****

**Protection for**

**Students from Peer**

**on Peer Abuse**

**(Bullying and**

**Harassment at**

**College)**

**Policy & Procedure**

**Reviewed**

September 2021 2020

**Gateway College**

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**Policy Statement**

Gateway College supports the right of all students to be treated with dignity and respect at all times and is committed to providing a safe and supportive environment free from all forms of peer on peer abuse. This policy has been written to:

* ensure that the school follows all statutory guidance and advice relating to peer on peer abuse;
* provide stakeholders with information about how Gateway College works to prevent peer on peer abuse;
* provide stakeholders with information about how Gateway College  responds to concerns, disclosures and/or allegations relating to peer on peer abuse; and to
* provide stakeholders with information about how Gateway College  continues to support victims of peer on peer abuse following the conclusion of an investigation.

This policy adheres to all statutory guidance and legislation, including (but not limited to):

* [Keeping Children Safe in Education (2021)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/912592/Keeping_children_safe_in_education_Sep_2020.pdf)
* [Working Together to Safeguard Children (2018)](https://www.gov.uk/government/publications/working-together-to-safeguard-children--2)
* Early Years Foundation Stage Statutory Framework (2017)
* Children Act 1989 and 2004
* Data Protection Act (2018)
* General Data Protection Regulations (2018)

And is part of a suite of school policies relating to safeguarding and child protection. For further details, please see**:**

Behaviour for Learning Policies, Concerns and Complaints Policy, Safeguarding Policy, EDI Policy

**1. Introduction**

The College is committed to the elimination of discrimination on the grounds of sex, marital status, sexual orientation, race, colour, nationality, creed, or religious belief, ethnic or national origins, age and disability. It is the right of every student to attend College without fear of bullying, harassment or victimisation. The College recognises the problems associated with bullying and harassment and is committed to providing an environment in which all individuals feel safe, can study and enjoy college. If a complaint of bullying or harassment is brought to the attention of the College, it will be investigated promptly, and appropriate action taken.

* All staff should be clear about their school or college’s policy and procedures with regard to peer on peer abuse.
* All staff should be aware that safeguarding issues can manifest themselves via peer on peer abuse. This is most likely to include, but may not be limited to, bullying, cyberbullying, harmful sexual behaviours (HSB), sexual violence, sexual harassment, sexting, non-consensual/indecent sexual imagery, and online abuse. All staff should be clear as to the college’s policy and procedures with regards to peer on peer abuse and should recognise that children and young people are capable of abusing their peers.
* All staff should also be clear about the college’s policy and procedures with regard to peer on peer abuse.
* Abuse is abuse and should never be tolerated or passed off as “banter”, “just having a laugh” or “part of growing up”; Recognition of gendered nature of peer on peer abuse (i.e. that it is more likely that girls will be victims and boys perpetrators), but that all peer on peer abuse is unacceptable and will be taken seriously.
* Bullying and harassment are serious problems, which should not be dismissed as individuals being oversensitive. They can affect a student’s health, happiness, achievement, and progression and thereby, their future success at College.

**2. Definitions and examples of Bullying and Harassment**

Bullying is defined as offensive, intimidating, malicious, insulting or humiliating behaviour; abuse of power or authority which attempts to undermine an individual and which may cause them to suffer stress. Harassment is unwanted conduct that violates people’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It may be related to age, sex, race, disability, religion, belief, sexual orientation or nationality or any personal characteristic of the individual and may be persistent or an isolated incident. Bullying or harassment may occur between students, a member of staff and a student or a student and a visitor to the College. Whilst the definitions and examples of bullying in this policy are relevant to all of these situations, the procedure outlined below is designed to deal with peer on peer abuse. If a student feels that they are being bullied or harassed by a member of staff, they should see a member of staff in student support and/ or follow the procedures outlines in the Concerns and Complaints policy. Bullying and harassment can include the following:

* Spreading malicious rumours, insulting or taunting someone (particularly on the grounds of race, sex, sexual orientation and religion or belief)
* Verbal intimidation – e.g. threats, shouting and swearing at someone, racist or sexist comments.
* Making someone the butt of jokes to humiliate them in front of others
* sexual violence and sexual harassment, sexual advances including touching, standing too close, display of offensive materials.
* physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm
* gender-based violence
* Victimisation or exclusion, where a person is treated less favourably than another for example because he/she has complained about the behaviour of someone who has been harassing them
* Conduct, which is physically intimidating, abusive or threatening.
* Offensive or threatening letters, e-mail or text messages, including sexting\*.
* Cyberbullying, use of social media to intimidate/harass or victimise.
* Initiation-type violence and rituals.

