



ANTI-BULLYING POLICY – SENIOR SCHOOL

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QUEEN'S GATE ANTI-BULLYING POLICY - SENIOR SCHOOL

(see separate Child on Child Abuse Policy)

In the event of a Year group or the whole School reverting to remote learning, this should be read in conjunction with the Remote Learning and Safeguarding Policy

AIMS AND OBJECTIVES

Queen's Gate's Mission Statement specifies that we nurture 'sound values and individuality within a supportive atmosphere'; this aim is inextricably linked to a safe environment, in which a key element is a robust and consistent approach to bullying.

Allegations of bullying, harassment, victimisation and discrimination are investigated promptly and thoroughly. We treat our pupils and their parents with consideration and respect and we expect them to reciprocate. Any kind of bullying is unacceptable and the School keeps a record of any incidents.

As a school, Queen's Gate takes bullying very seriously. We understand that it can completely ruin a child's experience of school and can impact seriously on social development and academic performance. In serious cases, it should be seen as child on child abuse and is a child protection concern¹ as it can cause long-term damage to psychological development and even lead to suicide.

The aims of this policy are to:

- encourage an ethos in which bullying is seen as unacceptable;

¹ The 'Children Act', 1989 and 'Keeping Children Safe in Education, September 2023'.

- create a culture of vigilance;
- maintain a safe and calm environment which promotes learning.

All governors, teaching and non-teaching staff, pupils and parents should have an understanding:

- of what bullying is;
- how they can contribute to an ethos in which bullying has no place;
- how serious the impact of bullying can be;
- what they should do if bullying arises;
- and how they will be supported if they report it.

DEFINITION OF BULLYING

Bullying is, '**Behaviour by an individual or a group, usually repeated over time that intentionally hurts another individual either physically or emotionally.**'² It often involves '**an imbalance in power between the perpetrator and victim**'³ that makes it difficult for the bullied to defend themselves. Bullying is anti-social behaviour and affects everyone in the school community; it is unacceptable and will not be tolerated.

Bullying may take various forms including:

- Physical, e.g. pushing, excluding.
- Verbal, e.g. taunts, spreading rumours.
- Cyber-bullying, e.g. through social networking sites, phone messages, photographs or emails.⁴
- It may extend to staff and the school will take measures to protect staff as well as pupils from bullying whether by pupils, parents or colleagues.⁵

THE EXTENT OF BULLYING

Bullying happens in every school, not because every child is a prospective bully but because there are many reasons for bullying, including:

- low self-esteem
- trying to get admiration and attention from friends
- fear of being left out if they do not join in
- not understanding how someone else is feeling
- taking out angry feelings
- being bullied themselves

The reasons people bully are so varied that it is easy to imagine most children fitting into one of these categories at some point in their lives. Indeed, it is possible to be a bully

² 'Preventing and tackling bullying, July 2017': Department of Education.

³ Ibid

⁴ Under the 'Malicious Communications Act', 1988, it is an offence for a person to send an electronic communication intended to cause distress or anxiety or one which is grossly indecent or a threat.

⁵ 'Cyberbullying: Advice for headteachers and school staff': DfE, 2014. See also appended 'Charter for the Safe Use of the Internet and Electronic Devices at Queen's Gate School.'

one day and a victim the next; in addition, researchers like Christina Salmivalli⁶ have noted that the effect of bystanders who do nothing can be as damaging to the victim's self-esteem as the bullying itself. We aim to deal with incidents of bullying promptly, firmly, fairly and proportionately. We also need to be sure that the behaviour is bullying (deliberate and repeated despite a warning). This means investigating which may involve:

- Girls being questioned – both victims and bullies
- Girls being asked to write statements
- Girls being asked to provide corroboration
- Parents being contacted.

Bullying that cannot be proven, such as excluding a girl from a group, is logged and monitored.

Safeguarding and bullying:

Bullying is listed as a safeguarding concern in 'Keeping Children Safe in Education, September 2023.' In addition, the 'Children Act, 1989' advises that a bullying incident should be addressed as a child protection concern when there is 'reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm'. Where this is the case, the school staff should report their concerns to their Local Authority children's social care. Even where safeguarding is not considered to be an issue, schools may need to draw on a range of external services to support the pupil who is experiencing bullying, or to tackle any underlying issue which has contributed to a child engaging in bullying.

CREATING AN ANTI-BULLYING ETHOS

At Queen's Gate, we protect the girls, develop their understanding of acceptable behaviour and how keep themselves safe, build their resilience, and share core values of kindness, empathy and courage through:

- an age-appropriate PSICHE syllabus which covers respectful relationships, friendships and keeping safe online from the programme of study found in RSE statutory guidance⁷
- e-safety sessions
- Form Times
- Internet filtering and monitoring
- creating opportunities for expanding friendships
- being alert to bullying and taking steps to ensure that exclusion does not occur through seating or group work arrangements
- having systems in place for any pupil to raise concerns with staff, knowing that they will be listened to, believed and valued
- anti-bullying ambassadors in all year groups

⁶ <http://njbullying.org/documents/bullyingandpeergrroup.pdf>

⁷ Relationships Education, Relationships and Sex Education (RSE) and Health Education Statutory guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teachers, June 2020

- structured opportunities for debating difference
- reinforcing and celebrating kindness and responsibility toward one another
- a culture of safety and equality and protection throughout the School.
- Reminding staff, pupils and volunteers that bullying behaviour, if witnessed or disclosed, should be reported to a Designated Safeguarding Lead (DSL) or Deputy Designated Safeguarding Lead (DDSL) as soon as is practicably possible.

