

5. Handling incidents

Responding to alleged incidents of child-on-child abuse

Relevant extracts from KCSIE 2023⁸⁸

“What school and college staff should do if they have concerns about a child

Staff working with children are advised to maintain an attitude of ‘**it could happen here**’ where safeguarding is concerned. When concerned about the welfare of a child, staff should always act in the **best interests** of the child.

If staff have **any concerns** about a child’s welfare, they should act on them **immediately**. See page 22 [of KCSIE] for a flow chart setting out the process for staff when they have concerns about a child.

If staff have a concern, they should follow their own organisation’s child protection policy and speak to the [DSL] (or deputy).

Options will then include:

- managing any support for the child internally via the school or college’s own pastoral support processes
- undertaking an early help assessment or
- making a referral to statutory services for example as the child could be in need, is in need or is suffering, or is likely to suffer harm.

The [DSL] (or deputy) should always be available to discuss safeguarding concerns.

If in exceptional circumstances, the [DSL] (or deputy) is not available, this should not delay appropriate action being taken. Staff should consider speaking to a member of the senior leadership team and/or take advice from local authority children’s social care. In these

circumstances, any action taken should be shared with the [DSL] (or a deputy) as soon as is practically possible.

Staff should not assume a colleague, or another professional will take action and share information that might be critical in keeping children safe. They should be mindful that early information sharing is vital for the effective identification, assessment, and allocation of appropriate service provision, whether this is when problems first emerge, or where a child is already known to local authority children’s social care (such as a child in need or a child with a protection plan)...⁸⁹

DPA and UK GDPR do not prevent the sharing of information for the purposes of keeping children safe and promoting their welfare. If in any doubt about sharing information, staff should speak to the [DSL] (or deputy). Fears about sharing information **must not** be allowed to stand in the way of the need to safeguard and promote the welfare of children.

Early help assessment

If early help is appropriate, the [DSL] (or deputy) will generally lead on liaising with other agencies and setting up an inter-agency assessment as appropriate. Staff may be required to support other agencies and professionals in an early help assessment, in some cases acting as the lead practitioner. Any such cases should be kept under constant review and consideration given to a referral to local authority children’s social care for assessment for statutory services if the child’s situation does not appear to be improving or is getting worse.

Statutory children’s social care assessments and services

Where a child is suffering, or is likely to suffer from harm, it is important that a referral to local authority children’s social care (and if appropriate the police) is made immediately. Referrals should follow the local referral process.

Local authority children’s social care assessments should consider where children are being harmed in contexts outside the home, so it is important that schools and colleges provide as much information as possible as part of the referral process. This will allow any assessment to consider all the available evidence and enable a contextual approach to address such harm...

Children in need

A child in need is defined under the Children Act 1989 as a child who is unlikely to achieve or maintain a reasonable level of health or development, or whose health and development is likely to be significantly or further impaired, without the provision of services; or a child who is disabled. Local authorities are required to provide services for children in need for the purposes of safeguarding and promoting their welfare. Children in need may be assessed under section 17 of the Children Act 1989.

Children suffering or likely to suffer significant harm:

*Local authorities, with the help of other organisations as appropriate, have a duty to make enquiries under section 47 of the Children Act 1989 if they have reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm. Such enquiries enable them to decide whether they should take any action to safeguard and promote the child’s welfare and must be initiated where there are concerns about maltreatment. This includes **all** forms of abuse...*

“Record keeping

All concerns, discussions and decisions made, and the reasons for those decisions, should be

recorded in writing. This will also help if/when responding to any complaints about the way a case has been handled by the school or college. Information should be kept confidential and stored securely. It is good practice to keep concerns and referrals in a separate child protection file for each child.

Records **should** include:

- a clear and comprehensive summary of the concern
- details of how the concern was followed up and resolved, and
- a note of any action taken, decisions reached and the outcome.

If in any doubt about recording requirements, staff should discuss with the [DSL] (or deputy).“

Again, schools and colleges must consult their own local multi-agency safeguarding arrangements. By way of example, in terms of (recognition – for which see above) and referral of abuse, the London Safeguarding Children Procedures state that:

“All professionals should make a referral to local authority children’s social care in line with Referral and Assessment Procedure when there is a suspicion or an allegation of a child:

- Having been seriously physically abused or being likely to seriously physically abuse another child...;
- Having been seriously emotionally abused or being likely to seriously emotionally abuse another child...;
- Having harmed another child...