\*In cases of ‘sexting’ we follow guidance given to schools and colleges by the UK Council for Child Internet Safety (UKCCIS) published in 2017: ‘Sexting in schools and colleges, responding to incidents, and safeguarding young people’.

**3. College Responsibilities**

* It is the duty of the College to provide an environment for students which is free from bullying and harassment.
* It is the duty of College to ensure that any concerns raised by students in relation to bullying and harassment are investigated in a timely and effective manner.
* The College will treat seriously any complaint of bullying or harassment that is made and will offer counselling support for the complainant and alleged bully/harasser when appropriate.
* All complaints will be investigated in a confidential manner in so far as this is possible. When a complaint is upheld steps will be taken by the College to prevent any further instances occurring.
* The College will protect a student within the College who makes a complaint of bullying or harassment.

**4. Student Responsibilities**

It is the duty of every student to take responsibility for their own behaviour and modify it if necessary, as bullying and harassment are not acceptable under any circumstances.

* Students should treat everyone inside and out of the college community with dignity and respect, as are the college’s expectations in everything they do. Students should not bully or harass other students, members of staff or members of the public.
* Students should be encouraged to take action in accordance with this policy if the have witnessed, or believe that bullying or harassment has occurred to themselves and others.
* If a student believes a fellow student is being subjected to peer on peer abuse they should speak to the individual concerned and encourage them to report the complaint to either their tutor, Assistant Principal Learners and Progression (Sam Keen) or any member of the Safeguarding Team (See Appendix I). They can also use the anonymous Safeguarding email address help@gateway.ac.uk

**5. Awareness Raising**

Students will be informed and educated about bullying, harassment and peer on peer abuse in Welcome assemblies that are part of the start of year induction process, through group and 1-1 tutorial delivery, and feature as part of integral Safeguarding updates throughout the year. Issues relating to misuse of email and of cyber bullying will also be highlighted at welcome session, learning agreement and information given during first logon to the colleges IT systems.

**6. Supportive Framework**

The College recognises that making a complaint of bullying or harassment is likely to be a distressing experience and that it may be difficult for students to raise complaints directly with the offender, or personal tutor. Students may approach any member of staff or a fellow student representative to raise the issue with the College management on their behalf. If one of the parties concerned in a personal bullying or harassment case must be removed from the college, then as a matter of principle, the College will remove the harasser rather than the complainant.

**7. Responding to Concerns or Disclosures of Peer on Peer Abuse**

 The school takes peer on peer abuse seriously and will respond to all concerns or disclosures of peer on peer abuse immediately.

If a member of staff has a concern about peer on peer abuse, or if a student discloses peer on peer abuse to them, they will refer this to the Designated (DSL) or a Deputy Designated Safeguarding Lead immediately, in line with the school’s Safeguarding policy.  If the case is at first referred to a Deputy they should ensure that they share with the DSL as soon as possible.

Upon receiving a concern, report or disclosure of abuse, the Designated Safeguarding Lead will decide what further action is necessary. This will vary depending on the type of peer on peer abuse and the severity of the incident/s disclosed. The Designated Safeguarding Lead will take contextual factors into account when managing the report.

The Designated Safeguarding Lead will always consider the following;

* the wishes of the victim in terms of how they want to proceed. The victims will be given as much control as is reasonably possible over decisions regarding how any investigation will be progressed and any support that they will be offered;
* the nature of the alleged incident(s), including: the level of coercion or threat, whether a crime may have been committed and consideration of harmful sexual behaviour;
* both the chronological and developmental ages of the children involved;
* any power imbalance between the children, including consideration of the age of children and whether children have special educational needs or disabilities;
* the impact on the victim;
* if the alleged incident is a one-off or a sustained pattern of abuse;
* if are there ongoing risks to the victim, other children, adult students or school or college staff.

