

Guidance for schools

Educating young people with sexual offences and those who exhibit harmful sexual behaviours:

When a young person displays sexualised behaviour in school, this can often raise anxiety and cause reactions that may have unintended consequences. This leaflet aims to help us to think through our reactions to sexualised behaviour (face to face and online) and help us to react in a way that is proportionate and sensitive to the needs of both the young person whose behaviour is causing concern and to the needs of all pupils.

Harmful sexual behaviour: a proportionate response

There are many terms used to describe sexual behaviour that does not fall within the healthy range, and currently there is no real consensus among those who work in the field. Terms used include 'sexually abusive', 'sexually offending', 'sexually worrying', 'sexually aggressive', 'grooming', 'sexualised behaviour' and 'sexually inappropriate' behaviour.

Young people display a spectrum of sexual behaviours, most of which would be considered age-appropriate and healthy. Some of the spectrum of worrying and harmful behaviours are represented in the descriptions below.

- a) lower level behaviours, for example sexual language, some one-off actions
- b) some serious behaviours which may be self-directed such as persistent masturbation or focus on masturbatory activities
- c) behaviours directed at others such as touching other children, but where there are balancing factors, for example, lack of intent to cause harm; or the level of understanding of the child/young person about the behaviours in which they are engaging; or there is acceptance of responsibility for the behaviour and some remorse shown.
- d) behaviours that are serious and cause physical and emotional damage to self or others, and where there are little or no balancing factors, for example they are repetitive, planned, involve the use of force, they are denied and no empathy or remorse are shown etc.
- e) behaviours that would fall within the definition of a sexual offence under the Sexual Offences Act 2003

When you are dealing with any particular incident or behaviour, you may find it helpful to think about where on this spectrum the behaviour lies.

The Brook Traffic Light Tool will assist

www.brook.org.uk/our-work/the-sexual-behaviours-traffic-light-tool

This leaflet aims to help us to think through our reactions to sexualised behaviour.



Youth produced sexual imagery causes significant complexity for schools, as creating and sharing sexual photos and videos of under-18s is illegal and a range of risks emerge which need careful management. Further advice is contained in the 'Sexting in Schools and Colleges' guidance https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/609874/6_2939_SP_NCA_Sexting_In_Schools_FINAL_Update_Jan17.pdf

The key principle in assessing and working with children and young people whose behaviour is causing concern is to

Work with designated safeguarding lead for the school, involve the young person and his or her family, and involve other agencies that are working with the young person.

Advice from Children and Family Services may be sought for behaviours in the middle / lower end of the spectrum and behaviours at the middle and higher end of the spectrum should prompt an immediate referral to Children and Family Services.

Three key principles guide work by Children and Family Services and the Youth Offending Team when they are working with children and young people whose behaviour is causing serious concern.

1. Striving to take a **coordinated** approach on the part of the child's family, youth justice, children and social care, education (including educational psychology) and health (including EHA and CAMHS) agencies.
2. The **needs** of children and young people who exhibit harmful sexual behaviour are **considered separately** from the needs of their victims.
3. **An assessment** is carried out in each case, appreciating that these children may have considerable unmet developmental needs, as well as specific needs arising from their behaviour. Each case should be looked at individually.

Children in Need?

Those working with young people with harmful sexual behaviour should also recognise that these young people may pose a significant risk of harm to other children and also are likely to have considerable unmet needs themselves.

Such behaviour may be associated with: behavioural difficulties; difficulties controlling their anger; mental health issues (such as conduct disorder, ADHD, depression, post traumatic stress disorder); suffering considerable disruption in their lives; living within dysfunctional families and/or families where there are parenting issues; being exposed to violence within their family; witnessing or been subject to neglect, emotional, physical or sexual abuse; having problems in their educational development; substance misuse problems; being associating with pro-criminal peers; or having committed other offences.

The case study below illustrates the dilemmas that often face schools when dealing with situations at the more worrying end of the spectrum.

Tom is 15 yrs old with a conviction for sexual assault on a younger boy.

His school excluded him when the police investigation started. Initially, the exclusion was said to be for the duration of the investigation but it soon became evident that the school would prefer him not to return.

One teacher kept contact with Tom and has taken work to his home to help him with his studies. Tom is a bright lad and was predicted to do well in his GCSEs.

Tom has been engaging in specialist support to discuss and address his harmful sexual behaviour. His workers report that his understanding of the seriousness of his behaviour, and the reasons behind it, has changed significantly since he has been receiving this support.

Tom is depressed and wants to be back in school.

- **Should Tom have been excluded?**
- **Does Tom still present a threat to younger pupils?**
- **Should Tom be back in school?**
- **Can Tom be managed safely in a school?**
- **Should Tom return to the same school?**
- **If Tom is not in school, what responsibility does the school have towards his education?**
- **Who can the school turn to for help?**

Exclusions

A decision to exclude a pupil permanently should only be taken in response to a serious breach or persistent breaches of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school. However, we also know that exclusion increases the risk of any offending behaviour.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

A different school?

Some research suggests in these circumstances that the young person in question might be better placed in another school. Some agencies advise against this approach, on the basis that they will gain more by remaining in place.

The reasoning seems to be that the young person who tackles his offending behaviour, with support from the school and external agencies, will gain from improving the behaviour, particularly if he is a child in need. There isn't a general rule in this situation and each pupil will respond differently. It also depends on the type of support that they are receiving from statutory services to tackle his offending.

