

Uffculme Academy Trust

SEXUAL VIOLENCE & SEXUAL HARASSMENT POLICY

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Sexual Abuse in Schools TOWARDS A POLICY FOR UFFCULME ACADEMY TRUST

Part 1 Context

June 2021

Ofsted have reviewed the prevalence of sexual abuse in schools and colleges in part, in response to the questions raised by the Everyone's Invited website. Ofsted's intention was to reduce the rape culture that was strongly flagged up by Everyone's Invited. The Ofsted rapid review sought to answer for main questions:

- 1. Is there sufficient guidance for schools?
- 2. How effective is the relationship between schools and police ref; referrals and reporting?
- 3. Is there a close enough focus on the issue in inspection?
- 4. How well is the quality and content of Relationships and Sex Education (RSE) and health education tracked and monitored?

INTRODUCTION

This paper seeks to respond to the following emergent priorities, namely:

- *How effective is MAT CPD?* How can UAT source, develop, implement and support continuing professional development and training for all staff to embed knowledge and understanding of and about sexual violence, sexual harassment and Relationships and Sex Education (RSE) and health education?
- How well do we support DSLs and in turn how effectively do they support their colleagues? What are the mechanisms for supporting Designated Safeguarding Leads (DSLs) in our schools? Are there inequalities that may be negatively impacting on their respective and collective capacity to address and manage the issues at school and MAT level?
- How clear and consistent are key messages in Relationships and Sex Education (RSE) and health education? Is this aspect of our curriculum across the MAT explicit and clear about the law and individual rights, as well as self-help, self- responsibility and solidarity in the way that teaching about sharing images and consent is addressed?

- Do our children and young people (CYP) understand what they are being taught and told? Is all material presented in a language and via media that all children and young people can access and comprehend?
- How does UAT propose to support and embed support for CYP who disclose that they have been the victims of abuse? This is particularly pertinent if the Government cease to fund the NSPCC helpline, post October 2021.

Background

The Ofsted Review of Sexual Abuse in Schools and Colleges establishes that incidences of abuse and harassment are vastly under-reported across all settings but particularly in schools and that the issue is not confined to secondary (or tertiary) settings. The review encompassed 32 schools: 14 state schools, 14 independent settings and 4 Further Education establishments. 900 children and young people over the age of thirteen were surveyed. The actual findings were of far greater cause for concern than had been anticipated.

- The key message from the review is that "schools should assume that it is a problem". The issues surrounding sexual violence and sexual harassment are worse than most people thought.
- Predominantly female victims are "putting up with" a catalogue of abusive language, behaviours and attitudes from their male counterparts who dismiss their own verbally and physically abusive behaviours as "banter", "jokes" and even "compliments".
- Females express the view that adults "leave them (males) to it" and that adults are not explicitly teaching males how to behave appropriately. Demographically and contextually, there is also profound ignorance and lack of understanding amongst wider communities.
- Student voice indicates strongly that young people prefer to discuss their circumstances and concerns with their peers. The perceived link between disclosure and punitive responses in relation to disclosing to a professional, especially a DSL, is often a barrier to the disclosure. Young people fear that incidents will become a focus for reprisal and punishment and that matters will not be addressed sensitively.
- Most young people favour pastoral responses that support rather than punish. Victims speak clearly about wanting the perpetrators to be educated and rehabilitated and not excluded. The "whole school assembly" response is neither popular nor deemed to be at all effective. Young people also felt that teachers needed to be taught how to manage matters better.

The review also recognises that there is a significant gap in response when abuse and harassment happens outside the school environment. Delays by external agencies (e.g., police) often puts schools in very difficult positions. Practicalities and capacity relating to the management of the victim and perpetrator in the school setting after an event are confused and inconsistent

In response, Ofsted are devoting time in the Summer of 2021 to training their inspection workforce so that school incidence data is interrogated and pursued.

