**Early Years Model Policy**

**Managing Allegations Child on Child**

Childcare ‘Providers must train all staff to understand and implement the settings safeguarding policy and procedures and ensure that all staff have up to date knowledge of safeguarding issues. Training made available by the provider must enable staff to identify signs of possible abuse and neglect at the earliest opportunity, and to respond in a timely and appropriate way’. *(3.6 Statutory Framework for the Early Years Foundation Stage – 2021)*

This may include managing allegations of child on child abuse.

‘Registered Early Years Providers must inform Ofsted or their Childminder agency of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises, whether the allegations relate to harm or abuse committed on the premises or elsewhere’. *(3.8 Statutory Framework for the Early Years Foundation Stage – 2021)*

DfE guidance ‘Keeping Children Safe in Education’ states ‘All staff should be aware that children can abuse other children’.

This is generally referred to as child on child abuse and can take many forms. This can include (but is not limited to) bullying (including cyberbullying); sexual violence and sexual harassment; physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm; sexting and initiating/hazing type violence and rituals’ Governing bodies/registered providers should ensure that there are procedures in place to handle allegations against other children. The guidance also states the importance of minimising the risks of child-on- child abuse. In most instances, the conduct of children towards each other will be covered by the settings behaviour policy. Some allegations may be of such a serious nature that they may raise safeguarding concerns. These allegations are most likely to include physical abuse, emotional abuse, sexual abuse and sexual exploitation. It is also likely that incidents dealt with under this policy will involve older children and their behaviour towards younger children or those who are vulnerable.

**The safeguarding implications of sexual activity between children/young people[[1]](#endnote-1)**

The intervention of child protection agencies in situations involving sexual activity between children can require difficult professional judgments. Some situations are statutorily clear – for example, a child under the age of 13 cannot consent to sexual activity. It is important to distinguish between consensual sexual activity between children of a similar age (where at least one is below the age of consent), and sexual activity involving a power imbalance, or some form of coercion or exploitation. It may also be difficult to be sure that what has or has been alleged to have taken place definitely does have a sexual component.

Important decisions should be made on a case by case basis, on the basis of an assessment of the children’s best interests; these should be guided by the Designated Safeguarding Lead (DSL). An assessment of the extent to which a child is suffering, or is likely to suffer, significant harm, should be accurately recorded and a referral under safeguarding arrangements may be necessary.

Key considerations include:

* The age, maturity and understanding of the children
* Any disability or special needs of the children
* Any evidence in the behaviour or presentation of the children that might suggest they have been harmed
* Any evidence of pressure to engage in sexual activity
* Any indication of sexual exploitation
* That girls can be the abuser and the boy a victim and vice versa

At [setting name] we believe that all children have a right to attend our setting and learn in a safe environment. Children should be free from harm by both adults and children in the setting.

**Prevention**

We will minimise the risk of allegations against other children by:

* Providing developmentally appropriate PSED activities and experiences which develops children’s understanding of acceptable behaviour and keeping themselves safe
* Having systems in place for any child to raise concerns with staff, knowing that they will be listened to, believed and valued
* Delivering targeted interventions focused on keeping themselves safe
* Developing robust risk assessments & provide targeted work for children identified as being a potential risk to other children

**Allegations against other pupils which are safeguarding issues**

Occasionally, allegations may be made against children by others in the setting, which are of a safeguarding nature. Safeguarding issues raised in this way may include physical abuse, emotional abuse, sexual abuse and sexual exploitation. It is likely that, to be considered a safeguarding allegation against a child, some of the following features may be present:

The allegation:

* Is made against an older child and refers to their behaviour towards a younger or a more vulnerable child
* Is of a serious nature, possibly including a criminal offence
* Presents risk factors for other children in the setting
* There are Indications that, children/young people outside the setting may be affected by this child

Examples of safeguarding issues against a child may include:

 **Physical Abuse**

* Violence, particularly pre-planned
* Forcing others to use drugs or alcohol

 **Emotional Abuse**

* Blackmail or extortion
* Threats and intimidation

 **Sexual Abuse**

* Indecent exposure, indecent touching or serious sexual assaults
* Forcing others to watch pornography or take part in sexting. For example via mobile phones/tablets/laptop or other sources of ICT. (see guidance on sexting below)

**Sexual Exploitation**

* Encouraging other children to engage in inappropriate sexual behaviour
* Photographing or videoing other children performing indecent acts

(see guidance on sexting below)

**Procedure**

* When an allegation is made by a child against another child, members of staff should consider whether the complaint raises a safeguarding concern. If there is a safeguarding concern the Designated Safeguarding Lead (DSL) should be informed.
* A factual record should be made of the allegation but no attempt at this stage should be made to investigate the circumstances.
* The DSL should contact the Multi-Agency Safeguarding Hub (MASH) to discuss the case. The DSL will follow through the outcomes of the discussion and make a referral where appropriate.
* If the allegation indicates that a potential criminal offence has taken place, the police will be involved as part of the MASH team.
* Parents, of the child being complained about and the alleged victim, should be informed and kept updated on the progress of the referral.
* The DSL will make a record of the concern, the discussion and any outcome and keep a copy in the files of both children’s’ files.
* It may be appropriate to exclude the child being complained about for a period of time according to the settings behaviour policy and procedures.
* Where neither Children’s Services (Social Care) nor the Police take any further action, the setting will still need to consider a risk assessment and supervision plan. The setting should monitor and record any further concerns and report as appropriate.
* The plan should be monitored and a date set for a follow-up evaluation with everyone concerned.

**Guidance on sexting**

* As with all safeguarding issues and concerns, it is vitally important to be vigilant, noticing any concern about children/young people sending, receiving and/or disseminating indecent images of themselves and or other children/young people. Vigilance and noticing includes listening to what children/young people are saying to each other and to staff.
* If staff notice any concerns, they should report them to the settings Designated Safeguarding Lead (DSL), as with any other safeguarding concern. Staff should not make their own judgements about whether a 'sexting' issue is serious enough to warrant reporting to the DSL. What may present as a less serious concern to individual members of staff may be more significant when considered in the light of other information known to the DSL, which the member of staff may not be aware of.
* Staff should make a record of any concerns. Concerns should be recorded in

the same way that staff record other safeguarding concerns in the setting.

**Please note:**

If staff become concerned about a 'sexting' issue in relation to a device in the possession of a child/young person (e.g. mobile phone, tablet, digital camera), the member of staff should secure the device (i.e. it should be confiscated)\*. The device should be passed to the DSL. Staff must not look at or print any indecent images.

\* This is consistent with DfE advice *Searching, screening and confiscation -*

*Advice for headteachers, school staff and governing bodies (DfE February*

*2014)* - see page 11 '*After the search'.*

1. [↑](#endnote-ref-1)