

St Patrick's RC High School



Sharing of Nudes and Semi-Nudes Policy

Review Date: Autumn 2021 - 2022

Date of Next Review: Autumn 2023-2024

Prepared By: Mr Michael Connelly

Review Committee: Pupil Welfare

Signed: (Chair)

Aims

The school aims to ensure that:

- Appropriate action is taken in a timely manner to safeguard and promote children's welfare regarding Sharing Nudes and Semi Nudes
- All staff are aware of the procedures and safeguarding measures they need to apply when encountering an Incident
- Staff are regularly updated on guidance relating to dealing with incidents of Sharing nudes and Semi Nudes
- Promote good Online Safety to improve pupils' Online safety knowledge and therefore reduce the number of incidents relating to making and Sharing Nudes and Semi Nudes

This policy is to be read and used in conjunction with the following policies:

- Safeguarding and Child protection Policy
- Search and Confiscation
- Anti-Bullying
- Peer on peer abuse
- Sexual Abuse and Harassment
- Online Safety

St Patrick's RC High School Mission Statement

Our outstanding school community is guided by the gospel values of: love, forgiveness, reconciliation, justice, integrity, humility and truth. Faith and worship are lived, taught and celebrated. We recognise the importance of service to others and the opportunity to be witnesses to Christ in our community. All are unique and strive for personal growth. We celebrate the pursuit of academic excellence, applaud ambition and value the achievements of all. Our pupils are expected to achieve their best and use their learning to make a difference in the world they live in.

School British Values Statement

St Patrick's teachers uphold public trust in the profession and maintain high standards of ethics and behaviour. Teachers do this by not undermining fundamental British values and ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law

Introduction

Previously known/referred to as 'Sexting' or 'Youth Produced Sexual Imagery' This policy is linked to the school's Safeguarding and Child Protection policies. It has also been written after review of the DFEs guidance "Sharing Nudes and Semi Nudes"

[Sharing nudes and semi-nudes: advice for education settings working with children and young people - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/sharing-nudes-and-semi-nudes)

Consensual and non-consensual sharing of nudes and semi-nudes' images and or videos

The term 'sharing nudes and semi-nudes' is used to mean the sending or posting of nude or semi-nude images, videos, or live streams by young people under the age of 18 online. This could be via social media, gaming platforms, chat apps or forums. It could also involve sharing between devices via services like Apple's Airdrop which works offline. The term 'nudes' is used

as it is most commonly recognised by young people and more appropriately covers all types of images sharing incidents. The motivations for taking and sharing nude and semi-nude images, videos and live streams are not always sexually or criminally motivated. Such images may be created and shared consensually by young people who are in relationships, as well as between those who are not in a relationship. It is also possible for a young person in a consensual relationship to be coerced into sharing an image with their partner. Incidents may also occur where:

- children and young people find nudes and semi-nudes online and share them claiming to be from a peer
- children and young people digitally manipulate an image of a young person into an existing nude online
- images created or shared are used to abuse peers e.g., by selling images online or obtaining images to share more widely without consent to publicly shame.

Alternative definitions

Many professionals may refer to 'nudes and semi-nudes' as:

- youth produced sexual imagery or 'youth involved' sexual imagery
- indecent imagery. This is the legal term used to define nude or semi-nude images and videos of children and young people under the age of 18.
- 'sexting'. Many adults may use this term, however some young people interpret sexting as 'writing and sharing explicit messages with people they know' rather than sharing images
- image-based sexual abuse. This term may be used when referring to the non-consensual sharing of nudes and semi-nudes

Terms such as 'revenge porn' and 'upskirting' 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.

Due to the many different types of sexual imaging (see Appendix 1), 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 that St Patricks RC High School applies a consistent approach when dealing with an incident to help protect young people and the school, and the response should always be guided by the 'principle of proportionality'. The primary concern always should be the welfare and protection of the young people involved. For this reason, the Designated Safeguarding Lead (or Deputy Designated Safeguarding Leads in the absence of the DSL) needs to be informed of any 'sexual imaging' incidents. The range of contributory factors in each case also needs to be considered to determine an appropriate and proportionate response. All colleagues are expected to be aware of this policy

The Law: Indecent images of children

- Responding to incidents of sharing nudes and semi-nudes is complex because of its legal status. Making, possessing, and distributing any imagery of someone under 18 which is 'indecent' is illegal. This includes imagery of yourself if you are under 18.
- The relevant legislation is contained in the Protection of Children Act 1978 (England and Wales) as amended in the Sexual Offences Act 2003 (England and Wales).