Depending on the nature of the incident/s, the Designated Safeguarding Lead may seek further information from those involved, and witnesses.  They may undertake a risk assessment to ascertain steps necessary to safeguard the victim, alleged perpetrator, adults, and other children.  They will then decide whether the concern should be managed internally or refer to external agencies.  They will organise a meeting with relevant staff and agencies to assess risk and agree a safety plan.  A decision will be taken as to whether the victim and/or the perpetrator should be referred to local services for Early Help/Children’s Services via a MASH referral/ liaise with social workers working with children involved (if applicable) or make a referral to the police.

**8. Supporting the Victim**

The school recognises that peer on peer abuse has a significant impact on young people and victims are likely to need ongoing support.  Appropriate support will be put in place for victims of peer on peer abuse whilst investigation is taking place and following the initial response. Support will continue for as long as it is needed and will be reviewed regularly to ensure the victim is receiving appropriate care.  The school will do everything we can to maintain the victim’s normal routine.  The school will do everything we can to protect the victim from further bullying and harassment because of their disclosure (see section 6). If a victim of peer on peer abuse moves to a new setting, the Designated Safeguarding Lead will share the necessary information to ensure that support for the child continues.

**9. Supporting the Alleged Perpetrator**

 The school has a responsibility to ensure that an alleged perpetrator continues to receive a suitable education and will consider a range of options in continuing educational provision. We recognise that children who perpetrate peer on peer abuse may be being abused themselves. The school will continue to safeguard the alleged perpetrator and provide them with support.   A plan to reduce the risk posed by the alleged perpetrator will be put in place as part of the risk assessment made following the alleged abuse.  If the alleged perpetrator moves to another setting, the Designated Safeguarding Lead will share information as necessary to safeguard the individual and other child at the new setting. The Designated Safeguarding Lead will take advice from children’s social care, specialist services and the police as necessary.  Gateway College may choose to impose a sanction or punishment on the alleged perpetrator following an incident of peer on peer abuse. In this case, we will follow the procedure below in determining the level and severity of sanction.

Where a child is cautioned or receives a conviction related to an incident of peer on peer abuse, the college will take a zero tolerance approach to sexual violence and sexual harassment and it will not be tolerated (KCSIE Part 5), and will be excluded from Gateway College.

**10. PROCEDURE**

Procedures for dealing with peer on peer abuse.

**10.1** **Introduction**

This procedure has been designed to deal with complaints of peer on peer abuse which always need to be handled in a sensitive manner. The procedure, therefore, seeks to ensure minimal stress for the student making the complaint, timely resolution of complaints and a degree of flexibility appropriate to individual circumstances. At all stages of the procedure, the need to maintain confidentiality will be paramount. Information circulation will be minimised to that which is necessary to ensure a fair investigation and hearing. This procedure is separate from the Behaviour for Learning Procedure, which may be used following the results of the investigation under this procedure. Alternatively, an incident may be so serious, or there may be sufficient evidence to proceed straight away with the disciplinary procedure. If at any stage in this procedure a student does not receive a response to a formal complaint in accordance with the specified or agreed time limits, or where the response is inadequate or inappropriate, the student is entitled to raise the matter under the College’s Concerns and Complaints policy. It is recognised that in bringing a complaint, the student must be protected from further bullying or harassment arising from the alleged incident and associated complaint.

