



## **Sexual Violence and Sexual Harassment Policy**

**Completed: August 2023**

**To be reviewed: August 2024**

## **Safeguarding Statement**

SupaJam is a post-16 specialist provider, specialising in Music, Maths, English and Life Skills. All staff, volunteers and partners are committed to safeguarding the welfare of every person within SupaJam. Our mission is to help young people to engage and achieve within a safe and inclusive environment.

## **Rationale**

SupaJam is committed to providing a safe and respectful environment for all students and staff. Any incidents of sexual violence or sexual harassment is treated very seriously and in a timely manner. It is clear that sexual violence and sexual harassment are not acceptable or tolerated, and should never be passed off as “banter”, “just having a laugh”, “part of growing up” or “boys being boys”. All incidents will be dealt with in accordance with this policy whilst also referring to our safeguarding and behaviour policies. This policy has been developed in line with the Department for Education’s Keeping Children Safe in Education 2023 ( in particular part 5)

SupaJam recognises and understands that:

- Staff must have a good understanding of the legislation as outlined in KCSIE (Sept 2023) Part One, Part Four and Part Five.
- It is important to challenge 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.
- Not recognising, acknowledging or understanding the scale of harassment and abuse and/or downplaying some behaviours related to abuse 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.
- All of the above can be driven by wider societal factors beyond the school and college, such as everyday sexist stereotypes and everyday sexist language.
- Young people 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 young person’s disability without further exploration;
  - the potential for young people 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 young people with SEND will therefore require close liaison with SupaJam's DSLs and the Special Educational Needs department. Reports will be recorded on CPOMS.
- Young people who are lesbian, gay, bi, or trans (LGBT) can be targeted by their peers. In some cases, a young person who is perceived by their peers to be LGBT (whether they are or not) can be just as vulnerable as young people who identify as LGBT.
- SupaJam should be aware that their staff can be victims of sexual violence and sexual harassment. SupaJam have arrangements in place to protect their staff from such abuse, including clear reporting and support mechanisms.
- Sexual harassment and violence happens in unsupervised places and some incidents can occur in crowded corridors, blind spots in the building and on college public transport.
- That comprehensive records must be kept in order to analyse data which supports the improvement and implementation of mitigation against sexual harassment and violence within SupaJam and when students are in the wider community.

## **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.

SupaJam recognises and understands that:

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: [Rape Crisis England & Wales - 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.

## **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/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;
- 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. (As set out in [UKCIS](#), taking and sharing nude photographs of U18s is a criminal offence);
  - sharing of unwanted explicit content;
  - upskirting (is a criminal offence);
  - sexualised online bullying;
  - unwanted sexual comments and messages, including, on social media;
  - sexual exploitation;
  - coercion and threats.
  -

## **Online sexual harassment**

Online sexual harassment refers to a range of behaviours where digital technologies are used to facilitate both virtual and face-to-face sexually based harms. Online sexual harassment may constitute a number of criminal offences, depending on the nature of the online harassment. Whether the conduct constitutes a criminal offence or not, many victim-survivors experience these behaviours as a form of sexual violence. Examples of online sexual harassment can be broadly split into the following areas:

- Unsolicited sexual content online refers to any sexual content shared online which is not wanted by the recipient. This could include content seen on apps, messaging services and websites which has not been sought out by the user.
- Image-based sexual abuse refers to the non-consensual creation and/or distribution of sexual images.
- Sexual coercion, threats and intimidation online could include a person receiving threats of a sexual nature or being coerced to engage in sexual behaviours on or offline via digital technologies. While there are distinctions between these three categories above, there are evident overlaps and links.

It is important to be aware of some of the terms that are regularly used by the general public and the media when reporting on cases and the impact that the use of these terms may have on victims and survivors of sexual abuse/harassment/violence.

### **Unsolicited sexual content online**

There are a number of laws in which a person could be prosecuted for sending unsolicited sexual content online, however, the act in and of itself is not yet illegal in England and Wales (though it is in Scotland). Laws which could be applied to this include the Protection from Harassment Act 1997 and some aspects of the Sexual Offences Act 2003 such as ‘causing a child to watch a sex act’ and ‘sexual communication with a child’.

### **Image-Based Sexual Abuse**

As of 2015, it is ‘an offence for a person to disclose a private sexual photograph or film if the disclosure is made without the consent of an individual who appears in the photograph or film, and with the intention of causing that individual distress’. In April 2017, the Sentencing Council included the ‘threat to disclose intimate material or sexually explicit images’, within its guideline for offences under the Communications Act 2003; however, prosecuting threats of image-based sexual abuse remains challenging. Under the Protection of Children Act 1978, creating or sharing indecent images of a child is illegal. It is illegal if the person creating the image is under the age of 18, even if they consent to it being created, or share it with children of the same age. The Home Office Recording Rules ‘Outcome 21’ (January 2016) allows police to respond in a proportionate way to reports of youth produced sexual imagery. This states that even though a young person has broken the law and the police may have evidence that they have done so, the police can record that they chose not to take further action as it was not in the public interest. Since April 2019, it has been an offence to take an image or video up a person’s skirt without their consent, often referred to as ‘upskirting’.

