

Summary of recommendations to the executive and executive responses [Peer on peer abuse in schools spotlight review]

<p>In December 2019 a spotlight review concerning peer on peer abuse in schools was conducted.</p> <p>The following was recommended to the executive:</p>				
<p>Recommendation i, ii and iii</p>	<p><u>School Policies</u></p> <p>i) That the executive promotes to all schools in Herefordshire the implementation of distinct, stand-alone peer on peer abuse child safeguarding policies;</p> <p>ii) That the executive works with all schools in Herefordshire to ensure that exclusion policies explicitly state the forms of peer on peer abuse that will result in permanent exclusion;</p> <p>iii) That the executive works with all schools in Herefordshire to ensure that peer on peer abuse policies contain provision for children inside and outside of the criminal justice system and children under the age of criminal responsibility;</p>			
<p>Executive Response</p>	<p>Partially agreed with the exception of ii) - commentary on the 'exclusion policies'. Such policies do not exist in schools. Exclusions are normally covered within a school behaviour policy. Policy recommendation ii) above is therefore complex: Legal advice is to treat each case on a case by case basis and as such defining which forms will lead to permanent exclusion may not be straightforward because under equalities law and exclusion guidance a pupils' SEND need and other safeguarding concerns e.g. criminal exploitation risk must be taken into consideration. However we will work towards clearer definition of what is deemed serious enough for exclusion.</p> <p>Work is already underway to promote stronger stand-alone policies in regard to peer on peer abuse. Many schools already have such policies. We will recommend that these policies should cover provision for children both inside and outside the criminal justice system and for children under the age of criminal responsibility.</p> <p>It should be noted that many of our schools are academies and we cannot guarantee or enforce such policies upon them. Ultimately it is the governing body of a school which has agrees all school policies whether it is a maintained or academy school.</p>			
<p>Action</p>	<p>Owner</p>	<p>By When</p>	<p>Target/Success Criteria</p>	<p>Progress</p>
<p>1. Stand-alone peer on peer abuse policies for all schools are promoted as best practice and that these policies should consider provision for children inside and outside of the criminal justice system and children under the age of criminal responsibility through briefings to HTs, COGs and DSLs</p>	<p>Learning and Achievement Team</p>	<p>31st January 2021</p>	<ul style="list-style-type: none"> Ofsted reports state that safeguarding, including peer on peer abuse is 	

<p>2. Briefings to HTs, COGs and DSLs promote changes to behaviour policies that include information on what types of peer on peer abuse 'MAY' lead to a permanent exclusion</p> <p>3. The annual section 175/157 audit is amended to ensure it includes a new question relating to a separate peer on peer abuse policy</p>			<p>effective in all schools</p> <ul style="list-style-type: none"> • Desktop reviews of school policies show that a school has a separate peer on peer abuse policy from September 2020 • Desk top reviews of school behaviour policies show that schools have considered what peer on peer abuse behaviours 'MAY' result in a permanent exclusion • Power point presentations from Education 	
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			<p>Safeguarding meetings, Primary Heads' briefings, HASH meetings and COG briefings evidence that points 1 and 2 have been promoted</p> <ul style="list-style-type: none"> • Section 175/157 audit amended to include a new question on separate peer on peer abuse policies for the 2020/21 audit 	
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Recommendation iv	That the children and young people scrutiny committee writes to the department for education (DfE) to outline the comments of witnesses at the spotlight review concerning existing peer on peer abuse guidance for schools. In particular, correspondence should highlight the requirement for specific guidance for schools to develop their own peer on peer abuse policies.
Scrutiny Response	A letter has been sent to the Department for Education by the Chairperson of the Children and Young People Scrutiny Committee. The letter and response are provided below.

Action	Owner	By When	Target/Success Criteria	Progress
To finalise and send the letter to the DfE. The response of the DfE is provided below.	Democratic Services	End of March 2020	Letter sent to DfE	The letter and response are provided below.

