

Peer on Peer Abuse (Students) Policy SCA9

Equality Impact Assessment: Askham Bryan College recognises the importance of the Equality Act 2010 and its duties under the Act. This document has been assessed to ensure that it does not adversely affect staff, students or stakeholders on the grounds of any protected characteristics.

1 SCOPE AND PURPOSE

This policy is intended for incidents where the individuals involved are all students. In the case of abuse by a member of staff against either another member of staff or a student and a formal complaint is made, that will be dealt with either under the College Safeguarding Policy (SCA6) or the (Staff) College Dignity at Work and Policy for Dealing with Harassment (HR5).

2 INTRODUCTION

2.1 Keeping Children Safe in Education (Sep 2018) places fresh emphasis on the duty for colleges to guard against the negative impact on children's welfare, happiness and development, caused by peer on peer abuse. In Annex A of KCSIE (Sep 2018) the following is stated: "Children can abuse other children. This is generally referred to as peer on peer abuse and can take many forms. This can include (but is not limited to) bullying (including cyberbullying); sexual violence and sexual harassment; physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm; sexting and initiating/hazing type violence and rituals." As a general rule, peer on peer abuse involves any physical, sexual, emotional and financial abuse, and coercive control, exercised between children and within children's relationships (both intimate and non-intimate). It may take the form of relationship abuse, domestic violence, child sexual exploitation, youth and serious youth violence, harmful sexual behaviour, and/or gender-based violence

2.2 Askham Bryan College is committed to providing equality of opportunity and parity of treatment for all individuals regardless of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, political affiliation or carer responsibility. It is the right of every member of the College community and visitors to work in and visit the College without fear of abuse, bullying, harassment or victimisation. The College recognises the problems associated with peer on peer abuse and is committed to providing an environment in which all individuals can operate confidently and therefore competently and effectively. If a complaint is brought to the attention of College staff it will be investigated promptly and appropriate action will be taken. The College will ensure that this policy is publicised and that its contents are made known to all members of the College community and visitors. Staff will take all allegations of peer on peer abuse seriously.

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2.3 In many cases, types of abuse do not occur in isolation, and one particular case of peer on peer abuse may reveal that participants themselves, including the alleged perpetrators, are themselves receiving abuse from other sources. Given the multi-textured and contextual experience in most cases of peer on peer abuse, any response to a case must see the biggest picture and aim to consider types of abuse being experienced and capture the full context of the student's experience. In order to achieve this, we aim to discuss any concern with as many sources of information as possible, including staff (directly involved with witnessing a concern or who have knowledge of the students involved), friends of relevant students, families and any other agencies working with the student (s).

2.4 As a part of our safeguarding work, we:

- Seek to be aware of the level and nature of the risk to which any student is, or might be, exposed;
- Apply an approach which takes regard of safeguarding matters and context;
- Take a contextual whole-college approach to preventing and responding to peer on peer abuse concerns;
- Regard the implementation of this policy as a preventative measure, aiming not simply to react to allegations or incidents of peer on peer abuse;
- Recognise the importance of this issue as critical to our students' welfare, happiness and development;
- Will engage with the parent / carer community as appropriate to encourage open discussion of any specific or general concerns they might have about their own children or other children in the College community.

2.5 Legislation and guidance

In order to safeguard and promote the welfare of children, young people and vulnerable adults, the College will act in accordance with the following legislation and guidance:

- Children Acts 1989 and 2004;
- Education Act (2002);
- Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges (September 2018);
- Working Together to Safeguard Children (2018);
- The Equality Act 2010;
- Safeguarding Vulnerable Groups Act 2006;
- Sexual violence and sexual harassment between children in schools and colleges (DfE May 2018); and
- 'Preventing and Tackling Bullying: Advice for School Leaders, Staff and Governing Bodies' (DfE July 2017)
- <https://www.childnet.com/ufiles/Cyberbullying-guidance2.pdf>

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3 RESPONSIBILITIES

- The Campus Principal to communicate this policy to the College community;
- The Director of Student Services to draft and review the Policy in line with best practice and current legislation /government guidance;
- Governors to take a lead role in monitoring and reviewing this policy;
- All staff, including: governors, senior managers, curriculum and non-curriculum staff, to support, uphold and implement this policy accordingly;
- Parents/carers to support their children and work in partnership with the College;
- Students to abide by the policy.

