



Department
for Education

Sexual violence between young people in schools and colleges

**Advice for governing bodies,
proprietors, headteachers,
principals, senior leadership
teams, designated safeguarding
leads and teachers**

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Summary

About this advice

This is new advice provided by the Department for Education (the department). Its focus is on sexual violence at schools and colleges. The advice covers young people of **all ages**, sexual orientations and gender identities from the primary through secondary stage and into colleges. For the purposes of this advice, a young person is anyone under the age of 18.

The advice sets out what sexual violence is and what to do when it does occur. The advice highlights best practice and cross-references other advice to suit individual needs. It is for individual schools and colleges to develop their own policies and procedures. It is important that policies and procedures are developed in line with their legal obligations, including the Human Rights Act 1998 and the Equality Act 2010, especially the Public Sector Equality Duty.¹ It is important that schools and colleges consider how to respond transformatively to sexual violence in their whole school or college approach to the school community and in their child protection policy.

The advice also contains guidance. These are not intended to offer a step-by-step guide, but to provide an indication of some of the many options that are available. This guidance must be utilised alongside Relationship Education, Relationships and Sex Education (RSE) and Personal Social Health and Economic (PSHE) education.²

Who this advice is for

This advice is for:

- Governing bodies of maintained schools and colleges;³
- Department statement on RSE and PSHE. 'college' means further education colleges and sixth-form colleges as established under the Further and Higher

¹ The PSED is a legal requirement for schools and colleges that are public bodies.

² [RSE Guidance](#).

³ 'college' means further education colleges and sixth-form colleges as established under the Further and Higher Education Act 1992 and institutions designated as being within the further education sector under section 28 of the Further and Higher Education Act 1992 ('designated institutions').

- Proprietors⁴ of independent schools (including academies, free schools and alternative provision academies) and non-maintained special schools;
- Management committees of pupil referral units (PRUs); • Headteachers, Principals and Senior Leadership Teams; and
- Designated Safeguarding Leads (and their deputies).
- Any teacher looking to respond to sexual violence in an transformative and non-punitive way, away from the Criminal Justice System.

⁴ In the case of academies and free school trusts, the proprietor will be the trust.

Part one: What do we mean by sexual violence between young people?

Context

1. Sexual violence can occur between anyone, at any time in any space (physically, verbally and virtually).
2. Everybody's experience of, and response to, sexual violence will be different. There is no one size fits all approach. There is no one size fits all definition or term.
3. Sexual violence exists on a continuum but is never acceptable. At the same time harm does not occur from nowhere. The binaries of harm doer and survivor are not always clear cut, and so because of this everyone must be treated with respect and dignity.

The evidence

4. The evidence highlights why it is important that all school and college staff have an understanding of what sexual violence is, and how to respond transformatively without punitivity. Whilst **all** report of sexual violence or sexual harassment should be taken seriously, staff should be aware that trans and non-binary students experience disproportionate levels of sexual violence and sexual harassment as well as those that identify as female.
 - Over a third (37%) of female students and 6% of male students at mixed-sex schools have personally experienced some form of sexual harassment at school.⁵
 - Almost a quarter (24%) of female students and 4% of male students at mixed-sex schools have been subjected to unwanted physical touching of a sexual nature while at school.⁶

⁵ [National Education Union and UK Feminista, "It's just everywhere": A study on sexism in schools – and how we tackle it, 2017.](#)

⁶ [National Education Union and UK Feminista, "It's just everywhere": A study on sexism in schools – and how we tackle it, 2017.](#)

- The Women and Equalities committee (WEC) found a number of large scale surveys find girls consistently reporting high levels of sexual harassment and sexual violence in schools and colleges.⁷ The inquiry found almost 1 in 3 (29%) of girls aged 16 -18 had faced a sexual assault in school whilst 5,500 sexual offences were recorded over a three year period, including 600 rapes.
- Yet when sexual violence is reported, it's often not taken seriously and very rarely does it lead to justice. The Crown Prosecution Service found that only 1.4% of rapes recorded by the police resulted in anyone being charged.
- It's recommended that survivors access counselling in schools, yet the provision for counselling in schools to support students simply isn't there. The British Association of Counselling and Psychotherapy found that 45% of school leaders found it difficult to even commission mental health support for their students, whilst 37% stating that they didn't feel confident in having counseling support in their schools.⁸
- Students that are excluded don't get the support they need either. According to the Timpson Review on School Exclusion, only 7% of excluded pupils go on to get a pass in either GCSE Maths or English. Over a third go on to be NEET and nearly 1 in 4 end up in the Criminal Justice System.⁹