Recommendation v	<u>Herefordshire Council review of historic cases</u>			
	That the executive provides the outcome of the current review (including lessons learned) into cases of peer to peer abuse referred to the Multi Agency Safeguarding Hub (MASH) to the spotlight review and the children and young people scrutiny committee;			
Executive Response	Agreed. This will be provided to children and young people's scrutiny once completed within the work programme of the committee.			
Action	Owner	By When	Target/Success Criteria	Progress
Provide a report on the outcome of the review, including lessons learned to the children and young people's scrutiny committee	Director of children and families	After the review has been completed which is due by end of April 2020	Report provided to children and young people's scrutiny	Review commenced January 2020.

Recommendation vi	<u>Data collection of incidence of peer on peer abuse cases and national reporting</u>			
	That the children and young people scrutiny committee write to the DfE to encourage the establishment of a national database on peer on peer abuse cases including data on:			

	<ul style="list-style-type: none"> • level 4 referrals to MASHs and convictions relating to rape, assault, assault by penetration and sexual assault; and • peer on peer abuse cases not involving rape, sexual assault by penetration or sexual assault to allow for information to be compiled on the scale and diversity of peer on peer abuse cases 			
Scrutiny Response	A letter has been sent to the Department for Education by the Chairperson of the Children and Young People Scrutiny Committee. The letter and response are provided below.			
Action	Owner	By When	Target/Success Criteria	Progress
To finalise and send the letter to the DfE. The response of the DfE is provided below.	Democratic Services	End of March 2020	Letter sent to DfE	The letter and response are provided below.

Recommendation vii	<u>Promotion of training in schools</u>			
	That the executive encourages all schools to invite the following trainers: CLD Trust ambassadors to provide training on positive relationships between peers; vulnerability trainers from the office of the police and crime commissioner; and the West Mercia Rape and Sexual Abuse Support Centre.			
Executive Response	Agreed – much training has already taken place and which addresses the above issues. We will commit to encouraging schools to invite or attend training being provided by the three organisations above, but we will also review whether any other trainers could assist this work.			
Action	Owner	By When	Target/Success Criteria	Progress
We will undertake a review of trainers who could help support this work, including the three above, to contribute to an annual safeguarding conference. The programme is already in planning phase (February 2020) Promotion of training will also be developed in the action covered in recommendation ix	Assistant Director, Education, Development and Skills	November 2020	Successful annual conference programme includes the three specific organisations	Review March 2020 to set up next conference

			mentioned above – and others	
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Recommendation viii	<u>Risk Assessments</u> That the executive works with the Crown Prosecution Service and the West Mercia Youth Justice Board to clarify responsibility for the production of the pre-conviction risk assessments for children attending court in peer on peer abuse cases and considers a suitable provider for risk assessments in the future.			
Executive Response	Not agreed. The Youth Offending Service are in negotiations with the Crown Prosecution Service on the matter of the completion of the pre conviction risk assessments (AIM assessment). The Youth Offending Service are the appropriate agency to lead on this. There is agreement from YOS that Children and Families are not the appropriate agency to complete AIM assessments. As such it is not an area for Children and Families to become involved with at this stage, as clarity on this matter will be reached via YOS discussions with CPS, and communicated via the West Mercia Youth Justice Board which Herefordshire DCS attends.			
Action	Owner	By When	Target/Success Criteria	Progress

Recommendation ix	<u>Resource pool for schools</u> That the executive considers the establishment of a pool of resources for schools to access to address complex cases of peer on peer abuse.			
Executive Response	Partially agreed. We will look into what resources are available and promote what is suitable. If available, these will provide access to high quality advice and appropriate school level resources. However the quality of such resources is variable and schools are free to choose what resources they use. Additional resources in terms of time by specialist officers to support and advice is being planned and will have greater impact – and we can consider additional training for such advisers.			
Action	Owner	By When	Target/Success Criteria	Progress
We will undertake a review of which resources are likely to be helpful. There is little available at present and	Assistant Director,	December 2020	On line support available	Review May 2020 to agree which resources to publicise as appropriate.

quality is variable. In addition we will provide on line advice and support. We will consider additional training and advice for specialists when working with schools.	Education, Development and Skills			However, the greater need is for specialist officers to work with schools who are fully trained. Deadline for appointment is June 2020
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Recommendation x	<u>Family Support Workers</u>			
	That the executive considers what extra resources can be committed to the work of family support workers with schools.			
Executive Response	Partially Agreed - We will consider how to develop family support work in schools, pooling the resources of the council with opportunities for funding from schools.			
Action	Owner	By When	Target/Success Criteria	Progress
Schools to be encouraged to access support services for Children and Young People and their families through an early help assessment Develop the programme of family support workers attached to schools, following the success in Leominster and Ross on Wye	Early Help Manager	September 2020	Families identified where there is either a risk of or peer abuse identified, supported and sustainable change achieved.	1. At least 6 months sustainable change achieved by June 2021.