4 BULLYING AND CYBER -BULLYING

4.1 BULLYING

4.1.1 Incidents of bullying and harassment result from any conduct by an individual or group which is not (or is no longer) wanted by the recipient, or any conduct which affects the dignity of an individual or group of individuals at College. Bullying and harassment may be repetitive or an isolated incident against one or more individuals, but in all cases is behaviour that intentionally hurts another individual /group either physically or emotionally.

This policy covers all types and forms of bullying and harassment including:

- Physical Contact: e.g. touching, patting; assault or gestures, intimidation, aggressive behaviour.
- Verbal: e.g. Unwelcome remarks, suggestions and propositions, malicious gossip, insults, jokes and what is perceived by the alleged perpetrator to be 'banter'.
- Non-verbal: e.g, Offensive literature or pictures, graffiti and computer imagery, and unacceptable behaviours expressed online ('cyber-bullying') including sending offensive, upsetting messages by email, text, instant messenger, through gaming websites, social media sites and apps, and sending offensive or degrading photos or videos. Isolation or non- co-operation and exclusion from social activities.

4.1.2 The basis for bullying may include:

- Bullying related to physical appearance;
- Bullying of young carers, children in care or otherwise related to home circumstances;
- Bullying related to physical/mental health conditions;
- Physical bullying;
- Emotional bullying;
- Sexual bullying;
- Bullying via technology, known as online or cyberbullying (See Section 4.2);
- Prejudicial bullying (against people/students with protected characteristics):
 - Bullying related to race, religion, faith and belief and for those without faith;
 - Bullying related to ethnicity, nationality or culture;

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- Bullying related to Special Educational Needs or Disability (SEND);
- Bullying related to sexual orientation (homophobic/biphobic bullying);
- Gender based bullying, including transphobic bullying;
- Bullying against teenage parents (pregnancy and maternity under the Equality Act);
- Bullying through coercion into initiation/hazing type rituals.

4.1.3 These are examples of conduct which may be regarded as bullying and harassment and are not exhaustive. Any other behaviour which could reasonably be considered as bullying and harassment will be the subject of an investigation

4.2 CYBER-BULLYING

4.2.1 Cyberbullying, or online bullying, can be defined as the use of technologies by an individual or by a group of people to deliberately and repeatedly upset someone else. Cyberbullying is often linked to discrimination, including on the basis of gender, race, faith, sexual orientation, gender identity or special educational needs and disabilities. For example, girls report experiencing a higher incidence of cyberbullying than boys, and lesbian, gay, bisexual and transgender people are more likely to experience bullying, including cyberbullying.

4.2.2 Cyberbullying, like other forms of bullying, affects self-esteem and Self-confidence and can affect mental health and wellbeing, in the worst cases leading to self-harm and suicide. Addressing all forms of bullying and discrimination is vital to support the health and wellbeing of all members of the College community.

4.2.3 Cyberbullying takes different forms: threats and intimidation; harassment or stalking (e.g. repeatedly sending unwanted texts or instant messages); vilification and defamation; ostracism and peer rejection; impersonation; and forwarding or publically posting private information or images.

4.2.4 Cyberbullying can be characterised in several specific ways that differ from face-to-face bullying. These include the profile of the person carrying out the bullying; the location of online bullying; the potential audience; the perceived anonymity of the person cyberbullying; motivation of the person cyberbullying; and the digital evidence of cyberbullying. For the majority of people, most experiences of technology are useful and positive. Research figures vary but indicate that around 10% of young people have experienced cyberbullying. Cyberbullying can affect and involve all members of the College community – students, staff, parents and carers.

4.2.5 There is not a criminal offence called cyberbullying. However, there are criminal laws that apply to a range of behaviours linked to cyberbullying including stalking, threats, accessing computer systems without permission, and circulating sexual images.

4.2.6 Some cyberbullying content and activity is illegal. This includes indecent images of children (under the age of 18, including self-created images); obscene content (for example depictions of rape or torture); hate crimes and incidents, including racist and homophobic material; revenge pornography (sexual images of people over the age of 18 that have been published or forwarded without permission); threats of violence, rape or death threats; and stalking and harassment. If the College believes that the content or activity is illegal, or is not sure, we will contact the police for guidance.