Specifically:

- it is an offence to possess, distribute, show, and make indecent images of children
- the Sexual Offences Act 2003 (England and Wales) defines a child, for the purposes of indecent images, as anyone under the age of 18
- 'Indecent' is not defined in legislation. When cases are prosecuted, the question of whether any photograph of a child is indecent is for a jury, magistrate or district judge to decide based on what is the recognised standard of propriety

Indecent imagery does not always mean nudity; however, images are likely to be defined as such if they meet one or more of the following criteria:

- nude or semi-nude sexual posing e.g., displaying genitals and/or breasts or overtly sexual images of young people in their underwear
- someone nude or semi-nude touching themselves in a sexual way
- any sexual activity involving a child someone
- hurting someone else sexually
- sexual activity that includes animals

Non-consensual image sharing: The non-consensual sharing of private sexual images or videos with the intent to cause distress is also illegal. The relevant legislation is contained in section 33 of the Criminal Justice and Courts Act 2015.

For further information on the Law and Legality, this can be found in Appendix 3

Staff responsibilities when responding to an incident

If staff are made aware of an incident involving Sharing Nudes or Semi- Nudes (previously known as 'youth produced sexual imagery'), they must report it to the DSL (Mr M Connelly) or Deputy DSLs (Mr Dan Macafee/ Mrs L Gardiner) immediately.

Staff must not:

- View, copy, print, share, store or save the imagery for themselves,
- Ask a pupil to share or download it (if they have already viewed the imagery by accident, they must report this to the DSL or Deputy DSLs)
- Delete the imagery or ask the pupil to delete it
- Ask the pupil(s) who are involved in the incident to disclose information regarding the imagery (this is the DSL's responsibility)
- Share information about the incident with other members of staff, the pupil(s) it involves or their, or other, parents and/or carers
- Say or do anything to blame or shame any young people involved
- Staff should explain that they need to report the incident, and reassure the pupil(s) that they will receive support and help from the DSL and or Deputy DSLs

Handling an Incident

How St Patricks RC High School respond to incidents involving the Sharing of Nudes and Semi Nudes is based on the guidance from the UK Council for Internet Safety which can be found in Appendix 2. A link for this guidance is found below.

[Sharing nudes and semi-nudes: how to respond to an incident \(overview\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/sharing-nudes-and-semi-nudes-how-to-respond-to-an-incident-overview)

Step 1 – Initial Response:

All schools and colleges are required to have an effective safeguarding and child protection policy in place.

This policy reflects St Patricks RC High School's approach to incidents of nudes and semi-nudes being shared and staff should respond to such incidents in line with it. When an incident involving nudes and semi-nudes comes to the attention of any member of staff in an education setting:

- the incident should be referred to the DSL or Deputy DSLs
- as soon as possible the DSL or Deputy DSLs should hold an initial review meeting with appropriate staff. This may include the staff member(s) who heard the disclosure and the safeguarding or leadership team who deal with safeguarding concerns
- there should be subsequent interviews with the children or young people involved (if appropriate)
- parents and carers should be informed at an early stage and involved in the process in order to best support the child or young person unless there is good reason to believe that involving them would put the child or young person at risk of harm
- A referral should be made to children's social care (The bridge MASH) and/or the police immediately if there is a concern that a child or young person has been harmed or is at risk of immediate harm at any point in the process

An initial review meeting should be held to consider the initial evidence and aim to establish:

- whether there is an immediate risk to any child or young person
- if a referral should be made to the police and/or children's social care
- if it is necessary to view the image(s) in order to safeguard the child or young person – **in most cases, images or videos should not be viewed**
- what further information is required to decide on the best response whether the image(s) 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 videos from devices or online services
- any relevant facts about the children or young people involved which would influence risk assessment
- if there is a need to contact another education, setting or individual
- whether to contact parents or carers of the children or young people involved - in most cases they should be involved

Assessing the risks once the images have been shared:

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 children's social care, the DSL (or equivalent) should conduct a further review (including an interview with any child or young person involved) to establish the facts and assess the risks, referring back to any relevant assessment tools. When assessing the risks and determining whether a referral is needed, the following should be also considered:

- why was the nude or semi-nude shared? Was it consensual or was the child or young person put under pressure or coerced?
- has the nude or semi-nude been shared beyond its intended recipient?
- was it shared without the consent of the child or young person who produced the image?
- has the nude or semi-nude been shared on social media or anywhere else online? If so, what steps have been taken to contain the spread?
- how old are any of the children or young people involved? did the child or young person send the nude or semi-nude to more than one person?

- do you have any concerns about the child or young person's vulnerability?
- are there additional concerns if the parents or carers are informed?

These questions will help the DSL or Deputy DSLs decide whether a child or 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 education setting can manage the incident and support any child or young person directly. DSL or Deputy DSLs should always use their professional judgement in conjunction with that of their colleagues to assess incidents.

Step 2 Searching a Device- Viewing the Imagery

Please refer to the school's Search and Confiscation Policy which is based on the most current legislation: The 2011 Education Act

This policy allows for a device to 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 and Searching and Confiscation.
- The search is conducted either by the headteacher or a person authorised by them (or Designated Safeguarding Lead) 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 Safeguarding Team will discuss this with the Police (see Appendices 1, 2 and 3). The Association of Chief Police Officers (ACPO) advise that as a rule it will almost always be proportionate to refer any incident involving 'aggravated' sharing of images to the Police, whereas purely 'experimental' conduct may be proportionately dealt with without such 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 (see Appendix 1). 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 Recording tool (CPOMS).

A search of a mobile device should never occur 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. The young person will always be placed first. Instead we will rely on the description by the young person, secure the device and contact the Police. Staff and parents or carers must not intentionally view any nudes and semi-nudes unless there is good and clear reason to do so as outlined below. Wherever possible, responses to incidents should be based on what DSL or Deputy DSLs have been told about the content of the imagery. It is important that all members of staff are clear on what they can and can't do in relation to viewing nudes and semi-nudes and that this is communicated to any child, young person or parent and carer requesting that imagery be viewed.

If a member of staff accidentally or is put into a position where they inadvertently view an “indecent” image, they should report this to the DSL immediately. If the DSL is the person who inadvertently views an “indecent” image they should report this to the Headteacher

The decision to view any imagery should be based on the professional judgement of the DSL (or equivalent) and should always comply with the Safeguarding and child protection policy of St Patricks RC High School. Imagery should never be viewed if the act of viewing will cause significant distress or harm to any child or young person involved. If a decision is made to view imagery, the DSL (or equivalent) would need to be satisfied that viewing:

- a) is the only way to make a decision about whether to involve other agencies because it is not possible to establish the facts from any child or young person involved.
- b) is necessary to report it to a website, app, or suitable reporting agency (such as the IWF) to have it taken down, or to support the child or young person or parent or carer in making a report
- c) is unavoidable because a child or young person has presented it directly to a staff member or nudes or semi-nudes have been found on an education setting’s device or network

If it is necessary to view the imagery, then the DSL or Deputy DSLs should:

- never copy, print, share, store or save them; this is illegal. If this has already happened, please contact your local police for advice and to explain the circumstances
- discuss the decision with the headteacher or a member of the senior leadership team
- make sure viewing is undertaken by the DSL (or equivalent) or another member of the safeguarding team with delegated authority from the headteacher or a member of the senior leadership team
- make sure viewing takes place with another member of staff present in the room, ideally the headteacher or a member of the senior leadership team. This staff member does not need to view the images
- wherever possible, make sure viewing takes place on the premises of the education setting, ideally in the headteacher or a member of the senior leadership team’s office
- make sure wherever possible that they are viewed by a staff member of the same sex as the child or young person in the images
- record how and why the decision was made to view the imagery in the safeguarding or child protection records, including who was present, why the nudes or semi-nudes were viewed and any subsequent actions. Ensure this is signed and dated and meets any appropriate wider standards e.g., such as those set out in statutory safeguarding guidance and local authority policies and procedures
- if any devices need to be taken and passed onto the police, confiscate the device(s), and call the police. The device should be disconnected from Wi-Fi and data and turned off immediately to avoid imagery being removed from the device remotely through a cloud storage service. The device should be placed in a secure place, for example in a locked cupboard or safe until the police are able to come and collect it

