Bedford High School

A Specialist Business and Enterprise College

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Sexting Policy

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'Sexting' is an increasingly common activity among young people where they share inappropriate or explicit images online or through mobile phones.
Regrettably, there is a national concern related to young people (under the age of 18 years of age) engaging in sending/sharing inappropriate/indecent photographs of themselves or of other children via texts, gaming platforms, chat apps or forums. It could also involve sharing between devices via services like Apple's AirDrop, which works offline.
Terms such as 'revenge porn'(revealing or sexually explicit images or videos of a person posted on the internet, typically by a former sexual partner, without the consent of the subject and in order to cause them distress or embarrassment) and 'upskirting' (now an offence, and a colloquial term referring to the action of placing equipment such as a camera or mobile phone beneath a person's clothing to take a voyeuristic photograph without their permission) are also used to refer to specific incidents of nudes and semi-nudes being shared. However, these terms are more often used in the context of adult-to-adult non-consensual image sharing offences outlined in s.33-35 of the Criminal Justice and Courts Act 2015, Voyeurism (Offences) Act 2019 and s.67A of the Sexual Offences Act 2003.

Definition
• The definition of sexting is 'images or videos generated by children under the age of 18 that are of a sexual nature or are considered to be indecent. These images may be shared between children and young people and/or adults via a mobile phone, webcam, handheld device or website'.
A 2016 NSPCC/Office of the Children's Commissioner England study found that just over one in ten boys and girls (13%) had taken topless pictures of themselves (around one in four of those were girls) and 3% had taken fully naked pictures. Of those who had taken sexual images, 55% had shared them with others. 31% of this group had also shared the image with someone that they did not know.

The Law
• The sharing of sexual videos and pictures of children under the age of 18, even if the child/young person shares an image of themselves, is a criminal offence - Specifically, crimes involving indecent photographs 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.
• In England and Wales the Protection of Children Act 1978 makes it offence to take, make, show, distribute, possess (with a view a distribute) or publish an indecent photograph or pseudo-photograph of a child. Part 11 of the Criminal Justice Act 1988 makes it and offence to possess indecent images of children (whether or not you intend to distribute them).

Young people may also call it:
Cybersex
Sending a nudie, picture or selfie
Trading nudes
Dirties
Pic for pic.

'Sexting' is often seen as flirting by children and young people who feel that it's a part of normal life and relationships. Laws were created long before mass use of the internet and so therefore the school should always take a measured approach and seek to avoid criminalising children and young people where possible.

Dealing with sexting incidents at Bedford
For Staff
When an incident involving youth produced sexual imagery comes to the school's attention the incident should be referred to the DSL as soon as possible.

For Designated Safeguarding Lead
In applying judgement to each sexting incident consider the following:

- Sexting among children and young people can be a common occurrence; where they often describe these incidents as 'mundane'.
- Children, involved in sexting incidents, will be dealt with (by the police) as victims as opposed to perpetrators (unless there are mitigating circumstances).
- Record all incidents of sexting. This includes both the actions you did take together with the actions that you didn't take, together with justifications.
- Significant age difference between the sender/receiver involved.
- If there is any external coercion involved or encouragement beyond the sender/receiver.
- If you recognise the child as more vulnerable than is usual (ie at risk).
- If the image is of a severe or extreme nature.
- If the situation is not isolated and the image has been more widely distributed.
- If this is not the first time children have been involved in a sexting act.
- If other knowledge of either the sender/recipient may add cause for concern (ie difficult home circumstances).

Initial response

- The DSL should hold an initial review meeting with appropriate pastoral staff.
- There should be subsequent interviews with the young people involved (if appropriate).
- Parents should 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 a young person has been harmed or is at risk of harm a referral should be made to children's social care and/or the police immediately.

An immediate referral to police and/or children's social care16 should be made if at this initial stage:

- The incident involves an adult
- 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)
- What you know about the imagery suggests the content depicts sexual acts which are unusual for the young person's developmental stage, or are violent
- The imagery involves sexual acts and any student in the imagery is under 13
- You have reason to believe a student or student is at immediate risk of harm owing to the sharing of the imagery, for example, the young person is presenting as suicidal or self-harming

If none of the above apply, then the school may decide to respond to the incident without involving the police or social care. A school can choose to escalate the incident at any time if further information/concerns come to light).