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4.2.7 Schools and colleges have specific powers in relation to searching and confiscating digital devices that belong to students, and to deleting digital content. We will always take care when exercising these powers that we do so proportionately and lawfully. We will inform students, parents and carers of the College's policies in relation to this.

5 GUIDING PRINCIPLES IN DEALING WITH BULLYING/CYBER-BULLYING

5.1 Askham Bryan College will:

- monitor and review our anti-bullying ethos and practice on a regular basis;
- support staff to promote positive relationships to help prevent bullying;
- recognise that some members of our community may be more vulnerable to bullying and its impact than others; this may include children with SEND. Being aware of this will help us to develop effective strategies to prevent bullying from happening and provide appropriate support, if required;
- intervene by identifying and tackling bullying behaviour appropriately and promptly;
- ensure our students are aware that bullying concerns will be dealt with sensitively and effectively;
- ensure that everyone should feel safe to learn and abide by the anti- bullying policy;
- require all members of the community to work with the College to uphold the anti-bullying policy;
- recognise the potential impact of bullying on the wider family of those affected so will work in partnership with parents/carers regarding all reported bullying concerns and will seek to keep them informed at all stages, where appropriate;
- deal promptly with grievances regarding the College response to bullying in line with our complaints policy;
- seek to learn from good anti-bullying practice elsewhere; and
- utilise support from external agencies where appropriate.

6. VICTIMISATION

6.1 A person alleging bullying and harassment has the right not to be victimised as a result of bringing the allegation of bullying and harassment to the attention of a member of College staff. Bullying and harassment or victimisation of a person making an allegation of bullying and harassment will normally be regarded as extreme misconduct for disciplinary purposes.

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6.2 All staff supporting a student will monitor a situation in order to ensure that victimisation does not take place. If required, documented meetings during an investigation with the person alleging bullying and harassment may be held in order to ascertain their views during the process.

7 PREVENTING BULLYING

7.1 As a College, we see the importance of using a preventative approach to the issue of bullying and harassment. We will use the following approaches as part of our drive to eliminate bullying and harassment from College.

7.2 Environment

The College community will:

- create and support an inclusive environment which promotes a culture of mutual respect, consideration and care for others, which will be upheld by all;
- recognise that bullying can be perpetrated or experienced by any member of the community, including adults and children (peer on peer abuse);
- recognise the potential for children with SEN and disabilities to be disproportionately impacted by bullying and will implement additional pastoral support as required;
- openly discuss differences between people that could motivate bullying, such as: children with different family situations, such as looked after children or those with caring responsibilities, religion, ethnicity, disability, gender, sexuality or appearance related difference;
- challenge practice and language (including ‘banter’) which does not uphold the College values of tolerance, non-discrimination and respect towards others;
- be encouraged to use technology, especially mobile phones and social media, positively and responsibly;
- work with staff, the wider community and outside agencies to prevent and tackle concerns including all forms of prejudice-driven bullying;
- actively create “safe spaces” for vulnerable children and young people; and
- celebrate success and achievements to promote and build a positive College ethos.

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7.3 Policy and Support

The College community will:

- provide a range of approaches for students, staff and parents/carers to access support and report concerns;
- regularly update and evaluate our practice to consider the developments of technology and provide up-to-date advice and education to all members of the community regarding positive online behaviour;
- take appropriate, proportionate and reasonable action, in line with existing College policies, for any bullying brought to the College's attention, which involves or affects students, even when they are not on College premises; for example, when using College transport or online, etc;
- implement appropriate disciplinary sanctions; the consequences of bullying will reflect the seriousness of the incident, so that others see that bullying is unacceptable; and
- use a variety of techniques to resolve the issues between those who bully, and those who have been bullied.