The Schools Inspection Handbook has, for some time, required school leaders to provide the inspection team with data related to sexual harassment and sexual violence. Ofsted has revealed that under the new Education Inspection Framework (EIF), only 6% of schools inspected had evidence to show.

All schools, including our own, will need to demonstrate how they teach about appropriate relationships between genders and how they address consent.

What needs to change, nationally?

Attitudes, implicit and explicit, tolerances and ethics need to be radically shifted in a short space of time. In the Ofsted reviews, girls express the view that adults leave them to it and don't explicitly teach boys how to behave appropriately. Adults "don't help". There needs to be a sharp focus on appropriate relationships between boys and girls and clarity about consent that doesn't entail the use of patronising cryptic resources (the "Tea" consent resource being a case in point).

The Ofsted review states that CYP prefer peer led support routes and will probably disclose more readily to friends/peers. DSLs have behavioural responsibilities and authority that makes young people fear that the adult focus will be punishment and reprisal and not support. They want sensitive responses with pastoral support. Victims often want their assailants to be educated and rehabilitated not e.g., excluded. They worry about the "what happens next" if they disclose. An approach which relies on posters, assemblies and ad-hoc messaging is unlikely to be successful in challenging unacceptable behaviours and attitudes.

A range of guidance exists within education. Examples of such guidance are listed, below:

- 1. Sexual Violence and Harassment Between Children and Young People (Ofsted report 2021)
- 2. Keeping Children Safe in Education (KCSiE January 2021)
- 3. DfE guidance; Sexual violence and sexual harassment between children in schools and colleges. <u>Sexual violence and sexual harassment between children in schools and colleges GOV.UK (www.gov.uk)</u>
- 4. DfE guidance; sharing nudes and semi-nudes: advice for education settings working with children and young people. <u>Sharing nudes and semi-nudes: advice for education settings</u> working with children and young people GOV.UK (www.gov.uk)
- 5. Brook sexual behaviour traffic light tool.
- 6. The Contextual Safety Network

The biggest gap in response and remedy happens when incidents take place OUTSIDE school. Often the aftermath can put the schools in a very difficult position. Practicalities and the capacity to intervene and safeguard can be compromised (information can be scant; Risk Assessment Management Plans (RAMPS) can be difficult to impose).

Managing the victim and perpetrator situation can be fraught. Systems and processes for this need to be clarified

National Training & CPD

Research tells us that currently this is piecemeal. It isn't based on the experiences of CYP. Staff are told to "read the guidance". 75% of Governors have no training. They cannot hold the school to account. There needs to be dialogue with the CYP to establish what they need and build CPD around this.

National Relationships and Sex Education (RSE) and health education

Children and young people want appropriately trained people to teach and lead this area of the curriculum. Many teachers delivering this aspect of the curriculum have no appropriate training and are often very uncomfortable with the content, so deliver it badly. (The "tea" consent video). The delivery is "jarring and patronising". Parents want and need resources; particularly online materials.

National Summary of Needs

- Better Relationships and Sex Education (RSE) and health education curricula.
- Routine record keeping and analysis of data including online activity.
- Reinforcement of cultures that don't tolerate abuse.
- Schools and local safety and children/family partnerships to meet together to plan and address the situation.
- Training for staff and governors.
- DSL support including more time for the so called "grunt work" i.e., the data compilation, analysis and forwarding planning/interventions.

Relevant CURRENT POLICIES

There are a number of policies that are related to the issue of sexual abuse, sexual violence and sexual harassment

- 1. Safeguarding
- 2. E safety policy
- 3. Equality & Diversity
- 4. Exclusion

Locally, schools will also have behaviour policies, anti-bullying policies and policies for Relationships Sex (and Health) Education (RSHE). The Safeguarding Policy and local policies will be by far the most pertinent but local policy cannot be assumed to be of sufficiently robust intent or quality or translate into effective impact through good practice.

