



# THE BEECHES

RESIDENTIAL CHILDCARE SERVICES

**Sexting Policy November 2019**

## 1. Introduction

1.1. Increases in the speed and ease of sharing photographs and videos has brought concerns about young people producing and sharing sexual imagery of themselves. This can expose them to risks, particularly if the imagery is shared further, including embarrassment, bullying and increased vulnerability to sexual exploitation. Making, possessing and sharing sexual images of under 18s is also illegal (including images of yourself if you are under 18). Although the production of such imagery will usually take place outside of school, issues often manifest in schools and we understand the need to respond swiftly and confidently to ensure that pupils are safeguarded, supported and educated. This policy provides a guide for staff, pupils and parents/carers as to how the school will proceed and what steps will be taken should an incident of sexting be reported or suspected. Our response to these incidents will be guided by the principle of proportionality and the primary concern at all times will be the welfare and protection of the young people involved.

1.2. We are aware that teaching about safeguarding issues in the classroom can prevent harm by providing pupils with skills, attributes and knowledge to help them navigate risks. Addressing sensitive issues such as sexting promotes a whole school approach to safeguarding, and gives pupils the space to explore key issues and the confidence to seek the support of adults should they encounter problems. We provide pupils with opportunities to learn about the issue of sexting through our PSHE

1.3. This policy forms part of the school's safeguarding arrangements and all incidents of sexting will be dealt with as safeguarding concerns. It is based on the UK Council for Child Internet Safety guidance 'Sexting in Schools and Colleges: Responding to Incidents and Safeguarding Young People' (the 'UKCCIS Guidance') and should be read in conjunction with the following school policies: Safeguarding and Child Protection; Anti-Bullying; Behaviour, Discipline, Exclusions, Restraint and Searches; and E-safety.

## 2. Definition of 'sexting'

2.1. There is no clear definition of 'sexting', which can mean different things to different groups of people. This policy covers the sharing of sexual photographs or videos by young people that they, or another young person, have created of themselves (referred to in this policy as 'youth produced sexual imagery').

2.2. The types of incidents related to youth produced sexual imagery which this policy covers are:

- A person under the age of 18 creates and shares sexual imagery of themselves with a peer under the age of 18
- A person under the age of 18 shares sexual imagery created by another person under the age of 18 with a peer under the age of 18 or an adult
- A person under the age of 18 is in possession of sexual imagery created by another person under the age of 18.

2.3. Sexting in this policy also covers sending and receiving text based messages relating to sexual behaviour by pupils which don't contain imagery and pupils sharing adult digital pornography. It does not cover the sharing of sexual imagery of people under 18 by adults as this constitutes child sexual abuse and we will always inform the police.

3. Handling Incidents The school's Designated Safeguarding Lead (DSL) is Emma Sutters.

3.1. Initial response All incidents of sexting will be responded to in line with the school's Safeguarding and Child Protection Policy. All staff (including operations staff) have been made aware of how to recognise and refer any disclosures and when an incident involving sexting comes to the School's attention:

- The incident should be referred to the Designated Safeguarding Lead (DSL) as soon as possible
- The DSL will hold an initial review meeting with appropriate school staff (see section 3.2 below)

There will be subsequent meetings with the young people involved (if appropriate, see section 3.10 below);

- Parents / carers will be informed at an early stage and involved in the process unless there is good reason to believe that involving parents would put the young person at risk of harm
- At any point in the process if there is a concern that a young person has been harmed or is at risk of harm a referral will be made to the SPA and/or the police immediately with social worker involvement.

3.2. Initial review meeting The initial review meeting will consider the initial evidence and aim to establish:

- Whether there is an immediate risk to a young person
- If a referral should be made to the police and/or to the SPA; • If it is necessary to view any imagery in order to safeguard the young person– in most cases, youth produced sexual imagery should not be viewed
- What further information is required to decide on the best response
- Whether the imagery has been shared widely and via what services and/or platforms. This may be unknown
- Whether immediate action should be taken to delete or remove images or text from devices or online services
- Any relevant facts about the young people involved which would influence risk assessment
- If there is a need to contact another school, college, setting or individual
- Whether to contact parents or carers of the pupils involved - in most cases parents should be involved.