7.4 Education and Training

The College community will:

- train all staff, including: teaching staff, support staff (e.g. administration staff and site support staff), to identify all forms of bullying and take appropriate action, following the College's policy and procedures, including recording and reporting incidents;
- consider a range of opportunities and approaches for addressing bullying throughout the curriculum and other activities, such as: through displays, student CPD, peer support, the Student Council, etc;
- ensure anti-bullying has a high profile throughout the year, reinforced through key opportunities such as anti-bullying week; and
- provide systematic opportunities to develop students' social and emotional skills, including building their resilience and self-esteem.

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7.5 Involvement of students

The College will:

- involve students in policy writing and decision making, to ensure that they understand the College's approach and are clear about the part they play in preventing bullying;
- canvas student views on the extent and nature of bullying;
- ensure that all students know how to express worries and anxieties about bullying;
- ensure that all students are aware of the range of sanctions which may be applied against those engaging in bullying;
- involve students in anti-bullying campaigns in College centres and embed messages in the wider College curriculum;
- utilise student voice in providing student- led education and support;
- publicise the details of internal support, as well as external helplines and websites; and
- offer support to students who have been bullied and to those who are bullying to address the problems they have.

7.6 Involvement and liaison with parents and carers

The College will:

- take steps to raise awareness among parents and carers about our anti-bullying policies and procedures, to ensure they are aware that the College does not tolerate any form of bullying;
- make sure that key information about bullying (including policies and named points of contact) is available to parents/carers in a variety of formats, including via the College website;
- ensure all parents/carers know who to contact if they are worried about bullying and where to access independent advice;
- ensure that parents work with the College to role model positive behaviour for students, both on and offline; and
- ensure all parents/carers know about our complaints procedure and how to use it effectively, to raise concerns in an appropriate manner.

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8. PROCEDURE FOR DEALING WITH BULLYING AND HARASSMENT

Procedures are set out in full in SCA9a (Peer on Peer Abuse – Procedures); but points to note:

- 8.1 Peer on peer abuse procedures are separate from the student disciplinary procedures (SCA 2b) which may be implemented if the results of an investigation under the peer on peer abuse procedures establish a case for disciplinary action for either party involved
- 8.2 The main signs that the peer on peer abuse may constitute a safeguarding concern of sufficient severity that a safeguarding referral might be considered include:
- friends alert staff of serious concerns;
 - failure of the student to attend College;
 - struggles in carrying out usual tasks in College life;
 - physical injuries;
 - difficulties with mental health and/or emotional wellbeing;
 - becoming withdrawn, shy, experiencing headaches, stomach aches, anxiety and/or panic attacks,
 - suffering from nightmares or poor patterns of sleep;
 - broader concerns about behaviour including alcohol or substance misuse;
 - changes in appearance or attitude inappropriate to the student's age and previous behaviour; and
 - abusive behaviour towards others.
- 8.3 In some cases the allegation may be so serious as to require immediate action e.g. where serious misconduct or a criminal offence are involved. In such circumstances the College may be required to take action irrespective of the individual's wishes. An example may be where compliance with safeguarding legislation is necessary.
- 8.4 All staff should be alert to the possible signs that a student is a victim of peer on peer abuse. Staff should engage, when concerned, in a process of discussion with other appropriate staff (eg line manager, Head of Section, Student Services Manager) and a member of the safeguarding team, if a safeguarding concern arises.
- 8.5 Behaviour that constitutes a concern about peer on peer abuse will depend on particular circumstances, and staff – when considering cases of concern – will need to draw upon the widest information that fellow staff can provide to supply the biggest picture of the student and her/his safeguarding context. Staff are aware that different groups of students, including those of different genders, will present power imbalances differently and relevant to different developmental stages.
- 8.6 The College will encourage students to resolve bullying issues informally, where possible, through discussion with the alleged perpetrator. If the individual alleging the bullying and harassment feels unable to communicate directly with the alleged perpetrator, alternative arrangements will be made; for example they may be able to do so in writing, or a member of staff may be able to speak on their behalf.

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8.7 Both informal resolution and formal resolution procedures (where informal resolution has not worked is not appropriate because of the nature/severity of the alleged incident.

9 ALLEGATIONS OF SEXUAL VIOLENCE AND SEXUAL HARASSMENT BETWEEN PEERS

9.1 The starting point regarding any report should always be that sexual violence and sexual harassment is not acceptable and will not be tolerated. Especially important, is not to pass off any sexual violence or sexual harassment as 'banter', 'part of growing up' or 'having a laugh'."

