

Via email

The Rt Hon Bridget Phillipson MP, Secretary of State for Education

Jess Phillips MP, Minister for Safeguarding and Violence Against Women and Girls

16th January 2025

Dear Minister Phillipson and Minister Phillips,

Re: Safeguarding Children in Schools

As leaders and experts in the field of ending men’s violence against women and girls, we’re writing to draw your attention to a significant issue relating to safeguarding girls in school settings.

The recently published Children’s Wellbeing and Schools Bill¹ outlines plans to “strengthen the role of education in multi-agency safeguarding arrangements to better protect children from abuse, neglect, and exploitation”. However, we think there is a need for clearer and amended statutory guidance to protect victim-survivors of sexual violence in the form of peer-on-peer abuse, to prevent widespread breaches of survivors’ human rights by providing support for schools, teachers, and students. The additions in the guidance we are proposing would be a complimentary measure, in line with this encouraging direction of travel.

Sexual violence in schools

Sexual violence and abuse of girls in schools is so widespread as to be normalised. The 2016 Women and Equalities Committee inquiry into sexual harassment and sexual violence in schools cites data from 2015 reporting 600 rapes recorded in schools over a 3-year period. The same inquiry found that 59% of girls and young women aged 13-21 reported in 2014 that they had faced some form of sexual harassment in school or college in the preceding year.

It is often the case with sexual violence and abuse in schools that the victim-survivor and perpetrator are both pupils - and so peers, which results in perceived or actual complexity in how the school can best proceed, exacerbated as and when the police decide against charging alleged perpetrators with any offences, or when the criminal justice process is concluded. Rape Crisis workers advocating for children in schools have, concerningly, shared that schools tend to treat such No Further Action (NFA) decisions as cause to simply “go back to normal”. There is often a lack of transition period or proper risk assessment, placing victim-survivors in a position where they are re-traumatised by the institution that is responsible for providing safety, and where

¹ [Department for Education \(2024\), Children's Wellbeing and Schools Bill: Policy Summary Notes](#)

young boys perpetrating harm are not provided with appropriate support to manage their behaviour.

Primary Age Children

In cases of peer-on-peer sexual violence and abuse between primary aged children, who are under the age of criminal responsibility, there is little to no prospect of police involvement. It is therefore vital that schools are equipped to investigate disclosures of peer-on-peer sexual violence and support and safeguard the children involved, as well as any other children who may also be at risk. Without statutory safeguarding guidance, schools too often end up categorising serious sexual violence as a form of “age-related (sexual) exploration”. This then places the onus on parents to support their child through all the distress and trauma they experience. Consequently, some of the very youngest victim-survivors are left unsupported, and schools fail to learn and prevent future incidents from occurring.

The implementation of amended statutory guidance underscored by the specialist knowledge of subject matter experts across the VAWG sector would mitigate against these risks, ensuring primary age children who experience peer-on-peer sexual violence are adequately safeguarded and afforded the essential interventions they require.

Moreover, intervening with young children who have perpetrated harm comprises an essential component of early intervention and prevention, as well as managing the risks to other children who could be at risk.

Compounding Inequalities

Girls are disproportionately affected by sexual violence and abuse, including peer-on-peer sexual abuse. Without adequate safeguarding measures in place in the event of a credible allegation, schools fail to fulfil their duty of care to their pupils and are at risk of breaching the Equality Act. As EVAW’s 2016 report “All Day Every Day” states:

The Equality Act 2010^{viii} (EA) prohibits discrimination (direct and indirect), harassment and victimisation in education on the grounds of certain protected characteristics including sex. Under section 85, the responsible body of the school must not discriminate against pupils:

- *in the way it provides education for them;*
- *in the way it affords them access to a benefit, facility or service;*
- *by not providing education, access to a benefit, facility or service to them;*

- *by excluding them or by subjecting them to any other detriment.*²

Schools that do not appropriately tackle sexual harassment and abuse are unwittingly in breach of equalities law. A lack of clarity within guidance for schools on how to appropriately safeguard in instances of sexual violence and abuse where there is no criminal justice process or when it has been concluded, leaves schools vulnerable to legal action.