In addition, staff are aware that unchallenged low-level disruption, the use of offensive language and the expression of intolerant views can have a significant impact on victims of bullying. If brushed over as part of growing-up, it can also lead to reluctance on the part of others to report more overt, bullying behaviour.⁸ We provide staff training that aims to help staff understand current research on bullying, the principles and purpose of this policy, legal responsibilities regarding bullying, how to resolve problems, and where to seek support.

Early intervention can help to set clear expectations of behaviour that is, and is not, acceptable and help stop negative behaviours escalating. At the same time, we aim to take a proportionate and reasonable approach to bullying incidents, seeking to stop the behaviour rather than label children.

INTERVENTION

The nature and level of support will depend on the individual circumstances and may include a quiet word from a teacher who knows the pupil well, asking the pastoral team to provide support, disciplinary sanctions, providing formal counselling, engaging with parents, referring to local authority children's services, completing a Common Assessment Framework or referring to Child and Adolescent Mental Health Services (CAMHS) or the Police.

LOGGING AND MONITORING

The School logs allegations of bullying and the outcomes of actions taken. These logs are kept securely with restricted access. The School's records on bullying (and other safeguarding issues) are kept securely in the School's database with access and visibility restricted to pastoral leaders.

Mr William Gillen is the Liaison Governor for child protection and safeguarding issues. The Principal consults with him on safeguarding issues. The Principal advises governors at each Board meeting of any safeguarding issues and updates on new regulations. The governors, through the Liaison Governor and the Principal, are responsible for:

- reviewing the procedures for and the efficiency with which the child protection and safeguarding duties have been discharged;

⁸ 'Preventing and Tackling Bullying: Advice for headteachers, staff and governing bodies, July, 2017.' Department of Education.

- ensuring that any deficiencies or weaknesses in safeguarding arrangements are remedied without delay;
- approving amendments to safeguarding arrangements in the light of changing regulations or recommended best practice.

CHILD ON CHILD ABUSE (see separate Child on Child Abuse Policy)

Extreme bullying can be regarded as Child on Child abuse – this being a term that covers offences such as gender-based violence, sexual violence/ harassment (see Appendix 7), sharing nudes and semi-nudes (or youth produced sexual imagery – see Appendix 8) and child sexual exploitation (see Appendix 9) and cyber-bullying.⁹ In order to emphasise the gravity and impact of such behaviour, Keeping Children Safe in Education makes it clear that ‘the defence of ‘banter’ or joking is not acceptable.’¹⁰

Staff are aware that children can abuse other children and that it can happen both inside and outside of school and online. All staff are trained to recognise the indicators and signs of child on child abuse and know how to identify it and respond to reports.

Staff understand, that even if there are no reports in school it does not mean it is not happening, it may be the case that it is just not being reported. As such, it is important if staff have any concerns regarding child on child abuse, they should speak to their designated safeguarding lead.

Staff understand the importance of challenging inappropriate behaviours between peers, many of which are listed below, that are actually abusive in nature. Downplaying certain behaviours, for example dismissing sexual harassment as “just banter”, “just having a laugh”, “part of growing up” or “boys being boys” can lead to a culture of unacceptable behaviours, an unsafe environment for children and in worst case scenarios a culture that normalises abuse leading to children accepting it as normal and not coming forward to report it.

Child on child abuse is most likely to include, but may not be limited to:

- bullying (including cyberbullying, prejudice-based and discriminatory bullying);
- abuse in intimate personal relationships between peers;
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm (this may include an online element which facilitates, threatens and/or encourages physical abuse);
- 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);

Procedure for dealing with child on child abuse: ‘Keeping Children Safe in Education, 2023’ states that schools should ensure their child protection policy includes ‘procedures to minimise the risk of child on child abuse’ and ‘sets out how allegations of child on child abuse will be investigated and dealt with.’ Safeguarding concerns of this sort will be dealt with in the same way as other forms of abuse:

⁹ ‘Preventing and Tackling Bullying: Advice for headteachers, staff and governing bodies, July, 2017.’ Department of Education.

¹⁰ ‘Keeping Children Safe in Education, September 2023.’

One of the DSLs or DDSLs should be alerted promptly and a written record made of the concern but no attempt at this stage should be made to investigate the circumstances.

- The DSL/ DDSL will confer informally with children's social care to determine whether a referral should be made (having applied common sense and judgment as to whether the incident approaches the threshold).
- If the allegation indicates that a potential criminal offence has taken place, the Police may become involved.
- Parents of both the pupil/s being complained about and the alleged victim/s will be informed and kept updated.
- The Designated Safeguarding Lead (DSLs/ DDSL) will update records in a secure place.
- If the allegation highlights a potential risk to the perpetrator or others, appropriate action will be taken.

Distinction between bullying and child-on-child abuse: There is no clear boundary between incidents that should be regarded as abusive and incidents that are more properly dealt with as bullying, sexual experimentation etc. This is a matter of professional judgement. If one child or young person causes harm to another, this should not necessarily be dealt with as abuse: bullying, fighting and harassment between children are not generally seen as child protection issues. However, it may be appropriate to regard a young person's behaviour as abusive if:

- There is a large difference in power (for example age, size, ability, development);
- The perpetrator has repeatedly tried to harm one or more other children;
- There are concerns about the intention of the perpetrator.

If the evidence suggests that there was intention to cause severe harm to the victim, this should be regarded as abusive whether or not severe harm was actually caused.

Contextual safeguarding: Staff should be aware of the range of contexts in which young people can become vulnerable to safeguarding threats including Serious violence¹¹

The relationships that young people form in their neighbourhoods, schools and online can feature violence and abuse. Parents and carers have little influence over these contexts whilst young people's experiences of extra-familial abuse can undermine parent-child relationships.¹²

¹¹ All staff should be aware of indicators, which may signal that children are at risk from, or involved with serious crime. These may include increased absence from school, a change in friendships or relationships with older individuals, a significant decline in performance, signs of self-harm or significant change in wellbeing, or signs of assault or unexplained injuries. Unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with individuals associated with criminal networks or gangs. Advice for schools and colleges is provided in the Home Office's Advice to schools and colleges on gangs and youth violence and Criminal exploitation of children and vulnerable adults: county lines.

