

‘Everyone’s Invited’ - managing reports of child-on-child assault and harassment

The ‘Everyone’s Invited’ movement has over 9,000 testimonies on its website and, whilst it has recently taken the step to anonymise everything on the platform, a number of schools have been named.

30 March 2021

The ‘Everyone’s Invited’ movement has over 9,000 testimonies on its website and, whilst it has recently taken the step to anonymise everything on the platform, a number of schools have been named.

Whether or not your school is named on the platform, you will want to reassure students, parents, staff and your wider community about how seriously you take this issue: from the ways in which you educate your students about their behaviour, to how you create a safe, open and inclusive environment, and the steps you have taken/will take to manage allegations of peer on peer abuse.

To support you, we have set out below advice on how to address these issues:

- [Managing reports relating to current students](#)
- [Managing reports where the alleged perpetrator has left your setting](#)
- [Previously investigated reports](#)
- [Statement for press, parents, stakeholders and the wider community](#)
- [Insurance considerations](#)
- [Data protection issues – sharing and retaining evidence](#)
- [Policy, procedure and staff training](#)
- [Further help and support](#)

1. Managing reports relating to current students

Part 5 of Keeping Children Safe in Education 2020 sets out how schools and colleges should manage reports of child-on-child sexual violence and harassment. That part of the guidance also links through to a further Department for Education (DfE) advice document from May 2018: [‘Sexual violence and sexual harassment between children in schools and colleges’](#).

- As a first step, acquaint yourself with the statutory guidance and the 2018 advice and ensure your staff are also aware of it, have received training on how to manage a report and, importantly, you can evidence outcomes of that training; in other words, evidence that staff do understand how to manage reports.
- Reports should be dealt with on a case-by-case basis and be led by your Designated Safeguarding Lead (DSL) or a deputy. Given the high-profile nature of such allegations, we advise that, where possible, the DSL should lead rather than a deputy.
- When it comes to action to manage the report, the needs and wishes of the victim take centre stage. Considerations should include how the investigation proceeds and what support the victim requires (see paragraph 278 of the guidance). It goes without saying that sexual violence and sexual harassment are not acceptable and will not be tolerated and it must not be passed off as banter or part of growing up.
- Reports of child-on-child sexual abuse or sexual harassment can be complex to manage, and multiagency support (particularly children’s social care and the police) can often help. Where a report of rape, assault by penetration or sexual assault is made, children’s social care and the police should be informed. Before doing so, it is important to discuss this with the victim, explaining why it is important for other agencies to know and how these agencies will be able to support the victim.

- Other allegations can be managed within the school and/or with support from children's social care providers.
- The guidance and the DfE advice set out the steps you should take to manage the students involved, including risk assessments, separating the students in lessons, investigating the report, and supporting the victim and alleged perpetrator.
- Reports can be complex to manage and you may want to seek advice from your legal and safeguarding advisors if you receive a report.

2. Managing reports where the alleged perpetrator has left your setting

Where the alleged perpetrator never attended or no longer attends your setting, then it is not possible to carry out a proper investigation into a report of sexual assault or sexual harassment.

Instead the focus, as ever, should be on supporting the child and acting in their best interests. This may involve working with children's social care and/or the police, depending on the extent of the allegations. As above, before involving social care or the police, it is important to discuss this with the victim, explaining why it is important for those agencies to know and how they will be able to support the victim.

3. Previously investigated reports

In light of the focus on child-on-child sexual assault and sexual harassment brought on by the 'Everyone's Invited' movement, it is possible that a former or current student could now reconsider their historical report and express their disappointment with the outcome, the investigation or some other aspect of it.

We recommend that you manage these cases as complaints, in the first instance. If the outcome of the complaint is that the investigation was flawed and/or an outcome was not appropriate, then a reinvestigation could be considered. Again, the focus must be on the best interests of the victim, and consideration should also be given to the impact of a second investigation on the alleged perpetrator. A decision will need to be made on a case-by-case basis.