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

Searching, and securing and handing over devices to the police

Guidance on carrying out searches is within the behaviour policy. 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 DSLs have been told about the content of the imagery. The decision to view imagery should be based on the professional judgement of the DSL and in line with the school Safeguarding Policy.

If the DSL is satisfied that no other agency needs to be involved in dealing with the case, consideration should be given to deleting the images. The student should do this under supervision.

Images should never be copied printed or shared with others; this is Illegal.

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.

To be read in conjunction with the Safeguarding and Behaviour & Anti-Bullying Policy

Appendix

When deciding whether to involve the police and/or children's duty team, consideration should be given to the following questions. Answering these questions will support the DSL in considering whether a young person is at risk of harm, in which case a referral will be appropriate, whether additional information or support is needed from other agencies or whether the school can manage the incident and support the young people directly.

Do you have any concerns about the young person's vulnerability?
Why this question?
Consideration should be given to whether a young person's circumstances or background makes them additionally vulnerable. This could include being in care, having special educational needs or disability or having been a victim of abuse.
Where there are wider concerns about the care and welfare of a young person then consideration should be given to referring to children's social care.

Has the imagery been shared beyond its intended recipient? Was it shared without the consent of the young person who produced the imagery?
Why this question?
The imagery may have been shared initially with consent but then passed on to others. A student may have shared the image further with malicious intent, or they may not have had a full understanding of the potential consequences.
Consideration should also be given to a young person's level of maturity and the impact of any special educational needs on their understanding of the situation.
The police should be informed if there was a deliberate intent to cause harm by sharing the imagery or if the imagery has been used to bully or blackmail a student.

Has the imagery been shared on social media or anywhere else online? If so, what steps have been taken to contain the spread of the imagery?
Why this question?
If the image has been shared widely on social media, this could cause significant embarrassment for the student and have a long-term impact on their online reputation. It could also increase the risk of them being bullied or contacted by strangers online.
You should support a young person to report the imagery to any sites it is hosted on.
If the young person has tried to report the imagery and it has not been removed the young person should contact ChildLine who work in partnership with the Internet Watch Foundation (IWF) to have youth produced imagery removed from the internet. You could also contact the Professionals Online Safety Helpline for advice and support.
If the young person is being contacted by people they don't know who have viewed the image then

Why this question?

Children under the age of 13 are unable to consent to sexual activity. Any imagery containing sexual activity by under 13s should be referred to the police.
Being older can give someone power in a relationship so if there is a significant age difference it may indicate the young person felt under pressure to take the image/video or share it.
Consideration should also be given to a young person's level of maturity and the impact of any special educational needs on their understanding of the situation.
If you believe the imagery contains acts which you would not expect a young person of that age to engage in then you should refer to the police. The Brook Traffic Light tool provides guidance on harmful sexual behaviour at different ages.

Did the young person send the image to more than one person?
Why this question?
If a student is sharing sexual imagery with multiple people this may indicate that there are other issues which they need support with. Consideration should be given to their motivations for sharing.
If you believe there are wider safeguarding concerns then you should make a referral to children's social care.
you should report to CEOP.

How old is the young person or young people involved?
Why this question?
Because the maturity and age of the person helps the school decide how to deal with the situation.

Does the young person understand the possible implications of sharing the image?
Why this question?
Young people may produce or share imagery without fully understanding the consequences of what they are doing. They may not, for example, understand how it may put them at risk or cause harm to another young person. They may also not understand consent.
Exploring their understanding may help you plan an appropriate response helping you assess, for example, whether they passed on an image with deliberate intent to harm.

Are there additional concerns if the parents or carers are informed?
Why this question?
Parents should be informed of incidents of this nature unless there is good reason to believe that informing them will put the young person at risk. This may be due to concerns about parental abuse or cultural or religious factors which would affect how they or their community would respond.
If a young person highlights concerns about involvement of their parents then the DSL should use their professional judgement about whether it is appropriate to involve them and at what stage. If a school chooses not to involve a parent they must clearly record the reasons for not doing so.
Where possible young people should be supported to speak with their parents themselves about the concerns.