An immediate referral to police and/or to the SPA will be made if at this initial stage:

1. The incident involves an adult;

2. There is reason to believe that a young person has been coerced, blackmailed or groomed, or if there are concerns about their capacity to consent (for example owing to special educational needs);
3. What is known about the imagery or text suggests the content depicts sexual acts which are unusual for the young person's developmental stage, or are violent;
4. The imagery involves sexual acts and any pupil in the imagery is under 13;
  - There is reason to believe a pupil or pupil is at immediate risk of harm owing to the sharing of the imagery or text, for example, the young person is presenting as suicidal or self-harming.

If none of the above apply then we may decide to respond to the incident without involving the police or the SPA or if we have received other directive from social worker (but may choose to escalate the incident at any time if further information/concerns come to light). The decision to respond to the incident without involving the police or the SPA would be made in cases when the DSL is confident that they have enough information to assess the risks to pupils involved and the risks can be managed within the school's pastoral support and disciplinary framework and if appropriate local network of support.

The decision will be made by the DSL with input from the Leadership Team and input from other members of staff if appropriate and will be taken in line with the school's child protection procedures, based on consideration of the best interests of the young people involved. This should take into account proportionality as well as the welfare and protection of the young people. The decision should be reviewed throughout the process of responding to the incident. If a young person has shared imagery or text consensually, such as when in a romantic relationship and there is no intended malice, it will usually be appropriate for the school to manage the incident directly. In contrast any incidents with aggravating factors, for example, a young person sharing someone else's youth produced sexual imagery without consent and with malicious intent, should generally be referred to police and/or the SPA. If there are any doubts about whether to involve other agencies, a referral should be made to the police. The decision will be recorded in line with school safeguarding policy.

3.3. Assessing the risks The circumstances of incidents can vary widely. If at the initial review stage a decision has been made not to refer to police and/or the SPA, the DSL should conduct a further review (including a meeting with the young people involved) to establish the facts and assess the risks. When assessing the risks the following should be considered:

- Why was the imagery or text shared? Was the young person coerced or put under pressure to produce sexual imagery?
  - Who has shared the text and/or imagery? Where have the imagery and/or text been shared? Was youth produced sexual imagery shared and received with the knowledge of the pupil in the imagery?
5. Are there any adults involved in the sharing of imagery or text? • What is the impact on the pupils involved?
  6. Do the pupils involved have additional vulnerabilities?

7. Does the young person understand consent?
8. Has the young person taken part in this kind of activity before?

The DSL should always use their professional judgement in conjunction with their colleagues to assess incidents.

3.4. Meeting and talking to the young person/people involved Once the school has assessed that a young person is not at immediate risk, it may be necessary to have a conversation with them and decide the best course of action. If possible, the DSL should carry out this conversation. However, if the young person feels more comfortable talking to a different teacher, this will be facilitated where possible.

When discussing the sharing of youth produced sexual imagery, it is important that the DSL (or other teacher) recognises and discusses the pressures that young people can be under to take part in sharing such imagery. They should explain that it is not ok for someone to make the pupil feel uncomfortable, to pressure them into doing things that they don't want to do, or to show them things that they are unhappy about. They should remain solution-focussed and reassure the pupil that the school will do everything that they can to help and support them.

The purpose of the conversation is to:

- Identify, without looking, what the image contains and whether anyone else has been involved.
- Find out who has seen or shared the image and how further distribution can be prevented.

3.5. Informing parents (or carers) Parents (or carers) should be informed and involved in the process at an early stage unless informing the parent will put the young person at risk of harm. Any decision not to inform the parents would generally be made in conjunction with other services such as the Peterborough City Councils Single Point of Access (SPA) and/or the police, who would take the lead in deciding when the parents should be informed. The DSL may work with the young people involved to decide on the best approach for informing parents. In some cases the DSL may work to support the young people to inform their parents themselves.

3.6. Reporting incidents to the police If it is necessary to refer to the police, contact will be made through existing arrangements. Once a report is made to the police, the report has to be recorded and the police will conduct an investigation. This may include seizure of devices and interviews with the young people involved.