¹² <https://contextualsafeguarding.org.uk/about/what-is-contextual-safeguarding>

BULLYING, DIFFERENCE AND EQUALITY

At Queen's Gate, we are aware that some pupils are more likely to be the target of bullying because of attitudes and behaviours some young people have towards those who are different from themselves. For example, those with special educational needs, those who are LGBTQ+, or perceived to be by their peers, those with disabilities, those who are adopted, those who are suffering from a health problem and those with caring responsibilities may be more likely to experience bullying because of difference. Children in care, who are frequently on the move may also be vulnerable because they are always the newcomer.

Bullying can also be related to special educational needs, disability, race, religion or belief, sex, sexual orientation, gender, maternity or pregnancy as well appearance or health condition and home circumstances. We are aware of our moral and legal obligations to ensure that all pupils are able to learn without discrimination, harassment or victimisation and strive to advance equality of opportunity and good relations between people who share a protected characteristic and people who do not share it.¹³ We are alive to issues such as everyday sexism, misogyny and homophobia and take positive action to build a culture where these are not tolerated; any occurrences are identified and tackled. Staff have an important role to play in modelling positive behaviours. At Queen's Gate, we emphasise the need for understanding a variety of relationships and encourages respect for other people, with particular regard to the protected characteristics set out in the Equality Act 2010. The protected characteristics as listed in section 4 of the Equality Act 2010 are as follows: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Bullying and SEN/D: Evidence shows that children and young people with special educational needs and/or disabilities (SEN/D) are significantly more likely to be bullied or victimised than those without¹⁴. Further safeguarding issues can arise since there may be additional barriers to recognising abuse and neglect in this group of children. These can include:

- Assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability without further exploration.
- The potential for children with SEN and disabilities being disproportionately impacted by behaviours such as bullying, without outwardly showing any signs.
- Communication barriers and difficulties in overcoming these barriers¹⁵.

¹³ The 'Equality Act 2010.'

¹⁴ 'Cyberbullying and children and young people with SEN and disabilities: guidance for teachers and other professionals.' Anti-bullying Alliance.

¹⁵ 'Keeping Children Safe in Education, September 2023.'

ONLINE SAFETY¹⁶

The use of technology has become a significant component of many safeguarding issues and often provides the platform that facilitates harm whilst personal online behaviour can increase the likelihood of, or cause, harm; for example, in online bullying.

Our technical staff have a key role in maintaining a safe technical infrastructure at the School. They monitor the use of the Internet and emails and will report to the pastoral staff and Principal inappropriate usage. However, the explosion in technology means that blocking and barring sites alone is inadequate.

We teach all of our pupils to understand why they need to behave responsibly if they are to protect themselves. In addition to learning about e-safety in PSCE and in Computer Studies lessons, an e-safety consultant delivers bespoke sessions to the girls and their parents on annual basis.

Cyber-bullying

The rapid development of, and widespread access to, technology has provided a medium for 'virtual' bullying, which can occur in or outside school. Queen's Gate does all in its power to protect pupils and staff from cyber-bullying. This includes:

- A ban on the use of mobile phones and other personal electronic devices during the school day. (See also IT Acceptable Use and E-Safety Policy for Pupils)
- Sharing and reinforcing the 'The Charter for the Safe Use of the Internet and Electronic Devices', on an annual basis.
- New pupils and parents being invited to sign the 'Contract for the Safe Use of the Internet and Electronic Devices'.
- Confiscation of electronic devices, such as mobile phones, by members of staff (See also 'Behaviour Management and Sanctions Policy').
- The examination of such a device for data or files used for bullying or child-on-child abuse.
- The deletion of such material, if appropriate.

In the case of the final three bullet points, such actions will only be taken when there is good reason to do so but parents and pupils should be aware that the 'Education Act, 2011' gives all schools these powers and that there is no need to seek parental or pupil consent to search through a young person's mobile in such cases.¹⁷ (See Appendix 6 for more detail on confiscating and searching.)

MEASURES AGAINST BULLYING

¹⁶ *The School is mindful of the DfE guidance outlining how schools can ensure their pupils stay safe and behave online as part of existing curriculum requirements: Teaching online safety in schools*

¹⁷ 'Preventing and Tackling Bullying: Advice for headteachers, staff and governing bodies, July 2017.' Department of Education.

The School will:

- Provide copies of the 'Anti-Bullying Policy' for parents and staff and provide shorter and more accessible versions of this for pupils (in Homework Diaries).
- Provide copies of the 'Charter for the Safe Use of the Internet and Electronic Devices at Queen's Gate School'.
- Ensure that pupils are aware that all bullying concerns will be dealt with, regardless of whether the bullying has occurred inside or outside of the School.
- Respond promptly to the concerns of parents or pupils and encourage concerns to be reported immediately so that early intervention can prevent escalation.
- Offer counselling (in or out of school) if appropriate.
- Discuss, monitor and review our Anti-Bullying Policy on a regular basis
- Log allegations or instances of bullying in order to track any patterns that may emerge.
- Monitor and discuss attendance, punctuality and behaviour in order to remain vigilant to the possibility of bullying taking place and affecting a pupil's attitude to school. If necessary, we will change our approach in response to emerging patterns or new concerns.
- Provide opportunities for pupils to consider bullying and prejudice through Pastoral Days, assemblies, PSCE, Form Time and Wider World.
- Provide systematic opportunities to develop pupils' social and emotional skills and bolster their self-esteem (e.g. clubs, positions of responsibility, mentoring of younger girls, Mindfulness).
- Provide opportunities for pupils to understand and value difference and disability as an effective way to prevent bullying occurring in the first place.
- Provide workshops and coffee mornings for parents at which friendship issues and bullying can be discussed, fact sheets distributed and where parental support - with cyber-bullying in particular - can be enlisted.
- Monitor and filter the Internet and our ICT systems, to ensure that girls are safe (for example blocking Facebook).
- Provide opportunities for staff to develop their understanding and knowledge of bullying.
- Keep abreast of new legislation.
- Work with other agencies (such as CEOPs and Kidscape) to prevent and tackle concerns.
- Publicise the details of helplines and websites