**10.2 Keeping a record**

It is important that any student who believes that they have suffered from bullying or harassment is able to provide specific information relating to the incidents in question. Where possible the following information should be provided, both in written form and documented on Cedar;

• date

• time

• place

• name of person bullying or harassing them

• what actually happened

• how the person actually felt at the time

• name of any witnesses

• action taken and whether reported to a member of staff

**10.3 Stage 1: Informal Resolution**

Every effort will be made to resolve the issue informally in the first instance, if appropriate. The informal procedure recognises that sometimes people are not aware that their behaviour is unwelcome and is viewed by others as bullying or harassment. If it is clearly pointed out to them that their behaviour is unacceptable the problem can sometimes be resolved On occasions, staff dealing with the situation may suggest that the student, who believes that he or she has been the subject of bullying or harassment should, in the first instance, ask the person to stop the harassing or bullying behaviour and make it clear what aspect of their behaviour is offensive and unacceptable and the effect it is having on them. If the student feels unable to speak to the offender directly, a meeting between the two parties can be facilitated by a member of safeguarding team, or a member of staff can raise the issue on their behalf. If a student initially attempts to deal with the issue themselves and the bullying continues, then they are advised to contact their Head of School (HoS). Where the student indicates that they would prefer to discuss the matter with a member of staff of the same sex/race etc, this should be arranged whenever possible. Any discussion will be confidential, and no further action will be taken without the consent of the complainant, unless the HoS considers the incident so serious, in which case they will inform the student of their need to take action against the alleged offender, following consultation with the student concerned. The student may have a friend present at all stages of the informal procedure. One of the following courses of action may then be followed by the Assistant Principal Learners or Deputy Principal:

• take no further action at this stage, but record any future incidents as recommended above and keep the situation under review, enabling the student to seek further advice in the future if necessary

• if the offender has not already been approached, ask the person to stop the offending behaviour and again keep the situation under review

• act as mediator in holding informal discussions with the complainant and the alleged offender. These discussions should determine exactly what issues exist and if possible resolve them informally without having resort to a formal complaint.

• advise the student to make a formal complaint

• if the incident is so serious, instigate student disciplinary procedures against the offender. The Assistant Principal/ Deputy Principal will keep a written note of any discussions, with the complainant and the offender as appropriate and record details of any action taken on Cedar.

Where an informal approach has failed or is not appropriate, for example in the case of serious allegations, the formal procedure should be used, see 10.5 below.

**10.4 Counselling**

The complainant can either self refer or ask for referral to the College approved counsellor(s). The role of the counsellor is to provide support and assistance to the complainant during this stressful time. The role also extends to the alleged offender, if requested. However, the same counsellor should not advise the alleged offender. The counsellor(s) have no role in formal investigations and neither are they a source of evidence in any proceedings, since all discussions between counsellor and student are confidential.

**10.5 Stage 2: Formal Complaint**

Any student is entitled to:

• expect the College to institute a formal investigation /proceedings

• institute grievance proceedings against the College for failing to investigate and take appropriate action

• institute grievance proceedings against the College for failing to meet their responsibilities under this policy and procedure on bullying and harassment.

To make a formal complaint the student should report the incident to the Assistant Principal Students and Progression. When an incident of bullying or harassment is reported, full details will be recorded under the Peer on Peer Abuse threat on Cedar to provide a basis for an investigation.

**10.6 Serious Criminal Offences**

In cases of an alleged assault or alleged behaviour that is considered to be a criminal offence, the matter should be referred to the Deputy Principal and Senior DSL lead. If the complainant so wishes and/or if the College considers the incident to be a serious criminal offence, contact will be made to the Police for their advice as to the appropriate action to take.

**10.7 Investigating a Complaint**

The investigating lead (a member of the safeguarding team e.g. Designated (DSL) or a Deputy Designated Safeguarding Leads) is required to protect the rights of both parties involved and ensure that both are entitled to a full and fair opportunity to put their version of events. All curriculum areas are expected to co-operate in releasing students/appropriate members of staff from their lessons/normal duties to participate in the investigation as required.

**10.8 Time Limits**

The investigation should normally be completed within 10 working days of the complaint being received. On occasions, it will not be possible to keep within this timescale. In such cases, the complainant and the alleged offender must both be kept informed of any need for an extension and the likely timescale for completion.

