

Wellington College

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This policy should be read in conjunction with the College policies on Safeguarding and Child-on-child abuse.

Introduction

The Governors, Executive Leadership Team, and all staff and volunteers at Wellington College are fully committed to ensuring a working and learning environment which is free from sexual violence and sexual harassment. The school takes very seriously the prevention, early identification and appropriate management of incidents of sexual violence and/or sexual harassment (as defined below) both within and beyond the school.

To protect all our pupils, all members of the College community should:

- (a) Understand that sexual violence and/or sexual harassment at Wellington College is never acceptable, will never be tolerated, is not an inevitable part of growing up; it should not be dismissed as “banter”, “having a laugh” or “boys being boys”;
- (b) Recognise that sexual violence and/or sexual harassment can occur between two children of any age or sex, as well as through a group of children sexually assaulting or harassing a single child or group of children;
- (c) Recognise, acknowledge, and understand 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
- (d) Recognise that sexual violence can happen both in and out of College
- (e) Be aware that boys are more likely to perpetrate incidents of sexual violence and/or sexual harassment than girls;
- (f) Understand that unacceptable behaviour of a sexual nature can be driven by wider societal factors, thereby making it essential to adopt a whole-school contextual approach to preventing and responding to allegations of sexual violence and/or harassment;
- (g) Regard the introduction of this guidance as a preventative measure, and not feel it is acceptable merely to take a reactive approach to sexual violence and/or harassment in response to alleged incidents;
- (h) Recognise national and increasing concern about this issue, and wish to implement this policy in order to ensure that our pupils are safe;
- (i) Encourage parents to hold us to account on this issue, so that if their child is feeling unsafe as a result of the behaviour of any of their peers, they should inform the College so that it can ensure that appropriate and prompt action is taken in response.
- (j) 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.

This guidance sets out our strategy for the prevention of and appropriate management of allegations of sexual violence and/or harassment between pupils and will be reviewed annually to ensure that it continually addresses the risks to which our pupils are or may be exposed.

The guidance is compliant with the statutory guidance on child-on-child abuse as set out in Keeping Children Safe in Education (September 2023).

Understanding Sexual Violence and Sexual Harassment

What is Sexual Violence?

As per the Sexual Offences Act 2003, sexual violence may be:

- a) 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.
- b) 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.
- c) 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.)
- d) 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.)

Consent

It is vital that all members of the College community understand the concept of 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. It should also be noted 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.

The College runs a programme of 'Sex and Consent' workshops to all year groups to ensure that this concept is fully understood.

What is Sexual Harassment?

Sexual harassment is defined as "unwanted conduct of a sexual nature" (*Keeping Children Safe in Education*, ¶ 452, DfE, September 2023) and can occur online and offline. Sexual harassment can include:

- (a) Sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names
- (b) Sexual "jokes" or taunting
- (c) Physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes
- (d) Displaying pictures, photos or drawings of a sexual nature

- (e) Upskirting
- (f) Online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
 - a. Consensual and non-consensual sharing of nude and semi-nude images and/or videos. (Taking and sharing nude photographs of under-18s is a criminal offence)
 - b. Sharing nudes and semi-nudes
 - c. Sharing of unwanted explicit content
 - d. Sexualised online bullying
 - e. Unwanted sexual comments and messages, including, on social media
 - f. Sexual exploitation; coercion and threats
 - g. Coercing others into sharing images of themselves or performing acts they're not comfortable with online.

Harmful Sexual Behaviour (HSB)

As the NSPCC explains, “children's sexual behaviours exist on a wide continuum, from normal and developmentally expected, to highly abnormal and abusive. Staff should recognise the importance of distinguishing between problematic and abusive sexual behaviour... As both problematic and abusive sexual behaviours are developmentally inappropriate and may cause developmental damage, a useful umbrella term is harmful sexual behaviours or HSB.”

For the purpose of this policy, harmful sexual behaviours are defined as "Sexual behaviours expressed by children...that are developmentally inappropriate, may be harmful towards self or others, or be abusive towards another child...or adult" (Hackett, 2014). Hackett's continuum model (Appendix A) provides a useful guide in classifying sexual behaviour and can be found here: [Harmful sexual behaviour framework: an evidence-informed operational framework for children and young people displaying harmful sexual behaviours \(nspcc.org.uk\)](https://www.nspcc.org.uk/what-we-do/our-services/harmful-sexual-behaviour-framework/). It should be noted that the College rules may forbid behaviour that might be considered 'normal' using this tool.

Online

All staff should be 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 Designated Safeguarding Lead (or deputy).

The College will consider the [guidance](#) provided by the UK Council for Internet Safety (UKCIS) when responding to incidents of this nature. The College also has an [e-safety policy](#) which should be read in conjunction with this policy.

