

KING EDWARD'S SCHOOL POLICY DOCUMENT

Title: Youth Produced Sexual Imagery Policy

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Youth Produced Sexual Imagery/'Sexting'

Introduction

This policy is based upon the UK Council for Internet Safety (UKCIS)'s advice for schools ['Sharing nudes and semi-nudes- Advice for education settings working with children and young people'](#).

The production of this advice has been co-ordinated by the UKCIS Education Working Group in consultation with the National Police Chiefs' Council (NPCC) on behalf of UKCIS. The advice replaces 'Sexting in schools and colleges: responding to incidents and safeguarding young people' published in 2016 by UKCIS in collaboration with the NPCC and Charlotte Aynsley.

The UKCIS guidance is non-statutory, but should be read alongside:

- Keeping Children Safe in Education statutory guidance (DfE)
- Searching, Screening and Confiscation non-statutory advice (DfE).

There is no clear definition of 'sexting'. The UKCIS guidance talks about 'youth-produced sexual imagery'. This is imagery that is being created by under-18s themselves and involves still photographs, video and streaming. In the guidance, this content is described as sexual and not indecent. 'Indecent' is subjective and has no specific definition in UK law.

Aim

This policy sets out King Edward's School's approach to the sharing of sexual imagery (more often identified as the sending or posting of nude or semi-nude images, videos or live streams, often referred to as "nudes" or "dick pics" by children) by children and other young people.

Sharing can occur online, via 1:1 messaging, social media, gaming platforms, chat apps or forums, or involve sharing between devices via services like Apple's AirDrop, which works offline.

Children in the UK are using artificial intelligence (AI) to create indecent images of other children, *which legally constitute as child sexual abuse material*. The director of the UK Safer Internet Centre (UKSIC) described the images as "terrifyingly" realistic.

This policy outlines how to respond to an incident of nudes and semi-nudes being shared (see below for a definition), including:

- risk assessing situations
- safeguarding and supporting children and young people
- handling devices and images
- recording incidents, including the role of other agencies
- informing parents and carers

Definitions

Professionals may also refer to nudes and semi-nudes as:

- youth-produced sexual imagery or youth-involved sexual imagery
- indecent imagery (this is the legal term used to define nude or semi-nude images and videos of children and young people under the age of 18)
- sexting (many adults may use this term, but some young people interpret sexting as writing and sharing explicit messages with people they know, rather than sharing images)
- image-based sexual abuse (this term may be used when referring to the non-consensual sharing of nudes and semi-nudes)

Terms such as 'revenge porn' and 'upskirting' are also used to refer to specific incidents of nudes and seminudes being shared. Whilst these terms are more often used in the context of adult-to-adult non-consensual image sharing offences, the School recognises that incidents of this nature can also involve children.

Incidents covered by the guidance:

- A person under 18 creates a sexual image of themselves and shares it with another person under 18.
- A person under 18 shares an image of another under 18 with another person under 18 or an adult.
- A person under 18 is in possession of sexual imagery created by another person under 18.

Incidents not covered by the guidance:

- Under 18s sharing adult pornography.
- Under 18s sharing sexual texts without sexual imagery.
- Adults sharing sexual imagery of under 18s. (This is child sexual abuse and must always be reported to police.)

The Law

Making, possessing, and distributing any imagery of someone under 18 which is indecent is illegal. This includes imagery of the owner of the phone ('selfies') if under 18. Indecent is not definitively defined in law, but images are likely to be considered indecent if they depict:

- a naked young person
- someone hurting someone else sexually
- any sexual activity involving a child
- sexual posing e.g. an image which displays genitals and/or breasts
- sex acts including masturbation
- sexual activity that includes animals
- overtly sexual images of young people in their underwear

The non-consensual sharing of private sexual images or videos with the intent to cause distress is also illegal.

Indecent images of other children created using artificial intelligence (AI) legally constitute as child sexual abuse material.

These laws were not created to criminalise young people but to protect them. Although sharing sexual images of themselves is illegal and risky, it is often the result of curiosity and exploration. Young people need education, support, and safeguarding, not criminalisation. The National Police Chiefs' Council (NPCC) is clear that "youth-produced sexual imagery should be primarily treated as a safeguarding issue."

Schools may respond to incidents without involving the police. However, in some circumstances, the police must always be involved.

Crime recording

When the police are notified about youth-produced sexual imagery, they must record this as a crime. The incident is listed as a crime, and the young person is the suspect. This is, however, not the same as a criminal record. Every crime reported to the police must have an outcome code. The NPCC, Home Office and the DBS have agreed an outcome code for youth-produced sexual imagery:

- **Outcome 21:** This outcome code allows the police discretion not to take further action if it is not in the public interest, even though there is enough evidence to prosecute.

Using this outcome code is likely to mean the offence would not appear on a future Enhanced DBS check (although it is not impossible) as that disclosure is a risk-based decision. Schools can be assured that the police have the discretion they need not to adversely impact young people in the future.

Response to incidents of youth produced sexual imagery

The response should be guided by the 'principle of proportionality'. 'The primary concern at all times should be the welfare and protection of the young people involved.' (Sexting in schools and colleges: responding to incidents and safeguarding young people).

Handling incidents

All members of staff (including non-teaching staff) are aware of how to recognise and the need to refer any disclosure of incidents involving the sharing of nudes or semi-nudes. This is covered within staff training and in the School's Safeguarding and Child Protection Policy.

