematic or abusive sexual behaviour.**

Sexualised behaviour sits on a continuum with five stages:

- **appropriate** – the type of sexual behaviour that is considered 'appropriate' for a particular child depends on their age and level of development
- **inappropriate** – this may be displayed in isolated incidents, but is generally consensual and acceptable within a peer group
- **problematic** – this may be socially unexpected, developmentally unusual, and impulsive, but have no element of victimisation
- **abusive** – this often involves manipulation, coercion, or lack of consent
- **violent** – this is very intrusive and may have an element of sadism

Indicators that behaviour is problematic or harmful

You should try to find out as much as possible about the behaviour that is being displayed. Children naturally explore and experiment with their sexuality as they grow up. If the behaviour seems to go beyond curiosity, for example if it is obsessive, this might indicate it is harmful.

You should also consider:

Is the behaviour unusual for that particular child or young person?

Children naturally explore and experiment with their sexuality as they grow up. If the behaviour seems to go beyond curiosity, for example if it is obsessive, this might indicate it is harmful. If a child's behaviour is out of character, it's important to take time to consider why the child is behaving unusually.

Have all the children or young people involved freely given consent?

If the behaviour involves coercion, intimidation or forcing others to take part, it should be considered harmful.

Are the other children or young people distressed?

If the behaviour is upsetting others, this indicates it is problematic.

Is there an imbalance of power?

If the child displaying the behaviour is in a more powerful position than the other children involved, this indicates it is problematic. This might happen if there are significant differences in age, size, power or developmental ability.

Is the behaviour excessive, degrading or threatening?

Excessive behaviour means behaviour that is obsessive, persistent, compulsive or has been going on for a long time. Any behaviour that involves force, coercion, bribery or threats is harmful.

Is the behaviour occurring in a public or private space?

If the behaviour is particularly secretive or is being carried out in private after intervention from adults, this may be cause for concern.

Step One:

Following all evidence and information gathered, an informed decision will be based on the behaviour's assessed (see Step Two) If the behaviour's fall into Amber or Red then the DSL will produce a risk assessment which will inform whether the school needs to:

- Manage the incident internally
- Refer to early help
- Refer to children's social care
- Report to the police

Step two: assessing the Behaviour

Sexualised behaviour should be seen as a continuum, ranging from 'normal' to 'inappropriate' and 'abusive' (Hackett, 2010).

Using the information you have gathered, consider where the child or young person's behaviour sits on the continuum:

Normal - Inappropriate - Problematic - Abusive - Violent



Normal behaviour

- Developmentally expected and socially acceptable behaviour.
- Consensual, mutual and reciprocal.
- Decision making is shared.

Inappropriate behaviour

- Single instances of developmentally inappropriate sexual behaviour.
- Behaviour that is socially acceptable within a peer group.
- Generally consensual and reciprocal.
- May involve an inappropriate context for behaviour that would otherwise be considered normal.

Problematic and concerning behaviour

- Developmentally unusual and socially unexpected behaviour.
- May be compulsive.
- Consent may be unclear and the behaviour may not be reciprocal.
- May involve an imbalance of power.
- Does not have an overt element of victimisation.

Abusive behaviour

- Intrusive behaviour.
- May involve a misuse of power.
- May have an element of victimisation.
- May use coercion and force.
- May include elements of expressive violence.
- Informed consent has not been given (or the victim was not able to consent freely).

Violent behaviour

- Physically violent sexual abuse.
- Highly intrusive.
- May involve instrumental violence which is physiologically and/or sexually arousing to the perpetrator.
- May involve sadism.

Children sharing a classroom:

Reports of rape and assault by penetration are likely to be especially difficult with regard to the victim, and close proximity with the alleged perpetrator(s) is likely to be especially distressing. Whilst the school establishes the facts of the case and starts the process of liaising with children's social care and the police, the alleged perpetrator(s) should be removed from any classes they share with the victim. The school should also carefully consider how best to keep the victim and alleged perpetrator(s) a reasonable distance apart on school premises (including during any before or after school-based activities). These actions are in the best interests of all children involved and should not be perceived to be a judgment on the guilt of the alleged perpetrator(s).