What schools and colleges should be aware of

5. Speaking out about sexual violence is hard enough. Therefore every time someone speaks about, or alludes to, sexual violence it must be treated with the highest degree of care.
6. Sexual violence can cause many different feelings in those who experience and survive it. This can often make it difficult to speak about sexual violence. It is therefore essential that schools create safe environments for survivors to express what has happened to them.
7. People with different identities, backgrounds and lived experiences (e.g. gender, race, sexuality) who survive sexual violence are often met with different

⁷ [WEC report- paragraph 13](#)

⁸ [BACP press release, 2018.](#)

⁹ [Timpson Review on School Exclusion, 2019.](#)

responses. Consent applies the same way to every single human being, but sexual violence may often be experienced differently. Our initial responses to sexual violence should not differ based on who someone is. The process of caring, listening and believing should be a universal granted response. Anyone who experiences sexual violence should be met with the same support. However, each survivor handles their experiences in different ways and should be given full control on how they want their individual experience to be managed. Not everyone needs or wants the same types of support, this should always be known and taken seriously.

8. People who perpetrate sexual violence also rarely speak about what they have done, or hold themselves to account for their actions. It is therefore important that schools foster environments that encourage all people to know that they can speak about harm they have caused without being shamed.
9. Any person can perpetrate sexual violence regardless of identity, background and lived experiences (e.g. gender, race, sexuality). Our responses to people who perpetrate sexual violence should not differ based on who someone is. Anybody who perpetrates sexual violence should be met with proportionate consequences rather than disproportionate punishment. They will be held accountable through processes that do not aim to cause further harm to anyone involved or the wider school community.
10. Sexual violence takes place when there is a lack of consent. Because of this when we speak about sexual violence the focus should not be on what the action was/is or who the gender of the person was/is but whether there was consent.
11. What consent looks like:
 - Consent looks like enthusiasm
 - Consent looks like a conversation/discussion, not an argument
 - Consent looks like comfortability
 - Consent looks natural and unforced
 - Consent looks like trust and respect
 - Consent is sought in privacy
 - Consent is given unobserved
12. There are many things that consent does not look like.
 - Consent does not involve someone doing something that they don't want to do.
 - Consent does not look like guilt.

- Consent does not like forcing someone to do something they don't want to do / have said no to.
- Consent doesn't look like I'm too tired, or maybe another day.
- Consent does not look like a joke - it is not banter.
- Consent does not look like a cup of tea video
- Consent does not look half hearted or unsure
- Consent does not look like 'you promised though' or 'you said you would' or 'don't you love me'
- Consent does not look uncomfortable

13. Once someone has spoken about sexual violence that they have experienced or perpetrated this does not necessarily mean they want something to happen right then and there. The time it takes people to speak out about what has happened is often different from the time it takes for them to be ready to engage in a process or conversation. Healing cannot, and must not, be rushed and aftercare has to be deeply invested in; financially and emotionally.

Part two: What are the responsibilities of schools and colleges?

14. Schools ultimate responsibility is to care - for every student.

Ultimately schools and colleges must care for every student. Both providing care for and caring through validating the experience and deeming it an extremely important matter. This includes survivors of sexual violence, but also those who commit harm including sexual violence. Caring for both those who experience harm, and also those who cause it, can be challenging; but it is essential to unearth the roots of harm. It is only when we respond to harm with care and understanding that we will transform it. Schools and colleges must provide care for every student that has been affected by sexual violence and must treat their experiences as important.

15. Keep survivors safe and ensure support.

If sexual violence is spoken about, the survivors words should not be ignored or diminished. Teachers must actively listen to the needs of the student, and create an atmosphere of conversation; not of argument and hierarchy. This is called a survivor-centred response; notably this is distinct from a survivor-led response.

This means that teachers must protect survivors confidentiality and not report sexual violence to the police if the survivor does not want this - unless there is a real and tangible threat to life. They must instead explore what would ensure safety and support, so the survivor can make decisions that are right for them.