### **Sexual coercion, threats and intimidation online**

Several sections of the Sexual Offences Act 2003 could be relevant in instances of sexual coercion, threats and intimidation including ‘causing or inciting a child to engage in sexual activity’. In situations of demands for sexual images where threats are made, Section 21 of the Theft Act 1968 (Blackmail) is likely to apply. All kinds of persistent harassment and

stalking are offences under the Protection from Harassment Act 1997. What constitutes harassment or stalking is not explicitly defined, but can include a range of actions when considering the context, nature, and duration of the acts.

## **Whats the impact of online sexual harassment?**

The experience of online sexual harassment will of course be different for all young people. It is important to recognise that it can have both short- and long-term consequences for victims and survivors which will appear differently for each individual, impacting mental health and wellbeing.

### **What's the impact of unsolicited sexual content for young people?**

- Severe mental distress - feeling threatened, intimidated and violated
- Violated dignity and autonomy of victims and survivors - it removes the right to control what we see and engage with online
- Leads to older siblings (who are still children) monitoring the content on younger siblings' social media platform to remove any unsolicited content. This puts additional pressure on older siblings to keep younger siblings safe
- Normalisation of non-consensual sexual activity and intimidation.

### **What's the impact of image-based sexual abuse (IBSA) for young people?**

- Severe mental distress - feeling threatened, violated and anxious regarding repercussions including fearing direct physical attacks
- Violated dignity and privacy of victims - it removes the right to control who we share intimate images with
- Impacted feelings of self-worth and self-esteem levels: IBSA can relate strongly to issues of body image and self-esteem
- Takes away the right to freedom of sexual expression - IBSA can create feelings of shame from a culture of blaming the victim for their own abuse
- Normalisation of non-consensual sexual activity and sexual violence
- Social stigma can negatively impact peer relationships leading to risk of isolation
- School refusal if issues of social stigma begin to prevent a young person from feeling comfortable in the school setting

### **What's the impact of sexual coercion, threats and intimidation for young people?**

- Severe mental distress - feeling threatened, violated and anxious regarding repercussions including fearing direct physical attacks
- Violated dignity and privacy of victims - it removes the right to control who we share intimate images with
- Impacted feelings of self-worth and self-esteem levels: IBSA can relate strongly to issues of body image and self-esteem
- Normalisation of non-consensual sexual activity and sexual violence
- Victim's fear, chance of employment and other opportunities will be put at risk if employers or potential employers find images and police involvement.

SupaJam understands that:

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.

### **Harmful sexual behaviour**

SupaJam Education Music and Media recognises and understands that 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, SupaJam Education Music and Media understands that 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.

SupaJam Education Music and Media understands that it is effective safeguarding practice for the Safeguarding Manager and for all staff to have a good understanding of HSB. This is included in all staff safeguarding training which is undertaken on an annual basis.

### **SupaJam's planned curriculum as part of a whole school approach:**

SupaJam Education Music and Media understand that the most effective preventative education programme will be through a whole- school approach that prepares pupils for life in modern Britain. SupaJam will have a clear set of values and standards, and these will be upheld and demonstrated throughout all aspects of college life. This will be underpinned by SupaJam's behaviour policy and pastoral support system, and by a planned programme of evidence-based content delivered through the whole curriculum. Such a programme should be developed to be age and stage of development appropriate (especially when considering young people with SEND and their cognitive understanding), and may tackle such issues as:

- healthy and respectful relationships;
- what respectful behaviour looks like;
- recognising and resisting pressure/seeking help;
- consent;
- gender roles, stereotyping, equality;
- body confidence and self-esteem;
- practising assertiveness techniques;
- prejudiced behaviour;

- recognising and managing risk;
- understanding acceptable/unacceptable physical contact;
- that sexual violence, abuse and sexual harassment is always wrong;
- addressing cultures of sexual harassment;
- sharing sexual images
- human rights – the idea that all individuals have a right to fairness and to having their privacy respected
- digital defence - educating young people on how to navigate online platforms and digital devices safely and effectively. It can include aspects of digital literacy related to privacy settings, reporting and blocking other users, identifying and addressing issues of online sexual harassment and recognising misinformation.

**SupaJam recognises and understands that students should understand about:**

- Using technology including learning how to use and manage social media apps and web platforms. This includes supporting the creation of youth-led change-making and awareness raising resources and providing resources and commitment to youth led gender activism including girls’ rights and LGBTQ+ rights;
- Online privacy (data protection) including how to use privacy settings on their most-used platforms (e.g. Instagram, Snapchat, Tiktok), and knowing how to identify fake profiles;
- Digital defence strategies, such as reporting, blocking and being aware of the Internet Watch foundation, CEOP and Report Harmful Content;
- Being a bystander: providing young people with an understanding of what they could do if they witnessed someone being harassed or bullied;
- SupaJam will deliver this content through planned, high-quality, Sex and Relationship Education (SRE) and Spiritual, Moral, Social and Cultural lessons (SMSC); form time activities and assemblies; and Activity Days (when necessary). As part of our curriculum offer, we may engage with appropriate, well established external agencies to deliver materials to students.

