

Pupils Sending Nudes and Semi-Nudes

WHAT DO WE MEAN WHEN WE REFER TO SENDING NUDES AND SEMI-NUDES?

- 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 involve public sharing via social media, gaming platforms, chat apps or forums. It could also involve sharing between devices via WhatsApp or via services like Apple's AirDrop which works offline. Alternative terms used by children and young people may include 'dick pics' or 'pics'. Alternative terms used by adults may include sexting, youth-produced sexual imagery or indecent imagery.
- The motivations for taking and sharing nude and semi-nude images, videos and live streams are not always sexually or criminally motivated. Images may be created or shared consensually. Conversely, the sharing of nudes or semi-nudes could constitute peer-on-peer abuse. Appendix 1 gives further information to help schools define an incident in order to ensure an appropriate and proportionate response.
- However creating and sharing nudes and semi-nudes of under-18s, even with consent, is always illegal and the response needs careful management.
- 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. Children and young people under the age of 18 sharing adult pornography or exchanging sexual texts which do not contain images should be dealt with under the *Safeguarding and Child Protection Policy* and *Expected Pupil Behaviour Policy* as appropriate.
- It is accepted that young people experiment and challenge boundaries, and therefore the risks associated with online activities can never be completely eliminated. However, St Dunstan's College takes a proactive approach to e-safety to help students understand, assess, manage and avoid the risks associated with online activity, including an annual visit from a UKCIS specialist to explain the risks and legislation to Senior School students.
- The Foundation recognises its duty of care to its pupils who do find themselves involved in such activity as well as its responsibility to report such behaviours where

legal or safeguarding boundaries are crossed. Furthermore the Foundation recognises that the response to an individual case can affect school-wide culture, peer responses and the willingness of other children to speak out.

- The DSL must always be informed of any incidents of pupils sending nudes or semi-nudes and the DSL will consider the range of contributory factors in each case in order to determine an appropriate and proportionate response. This includes placing the child's sexual behaviour within the context of their age and development, using tools such as Brook's Sexual Behaviours traffic light tool and the Hackett continuum of children and young people's sexual behaviours.

STEPS TO TAKE IN THE EVENT OF AN INCIDENT

1) Initial response

- Manage the disclosure from the child in line with the *Safeguarding and Child Protection Policy*. Recognise that the child is likely to be worried and embarrassed so the staff member should ensure the child is comfortable and only sensitive and appropriate questions are asked.
- Following the disclosure, refer to the DSL as soon as possible.
- DSL holds an initial review meeting with the staff member who heard the disclosure and any other members of the safeguarding team needed.
- DSL holds a follow up interview with the child(ren) if appropriate.
- Parents are informed and are involved in the process unless there is good reason to believe that involving them would put the child at risk of harm.
- A referral should be made to Children's Social Care and/or the police if the child has been harmed or is at risk of harm at any point in the process.

2) Initial review meeting

- Establish whether there is an immediate risk and whether a referral needs to be made to Children's Social Care or the Police.
- If it is necessary to view the image to safeguard the child. Images should not be viewed unless there is no other way to safeguard the child (see Appendix 3 for parameters).
- Establish what further information is needed.
- Establish whether the image has been shared widely and via which platforms. Does immediate action need to be taken to delete or remove images.
- Add any relevant context about the child(ren) involved.
- Decide who else needs to be contacted – other individuals, educational settings and parents.

3) Option 1: external referral

- A referral through MASH must be made if the incident:
 - involves an adult
 - involves blackmailing, coercion or inability to consent
 - is unusual for the child's developmental stage or is violent
 - the child in the images is under 13

- the child is at risk due to the sharing of nudes or semi-nudes – is self-harming or suicidal
 - If a report is made to the police, this will be recorded as a crime although it does not mean the child involved will have a criminal record.
- 4) **Option 2: manage internally**
- If none of the above apply, the incident may be managed internally **if** enough information about the risks is *known* and those risks can be managed internally using the Foundation's *Safeguarding and Child Protection Policy* and *Expected Pupil Behaviour Policy*.
 - The decision must be recorded on MyConcern in accordance with the policies above.
 - Key questions to decide whether it is appropriate to manage an incident internally are:
 - Why was the image shared? Was it consensual or coercive?
 - Has it been shared without consent or beyond the intended recipient?
 - Has the image been shared online? What steps have been taken to contain this?
 - How old are the children involved?
 - How many people was the image sent to?
 - Is the child otherwise vulnerable?
 - Would informing parents put the child at risk?
- 5) **Support for the child(ren) involved**
- The child should be interviewed by the DSL, if possible, to establish the facts and determine the best course of action.
 - The child's views must be taken into account. They should be reassured of available channels for support and that they will be kept informed throughout the process.
 - The interview should use the Tell Describe Explain model for managing disclosures and should not victim-blame.
 - The child should be reminded about consent and trust within healthy relationships and advised on who to tell if they feel this consent and trust has been breached.
 - The child should be made aware of the laws around sending nudes and semi-nudes but reassured that the intent is not to criminalise children.
 - The child should be supported to use Childline's Report Remove tool to get the image removed, delete the image from their own devices and report on any individual sites where the image has been posted.
 - Parents should be informed unless this will cause further harm so that they can support with the above messaging and actions.
 - Further information on support for children is found in the guidance *Sharing nudes and semi-nudes: advice for education settings working with children and young people* (December 2020)
- 6) **Searching devices**
- The Searching, screening and confiscation advice for schools highlights how the Education Act 2011 gives schools the power to search pupils for devices, search data on devices. 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.
- 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 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.
- Schools must avoid viewing indecent imagery unless absolutely necessary to safeguard the child. The parameters where this would be appropriate and how it should be handled are in Appendix 3.