Teachers will:

- Follow the procedure for dealing with allegations of bullying as set out in this policy and familiarize themselves with Part 1 of KCSIE.
- Foster good relations with pupils, taking note of changes in behaviour and encouraging pupils to come forward with their concerns.
- Pay attention to the potential for bullying when arranging seating or group activities.

- Demonstrate vigilance when pupils are not in lessons. E.g. Lunchtime or when pupils are on school trips.

Parents/ guardians will:

- Work with the school to uphold the anti-bullying policy.
- Monitor and regulate their daughter's use of electronic equipment through which bullying might occur.
- Take a screenshot of any offending items and inform the School in a timely manner if they have concerns.

Pupils will:

- Abide by the Anti-Bullying Policy.
- Not stand by and watch bullying take place but, rather, alert a member of staff or a senior pupil to any instance of bullying thus showing awareness that the prevention of bullying is everyone's responsibility and that it affects the whole community.
- Senior pupils (Prefects and Mentors) will receive basic training on how to respond to actual or reported instances of bullying.

PROCEDURE FOR DEALING WITH ALLEGATIONS OF BULLYING

If a teacher thinks that bullying is happening:

- S/he should talk to the girls concerned and ask them what has been happening. It is important not to promise confidentiality.
- A written record should be made so that it can be passed on to the Form Tutor, Head of Year and Head of Section. This will be stored securely.
- All incidents in the Senior School must be referred to the Director of Pastoral Care, Ms de la Peña who is also one of the Designated Safeguarding Leads and Child Protection Officers. All incidents in the Junior School should be referred to Mr Denchfield (see Junior School Anti-Bullying Policy). Both DSLS/ DDSLs will inform the Principal. In the absence of Ms de la Peña, Mr Denchfield, Mrs Makhoulouf or Miss Spencer incidents should be referred directly to the Principal. A central record of bullying incidents is kept enabling the identification of any patterns of bullying.

Pupils who have been bullied will be offered:

- The opportunity to discuss the experience with their Form Tutor or their Head of Year/ Head of Section.
- Continuing support.
- Discussion of strategies to cope with difficult situations and build confidence.
- Counselling, if the Principal thinks this is necessary.

Pupils who have bullied will be helped by:

- Discussing what happened.
- Continuing support and monitoring.

- Being encouraged to understand the effects of their actions and the need to change their behaviour.
- Discussion with parents/ guardians to help change the attitude of the pupil.
- Counselling if the Principal thinks this is necessary.

Sanctions:

The aim of any sanction is to stop anti-social behaviour. In most cases an acknowledgement of the effect of actions, will have the desired effect on the perpetrator/s. This sort of acknowledgment can be achieved through discussion with an adult – a parent, member of staff or counsellor. Nevertheless, bullying is a serious breach of the school rules and punishment must follow. It is highly likely that a detention will be imposed; cases of severe or persistent bullying could result in exclusion (temporary or permanent) from the School.

COMPLAINTS

We hope that you will not feel the need to complain about the operation of our Anti-Bullying Policy, and that any difficulty can be sensitively and efficiently handled before it reaches that stage. However, the school's Complaints Procedure Policy is on our website. We will send you copies on request.

Appendix 1

NSPCC Signs, Symptoms and Effects

It can be hard for adults, including parents, to know whether or not a child is being bullied. A child might not tell anyone because they're scared the bullying will get worse. They might think that they deserve to be bullied, or that it's their fault.

You can't always see the signs of bullying. And no one sign indicates for certain that a child's being bullied. But you should look out for:

- belongings getting "lost" or damaged
- physical injuries such as unexplained bruises
- being afraid to go to school, being mysteriously 'ill' each morning, or skipping school
- not doing as well at school
- asking for, or stealing, money (to give to a bully)
- being nervous, losing confidence, or becoming distressed and withdrawn
- problems with eating or sleeping
- bullying others.

Appendix 2

Current Legislation summarised in: [Preventing and tackling bullying: Advice for headteachers, staff and governing bodies' July 2017](#)

The Education and Inspections Act 2006

There are a number of statutory obligations on public sector schools with regard to behaviour which establish clear responsibilities to respond to bullying. In particular section 89 of the Education and Inspections Act 2006:

- provides that every school must have measures to encourage good behaviour and prevent all forms of bullying amongst pupils. These measures should be part of the school's behaviour policy which must be communicated to all pupils, school staff and parents;
- gives headteachers the ability to discipline pupils for poor behaviour even when the pupil is not on school premises or under the lawful control of school staff.

The Education (Independent School Standards) Regulations 2014

- The Education (Independent School Standards) Regulations 2014 provide that the proprietor of an Academy or other independent school ensures that bullying at the school is prevented in so far as reasonably practicable, by the drawing up and implementation of an effective anti-bullying strategy

The Equality Act 2010

A key provision in The Equality Act 2010 is the Public Sector Equality Duty (PSED), which came into force on 5 April 2011 and covers age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Duty requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it
- foster good relations between people who share a protected characteristic and people who do not share it.

