**EVERYONE’S INVITED – THE NEED FOR STRONGER SCHOOL REGULATION**

Over the past couple of weeks, the media has revealed an endemic issue that is raging through our society; sexual abuse, harassment and/or violence between children in schools, colleges and universities. This prevalent news has sparked fury as it has become apparent that we currently live in a society in which women do not feel safe. Logically, it follows, that when analysing this topic, it is important to pinpoint where this fear starts. We can now see that sadly a very plausible answer is that it starts from early ages, where girls (and boys) are subjected to abuse which has been normalised, and in many instances goes unchallenged. There is an existence of a “rape culture” in our education system. The media, at the time of writing this piece, appear to report that this is a bigger issue in public and independent schools, as opposed to state schools. The dominating questions to this have been: How has this been allowed to happen? What responsibility do schools and teachers have for addressing this issue? How can this be stopped?

This article will look at the actions that should be taken in regard to quelling this problem, what action is being taken and where the regulations can be amended and adjusted so that children and young people can feel safer in education.

The driving force of this movement has stemmed from the online forum, [Everyone's Invited](https://www.everyonesinvited.uk/). This is a forum in which people can post anonymised short pieces of their experiences of sexual abuse, harassment and/or violence in various educational establishments (or in general). However, this is not a new topic to be commented upon and analysed. Notably, in 2016, the House of Commons Women and Equalities Committee, provided a report on *“Sexual harassment and sexual violence in schools”.* This report was critical of the Government having *“no coherent plan to ensure schools tackle the causes or consequences of sexual harassment and sexual violence”.* Unfortunately, given the explosive nature of this issues in recent weeks it is fast becoming apparent that the Government may have failed to properly address and implement a coherent, comprehensive and universal approach for all schools to stamp out this kind of behaviour. The report made various recommendations to the Government, which appear to have gone ignored.

The legal basis for the standards of social well-being and safeguarding for children in schools can be found in various legislative sources. The Department of Education has provided a recent update to the “*Keeping children safe in education”* statutory guidance that all schools and colleges must have regard to “*safeguard and promote the welfare of children*”. More importantly, “***All*** *staff have a responsibility to provide a safe environment in which children can learn”.* The guidance goes further by setting out considerations that teachers and schools should have in respect of the looking out for triggers and signs of abuse. The overarching regulatory body is the Office for Standards in Education (Ofsted). They carry out inspections into schools, part of which, determines if there is a culture of abuse, and in extreme examples can close a school down.

There is a divide between the manner in which state schools and independent schools implement the way in which they safeguard students. Focussing on independent schools, not all independent schools are regulated by Ofsted (only half). The remainder have a choice over their regulator. The vast majority are handled by the Independent School Inspectorate (“ISI”). The ISI holds an independent school to the regulatory requirements set out in the Education (Independent School Standards) Regulations 2014. Of key importance is Schedule 1, Part 3, which sets out standards that are required to be met and how this can be achieved. Particular attention is drawn to paragraphs 9 & 10.

Paragraph 9 states that a school meets the required standard of promoting good behaviour between pupils where there is (i) a written behaviour policy, which sets out sanctions for misbehaviour; (ii) the policy is implemented effectively; and, (iii) a record is kept of sanctions imposed for serious misbehaviour. Paragraph 10 is a standard of ensuring that bullying is prevented “*in so far as practicable”,* by having and implementing an effective anti-bullying strategy.

It may be thought that these regulation standards are inherently vague as to what is expected. It has left the individual schools with their own carte blanche discretion about implementing the policies as to what they envisage to be best practice. There is little flesh to the bones in the terms of the regulations. They may now need to be more specific regulations in respect of sexual violence in schools. Simply, the Regulations do not go far enough. There is a need to set out a requirement for a specific policy on safeguarding against sexual harassment, abuse and violence and a very high standard to ensure proper accountability.