ALTERNATIVES TO CURRENT POLICIES

Although UAT and local policies could be reviewed and amended to reflect current concerns, the statement; "*schools should assume that it is a problem*", calls for assertive direct leadership to ensure the safety and well-being of its children and young people. The sole proposal of this paper is, therefore, that Uffculme Academy Trust institutes and adopts a Trust wide policy for implementation in October 2021

APPENDIX 1 – POLICY – SEXUAL VIOLENCE & SEXUAL HARASSMENT

Introduction

In December 2017 the Department for Education first released advice; "Sexual violence and sexual harassment between children in schools and colleges". This is advice for governing bodies, proprietors, head teachers, principals, senior leadership teams and Designated Safeguarding Leads (DSL).

The advice is to be read and referenced alongside Keeping Children Safe in Education (January 2021). Part 5 of KCSIE focusses specifically on child-on-child sexual violence and sexual harassment. The guidance seeks to define the issues, minimise risks and what to do if an incident occurs/alleged to have occurred.

We are clear that sexual violence and sexual harassment is not acceptable, will never be tolerated. It is not an inevitable part of growing up. We will always challenge and educate behaviour or language that seeks to normalise sexual harassment or violence in school.

We are determined that all of our schools will actively promote a culture of respect and will vigorously pursue a policy of educating children and young people to understand that sexual violence and sexual harassment have no place in our classrooms, corridors, playing fields or on our electronic devices.

<u>Context</u>

Victims and alleged perpetrators

There are many different ways to describe children and young people (CYP) who have been subjected to sexual violence and/or sexual harassment and many ways to describe those who are alleged to have carried out any form of abuse. For the purposes of this advice, we use the term 'victim'. It is a widely recognised and understood term. It is important that schools and colleges recognise that not everyone who has been subjected to sexual violence and/or sexual harassment considers themselves a victim or would want to be described in this way. Ultimately, schools should be conscious of this when managing any incident and be prepared to use any term with which the individual child or young person is most comfortable. For the purpose of this advice we also use the term 'alleged perpetrator'. It is important to remember that, as a child or young person, any alleged perpetrator is entitled to, deserving of, and should be provided with, a different level of support to that which might be provided to an adult who is alleged to have abused a child or young person.

What is sexual harassment and sexual violence?

Sexual violence and sexual harassment can occur between two children of any sex. They can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children.

Victims of sexual violence and sexual harassment are likely to find the experience stressful and distressing.

Sexual harassment and sexual violence is not 'part of growing up'.

Children and young people who have a special educational need and/or disability (SEND) or who identify as LGBTQ+ are particularly vulnerable to sexual harassment and sexual violence.

<u>Definitions</u>

Sexual violence

It is important that all schools are aware of sexual violence and the fact that children and young people can, and sometimes do, abuse their peers in this way.

When referring to sexual violence in this advice, we do so in the context of child-on-child sexual violence namely, sexual offences under the Sexual Offences Act 2003 as defined, below:

<u>Rape:</u> A person (A) commits an offence of rape if: the vagina, anus or mouth of another person (B) is intentionally penetrated with A's penis; B does not consent to the penetration; and A does not reasonably believe that B consents.

Assault by Penetration: A person (A) commits an offence if: they intentionally penetrate the vagina or anus of another person (B) with a part of their body or anything else; the penetration is sexual; B does not consent to the penetration; and A does not reasonably believe that B consents.

Sexual Assault: A person (A) commits an offence of sexual assault if: they intentionally touched another person (B); the touching is sexual; B does not consent to the touching; and A does not reasonably believe that B consents.

What is consent? Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g.to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if they agree by choice to that penetration and has the freedom and capacity to make that choice.

All UAT personnel, particularly Designated Safeguarding Lead (and Deputies), should understand "consent". This will be especially important if a child or young person is reporting they have been raped. It is important to differentiate between consensual sexual activity between children and young people of a similar age and that which involves any power imbalance, coercion, or exploitation. Due to their additional training, the Designated Safeguarding Lead (or Deputy) should be involved and, generally speaking, lead the school or college response. If in any doubt, they should seek expert advice.