**11. How the Complaint will be investigated**

**11.1 Initial Response**

The investigation will be either be carried out by the Assistant Principal Students and Progression (Sam Keen) or a member of the Safeguarding Middle Management Team (see Appendix I). The person against whom the complaint has been made should be informed as to the nature of the complaint and the procedure involved and advised that they will be invited to a meeting to discuss the issue(s) and make a response. They should also be advised of the right to be accompanied at any stage of the procedure by a friend. The investigation will take place promptly and will normally be completed within 10 working days, see 10.8 above. Notes made by the Investigating Officer should be entered on to Cedar and hand written notes signed and dated and filed.

**11.2 Possible Suspension During the Investigation**

In order to relieve the stress and pressure on one or both parties, to prevent the risk of further incidents and to prevent victimisation it may be necessary to suspend the alleged bully or harasser. HoS DSL (Su Peters/ Marcus Benjamin/ Kerry Reeve) have the authority to suspend. Both AP and DP will support suspension decisions made.

**11.3 Meeting the Parties Involved**

Whomever is undertaking the investigation will meet with the complainant and the alleged offender separately (with their respective representatives if they want this). Detailed written statements will be taken and entered on to Cedar, with a note that all relevant parties confirm that they agree with the statements collected. Both parties will be given the opportunity to nominate witnesses whom they wish to be interviewed.

**11.4 Meeting with Witnesses**

The Investigating Officer will meet anyone else who was present or who has information which is relevant to the issue. Notes of these meetings will also be taken and entered on to Cedar, and the individuals called will be able to be accompanied by a colleague or friend if they wish. Further interviews may need to take place to clarify or gain further information. The Investigating Officer will also need to ensure that they have collected all relevant written materials, noted on Cedar and filed.

**11.5 Consideration of Information**

The Investigating Officer will, on completion of the investigation, review the material collected and make a recommendation as to whether the complaint is substantiated and the action required. In cases of sexual harassment, in no circumstances will evidence of the complainant's appearance and sexual attitudes be taken as relevant information. In some cases, there will not be any witnesses and it will be one person's word against another's. In these cases, the Investigating Officer will consider whether on the balance of probabilities, the incidents/actions occurred.

**11.6 Further Action**

The Investigating Officer will consider the facts and submit a written report to the AP Students and Progression, or Deputy Principal, including recommended action, for example:

• take no action, that is the allegation has not been substantiated;

• initiate the College’s agreed student disciplinary procedure, in which event the investigation that has taken place will form the basis of the case for disciplinary action

• take management action other than to initiate the disciplinary procedure. This could include: - a recommendation of removal/transfer of one or both parties, e.g. to another class or tutor group, either on a temporary or permanent basis. - setting up arrangements to monitor the situation; - making arrangements for both parties to work as separately as possible within the same workplace. The Director of Student Support Services will consider the recommendation and the outcome will be communicated to both parties within five working days of the decision being reached. The letter must clearly state the course of action decided upon and the right for both parties to appeal; this should include how to appeal, to whom to appeal; and time limits.

**11.7 Action when one of the Parties is Dissatisfied**

The right to appeal If the complainant or alleged offender is not satisfied with the outcome of the investigation he or she may, within five working days of receipt of the decision, appeal in writing to the Deputy Principal or Principal who will normally reply within five working days inviting the student to a meeting to explain their reasons for the appeal. If the College finds it appropriate the student will be invited to attend a formal appeal hearing. Any formal appeal hearing will normally take place within ten working days of referring it, unless agreed otherwise, for example to allow for further investigation to take place. The hearing will normally be chaired by the Deputy principal or Principal. If a student is dissatisfied with disciplinary action taken against them as a result of a Bullying and Harassment investigation they must appeal through the Concern and Complaints policy.