Recommendation xi	<u>Future meetings of the spotlight review</u>			
	That the children and young people scrutiny committee agree further meetings of the spotlight review to: consider a greater level of data to provide a more informed understanding of the scale and complexity of peer on peer abuse in Herefordshire; monitor the progress against the spotlight review's recommendations and those arising from the review of historic cases; and make further recommendations as necessary.			
Scrutiny Response	Following the completion of the review of historic peer on peer abuse cases the chairperson of the spotlight review will be consulted on a date for a further meeting of the spotlight review.			

Action	Owner	By When	Target/Success Criteria	Progress
To consult the chairperson on a future meeting of the spotlight review.	Democratic Services	End of May 2020	A date for a further meeting of the spotlight review is agreed.	Consultation with the chairperson over a future date of the spotlight review will occur once the historic review of cases has been concluded.

Recommendation xii	<p><u>Council policies</u></p> <p>That the executive gives consideration as to how to include reference to peer on peer abuse in relevant council policy (e.g. the children and young people plan).</p>			
Executive Response	Agreed. Reference to peer on peer abuse is already included within the Herefordshire Children and Young People’s Plan 2019-2024.			
Action	Owner	By When	Target/Success Criteria	Progress
Policies produced by the council will be developed to reflect the issues facing children from contextual safeguarding, which does include peer on peer abuse	Director for children and families	When policies are reviewed or new ones are created	Clear action is taken to address contextual safeguarding as a result and this can be evidenced.	Included in the children and young people’s plan 2019-2020. Ofsted reviewed Herefordshire’s approach in the focused visit December 2019 and noted that “The local authority has improved its understanding and overview of contextual safeguarding in relation to peer-on-peer abuse and has assured itself that schools recognise this issue and work with social care services to minimise risk.”

Children and Young People Scrutiny Committee

Your Ref:

Our Ref:

Please ask for:

Direct line / Extension: 01432 383690

Fax:

E-mail: carole.gandy@herefordshire.gov.uk

3 April 2020

Dear Sir/Madam,

I am writing as the Chairperson of the children and young people scrutiny committee at Herefordshire Council. In December 2019 the committee undertook a spotlight review concerning peer on peer abuse in schools. The spotlight review agreed a number of recommendations around the issues of peer on peer abuse in schools; the full report containing all those recommendations agreed is enclosed. Within the recommendations agreed by the spotlight review two required letters to be sent to the Department for Education concerning: current guidance provided to schools to address cases of peer on peer abuse; and the collection of data concerning incidence of peer on peer abuse cases.

I have set out these recommendations below, together with summaries of the discussions that occurred at the spotlight review providing the context for the recommendations.

Recommendation 1 - Current guidance provided to schools to address cases of peer on peer abuse

Recommendation - That the children and young people scrutiny committee writes to the department for education (DfE) to outline the comments of witnesses at the spotlight review concerning existing peer on peer abuse guidance for schools. In particular, correspondence should highlight the requirement for specific guidance for schools to develop their own peer on peer abuse policies.

Supporting text - The spotlight review questioned the guidance from the DfE concerning the separation of victim and perpetrator and whether it was felt to be adequate. The difficulty of ensuring there was no contact between victim and perpetrator was raised and the guidance concerning the potential return to a school of a perpetrator who had been convicted of a criminal offence. It was confirmed that the separation of victim and perpetrator did present a challenge but schools followed statutory guidance and employed methods such as staggered start times and establishing safe areas at break times.

It was queried whether guidance should be amended to state that a perpetrator should be suspended or removed from a school if they were convicted or currently under investigation. It was explained that such guidance would require at a national level a change in guidance relating to exclusion rules and any legislation that underpinned it however it was confirmed that if a pupil was convicted of rape or a serious sexual assault it was likely they would have breached school disciplinary policy and would be excluded from school.