These procedures are written with particular reference to sexually harmful behaviour, though when there are serious child protection concerns as a result of serious non-sexual violence or serious emotional abuse by a child or children, these procedures should also be followed... It is possible that the child with harmful behaviours may pose a significant risk of harm to their own siblings, other children and/or adults. The child will have considerable needs themselves, and may also be or have been the victim of abuse.”⁹⁰

Specifically, when responding to alleged incidents of the following, schools and colleges should, in addition to following their own child protection policy, WTSC 2018, and their local multi-agency safeguarding arrangements, have regard to:

- **Sexual violence and sexual harassment:** Part five of KCSIE 2023.⁹¹
- **Sharing nudes and semi-nudes:** Sharing nudes and semi-nudes: Advice for education settings working with children and young people.⁹²

The DfE's Behaviour in Schools, Advice for headteachers and school staff also contains a section on 'Guidance on specific behaviour issues' – including child-on-child sexual violence and sexual harassment, behaviour incidents online, mobile phones and, as below, suspected criminal behaviour.⁹³

Suspected criminal behaviour

The DfE's Behaviour in Schools, Advice for headteachers and school staff states that:

"In cases when a member of staff or headteacher suspects criminal behaviour, the school should make an initial assessment of whether an incident should be reported to the police only by gathering enough information to establish the facts of the case. These initial investigations should be fully documented, and schools should make every effort to preserve any relevant evidence. Once a decision is made to report the incident to police, schools should ensure any further action they take does not interfere with any police action taken. However, schools retain the discretion to continue investigations and enforce their own sanctions so long as it does not conflict with police action.

When making a report to the police, it will often be appropriate to make in tandem a report to local [authority] children's social care. As set out in [KCSIE], it would be expected in most cases that the [DSL] (or deputy) would take the lead.

Reports of child-on-child sexual violence and abuse can be especially difficult to manage and Part 5 of KCSIE provides guidance."⁹⁴

With respect to reporting to the police, Part five of KCSIE 2023 states:⁹⁵

"Any report to the police will generally be in parallel with a referral to local authority children's social care..."

It is important that the [DSL] (and their deputies) are clear about the local process for referrals and follow that process.

Where a report of rape, assault by penetration or sexual assault is made, the starting point is that this should be passed on to the police. Whilst the age of criminal responsibility is ten, if the alleged perpetrator(s) is under ten, the starting principle of reporting to the police remains. The police will take a welfare, rather than a criminal justice, approach..."

Where a student has potentially committed a crime on their premises, schools and colleges should refer to the National Police Chiefs' Council's, When to call the police: Guidance for schools and colleges.⁹⁶ It provides advice on what they should bear in mind when considering contacting the police in the following situations: assault, criminal damage, cyber crime, drugs, harassment, sexual offences, theft and weapons.

If a referral to the police is necessary, schools and colleges should manage police presence on their premises very carefully, following the safeguarding review in the Child Q case.⁹⁷ New guidance on police attendance at schools is forthcoming from the Department for Education. In the meantime, KCSIE 2023 states that the DSL is expected to be aware of the requirement for children to have an Appropriate Adult, and signposts to further information being available in the statutory guidance, PACE Code C 2019.⁹⁸

Where a concern or allegation of child-on-child abuse also involves a concern or allegation about an adult working with children that may meet the harm threshold, then schools and colleges should, in response to that, follow their own child protection policy, WTSC 2018, and their local multi-agency safeguarding arrangements. KCSIE 2023 also provides guidance (at paragraphs 71 to 73) including in respect of low-level concerns which may be relevant (depending on the particular facts and

circumstances) where, for example, staff behaviour/school culture may have facilitated or failed to deter child-on-child abuse.

Where schools are registered charities, where appropriate, according to the particular facts and circumstances of the concern or allegation raised, they will need to consider whether to make a serious incident report to the Charity Commission in accordance with the Commission's guidance (see further details in [Appendix A](#)).

Further sources of support for schools and colleges when responding to alleged incidents of child-on-child abuse can be found in KCSIE 2023, and [Appendix C](#) of this resource.