3.7. Securing and handing over devices to the police If any devices need to be seized and passed onto the police then the device(s) should be confiscated and the police should be

called. The device should be turned off and placed under lock and key until the police are able to come and retrieve it.

3.8. SPA contact and referrals If the DSL is aware that the SPA are currently involved with a young person involved in an incident of sexting then they will contact the SPA. They should also contact the SPA if they believe they may be involved, or have been involved with a young person in the past. If as a result of the investigation the DSL believes there are wider issues which meet the threshold for SPA involvement then they should make a referral in line with the school's child protection procedures.

3.9. Searching devices, viewing and deleting youth produced sexual imagery Viewing youth produced sexual imagery Adults should not view youth produced sexual imagery unless there is good and clear reason to do so. Wherever possible responses to incidents should be based on what the DSL has been told about the content of the imagery. The decision to view imagery will be based on the professional judgement of the DSL and should always comply with the school's Safeguarding and Child Protection Policy and the procedures of the school. Imagery will never be viewed if the act of viewing will cause significant distress or harm to the pupil.

If a decision is made to view youth produced sexual imagery the DSL would need to be satisfied that viewing:

- is the only way to make a decision about whether to involve other agencies (i.e. it is not possible to establish the facts from the young people involved)
- is necessary to report the image to a website, app or suitable reporting agency to have it taken down, or to support the young person or parent in making a report
- is unavoidable because a pupil has presented an image directly to a staff member or the imagery has been found on a school device or network.

If it is necessary to view the imagery then the DSL should:

- Never copy, print or share the imagery, this is illegal
- Discuss the decision with the Head teacher
- Ensure viewing is undertaken by the DSL or another member of the safeguarding team with delegated authority from the Headteacher
- Ensure viewing takes place with another member of staff present in the room, ideally the Head of Education or a member of the senior leadership team. This staff member does not need to view the images
- Wherever possible ensure viewing takes place on school premises, ideally in the Head of Education or a member of the senior leadership team's office;
- Ensure wherever possible that images are viewed by a staff member of the same sex as the young person in the imagery
- Record the viewing of the imagery in the school's safeguarding records including who was present, why the image was viewed and any subsequent actions. Ensure this is signed and dated and meets the wider standards set out by Ofsted for recording safeguarding incidents.

If youth produced sexual imagery has been unavoidably viewed by a member of staff either following a disclosure from a young person or as a result of a member of staff undertaking their daily role (such as IT staff monitoring school systems) then the DSL should ensure that the staff member is provided with appropriate support. Viewing youth produced sexual imagery can be distressing for both young people and adults and appropriate emotional support may be required.

3.10. Deletion of images If the school has decided that other agencies do not need to be involved, then consideration should be given to deleting imagery and text from devices and online services to limit any further sharing.

Schools have the power to search pupils for devices, search data on devices and delete imagery and text. When an electronic device, such as a mobile phone, has been seized, a teacher who has been formally authorised by the Head of Education can examine data or files, and delete these, where there is good reason to do so. There is no need to have parental / carers consent to search through a young person's mobile phone.

If during a search a teacher finds material which concerns them and they reasonably suspect the material has been or could be used to cause harm or commit an offence, they can decide whether they should delete the material or retain it as evidence of a criminal offence or a breach of school discipline. They can also decide whether the material is of such seriousness that the police need to be involved. However, a search through devices and the deletion of imagery or text will not be undertaken unless there is good and clear reason to do so. In most cases pupils will be asked to delete imagery and/or text and to confirm that they have deleted the imagery and/or text. They will be given a deadline for deletion across all devices, online storage or social media sites.

If the incident involves youth produced sexual imagery they will be reminded that possession of youth produced sexual imagery is illegal. They should be informed that if they refuse or it is later discovered they did not delete the image they are committing a criminal offence and the police may become involved.

All of these decisions will be recorded, including times, dates and reasons for decisions made and logged in the safeguarding records. Parents and carers should also be informed unless this presents a further risk to the young person. At this point disciplinary measures may be applied in line with the Behaviour Policy.

3.11. Recording incidents of youth produced sexual imagery All incidents relating to youth produced sexual imagery will be recorded, including the reasons why any incident was not referred out to police or to the SPA signed off by the Head of Education.