Our legal responsibilities

Wellington College has a statutory duty to safeguard and promote the welfare of all pupils. Due regard is paid to all statutory regulations and guidance as set out in Keeping Children Safe in Education, Working Together to Safeguard Children, as well as the Equality Act 2010

and the Human Rights Act 1998, and compliance with the Public Sector Equality Duty. We will also co-operate with safeguarding partnerships once designated as relevant agencies and have a behaviour policy and measures in place to prevent all forms of bullying (including cyberbullying, prejudice-based and discriminatory bullying).

We will comply with relevant requirements as set out in the Equality Act 2010 (the Equality Act) and the Public Sector Equality Duty (PSED)

The Voyeurism (Offences) Act 2019

This legislation criminalises certain acts of voyeurism known as 'upskirting'. This is where someone takes a picture under a person's clothing (not necessarily a skirt) without their permission and or knowledge, with the intention of viewing their genitals or buttocks (with or without underwear) to obtain sexual gratification, or cause the victim humiliation, distress or alarm. It is a criminal offence. Anyone of any gender can be a victim.

KCSIE 2023 categorises 'upskirting' as sexual harassment. Staff should handle any allegations in line with KCSIE 2022 and our policy on [Child-on-child abuse](#).

Prevention

In line with our Child Protection Policy, the concept of prevention lies at the heart of the College's approach. We aim to achieve this primarily through a positive school atmosphere, careful and vigilant teaching, strong pastoral care, the promotion of our core College values, effective support to pupils, and the provision of good adult role models. As with other safeguarding matters, all staff should maintain an attitude of '**it could happen here**'.

Wellington's whole-school approach includes formal classroom opportunities for pupil learning via our Wellbeing curriculum. This is supplemented by support from external agencies who provide regular assemblies, talks and workshops for our pupils. For specific details about the various ways in which we teach our pupils, both inside and outside of lessons, about issues surrounding healthy relationships, sex and consent, see **Appendix B**.

The concepts of *Kindness* and *Respect* also constitute two of our five core College values and form the basis not just of College Assemblies and talks from school leaders, but also our approach to rewards and sanctions. As such, incidents of sexual harassment and/or sexual violence can be considered serious breaches of the principles on which life at Wellington College is based. During staff training we also emphasise the importance of addressing low level concerns to maintain a strong culture of respect between all members of the community.

Furthermore, the College Rules, as detailed in the printed calendar, contain the following principles:

1. To encourage pupils to show respect, good manners and consideration for others
2. To protect pupils from abuse of any kind, noise, undesirable influences, accidents, ill-health and financial difficulties
3. To encourage the academic, personal and social development of all pupils
4. To facilitate effective communication between parents and College, pupils and College, and pupils and parents

5. In all situations, pupils should exercise common sense

We therefore aim to ensure that all Wellingtonians have little doubt about the sort of behaviour and conduct which we expect of them during their time at the College.

In addition, the Master and all other staff who work with children undertake appropriate child protection awareness training to equip them to carry out their responsibilities for child protection effectively. All new staff undergo initial training in safeguarding and child protection as part of their HR induction, and all staff receive child protection training every three years to ensure that their knowledge and expertise are up to date. Our Safeguarding Policy is also available to all and parents and members of the public via the College website.

Responding to reports of sexual violence and/or sexual harassment

Incidents of alleged sexual violence and/or harassment are likely to be complex, requiring swift and sensitive handling. Decisions concerning allegations and incidents are taken on a case-by-case basis with the support of other agencies where appropriate and relevant (e.g., Bracknell Forest CSC, the police and other local agencies).

This policy applies to all pupils at the College, whether day or boarding. The policy applies regardless of whether the abuse takes place at College or elsewhere, in person or online. In the event of an incident of sexual harassment and/or violence alleged to have taken place when a pupil or pupils have not been under the care of Wellington College, the College may apply the policy and conduct an investigation if the incident has impacted a member or members of the College community or the College's reputation.

In 2021 as a pilot programme a number of members of staff are being specifically trained as first responders for issues of sexual harassment or violence. These staff will be identified to students to allow them to feel more confident about an appropriate response.

All houses advertise routes through which a pupil may report abuse, including through the House staff, counselling team, Health Centre, Senior Leaders, the 'Whisper' anonymous reporting tool, or any other member of staff.

