



St Michael's CE (VA) Primary School

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St Michael's CE VA Texting Policy

Introduction

There are a number of definitions of Sexting but for the purposes of this policy and following guidance from UKCUS: Sexting in Schools and Colleges, it is defined as:

'Youth produced sexual imagery'.

The types of incident which this covers are:

- A person under the age of 18 creates and shares sexual imagery of themselves with a peer under the age of 18
- A person under the age of 18 shares sexual imagery created by another person under the age of 18 with a peer under the age of 18
- A person under the age of 18 is in possession of sexual imagery created by another person under the age of 18.

Additional guidance and support on the writing and sharing of explicit messages can be found within the School's E-Safety Policy under the use of mobile technology.

Sharing photos and videos online is part of daily life for many people, enabling them to share their experiences, connect with friends and record their lives.

Photos and videos can be shared as text messages, email, posted on social media or increasingly via mobile messaging apps such as Snapchat, WhatsApp or Facebook Messenger.

Although the production and sharing of such imagery will take place outside of school, these issues will often manifest in school where we work with young people and children.

Aim

The aim of this policy is to provide guidance on how to respond to these incidents under the principle of proportionality, with the primary concern at all times being the welfare and protection of the young people involved.

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The Law

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.

Although 'Indecent' is not defined in legislation, for most purposes if imagery contains a naked young person, a topless girl, and/ or displays genitals or sex acts, including masturbation, then it will be considered indecent. Indecent images may also include overtly sexual images of young people in their underwear.

Handling Incidents

All incidents involving youth produced sexual imagery should be responded to in line with the school's safeguarding and child protection policy and where appropriate the E-Safety Policy.

When an incident involving youth produced sexual imagery comes to a school's attention:

- The incident should be referred to the DSL as soon as possible
- The DSL should hold an initial review meeting with appropriate school 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.

Initial review meeting

The initial review meeting should consider the initial evidence and aim to establish:

- 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

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 (under 13 can never legally give consent to engage in sexual activity)
5. You have reason to believe a pupil or pupil 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 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).

The decision to respond to the incident without involving the police or children's social care would be made in cases when the DSL is confident that they have enough information to assess the risks to pupils involved and the risks can be managed within the school's pastoral support and disciplinary framework and if appropriate local network of support.

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If the school's local area has a Multi-Agency Safeguarding Hub then this may be the most appropriate first point of contact.

The decision should be made by the DSL with input from the Headteacher and input from other members of staff if appropriate. The decision should be recorded in line with school policy.

The decision should be in line with the school's **child protection procedures** and should be based on consideration of the best interests of the young people involved. This should take into account proportionality as well as the welfare and protection of the young people. The decision should be reviewed throughout the process of responding to the incident.

Assessing the risks

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 should conduct a further review (including an interview with the young people involved) to establish the facts and assess the risks.

When assessing the risks the following should be considered:

Why was the imagery shared? Was the young person coerced or put under pressure to produce the imagery?
Who has shared the imagery? Where has the imagery been shared? Was it shared and received with the knowledge of the pupil in the imagery?

Are there any adults involved in the sharing of imagery?

What is the impact on the pupils involved?

Do the pupils involved have additional vulnerabilities?

Does the young person understand consent?

Has the young person taken part in this kind of activity before?

DSLs should always use their professional judgement in conjunction with their colleagues to assess incidents. Annex A provides a list of questions to complement and support their professional judgment.

Informing parents (or carers)

Parents (or carers) should be informed and involved in the process at an early stage unless informing the parent will put the young person at risk of harm. Any decision not to inform the parents would generally 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 the parents should be informed.

DSLs may work with the young people involved to decide on the best approach for informing parents. In some cases DSLs may work to support the young people to inform their parents themselves.

Annex C contains further advice and information about involving parents and carers.

Reporting incidents to the police

If it is necessary to refer to the police, contact should be made through existing arrangements. This may be through a safer schools officer, a PCSO (Police Community Security Officer), local neighbourhood police or by dialling 101.

Once a report is made to the police, the report has to be recorded and the police will conduct an investigation. This may include seizure of devices and interviews with the young people involved.

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Things to be aware of when making reports to the police:

Be aware that the police are not able to offer general advice on incidents. If the children involved are named or specifics are provided they are duty-bound to record and investigate all criminal activity reported.

When making a report through the 101 service, be aware that the person answering the call is a call handler who deals with a wide variety of crimes and may not have specialist knowledge in this area. Ensure any crime reference numbers provided are recorded.

Safer Schools Officers (where available) are able to offer direct support to schools on prevention and advice on management of incidents.

Securing and handing over devices to the police

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.

Children's social care contact and referrals

If the DSL is aware that children's social care are currently involved with a young person involved in an incident of youth produced sexual imagery then they should contact children's social care. They should also contact children's social care if they believe they may be involved, or have been involved with a young person in the past.

If as a result of the investigation the DSL believes there are wider issues which meet the threshold for children's social care involvement then they should make a referral in line with their child protection procedures.

DSLs should ensure that they are aware of, and familiar with, any relevant local policies, procedures and contact points/names which are available to support schools in responding to youth produced sexual imagery. If a local area has a Multi-Agency Safeguarding Hub (MASH) then this may be the most appropriate place for schools to initially make a referral.