Maintained schools and Academies are required to comply with the PSED. In addition Part 6 of the Act makes it unlawful for the responsible body of a school to discriminate against, harass or victimise a pupil or potential pupil in relation to admissions, the way it provides education for pupils, provision of pupil access to any benefit, facility or service, or by excluding a pupil or subjecting them to any other detriment. In England and Wales Part 6 of the Act applies to maintained schools and Academies and to other independent schools.

In addition to the duties in relation to pupils with disabilities under the Equality Act, schools also have duties under Part 3 of the Children and Families Act 2014 to ensure that pupils with special educational needs engage in the activities of the school together with children who do not have special educational needs.

Safeguarding children and young people

Under the Children Act 1989 a bullying incident should be addressed as a child protection concern when there is 'reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm'. Where this is the case, the school staff should discuss their concerns with the school's designated safeguarding lead and report their concerns to their Local Authority children's social care. Even where safeguarding is not considered to be an issue, schools may need to draw on a range of external services to support the pupil who is experiencing bullying, or to tackle any underlying issue which has contributed to a child engaging in bullying.

Criminal law

Although bullying in itself is not a specific criminal offence in the UK, it is important to bear in mind that some types of harassing or threatening behaviour – or communications – could be a criminal offence, for example under the Protection from Harassment Act 1997, the Malicious Communications Act 1988, the Communications Act 2003, and the Public Order Act 1986. If school staff feel that an offence may have been committed, they should seek assistance from the police. For example, under the Malicious Communications Act 1988, any person who sends an electronic communication which conveys a message which is indecent or grossly offensive, a threat, or information which is false and known or believed to be false by the sender, is guilty of an offence if their purpose in sending it was to cause distress or anxiety to the recipient.

Bullying outside school premises

School staff members have the power to discipline pupils for misbehaving outside the school premises. Sections 90 and 91 of the Education and Inspections Act 2006 say that a school's disciplinary powers can be used to address pupils' conduct when they are not on school premises and are not under the lawful control or charge of a member of school staff, but only if it would be reasonable for the school to regulate pupils' behaviour in those circumstances. This may include bullying incidents occurring anywhere off the school premises, such as on school or public transport, outside the local shops, or in a town or village centre.

Where bullying outside school is reported to school staff, it should be investigated and acted on. The headteacher should also consider whether it is appropriate to notify the police or anti-social behaviour coordinator in their local authority of the action taken against a pupil. If the misbehaviour could be criminal or poses a serious threat to a member of the public, the police should always be informed.

While school staff members have the power to discipline pupils for bullying that occurs outside school, they can only impose the disciplinary sanction and implement that sanction on the school premises or when the pupil is under the lawful control of school staff, for instance on a school trip.¹⁸

Appendix 3:

Searching and confiscating

The Education Act, 2011, amended the power in the Education Act 1996 to provide that when an electronic device, such as a mobile phone, has been seized by a member of staff who has been formally authorised by the headteacher, that staff member can examine data or files, and delete these, where there is good reason to do so. This power applies to all schools and there is no need to have parental consent to search through a young person's mobile phone. However, if an electronic device that is prohibited by the school rules has been seized and the member of staff has reasonable ground to suspect that it contains evidence in relation to an offence, they must give the device to the police as soon as it is reasonably practicable. Material on the device that is suspected to be evidence relevant to an offence, or that is pornographic image of a child or an extreme pornographic image, should not be deleted prior to giving the device to the police. If a staff member finds material that they do not suspect contains evidence in relation to an offence, they can decide whether it is appropriate to delete or retain the material as evidence of a breach of school discipline¹⁹.

The member of staff must have regard to the following guidance issued by the Secretary of State when determining what is a "good reason" for examining or erasing the contents of an electronic device: reasonable suspicion that the data or file on the device

¹⁸ 'Preventing and Tackling Bullying: Advice for headteachers, staff and governing bodies, July, 2017.' Department of Education.

¹⁹ 'Preventing and Tackling Bullying: Advice for headteachers, staff and governing bodies, July, 2017.' Department of Education.

in question has been, or could be, used to cause harm, to disrupt teaching or break the school rules.²⁰

Appendix 4:

Special Educational Needs and Disabilities (SEND) Code of Practice

While bullied children will not be routinely considered as requiring SEN support, schools and where appropriate local authorities should provide support in a proportionate and tailored way to meet individual needs.

Separate on site provision

In the event that a girl feel she cannot return to school due to bullying, Queen's Gate will do all in its power to ensure that the girl continues to receive her education, whilst the bullying is being dealt with. This might include:

- a sensitive response to absences arising from bullying
- separate on-site provision that provides respite for bullied pupils, whilst maintaining their educational progression.
- Ensuring that the pupil feels safe at school on her way to and from school.

In extreme cases where the effects of bullying are so severe that it is not possible to reintegrate a child into school then, in liaison with parents and pupil, other arrangements will be made for the pupil to continue their education by transferring to another mainstream school. Where a child has developed complex needs as a result of bullying, which cannot be met in mainstream education, then alternative provision may need to be arranged.²¹

Appendix 5

Sexual violence and sexual harassment²²

Staff at Queen's Gate recognise that children are capable of abusing their peers and that such abuse can manifest itself in many ways.

Children who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. The experience may adversely affect their educational attainment. Sexual violence and sexual harassment exist on a continuum and may overlap; they can occur online and offline (both physically and verbally) and are never acceptable. It is important that all victims are taken seriously and offered appropriate support.

Reports of sexual violence and sexual harassment are extremely complex to manage. It is essential that victims are protected, offered appropriate support and that every effort is made to ensure their education is not disrupted. It is also important that other

²⁰ 'Searching, Screening and Confiscation: Advice for Headteachers, School Staff and Governing Bodies, DfE February 2014', updated September 2016.

²¹ 'Preventing and Tackling Bullying: Advice for headteachers, staff and governing bodies, July, 2017.' Department of Education

²² 'Sexual violence and sexual harassment between children in schools and colleges.' DfE: May 2018' and KCSIE Part 5

children, adult students and school and college staff are supported and protected as appropriate.

