**Appendix B: Harmful Sexual Behaviour: Common Language Framework**

When dealing with incidents of sexual behaviour, it is important there is mutual understanding of these behaviours and of whether they are normally developmental or harmful. This framework is to support settings in assessing behaviours and to promote consistency of approach across the system. It is also important to think about appropriate and inappropriate language when discussing sexual behaviours, and the impact of this for the children/young people (CYP) we are working with.

The below Common Language Framework is in-line with the current language used and recommended by several sources including: the Government, Children’s Social Care, the Police and Health.

1. General language around harmful sexual behaviour
2. Sexual Offence definitions

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| **General language around harmful sexual behaviour** |  |
| **Term** | **Definition** |
| **Harmful Sexual Behaviour (HSB)** | Description from Keeping Children Safe in Education (2024):*Children’s sexual behaviour exists on a wide continuum, ranging from normal and developmentally expected to inappropriate, problematic, abusive, and violent. Problematic, abusive, and violent sexual behaviour is developmentally inappropriate and may cause developmental damage. A useful umbrella term is “harmful sexual behaviour” (HSB). The term has been widely adopted in child protection. HSB can occur online and/or face-to-face and can also occur simultaneously between the two. HSB should be considered in a child protection context.*Description from Hackett, 2021 & NICE 2014: *Any Young Person under 18 years of age, who demonstrates behaviours outside of their normative parameters of development.* |
| **Child on child abuse** | The term used to describe abusive behaviour, including harmful sexual behaviour, occurring amongst CYP. This was previously referred to as peer-on-peer abuse.  |
| **Child displaying the harmful sexual behaviour / perpetrator / alleged perpetrator** | Harmful sexual behaviour is a behaviour the CYP is using to communicate an unmet need. Understanding this unmet need is important. Labels such as ‘perpetrator’ and ‘abuser’ should be avoided, especially in front of the CYP. ‘Child displaying the harmful sexual behaviour’ is a useful term. Keeping Children Safe in Education (2024) states:*‘…. schools and colleges should think very carefully about terminology [Alleged perpetrator(s)’ and where appropriate ‘perpetrator(s)’], especially when speaking in front of children, not least because in some cases the abusive behaviour will have been harmful to the perpetrator as well… the use of appropriate terminology will be for schools and colleges to determine, as appropriate, on a case-by-case basis.* |
| **Child who has experienced harmful sexual behaviour / victim / survivor** | A CYP who has experienced harmful sexual behaviour may not want to be referred to as ‘victim’ or ‘survivor’. Settings should be guided by the CYP’s wishes on how they would like to be referred to. Keeping Children Safe in Education (2024) states:*… ‘victim’… is a widely recognised and understood term. It is important that schools and colleges recognise that not everyone who has been subjected to abuse considers themselves a victim or would want to be described in this way. Ultimately, schools and colleges should be conscious of this when managing any incident and be prepared to use any term with which the individual child is most comfortable.* |
| **Abuse in intimate personal relationships between children (sometimes known as ‘teenage relationship abuse’)** | For relationships where both CYP are under 16 and abuse is present, it is referred to as ‘abuse in intimidate personal relationships between children’ or ‘teenage relationship abuse’. In law, the term ‘domestic abuse’ is only applied to relationships where both parties are over 16 years of age. |
| **Sexual violence offences** | Sexual violence is a non-legal term which can be used to describe the range of sexual offences set out in the Sexual Offences Act 2003. Definitions of these offences can be found in the section below. |
| **Consent** | The dictionary definition of consent is ‘permission for something to happen or agreement to do something.’ But consent in a sexual context is wider than this.Keeping Children Safe in Education (2024) states:*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 s/he agrees by choice to that penetration and has the freedom and capacity to make that choice. A child under the age of 13 can never consent to any sexual activity.*Rape Crisis UK states:*Consent happens when all people involved in any kind of sexual activity agree to take part by choice. They also need to have the freedom and capacity to make that choice.* *Someone doesn’t have the freedom and capacity to agree to sexual activity by choice if:** *They are asleep or unconscious.*
* *They are drunk or ‘on’ drugs.*
* *They have been ‘spiked’.*
* *They are too young.*
* *They have a mental health disorder or illness that means they are unable to make a choice.*
* *They are being pressured, bullied, manipulated, tricked, or scared into saying 'yes’.*
* *The other person is using physical force against them.*