If an allegation of sexual violence or harassment is disclosed to a member of staff, the following procedure must be implemented:

1. The DSL (or deputy) must be contacted immediately, if they are not involved in the initial disclosure. This must be as soon as is practically possible and not wait until a convenient time.
2. A written report should be made and should include: the information revealed by the victim (using their words as best as possible); when the disclosure was made; to whom the disclosure was made; and action taken.
3. If a report of sexual violence has been made, the DSL must also make an immediate risk-and-needs assessment for the victim, alleged perpetrator and any other children who may be involved in the allegation

Staff must:

- Recognise that, if a victim has made a disclosure to them, then the child has placed them in a position of trust. They must be supportive and respectful of the child.
- Reassure the victim that they are being taken seriously, will be supported and kept safe.
- Avoid giving the impression that a victim is causing a problem by reporting an incident of alleged sexual violence or harassment.
- Receive the victim's story whilst remaining calm and reassuring.
- React to what is disclosed with belief and tell the victim that they have done the right thing in making a disclosure.
- Listen carefully without passing judgement, but being clear about boundaries and next steps
- Indicate to the victim what action they will take and make it clear that they will have to inform others (no promise of confidentiality)
- Make an accurate record of what has been said and avoid giving opinions. Consideration will need to be given as to the best way to do this, although best practice is to wait until the end of the disclosure before writing up a thorough summary.
- Remember that the priority is always to protect the child
- Explain that the law is in place to protect children and young people rather than criminalise them
- Understand that victims may not disclose the whole picture immediately. They may be more comfortable providing information on a piecemeal basis and it is essential that dialogue is kept open and encouraged.

Staff must not:

- Contact the parents directly
- Make the victim feel that they are creating a problem by reporting.
- Underplay the issue.
- View or forward illegal images of a child. If there is an online element, then [this advice](#) is essential.
- Speak to the perpetrator about whom the allegations have been made
- Ask leading questions or adopt an interrogation approach
- Promise to keep secrets/confidentiality (as it is very likely that a concern will need to be shared further)
- Share the report or details of the report to anyone other than the DSL
- Ask the child outright if an act of sexual violence or harassment has been committed (although staff can ask children if they have been harmed and what the nature of that harm was).

If a child has not made a direct report but a disclosure has, for example, been received from a concerned friend to a member of staff, then it should not be assumed that someone else is responding to the allegation and the DSL should be contacted immediately. Although basic safeguarding principles remain the same, it will be important for the DSL to understand why the victim has chosen not to make a disclosure themselves and this discussion must be handled with sensitivity and the support of children's social care, if required.

Confidentiality

Staff must never promise confidentiality and the College will only share information with agencies who are required for the support of the children involved and to further any investigation. If the victim asks for information not to be shared, the DSL must balance their wishes with the duty to protect other children. In particular, the DSL must understand that:

- a) Parents or carers are usually informed unless sharing this information would put the victim at greater risk
- b) If a child has been harmed, is at risk of harm, or is in immediate danger, then the general safeguarding principle of making a referral to CSC should apply
- c) Rape, assault by penetration and sexual assault are crimes and the starting point should be that they should be referred to the police

If the DSL does decide to make a referral against the victim's wishes, the reasons for doing so must be explained sensitively and appropriate, specialist support should be offered.

Anonymity

Not all allegations of sexual violence or sexual harassment will end up in the criminal justice system where the principle of anonymity is enshrined, but the College accepts that effective safeguarding practice is to protect the anonymity of all children involved when an allegation of sexual violence or sexual harassment has been made. The DSL will therefore only share information with key staff on a 'need-to-know' basis (for example, HMs) who will be directly responsible for providing support to those children involved.

Due consideration must also be given to the possibility that information and victims' identities will be posted online via social media, and steps taken to mitigate this risk.

The College will therefore do everything it can to protect the anonymity of all children involved when an allegation of sexual violence or sexual harassment has been made.

Assessing Needs and Risks

It is vital that when a report of sexual violence has been made, the DSL conducts an immediate assessment of the risks to and needs of:

- the victim, especially their protection and support, and any other possible victims;
- the alleged perpetrator;
- any other children who might be involved or might be at risk of future harm.
- the time and location of the incident, and any action required to make the location safer.

Risk assessments will be recorded and kept under review by the DSL to ensure that adequate measures are in place to protect the children involved and keep them safe. These risk assessments will:

- assess and address the nature and level of risks that are posed and/or faced by the child(ren);
- draw upon local services and agencies to ensure that the child(ren)'s needs are met in the long-term, and engage with parents unless there is a compelling reason not to (e.g. doing so might place the child at greater risk);
- consider whether any targeted interventions are needed to address the underlying attitudes or behaviour of any children;
- be reviewed at regular intervals in light of the child(ren)'s on-going needs to ensure that real progress is being made which benefits each child.

If at any stage any child's needs escalate, the DSL should contact Bracknell Forest MASH team to determine the appropriate course of action.