Step Three:

Keeping records and Recording Incidents:

It is important to keep detailed records about any sexualised behaviour you witness or are told about. This will make it easier to identify any changes or patterns in a child's behaviour that might be cause for concern.

It also helps ensure the child or young person gets the right support.

Make sure your record includes:

- The child's age (date of birth) and stage of development
- Any specific vulnerabilities they have (for example if they have a disability or are in care)
- Any other behavioural concerns
- Any other known incidents of sexualised behaviour
- Details of any incidents you have seen or been informed about
- The child's view of what happened – in their own words if possible
- The parents' view of what happened – how did they react and what support do they need?
- Information about any other factors which might be contributing to the behaviour
- What action have you taken? (for example reported the incident to your organisation's safeguarding lead) as well as reported on CPOMs
- What support has been provided to the child and their family?

- If a report is made to Social Care then have the information to hand and record the date and time of the phone call, the person you are speaking to and their advice and what follow up is needed.
- What was happening before the incident took place?
 - Specific details of the behaviour – avoid generalised terms such as 'inappropriate touch'
 - Was there any power imbalance between the children involved
 - Did the behaviour appear spontaneous or premeditated?
 - Was any coercion, force or secrecy involved?
 - Was the behaviour consensual?
 - How did the other children involved react? (make sure the children are not named or identifiable in your record)
 - Ensure a Risk Assessment is in place

Risk assessments:

- When there has been a report of sexual violence, the designated safeguarding lead (or a deputy) along with the Head of School should make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis. The risk and needs assessment should consider:
 - The victim, especially their protection and support;
 - Whether there may have been other victims,
 - The alleged perpetrator(s); and
 - All the other children, (and, if appropriate, staff) at the school, especially any actions that are appropriate to protect them from the alleged perpetrator(s), or from future harms.
- Risk assessments should be recorded (written or electronic) and should be kept under review. At all times, the school should be actively considering the risks posed to all their pupils and students and put adequate measures in place to protect them and keep them safe based on a RAG rating
- The designated safeguarding lead (or a deputy) should ensure they are engaging with children's social care and specialist services as required. Where there has been a report of sexual violence, it is likely that professional risk assessments by social workers and or sexual violence specialists will be required. The school's risk assessment is not intended to replace the detailed assessments of expert professionals. Any such professional assessments should be used to inform the school's approach to supporting and protecting their pupils and students and updating their own risk assessment.

Trained DSLs and Heads of School will:

- Seek advice
- Log calls, dates, times and names of Social Services, parents, police, other agencies
- Produce a risk assessment if or when a report has been made
- Investigate fully any reports or disclosures and keep notes and formal records
- Remove the alleged perpetrator from the victim
- Deliver assemblies and ensure the curriculum is planned around these themes
- Ensure staff are trained and never ignore reports or disclosures
- One Minute Guides are regularly shared
- Staff report and record according to the policy on CPOMs and to the DSL
- Induction of new staff is thorough
- **Ensure that the school building is checked to identify potential areas of concern and act- for example:**
- Lunchtimes (toilets, area outdoors that hidden from view, supervision is adequate for toilets, out of view areas cordoned off and not used)
- Produce a Risk Assessment
- Inform parents
- Ensure all staff display **Professional Curiosity**
- No areas in the classroom that is out of sight/hidden examples being a closed reading corner. Staff to 'move around the classroom'
- Sending pupils to the toilets during lesson times as individuals not in pairs and consider time away

For DSL and Deputy DSLs...