General principles when responding to alleged incidents of child-on-child abuse

It is essential that all alleged incidents of child-on-child abuse are handled sensitively, appropriately and promptly. The way in which they are responded to can have a significant impact on the children involved as well as the school or college environment.

Individuals raising a concern or allegation about child-on-child abuse should not be promised confidentiality as it is very likely that it will be in the best interests of the child/children involved to seek advice and guidance from others (eg the DSL (or deputy)) in order to provide support and engage relevant agencies (if/as appropriate). Staff should only share the report with those people who are necessary in order to progress it.

A key point to raise here is that child-on-child abuse can be a complex issue, and even more so where wider safeguarding concerns exist. It is often not appropriate for one single agency (where the alleged incident cannot appropriately be managed internally by schools or colleges themselves) to try to address the issue alone – it requires effective partnership working.

Any response should:

- include a thorough investigation of the concern(s) or allegation(s), and the wider context in which it/they may have occurred (as appropriate). However, depending on the nature and seriousness of the alleged incident(s), it may be appropriate for local authority children's social care and/or the police to carry out this investigation;
- treat all children involved as being at potential risk – and be mindful that there may be other victims who have not yet been identified. While the alleged perpetrator(s) of the abuse may pose a significant risk of harm to other children, they may also have considerable unmet needs and be at risk of harm themselves. Schools and colleges should ensure that a safeguarding response is in place for both the alleged victim(s) and the alleged perpetrator(s), and additional sanctioning work may be required for the latter. To inform the risk and needs assessment, a range of considerations should be taken into account such as risk of retribution from alleged perpetrators or individuals associated with them, risk of harm from gossip and social media, known relevant history of other behaviours and any other factors that could have an impact on the children involved; and
- take into account:
 - › that the abuse may indicate wider safeguarding concerns for any of the children involved, and consider and address the effect of wider sociocultural contexts – such as the child's/children's peer group (both within and outside the school or college); family; the school or college environment; their experience(s) of crime and victimisation in the local community; and the child's/children's online presence, and experiences online. Consider what changes may need to be made to these contexts to address the child's/children's needs and to mitigate risk,
 - › whether there is a discriminatory aspect to the alleged incident, or whether the child/children involved may have any particular vulnerabilities because of a protected characteristic,

- › the potential complexity of child-on-child abuse and of children’s experiences, and consider the interplay between power, choice and consent. While children may appear to be making choices, if those choices are limited they are not consenting, and
- › the views of the child/children affected. Unless it is considered unsafe to do so (for example, where a referral needs to be made immediately), the DSL should discuss the proposed action with the child/children and their parents, and obtain consent to any referral before it is made.

As highlighted in [Section 4](#) (above), the CSA Centre has published the following resources to help education settings identify and respond to concerns of sexual abuse or behaviour:

[Communicating with children: A guide for education professionals when there are concerns about sexual abuse or behaviour;](#)

[Communicating with parents and carers: A guide for education professionals when there are concerns about sexual abuse or behaviour;](#) and

[Safety planning in education: A guide for professionals supporting children following incidents of harmful sexual behaviour](#)

Information sharing, data protection and record keeping

When responding to a concern or allegation of child-on-child abuse, schools and colleges should:

- report any (potential) crime(s) to the police;
- consider carefully, in consultation with local authority children’s social care, and/or the police and/or other relevant agencies (where they are involved), any case in which it is considered unsafe to share information about the concern or allegation with the student(s) affected, and their parents;
- record the information that is necessary for the school or college and aforementioned agencies (where they are involved) to

respond to the concern(s) or allegation(s) and safeguard everyone involved;

- keep a record of the legal purpose for sharing the information with any third party, including relevant authorities, and ensure that the third party has agreed to handle the information securely and to only use it for the agreed legal purpose; and
- be mindful of and act in accordance with their safeguarding and data protection duties, including those set out in KCSIE 2023, WTSC 2018,⁹⁹ and the HM Government advice on Information Sharing (updated in July 2018).¹⁰⁰

When considering whether and how to share information, schools and colleges should consider a number of factors, in consultation with the above (as relevant), and in accordance with the aforementioned HM Government advice on Information Sharing. These factors include (but are not limited to) ensuring, as far as possible, that:

- a. the information sharing does not prejudice any investigation(s);
- b. the information sharing keeps individuals’ personal sensitive data confidential unless it is not appropriate to do so (for example, where a school or college needs to share information in order to enable individuals to safeguard and support a child and comply with its obligations to make referrals to the local authority children’s social care and/or the police and/or other relevant agencies);
- c. the school or college shares information about a child with that child’s parents unless there are legitimate reasons not to do so (**for example, it would put a child or children at greater risk**);
- d. the school or college keeps individuals updated on developments where possible and appropriate; and
- e. the school’s or college’s responsibilities to inform everyone involved of the need for confidentiality to ensure the integrity of investigations, whilst giving them a point of contact at school or college who they can speak to as well as other appropriate support as identified by a risk and needs assessment.

Where appropriate, the views of the student(s) affected should be sought on how information about the concern or allegation is shared. These views should be taken into account and properly balanced against the school's or college's duty to safeguard and protect any child/ren affected by the alleged incident. Where a decision is taken to share information with local authority children's social care and/or the police and/or any other relevant agency against the wishes of a child, this needs to be handled extremely carefully, the reason(s) explained to them, and appropriate professional support offered; the school or college may wish to seek legal advice on how best to handle the situation.

It is essential that written records of concerns or allegations of child-on-child abuse are made. These should:

- be contemporaneous;
- be comprehensive and accurate;
- clearly and explicitly describe the nature of the alleged behaviour without using euphemisms, and contain the exact words that have been said, irrespective of the vulgarity or impropriety of the language;
- note where **and when** the incident occurred and whether anyone else was around;
- distinguish between fact and opinion;
- contain adequate information for the purpose;
- include details of how the concern/allegation was followed up and resolved; and
- include a note of any action taken, decisions reached and the outcome.

These records – including in behaviour incident logs, individual risk and needs assessments, and records of any conversations with children, their parents, staff, and external agencies – are likely to contain highly impactful, sensitive personal data about children. Records must be securely stored in accordance with the applicable GDPR/data protection policy.

Schools and colleges should take care when creating them and ensure that they are accessed on a need-to-know basis only by trained and appropriate staff.

Those with the responsibility for doing so must bear in mind that any records may need to be provided to the children involved and/or their parents in the future. For example, records could be requested as part of a parental complaint, or a legal claim, or under a subject access request (subject to limited exceptions – such as where it might not be in the child's best interests to disclose to a parent, or if there are overriding privacy interests of other children or families – although, generally speaking, the requester's rights will trump the privacy needs of staff). Increasingly individuals also seek to challenge records with 'right to be forgotten' or rectification requests.

All notes and related communications should always be concise, factual and objective, and focused on what is necessary for the safeguarding purpose. The language used should always be appropriate and professional.

That being said, professionals should not feel hampered by excessive caution. The core aim here is to capture any relevant information that could help protect children, and important details should never be missed because of unfounded data protection concerns.

Risk assessments

Harmful Sexual Behaviour

In this section (and throughout this resource) references to 'risk assessment' mean 'risk and needs assessment.'

Introduction

A comprehensive framework is set out below on which schools and colleges can draw to inform their risk assessment – ie when (i) identifying and building on protective factors; (ii) identifying, assessing and mitigating risks; and (iii) considering how to support students and other members of the school and college community.

Various terms can be used to describe this risk assessment process. The NSPCC uses the term 'safety plan'. Our framework is informed by **(i) the NSPCC's safety plan template**, which is included as a resource within their online training courses to help manage harmful

sexual behaviour in primary and secondary schools (see [Appendix C](#) for further details), and **(ii) KCSIE 2023** – Section five on child-on-child sexual violence and sexual harassment. We note that the **CSA Centre** uses the term ‘safety plan,’ and has produced a **safety plan template** for recording and reviewing arrangements. This template accompanies, and should be used alongside, the CSA Centre’s [Safety planning in education: A guide for professionals supporting children following incidents of harmful sexual behaviour](#).

Is a risk assessment required?