If a reinvestigation is required, we recommend you instruct an independent investigator, to protect you against an allegation of conflict or worse still, a cover up.

The option of the victim reporting the issue to the police remains open to them and it may well be that they choose to involve the police. If so, you should work with the police (and children's social services) as you normally would with safeguarding concerns.

4. Statement for press, parents, stakeholders and the wider community

Regardless of testimonies or a previous or current allegation naming your school being in the public domain, you will want to consider informing students, parents, stakeholders and the wider community about:

- how seriously you take safeguarding in your setting, including the management of reports of child-on-child sexual abuse and sexual harassment;
- that staff are trained to manage such reports and how such reports are managed; and
- how you teach safeguarding, healthy and respectful relationships, respectful behaviour and consent, that sexual violence and sexual harassment is always wrong, and how you promote an open, honest and respectful culture in your setting.

There may be some press interest, and so we recommend preparing a statement at the outset and ensuring that any press statement is consistent with the messaging provided to other stakeholders.

5. Insurance considerations

Where an individual suggests that they are considering bringing a claim against the school for damages, as a result of a sexual assault perpetrated upon them by a fellow student, you should consider informing your insurers. They can then support you with next steps, including responding to the proposed claim and providing you with legal advisers.

6. Data protection issues – sharing and retaining evidence

Data sharing

Where you are managing reports relating to current students, you will be able to share personal data with children's social care and the police in the same way as you would with managing any other safeguarding concerns. In other words, data protection laws support relevant information sharing, rather than prevent you from it.

If a current or former pupil makes an allegation directly to the police, the police may approach you for access to personal data relating to the victim, the alleged perpetrator and/or other witnesses.

Again, data protection law supports such sharing where the police require that personal data for the purposes of the prevention or detection of crime, or the apprehension or prosecution of offenders.

The duty remains on the school, as the data controller, to share appropriately and good practice dictates that, unless the individuals have provided consent for their personal data to be shared with the police, the data controller (the school) should ask the police to complete a disclosure form to set out what information they need and why. The police will have their own version of this form (often called a 212 form: named after the relevant provision in the Data Protection Act 2018 – Paragraph 2 of Part 1 of Schedule 2).

If you prefer to use your own form, we can provide a model form for you.

Data retention

As yet we do not know whether there will be a sector-wide inquiry into these allegations, and schools do not know whether they will face challenge about the management of previous reports or face new reports from current or former students.

At this stage, it would be wise to ring-fence evidence relating to any/all reports of child-on-child sexual assault or sexual harassment, the subsequent steps taken to investigate them, and the outcome of investigations.

7. Policy, procedure and staff training

Finally, it is sensible to review your child-on-child abuse policy and the processes and procedures you have in place to manage reports (no doubt a review was diarised in time for September in any event). Do note that the DfE has said it will be updating its guidance on this issue in time for September, so any review should be focused on making sure it meets the requirements of the guidance and is fit for purpose. A full review can take place when the new guidance is issued.

The quality and content of staff training should also be reviewed to ensure it adequately covers this topic and, importantly, measures the outcomes of that training – in other words, making sure you can evidence staff knowledge of the issue, not just attendance at training upon it.

8. Further help and support

Our leading team of safeguarding specialists have supported many schools and academy trusts with handling complex child-on-child reports of abuse, including carrying out investigations, advising on risk assessments, managed moves, and handling press interest.

Our [policies service](#) provides you with a suite of 40 education and HR policies (including child protection), which are reviewed and updated annually.

[EduCompli](#), our own online staff training package, provides staff with high quality training written by our experts, and includes a management platform where you can evidence the outcomes of that training. Courses include safeguarding and GDPR.

For additional queries relating to this or any other issue, please [contact us](#).

Contact

Dai Durbridge

Partner

dai.durbridge@brownejacobson.com

+44 (0)330 045 2105

Related expertise

Child protection and safeguarding in schools

Data protection guidance for schools and trusts

Health and safety in academies and schools

Insurance and RPA matters for academy trusts and schools

Pupil behaviour and school exclusions