As a boarding school, where children not only learn together but also live together within House communities, particular attention should be given to ways in which victims and alleged perpetrators can be kept apart from each other around the College campus including classroom blocks, the dining-hall, social spaces such as the V&A cafeteria and also boarding Houses.

Immediate action following a report

When the member of staff to whom the disclosure has been made has passed on their report to the DSL, they should now withdraw from the process but remain vigilant.

When reviewing any report of alleged sexual violence or sexual harassment, the DSL should act in the best interests of the victim whilst also understanding their broader duty to protect other children. In particular, the College accepts that it is important to take the wishes of the victim and how they want to proceed into consideration. To this end, as far as is possible, the victim should be given control over the support they will receive and how the investigation will proceed. The College will work closely with the local police and social care teams in order to understand what local processes are in place and what support can be accessed when sexual violence or sexual harassment has occurred.

Other considerations for the DSL will include:

- a) the nature of the alleged incident(s), including: whether a crime may have been committed and/or whether HSB has been displayed
- b) the ages of the children involved;
- c) the developmental stages of the children involved;
- d) any power imbalance between the children. For example, is an alleged perpetrator significantly older, more mature or more confident? Does the victim have a disability or learning difficulty?;
- e) if the alleged incident is a one-off or a sustained pattern of abuse (sexual abuse can be accompanied by other forms of abuse and a sustained pattern may not just be of a sexual nature);
- f) that sexual violence and sexual harassment can take place within intimate personal relationships between peers;
- g) are there ongoing risks to the victim, other children, adult students or school or college staff (paying attention to possible intra familiar risks e.g. siblings)?; and

- h) other related issues and wider context, including any links to child sexual exploitation and child criminal exploitation

All allegations of sexual harassment and/or sexual violence will be different and must be dealt with on a case-by-case basis. In all incidents, however, the DSL will need to decide at which point to inform the alleged perpetrator that an accusation has been made against them. For incidents where referrals to children's social care and the police are made, the DSL will be guided by advice from those agencies when deciding upon next steps and with due regard to the statutory guidance in '[Working Together to Safeguard Children](#)'.

In some cases of alleged sexual violence - for example, where it has been decided that the allegation has met the threshold for a Section 47 enquiry - it may not be appropriate for the College to investigate or to inform immediately the parents of the alleged perpetrator. In such cases, the DSL will be guided by advice from children's social care and the police. This does not, however, stop the College from taking immediate steps to safeguard the children involved, where required.

The DSL is likely to consider four possible scenarios for the response to any report of sexual violence or sexual harassment:

Managing Internally

This option will most likely be followed for incidents of sexual harassment which are one-off, do not require statutory intervention, and where early intervention would not be appropriate.

Although this list is not exhaustive, examples of incidents which would be managed internally might include: sexual jokes or taunting; lewd comments; sexual remarks about appearance or clothes; the use of sexualised names; unwanted sexual comments or messages on-line; interfering with someone's clothes; or unwanted physical contact. It should be noted that some of these behaviours may cross-over into sexual violence depending on the severity of the behaviour. The College must also take into consideration the experience of the victim when deciding whether the line between sexual harassment and sexual violence has been crossed.

In such cases, the response should include a thorough investigation of the allegation and the wider context in which it may have occurred. This investigation should be conducted in line with the College's Policy on Investigations. Underpinning this investigation is the principle that sexual violence and harassment is never acceptable and will not be tolerated. All discussions, interviews, decisions, and reasons behind decisions will be recorded.

Disciplinary action

The College will consider whether disciplinary action may be appropriate for any child/children involved – any such action should address the behaviour, the causes of it, and attitudes underlying it.

Disciplinary action may sometimes be appropriate:

- a) to ensure that the child/children take(s) responsibility for their actions and realise(s) the seriousness of their behaviour;
- b) to demonstrate to the child/children and others that sexual harassment will never be tolerated;
- c) to ensure the safety and wellbeing of other children.

Disciplinary interventions alone, however, will rarely solve issues of sexual harassment and/or sexual violence, and the College will always consider wider actions which may need to be taken, and any lessons that may need to be learnt going forwards. This will include employing specialist and pastoral support as appropriate, such as the College Counsellor, boarding House staff and external support agencies (e.g. Ella Sims and her team), as well as restorative approaches such as mediation.

Early Help

This option is similar to managing internally, but will be adopted if the DSL decides, following the initial investigation, that all or some of the children involved in the incident may benefit from targeted early help services. Such an approach may be of particular benefit to address non-violent harmful sexual behaviour to prevent it from escalating into more serious and potentially violent behaviour.

In such cases, the DSL will work in collaboration with the Bracknell Forest MASH team to discuss the incident and concerns surrounding it, as well as agreeing on a course of action, which may also include some form of disciplinary action as detailed above.