In addition to girls facing harassment and victimisation on the basis of sex, there is also the issue of discrimination faced by Black and minoritised girls who face additional barriers to appropriate support and protection. A 2020 report, *Reclaiming Voice: Minoritised Women and Sexual Violence Key Findings* published by Imkaan recommended that:

*Ministers should make a high priority of ensuring schools understand their duties and implement child protection guidance with due regard for minoritised women/girls to ensure that the disclosures of minoritised girls are heard and responded to appropriately.*³

Jahnine Davis' 2019 publication which asks, '*Where are the Black girls in our CSA services, studies and statistics?*'⁴ identifies "suggestions that equality, diversity and inclusion [are] regarded as an 'add on', not an integral part of safeguarding practice.". Further research from *The Child Safeguarding Practice Review Panel*⁵ highlights the importance of "providing a considered and culturally sensitive response, taking account of other vulnerabilities or contexts that intersect with children's ethnicity or culture" in cases of child rape and sexual abuse.

The issues of hyper-sexualisation and adultification, as highlighted by the case of Child Q, also disproportionately impact Black and minoritised girls. Research by Plan UK, '*Everything is Racialised on Top: Black and minoritised girls' and young women's experiences of public sexual harassment in the UK*'⁶, found that sexual harassment experienced by Black and minoritised young women was racialised and met by inappropriate responses when reported.

The range and strength of research and evidence cited above emphasises the importance of clear and amended statutory safeguarding guidance which takes account of intersecting barriers and experiences, to ensure that the needs of all girls who have experienced sexual violence and abuse

² EVAW (2016), ["All day, every day" Legal obligations on schools to prevent and respond to sexual harassment and violence against girls](#)

³ Imkaan (2020), [Reclaiming Voice: Minoritised Women and Sexual Violence Key Findings](#)

⁴ Jahnine Davis (2019), '[Where are the Black girls in our CSA services, studies and statistics?](#)'

⁵The Child Safeguarding Practice Review Panel (2024), '["I wanted them all to notice": Protecting children and responding to child sexual abuse within the family environment](#)

⁶ Plan UK (2022), [Everything is Racialised on Top: Black and minoritised girls' and young women's experiences of public sexual harassment in the UK](#)

are met, and that all victim-survivors in schools and colleges are treated with dignity and respect, and are able to fully participate in their education attainment and communities.

Guidance for schools

A lack of adequate statutory guidance leads to schools ultimately denying the legal rights of pupils who are victim-survivors. A recent report from *The Child Safeguarding Practice Review Panel*⁷ found that:

“The criminal standard of proof (which requires evidence ‘beyond reasonable doubt’) was frequently used as the threshold for ascertaining whether a safeguarding response was required, instead of the safeguarding threshold of ‘balance of probabilities’ which includes an evaluation of likely or actual significant harm.”

Pupils – specifically girls - are currently being failed by schools, who do not properly protect them from the perpetrator(s) when criminal justice proceedings are concluded, or when the perpetrator is under the age of criminal responsibility. This conveys a damaging message to girls - that their experiences of sexual violence and abuse and consequent trauma are not important and that they are not worth protecting, which – in turn – only serves to compound the initial harms caused to them by sexual abuse. A Rape Crisis frontline practitioner shared:

“it’s the victim that gets taken out of their class without their friends, at a really traumatic time, they’re taken out of their routine, so they feel like they’re being punished for making the disclosure and speaking out about what’s happened to them”⁸

When the perpetrating child is under the age of criminal responsibility, he/she will almost always have safeguarding needs as well; this is particularly true where their behaviour and the abuse they are engaging in is sexualised. The ongoing, actual and/or potential risk that the perpetrating child may pose to other children (including siblings and family members, as well as fellow students) is significant, yet this is frequently overlooked by school staff.