Sexual Harassment

When referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur online and offline. When we reference sexual harassment, we do so in the context of child-on-child sexual harassment.

Sexual harassment is likely to: violate a child's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualized environment. Whilst not intended to be an exhaustive list, sexual harassment can include:

<u>Sexual comments</u>, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualized names;

<u>Sexual "jokes" or taunting;</u>

Inappropriate physical behaviour. This could include: deliberately brushing against someone, interfering with someone's clothes displaying pictures, photos or drawings of a sexual nature; and.

Online sexual harassment.

This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:

- non-consensual sharing of sexual images and videos.
- persistent requests for sexual images
- sexualised online bullying;
- unwanted sexual comments and messages, including, on social media; and
- sexual exploitation; coercion and threats.

Responsibilities

Schools and colleges have a statutory duty to safeguard and promote the welfare of the children and young people at their school/college. As part of this duty, schools and colleges are required to have regard to guidance issued by the Secretary of State. In particular, all schools must have regard to Keeping Children Safe in Education and Working Together to Safeguard Children.

All schools are required by law to have a behaviour policy and measures in place to prevent all forms of bullying, discrimination and harassment. All maintained secondary schools must teach sex and relationship education. Schools can play an important role in preventative education. Good practice is that which allows children and young people an open forum to talk things through and all staff should be aware of how to support children and young people and how to manage a disclosure.

Schools should consider the makeup of their own pupil and student body,

including the gender and age range of its children and young people, and whether additional support for those with protected characteristics (who are potentially at greater risk) is appropriate.

<u>Curriculum</u>

The most effective preventative education programme will be through the whole school approach that prepares children and young people for life in modern Britain and includes:

- Healthy and respectful relationships; including rape and consent (RSHE)
- What respectful behaviour looks like

- Prejudiced behaviour
- Gender, roles, stereotyping and equality including toxic masculinity
- Body confidence and self-esteem
- Addressing cultures of sexual harassment including rape and consent
- Reinforcing that violence and assault are always wrong

<u>Responding</u>

Reports of sexual violence and sexual harassment are likely to be complex and require difficult professional decisions to be made, often quickly and under pressure. Some situations are clear:

- A child or young person under the age of 13 can <u>never</u> consent to any sexual activity;
- The age of consent is 16;
- Sexual intercourse without consent is rape;
- Rape, assault by penetration and sexual assault are defined in law; and
- Creating and sharing sexual photos and videos of under-18s is illegal (often referred to as sexting). This includes children and young people making and sharing sexual images and videos of themselves.

It is important that all schools within UAT follow the guidance; as outlined in Part 5 of KCSIE.

The September 2021 sexual violence and sexual harassment guidance for schools can be found here:

<u>Sexual violence and sexual harassment between children in schools and colleges</u> (publishing.service.gov.uk)

Schools and colleges are not alone in dealing with sexual violence and sexual harassment; statutory partners such as Children's Services and the police may need to become involved in some cases. It is likely that any issues will extend beyond school or college, online issues and the use of various social media platforms can extend the impact of the abuse. This is also the case for children and young people using public transport and school transport; the school and college still have a duty to respond to all incidents they are made aware of even if the child or young person has not reported directly.

It is essential that children and young people are reassured that they are being taken seriously and will be supported and kept safe as far as is possible. A victim should never be given the impression they are creating a problem, nor should they be made to feel ashamed for making a report.

The school's response protocol (refer also to the Safeguarding Policy)

At UAT we recognise that a child or young person is likely to disclose to someone they trust: this could be anyone on the school staff. Therefore, it is essential that all staff are aware of the response protocol.