The spotlight review heard that Keeping Children Safe in Education 2019 had assisted to provide better guidance regarding peer on peer abuse in schools and demonstrated that the issue was receiving prominence nationally. In producing a school policy for peer on peer abuse in schools the importance of learning from best practice was highlighted whilst retaining a focus on the contextual elements of each school.

The spotlight review felt that guidance from the DfE could be enhanced to include greater detail around the existing guidance relating to the separation of perpetrator and victim and that exclusion policies at schools should state explicitly the types of peer-on-peer abuse that could result in an exclusion. It was also felt that the likely consequences of committing peer on peer abuse should be outlined in schools disciplinary policies. It was recognised that some schools already included such details in their disciplinary policies but it was felt that the council should encourage all schools to make this inclusion.

Recommendation 2 – Data collection of incidence of peer on peer abuse cases and national reporting

Recommendation – That the children and young people scrutiny committee write to the DfE to encourage the establishment of a national database on peer on peer abuse cases including data on:

- Level 4 referrals to Multi Agency Safeguarding Hubs and convictions relating to rape, assault, assault by penetration and sexual assault; and
- Peer on peer abuse cases not involving rape, sexual assault by penetration or sexual assault to allow for information to be compiled on the scale and diversity of peer on peer abuse cases.

Supporting text - The spotlight review considered the data relating to the incidence of peer on peer abuse that was compiled from the multi-agency referral forms (MARF) submitted to the MASH. It was queried what reporting of peer on peer abuse incidents not involving rape, sexual assault by penetration or sexual assault took place and how this data was compiled. It was explained that schools did not have to report peer on peer abuse incidents not involving rape, sexual assault by penetration or sexual assault therefore such statistics were not collected.

There was concern that without reporting of the full range of peer on peer incidents it was not possible to gain an accurate perspective of the scale of the issue. There was further concern that there were no national statistics regarding such a serious issue in schools and it was felt the DfE should be lobbied to establish a reporting method and data set for peer on peer abuse cases nationally.

The spotlight review felt that the council should work to compile the data in Herefordshire that was available and then analyse this data to determine where gaps existed. This would assist the development of a dataset relating to peer on peer abuse in schools in Herefordshire.

I would be most grateful if you could review the information provided above and provide a response to the two recommendations agreed by the spotlight review. In particular your thoughts and comments would be welcomed on the following:

- The adequacy of guidance to schools to:
 - address cases of peer on peer abuse, in particular advice concerning the separation of victim and alleged perpetrator when both remain at the same school following an incident; and
 - require all schools to implement specific policies concerning peer on peer abuse.
- The proposal that a national database be established of all incidents of peer on peer abuse cases in schools to gain a more detailed picture on the scale and range of peer on peer abuse cases.

I understand that the consultation: Keeping children safe in education: proposed revisions 2020 has recently been suspended due to coronavirus, COVID-19. Can I request please that the recommendations and comments of the spotlight review raised in this letter to form part of the consultation.

If you need any further information or wish to discuss the contents of this letter please contact me using the details above.

I look forward to hearing from you.

Yours faithfully,

Carole A Gandy

Councillor CA Gandy

Chairman of the Children and Young People Scrutiny Committee

Response from the DfE received by email on 28 April 2020.

Dear Councillor Gandy

Thank you for your letter of 3 April regarding recommendations from the children and young people scrutiny committee's spotlight review on peer on peer abuse.

I would first of all like to assure you that the department takes the issue of peer on peer abuse extremely seriously and has taken significant steps during recent years in order to strengthen expectations on schools and to support them in preventing abuse, and to support victims when abuse takes place.

I appreciate you taking the time to forward the recommendations from the committee.

Recommendation 1 - Current guidance provided to schools to address cases of peer on peer abuse - That the children and young people scrutiny committee writes to the department for education (DfE) to outline the comments of witnesses at the spotlight review concerning existing peer on peer abuse guidance for schools. In particular, correspondence should highlight the requirement for specific guidance for schools to develop their own peer on peer abuse policies.

With regard to the first recommendation, the department already provides [detailed advice](#) for schools and colleges which sets out what child on child sexual violence and sexual harassment is, how to minimise the risk of it occurring and what to do when it does occur, or is alleged to have occurred.