Disciplinary interventions may be employed but these alone will rarely solve issues of sexual harassment, and the College will always consider wider actions which may need to be taken, and any lessons that may need to be learnt going forwards. This will include employing specialist and pastoral support as appropriate, such as the College Counsellor, boarding House staff and external support agencies.

All discussions, interviews, decisions, and reasons behind decisions will be recorded.

Referral to Bracknell Forest MASH team

If the DSL believes that a child has been harmed, is at risk of harm or is in immediate danger, an immediate referral will be made to the Bracknell Forest MASH team to discuss the allegation and agree a course of action. At this stage, the DSL will normally inform parents or carers unless there is a compelling reason not to do so (e.g. this will put a child at additional risk).

It is possible that a section 17 and/or section 47 statutory assessment will be required, and it is the DSL's duty to cooperate and collaborate with the lead social worker to ensure that the best package of coordinated support is implemented for the child(ren) involved. The DSL must not wait for the outcome of any children's social care investigation before taking steps to safeguard and protect the children involved, although care must be taken to ensure that the DSL does not act in a manner which might jeopardise any statutory investigation. These considerations should be immediate.

Bracknell Forest MASH may decide that the incident must be reported to the police, in which case the steps detailed under section D must be followed. If children's social care decides that the threshold for a statutory investigation has not been met, then the DSL can refer again if they do not feel comfortable with this decision.

If it is agreed that a statutory investigation is not required, then the College will undertake its own investigation, led by the DSL. Underpinning this investigation is the principle that sexual violence and harassment is never acceptable and will not be tolerated. All discussions, interviews, decisions and reasons behind decisions will be recorded.

Disciplinary interventions may be employed but these alone will rarely solve issues of sexual harassment and/or violence, and the College will always consider wider actions which may need to be taken, and any lessons that may need to be learnt going forwards. This will include employing specialist and pastoral support as appropriate, such as the College Counsellor, boarding House staff and external support agencies.

Reporting to the Police

In general, all reports to the police will be carried out alongside a referral to Bracknell Forest MASH team and will usually take place where there are grounds to believe that rape, assault by penetration, and/or sexual assault have taken place.

In such circumstances, where a crime has potentially been committed, it is almost certain that the police will assume responsibility for investigating the alleged incident, and it is the duty of the DSL to collaborate with the police to ensure that the investigation is carried out as sensitively and as effectively as possible.

The DSL must not wait for the outcome of any police investigation before taking steps to safeguard and protect the children involved, although care must be taken to ensure that the DSL does not act in a manner which might jeopardise any police investigation. These considerations should be **immediate**, and we will not wait for the outcome (or even the start) of a police investigation before protecting the victim, alleged perpetrator(s) and other children and adult students in the school or college.

When an allegation has been reported to the police, the College should consult the police to agree what information can be disclosed to staff and others, especially the alleged perpetrator and their parents or carers. A discussion should also take place about the best way to protect the anonymity of those involved, as detailed on page 7.

As the police investigation continues, the DSL will continue to engage with the Police and specialist agencies and pastoral staff to support the victim(s) and alleged perpetrator as best as possible. This will include employing specialist and pastoral support as appropriate, such as the College Counsellor, boarding House staff and external support agencies.

[This guide](#) is useful in determining whether the Police should be informed. All discussions, interviews, decisions, and reasons behind decisions will be recorded.

Ongoing Response

The College understands that it has a duty to safeguard and support both the victim(s) and the alleged perpetrator when an accusation of sexual harassment and/or sexual violence has been made.

Safeguarding and Supporting the Victim(s)

Where incidents of sexual harassment and/or sexual violence are alleged to have taken place, the following safeguarding principles should underpin all support given to victims:

- a) The College must think carefully about the language used, for example a child may not wish to be described as a “victim”;
- b) Due consideration must be given to developmental stage of the victim(s), the nature of the allegations and the risk of further abuse;
- c) The College must be aware that a power imbalance is likely to have been created between the alleged perpetrator and victim(s);
- d) As well as protecting all children involved, the needs and wishes of the victim(s) should be at the centre of any response and they should feel in as much control of the process as reasonably possible;
- e) The priority should be to make the victim’s daily experience as normal as possible and to ensure that the College is a safe space for them;
- f) The victim should never be made to feel ashamed or that they are creating a problem;
- g) As all incidents will be different, proportionality of response must be considered, and support given on a case-by-case basis;
- h) It may be that the victim(s) do(es) not disclose the whole situation immediately, so on-going dialogue and support is vital;
- i) Victims are likely to have suffered some trauma and may struggle in normal school environments;
- j) Victims may require support for a long time;
- k) The College must protect victims from bullying or harassment because of what has happened in the past;
- l) If a victim is unable to remain in the College and it is their wish to move elsewhere, the College will fully support them in this decision and the DSL will make any new institution fully aware of any ongoing support needs as well as passing on their CP file.