Sexual violence and sexual harassment

Relevant extract from KCSIE 2023¹⁰¹

“When there has been a report of sexual violence, the [DSL] (or deputy) should make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis. The risk and needs assessment for a report of sexual violence should consider:

- *the victim, especially their protection and support*
- *whether there may have been other victims*
- *the alleged perpetrator(s)*
- *all the other children, (and, if appropriate, adult students and staff) at the school or college, especially any actions that are appropriate to protect them from the alleged perpetrator(s), or from future harms, and*
- *the time and location of the incident, and any action required to make the location safer.*

Risk assessments should be recorded (paper or electronic) and should be kept under review. At all times, the school or college should be actively considering the risks posed to all their pupils and students and put adequate measures in place to protect them and keep them safe. The [DSL] (or deputy) should ensure they are engaging with local authority children’s social care and specialist services as required. Where

there has been a report of sexual violence, it is likely that professional risk assessments by social workers and or sexual violence specialists will be required. The above school or college risk assessment is not intended to replace the detailed assessments of expert professionals. Any such professional assessments should be used to inform the school or college approach to supporting and protecting their pupils and students and updating their own risk assessment.”

Examples of what constitutes sexual violence and sexual harassment can be found in [Appendix B](#), and reflect those contained in KCSIE 2023. As explained earlier in this resource, schools and colleges can refer to Hackett’s continuum, and the Brook Sexual Behaviours Traffic Light Tool, as well as, for example, guidance provided by the NSPCC and The Lucy Faithfull Foundation (links to which can be found in [Appendix C](#)) to identify and assess the sexual behaviour in question.

Abusive or violent behaviour

A risk assessment should always be carried out in respect of:

- any child who is alleged to have **behaved** in a way that is considered to be abusive or violent;
- any child who has reportedly been **abused or affected by** the alleged abusive or violent behaviour by another child; or
- any child who may be **at risk due to** the alleged abusive or violent behaviour by another child as deemed appropriate by the DSL.

Consideration may need to be given to having separate but aligned risk assessments for the alleged perpetrator(s), and the victim(s), and any other child/children who may be affected by the alleged abusive or violent behaviour.

Where other children have been identified as witnesses to the alleged abusive or violent behaviour, consideration should also be given by the DSL to the impact on them, and whether there might be any risks posed to those children, and whether a risk assessment for them would be appropriate in the circumstances.

Inappropriate or problematic behaviour

Where it is alleged that a child has behaved in a way that is considered to be inappropriate or problematic (as opposed to abusive or violent), the DSL will need to exercise careful consideration and judgement regarding a range of factors when deciding whether (a) it would be appropriate to contact the local authority children's social care, (b) whether it is necessary and appropriate to carry out a risk assessment, and (c) for which children – based on:

- the particular concern(s) or allegation(s) raised – including the context;
- the severity of the alleged behaviour, and whether – whilst it might be judged to be inappropriate or problematic by an adult – it might actually be harmful to another child. Consultation is recommended with the local authority children's social care if there is any doubt about this;
- the extent to which any child/children (i) may have experienced or otherwise been affected by the alleged behaviour, (ii) may be at risk due to the alleged behaviour, and (iii) been identified as witnesses – and the impact on and possible risk posed to each of them. This will depend not only on the nature and extent of their involvement in, or proximity to the alleged behaviour, but also on factors such as their possible wider circumstances and needs, their age and understanding, and the extent to which the alleged behaviour might trouble or distress other children, or expose them to inappropriate or problematic behaviour;
- any information recorded about the child/children concerned in a Behaviour Log (if there is one in place);
- whether there are any patterns of behaviour occurring;
- the needs and circumstances of the child/children concerned, and whether there are any wider safeguarding concerns about them – for example, where a child's behaviour may be considered to be inappropriate or problematic on Hackett's continuum, or at risk of escalating, the DSL and/or the local authority children's social care, and/or other relevant external

agencies, may determine that a risk assessment is required to control emerging risks; and

- the importance of early intervention to address and to prevent escalation of inappropriate and/or problematic behaviours.

Again, consideration may need to be given to having separate but aligned risk assessments for the alleged perpetrator(s), and the victim(s), and any other child/children who may be affected by the alleged inappropriate or problematic behaviour.

In all cases where a risk assessment is not considered to be appropriate, the school or college should nonetheless take steps to safeguard and support the alleged perpetrator(s), victim(s), and any other child/children who may be affected by the alleged behaviour, and should continue to monitor the situation. If risks increase, consideration should again be given to conducting a risk assessment.