- Do not promise confidentiality
- Inform the victim of the next steps
- Be supportive and respectful

- Be non- judgmental and listen to what the child or young person is saying to you *TED* questions; *Tell me, Explain, Describe...*)
- No leading questions, use open questions
- Record the disclosure via CPOMS or other dedicated school system (devote time to listening to what the child is saying, write notes if it is appropriate and then transfer or scan/upload facsimiles to CPOMS verbatim and in the child's/young person's words.)
- Only record the facts as the child or young person presents them
- No personal opinions should be recorded.
- Inform the Designated Safeguarding Lead (or in their absence their Deputy) immediately.

Where the report includes an online element, it is important for schools to be aware of searching, screening and confiscation advice (for schools) and UKCIS sexting advice (for schools and colleges). **The key consideration is for staff not to view or forward illegal images of a child.** The hyperlinked advice below provides more details on what to do when viewing an image is unavoidable.

Sharing nudes and semi-nudes: advice for education settings working with children and young people - GOV.UK (www.gov.uk)

When to inform the alleged perpetrator will be a decision that should be carefully considered. Where a report is going to be made to children's social care (via Devon Multi Agency Safeguarding Hub – MASH or Somerset Children's Social Care) and/or the police, then, as a general rule, the school should speak to the relevant agency and discuss next steps and how the alleged perpetrator will be informed of the allegations.

The Designated Safeguarding Lead should consider the following: -

- parents or carers should normally be informed (unless this would put the victim at greater risk);
- the basic safeguarding principle is that: if a child is at risk of harm, is in immediate danger or has been harmed a referral should be made to children's social care; and
- Rape, assault by penetration and sexual assaults are crimes. The starting point is that reports should be passed to the police.

THE DESIGNATED SAFEGUARDING LEAD WILL MAKE A DECISION WHETHER TO CONTACT CHILDRENS SERVICES AND THE POLICE. IF THE DESIGNATED SAFEGUARDING LEAD IS NOT AVAILABLE IT IS YOUR RESPONSIBILITY TO CONTACT CHILDRENS SERVICES AND/OR THE POLICE.

LEAVING SCHOOL WITHOUT SHARING THE INFORMATION IS NOT AN OPTION.

Where there has been a report of sexual violence the Designated Safeguarding Lead should make an immediate risk assessment factoring in: -

- the victim, especially their protection and support
- the alleged perpetrator
- other children or young people (and sometimes staff)
- lessons/classes where the victim and alleged perpetrator are together
- transport

Risk assessments should be recorded (written or electronic) and should be kept under review. A suitable risk assessment can be accessed <u>here</u> and should be used to inform a formal Risk Assessment & Management Plan (RAMP)

An additional useful toolkit for assessing harmful sexual behaviours is the Brook traffic light tool:

https://www.brook.org.uk/ourwork/category/sexual-behaviours-traffic-light-tool

At all times, UAT schools should actively consider the risks posed to all their children and young people and put adequate measures in place to protect them and keep them safe.

The consistent and timely logging of incidents will enable DSLs and senior leaders to maintain an overview of issues being reported. This data is required for any Ofsted inspection.

Supporting young people through criminal cases

Where an allegation of sexual violence or sexual harassment is progressing through the criminal justice system, schools and colleges should be aware of anonymity, witness support and the criminal process in general so they can offer support and act appropriately. Further information for supporting children and young people can be located here <u>https://www.cps.gov.uk/legal-guidance/safeguarding-children-victims-and-witnesses</u>

In addition to the legal protections, as a matter of effective safeguarding practice, schools should do all they reasonably can to protect the anonymity of any children or young people involved in any report of sexual violence or sexual harassment. Amongst other things, this will mean carefully considering, based on the nature of the report, which staff should know about the report and any support that will be in place for the children and young people involved. Schools and colleges should also consider the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities.