To ensure this does not simply fall to one or two members of the pastoral care team all schools must incorporate transformative justice workshops for the 2020-2021 school year's staff training or equivalent annual safeguarding training. It is compulsory for all teachers to attend these sessions, in which they will learn in greater depth about the new advice around protection of student survivor confidentiality and student support. Headteachers must book these sessions by emailing DfE.information@govuk.education.

Schools should also ensure that students know the confidentiality / safeguarding policies so that they are able to make decisions about their safety before they speak about sexual violence.

Schools must have strong connections with support services (these include sexual health clinics and sexual violence support centres). Information on these services

must be readily available in schools, schools must have named points of contact at key local services, and schools must include talks from these professionals as part of their SRE provisions. This is regardless of the school's religious affiliations.

Schools must also have in-school qualified therapists who know the right ways of dealing with harm from a professional and therapeutic lens. Academic success does not equate to good mental health.

16. Hold students who perpetrate harm to account by implementing transformative justice procedures which are centred around the survivors and their idea of justice - but which also do not lean in to punishment and punitivity.

Transformative Justice is a response to interpersonal violence which focuses on consequences based on rehabilitation rather than punishment. A transformative response to interpersonal harm is in one which centers the consequences of the harm, rather than punishment.¹⁰ In transformative processes, those affected by harm, and those who caused it come together in open and honest dialogue.¹¹ The space is held by a staff member (who must have already undertaken the government affiliated transformative justice trainings - which can be booked here DfE.information@govuk.education) and the interests of both parties are listened to with an emphasis on safety. The approach provides a space for those affected by harm to address the harm in question and allow open and honest dialogue between themselves and the harm-doer. This dialogue would be mediated by a third party, such as a trained teacher or counsellor and the interests of both parties are listened to with an emphasis on safety. The explanations of the harm-doer should never excuse their actions, and the aim is to ensure the harm-doer is able to identify the issues with their behavior through conversations. Sometimes this will be with the survivor, but only if they want this.

This more holistic approach to sexual violence allows the issue to be addressed without the need for the Criminal Justice system, which can be futile and cause more trauma for the survivor. It also lets the harm-doer understand and alter their behaviour, preventing escalation, repeat offenses or incidents in future.¹²

It is a whole school approach which requires implementation into all aspects of school protocol when dealing with harm even when it is not of a sexual nature.

¹⁰ [Mariame Kaba and Shira Hassan, Fumbling Towards Repair \(2019\) p.63.](#)

¹¹ [Creative Interventions Toolkit.](#)

¹² [Generation Five, Ending Childhood Sexual Abuse.](#)

Teachers and students alike must be made aware of the system, taking advantage of resources which aid in personal growth and knowledge of the healing process.

You have a duty to understand the children you teach. Empathy and awareness of a student's individual circumstance allows trust to be built. Trust in educators allows students to feel comfortable enough to speak up when harm is done towards them in the knowledge that their issues will not be spread around to others unless specifically requested.

17. Remove punishment and police from schools

Punishment and police are often our go to responses to sexual violence. Sometimes this will be the case for survivors too.

Schools and colleges have a responsibility to ensure survivors know that there are other options for obtaining justice - that do not involve punishment (such as school exclusions) and police.

Teachers must not tell students that they cannot go to the police, however they have a responsibility to explore other options that move away from the Criminal Justice System.

This is because the Criminal Justice system rarely gives survivors what they need and want, whereas other options can. Traditionally the Criminal Justice System approaches situations in unhelpful ways that cause great harm. Responding with harm only creates more harm.

Part three: Responding to reports of sexual violence and sexual harassment

Introduction

18. There is no one way to respond to sexual violence - as such this section does not offer a step by step guide. It is not a toolkit but offers thorough examples of alternative measures and options, which can be taken in response to sexual harm. Creating a conversation that diverts the traditional punitive route of dealing with harm, making space and awareness on more transformative reform/justice options around dealing with such matters.
19. Responding to sexual violence can feel overwhelming, and should never fall on one person, one department, one school. There are a host of specialist support services that can offer radical and transformative ways to support and heal. Taking advantage of all the support out there is essential.