What is sexual violence and sexual harassment?

Sexual violence and sexual harassment can occur between two children, or a group of children of any age. Both sexes may be affected although girls are more likely to be victims of sexual violence, and boys are more likely to be perpetrators of sexual harassment. Children with SEND are likely to be more vulnerable.

Sexual violence refers to rape, assault by penetration or sexual assault. Sexual harassment includes sexual comments; sexual jokes; physical behaviour such as deliberately brushing against someone or displaying photos of a sexual nature, and online activity including sharing of nude or semi-nude images or video (sexting), upskirting, or making inappropriate sexual comments (note - this list is not exhaustive). Harmful sexual behaviours in children are those which are inappropriate, problematic, abusive and violent; when considering harmful sexual behaviour, the ages and developmental stages of the children involved should be considered.

Awareness

Girls are taught about safeguarding, healthy relationships, their bodies and their rights through PSHE and RSE. We emphasise that sexual violence and sexual harassment is not acceptable, is not 'part of growing up' or 'boys being boys' and should not be tolerated.

Girls are taught about consent in PSHE lessons, learning that consent is about having the freedom and capacity to choose; that consent to sexual activity may be given to one sort of sexual activity but not another; that consent can be withdrawn at any time during sexual activity and each time activity occurs; and that there are limits to 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.

Staff understand that sexual violence and sexual harassment can be driven by wider societal forces, such as sexist stereotypes and language and for these reasons preventative education must be deployed.²³

Staff know how to report a concern and advice may be given to involve specialist support services such as CAIT (the Child Abuse Investigation Team), the Women and Girls Network or the West London Centre for *Sexual Health*.

Responding

Reports of sexual violence are often complex and require difficult decisions to be made. Decisions would be made on a case-by-case basis, in consultation with the DSLs/ DDSL, the Principal and the Local Authority's schools' advisor. Some situations are statutorily clear: a child under the age of 13 can never consent to sexual activity (the age of

²³ 'Sexual violence and sexual harassment between children in schools and colleges. DfE: May 2018'

consent is 16); sexual intercourse without consent is rape (as defined in law); creating or sharing sexual images or videos of under 18s is illegal, including children making or sharing these themselves.

The initial response to a disclosure is important. Staff will ensure that:

- the victim is taken seriously and supported;
- concerns are discussed with the DSLs/ DDSL and the Principal;
- they understand that where an incident between takes place away from the school, the School's duties remain the same;
- they never promise confidentiality, listen carefully to the child, are non-judgmental, clear about boundaries, explain how the report will be progressed, do not ask leading questions, only prompt the child where necessary with open questions – where, when, what, etc;
- anonymity is preserved in cases where an allegation is progressing through the criminal justice system;
- if a child has been harmed or is in immediate danger or at risk of harm, a referral will be made to children's social care or the police;
- where a crime may have been committed, the police are involved e.g. in cases where there is a report of rape, assault by penetration or sexual assault;
- a risk assessment is made in cases of a report of sexual violence, considering the victim, alleged perpetrator and other children at the school; in cases of sexual violence a professional risk assessment by external specialists may be required, and should be used to inform the school's own risk assessment;
- while the facts are being established, the alleged perpetrator is removed from any classes shared with the victim and kept a reasonable distance apart in the best interests of both children;
- Careful consideration is given to when to inform the alleged perpetrator, and this is discussed with relevant agencies.

See also section on Procedures for dealing with all disclosures/allegations of abuse, in this document.

Managing a report of sexual harassment or violence

There are four likely routes to consider when managing a report of sexual violence or sexual harassment. In deciding which route to take, we would consider:

- the wishes of the victim in terms of how they want to proceed
- the nature of the alleged incident
- the ages of the children involved
- the developmental stages of the children involved
- any power imbalance between the children
- whether the incident a one-off or a sustained pattern of abuse
- any ongoing risks to the victim, other children, school or college staff
- contextual safeguarding issues

1. Managing internally: In some cases of sexual harassment (such as one-off incidents) a school may manage the incident internally.
 2. Early help: This is particularly useful in addressing non-violent, harmful sexual behaviour and may prevent escalation.
 3. Referrals to children's social care: In cases where there has been harm, or there is an immediate risk, a referral should be made to children's social care;
 4. Reporting to the police (in parallel to children's social care): In cases where rape, assault by penetration or sexual assault is reported. Schools should not wait for the outcome of a police investigation before protecting the victim, perpetrator and other children in the school. The DSLs/ DDSLs should work closely with the police to ensure that the school's actions do not jeopardise the police investigation. If a child is convicted or cautioned, the school should update the risk assessment and consider suitable action through their behaviour policy.
- N.B. It is important for schools to ensure the victim and perpetrator remain protected, especially from bullying or harassment. Where no further action is taken, or a child found not guilty, the school should continue to support the victim and perpetrator.

Appendix 6

Sharing of nudes and semi-nudes²⁴

The types of incidents which this advice covers are:

a person under the age of 18 creates and shares nudes and semi-nudes of themselves with a peer under the age of 18

a person under the age of 18 shares nudes and semi-nudes created by another person under the age of 18 with a peer under the age of 18

a person under the age of 18 is in possession of nudes and semi-nudes created by another person under the age of 18

This advice does not cover:

the sharing of nudes and semi-nudes of under 18s by adults (18 and over) as this constitutes child sexual abuse and education settings should always inform their local police force as a matter of urgency

children and young people under the age of 18 sharing adult pornography or exchanging sexual texts which do not contain images

In response to these issues, schools should follow their local authority's guidance.

