BALLARD

BESPOKE EDUCATION

SEXUAL HARASSMENT AND SEXUAL VIOLENCE POLICY	
Reviewed by:	**Chris Jackson – Deputy Head Pastoral**
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Next Review due:	**September 2027**

Sexual Harassment and Sexual Violence Policy

This policy should be read in conjunction with the School policies on Safeguarding and Child Protection and Child on Child Abuse.

Introduction

The Governors, Leadership Team, and all staff and volunteers at Ballard School are fully committed to ensuring a working and learning environment which is free from sexual violence and sexual harassment. The School takes very seriously the prevention, early identification and appropriate management of incidents of sexual violence and/or sexual harassment (as defined below) both within and beyond the School. To protect all our pupils, all members of the School community should:

(a) Understand that sexual violence and/or sexual harassment at Ballard School is never acceptable, will never be tolerated, is not an inevitable part of growing up; it should not be dismissed as "banter", "having a laugh" or "boys being boys";

(b) Recognise that sexual violence and/or sexual harassment can occur between two children of any age or sex, as well as through a group of children sexually assaulting or harassing a single child or group of children;

(c) Be aware that boys are more likely to perpetrate incidents of sexual violence and/or sexual harassment than girls;

(d) Understand that unacceptable behaviour of a sexual nature can be driven by wider societal factors, thereby making it essential to adopt a whole-School contextual approach to preventing and responding to allegations of sexual violence and/or harassment;

(e) Regard the introduction of this guidance as a preventative measure, and not feel it is acceptable merely to take a reactive approach to sexual violence and/or harassment in response to alleged incidents;

(f) Recognise national and increasing concern about this issue, and wish to implement this policy in order to ensure that our pupils are safe;

(g) Encourage parents to hold us to account on this issue, so that if their child is feeling unsafe as a result of the behaviour of any of their peers, they should inform the School so that it can ensure that appropriate and prompt action is taken in response.

This guidance sets out our strategy for the prevention of and appropriate management of allegations of sexual violence and/or harassment between pupils and will be reviewed annually to ensure that it continually addresses the risks to which our pupils are or may be exposed. This policy reflects the requirements of Keeping Children Safe in Education 2026, Working Together to Safeguard Children and relevant safeguarding and equality legislation.

Understanding Sexual Violence and Sexual Harassment

What is Sexual Violence?

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

(a) Rape – a person (A) commits rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration, and A does not reasonably believe that B consents;

(b) Assault by penetration – a person (A) commits an offence if: s/he intentionally penetrates the vagina or anus of another person (B) with part of his/her body or anything else, the penetration is sexual, B does not consent to the penetration, and A does not reasonably believe that B consents;

(c) Sexual assault – a person (A) commits an offence if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents.

Consent

It is vital that all members of the School community understand the concept of consent. Consent is about the freedom and capacity to choose. Consent may therefore be given for one sort of sexual activity but not another; it may also be withdrawn at any time during sexual activity and each time activity occurs. It should be noted that, under UK law, a child under the age of 13 can never consent to any sexual activity, the age of consent is 16, and sexual intercourse without consent constitutes rape.

What is Sexual Harassment?

Sexual harassment is defined as "unwanted conduct of a sexual nature" (Sexual Violence and Sexual Harassment Between Children in Schools and Colleges, DfE, May 2018) and can occur online and offline. Sexual harassment can be:

(a) Verbal: telling sexual stories, making lewd comments or sexual remarks about clothes and appearance, calling someone sexualised names, sexual 'jokes' or taunting;

(b) Behavioural: deliberately brushing against someone, interfering with someone's clothes, displaying pictures, photos or drawings of a sexual nature;

(c) Online: non-consensual sharing of sexual images and videos, sexualised online bullying, unwanted sexual comments and messages, AI-generated sexual content, manipulated imagery, deepfake imagery, image-based abuse and other digitally facilitated forms of sexual harassment.