**8.9 The Disciplinary Process**

If serious allegations of peer on peer abuse are to be heard under the Behaviour for Learning policy and the alleged offender has already been suspended this will be converted to a disciplinary suspension. The outcome of any hearing may include

• a warning

• compulsory transfer to another class or tutor group

• placement on the contract system clarifying expectation

• permanent exclusion for serious offences that constitute gross misconduct. The normal student disciplinary procedure should be applied

**APPENDIX I**

**SAFEGUARDING TEAM**

|  |  |  |  |
| --- | --- | --- | --- |
| **Role** | **Contact Number** | **Name** | **Email** |
| Designated Safeguarding Lead | 07442-503092 | Nicola Martin - Safeguarding | nmartin@gateway.ac.uk  |
| Deputy Designated Safeguarding Leads | 07944-856852 | Sam Keen - Safeguarding | skeen@gateway.ac.uk  |
| Deputy Designated Safeguarding Leads | 07442-503089 | Helen Herries - Safeguarding | hherries@gateway.ac.uk  |
| Deputy Designated Safeguarding Leads | 07436-530542 | Su Peters – Safeguarding | speters@gateway.ac.uk  |
| Deputy Designated Safeguarding Leads | 07944-856849 | Kerry Reeve - Safeguarding | kreeve@gateway.ac.uk |
| Deputy Designated Safeguarding Leads | 07399 904356 | Nicole Smith - Safeguarding | nsmith@gateway.ac.uk  |
| Deputy Designated Safeguarding Leads | 07399 904775 | Hannah Bishop - Safeguarding | hbishop@gateway.ac.uk  |

**APPENDIX II**

**Protection for Students from Peer on Peer Abuse (Bullying and Harassment at College)**

**Risk Assessment**

The terms victim and alleged perpetrator are used to identify the children involved. NB: there should be no assumption of guilt on the part of the alleged perpetrator, pending investigation.

Each section/question will be considered from the perspective of both pupils. Considerations will be given for the impact on, and needs of, the wider college community.

All concerns and proposed actions will be recorded. The college will work with local multi-agency safeguarding teams and other agencies as necessary when completing this risk assessment. This document should be reviewed frequently to ensure it is fit for purpose.

**\*A risk assessment should be completed for all cases relating to sexual violence or alleged sexual violence. Sexual violence is defined by the sexual offences act 2002 as “criminal acts: rape, assault by penetration and sexual assault”.**

**\*This risk assessment should be completed with reference to Keeping Children Safe In Education, DFE Sexual Violence and Sexual Harassment in schools and colleges**

**and the local policies on the intranet and publish on our internet sites.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **CONSIDERATIONS** | **RISK (CONSIDER VICTIM, ALLEGED PERPETRATOR, OTHER PUPILS AND STAFF)** | **RISK LEVEL (HIGH, MEDIUM OR LOW)** | **ACTIONS TO REDUCE RISK** | **REVISED RISK LEVEL (HIGH, MEDIUM OR LOW)** |
| What was the nature of the incident?  |  |  |  |  |
| Was it a crime? |  |  |  |  |
| Is it necessary to limit contact between the children involved? Refer to KCSiE and DFE guidance on sexual harassment and sexual violence in schools and colleges. |  |  |  |  |
| Is there an actual or perceived threat from the alleged perpetrator to the victim and/or others? |  |  |  |  |
| Is either the victim or the alleged perpetrator at risk of physical harm as a result of this incident (for example, bullying or ‘retribution’ by peers)? |  |  |  |  |
| Do they share classes |  |  |  |  |
| Do they share break times?  |  |  |  |  |
| Do they share transport to/from school? |  |  |  |  |
| Are they likely to come into contact with each other (or anyone else involved in/with knowledge of the incident) outside of school? |  |  |  |  |
| How can such contact be limited? |  |  |  |  |
| Is there a risk of harm from social media and gossip? |  |  |  |  |

**Further action taken by the school or college:**

|  |  |  |
| --- | --- | --- |
| **Action**  | **YES/NO** | **Date** |
| **Police informed**  |  |  |
| **Referral to MASH** |  |  |
| **Referral to external support services** |  |  |
| **Referral to internal support services**  |  |  |
| **Referral to CAMHS** |  |  |
| **Referral to early help** |  |  |
| **Other** |  |  |

[**Protection for Students Peer on Peer Abuse 2122.docx**](file:///C%3A%5CUsers%5Cjwalsh%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CINetCache%5CContent.Outlook%5CD9XTIVR9%5CProtection%20for%20Students%20Peer%20on%20Peer%20Abuse%202122.docx)