Amanda Spielman, Ofsted’s former Chief Inspector, states that a reason for why the issue of sexual violence in independent schools has arisen is due to the inability of Ofsted being able to inspect independent schools who are regulated by ISI. She expresses that “w*hile many inspections are doubtless carried out to a high standard, the system is not currently configured so that any problems can be spotted and tackled, for example regarding potential safeguarding issues in the schools.”* Albeit there is a current higher concern that the main perpetrators are from public and independent schools, it would not be surprising to see that there is a balancing with state schools in the coming months.

Aside from the regulations, there is some further guidance in place, as evidenced by the [Sexual violence and sexual harassment between children in schools and colleges, Advice, May 2018](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwi02PiCmN_vAhW58LsIHassBIMQFjAAegQIAxAD&url=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F719902%2FSexual_violence_and_sexual_harassment_between_children_in_schools_and_colleges.pdf&usg=AOvVaw3jC6dTF4gG-VeWe0hzFkeO). This offers excellent insight as to how schools can manage the problem through a “*whole school or college approach”,* utilising a preventative education programme (including online safety training), as well as teachers and staff being properly trained to be able to manage a report by a student. However, this is only guidance. Some may argue that it is now time that this becomes provided for in the regulations as a mandatory part of the training for school staff and the education syllabus for pupils? It will be important for school to dedicate time and resources to ensure that their staff are up to date or recognising triggers and how to implement preventative measures both inside and outside of the school environment.

On a positive note, it seems that individual schools have started to address their own practices. Notably, [Dulwich College](https://www.thetimes.co.uk/article/dulwich-college-reports-its-boys-accused-of-sex-crimes-to-police-5vg2tn5sq) has taken the mantle and was the first school to report its own pupils to the police. Undoubtedly, Dulwich College will not be the last school to do so. Similarly, Highgate School has launched an “*immediate external review of the sexual abuse and harassment allegations”.* This is a small, but welcome, step. There needs to be focus on a united and cohesive approach from all schools in dealing with the issue of rape culture.

Notwithstanding the call for immediate action, schools ought to be careful of a knee-jerk reaction. A delicate balance must be struck by teachers in the school environment. A strong factor, having read some of the testimonies on Everyone’s Invited, is that often teachers turn a blind eye. This must be addressed. On the other hand, there are some proponents who state that physical contact between school children, such as hugs, ought to be banned. Some would argue that this may be a mistake. It should be borne in mind that school children are in a key developmental stage of their lives, and therefore removing integral parts of social interaction with one another can cause further developmental issues and/or a negative reaction from the perpetrators. It is important that schools encourage all students to be part of the solution. Raising awareness is just one facet of this. Better education in school and at home should be required, with particular focus about recognising instances of abuse, confidence to challenge others, the dangers of social media and restricting the access to pornography.

Schools should not feel isolated in their approach to stamping this out, there are numerous external agencies and authorities that can be used in order to deal with this matter. For example the police, the NSPCC and the Children and Young People’s Independent Sexual Violence Advisors, who provide emotional and practical support for victims of sexual violence.

Further to the above, it should be noted that the issue of tougher regulation on schools will only part-way address this issue. As stated above, one of the primary references by many is the readily available nature of sexual content on the internet. Save for educational warnings by teachers, this can only be realistically policed by schools during school hours. There needs to be better policing of internet content that is available to children. As such, parental responsibility needs to increase so as to take appropriate steps to ensure parents are safeguarding their children. Sadly, there are children whose parents may not take responsibility, or inadvertently be unaware that their child is accessing content they should not be. Where this occurs, schools will wish to be better equipped to recognise such pupils to avoid them falling through the cracks. The importance of this can help to ensure that not only does the child not become an abuser but also to stop them for becoming abused.

Everyone’s Invited should be fully commended and supported in the way it has brought this issue to the forefront. Importantly, the Government has responded by requesting an immediate Ofsted enquiry into the systemic issue, as well as the NSPCC opening a helpline for those who are victims to contact. This is only a start to resolving the problem. As stated, better and somewhat tougher regulation is needed in parts of our education system.

**Jordan Santos-Sindes**

**9 Bedford Row**