



# Sexting Policy

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## **Sexting Policy**

Most young people today are entirely comfortable with recording their entire lives online, this often includes uploading and sharing photos, status messages on what has been happening in their lives or how they are feeling. While this 'finger on the pulse, share all' culture has some benefits, it can also create an environment in which young people make impulsive decisions without thinking through the possible consequences.

### **What is sexting?**

Sexting generally refers to the sending of sexually explicit images via text, email or through social networking sites. There could be many reasons why young people would want to take these sorts of pictures and send them to someone else.

Sexting is the exchange of self-generated sexually explicit images, through mobile picture messages or webcams over the internet. Young people may also call it Cybersex or sending a nudie, picture or selfie. Sexting is often seen as flirting by children and young people who feel that it's a part of normal life.

Sexual photographic images of children under 18 are illegal.

### **Consequences**

While sending sexually explicit messages or pictures carries enough problems of its own, it can have real consequences if the content is shared with others or uploaded onto a social networking site or website. This could result in immediate consequences, possibly within the school environment, or more serious consequences for later in life.

There are many different types of sexting and it is likely that no two cases will be the same. It is necessary to carefully consider each case on its own merit. However, it is important to apply a consistent approach when dealing with an incident to help protect young people and the school. For this reason, the Designated Safeguarding Lead (or Deputy DSL in the absence of the DSL) needs to be informed of any sexting incidents. The range of contributory factors in each case also needs to be considered in order to determine an appropriate and proportionate response.

### **Steps to take in the case of an incident**

#### **1. Disclosure by a student**

Sexting disclosures should follow the normal safeguarding practices and protocols

A student is likely to be very distressed especially if the image has been circulated widely and if they do not know who has shared it, seen it or where it has ended up. They will need pastoral support during the disclosure and after the event. They may even need immediate protection or a referral to police or social services; parents should be informed as soon as possible (police advice permitting).

The following questions will help decide upon the best course of action:

- is the student disclosing about themselves receiving an image, sending an image or sharing an image?
- what sort of image is it? Is it potentially illegal or is it inappropriate?
- how widely has the image been shared and is the device in their possession?
- is it a school device or a personal device?
- does the student need immediate support and/or protection?
- are there other students and/or young people involved?
- do they know where the image has ended up?

In line with the school's **Behaviour Policy** and **Exclusion Policy** it may be necessary to temporarily exclude a pupil (or pupils) from the school pending an investigation into the circumstances surrounding the sexting and the impact of the sexting on members of the school community.

## 2- Searching a device

A device can be examined, confiscated and securely stored if there is reason to believe it contains indecent images or extreme pornography.

When searching a mobile device the following conditions should apply:

- the action is in accordance with the school's policies regarding Safeguarding;
- the search is conducted either by the senior member of staff authorised by the Head teacher or a person authorised by her and one other person;
- a member of the safeguarding team should normally be present;
- the search should normally be conducted by a member of the same gender as the person being searched. However, if the image being searched for is likely to be of a different gender to the person 'in possession' then the device should only be viewed by a member of the same gender as the person whose image it is.

If any illegal images of a young person are found the Designated Safeguarding Lead will discuss this with the Police.

The Association of Chief Police Officers (ACPO) advise that as a general rule it will almost always be proportionate to refer any incident involving 'aggravated' sharing of images to the Police, whereas purely 'experimental' conduct may proportionately dealt with without referral, most particularly if it involves the young person sharing images of themselves.

'Experimental conduct' commonly refers to that shared between two individuals (e.g. girlfriend and boyfriend) with no intention to publish the images further. Coercion is not a feature of such conduct, neither are requests for images sent from one person to multiple other young persons.

Any conduct involving, or possibly involving, the knowledge or participation of adults should always be referred to the police. If an 'experimental' incident is not referred to the Police, the reasons for this should be recorded in the school's Safeguarding Log.

Never:

- print out any material for evidence;
- move any material from one storage device to another;
- search a mobile device even in response to an allegation or disclosure if this is likely to cause additional stress to the student/young person UNLESS there is clear evidence to suggest not to do so would impede a police inquiry.

Always:

- inform and involve the Local Authority Designated Officer, who will ensure that the Designated Safeguarding Lead is able to take any necessary strategic decisions;
- record the incident;
- act in accordance with school safeguarding policy.

If there is an indecent image of a child on a website or a social networking site then the Designated Safeguarding Lead will report the image to the site hosting it. Under normal circumstances the DSL would follow the reporting procedures on the respective website; however, in the case of a sexting incident involving a child or young person where it may be felt that they may be at risk of abuse then the DSL will report the incident directly to CEOP <https://www.ceop.police.uk/ceop-report> so that law enforcement can make an assessment, expedite the case with the relevant provider and ensure that appropriate action is taken to safeguard the child.

## 3 - What to do with the image

If the image has been shared across a personal mobile device:

Always:

- confiscate and secure the device(s).
- Close down or switch the device off as soon as possible. This may prevent anyone removing evidence remotely.

Never:

- view the image unless there is a clear reason to do so or view it without an additional adult present (this additional person does not need to view the image and certainly should not do so if they are of a different gender to the person whose image has been shared). The viewing of an image should only be done to establish that there has been an incident which requires further action; • send, share or save the image anywhere;
- allow students to do any of the above.

If the image has been shared across a school network, a website or a social network:

Always:

- block the network to all users and isolate the image.

Never:

- send or print the image;
- move the material from one place to another;
- view the image outside of the protocols in the school's safeguarding and child protection policies and procedures.

#### **4 - Who should deal with the incident?**

Often, the first port of call for a student is a class teacher. Regardless of who the initial disclosure is made to, she/he must act in accordance with the school safeguarding policy, ensuring that the DSL or Assistant DSL are involved in dealing with the incident.

The Designated Safeguarding Lead should always record the incident. There may be instances where the image needs to be viewed and this should be done in accordance with protocols.

#### **The Legal Position**

It is important to be aware that young people involved in sharing sexual videos and pictures may be committing a criminal offence. Specifically, crimes involving indecent photographs (including pseudo images) of a person under 18 years of age fall under Section 1 of the Protection of Children Act 1978 and Section 160 Criminal Justice Act 1988.

Under this legislation it is a crime to:

- take an indecent photograph or allow an indecent photograph to be taken;
- make an indecent photograph (this includes downloading or opening an image that has been sent by email;
- distribute or show such an image;
- possess with the intention of distributing images;
- advertise; and
- possess such images

While any decision to charge individuals for such offences is a matter for the Crown Prosecution Service, it is unlikely to be considered in the public interest to prosecute children. However, children need to be aware that they may be breaking the law.