

Bankwood Primary School

Sexting Policy

INTRODUCTION

'Sexting' is one of a number of 'risk-taking' behaviours associated with the use of digital devices, social media or the internet. It is accepted that young people experiment and challenge boundaries and therefore the risks associated with 'online' activity can never be completely eliminated. Bankwood School takes a pro-active approach to help our children understand, assess, manage and avoid the risks associated with 'online activity'. The school recognises its duty of care to its young people who do find themselves involved in such activity as well as its responsibility to report such behaviours where legal or safeguarding boundaries are crossed.

There are a number of definitions of 'sexting' but for the purposes of this policy 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, computer, 'tablet' or website with people they may not even know

Disclosure by a pupil

Sexting disclosures should follow the normal safeguarding practices and protocols (see Safeguarding Policy).

The person 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 nurture 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).

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?

Are the school child protection and safeguarding policies and practices being followed?

For this reason a member of the Safeguarding team should be involved as soon as possible.

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?

Searching a device – what are the rules?

The policy allows for a device to be confiscated and securely stored if there is reason to believe it contains indecent images or extreme pornography.

- Leave the search for LADO and/or police not staff members

Never

- Search a mobile device even in response to an allegation or disclosure if
- Print out any material for evidence
- Move any material from one storage device to another
- If the image has been shared across the school network- contact Bluebox immediately to lock the network system from all users

Always

- Inform and involve the Safeguarding Team who will ensure that the Designated Safeguarding Lead is able to take any necessary strategic decisions.
- Record the incident. The Safeguarding Team employ a systematic approach to the recording of all safeguarding issues

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 and/or child protection policy, ensuring that the DSL/Headteacher is 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.

Response

The Safeguarding Team will contact the police (if appropriate). Referrals may be made to Social Care or the Multi-Agency Team but where a crime may thought to have taken place the police are the first port of call. Young persons who have engaged in 'experimental sexting' which is contained between two persons will be referred for support and guidance.

Inclusion team 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 dealt with

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 sexting is classed as illegal as it constitutes sharing and/or possessing an indecent image of a child.