



CANSFIELD
ACHIEVING EXCELLENCE TOGETHER

Sharing of Nudes and Semi-Nudes Policy

<u>Approval Date</u>	22 nd September 2022
<u>Policy Review Date</u>	September 2023
<u>Chair of Governors</u>	<i>Laches</i>
<u>Headteacher</u>	<i>ER</i>

1. Introduction

Sending and sharing 'nudes and semi nudes' 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. However, Cansfield takes a proactive approach in its RSE curriculum, Computing lessons and assembly programmes to help pupils to 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 'nudes and semi nudes' but for the purposes of this policy these are 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.

Some of the legalities of 'nudes and semi nudes' are outlined in Appendix 1.

There are many different levels of inappropriate of 'nudes and semi nudes' (see Appendix 2) and 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 Cansfield applies a consistent approach when dealing with an incident to help protect young people and the school. For this reason, the Designated Safeguarding Lead (or Deputy DSL in the absence of the DSL) needs to be informed of any incidents. The range of contributory factors in each case also needs to be considered in order to determine an appropriate and proportionate response. All colleagues are expected to be aware of this policy.

2. Steps to Take in the Case of an Incident

2.1 Step 1: Disclosure by a Pupil

'Nudes and semi-nude' disclosures should follow the normal safeguarding practices and protocols (see Safeguarding and Child Protection Policy)

A pupil is likely to be very distressed especially if the image has been circulated widely and if they do not know who has shared it, seen it or where it has ended up. They will need pastoral 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).

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

- Is the pupil 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?
- Is the school's child protection and safeguarding policy and practices being followed? For this reason, the Designated safeguarding Lead 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 pupil need immediate support and / or protection?
- Are there other pupils and / or young people involved?
- Do they know where the image has ended up?

2.2 Step 2: Searching a Device – What are the Rules?

A device can be 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.
- The search is conducted either by the Headteacher or a person authorised by him and one other person. (DSL)
- The Designated Safeguarding Team or Deputy should be present 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 Designated safeguarding team will discuss this with the police (see Appendices 1 and 2).

The Association of Chief Police Officers (ACPO) advise that as a general rule it will almost always be proportionate to refer any incident involving 'aggravated' sharing of images to the police, whereas purely 'experimental' conduct may proportionately be 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 2). 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 CPOMS.

Always put the young person first. Do not search the device if this will cause additional stress to the pupil / person whose image has been distributed. Instead rely on the description by the young person, secure the device and contact the police.

Never:

- Search a mobile device even in response to an allegation or disclosure if this is likely to cause additional stress to the pupil / young person UNLESS there is clear evidence to suggest not to do so would impede a police inquiry.
- Print out any material for evidence.
- Move any material from one storage device to another.
- View the image

Always:

- Inform and involve the Designated Safeguarding lead or Deputy.
- Record the incident. The safeguarding team employ a systematic approach to the recording of all safeguarding issues.
- Act in accordance with school safeguarding search and confiscation policies and procedures

If there is an indecent image of a child on a website or a social networking site then the Designated safeguarding Lead 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 'nude or semi nude' 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.

2.3 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 down or switch the device off as soon as possible. This may prevent anyone removing evidence 'remotely'.

Never:

- View the image this is illegal.
- Send, share or save the image anywhere.
- Allow pupils 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, Child Protection policy

2.4 Step 4 - Who should Deal with the Incident?

Often, the first port of call for a pupil is a class teacher. Regardless of who the initial disclosure is made to she / he must act in accordance with the school's Safeguarding, Child Protection Policy, ensuring that the Designated Safeguarding Lead or Deputy are involved in dealing with the incident.

The Designated Safeguarding Lead should always record the incident. The Headteacher should also always be informed - usually by the DSL. There may be instances where the image needs to be viewed and this should be done in accordance with protocols. (Police)

2.5 Step 5: Deciding on a Response

There may be many reasons why a pupil has engaged in nudes and semi nudes – 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 and Child Protection Policy i.e. inform the Designated safeguarding Lead and the relevant pastoral team.
- Store the device securely.
- The Designated Safeguarding Lead or Deputy will assist the pastoral team to carry out a risk assessment in relation to the young person (use Appendix 2 for support).
- The Designated Safeguarding Lead or Deputy will make a referral if needed or assist the pastoral team in doing so.
- The Designated Safeguarding Lead or Deputy will contact the police (if appropriate). Referrals may be made to Social Care or the Multi-Agency Team (MAT) 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 nudes and semi nudes' which is contained between two persons will be referred to MAT for support and guidance. Those who are felt to be victims of 'nudes and semi nudes' will also be referred to MAT at a point where the police feel that this will not impede an investigation.
- The young person's pastoral team will put the necessary safeguards in place for the pupil, e.g. they may need counselling support or immediate protection.

- Inform parents and / or carers about the incident and how it is being managed.

2.6 Step 6: Containment and Prevention

The young person involved in the incident may be left feeling sensitive and vulnerable for sometime. They will require monitoring by and support from the pastoral teams. Where cases of ‘nudes and semi nudes’ 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 pupils. The school, its pupils and parents should be on high alert, challenging behaviour and ensuring that the victim is well cared for and protected. The pupils’ 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.

Creating a supportive environment for pupils in relation to the incident is very important. Preventative educational programmes on the sharing of nudes and semi nudes can be found on CEOP’s advice-giving website www.thinkunknow.co.uk and the South West Grid for learning have developed advice for young people at www.swgfl.org.uk/sextinghelp. Support and guidance can also be found at the U guidance for online safety [Digital Resilience Framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/digital-resilience-framework)

Appendix 1: Sharing of nudes and semi nudes Policy – 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 the sharing of nudes and semi nudes is classed as illegal as it constitutes sharing and / or possessing an indecent image of a child.

Appendix 2: Sharing nudes and semi nudes Policy – Different Levels of sharing indecent images

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 youth-produced sexual images.</p>	<p>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.</p> <p>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.</p> <p>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.</p>
<p>Experimental incidents involve the creation and sending of youth-produced sexual images, with no adult involvement, no apparent intent to harm or reckless misuse.</p>	<p>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.</p> <p>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.</p> <p>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 sexual 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.</p>