Appendix A (once a disclosure or a report has been made)

There are four likely scenarios for school may consider when managing any reports of sexual violence and/or sexual harassment. It will be important in all scenarios that decisions and actions are regularly reviewed and that relevant policies are updated to reflect lessons learnt. It is particularly important to look out for potential patterns of concerning, problematic or inappropriate behaviour. Where a pattern is identified, the school should decide on a course of action. Consideration should be given to whether there are wider cultural issues within the school that enabled the inappropriate behaviour to occur and where appropriate extra teaching time and/or staff training could be delivered to minimise the risk of it happening again. The four scenarios are:

1. Manage internally

- In some cases of sexual harassment, for example, one-off incidents, the school or college may take the view that the children concerned are not in need of early help or that referrals need to be made to statutory services and that it would be appropriate to handle the incident internally, perhaps through utilising their behaviour policy and by providing pastoral support.
- Whatever the response, it should be 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.
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

2. Early help

In line with 1 above, the school or college may decide that the children involved do not require referral to statutory services but may benefit from early help. Early help means

providing support as soon as a problem emerges, at any point in a child's life. Providing early help is more effective in promoting the welfare of children than reacting later. Early help can be particularly useful to address non-violent HSB and may prevent escalation of sexual violence. It is particularly important that the designated safeguarding lead (and their deputies) know what the Early Help process is and how and where to access support.

- Multi-agency early help will work best when placed alongside strong school policies, preventative education and engagement with parents and carers.
- Early help and the option to manage a report internally do not need to be mutually exclusive: a school could manage internally and seek early help for both the victim and perpetrator(s).
- Whatever the response, it should be under-pinned by the principle that there is zero tolerance approach to sexual violence and sexual harassment and it is never acceptable and will not be tolerated.
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

3. Referrals to children's social care

- Where a child has been harmed, is at risk of harm, or is in immediate danger, the schools should make a referral to local children's social care.
- At the point of referral to children's social care, the school will generally inform parents or carers, unless there are compelling reasons not to (if informing a parent or carer is going to put the child at additional risk). Any such decision should be made with the support of children's social care.
- If a referral is made, children's social care will then make enquiries to determine whether any of the children involved are in need of protection or other services.
- Where statutory assessments are appropriate, the school (especially the designated safeguarding lead or a deputy) should be working alongside, and cooperating with, the relevant lead social worker. Collaborative working will help ensure the best possible package of coordinated support is implemented for the victim and, where appropriate, the alleged perpetrator(s) and any other children that require support.
- Schools and colleges should not wait for the outcome (or even the start) of a children's social care investigation before protecting the victim and other children in the school. It will be important for the designated safeguarding lead (or a deputy) to work closely with children's social care (and other agencies as required) to ensure any actions the school takes do not jeopardise a statutory investigation. The risk assessment will help inform any decision. Consideration of safeguarding the victim, alleged perpetrator(s), any other children directly involved in the safeguarding report and all children at the school should be immediate.
- In some cases, children's social care will review the evidence and decide a statutory intervention is not appropriate. The school or college (generally led by the designated safeguarding lead or a deputy) should be prepared to refer again if they believe the child remains in immediate danger or at risk of harm. If a statutory assessment is not appropriate, the designated safeguarding lead (or a deputy) should consider other support mechanisms such as early help, specialist support and pastoral support.
- Whatever the response, it should be under-pinned 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.
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

4. Reporting to the Police

- Any report to the police will generally be in parallel with a referral to children's social care (as above).

- It is important that the designated safeguarding lead (and their deputies) are clear about the local process for referrals and follow that process.
- Where a report of rape, assault by penetration or sexual assault is made, the starting point is that this should be passed on to the police. Whilst the age of criminal responsibility is ten, if the alleged perpetrator(s) is under ten, the starting principle of reporting to the police remains. The police will take a welfare, rather than a criminal justice, approach.
- Where a report has been made to the police, the school should consult the police and agree what information can be disclosed to staff and others, in particular, the alleged perpetrator(s) and their parents or carers. They should also discuss the best way to protect the victim and their anonymity.
- At this stage, schools and colleges will generally inform parents or carers unless there are compelling reasons not to, for example, if informing a parent or carer is likely to put a child at additional risk. In circumstances where parents or carers have not been informed, it will be especially important that the school is supporting the child in any decision they take. This should be with the support of children's social care and any appropriate specialist agencies.
- All police forces in England have specialist units that investigate child abuse. The names and structures of these units are matters for local forces. It will be important that the designated safeguarding lead (and their deputies) are aware of their local arrangements.
- In some cases, it may become clear very quickly that the police (for whatever reason) will not take further action. In such circumstances, it is important that the school or college continue to engage with specialist support for the victim and alleged perpetrator(s) as required.
- Whilst protecting children and/or taking any disciplinary measures against the alleged perpetrator(s), it will be important for the designated safeguarding lead (or a deputy) to work closely with the police (and other agencies as required), to ensure any actions the school take do not jeopardise the police investigation.
- If schools or colleges have questions about the investigation, they should ask the police. The police will help and support the school or college as much as they can (within the constraints of any legal restrictions).
- Whatever the response, it should be under-pinned 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.
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