9.2 When an allegation about sexual violence or harassment between peers is made the matter must be immediately passed on to the Designated Safeguarding Officer (DSO) for the Centre. The College will consider, in line with the guidance published in May 2018*, the wishes of the victim in terms of how s/he wants to proceed. The onus of care must be on the student making the allegation, although the College will still have to take care to support the alleged perpetrator in the course of managing the matter. The student making the allegation will be given as much control as is reasonably possible over decisions regarding how any investigation will be progressed and any support that will be offered. In immediately responding, the DSO will (in consultation with the Senior Designated Safeguarding Officer or Designated Safeguarding Lead where appropriate) take into account:

- the nature of the alleged incident(s), including whether a crime may have been committed and consideration of harmful sexual behaviour;
- the ages of the students involved;
- the developmental stages of the students involved;
- any power imbalance between the student. For example, is the alleged perpetrator significantly older, more mature or more confident? Does the victim have a disability or learning difficulty?;
- is the alleged incident is a one-off or a sustained pattern of abuse?;
- are there ongoing risks to the victim, other students, or staff?; and
- other related issues and wider context.

9.3 As always, when concerned about the welfare of a child, all staff should act in the best interests of the child and the general principles of communication and care set out in Keeping Children Safe in Education (September 2018) will apply. Immediate consideration should be given as to how best to support and protect the victim and the alleged perpetrator (and any other students involved/impacted) and this will include taking advice from appropriate external agencies about reporting the allegation.

*Sexual violence and sexual harassment between children in schools and colleges (DfE May 2018);

This section is included here for ease of reference. For Further details on dealing with allegations can be found in SCA6 and SCA6a – Safeguarding Policy and Procedure

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10. SUPPORT FOR STUDENTS

10.1 Students who have been the subject of any form of peer on peer abuse will be supported by:

- staff reassuring the student and providing continuous 'pastoral' support;
- offering opportunities to discuss the experience with their Course Manager, a Designated Safeguarding Officer, the Student Wellbeing Co-ordinator or a member of staff of their choice;
- being advised on how respond to concerns and build resilience as appropriate;
- working towards restoring self-esteem and confidence;
- providing ongoing support which may include engaging with parents and carers; and
- where necessary, working with the wider community and local/national organisations to provide further or specialist advice and guidance; this could include support through Early Help or Children's Services, or support through the Children and Adolescent's Mental Health Service (CAMHS).

10.2 Students who have been responsible for abuse will be helped by:

- discussing what happened, establishing the concern and the need to change;
- informing parents/carers to help change the attitude and behaviour of the student;
- providing appropriate education and support regarding their behaviour or actions;
- if online, requesting that content be removed and reporting accounts/content to service provider;
- sanctioning, in line with College Student Disciplinary Policy; this may include exclusion from College; and
- where necessary, working with the wider community and local/national organisations to provide further or specialist advice and guidance; this may include involvement from the Police or referrals to Early Help, Specialist Children's Services, or CAMHS.

11. OUTCOME OF FAILURE TO COMPLY WITH THIS POLICY AND ASSOCIATED PROCEDURES

In the event of any student failing to comply with the spirit and aims of this policy, disciplinary action in accordance with the College Student Disciplinary Policy (SCA 2) will be taken. The disciplinary procedure sets out the potential sanctions in case that are upheld. Any allegation of bullying and harassment, which is proved to be false or malicious, will also be considered to be extreme misconduct and a disciplinary matter.

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12. COMPLAINTS

If, at any stage of the procedure, an individual feels that the response they received is inappropriate or inadequate they are entitled to raise the matter in line with the College's complaint procedure as detailed in QA7.

13 LINKS TO OTHER POLICIES, PROCEDURES, STRATEGIES AND DOCUMENTS

SCA2	Student Disciplinary Policy
SCA2b	Disciplinary Procedures
SCA6	Safeguarding Policy
SCA6a	Safeguarding Procedures
SCA9a	Bullying and Harassment Procedures
QA7	Complaints Policy

10 REVIEW AND MONITORING

The Director of Student Services will review the policy on an annual basis.

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