*Consent can be withdrawn at any time, including during sex or a sexual act. Just because someone consented to something before doesn’t mean they consented to it happening again.* |
| **Zero-tolerance culture** | School and college leaders should create a culture where sexual harassment and online sexual abuse are not tolerated, and where they identify issues and intervene early to better protect children and young people. (Ofsted 2021)Keeping Children Safe in Education (2024) states:*“Schools and colleges should be aware of the importance of making clear that there is a zero-tolerance approach to sexual violence and sexual harassment, that it is never acceptable, and it will not be tolerated. It should never be passed off as “banter”, “just having a laugh”, “a part of growing up” or “boys being boys”. Failure to do so can lead to a culture of unacceptable behaviour, an unsafe environment and in worst case scenarios a culture that normalises abuse, leading to children accepting it as normal and not coming forward to report it”* |
| **Power imbalance** | A power imbalance is an environment, relationship, or interaction where one party has far more social power than the other. Many factors can lead to a power imbalance such as: physical strength, social standing, abuse, age or one party holding sensitive information about the other.Keeping Children Safe in Education (2024) states:*“Schools and colleges 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(s).”* |
| **Coercive and controlling behaviour** | The Government definition outlines the following:*“Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim**Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour”* |
| **Continuum of sexual behaviours** | Hackett (2010) created a continuum which presents sexualised behaviour as a range from 'normal' to 'inappropriate', 'problematic', 'abusive' and 'violent'. |
| **Statutory Partners** | Children’s Social Care, the Police and Health Services are known as Statutory Partners.  |
| **Sexual Assault Referral Centre (SARC).** | Keeping Children Safe in Education (2024) states:*“SARCs offer confidential and non-judgemental support to victims and survivors of sexual assault and abuse. They provide medical, practical, and emotional care and advice to all children and adults, regardless of when the incident occurred.”* |
| **Children and Young People’s Independent Sexual Violence Advisors (ChISVAs)** | Keeping Children Safe in Education (2024) states:*“[ChISVAs] provide emotional and practical support for victims of sexual violence. They are based within the specialist sexual violence sector and will help the victim understand what their options are and how the criminal justice process works if they have reported or are considering reporting to the police. ChISVAs will work in partnership with schools and colleges to ensure the best possible outcomes for the victim.”* |
| **Initiation / hazing type violence and rituals** | This could include activities involving harassment, abuse or humiliation used as a way of initiating a person into a group and may also include an online element.  |
| **Child Sexual Exploitation (CSE)** | Child sexual exploitation: definition and guide for practitioners states:*“Child Sexual Exploitation (CSE) is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.* The Children’s Society have produced ‘[Appropriate Language in Relation to Child Exploitation: Guidance for Professionals’](https://www.childrenssociety.org.uk/sites/default/files/2022-04/Child%20Exploitation%20Appropriate%20Language%20Guide%202022.pdf). The document seeks to provide guidance to professionals on the appropriate use of language when discussing CYP and their experience of exploitation in a range of contexts. |
| **Risk in the Community** | The ESCB [Risk in the Community page](https://www.escb.co.uk/working-with-children/risk-in-the-community-ric/) states:*“Risk in the Community is the Essex partnership approach to tackling exploitation of young people. Traditionally, safeguarding young people focused on risks within the home, but it is more apparent today that young people experience risks in various contexts outside their family unit.”* |
| **Grooming** | The ESCB define grooming as:*“Actions carried out to target, befriend, or establish an emotional connection with a child to lower their inhibitions in preparation for exploiting them and establish control over the child. This can take place over a short or long period of time, online or in person. The perpetrator can be known to the child or a stranger. It often includes breaking down a child’s protective factors to isolate them, such as a positive relationship with family and friends who would usually be able to be alerted to concerns and safeguard the child. Family and friends of the child can also be groomed as part of this process.”* |