Informing parents and carers

Parents or carers should be informed and involved in the process at an early stage unless informing them will put a child or young person at risk of harm. Any decision not to inform the

parents or carers should be made in conjunction with other services such as children's social care and/or the police, who would take the lead in deciding when they should be informed. Where appropriate, the DSL or Deputy DSLs support any child or young person involved with determining the best approach for informing parents and carers and allow them to be a part of this process if they want to be. If there is an indecent image of a child on a website or a social networking site, then the Safeguarding Team will report the image to the site hosting it. Under normal circumstances the team would follow the reporting procedures on the respective website; however, in the case of a sexual imaging incident involving a child or young person where it may be felt that they may be at risk of abuse then the team will report the incident directly to

CEOP: 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. Once the DSL has enough information, the decision should be made whether to deal with the matter in school or refer it to the police/social care. All information and decision-making should be recorded in line with school policy. If the incident has been dealt with in school, a further review should be held to assess risks.

The DSL should always refer to the police or social care if an incident involves:

- an adult.
- coercion, blackmail, or grooming.
- concerns about capacity to consent, [e.g., SEN]
- images show atypical sexual behaviour for the child's developmental stage.
- violent acts are depicted.
- image shows sex acts and includes a child under 13.
- a young person at risk of immediate harm because of the disclosure (for example, self-harm or suicide)

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). Close 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 (this is illegal).
- 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.

Deleting images (from devices and social media)

- If the school has decided that other agencies do not need to be involved, then consideration should be given to deleting nudes and semi-nudes from devices and online services to limit any further sharing.
- In most cases, children and young people should be asked to delete the imagery and to confirm that they have deleted them. They should be given a deadline for deletion across all devices, online storage, or social media sites. They should be reminded that possession of nudes and semi-nudes is illegal. They should be informed that if they refuse or it is later discovered they did not delete the imagery, they are continuing to commit a criminal offence and the police may become involved.
- Any decision to search a child or young person's device and delete imagery should be based on the professional judgement of the DSL or Deputy DSLs and should always comply with the safeguarding or child protection policy and procedures of the education setting. All of these decisions need to 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 any child or the young person.

Step 4 – Recording Incidents

All incidents relating to nudes and semi-nudes being shared need to be recorded. This includes incidents that have been referred to external agencies and those that have not. Incidents that have not been reported out to police or children's social care, education settings should record their reason for doing so and ensure it is signed off by the headteacher or setting's manager/leadership team. Please note copies of imagery should not be taken. Records should be kept in line with statutory requirements set out in Keeping Children Safe in Education, where applicable, and your local safeguarding procedures.

Step 5 - Deciding On A Response

There may be many reasons why a student has engaged in sexual imaging – it may be a romantic/sexual exploration scenario, or it may be due to coercion. It is important to remember that it will not always be appropriate to inform the police; this will depend on the nature of the incident (see Appendix 1 for definitions). 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.

If indecent images of a young person are found:

- Act in accordance with the Safeguarding policy i.e., inform the Designated Safeguarding Lead.
- Store the device securely.
- The Safeguarding Team should carry out a risk assessment in relation to the young person.
- The Safeguarding Team will make a referral if needed.
- The Safeguarding Team will contact the police (if appropriate). Referrals may be made to Social Care but where a crime is thought to have taken place the police are the first

port of call. Young persons who have engaged in 'experimental sexual imaging' which is contained between two persons will be referred to Social Care for support and guidance. Those who are felt to be victims of 'sexual imaging' will also be referred to Social Care at a point where the police feel that this will not impede an investigation.

- The young person's Supervisor will put the necessary safeguards in place for the student, e.g., they may need counselling support or immediate protection. Inform parents and/or carers about the incident and how it is being managed.