Off-site education — an alternative to exclusion

Alternatively, if a pupil is accused of a serious criminal offence (or has exhibited harmful sexual behaviour but has not been charged) and/or the offence took place outside the school's jurisdiction, the head teacher may decide that it is in the interest of the individual concerned and of the school community as a whole for that pupil to be educated off-site for a certain period, subject to review at regular intervals.

This is not an exclusion, but is a strategy available to head teachers as an alternative to permanent exclusion.

- Such education elsewhere must be arranged for the purposes of receiving any instructional training included in the secular curriculum for the school, and should not be continued for longer than it absolutely necessary.
- Educational placements and arrangements would need to be risk assessed in conjunction with Children and Family Services, YOT and police as appropriate to the individual situation. DBS checks and insurance would be considered the minimum requirements.
- Whether the pupil has been granted leave of absence or is being educated elsewhere, the school must ensure that the pupil's full-time education continues while off-site. Any such arrangements do not amount to an exclusion from school on disciplinary grounds, and should be kept under periodic review involving the parents. Monitoring the effectiveness of the provision is essential.

"Alternative Provision - Statutory guidance for local authorities" DoE 2013

Returning to school

The young person needs to continue his education and it is unacceptable to be left in an uncertain situation. He has the same rights to receive full-time education as any other pupil. In West Berkshire we have several examples of where this has been managed successfully by schools with support from other agencies.

Sexually Harmful Behaviour

If schools refer concerns to Children and Family Services these will be assessed by the Contact, Assessment and Advice (CAAS) Team. If these reach the threshold (see below) the CAAS Team will pass these on to the Sexual Harm Intervention Project (SHIP). The SHIP is a virtual team working with young people where there is a specific incident of sexual harm in recent history. Incidents of sexual harm will involve a victim, whether that victim is known or not.

The team provide assessments, time limited interventions and a consultancy service for Social Workers working with young people and their families. SHIP workers use a specialist assessment tool to analyse the information and clarify the behaviour that led to the referral.

The assessment makes an evidence based assessment of the likelihood of the young person exhibiting harmful sexual behaviour in the future, the risk level associated with this and the level of supervision required. The conclusion of the assessment identifies if further intervention is required and, if so, what intervention is required to reduce the risk.

"The head teacher can arrange for the pupil to be educated elsewhere without parental approval, although the parents should be notified."

Tom (15) sexually assaulted a 13 year old boy at his school. During a fixed-term exclusion a SHIP Assessment was begun, at the end of which this along with the concerns of all parties were discussed at a multi-agency meeting which agreed a reintegration package. Typically this would involve:

- consideration of how the victim, if also a pupil at the school, should be protected
- elements of support that build on strengths and protective factors
- a shared assessment of the possible threat that the pupil presents to other pupils
- an understanding of the risk to the young person in question by others who may find out
- awareness of restrictions imposed on the young person by police or court
- regular multi-agency meetings to review the pupil's progress and management. Such meetings should include family members
- regular meetings with the pupil to ensure he is coping with the conditions attached to any placement in the school whilst considering how best this can be incorporated into the school's existing systems so as to avoid embarrassment and/or arouse suspicion from other pupils
- awareness of sensitivities
- an assessment of any areas of the school building or its grounds where harmful sexual behaviour may be more likely to occur e.g. out of view of CCTV
- an assessment of whether staff and pupils understand safeguarding policies
- re-consideration of safeguarding policy to establish who needs to know about the pupil, balancing confidentiality and the need for protection of other pupils.
- Proportionate safeguarding information must be given only on a need-to-know basis, and there may be restrictions whereby only police are allowed to inform other professionals. Secure record keeping and storage should be organised.
- the establishment of clear reporting procedures, should people become aware that the pupil is beginning to slip back into sexually abusive behaviour
- the development of a plan of action to respond to concerns raised by others in the school community, such as parents, pupils and staff, and a plan to deal with social media
- a written agreement and plan drawn up with the young person so they know who to go to if they feel tempted to behave in a harmful way, or if they are upset by other pupils' comments.
- Agreement about who the school can turn to should they need further advice and support.

Signposting to other agencies who could offer support to schools:

YOT: West Berkshire Youth Offending Team (YOT) is a multi-agency team with a primary role to prevent young people offending or re-offending. **01635 553600**
Sexual Offences Act 2003 www.legislation.gov.uk

Behaviour Intervention Team: are available to advise schools on developing support around social, emotional and behavioural issues. **01635 519026**

Education Welfare Service: is primarily responsible for working with schools, parents and children in promoting regular school attendance and helping to reduce exclusion from school. **01635 519797**

iCollege: A pupil referral unit specialising in supporting pupils back into mainstream schools. **01635 416636**

Educational Psychology Service: aims to promote the learning, development and emotional well-being of children and young people. **01635 519026**

Emotional Health Academy – **01635 503629**

CAMHS: www.berkshirehealthcare.nhs.uk/camhs. Berkshire CAMHS aims to promote good mental health, and to assess and treat mental health problems, in children and young people up to the age of 18. **01635 295555**.

Targeted Intervention Service: Providing short term, solution focused interventions to promote and safeguard the welfare of families and children. **01635 43639**

Guidance on Child Protection Referrals: If you think a child or young person is suffering harm, or is at risk of harm, you can contact the Contact Advice and Assessment Team on **01635 503090**

