



St. Francis' College
Policy and Procedures for Dealing with Instances of Sexting
(Senior and Prep)

Introduction

The 'College' refers to all the staff and pupils of the Prep Department and Senior School which includes Early Years Foundation stage (EYFS), Pre-Prep (Key Stage 1), Prep (Key Stage 2), and Senior School (Key Stages 3-5)

Definition of Sexting

There are a number of definitions of sexting but for the purposes of this policy, sexting is simply defined as:

Youth produced sexual imagery. This is imagery that is being created by under 18s themselves and involves still photographs, video and streaming of a sexual nature

The policy covers incidents where images are shared between young people and/or adults via a mobile phone, handheld device or website with people they may not even know. It includes the possession of such imagery

- 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

Incidents not covered by this policy include:

- Under 18s sharing adult pornography
- Under 18s sharing sexual texts without sexual imagery
- Adults sharing sexual imagery of under 18s (this is child sex abuse and must always be reported to the Police)

The making, transmission or soliciting of indecent images of children is a criminal offence and this fact should be borne in mind in any incidents of sexting dealt with by the College. All sexting incidents are a Safeguarding issue and the College Safeguarding policy and procedures must be followed.

This policy should be read in conjunction with KCSIE (2021) and the Peer-on-Peer Abuse Policy.

There are many different types of sexting and it is likely that no two cases will be the same. It is necessary to carefully consider each case on its own merits. However, it is important to apply a consistent approach when dealing with an incident to help staff, the College and the pupil. The range of contributory factors in each case also needs to be considered in order to determine an appropriate and proportionate response. The primary concern at all times should be the welfare and protection of the young people involved.

<https://www.disrespectnobody.co.uk/sexting/what-is-sexting/> is a source of further information for staff, as is the UK Council for child internet safety. *Sexting in schools and colleges: Responding to Incidents and Safeguarding Young People (UKCCIS: 2016)* at www.gov.uk/government/groups/uk-council-for-child-internet-safety-ukccis - in particular page 10.

The law states 'Making, possessing, and distributing any imagery of someone under 18 which is indecent is illegal. This includes imagery of yourself if you're under 18.' Indecent is not definitively defined in law, but images are likely to be considered indecent if they depict:

- A young person naked
- A topless girl
- An image which displays genitals, and
- Sex acts, including masturbation
- Indecent images may also include overtly sexual images of young people in their underwear.

These laws were not created to criminalise young people but to protect them. Although sharing sexual images is illegal and risky, it is often the result of curiosity and exploration. Young people need education, support, and safeguarding, not criminalisation.

The College may respond without involving the police. (However, in some circumstances, the police must always be involved. This is at the discretion of the DSL.

To clarify the problem, a social scientist has created a typology of sexting incidents. This begins with a division into two categories:

Category One - Experimental

This includes:

Romantic – child –generated images sent to another child or young person with whom they are, or wish to be, in a relationship. Although indecent, the primary aim is to communicate, not wider dissemination of the image or any form of coercion.

Sexual attention seeking – 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.

Other – cases that do not appear to have aggravating elements, like adult involvement, malicious motives or reckless misuse, but also do not fit 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 (age 9 or younger) who did not appear to have sexual motives.

Category Two – Aggravated

Aggravated incidents involve criminal or abusive elements beyond the creation, sending or possession of youth-produced sexual images.

This category includes:

Adult offenders who develop relationships with and seduce young people when committing 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.

Youth Only: Intent to Harm

These are 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

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 and/or videos 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.

Procedures and Protocols

If a pupil discloses that they have sent or received indecent images of themselves or somebody under 18, the incident will be referred to the Designated Safeguarding Lead (DSL) via My Concern.

Due to the diverse nature of sexting incidents, all cases will be dealt with sensitively and with the primary aim of keeping the child safe. Using the definitions above, a judgement will be made about whether or not the matter needs referral to an outside agency. In all cases of aggravated sexting, or where an adult is known or thought to be involved, a referral to the MASH team will always be made.

If it is suspected that a device in possession of a pupil in College contains indecent images, it will be confiscated.

If it is deemed necessary to check a phone or other device to see if indecent images are stored on it, the following protocol will be strictly followed;

Avoid viewing the image. No member of staff other than the DSL may view suspected indecent images on College premises.

- Refer any disclosure of sexting immediately to the DSL in person and via MyConcern.
- DSL will hold a review meeting with the appropriate member of staff to discuss the case.
- If the images are believed to be of a female pupil, the device will be searched by the DSL in the presence of the Headmistress.
- If images are found, a written report of the content will be made. Under no circumstance will any image be copied to another device, emailed, stored or printed.
- If the decision is made to deal with the incident in College, the pupil's parents will be informed and the pupil will be interviewed.
- The pupil will receive support as guided by Children's Services, counselling and advice regarding the making and distribution of indecent images. Normally, the aim is to inform and protect the young person. If, however, it is a repeat offence, a suitable sanction may be imposed as outlined in the Behaviour and Discipline Policy. Any other pupils affected by the incident would also receive counselling and guidance.
- If the College decides that involving external agencies is not necessary, consideration should be given to deleting the images. Pupils should be asked to delete the images themselves and confirm they have done so. This should be recorded, signed and dated.

If at any point in during the case a young person is felt to be at risk of harm a referral will be made to the MASH. In all incidents, a record of the incident and actions taken will be kept in the College's Child Protection records with the DSL via MyConcern

An incident will always be referred to the police if it involves:

- An adult
- Coercion, blackmail or grooming
- Concerns about capacity to consent (e.g. SEND)
- Images show atypical sexual behaviour for the child's developmental stage
- Depiction of Violent new acts
- Images showing sex acts and including a child under 13
- A young person at risk of immediate harm as a result of the disclosure (for example, self-harm or suicide).

Reference to Sexting will be part of the Safeguarding Annual training and staff are asked to read and acknowledge Annex A of Keeping Children Safe in Education (Sept 2021).

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