Reporting nudes and semi-nudes online

- Children and young people may need help and support with the removal of nudes and semi-nudes from devices and social media, especially if they are distressed. Most online service providers offer a reporting function for account holders, and some offer a public reporting function to enable a third party to make a report on behalf of the child or young person. More information can be found on individual providers' websites where they should make public their Terms of Service and process for reporting.
- In the event that a site has no reporting function and if the content is a sexual image of someone under 18, you can report it to the Internet Watch Foundation (IWF). You can report directly to the IWF here: www.iwf.org.uk.
- Children and young people can use the IWF and Childline's Report Remove tool to report images and videos they are worried have been, or might be, shared publicly at www.childline.org.uk/info-advice/bullying-abuse-safety/online-mobilesafety/sexting/report-nude-image-online/. The tool helps children and young people to report an image shared online, to see if it is possible to get the image removed. This must be done as soon as possible in order to minimise the number of people that have seen the picture.
- If you are concerned that a child or young person is being sexually abused, exploited, or groomed online you should report to NCA-CEOP: www.ceop.police.uk/safety-centre.
- Supporting parents and carers For advice on supporting parents and carers see the UKCIS document 'Sharing nudes and semi-nudes'

Step 6 - Containment And Prevention

The young persons involved in 'sexual imaging' may be left feeling sensitive and vulnerable for some time. They will require monitoring by and support from their Guidance/Pastoral teams. Where cases of 'sexual imaging' become widespread or there is thought to be the possibility of contagion then the school will reinforce the need for safer 'online' behaviour using a variety of resources. Other staff may need to be informed of incidents and should be prepared to act if the issue is continued or referred to by other students. The school, its students and parents should be on high alert, challenging behaviour and ensuring that the victim is well cared for and protected. The students' parents should usually be told what has happened so that they can keep a watchful eye over the young person especially when they are online at home.

Step 7 - Review Outcomes And Procedures With The Aim Of Preventing Future Incidents

The frequency or severity of such incidents may be such that the school will need to review its approach. Where this is the case St Patricks RC High School will do the following:

- ensure that key policies e.g., Safeguarding and Child Protection, Anti- Bullying and Online Safety policies are still relevant and can meet emerging issues.
- ensure that the school's infrastructure and technologies are robust enough to meet new challenges
- ensure that both adults and young persons are alerted to the issues such as safety mechanisms, support mechanisms and the legal implications of such behaviour.
- use the Ofsted framework for Behaviour and Safety as a benchmark to test the strength of the school's approach.

The following are resources currently available: CEOP resources at www.thinkuknow.co.uk. There is a film called Exposed and accompanying lesson plans for 11-16-year-olds. The children's charity Childnet www.childnet-int.org have developed a drama for secondary school-aged children on the issue of sexual imaging. The Southwest Grid for Learning have developed a resource for young people: 'So you got naked online' which supports them in knowing what to do if things have gone wrong online. This may be found at:

<https://swgfl.org.uk/products-services/online-safety/resources/so-you-got-naked-online/>

Appendix 1: Sharing of Nudes and Semi - Nudes

DIFFERENT LEVELS OF SEXUAL IMAGING

The following is adapted from Wolak and Finkelhor 'Sexual imaging: A Typology'. March 2011

Aggravated incidents: involving criminal or abusive elements beyond the creation, sending or possession of youth-produced sexual images.

- a) Adult offenders develop relationships with and seduce underage teenagers, in criminal sex offences even without the added element of youth-produced images. Victims may be family friends, relatives, community members or contacted via the Internet. The youth produced sexual images generally, but not always, are solicited by the adult offenders.

- b) Youth Only: Intent to Harm cases that:
 - arise from interpersonal conflict such as break-ups and fights among friends.
 - involve criminal or abusive conduct such as blackmail, threats, or deception
 - involve criminal sexual abuse or exploitation by juvenile offenders.

- c) Youth Only: Reckless Misuse no intent to harm but images are taken or sent without the knowing or willing participation of the young person who is pictured. In these cases, pictures are taken or sent thoughtlessly or recklessly, and a victim may have been harmed as a result, but the culpability appears somewhat less than in the malicious episodes.