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| **Sexual Offence definitions** |  |
| **Sexual Offences** | **Definition** |
| **Rape** | Sexual Offences Act 2003 definition: *A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus, or mouth of another person (B) with his penis, B does not consent to the penetration and A does not reasonably believe that B consents.* |
| **Assault by Penetration** | Sexual Offences Act 2003 definition:*A person (A) commits an offence if: s/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his 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 (previously referred to as ‘indecent assault’ prior to the Sexual Offences Act 2003)** | Sexual Offences Act 2003 definition:*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.*Note from Keeping Children Safe in Education (2024):*Schools and colleges should be aware that sexual assault covers a very wide range of behaviour so a single act of kissing someone without consent or touching someone’s bottom/breasts/genitalia without consent, can still constitute sexual assault.*Rape Crisis UK:*It’s a really common myth about sexual assault, rape and other kinds of sexual violence and abuse that they have to involve physical force or leave the person with visible injuries. But that isn’t true.**There are many other ‘tactics’ that someone might use to sexually assault someone. For example: pressure, manipulation, bullying, intimidation, threats, deception, drugs, or alcohol. BUT, none of these have to have happened for it to still be sexual assault.**Many people find themselves unable to speak or move when faced with a scary, shocking, or dangerous situation. If that happened, it does not mean the person gave their consent.**And if there’s no consent then it is always sexual assault.* |
| **Causing someone to engage in sexual activity without consent** | Sexual Offences Act 2003 definition:*A person (A) commits an offence if: s/he intentionally causes another person (B) to engage in an activity, the activity is sexual, B does not consent to engaging in the activity, and A does not reasonably believe that B consents.*Note from Keeping Children Safe in Education (2024):*this could include forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party.* |
| **Sexual harassment** | Rape Crisis UK:*Sexual harassment is any unwanted sexual behaviour by someone towards another person that makes them feel upset, scared, offended, or humiliated, or is meant to make them feel that way.**Sexual harassment is a form of unlawful discrimination under the Equality Act 2010.**This means that people are legally protected from sexual harassment in certain places – for example, at work, on transport and at schools, colleges, and universities. So, if sexual harassment does happen in these places, victims and survivors have the right to take action to find a solution. This could include making a complaint or making a claim in the civil courts.**Some forms of sexual harassment automatically break criminal law in England and Wales and are therefore crimes. These include: stalking, indecent exposure, ‘upskirting’ and any sexual harassment involving physical contact (this amounts to sexual assault in English and Welsh law).**Other forms of sexual harassment might also break criminal law, depending on the situation. For example, if someone carries out sexual harassment behaviours on more than one occasion that are intended to cause another person alarm or distress, they may be committing the crime of harassment.* Description from Keeping Children Safe in Education (2024):*[Sexual harassment is] ‘unwanted conduct of a sexual nature’ that can occur online and offline and both inside and outside of school or college.**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 sexualised environment.**Whilst not intended to be an exhaustive list, sexual harassment can include:** *sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance, and calling someone sexualised names*
* *sexual “jokes” or taunting*
* *physical behaviour, such as: deliberately brushing against someone, interfering with someone’s clothes. Schools and colleges should be considering when any of this crosses a line into sexual violence – it is important to talk to and consider the experience of the victim.*
* *displaying pictures, photos or drawings of a sexual nature*
* *upskirting (this is a criminal offence)*
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| **Online sexual harassment** | Description from Keeping Children Safe in Education (2024):*This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:** *consensual and non-consensual sharing of nude and semi-nude images and/or videos. Taking and sharing nude photographs of those under 18 is a criminal offence.*
* *sharing of unwanted explicit content*
* *sexualised online bullying*
* *unwanted sexual comments and messages, including, on social media*
* *sexual exploitation; coercion and threats, and*
* *coercing others into sharing images of themselves or performing acts they’re not comfortable with online.*
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| **Upskirting** | The Voyeurism (Offences) Act 2019 which amends the Sexual Offences Act 2003 to make upskirting a specific offence of voyeurism.Description from Keeping Children Safe in Education (2024):*[Upskirting] typically involves taking a picture under a person’s clothing without their permission, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress, or alarm.* |
| **Consensual and non-consensual sharing of nude and semi-nude images and/or videos****Sexting** **Youth produced sexual imagery****Nudes****Indecent imagery**  | The Protection of Children Act 1978 (England and Wales) as amended in the Sexual Offences Act 2003 (England and Wales) criminalised indecent photographs of children. The Act states: * It is an offence to take, permit to be taken, possess, distribute, show, and make indecent images of children
* The Sexual Offences Act 2003 (England and Wales) defines a child, for the purposes of indecent images, as anyone under the age of 18

The below is paraphrased from the Government guidance ‘Sharing nudes and semi-nudes: advice for education settings working with children and young people’ (2024):In the context of harmful sexual behaviour within education settings, we are referring to: a person under the age of 18 creating and sharing nudes and semi-nudes of themselves with a peer who is also under the age of 18; a person under the age of 18 sharing nudes and semi-nudes created by another person under the age of 18 with a peer under the age of 18; and a person under the age of 18 who is in possession of nudes and semi-nudes created by another person under the age of 18. The sharing of nudes and semi-nudes of under 18s by adults (18 and over) constitutes child sexual abuse and education settings should always inform their local police force as a matter of urgency.The term ‘sharing nudes and semi-nudes’ encompasses the sending or posting of nude or semi-nude images, videos, or live streams by young people under the age of 18 online. This could be via social media, gaming platforms, chat apps or forums. It could also involve sharing between devices via services like Apple’s AirDrop which works offline.The motivations for taking and sharing nude and semi-nude images, videos and live streams are not always sexual or criminal. Such images may be created and shared consensually by young people who are in relationships, as well as between those who are not in a relationship. It is also possible for a young person in a consensual relationship to be coerced into sharing an image with their partner. Incidents may also occur where:* CYP find nudes and semi-nudes online and share them claiming to be from a peer
* CYP digitally manipulate an image of a young person into an existing nude online or use artificial intelligence (AI) to generate a new nude or semi-nude image of a young person
* images created or shared are used to abuse or blackmail peers e.g., by:
* children and young people selling nudes or semi-nudes of others online
* children and young people coercing a peer into sharing a nude or semi-nude to blackmail them for money, further images, or force them into illegal activity
* children and young people hacking a peer’s account to share images more widely without consent to publicly shame

Nude or semi-nude images, videos or live streams may include more than one CYPDefinition of indecent‘Indecent’ is not defined in legislation. When cases are prosecuted, the question of whether any photograph of a CYP is indecent is for a jury, magistrate or district judge to decide based on what is the [recognised standard of propriety](https://www.cps.gov.uk/legal-guidance/indecent-and-prohibited-images-children).Indecent imagery does not always mean nudity; however, images are likely to be defined as such if they meet one or more of the following criteria:* nude or semi-nude sexual posing (e.g. displaying genitals and/or breasts or overtly sexual images of young people in their underwear)
* someone nude or semi-nude touching themselves in a sexual way
* any sexual activity involving a CYP
* someone hurting someone else sexually
* sexual activity that includes animals
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