7) **Recording incidents**

- All decisions made and actions taken must be logged in accordance with the College *Safeguarding and Child Protection Policy* which generally will involve logging on MyConcern. Referrals made to external agencies should also be logged here. Indecent images should not be copied, shared or stored.

EDUCATING CHILDREN AND YOUNG PEOPLE ABOUT NUDES

All children are taught about online safety, including the risks of sharing nudes and semi-nudes, during lessons including those of Computer Science, the Stuart Additional Curriculum which incorporates RSHE lessons and form/tutor time, as well as during our annual visit from a UKCIS specialist who talks to all year groups about online safety.

This content includes

- what does it mean to share nudes or semi-nudes
- how it is most likely to be encountered
- the consequences of requesting, forwarding or providing such images, including when it is and is not abusive and when it may be deemed as online sexual harassment
- issues of legality
- the risk of damage to peoples' feelings and reputation
- strategies and skills required to manage specific requests or pressure to provide (or share on) such images and/or the receipt of such images

- who to tell; what to say; what to do; what not to do and where to get support from within and outside of the education setting.

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Author/s:	Jade McLellan	Date Reviewed:	Michaelmas 2021
Date Ratified:	Michaelmas 2021	Next Review Date:	Michaelmas 2022
Committee:	N/A	Clerk to the Governors Signature:	N/A

APPENDIX I – TYPOLOGY OF YOUTH-PRODUCED IMAGERY

The following is adapted from Wolak and Finkelhor *Sexting: a Typology* March 2011.

<p>Aggravated incidents involving criminal or abusive elements beyond the creation, sending or possession of nudes and semi-nudes</p>	<ul style="list-style-type: none"> • Adult involved: adult offenders attempt to develop relationships by grooming children and young people, in criminal sex offences even without the added element of nudes and semi-nudes. Victims may be family friends, relatives, community members or contacted via the Internet. The images may be solicited by adult offenders. • Youth only – intent to harm: these cases can arise from interpersonal conflict, such as break-ups and fights among friends, or criminal/abusive conduct such as blackmail, threats or deception, sexual abuse or exploitation by young people. • 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.
<p>Experimental incidents involving the creation and sending of nudes and semi-nudes with no adult involvement, no apparent</p>	<ul style="list-style-type: none"> • Romantic: incidents 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’: the phrase ‘sexual attention seeking’ is taken directly from the typology

intent to harm or reckless misuse.	<p>however it is important to note that incidents within this category can be a part of normal childhood. A child or young person should not be blamed for taking and sharing their image.</p> <ul style="list-style-type: none"> • 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.
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APPENDIX II – THE LAW

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): It is an offence to possess, distribute, show and make indecent images of children.

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

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.

The NPCC has made it clear that incidents involving sharing nudes and semi-nudes should have an immediate focus on safeguarding children, not on criminalising them unnecessarily.

Further information on the police response is found in *Sharing nudes and semi-nudes: advice for education settings working with children and young people* (December 2020).

APPENDIX III – VIEWING AND DELETING NUDES AND SEMI-NUDES

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 DSLs (or equivalents) have been told about the content of the imagery.

The decision to view any imagery should be based on the professional judgement of the DSL (or equivalent) and should always comply with the child protection policy and procedures of the education setting. 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:

- 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
- 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
- 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 equivalent) 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, the device(s) should be confiscated and the police should be called. 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.

If nudes or semi-nudes have been viewed by a member of staff, either following a disclosure from a child or young person or as a result of a member of staff undertaking their daily role (such as IT staff monitoring school systems), DSLs (or equivalents) should make sure that the staff member is provided with appropriate support. Viewing nudes and semi-nudes can be distressing for both children, young people and adults and appropriate emotional support may be required.