- d) Experimental incidents involve the creation and sending of youth-produced sexual images, with no adult involvement, no apparent intent to harm or reckless misuse.
 - Romantic episodes in which young people in ongoing relationships make images for themselves or each other, and images were not intended to be distributed beyond the pair.
 - Sexual Attention Seeking in which images are made and sent between or among young people who were not known to be romantic partners, or where one youngster takes pictures and sends them to many others or posts them online, presumably to draw sexual attention.
 - Other: cases that do not appear to have aggravating elements, like adult involvement, malicious motives, or reckless misuse, but also do not fit into the Romantic or Attention Seeking sub-types. These involve either young people who take pictures of themselves for themselves (no evidence of any sending or sharing or intent to do so) or pre-adolescent children (age 9 or younger) who did not appear to have sexual motives.

Appendix 2: Sharing Nudes and Semi Nudes: How to respond to an Incident

Sharing nudes and semi-nudes: how to respond to an incident

An overview for all staff working in education settings in England

UK Council for
Internet Safety

This document provides a brief overview for frontline staff of how to respond to incidents where nudes and semi-nudes have been shared.

All such incidents should be immediately reported to the Designated Safeguarding Lead (DSL) or equivalent and managed in line with your setting's child protection policies.

The appropriate safeguarding lead person should be familiar with the full 2020 guidance from the UK Council for Internet Safety (UKCIS), *Sharing nudes and semi-nudes: advice for education settings working with children and young people* and should not refer to this document instead of the full guidance.

What do we mean by sharing nudes and semi-nudes?

In the latest advice for schools and colleges (UKCIS, 2020), this is defined as the sending or posting of nude or semi-nude images, videos or live streams online by young people under the age of 18. This could be via social media, gaming platforms, chat apps or forums. It could also involve sharing between devices via services like Apple's AirDrop which works offline. Alternative terms used by children and young people may include 'dick pics' or 'pics'.

The motivations for taking and sharing nude and semi-nude images, videos and live streams are not always sexually or criminally motivated.

This advice does not apply to adults sharing nudes or semi-nudes of under 18-year olds. This is a form of child sexual abuse and must be referred to the police as a matter of urgency.

What to do if an incident comes to your attention

Report it to your Designated Safeguarding Lead (DSL) or equivalent immediately. Your setting's child protection policy should outline codes of practice to be followed.

- **Never** view, copy, print, share, store or save the imagery yourself, or ask a child to share or download – **this is illegal** ¹
- If you have already viewed the imagery by accident (e.g. if a young person has showed it to you before you could ask them not to), report this to the DSL (or equivalent) and seek support.
- **Do not** delete the imagery or ask the young person to delete it.
- **Do not** ask the child/children or young person(s) who are involved in the incident to disclose information regarding the imagery. This is the responsibility of the DSL (or equivalent).
- **Do not** share information about the incident with other members of staff, the young person(s) it involves or their, or other, parents and/or carers.
- **Do not** say or do anything to blame or shame any young people involved.
- **Do** explain to them that you need to report it and reassure them that they will receive support and help from the DSL (or equivalent).

For further information

Download the full guidance, *Sharing nudes and semi-nudes: advice for education settings working with children and young people* (UKCIS, 2020) at www.gov.uk/government/publications/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people.

¹ In exceptional circumstances, it may be necessary for the DSL (or equivalent) only to view the image in order to safeguard the child or young person. That decision should be based on the professional judgement of the DSL (or equivalent).

Appendix 3: 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 via 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. Although unlikely to be prosecuted, children and young people who send or possess images may be visited by police and on some occasions media equipment could be removed. This is more likely if they have distributed images. The decision to criminalise children and young people for sending these kinds of images is a little unclear and may depend on local strategies. However, the current Association of Chief Police Officers (ACPO) position is that: 'ACPO does not support the prosecution or criminalisation of children for taking indecent images of themselves and sharing them. Being prosecuted through the criminal justice system is likely to be upsetting and distressing for children especially if they are convicted and punished. The label of sex offender that would be applied to a child or young person convicted of such offences is regrettable, unjust and clearly detrimental to their future health and wellbeing.' However, there are cases in which children and young people have been convicted and sent to prison. The important thing to remember is that whilst, as a school, we will want to consider the implications of reporting an incident over to the police, it is not our responsibility to make decisions about the seriousness of the matter; that responsibility lies with the Police and the CPS hence the requirement for the school to refer. In summary sexual imaging is classed as illegal as it constitutes sharing and/or possessing an indecent image of a child.