Assessing Behaviour

It is important for professionals to place a child's sexual behaviour within the context of their age and development. DSLs/ DDSLs (or equivalents) must ensure that they are familiar with and follow the relevant local policies and procedures to help them do so. This includes contact with safeguarding partners and guidance on recognising and responding to harmful behaviours and/or underage sexual activity when dealing with children with under 13. Frameworks such as Brook's Sexual Behaviours Traffic Light

²⁴ <https://www.gov.uk/government/publications/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people>

Tool can also be used to identify when a child or young person's sexual behaviour is a cause for concern in relation to their development.

Any child or young person displaying harmful sexual behaviour should be safeguarded and supported in moving forward from the incident and adopting positive behaviour patterns.

Where a child or young person displays appropriate sexual behaviour within the context of their age or development, consideration should still be given as to whether the taking or sharing of the nude or semi-nude raises any additional concerns.

The law

Indecent images of children

Responding to incidents of sharing nudes and semi-nudes is complex because of its legal status. Making, possessing and distributing any imagery of someone under 18 which is 'indecent' is illegal. This includes imagery of yourself if you are under 18.

The relevant legislation is contained in the Protection of Children Act 1978 (England and Wales) as amended in the Sexual Offences Act 2003 (England and Wales).

Specifically:

it is an offence to possess, distribute, show and make indecent images of children

the Sexual Offences Act 2003 (England and Wales) defines a child, for the purposes of indecent images, as anyone under the age of 18

'Indecent' is not defined in legislation. When cases are prosecuted, the question of whether any photograph of a child is indecent is for a jury, magistrate or district judge to decide based on what is the recognised standard of propriety.

Indecent imagery does not always mean nudity; however, images are likely to be defined as such if they meet one or more of the following criteria:

nude or semi-nude sexual posing (e.g. displaying genitals and/or breasts or overtly sexual images of young people in their underwear)

someone nude or semi-nude touching themselves in a sexual way

any sexual activity involving a child

someone hurting someone else sexually

sexual activity that includes animals

Non-consensual image sharing

The non-consensual sharing of private sexual images or videos with the intent to cause distress is also illegal. The relevant legislation is contained in section 33 of the Criminal Justice and Courts Act 2015.

The police response

The NPCC has made it clear that incidents involving sharing nudes and semi-nudes should have an immediate focus on safeguarding children.

In many cases, education settings may respond to incidents without involving the police, for example where an incident can be defined as 'experimental' and there is no evidence abusive or aggravating elements. The police may, however, need to be involved in some cases to ensure thorough investigation, including the collection of all evidence (for example, through multi-agency checks). Where there are abusive and/or aggravating factors, incidents should always be referred to the police through the Multi-Agency Safeguarding Hub (MASH) or equivalent

Even when the police are involved, a criminal justice response and formal sanction against a child or young person would only be considered in exceptional circumstances.

Crime recording

When an incident of sharing nudes and semi-nudes is reported to police, they are obliged, under the Home Office Counting Rules and National Crime Recording Standards, to record the incident on their crime systems. The incident will be listed as a 'crime' and the child or young person involved may be listed in relation to it.

This is not the same as having a criminal record. See full UKCIS document for further clarification of how this would work including invocation of Outcome 21: "Further investigation, resulting from the crime report, which could provide evidence sufficient to support formal action being taken against the suspect is not in the public interest. This is a police decision."

Handling incidents

Initial response

When an incident involving nudes and semi-nudes comes to the attention of any member of staff in an education setting:

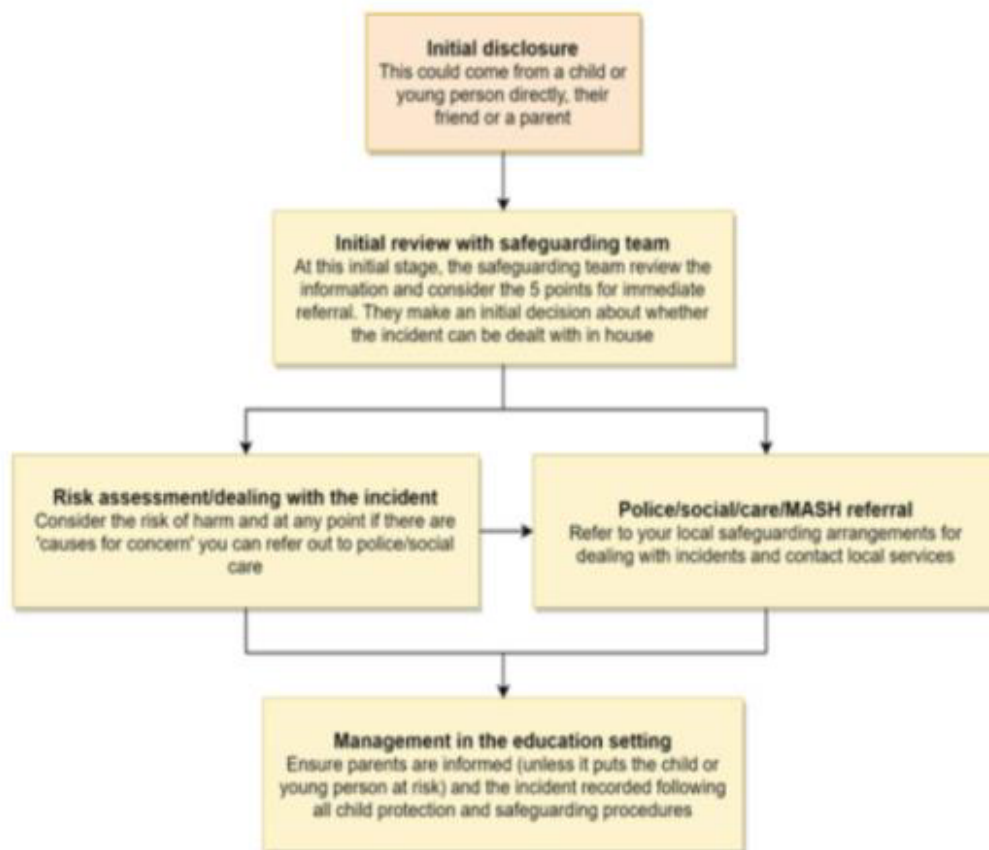
the incident should be referred to the DSLS/ DDSL as soon as possible