Thresholds

As always when concerned about the welfare of a child or young person, all staff should act in the best interests of the child. In all cases, schools and colleges should follow general safeguarding principles as set out in the UAT safeguarding and child protection policy. Immediate consideration should be given as to how best to support and protect the victim and the alleged perpetrator (and anyone else involved/impacted)

In some cases of sexual harassment, for example one-off incidents, the school may take the view that the children and young people concerned are not in need of Early Help or statutory intervention and that it would be appropriate to handle the incident internally, perhaps through utilising their behaviour and bullying policies and by providing pastoral support. All concerns, discussions, decisions and reasons for decisions should be recorded. The designated safeguarding lead (or deputy) is likely to have a complete safeguarding picture and be the most appropriate person to advise on the school's initial response.

The school may decide that the children involved do not require statutory interventions but may benefit from Early Help. Early help means providing support as soon as a problem emerges, at any point in a child or young person's life. Providing Early Help is putatively more effective in promoting the welfare of children and young people than reacting later. Early Help can be particularly useful to address non-violent harmful sexual behaviour and may prevent escalation of sexual violence.

Where a child or young person has been harmed, is at risk of harm, or is in immediate danger schools should make a referral to local Children's Social Care.

In some cases, Children's Social Care will review the evidence and decide a statutory intervention is not appropriate. The school or college (generally led by the Designated Safeguarding Lead or a deputy) should be prepared to refer again if they believe the child or young person remains in immediate danger or at risk of harm. If a statutory assessment is not appropriate, the Designated Safeguarding Lead (or a deputy) should consider other support mechanisms such as Early Help, specialist support and pastoral support.

Where a report of rape, assault by penetration or sexual assault is made, the starting point is this should be passed on to the police. Any report to the police will generally be in parallel with a referral to children's social care.

If a child or young person is convicted or receives a caution for a sexual offence, the school or college should update its risk assessment (RAMP – Risk Assessment & Management Plan), ensure relevant protections are in place for all the children and young people at the school or college and, if it has not already, and consider any suitable action in light of their behaviour policy. If the perpetrator remains in the same school as the victim, the school should be very clear as to their expectations regarding the perpetrator now they have been convicted or cautioned. This could include expectations regarding their behaviour and any restrictions the school or college thinks are reasonable and proportionate with regard to the perpetrator's timetable.

Ongoing responses

School safeguarding personnel (the DSL and/or DDSL) should consider the age and the developmental stage alongside any additional needs of the victim, the nature of the allegations and the potential risk of further abuse. Schools should be aware that, by the very nature of sexual violence and sexual harassment, a power imbalance is likely to have been created between the victim and alleged perpetrator.

School safeguarding personnel should consider the proportionality of the response. Support should be tailored on a case-by-case basis. The support required regarding a one-off incident of sexualised name-calling is likely to be vastly different from that for a report of rape.

Victims may not disclose the whole picture immediately. They may be more comfortable providing information on a piecemeal basis. It is essential that dialogue is kept open and encouraged. When it is clear that ongoing support will be required, schools should ask the victim if they would find it helpful to have a designated trusted adult (for example their form tutor or Designated Safeguarding Lead) to talk to about their needs. *The choice of any such adult should be that of the victim*. Schools should respect and support this choice. Victims may not

disclose the whole picture immediately. They may be more comfortable providing information on a piecemeal basis. It is essential that dialogue is kept open and encouraged. This should be because the victim wants to, not because it makes it easier to manage the situation. If required, schools and colleges should provide a physical space for victims to withdraw.