Unsubstantiated, unfounded, false or malicious reports

All concerns, discussions and decisions made, and the reasons for those decisions, should be recorded in writing. Records should be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified, and addressed.

If a report is determined to be unsubstantiated, unfounded, false or malicious, the designated safeguarding lead should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children's social care may be appropriate.

If a report is shown to be deliberately invented or malicious, the school, should consider whether any disciplinary action is appropriate against the individual who made it as per their own behaviour policy.

Help and Advice:

Where you believe there is an immediate risk of significant harm the police should be contacted on 999.

Urgent safeguarding concerns

For urgent safeguarding concerns please call the Duty team, on 01302 737 777.

If a child is not in immediate danger:

Follow your organisation's Safeguarding procedures and make a report to your schools Safeguarding DSL/Deputy.

If you have urgent concerns regarding a child or young person's mental health, please call the duty team on 01302 796 191.

Contact Doncaster Early Help on 01302 736250

Responding to children who display sexualised behaviour

Appendix B

Normal	Inappropriate	Problematic	Abusive	Violent
<ul style="list-style-type: none"> • Developmentally expected and socially acceptable behaviour • Consensual, mutual and reciprocal • Decision making is shared 	<ul style="list-style-type: none"> • Single instances of developmentally inappropriate sexual behaviour • Behaviour that is socially acceptable within a peer group • Generally consensual and reciprocal • May involve an inappropriate context for behaviour that would otherwise be considered normal 	<ul style="list-style-type: none"> • Developmentally unusual and socially unexpected behaviour • May be compulsive • Consent may be unclear and the behaviour may not be reciprocal • May involve an imbalance of power • Doesn't have an overt element of victimisation 	<ul style="list-style-type: none"> • Intrusive behaviour • May involve a misuse of power • May have an element of victimisation • May use coercion and force • May include elements of expressive violence • Informed consent has not been given (or the victim was not able to consent freely) 	<ul style="list-style-type: none"> • Physically violent sexual abuse • Highly intrusive • May involve instrumental violence which is physiologically and/or sexually arousing to the perpetrator • May involve sadism
<p>How the school might respond</p> <ul style="list-style-type: none"> • Although green behaviours are not concerning, they still require a response • Listen to what children and young people have to say and respond calmly and non-judgementally • Talk to parents about developmentally typical sexualised behaviours • Explain how parents can positively reinforce messages about appropriate sexual behaviour and act to keep their children safe from abuse • Signpost helpful resources such as our PANTS activity pack: nspcc.org.uk/pants • Make sure young people know how to behave responsibly and safely 	<p>How the school might respond</p> <ul style="list-style-type: none"> • Amber behaviours should not be ignored • Listen to what children and young people have to say and respond calmly and non-judgementally • Follow your organisation's child protection procedures and make a report to the person responsible for child protection • Your policy or procedure should guide you towards a designated health safeguarding lead who can be notified and will provide support • Consider whether the child or young person needs therapeutic support and make referrals as appropriate 		<p>How the school might respond</p> <ul style="list-style-type: none"> • Red behaviours indicate a need for immediate intervention and action • If a child is in immediate danger, call the police on 999 • Follow your organisation's child protection procedures and make a report to the person responsible for child protection • Your policy or procedure should guide you towards a designated health safeguarding lead who should be notified and will provide support • Refer the child or young person for therapeutic support 	