Searching devices, viewing and deleting imagery

Viewing the imagery

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:

- is the only way to make a decision about whether to involve other agencies (i.e. it is not possible to establish the facts from the young people involved)
- is necessary to report the image to a website, app or suitable reporting agency to have it taken down, or to support the young person or parent in making a report
- is unavoidable because a pupil has presented an image directly to a staff member or the imagery has been found on a school device or network

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

- Never copy, print or share the imagery; this is illegal.
- Discuss the decision with the Headteacher.
- Ensure viewing is undertaken by the DSL or another member of the safeguarding team with delegated authority from the Headteacher.
- Ensure 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 ensure viewing takes place on school or college premises, ideally in the Headteacher or a member of the senior leadership team's office.
- Ensure wherever possible that images are viewed by a staff member of the same sex as the young person in the imagery.
- Record the viewing of the imagery in the school's safeguarding records including who was present, why the image was viewed and any subsequent actions. Ensure this is signed and dated and meets the wider standards set out by Ofsted for recording safeguarding incidents.

If youth produced sexual imagery has been unavoidably viewed by a member of staff either following a disclosure from a young person or as a result of a member of staff undertaking their daily role (such as IT staff monitoring school systems) then DSLs should ensure that the staff member is provided with appropriate support. Viewing youth produced sexual imagery can be distressing for both young people and adults and appropriate emotional support may be required.

Deletion of images

If the school has decided that other agencies do not need to be involved, then consideration should be given to deleting imagery from devices and online services to limit any further sharing of the imagery.

The Searching, Screening and Confiscation advice highlights that schools have the power to search pupils for devices, search data on devices and delete youth produced sexual imagery.

The Education Act 2011 amended the power in the Education Act 1996 to provide that when an electronic device, such as a mobile phone, has been seized, a teacher who has been formally authorised by the headteacher can examine data or files, and delete these, where there is good reason to do so.

This power applies to all schools and there is no need to have parental consent to search through a young person's mobile phone.

If during a search a teacher finds material which concerns them and they reasonably suspect the material has been or could be used to cause harm or commit an offence, they can decide whether they should delete the material or retain it as evidence of a criminal offence or a breach of school discipline. They can also decide whether the material is of such seriousness that the police need to be involved.

However, just as in most circumstances it is not recommended that school staff view imagery, it is recommended that schools should not search through devices and delete imagery unless there is good and clear reason to do so.

It is recommended that in most cases young people are asked to delete imagery and to confirm that they have deleted the imagery. Young people should be given a deadline for deletion across all devices, online storage or social media sites.

Young people should be reminded that possession of youth produced sexual imagery is illegal. They should be informed that if they refuse or it is later discovered they did not delete the image they are committing a criminal offence and the police may become involved. 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 the young person.

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Interviewing and talking to the young person/people involved

Once a school has assessed a young person as not at immediate risk, it may be necessary to have a conversation with them and decide the best course of action. If possible, the DSL should carry out this conversation. However, if the young person feels more comfortable talking to a different teacher, this should be facilitated where possible.

When discussing the sharing of youth produced sexual imagery, it is important that the DSL:

- Recognises the pressures that young people can be under to take part in sharing such imagery and, if relevant, supports the young person's parents to understand the wider issues and motivations around this.
- Remains solution-focused and avoids questions such as 'why have you done this?' as this may prevent the young person from talking about what has happened.
- Reassures the young person that they are not alone and the school or college will do everything that they can to help and support them.
- Helps the young person to understand what has happened by discussing the wider pressures that they may face and the motivations of the person that sent on the imagery.
- Discusses issues of consent and trust within healthy relationships. Explain that it is not ok for someone to make them feel uncomfortable, to pressure them into doing things that they don't want to do, or to show them things that they are unhappy about. Let them know that they can speak to the DSL if this ever happens.

The purpose of the conversation is to:

Identify, **without looking**, what the image contains and whether anyone else has been involved.

Find out who has seen or shared the image and how further distribution can be prevented.

Recording incidents

All incidents relating to youth produced sexual imagery need to be recorded in school or college. This includes incidents that have been referred to external agencies and those that have not.

Ofsted highlight that when inspecting schools in relation to safeguarding they look for the following:

Are records up to date and complete?

Do records demonstrate both effective identification and management of the risk of harm?

Do records demonstrate sound decision-making, appropriate responses to concerns and evidence of relevant referrals made in a timely manner?

Do they indicate that appropriate action is taken in response to concerns and allegations in a timely manner?

Do they show evidence of tenacity in following up concerns with relevant agencies?

Do they provide evidence of effective partnership working and sharing of information?

Is there evidence of attendance at or contribution to inter-agency meetings and conferences?

Is there clarity about the school's policy relating to the sharing of information internally, safe keeping of records, and transfer when a pupil leaves the school?

In cases that relate to youth produced sexual imagery it is important that schools reflect all of the areas above when they are recording incidents.

In addition, where schools do not refer incidents out to police or children's social care they should record their reason for doing so and ensure that this is signed off by the Headteacher.

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Include Annex A-G for guidance and reference.