1. Key points to consider when conducting a risk assessment

In conducting a risk assessment the school or college should:

- always act in accordance with WTSC 2018, KCSIE 2023, and their locally agreed multi-agency safeguarding arrangements;
- following a referral (where it is deemed to be necessary according to the particular facts of the case) to local authority children's social care, and/or a report to the police, and/or referral to other relevant agencies, seek to consult with them on the need for, and on developing and, whenever possible, agreeing the school's or college's risk assessment. As above, KCSIE 2023 states that in cases where professional risk assessments are required (for example, by social workers and/or sexual violence specialists where there has been a report of sexual violence), they should be used to inform the school or college approach to supporting and protecting their students, and updating their own risk assessment, which should be consistent with any such professional risk assessment(s);
- in cases where the police are involved, ensure that the risk assessment does not

potentially prejudice any criminal investigation(s), and that it protects all children concerned in any such investigation(s) to the greatest extent possible;

- if their local authority children’s social care, and/or the police, and/or other relevant agencies do not, for whatever reason, engage with them, then the school or college should persist in seeking their input and support including for early help and for those who are at risk of harm or have been harmed, and should advise the relevant agency/ies that it intends to conduct the risk assessment for the child/children concerned, and should consider escalating its referral if it believes that the local authority children’s social care and/or the police should be engaged;
- give consideration to consulting with and involving the child/children concerned and their parents, in accordance with any advice given by the relevant agencies. Where a report has been made to the police, the school or college should consult with them, and agree what information can be disclosed to the alleged perpetrator and their parents. There may be other circumstances where there are legitimate obstacles presented to parental knowledge/engagement – for example, if there is a suggestion or concern that informing the parents will put the/any child at additional risk; in these cases the school or college should work closely with local authority children’s social care and/or the police to take advice on how best to proceed; and
- consider whether a planning meeting may be helpful to develop the risk assessment. Careful consideration will need to be given to whether the alleged perpetrator and/or their parents should attend such a meeting. Where a child or parent does not attend, their wishes and feelings should still be sought in relation to any proposed risk assessment in advance of the meeting by a professional – in the case of the child, by a designated trusted professional with whom they have a positive relationship. A version of the risk assessment which is appropriate for the child’s age and level of understanding should be provided to the child and their parents. Efforts should also

be made to ensure that they understand what is proposed and to seek their agreement to the arrangements.

These steps will help to ensure that the risk assessment is appropriately tailored to the relevant child’s/children’s needs, and will enable the school or college to work with others in an effort to meet those needs in the longer-term.

2. Content of risk assessment

A risk assessment should:

- Be as clear and user friendly as possible.
- Be proportionate, and not stigmatise or shame the (as relevant to each particular case) alleged perpetrator(s), or victim(s), or other child/children who may be affected by the alleged behaviour.
- Set out all relevant background information – including an overview of:
 - › the context;
 - › the specific concern(s) or allegation(s);
 - › any relevant detail about the relationships, and any power differentials between the children concerned; and
 - › the frequency of the alleged behaviour and any changes in it over time.

Details should also be shared of action taken regarding the alleged concern(s) or allegation(s), and any advice provided by local authority children’s social care, and/or the police, and/or other relevant agencies in accordance with the locally agreed multi-agency safeguarding arrangements, and/or any other practitioner(s) working with the child/children concerned.

- Set out any relevant information regarding the child/children concerned. For example:
 - › any relevant medical information;
 - › any impact on their academic performance or social life (views of the parents or teachers may be helpful); and
 - › any previous concerns about their behaviour, needs or harm that they may have been exposed to in the past.

Information should be shared on their wishes and feelings regarding the proposed risk assessment.

- Identify and assess the nature and level of risk that is posed and/or faced by the child/children concerned:
 - › in school or college – such as that which may arise in relation to locations, activities, contact with particular students and influential peer groups, or transport arrangements to and from school or college; and
 - › contexts outside the school or college – including at home, in relationships with friends, peer groups, interactions in the neighbourhood and/or during online activity.

In order to give children a sense of freedom and opportunity to develop, spaces where no extra supervision is required should be promoted as far as is safe to do so.