Although this list is not exhaustive, the College may therefore employ the following strategies to safeguard and support any victim(s) of sexual harassment and/or violence:

- Allow victims to choose a designated trusted adult (such as an HM or tutor) with whom they can regularly meet to talk about their needs;
- Allow victims to withdraw from lessons and/or other activities if they are finding it difficult to maintain full involvement with College life;
- Give victims a protected safe space (which may or may not be in their House) to which they can withdraw if needed;
- Offer victims ongoing support from the College counselling service;
- Provide victims with the details of external agencies, for example, a [Sexual Assault Referral Centre](#), who may be able to offer additional support (See Appendix C);

- Make clear to victims that they should report any incidents of unpleasant behaviour to their HM and the Second Master giving full details of what happened;
- Encourage expert mediation (e.g. Maria Arpa) to restore trust between victim and perpetrator;
- Involve victims in drawing up a personal welfare plan detailing specific strategies and channels of support;
- Consider ways to minimise possible contact between victim(s) and perpetrator during the school day.

Safeguarding and Supporting the Alleged Perpetrator(s)

Where incidents of sexual harassment and/or sexual violence are alleged to have taken place, the following safeguarding principles should underpin all support given to victims:

- a) The College must think carefully about the language used, especially if the alleged perpetrator denies the accusation(s) made against them;
- b) Although difficult, the College has a duty not only to safeguard the victim(s), but also a duty to provide an education to the alleged perpetrator, especially if the alleged perpetrator denies the accusation(s) made against them;
- c) The College also has a duty to provide the alleged perpetrator with safeguarding support, as appropriate;
- d) Committing an act of sexual harassment or sexual violence may be a sign that a child has been abused themselves or a sign of wider, contextual issues which require addressing;
- e) All alleged perpetrators are entitled to and should be provided with support which will enable them to understand and overcome the reasons behind their behaviour, thus protecting other children by limiting the likelihood of such behaviour in the future; the College will either provide this support or liaise with others to secure the most appropriate provision.
- f) Due consideration should be given to the age and developmental stage of the alleged perpetrator as well as the nature of the accusations;
- g) It is likely that any child will experience stress as a result of being the subject of allegations and/or negative reactions by their peers to accusations made against them;
- h) As all incidents will be different, proportionality of response must be considered, and support given on a case-by-case basis;
- i) If an alleged perpetrator moves to another school, the DSL will make any new institution fully aware of any ongoing support needs and potential risks to others, as well as passing on their CP file.

Although this list is not exhaustive, the College may therefore employ the following strategies to safeguard and support any perpetrator(s) of sexual harassment and/or violence alongside any disciplinary measures which might be taken for the reasons explained on page 10:

- Consider ways to minimise possible contact between victim(s) and perpetrator during the school day.

- Encourage expert mediation (e.g. Maria Arpa) to restore trust between victim and perpetrator;
- Offer perpetrators ongoing support from the College counselling service;

Discipline and the Alleged Perpetrator

All alleged incidents of sexual violence and/or harassment will be different and may range from lewd comments in a public space to accusations of rape. It is also possible that many incidents will be complex with different versions of events or different perceptions of events being presented by victim(s) and alleged perpetrator(s).

It is therefore impossible for the College to pursue a clearly defined set of disciplinary actions for all alleged incidents. Instead, a case-by-case approach must be adopted.

That said, the following principle will always apply: that sexual violence and/or sexual harassment at Wellington College is never acceptable, will never be tolerated, is not an inevitable part of growing up, and will not be dismissed as “banter”, “having a laugh” or “boys being boys”.

The full range of disciplinary sanctions, as detailed in the College’s Behaviour Management Policy, may therefore be applied including detention, rustication and expulsion. Pupils may be suspended whilst an investigation into an incident is underway. This is a neutral act at the end of which, depending upon the outcome of the investigation, the pupil may return to College or be sanctioned.

Disciplinary interventions alone, however, will rarely solve issues of sexual harassment and/or sexual violence, and the College will always consider wider actions which may need to be taken, and any lessons that may need to be learnt going forwards. This will include employing specialist and pastoral support as appropriate, such as the College Counsellor, boarding House staff and external support agencies, as well as restorative approaches such as mediation. The College will either provide this support or liaise with others to secure the most appropriate provision.

It should also be noted that disciplinary action can be taken even whilst other investigations by the police and/or children’s social care are ongoing. In such cases, the College may take a decision, based on the balance of probabilities, about what happened and impose a disciplinary sanction accordingly. This should be done on a case-by-case basis, with the DSL taking the lead and with consideration whether such action would prejudice any ongoing investigation or subsequent prosecution. This must be done in close liaison with the police and children’s social care.