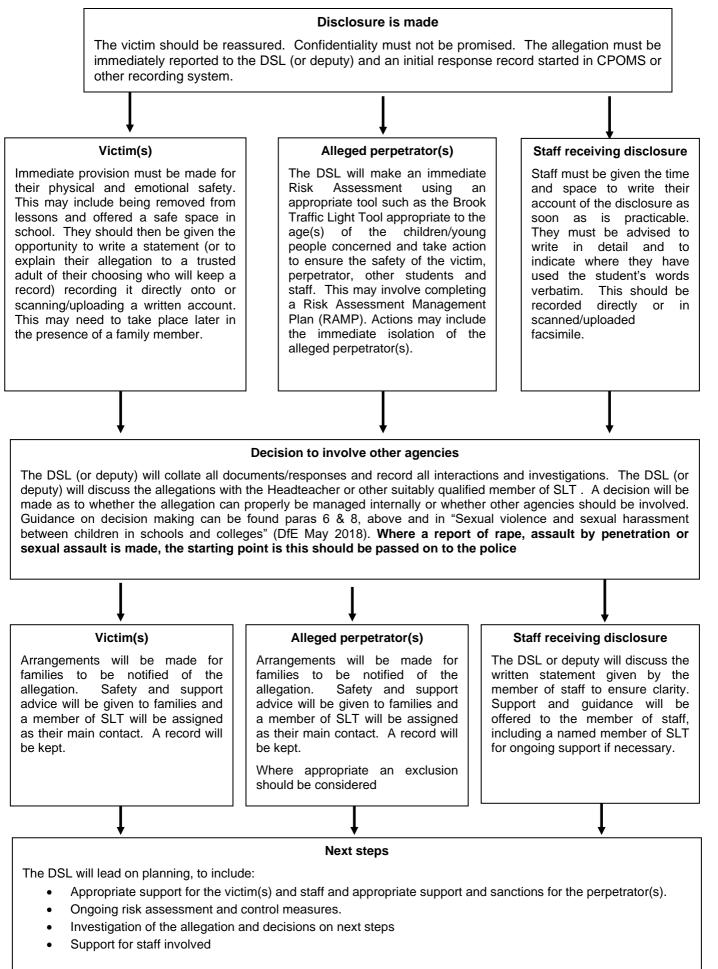
If the victim does move to another educational institution (for any reason), the new educational institution must be made aware of any ongoing support needed. The Designated Safeguarding Lead should take responsibility to ensure this happens as well as transferring the child protection file. Following any report of sexual violence or sexual harassment, it is likely that some children and young people will take "sides". The school or college should do all they can to ensure both the victim and alleged perpetrator, and any witnesses, are not being bullied or harassed.

Children and Young People with SEND

Children and young people with additional needs and or a disability are particularly vulnerable to exploitation. Research suggests that they are three times more likely to be abused. Signs of abuse can also be missed because of communication barriers. School staff should be particularly watchful for changes in behaviour, increased aggression, withdrawal etc. Similarly, educational programmes and curriculum input should be reviewed and adapted to meet the needs of children and young people with disabilities.

A useful resource can be found here: Sex Education : Special needs resources and programme (bigtalkeducation.co.uk)

School initial action flowchart



Support and specialist organisations

Below provides an illustrative list of specialist organization that are available to support:

- Barnardo's https://www.barnardos.org.uk
- Lucy Faithfull Foundation https://www.lucyfaithfull.org.uk
- NSPCC <u>https://www.nspcc.org.uk</u>
- RSHE implementation guidance ASCL, NAHT, NEU, The PSHE Association
- The PSHE Association
- Rape Crisis https://rapecrisis.org.uk
- UK Safer Internet Centre https://www.saferinternet.org.uk
- Digital Awareness UK
- Anti-Bullying Alliance https://www.anti-bullyingalliance.org.uk
- MoJ Victim Support https://www.rapecentre.org.uk
- The Survivors Trust http://thesurvivorstrust.org/isva
- Victim Support https://www.victimsupport.org.uk
- Gillick Competency https://www.nspcc.org.uk/preventing-abuse/childprotectionsystem/legal-definition-child-rightslaw/gillick-competency-fraser-guidelines
- Parent Zone https://parentzone.org.uk
- Thinkuknow https://www.thinkuknow.co.uk/parents
- Contextual Safeguarding Network https://contextualsafeguarding.org.uk/
- The Phoenix Project Somerset