- Set out the steps and controls that can be put in place to reduce or manage any risk – to avoid, so far as possible, the child/children concerned missing out on beneficial activities. Issues that may be addressed include:
 - › how safety will be ensured in the classroom, outside of the classroom, on transport, and during unstructured or extra-curricular activities – including trips and residential stays away from school or college. This may involve separating the alleged perpetrator(s) from the victim(s) and any other child/children who may be affected by the alleged behaviour;
 - › how to ensure that the victim(s) and any other child/children who may be affected by the alleged behaviour feel(s) supported, including by appointing a trusted member of staff (a ‘critical friend’) with whom they can speak if they have existing concerns, or if there are any future developments which cause them concern;
 - › how best to draw on any other trusting relationships where these exist, and create them where they do not, to provide the child/children concerned with support and a sense of belonging;

- › where relevant, how to manage the child’s/children’s behaviour – this can be done in a number of ways including, for example, by way of a de-escalation plan for staff which identifies any triggers, explains how their behaviour can escalate, sets out the function of the behaviour for the child/children, and proposes an appropriate action or response to it; identifying language that should be used and avoided; a positive handling plan; or implementing controls and measures to reduce or manage any risk;
 - › whether restorative action would be appropriate and, if so, how best to take such action, bearing in mind the specific needs of the child/children concerned, and the appropriateness of any such action given the nature and seriousness of the concern(s) or allegation(s). Advice should be taken from the local authority children’s social care, sexual violence specialists, and the police, where they are involved (to avoid proposed restorative action potentially jeopardising any police investigation);
 - › whether any targeted interventions are needed to address the underlying attitudes or behaviour of the child/children, any emotional and behavioural disorders, developmental disorders, or learning difficulties, and/or to meet the child’s/children’s psychological, emotional or physical needs; drawing on local statutory, private and/or voluntary services as appropriate; and
 - › whether the behaviour is of such high risk that suitable controls cannot be put in place within the school or college setting which would enable it to be adequately managed. In this case consideration will need to be given to alternative plans for the alleged perpetrator(s). The principle that any child who is reported to have experienced child-on-child abuse should not have restrictions or controls placed on them as a result of another child’s alleged behaviour should be given priority consideration.
- Identify and consider how to build on the strengths that the/each child possesses and/or is exposed to – such as those emanating from activities or lessons that they enjoy and engage with (whether within

or outside of school); positive characteristics and skills that they possess; and/or pre-existing positive and trusting relationships with their family, other students or staff; and consider how best to promote their positive development, for example do they respond well to praise?

- Assess any risks that are posed and/or faced by the wider school or college community (including all other students and, where appropriate, staff and parents) and identify any steps that the school or college can take to mitigate these risks. This may include consideration of:
 - › how to support any students (and, where appropriate, staff and parents) who may be affected by or know about the alleged behaviour, and/or who may be required to participate in any investigation(s). Where any students have their own standalone risk assessment, they should cross refer to and be consistent (where appropriate) with one another; and
 - › work that can be undertaken with the wider staff or student population to help to protect children against child-on-child abuse in the future (see [Section 6](#) for more details). Careful consideration will need to be given to managing confidentiality for victims and any other child/children affected by the alleged behaviour or engaged themselves in any such behaviour.
- Set out the steps needed to implement the risk assessment, including how to communicate with and what information should be shared with relevant staff members – in the strictest confidence – so that they are able to implement the actions set out in the risk assessment and safeguard the child/children concerned appropriately. Disclosure of the whole risk assessment may not be necessary for all individuals, and some may only need to be informed about relevant aspects. Additionally, the alleged perpetrator should be given a “safe story” to explain their behaviour/restrictions to someone who does not know about the risk assessment or that aspect of it.

3. Format and review of risk assessment

As stated by KCSIE 2023 – in the context of sexual violence but with the same principles applying to the wider context of harmful sexual behaviour – risk assessments should be recorded (paper or electronic) and should be kept under review. At all times, the school or college should be actively considering the risks posed to all their students and put adequate measures in place to protect them and keep them safe.

Risk assessments should be reviewed on a regular basis – ie at least every three months or, if there is another alleged incident, or a material change of circumstances. Reviews should be carried out in light of the child’s/ children’s ongoing needs to ensure that real progress is being made which benefits the child/children concerned.