**Risk and Preventing Abuse**

SupaJam recognises and understands that safeguarding students starts with our ethos and culture. In order to understand the risk profile of each individual student will mean observing and quantifying what the risk is. As we continue to monitor the risk we can understand how to mitigate the risk and how all staff should respond when they see it.

SupaJam staff are taught to follow the Five R’s model:

- Recognise
- Respond
- Refer
- Record
- Reflect

The fifth part of the system helps us to review the data and put steps in place to improve matters where needed. The areas of focus for review are; compliance, effectiveness , innovation and collaboration. SupaJam understands that once we have staff that are



recognising the issues regarding sexual harassment, harmful sexual behaviours and sexual violence they are in a position to respond.

SupaJam understands that effective safeguarding practice is demonstrated when schools and colleges are clear, in advance, about what local processes are in place and what support can be accessed when sexual violence or sexual harassment has occurred. (KCSIE 2023). As Such:

- if required, the designated safeguarding lead (or a deputy) should discuss the local response to sexual violence and sexual harassment with police and local authority children's social care colleagues in order to prepare the school's or college's policies (especially the child protection policy) and responses, and
- the designated safeguarding lead (and their deputies) should be confident as to what local specialist support is available to support all children involved (including victims and alleged perpetrators) in sexual violence and sexual harassment and be confident as to how to access this support when required. Further information

### **Record Keeping, Monitoring and Reflection**

This policy will be promoted and implemented throughout SupaJam.

The DSLs will ensure that accurate records of all incidents of sexual violence and harassment are logged on CPOMS and reported to the Senior Leadership Team regularly. This data will be analysed by the Director of Safeguarding who will review this policy to assess its implementation and effectiveness and re-design further strategies to improve procedures if necessary.

It is the responsibility of the DSLs to implement SupaJam's Sexual Violence and Harassment policy, to ensure that all staff are aware of the policy, and that they know how to identify and deal with incidents of sexual violence and harassment.

The Director of Safeguarding will monitor incidents of sexual violence and harassment that do occur, and review the effectiveness of this policy and the college's strategies annually. The Senior Leadership Team supports the DSLs in all attempts to eliminate sexual violence and harassment from the school. SupaJam Music and Media will not condone any sexual violence and harassment at all, and any incidents that do occur will be taken very seriously, and dealt with appropriately.

### **Response**

#### **Investigation**

Following receipt of a report to any member of staff the investigation of sexual harassment, misconduct or violence will be conducted by the DSLs (base specific) inline with SupaJam's Safeguarding and Code of Behaviour Policies. All students are required to cooperate fully with an investigative process; failure to do so may result in SupaJam taking further action with external parties and the young person could put their place at SupaJam into jeopardy. All procedural steps of an investigation including parties involved in the alleged incident.

The alleged perpetrator will be offered a member of staff to provide advice and guidance on policy and procedure.

Should a report mention that the incident is being investigated by the police, SupaJam may not take the investigation further or it may be postponed. Any planned risk assessment will still take place, if it has not already. If this is the case, or if it is later reported that the police are investigating, SupaJam will liaise with the police to discuss SupaJam's next steps within the investigation.

All parties will be kept informed of the progress of the investigation as appropriate.

## **Outcome**

If a student has been found to have acted against SupaJam's policy (which is inline with the guidance outlined by the DfE and Keeping Children Safe in Education 2023), depending on the level of the incident the perpetrator may receive the following:

- A verbal warning
- A final written warning
- Suspension or permanent exclusion
- A referral to the police for further investigation and record purposes.

All students involved will receive pastoral and wellbeing support from SupaJam's pastoral team, with particular emphasis on the victim. Support will remain ongoing as appropriate and students may be referred to external agencies.

An investigation report will be written which will highlight the protocol for confidentiality and communication outside of college. If confidentiality is breached, a complaint may be raised against the student who breached the protocol and further sanctions will be imposed. Any considerations for moving/separating students will depend on the outcome of the investigation report.

## **Monitoring the policy and procedures**

This policy has been written in accordance with the DfE's Keeping Children Safe In Education. SupaJam will keep the implementation of this policy under periodic review.

The Safeguarding Manager and SLT will monitor the effectiveness of the policy. The range and number of cases (including informal) will also be monitored so that action can be taken to address any issues of concern.

All disclosures and actions taken will be recorded and any investigative reports will be filed and kept confidential.

## **Supporting Documents and Resources**

- Sexual violence and harassment response Flow Chart (Located in the staff google drive under 'Staff Policies')

- Keeping Children Safe In Education 2023
- Lucy Faithful Foundation
- Beyond Referrals Toolkit