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## Background

Creating and sharing sexual photos and videos of under-18s is illegal, it presents a range of risks, and needs careful management.

Sexting = Youth produced sexual imagery – this best describes the practice because:

‘Youth produced’ includes young people sharing images that they, or another young person, have created of themselves.

‘Sexual’ is clearer than ‘indecent.’ A judgement of whether something is ‘decent’ is both a value judgement and dependent on context.

‘Imagery’ covers photos/moving videos

### INCLUDES:

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 or an adult.

A person under the age of 18 is in possession of sexual imagery created by another person under the age of 18

### DOES NOT INCLUDE:

The sharing of sexual imagery of people under 18 by adults as this constitutes child sexual abuse and schools should always inform the police. Young people under the age of 18 sharing adult pornography or exchanging sexual texts which don't contain imagery

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## Why it matters

- Sexting is increasingly common between young people
- Young people use social media e.g. Snapchat, WhatsApp, as the norm
- 90% of 16-24-year olds and 69% of 12-15-year olds own a smartphone
- Producing and sharing sexual images of under 18s is **illegal**.
- Schools, colleges and other organisations need to be able to respond swiftly and confidently to ensure that children are safeguarded, supported and educated.
- Schools need support in developing procedures to respond to incidents involving youth produced sexual imagery.

2016 NSPCC/Office of the Children's Commissioner – 13% boys and girls had taken topless pictures of themselves and 3% had taken fully naked pictures.

Of those who had taken sexual images, 55% had shared them with others. 31% of this group had also shared the image with someone that they did not know.

61% of its secondary school head teacher members reported 'sexting' as a concern, (higher than drugs, obesity and offline bullying in terms of frequency). (The Key Research)

78% of parents were either fairly or very concerned about youth produced sexual imagery, compared to 69%, about alcohol misuse and 67% about smoking (PSHE Assoc).

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## Information

### The Law

Much of the complexity in responding to youth produced sexual imagery is due to its legal status.

Making, possessing and distributing any imagery of someone under 18 which is 'indecent' is illegal. Including of yourself and if you are under 18. Protection of Children Act 1978 (England and Wales) as amended in the Sexual Offences Act 2003 (England and Wales)

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## Outcome 21

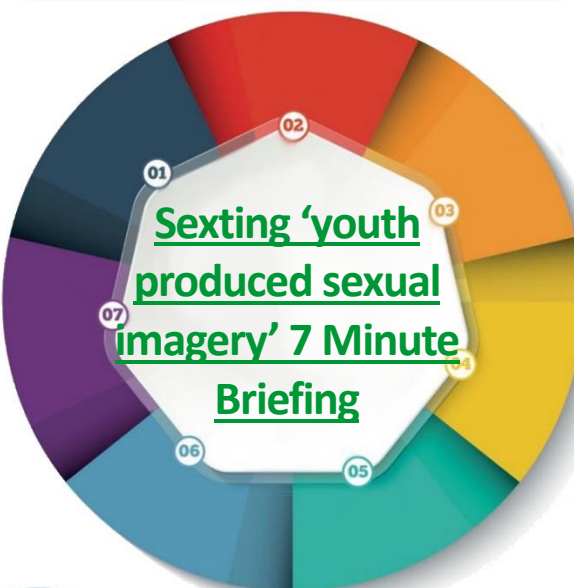
This is a tool the Police can use to record incidents. Outcome 21 means that even though a young person has broken the law and the police could provide evidence that they have done so, the police can record that they chose not to take further action as it was not in the public interest.

Keeping Children Safe in Education statutory guidance sets out that all schools should have an effective child protection policy. Youth produced sexual imagery and a school's approach to it should be reflected in the policy.

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## Key Guidance

1. UKCCIS - [Government Guidance for Schools and Colleges](#)
2. [Sexting in schools and colleges: Responding to incidents and safeguarding young people](#)
3. NSPCC – useful information [NSPCC – Online safety](#)
4. Child Exploitation - [CEOP – ThinkUKnow](#)
5. BBC useful info - [BBC Webwise tools](#)
6. Childline - [Childline - Online and Mobile safety](#)
7. Brook - [Brook Sexual Behaviours Traffic Light tool](#)

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**Any 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.**

Seize, confiscate and pass to police the device(s) Turn it off and lock it away for the police.

Do not view imagery unless there is good and clear reason to do so. If a decision is made to view imagery the Safeguarding lead would need to be satisfied that viewing:

- is the only way to decide 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

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## What to do

1. Respond to incidents in line with the safeguarding and child protection policy.
2. Refer any incident to the safeguarding lead
3. Lead should hold an initial review meeting with appropriate staff.
4. There should be subsequent interviews with the young people involved.
5. 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.