Pupils allegedly involved in an incident may also have some restrictions placed on them due to the risk assessments which will be put in place to safeguard all of those involved. Any such restrictions are separate to the disciplinary process.

Working with parents

The College will, in most instances, engage with both the victim’s and the alleged perpetrator’s parents or carers when there has been a report of sexual violence (this might

not be necessary or proportional in the case of sexual harassment and should be considered on a case-by-case basis). The exception to this rule is if there is a reason to believe informing a parent or carer will put a child at additional risk. The designated safeguarding lead (or a deputy) would generally attend any such meetings. Parents and carers may well struggle to cope with a report that their child has been the victim of an assault or is alleged to have assaulted another child and will be offered support.

Monitoring

All incidents of Sexual Violence and / or harassment are noted on the College's MyConcern database with the tag of 'sexual abuse' or 'sexual violence'. The DSL team will review these annually.

This Policy is reviewed annually and is subject to immediate review in line with statutory changes as and when they take place.

Updated 30/05/2019 by JELD

Updated 19/8/2020 by DAW to include upskirting in line with KCSIE 2020 and formatting changes

Updated 1/9/21 by DAW in line with the new government guidance [here](#)

Updated 6/2/22 by DAW with small amendments to ensure consistency of nomenclature

Updated 3/8/22 by DAW in line with new KCSIE guidance

Updated 20/07/23 by TFW with small amendments to links, formatting and wording

Updated 03/09/24 by TFW with small amendments to links, formatting and wording

APPENDIX A: Hackett's continuum model of sexual behaviour

Normal	Inappropriate	Problematic	Abusive	Violent
<ul style="list-style-type: none"> • Developmentally expected • Socially acceptable • Consensual, mutual, reciprocal • Shared decision making 	<ul style="list-style-type: none"> • Single instances of inappropriate sexual behaviour • Socially acceptable behaviour within peer group • Context for behaviour may be inappropriate • Generally consensual and reciprocal 	<ul style="list-style-type: none"> • Problematic and concerning behaviour • Developmentally unusual and socially unexpected • No overt elements of victimisation • Consent issues may be unclear • May lack reciprocity or equal power • May include levels of compulsivity 	<ul style="list-style-type: none"> • Victimising intent or outcome • Includes misuse of power • Coercion and force to ensure compliance • Intrusive • Informed consent lacking or not able to be freely given • May include elements of expressive violence 	<ul style="list-style-type: none"> • Physically violent sexual abuse • Highly intrusive • Instrumental violence which is psychologically and/or sexually arousing to the child responsible for the behaviour • Sadism

APPENDIX B: External Support Agencies available for the victims of sexual harassment and/or sexual violence

- [Harmful Sexual Behaviour Support Service | SWGfL](#)
- Children and Young People's Independent Sexual Violence Advisors
- Rape Crisis
- The Survivors Trust
- The Male Survivors Partnership
- Through the College GP or NHS 111
- Childline
- NSPCC
- StopItNow
- Child and adolescent mental health services (CAMHS)
- Internet Watch Foundation (to remove potentially illegal images)
- <https://www.childline.org.uk/info-advice/bullying-abuse-safety/online-mobile-safety/remove-nude-image-shared-online/>
- The Lucy Faithfull Foundation has also developed a [HSB toolkit](#), which amongst other things, provides support, advice and information on how to prevent it, links to organisations and helplines, resources about HSB by children, internet safety, sexual development and preventing child sexual abuse
- LGFL '[Undressed](#)' provided schools advice about how to teach young children about being tricked into getting undressed online in a fun way without scaring them or explaining the motives of sex offenders
- [Sexual Assault Referral Centres](#). The two closest are:

Thames Valley Sarc Slough

Tel: 0800 970 9952- 24/7 helpline

Solace Centre

Upton Hospital

Albert Street

Slough

Berkshire

SL1 2BJ

13.4 miles away

[Solace Centre - Surrey SARC](#)