Harmful Sexual Behaviour

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

For the purpose of this policy, harmful sexual behaviours are defined as "Sexual behaviours expressed by children…that are developmentally inappropriate, may be harmful towards self or others, or be abusive towards another child…or adult" (Hackett, 2014). Hackett's continuum model provides a useful guide in classifying sexual behaviour and can be found in this link:

https://www.semanticscholar.org/paper/A-continuum-of-responses-for-harmful-sexual-Meiksans-Bromfield/da6188fa34b05a44ac55c9c9f5c53d87190bec9f/figure/0

Our Legal Responsibilities

Ballard School has a statutory duty to safeguard and promote the welfare of all pupils. Due regard is paid to all statutory regulations and guidance as set out in KCSIE 2026, Working Together to Safeguard Children, as well as the Equality Act 2010 and the Human Rights Act 1998, and compliance with the Equality Act 2010 and associated duties applicable to independent schools.

The Voyeurism (Offences) Act 2019

This legislation criminalises certain acts of voyeurism known as 'upskirting'. This is where someone takes a picture under a person's clothing (not necessarily a skirt) without their permission and or knowledge, with the intention of viewing their genitals or buttocks (with or without underwear) to obtain sexual gratification, or cause the victim humiliation, distress or alarm. It is a criminal offence. Anyone of any gender, can be a victim. KCSIE 2026 categorises 'upskirting' as sexual harassment. Staff should handle any allegations in line with KCSIE 2026 and our policy regarding child-on-child abuse which can be found at as an Appendix of the School's Safeguarding and Child Protection Policy.

Prevention

In line with our Safeguarding and Child Protection Policy, the concept of prevention lies at the heart of the School's approach. We aim to achieve this primarily through a positive School atmosphere, careful and vigilant teaching, strong pastoral care, the promotion of our key School values, effective support to pupils, and the provision of good adult role models. Ballard's whole-School approach includes formal classroom opportunities for pupil learning via our PSHE curriculum. This is supplemented by support from external agencies who provide assemblies, talks and workshops for our pupils. The concepts of Kindness and Respect also constitute two of our seven key School values and form the basis not just of School Assemblies and talks from school leaders, but also our approach to rewards and sanctions. As such, incidents of sexual harassment and/or sexual violence can be considered serious breaches of the principles on which life at Ballard School is based. In all situations, pupils should exercise common sense. We therefore aim to ensure that all Ballard School pupils have little doubt about the sort of behaviour and conduct which we expect of them during their time at the School. In addition, all our staff who work with children undertake appropriate child protection awareness training to equip them to carry out their responsibilities for child protection effectively. All new staff undergo initial training in safeguarding and child protection as part of their induction programme. Our Safeguarding and Child Protection Policy is also available to all parents and members of the public via the School website.

Responding to Reports of Sexual Violence and/or Sexual Harassment

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

The following link provides a useful flowchart to follow:

Flowchart+Sexual+Violence+and+Sexual+Harassment+2022

This School policy applies to all alleged incidents which have taken place when a pupil or pupils have been under the care of Ballard School. In the event of an incident of sexual harassment and/or violence alleged to have taken place when a pupil or pupils have not been under the care of Ballard School, the School may apply the policy and conduct an investigation if the incident has impacted on the School's reputation or on a member or members of the School community.

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

1. The DSL (or deputy) must be contacted immediately, if they are not involved in the initial disclosure. This must be as soon as is practically possible.

2. A written report should be made and should include: the information revealed by the victim (using their words as best as possible); when the disclosure was made; to whom the disclosure was made; and action taken.

3. If a report of sexual violence has been made, the DSL must also make an immediate risk and needs assessment for the victim, alleged perpetrator and any other children who may be involved in the allegation.

Staff must:

- Recognise that, if a victim has made a disclosure to them, then the child has placed them in a position of trust. They must be supportive and respectful of the child.
- Reassure the victim that they are being taken seriously, will be supported and kept safe.
- Avoid giving the impression that a victim is causing a problem by reporting an incident of alleged sexual violence or harassment.
- Receive the victim's story whilst remaining calm and reassuring.
- React to what is disclosed with belief and tell the victim that they have done the right thing in making a disclosure.
- Listen carefully without passing judgement but being clear about boundaries and next steps.
- Indicate to the victim what action they will take and make it clear that they will have to inform others (no promise of confidentiality)
- Make an accurate record of what has been said and avoid giving opinions. Consideration will need to be given as to the best way to do this, although best practice is to wait until the end of the disclosure before writing up a thorough summary.
- Remember that the priority is always to protect the child.

Staff must not:

- Contact the parents directly.
- Speak to the perpetrator about whom the allegations have been made.
- Ask leading questions or adopt an interrogation approach.
- Promise to keep secrets/confidentiality (as it is very likely that a concern will need to be shared further).
- Share the report or details of the report to anyone other than the DSL.
- Ask the child outright if an act of sexual violence or harassment has been committed.