Part of the solution to these problems is stated in the recent Children’s Commissioner’s report on *Children’s experiences as victims of crime* which recommends that:

The Department for Education should update Keeping Children Safe in Education guidance together to give further direction to schools and professionals working with children about how to proceed when no further action is taken by police or criminal

⁷ The Child Safeguarding Practice Review Panel (2024), [“I wanted them all to notice”: Protecting children and responding to child sexual abuse within the family environment](#)

⁸ RCEW 2024, Response to *Safeguarding children in schools and colleges* call for evidence

justice agencies. While the evidentiary threshold in the criminal courts is ‘beyond reasonable doubt’, in children’s social care it is ‘on the balance of probabilities’. A decision to take no further action does not necessarily mean the accused is not guilty, and safeguarding partners and schools should work together to consider what further action is needed to safeguard any children affected. In some cases, the child victim may attend the same school as the person who harmed them. While there may be insufficient evidence for charging, prosecuting or convicting, it is incumbent on schools to have robust safeguarding policies which are upheld independently of criminal justice proceedings and outcomes.⁹

This is in line with previous Ofsted recommendations from 2021 which call for the following:

Produce clearer guidance for schools and colleges to help them make decisions when there are long-term investigations of harmful sexual behaviour, or when a criminal investigation does not lead to a prosecution or conviction.¹⁰

These recommendations support the need for clearer statutory guidance. As it stands, the current Department for Education statutory guidance states that:

Under the Human Rights Act, it is unlawful for schools and colleges to act in a way that is incompatible with the Convention. The specific Convention rights applying to schools and colleges are

- **Article 3:** *the right to freedom from inhuman and degrading treatment (an absolute right)*
- **Article 8:** *the right to respect for private and family life (a qualified right) includes a duty to protect individuals’ physical and psychological integrity*
- **Article 14:** *requires that all of the rights and freedoms set out in the Act must be protected and applied without discrimination*
- **Protocol 1, Article 2:** *protects the right to education¹¹*

Schools and teachers do not know what effective intervention and/or safeguarding look like in practice because they do not have the appropriate guidance on how to approach peer-on-peer sexual abuse after criminal justice proceedings have concluded, or never proceed in the first place. This knowledge gap leads to poor practice such as allowing the perpetrator to resume attending the same school (or even class) as the survivor, which suggests to all students that the behaviour has not been taken seriously, has the potential to re-traumatise girls, jeopardises their

⁹ Children’s Commissioner (2024), [Children's experience as victims of crime](#)

¹⁰ Ofsted (2021), [Review of sexual abuse in schools and colleges](#)

¹¹ Department for Education (2024), [Keeping children safe in education](#)

educational attainment, and places schools at risk of legal action as a result of failing to fulfill their legal obligations.

Correction and clarity within statutory guidance is an essential step towards supporting girls to have a better primary, secondary, and college experience. We would like to offer support through consultation with specialists across the VAWG sector, which includes the Rape Crisis network, and the by-and-for sector. Frontline expertise, rooted in work with young people, will ensure that this guidance is accessible, comprehensive, and considers complex systemic factors, so that it can best protect victim-survivors, as well as schools and teachers. Further to this, support from the third sector would support to minimise the resourcing implications for the production of this guidance.

Please let us know how we might discuss taking this work forward to ensure that girls, and all pupils, are granted the right to education in an environment that is safe, surrounded by those who are adequately empowered to protect them.

We look forward to your response.

Sincerely,

Ciara Bergman, CEO, Rape Crisis England & Wales

Andrew Lord, Senior Associate Solicitor at Leigh Day

Estelle du Boulay, Director, Rights of Women

Ghadah Alnasseri, Co-Executive Director, Imkaan

Harriet Wistrich, Director of Centre for Women's Justice