Keeping children safe in education (KCSIE) statutory guidance was updated in September 2018 to include a new Part five which provides advice on how schools and colleges should respond to reports of child on child sexual violence and sexual harassment. Part two of KCSIE is already clear that schools and colleges should have a child protection policy and that it should include:

- procedures to minimise the risk of peer on peer abuse;
- how allegations of peer on peer abuse will be recorded, investigated and dealt with;
- clear processes as to how victims, perpetrators and any other child affected by peer on peer abuse will be supported;
- a clear statement that abuse is abuse and should never be tolerated or passed off as "banter", "just having a laugh" or "part of growing up";
- recognition of the gendered nature of peer on peer abuse (i.e. that it is more likely that KCSIE girls will be victims and boys perpetrators), but that all peer on peer abuse is unacceptable and will be taken seriously; and
- the different forms peer on peer abuse can take, such as:

- sexual violence and sexual harassment. Part five of sets out how schools and colleges should respond to reports of sexual violence and sexual harassment;
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;
- sexting (also known as youth produced sexual imagery): the policy should include the school's or college's approach to it. The department provides [Searching Screening and Confiscation Advice](#) for schools. The UK Council for Internet Safety (UKCIS) Education Group has published [Advice for Schools and Colleges on Responding to Sexting Incidents](#); and
- initiation/hazing type violence and rituals.

The above provides a strong framework for any school when considering their child protection policy. It is right that the detail of that policy (and other safeguarding policies) is left in the hands of local senior leaders and the designated safeguarding lead. They know their children and school and can ensure their policy is tailored to local needs in a way that detailed nationally prescriptive guidance could not.

Recommendation 2 – Data collection of incidences of peer on peer abuse cases and national reporting - That the children and young people scrutiny committee write to the DfE to encourage the establishment of a national database on peer on peer abuse cases including data on:

- **Level 4 referrals to Multi Agency Safeguarding Hubs and convictions relating to rape, assault, assault by penetration and sexual assault; and**
- **Peer on peer abuse cases not involving rape, sexual assault by penetration or sexual assault to allow for information to be compiled on the scale and diversity of peer on peer abuse cases.**

The department operates in the wider child protection system as described in *Working Together to Safeguard Children 2018*. Reporting and data sharing are key aspects of the system. If there is a child protection related concern in a school (be it an allegation of child on child sexual violence or a concern that a child is being abused or neglected at home) then it is rightly the school that will lead the response to any allegations or concerns as set out in Part one of KCSIE.

KCSIE is already clear that schools should record in writing all concerns, discussions and decisions made in relation to safeguarding. Schools should make referrals to children's social care and the police as appropriate.

Through those referrals the department has access to data such as:

- Child protection data: <https://www.gov.uk/government/collections/statistics-children-in-need> (the department has strengthened the information that will be gathered in this data by including new options for social workers to record peer on peer abuse)
- Police data: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice> and

- MoJ data: <https://www.gov.uk/government/statistics/youth-justice-annual-statistics-2016-to-2017>

The department also carefully scrutinises external reports from respected organisations such as:

- NSPCC How safe are our Children: <https://www.nspcc.org.uk/services-and-resources/research-and-resources/2017/how-safe-are-our-children-2017/>
- Child net – project deSHAME: <https://www.childnet.com/our-projects/project-deshame>

There are also important checks and balances in the system that allow the department, supported by Ofsted and other inspectorates to hold individual schools to account, including on the adequacy of their safeguarding arrangements, as required.

The department is not persuaded that additional data gathering as described above would be proportional or helpful.

Finally, as you are aware the recently launched consultation on KCSIE has been suspended in light of the Coronavirus pandemic, and when we are in a position to commence the consultation again, we will as requested keep your recommendations on record.

Your correspondence has been allocated reference number 2020-0013790. If you need to respond to us, please visit: <https://www.education.gov.uk/contactus> and quote your reference number.

As part of our commitment to improving the service we provide to our customers, we are interested in hearing your views and would welcome your comments via our website at: https://form.education.gov.uk/service/Policy_official_feedback .

Yours sincerely

K WALKER

Independent Education Division

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Department
for Education