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

Confidentiality

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

(a) Parents or carers are usually informed unless sharing this information would put the victim at greater risk.

(b) If a child has been harmed, is at risk of harm, or is in immediate danger, then the general safeguarding principle of making a referral to CSC should apply.

(c) Rape, assault by penetration and sexual assault are crimes and should therefore be referred to the police.

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

Anonymity

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

Due consideration must also be given to the possibility that information and victims' identities will be posted online via social media, and steps taken to mitigate this risk. The School will therefore do everything it can to protect the anonymity of all children involved when an allegation of sexual violence or sexual harassment has been made.

Assessing Needs and Risks

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

- the victim, especially their protection and support;
- the alleged perpetrator; and
- any other children who might be involved.

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

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

If at any stage any child's needs escalate, the DSL should contact New Forest MASH team to determine the appropriate course of action. Particular attention should be given to ways in which victims and alleged perpetrators can be kept apart from each other around the School site including classroom blocks, the dining-hall and other social spaces.

Immediate Action Following a Report

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

When reviewing any report of alleged sexual violence or sexual harassment, the DSL should act in the best interests of the victim whilst also understanding their broader duty to protect other children. In particular, the School accepts that it is important to take the wishes of the victim and how they want to proceed into consideration. To this end, as far as is possible, the victim should be given control over the support they will receive and how the investigation will proceed.

Other considerations for the DSL will include:

(a) has a crime has been committed?;

(b) can the sexual behaviour be classified as harmful?;

(c) the ages of the children involved, especially if the alleged perpetrator is significantly older than the victim;

(d) does the alleged incident form part of a wider pattern of abuse or is it a 'one-off'?;

(e) the developmental stages of the children involved;

(f) is there any power imbalance between the alleged perpetrator and victim?;

(g) are there ongoing risks to the victim, other pupils, or School staff?;

(h) other related issues and the broader context.

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

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

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

Managing Internally

This option will most likely be followed for incidents of sexual harassment which are one-off, do not require statutory intervention, and where early intervention would not be appropriate. Although this list is not exhaustive, examples of incidents which would be managed internally might include sexual jokes or taunting; lewd comments; sexual remarks about appearance or clothes; the use of sexualised names; unwanted sexual comments or messages on-line; interfering with someone's clothes; or unwanted physical contact. It should be noted that some of these behaviours may cross-over into sexual violence depending on the severity of the behaviour. The School must also take into consideration the experience of the victim when deciding whether the line between sexual harassment and sexual violence has been crossed.

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

Disciplinary Action

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

Disciplinary action may sometimes be appropriate:

(a) to ensure that the child/children take(s) responsibility for their actions and realise(s) the seriousness of their behaviour;

(b) to demonstrate to the child/children and others that sexual harassment will never be tolerated;

(c) to ensure the safety and wellbeing of other children.

Disciplinary interventions alone, however, will rarely solve issues of sexual harassment and/or sexual violence, and the School will always consider wider actions which may need to be taken, and any lessons that may need to be learnt going forwards. This will include employing specialist and

pastoral support as appropriate, such as the School Counsellor, members of the Pastoral Team and external support agencies, as well as restorative approaches such as mediation.

Early Help

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

In such cases, the DSL will work in collaboration with the New Forest MASH team to discuss the incident and concerns surrounding it, as well as agreeing on a course of action, which may also include some form of disciplinary action as detailed above. Disciplinary interventions may be employed but these alone will rarely solve issues of sexual harassment, and the School will always consider wider actions which may need to be taken, and any lessons that may need to be learnt going forwards. This will include employing specialist and pastoral support as appropriate, such as the School Counsellor, members of the Pastoral Team and external support agencies.

Referral to the New Forest MASH Team

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

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

New Forest MASH may decide that the incident must be reported to the police. If children's social care decides that the threshold for a statutory investigation has not been met, then the DSL can refer again if they do not feel comfortable with this decision.

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

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

Reporting to the Police

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

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

The DSL must not wait for the outcome of any Police investigation before taking steps to safeguard and protect the children involved, although care must be taken to ensure that the DSL does not act

in a manner which might jeopardise any police investigation. These considerations should be immediate.