Support for schools and colleges

20. Schools and colleges should not feel that they are alone in dealing with sexual violence and sexual harassment. The below groups all offer high quality, government accredited, support and are important resources for schools and teachers to draw upon.
- [Cradle Community](#) is a collective of facilitators, organisers and educators finding ways to make space for transformative justice responses to violence. Cradle can be contacted to deliver in-school training.
 - [Transforming Together](#) a service that aims to build community whilst facilitating transformative processes. Cradle can be contacted to deliver in-school training.
 - [Body Count](#) - a group of young people demanding a shake up in the way schools deal with sexual assault through unity and campaigning.
 - [Creative Interventions Toolkit](#) - A toolkit delivering community-based approaches to violence and harm.
 - [School of Sexuality Education](#) - support schools to provide **age-appropriate, up-to-date and inclusive** sex and relationships education programmes that are intersectional, feminist, non-binary and sex-positive.

- [No More Exclusions](#) - an education coalition aiming to bring about an end to race disparities in school exclusions, aiming to affect change at legal, policy, practice and cultural levels.

The immediate response

21. **Be transparent about policy.** Before someone begins to speak in detail about sexual violence they are experiencing or have perpetrated always gently remind them about the safeguarding and confidentiality policies, so that they are able to make decisions about what they want to tell you.
22. **Actively listen.** When someone is speaking to you about sexual violence, open, honest, active listening is vital.
23. **Believe.** Challenging the validity of someone's experience should never be an initial response. Approach their words with belief and respect.
24. **Explore safety.** Speak to the survivor about their safety. What is it that they need to feel safe and what can you do as their teacher to support this? Do not make “promises”, and instead be open and realistic about what may happen. Do not do anything the survivor has asked you not to do. Instead, be realistic about the actions you're going to take/plan to take/are exploring and be clear with what you expect to happen. The student should be aware that confidentiality cannot be promised if the teacher believes a life is at risk.
25. **Be transparent about processes and next steps.** Speak to the survivor about what they want and need to happen next. Ask them what steps they want to take, and also what steps they want you to take. Make sure they know that they are at the centre of what happens next and ultimately what happens next is in their control.
26. **Signpost.** Ensure the survivor knows they are not alone and that there is support out there, make sure to let them know the resources that are available to them.

Ongoing response

27. Transformative justice not exclusions. Transformative justice solutions must always be the first point of call. Exclusions are never the desired option regarding sexual violence (what we have previously referred to as “sexual misconduct”¹³), and are never a viable consequence as they are a form of punishment. If after exhausting all transformative justice options,¹⁴ further measures are needed schools should consider implementing a school transfer; whereby the harm doer will be moved to a new school. This must not occur before ensuring the harm doer has a new school to go to and support to ensure they do not cause or experience further harm; establishing room to grow and learn, rather than reject accountability and growth.

28. Respecting survivors' decisions. If the survivor tells you they don't want anything to happen respect their decision, but make sure to check in with them about what they've spoken to you about in private again. Make sure they know you are there to speak if they want to - you will be open to talking and the conversation has not ended. Their healing should not feel rushed.

29. Signpost. Ensure the survivor knows they are not alone and that there is support out there, make sure to let them know the resources that are available to them.

30. Explore transformative justice options. If the survivor wants something to happen in the school, explore the different transformative justice related options that exist in turn. Explore how these are all different way to heal and no way is the right way.

31. Transformative justice options include:

- A conversation with the harm doer to explore what happened to unpick the harmful behaviour - and where it came from.
- Workshops for those who have committed sexual violence
- Workshops around what enthusiastic consent looks like
- A facilitated conversation between the survivor and the harm doer where the survivor can tell the harm doer the impacts of what has happened and the harm doer can offer explanations - not excuses.
- Speaking through with the survivor around what meaningful non-punitive consequences could be and putting them into action. For example the harm

¹³ Permanent and fixed-period exclusions in England, 2020.

¹⁴ “Exhausting all transformative justice options” in this guidance means that each step must be followed. It is only after this that, if the survivor still feels unable to be in the same school, a school transfer should be turned to. A further example of exhausting all transformative justice options would be if, after several months of attempting transformative justice, the harm doer does not engage in the process.

doer cannot go to certain parts of the school building until the survivor feels safer / feels there has been accountability.

- Creating safety plans with the survivor and putting these into practice in the school.
- Moving the harm doer to a different class.
- Whole year or whole school discussions after harm takes place - in ways that don't breach confidentiality and shame people (survivor or harm doer) but ensure everyone knows that there are still parts of the school culture that need to be worked on.

32. Schools must ensure to connect survivors with long term emotional support so that they can heal in the way that is right for them. Although in the professional sphere life might go back to normal after the incident is "dealt with", the survivors life doesn't always go back to normal, respect this.

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