If at any stage the risk increases, there is a further alleged incident, or any individual child’s needs escalate, the DSL should contact local authority children’s social care, and/or other relevant agencies, in accordance with their locally agreed multi-agency safeguarding arrangements, to determine the appropriate course of action.

In the event that any new information is disclosed at any time indicating that a child may have been harmed, is at risk of harm, or is in immediate danger, the school or college should, again, act in accordance with WTSC 2018, KCSIE 2023, and their locally agreed multi-agency safeguarding arrangements, and make a (new) referral to local authority children’s social care and, if appropriate, report to the police. Similarly any new information disclosed at any time regarding alleged rape, assault by penetration or sexual assault must always be shared with the police.

Sharing nudes and semi-nudes

The UKCIS guidance states that: “The circumstances of incidents can vary widely. If at the initial review stage a decision has been made not to refer to police and/or children’s social care, the DSL (or equivalent) should conduct a further review (including an interview with any child or young person involved) to establish the facts and assess the risks, referring back to any relevant assessment tools.

When assessing the risks and determining whether a referral is needed, the following should be also considered:

- Why was the nude or semi-nude shared? Was it consensual or was the child or young person put under pressure or coerced?
- Has the nude or semi-nude been shared beyond its intended recipient? Was it shared without the consent of the child or young person who produced the image?
- Has the nude or semi-nude been shared on social media or anywhere else online? If so, what steps have been taken to contain the spread?
- How old are any of the children or young people involved?
- Did the child or young person send the nude or semi-nude to more than one person?
- Do you have any concerns about the child or young person's vulnerability?
- Are there additional concerns if the parents or carers are informed?

These questions will help the DSL (or equivalent) decide whether a child or young person is at risk of harm, in which case a referral will be appropriate, whether additional information or support is needed from other agencies or whether the education setting can manage the incident and support any child or young person directly. DSLs (or equivalent) should always use their professional judgement in conjunction with that of their colleagues to assess incidents.¹⁰² Further detail is provided in Annex A of the UKCIS guidance on why these questions should be used to complement and support the DSL's (or equivalent's) professional judgement.

Disciplinary action

The school or college may wish to consider whether disciplinary action, under their behaviour policy, may be appropriate for any child/children involved – including the alleged victim if it is determined that they deliberately raised a false or malicious allegation. However, if there are police proceedings underway, or

there could be, it is critical that the school or college works in partnership with the police and/or the local authority children's social care.

Where a matter is not of interest to the police and/or the local authority children's social care, the school or college may still need to consider what is the most appropriate action to take to ensure positive behaviour management. Disciplinary action may sometimes be appropriate – in accordance with the school's or college's behaviour policy, including to:

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

These considerations must be balanced against any police investigations, the child's/children's own potential unmet needs, and any action or intervention planned regarding safeguarding concerns. Before deciding on appropriate action the school or college should always consider its duty to safeguard all children in its care from harm; the underlying reasons for a child's behaviour; any unmet needs, or harm or abuse suffered by the child; the risk that the child may pose to other children; and the severity of the child-on-child abuse and the causes of it. Schools and colleges should also be conscious of students' ethnic backgrounds, and the evidence that disproportionate disciplinary sanctions are applied to Black Caribbean boys and Gypsy, Roma and Traveler children.¹⁰³

Schools and colleges should, where appropriate, consider the potential benefit, as well as challenge, of using managed moves or exclusion as part of a response, and not as an intervention, recognising that even if this is ultimately deemed to be necessary, some of the other measures referred to in this resource may also be required. For example, action may still need to be taken by the school or college in relation to other students who have been involved with and/or affected by child-on-child abuse. Exclusion should only be considered as a last resort, in accordance with the behaviour

policy, and where necessary to ensure the safety and wellbeing of the other children in the school or college.¹⁰⁴ In the event of any exclusion or managed move, consideration must be given to sharing information with the receiving school or college regarding the child-on-child abuse in order to allow best protection of children in the new school or college.

Disciplinary interventions alone are rarely able to solve issues of child-on-child abuse, and the school or college should always consider the wider actions that may need to be taken, and any lessons that may need to be learnt going forwards, as set out above and below.