

Sexting Policy



ST CLARE

Catholic Multi Academy Trust



St. Ann's
Catholic Primary School
a Voluntary Academy

St Ann's Mission Statement

St Ann's Catholic Primary School recognises its responsibilities for child protection and the need for procedures to ensure that the welfare of the child is paramount. We believe that everyone is unique and of equal value. We believe that all children without exception have the right to protection from abuse regardless of gender, ethnicity, disability, sexuality or beliefs. No child or group of children will be treated any less favorably than others in being able to access services which meet their needs.

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SEXTING - STEPS TO TAKE WHEN DEALING WITH AN INCIDENT OF SEXTING

Definition of 'sexting'

There are a number of definitions of sexting but for the purposes of this advice sexting is simply defined as images or videos generated:

- by children under the age of 18, or
- of children under the age of 18 that are of a sexual nature or are indecent. These images are shared between young people and/or adults via a mobile phone, handheld device or website with people they may not even know.

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. It is important to apply a consistent approach when dealing with an incident to help protect yourself, the school and the child. The range of contributory factors in each case also needs to be considered in order to determine an appropriate and proportionate response. All staff should be familiar with this policy.

Why young people do it

There are many reasons why a young person may want to send a naked or semi-naked picture, video or message to someone else.

- joining in because they think that 'everyone is doing it'
- boosting their self-esteem
- flirting with others and testing their sexual identity
- exploring their sexual feelings
- to get attention and connect with new people on social media
- they may find it difficult to say no if somebody asks them for an explicit image, especially if the person asking is persistent

What the Law says

Sexting can be seen as harmless, but creating or sharing explicit images of a child is illegal, even if the person doing it is a child. A young person is breaking the law if they:

- take an explicit photo or video of themselves or a friend
- share an explicit image or video of a child, even if it's shared between children of the same age
- possess, download or store an explicit image or video of a child, even if the child gave their permission for it to be created.

However, as of January 2016 in England and Wales, if a young person is found creating or sharing images, the police can choose to record that a crime has been committed but that taking formal action isn't in the public interest.

Crimes recorded this way are unlikely to appear on future records or checks, unless the young person has been involved in other similar activities which may indicate that they're a risk. Find out more about [legislation on child abuse images](#).

How will St Ann's protect children from the risks

St Ann's will follow the following steps in case of an incident:

STEP 1: Disclosure by a child

Sexting disclosures should follow our normal safeguarding practices. A child is likely to be very distressed, especially if the image has been circulated widely and if they don't know who has shared it, seen it or where it has ended up. They will need support during the disclosure and after the event. They may even need immediate protection or a referral to social services.

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

- Whether there is an immediate risk to a young person or young people
- If a referral should be made to the police and/or children's social care
- If it is necessary to view the imagery in order to safeguard the young person – in most cases, 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 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

This situation will need to be handled very sensitively. Whatever the nature of the incident, ensure the school Safeguarding and On-line Safety policies and practices are adhered to.

An immediate referral to police and/or children's social care should 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 you know about the imagery 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
5. You have reason to believe a young person is at immediate risk of harm owing to the sharing of the imagery, for example, the young person is presenting as suicidal or selfharming

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

STEP 2: Searching a device – what are the rules?

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 should always comply with the child protection policy and procedures of the school or college. Imagery should never be viewed if the act of viewing will cause significant distress or harm to the pupil.

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

- In a school-based context, it is highly likely that the image will have been created and potentially shared through mobile devices. It may be that the image is not on one single device: it may be on a website or on a multitude of devices; it may be on either a school- owned or personal device. It is important to establish the location of the image but be aware that this may be distressing for the young person involved, so be conscious of the support they may need.

The revised Education Act 2011 brought to bear significant new powers and freedoms for teachers and schools. Essentially, the Act gives schools and/or teachers the power to seize and search an electronic device if they think there is good reason for doing so.

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 Safeguarding and On-line Safety policies
- The search is conducted by the Head Teacher or a person authorised by them
- The DSL or a deputy is present
- The search is conducted by a member of the same sex

If any illegal images of a child are found, you should consider whether to inform the police. 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 writing. Always put the child first.

DO NOT search the device if this will cause additional stress to the child/person whose image has been distributed.

NEVER:

- Search a mobile device even in response to an allegation or disclosure if this is likely to cause additional stress to the child **UNLESS** there is clear evidence to suggest that there is an immediate problem
- Print out any material for evidence
- Move any material from one storage device to another

ALWAYS:

- Inform the school's Designated Safeguarding Lead
- Record the incident
- Act in accordance with school Safeguarding Policy and procedures
- Inform relevant colleagues/senior management team about the alleged incident before searching a device

If there is an indecent image of a child on a website or a social networking site, then you should report the image to the site hosting it.

Under normal circumstances you would follow the reporting procedures on the respective website; however, in the case of a sexting incident involving a child or young person where you feel that they may be at risk of abuse, then you should report the incident directly to CEOP www.ceop.police.uk/safety-centre 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.

STEP 3 - What to do and not do with the image.

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

ALWAYS:

- Confiscate and secure the device(s)

NEVER:

- View the image unless there is a clear reason to do so (see above)
- Send, share, copy or save the image anywhere
- Allow children 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 imageNever:
 - Send, share, copy or save the image
 - Move the material from one place to another
 - View the image outside of the protocols in the school's Safeguarding Policy and procedures.

STEP 4 - Who should deal with the incident?

Often, the first port of call for a child is a class teacher. Whoever the initial disclosure is made to must act in accordance with the school's Safeguarding Policy, ensuring that the Designated Safeguarding Lead (DSL) or a deputy DSL are involved in dealing with the incident. The DSL should always record the incident using the school's Critical Incident Form and log the incident on CPOMS. There may be instances where the image needs to be viewed and this should be done in accordance with protocols. The best interests of the child should always come first; if viewing the image is likely to cause additional stress, professionals should make a judgement about whether or not it is appropriate to do so.

STEP 5 - Deciding on a response

There may be a multitude of reasons why a child has engaged in sexting – it may be a romantic/sexual exploration scenario, or it may be due to coercion. It is important to remember that it won't always be appropriate to inform the police; this will depend on the nature of the incident. However, as a school it is important that incidents are consistently recorded. It may also be necessary to assist the young person in removing the image from a website or elsewhere.

ALWAYS:

- Act in accordance with the school's Safeguarding Policy
- Store the device securely
- Carry out a risk assessment in relation to the child
- Make a referral to the LADO (Steven Hill) – 0114 2734850, email lado@sheffield.gcsx.gov.uk if needed
- Contact the police (if appropriate)
- Put the necessary safeguards in place for the child, e.g. they may need counselling support, immediate protection and parents **must** also be informed.
- Inform parents and/or carers about the incident and how it is being managed.

STEP 6 - Contacting other agencies (making a referral)

If the nature of the incident is high-risk, consider contacting your local children's social care team. Depending on the nature of the incident and the response, you may also consider contacting your local police or referring the incident to CEOP. www.ceop.police.uk

For further guidance please see UKCCIS – Sexting in school and colleges documentation, on our website.