the DSLS/ DDSL should hold an initial review meeting with appropriate staff. This may include the staff member(s) who heard the disclosure and the safeguarding or leadership team who deal with safeguarding concerns

there should be subsequent interviews with the children or young people involved (if appropriate)

parents and carers should be informed at an early stage and involved in the process in order to best support the child or young person unless there is good reason to believe that involving them would put the child or young person at risk of harm

a referral should be made to children's social care and/or the police immediately if there is a concern that a child or young person has been harmed or is at risk of immediate harm at any point in the process



Disclosure

All members of staff in an education setting have a duty to recognise and refer any incidents involving nudes and semi-nudes and must be equipped with the necessary safeguarding training and support to enable them to recognise concerns. Procedures should be covered within the setting's child protection policy.

Any direct disclosure by a child or young person should be taken seriously. A child or young person who discloses they are the subject of an incident of sharing nudes and semi-nudes is likely to be embarrassed and worried about the consequences. It is likely that disclosure in the education setting is a last resort and they may have already tried to resolve the issue themselves.

When a disclosure is made, the member (or members) of staff should ensure the child is feeling comfortable and appropriate and sensitive questions are asked, in order to minimise further distress or trauma to them.

Promoting Awareness

- Staff are trained on this topic and taught how to recognise and handle disclosures of incidents involving youth produced sexual imagery (see above).
- Pupils are taught about safeguarding issues: the skills, attributes and knowledge to help them navigate risks are promoted. This is in line with Keeping Children Safe in Education which states that schools 'should ensure that children are taught about safeguarding, including online safety, and recognise that a one size fits all approach may not be appropriate for all children, and a more personalised

or contextualised approach for more vulnerable children, victims of abuse and some SEND children might be needed.

Appendix 7

Child Sexual Exploitation (CSE)

Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator²⁵. Whilst age may be the most obvious form of power imbalance, it may also occur due to a range of other factors including gender, sexual identity, and cognitive ability.

Indicators of CSE: A child may be being sexually exploited if they:

- appear with unexplained gifts or new possessions
- associate with other young people involved in exploitation
- have older boyfriends or girlfriends
- suffer from sexually transmitted infections or become pregnant
- suffer from changes in emotional well-being
- misuse drugs and alcohol
- go missing for periods of time or regularly come home late
- regularly miss school or education or do not take part in education

As before, these signs are not evidence themselves but may be a warning, particularly if a child exhibits several of them or a pattern emerges.

Like all forms of child sex abuse, child sexual exploitation can affect any child or young person (male or female) under the age of 18 years, including 16 and 17 year olds who can legally consent to have sex. It can still be abuse even if the sexual activity appears consensual. It can include both contact (penetrative and non-penetrative acts) and noncontact sexual activity. It can take place in person or via technology. It can involve force and/or enticement-based methods of compliance and may, or may not, be accompanied by violence or threats of violence. It may occur without the child or young person's immediate knowledge (e.g. through others copying videos or images they have created and posted on social media). It can be perpetrated by individuals or groups, males or females, and children or adults. The abuse can be a one-off occurrence or a series of incidents over time and range from opportunistic to complex organised abuse.

What to do if you have a concern

Activate safeguarding protocols, beginning by alerting the DSLS/ DDSL and, if necessary, initiating liaison with police and children's social care.

Appendix 8

Serious violence

²⁵ 'Working Together to Safeguard Children, July 2018, updated 2019
<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

All staff should be aware of indicators, which may signal that children are at risk from, or involved with serious crime. These may include increased absence from school, a change in friendships or relationships with older individuals, a significant decline in performance, signs of self-harm or significant change in wellbeing, or signs of assault or unexplained injuries. Unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with individuals associated with criminal networks or gangs. Advice for schools and colleges is provided in the Home Office's Advice to schools and colleges on gangs and youth violence and Criminal exploitation of children and vulnerable adults: county lines

Appendix 9

Useful resources:

'Preventing and Tackling Bullying: Advice for headteachers, staff and governing bodies, July, 2017.' DfE, 2017.

'Sexual Violence and Sexual Harassment between Children and Young People in schools and Colleges': DfE 2021

'Advice for parents and carers on cyberbullying': DfE, 2014.

'Cyberbullying: Advice for headteachers and school staff': DfE, 2014.

'School support for children and young people who are bullied': DfE, 2014.

In addition, there are multiple useful resources on the following websites:

Kidscape

The Diana Award

The Anti-bullying Alliance

The BIG Award

Childline

NSPCC

Young Minds

Family Lives

MindEd

CYBERBULLYING

ChildNet International

Digizen

Internet Matters

The UK Council for Child Internet Safety (UKCCIS)

LGBT:

Barnardos

EACH: (Educational Action Challenging Homophobia)

SEND:

Mencap

Changing Faces

Anti-bullying Alliance SEND programme of resources

RACE, RELIGION AND NATIONALITY:

Anne Frank Trust

Educate Against Hate

Show Racism the Red Card

Kick It Out

Tell MAMA

Anti-Muslim Hatred Working Group

SEXUAL HARRASSMENT AND BULLYING:

Ending Violence Against Women and Girls (EVAW)

Disrespect No Body.

This policy is reviewed annually.

Associated policies:

Behaviour Policy

Safeguarding Policy

ICT Acceptable Use Policy – Pupils

Exclusions Policy