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

As the police investigation continues, the DSL will continue to engage with specialist agencies and pastoral staff in order to support the victim(s) and alleged perpetrator as best as possible. This will include employing specialist and pastoral support as appropriate, such as the School Counsellor, members of the Pastoral Team and external support agencies.

Ongoing Response

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

Safeguarding and Supporting the Victim(s)

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

(a) The School must think carefully about the language used, for example a child may not wish to be described as a "victim";

(b) Due consideration must be given to developmental stage of the victim(s), the nature of the allegations and the risk of further abuse;

(c) The School must be aware that a power imbalance is likely to have been created between the alleged perpetrator and victim(s);

(d) As well as protecting all children involved, the needs and wishes of the victim(s) should be at the centre of any response;

(e) The priority should be to make the victim's daily experience as normal as possible and to ensure that the School is a safe space for them;

(f) The victim should never be made to feel ashamed or that they are creating a problem;

(g) As all incidents will be different, proportionality of response must be considered, and support given on a case-by-case basis;

(h) It may be that the victim(s) do(es) not disclose the whole situation immediately, so on-going dialogue and support is vital;

(i) Victims are likely to have suffered some trauma and may struggle in normal school environments;

(j) Victims may require support for a long time;

(k) The School must protect victims from bullying or harassment because of what has happened in the past;

(l) If a victim is unable to remain in the School and it is their wish to move elsewhere, the School will fully support them in this decision, and the DSL will make any new institution fully aware of any ongoing support needs as well as passing on their CP file.

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

- Allow victims to choose a designated trusted adult (such as a Head of Section, Pastoral Support Assistant or form tutor) with whom they can regularly meet to talk about their needs;
- Allow victims to withdraw from lessons and/or other activities if they are finding it difficult to maintain full involvement with school life;
- Give victims a protected safe space to which they can withdraw if needed;
- Offer victims ongoing support from the School counselling service;
- Provide victims with the details of external agencies who may be able to offer additional support;
- Make clear to victims that they should report any incidents of unpleasant behaviour to their Head of Section, giving full details of what happened;
- Involve victims in drawing up a personal welfare plan detailing specific strategies and channels of support;
- Consider ways to minimise possible contact between victim(s) and perpetrator during the School day.

Safeguarding and Supporting the Alleged Perpetrator(s)

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

(a) The School must think carefully about the language used, especially if the alleged perpetrator denies the accusation(s) made against them;

(b) Although difficult, the School has a duty not only to safeguard the victim(s), but also a duty to provide an education to the alleged perpetrator, especially if the alleged perpetrator denies the accusation(s) made against them;

(c) The School also has a duty to provide the alleged perpetrator with safeguarding support, as appropriate;

(d) Committing an act of sexual harassment or sexual violence may be a sign that a child has been abused themselves or a sign of wider, contextual issues which require addressing;

(e) All alleged perpetrators are entitled to and should be provided with support which will enable them to understand and overcome the reasons behind their behaviour, thus protecting other children by limiting the likelihood of such behaviour in the future;

(f) Due consideration should be given to the age and developmental stage of the alleged perpetrator as well as the nature of the accusations;

(g) It is likely that any child will experience stress as a result of being the subject of allegations and/or negative reactions by their peers to accusations made against them;

(h) As all incidents will be different, proportionality of response must be considered, and support given on a case-by-case basis;

(i) If an alleged perpetrator moves to another school, the DSL will make any new institution fully aware of any ongoing support needs and potential risks to others, as well as passing on their CP file.

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

- Consider ways to minimise possible contact between victim(s) and perpetrator during the school day;
- Offer perpetrators ongoing support from the School counselling service.

Discipline and the Alleged Perpetrator

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

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

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

The full range of disciplinary sanctions, as detailed in the School's Behaviour Policy, may therefore be applied including:

- Expulsion
- Fixed term suspension
- Detention

Disciplinary interventions alone, however, will rarely solve issues of sexual harassment and/or sexual violence, and the School will always consider wider actions which may need to be taken, and any lessons that may need to be learnt going forwards. This will include employing specialist and pastoral support as appropriate, such as the School Counsellor, members of the Pastoral Team and external support agencies, as well as restorative approaches such as mediation.

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

Record Keeping

All incidents, disclosures, concerns, risk assessments, actions and outcomes will be recorded on the School's safeguarding recording system and reviewed by the DSL to identify patterns, trends and emerging risks

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

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