

Checklist - for use when DSL is considering whether or not an allegation of peer on peer abuse should be reported to the police against a victim's wishes

The guidance¹ provides that:

- Where a report of rape, assault by penetration or sexual assault² is made, this should be referred to the police; and
- Schools should consider the wishes of the victim in terms of how they want to proceed and victims should be given as much control as is reasonably possible over decisions regarding how any investigation will be progressed and about support that they will be offered.

Schools are required to balance the victim's wishes against their duty to protect the victim and other children. Decisions should be made on a case by case basis with the DSL taking a leading role.

This checklist is designed to assist that process for completion after discussion with pupils and not as a list of questions to be asked of them. As is usual with safeguarding matters, staff should, as far as possible, adhere to the following basic principles:

- Listen to the victim
- Reassure them that they are being taken seriously, will be supported and will be kept safe
- Do not promise confidentiality
- Do not stop them if they are freely recalling significant events
- Where necessary to ask questions, they should be open-ended and limited to those needed to take immediate action
- Make a comprehensive note of the discussion afterwards, recording the timing, setting, people present and demeanour, as well as factually recording what was said.

	Factual detail	Comments
The offence		
Nature and circumstances of the offence & who was involved?		
Is the alleged perpetrator a		

¹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/954314/Keeping_children_safe_in_education_2020_-_Update_-_January_2021.pdf and https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719902/Sexual_violence_and_sexual_harassment_between_children_in_schools_and_colleges.pdf

² Sexual Assault: A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents.

pupil at the school? In the same year group/class?		
Does the allegation involve one of rape, assault by penetration or sexual assault? Is it serious? e.g. was physical violence used? Degree?		
Is there any evidence which needs to be preserved?		
Is it a one-off allegation [if so, when?] or a series? [if so, when and is it ongoing?]		
Where did the incident take place? [& was the school responsible for the pupil at the relevant time?]		
Were alcohol or drugs involved?		
Was the incident or its aftermath witnessed by anyone?		
Is there an online element? e.g. have images been taken? shared?		
The victim		
Age of victim [now and at the time of the incident or start of the abuse]?		
Do they have any protected characteristics? And what are their health, capacity, confidence & SEN/language skills to make an informed decision on these issues?		
Parental reaction [if parents have been informed]?		

<p>Their home residence, social, racial, cultural & religious background?</p>		
<p>Any suggestion of intimidation of the victim or witnesses?</p>		
<p>Do you consider the victim or alleged perpetrator (a) to be at immediate risk of danger or are likely to suffer harm or (b) have suffered harm? [if so, a referral should be made to CSC]</p>		
<p>What does the victim want? If they do not want it referred to the police, what reasons have they given for that? Have the implications of this been explained?</p>		
<p>What was their demeanour? And your assessment of the likely impact of this being progressed against their wishes?</p>		
<p>The report</p>		
<p>When was it first reported, by who and to whom?</p>		
<p>Who else knows? [e.g. is it widely discussed among the pupil's cohort/on social media? is the member of staff who has been told, the only person supporting the pupil at this stage?]</p>		
<p>Consultation/advice</p>		
<p>Has this matter been discussed with the pupil's parent(s) or guardian/educational guardian?</p>		
<p>Have you taken advice from external agencies such as the police, CSC, safeguarding</p>		

advisor, NSPCC?		
Have you discussed this with other key stakeholders within the pupil's pastoral network e.g. Head/Head of House/tutor?		
Have you referred the victim to other avenues of support which may be available about their decision e.g. NSPCC helpline for professionals 0808 800 5000 or help@nspcc.org.uk? Made arrangements to support all those involved?		