Tel: 0300 130 3038 - 24 Hours

Cobham Community Hospital

168 Portsmouth Road

Cobham

Surrey

KT11 1HS

17.1 miles away

APPENDIX D

Safeguarding Handbook for Schools

*PART FOUR: RESPONSE TO REPORTS

See also KCSIE Part 5

<p>Definitions</p> <p>Sexual Violence Rape Assault by penetration Sexual assault</p> <p>Sexual Harassment Unwanted conduct of a sexual nature, including sexual remarks, sexual taunts, physical behaviour or online sexual harassment</p>	<p>Victim reassured</p> <ul style="list-style-type: none"> • taken seriously and kept safe; and never be given an impression they are creating • confidentiality not promised • listen to victim, non-judgementally • record the disclosure (facts as reported) • two staff present (one being the DSL, or reported to DSL as soon as possible) • victim sensitively informed about referral to other agencies • if victim does not give consent to share, staff may still lawfully share in order to protect and to promote the welfare of children (see 'Sexual Violence and Sexual Harassment') • parents of victim informed, unless this would put victim at greater risk. <p>Anonymity Note that in cases of sexual violence there is legal protection of the victim's identity. Referral includes sharing on social media and discussion amongst pupils in the school.</p>
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<p>Record-keeping</p> <p>Remember, to record all concerns, discussions, decisions and reasons for decisions.</p>	<p>Considerations</p> <p>(Sexual Violence, Sexual Harassment and Harmful Sexual Behaviour) Immediately: Consider how to support the victim and the alleged perpetrator</p> <ul style="list-style-type: none"> - wishes of the victim - nature of the alleged incident - ages of the children - development stage of the child - any power imbalance - one-off, or part of a pattern - any ongoing risks to victim - other related issues and wider context
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<p>MANAGE INTERNALLY</p> <p>One-off incidents which the school believes that the child(ren) are not in need of early help or statutory intervention, which would be appropriate to deal with internally under the school's behaviour policy or anti-bullying policy.</p>	<p>EARLY HELP</p> <p>Non-violent Harmful Sexual Behaviours (see Harmful Sexual Behaviours Framework (NSPCC))</p>	<p>REFER TO SOCIAL CARE</p> <p>All incidents where a child has been harmed, is at risk of harm or is in immediate danger.</p> <p>Social Care staff will decide next steps. Be ready to escalate if necessary.</p>	<p>REFER TO POLICE</p> <p>All incidents of sexual violence or sexual harassment (incl. if perpetrator is a peer)</p> <p>Discuss next steps with the victim, the alleged perpetrator, and other staff, if necessary.</p>
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<p>RISK ASSESSMENT</p> <p>Case-by-case basis (for details see paragraphs 69 and 70 <i>Sexual Violence and Sexual Harassment between children in schools and colleges (DfE, 2021))</i></p>	<p>RISK</p> <p>Do not refer to the victim's name in the report.</p> <p>Emphasis on the victim's safety and well-being.</p> <p>Alleged perpetrator's name should be included in the report, unless it is not appropriate to do so.</p>
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<p>SAFEGUARD AND SUPPORT VICTIM AND (ALLEGED) PERPETRATOR</p> <p>(see separate page)</p>	<p>SAFEGUARD AND SUPPORT VICTIM AND (ALLEGED) PERPETRATOR</p> <p>(see separate page)</p>
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<p>DISCIPLINARY MEASURES TAKEN</p>	<p>DISCIPLINARY MEASURES TAKEN</p>
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Safeguarding and supporting victims and alleged perpetrators

Victim	Alleged Perpetrator	Other children
<ul style="list-style-type: none"> • needs and wishes of victim are paramount • not made to feel they are the problem • consider proportionality of response • aim for victim to carry out normal routine • recognise that they may struggle in class and may need time out (if they wish) • be aware that they may not disclose the whole picture immediately • prepare for support over a long period and consider who is involved (internal and external) • if victim moves school, the Designated Safeguarding Lead (DSL) informs the new school of the need for continued support 	<ul style="list-style-type: none"> • possible tension between discipline and support (these are not mutually exclusive) • consider age/ developmental stage/any SEND • proportionate response • consider unmet needs (for example, harmful sexual behaviours (HBV) in younger children may be a sign of abuse or trauma) • if (alleged) perpetrator moves school, the Designated Safeguarding Lead (DSL) informs the new school of the issues and transfers the child protection file 	<ul style="list-style-type: none"> • witnesses may need support (especially in cases of sexual violence) • avoid allowing pupils to 'take sides' • minimise potential for bullying or victimisation in school and on school transport • be aware of any social media use and inappropriate or even illegal posts (especially in cases of criminal investigation where anonymity is legally guaranteed) • develop safeguarding culture • constantly review reporting procedures and responses • consider potential for systematic and environmental weaknesses

Sexual Violence and Sexual Harassment – Implementation Checklist**Staff Learning and Development**

- Senior Leadership Team
- Governing Body
- Designated Safeguarding Leads
- Pastoral Leads
- PSHE/SRE Leads
- All staff

Consider how specialist, external organisations could support the development of staff knowledge and understanding in this area.

Pupil Curriculum

- Developing healthy, respectful relationships
- What is consent?
- What is sexual violence/sexual harassment?
- Content in SRE/PSHE, other curriculum areas?