Any direct disclosure by a child or young person will be taken seriously. A child or young person who discloses they are the subject of an incident of sharing sexual imagery is likely to be worried about the consequences. It is likely that disclosure in the education setting is a last resort, and they may have already tried to resolve the issue themselves.

Nudes and semi-nude images, videos and live streams can be taken, and shared by and between young people, under a wide range of circumstances, and are not always sexually or criminally motivated. Such images may be created and shared consensually by young people who are in relationships, as well as between those who are not in a relationship. It is also possible for a young person in a consensual relationship to be coerced into sharing an image with their partner. Incidents may also occur where:

- young people find nudes and semi-nudes online and share them claiming to be from a peer
- young people digitally manipulate an image of a young person into an existing nude online
- images created or shared are used to abuse peers e.g. by selling images online or obtaining images to share more widely without consent to publicly shame

Nude or semi-nude images, videos or live streams may include more than one young person.

Incidents can broadly be divided into two categories:

• **Aggravated:** defined as incidents involving additional or abusive elements beyond the creation, sending or possession of nudes and semi-nudes. These can further be sub-categorised into:

- adult-involved: adult offenders attempt to develop relationships by grooming young people, in criminal sex offences even without the added element of nudes and semi-nudes
- 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

• **Experimental:** defined as incidents involving the creation and sending of nudes and semi-nudes with no adult involvement, no apparent intent to harm or reckless misuse. These can further be subcategorised into:

- 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’: it is important to note that incidents within this category can be a part of normal childhood
- other: cases that do not appear to have aggravating elements, 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 preadolescent children (age 9 or younger) who did not appear to have sexual motives

The School will consider incidents on a case-by-case basis, taking into account what is known about the pupils involved and if there is an immediate risk of harm. The School’s response to an incident will differ depending on the motivations behind the incident and the appropriateness of the pupil’s behaviour and will be guided by the principle of proportionality.

Once a disclosure has been made:

- Refer to the Designated Safeguarding Lead (DSL) who will hold an initial review meeting with appropriate staff (this may include the staff member(s) who heard the disclosure)
- DSL meets with the young people involved (if appropriate); images will only be viewed if it is necessary to safeguard a pupil
- Parents will be informed at an early stage and involved in the process in order to support the pupil(s) (unless there is good reason to believe that involving them would put the pupil at risk of harm)
- Contact social care or the police where there is any concern the young person is at risk of harm

Always refer immediately to the police or social care through the MASH if incident involves:

- an adult
- coercion, blackmail, or grooming
- concerns about capacity to consent (e.g. SEND)
- images showing atypical sexual behaviour for the child's developmental stage
- violent acts
- image showing sex acts and including a child under 13
- a young person at risk of immediate harm as a result of the disclosure (e.g. self-harm or suicide)

If deemed appropriate, it may be necessary to confiscate devices to preserve any evidence.

The School policy on confiscating and searching devices can be found in the Behaviour Policy which is on the website.

Once a DSL has enough information, the decision should be made whether to deal with the matter in school, refer it to the police or to social care. The School may not involve the police, for example where an incident can be defined as 'experimental', and there is no evidence of abusive or aggravating elements, but this will be at the discretion of the DSL. The School may choose to escalate the incident at any time if further information/concerns are disclosed at a later date.

In dealing with cases, the School's primary concern will be the welfare and protection of the children and young people involved. However, disciplinary action may be taken against a pupil whose behaviour in relation to the sharing of imagery is abusive, bullying or illegal.

All information and decision-making should be recorded in line with the School's procedures (see the School's Safeguarding and Child Protection Policy). If the incident has been dealt with in School, a further review should be held to assess risks.

Assessing the risks once the images have been shared

- Has it been shared with the knowledge of the young person?
- Are adults involved in the sharing?
- Was there pressure to make the image?
- What is the impact on those involved?
- Does the child or children have additional vulnerabilities?
- Has the child taken part in producing sexual imagery before?

Viewing images

Staff should NOT view youth-produced sexual imagery. This is illegal. Instead, they should respond to what they have been told the image contains.

- If it is felt necessary to view, this must only be done following discussion with the Head and DSL first.
- If it is felt necessary to view, do so with another member of staff present
- Never copy, print, or share the image (it is illegal to do so)
- Record the fact that the images were viewed along with reasons and who was present; sign and date this record.

Deleting images (from devices and social media)

If the School has decided that involving other agencies is not necessary, consideration should be given to deleting the images. It is recommended that pupils are asked to delete the images themselves and confirm they have done so (to include emptying the deleted files folder). This should be recorded, signed, and dated. Any refusal to delete the images should be treated seriously, reminding the pupil that possession is unlawful.

Sharing nudes and semi-nudes: how to respond to an incident

This document provides a brief overview for frontline staff of how to respond to incidents where nudes and semi-nudes have been shared.

All such incidents should be immediately reported to the Designated Safeguarding Lead (DSL) or equivalent and managed in line with the School's child protection policies.

The appropriate safeguarding lead person should be familiar with the full 2020 guidance from the UK Council for Internet Safety (UKCIS), ***Sharing nudes and semi-nudes: advice for education settings working with children and young people*** and should **not** refer to this document instead of the full guidance.

What do we mean by sharing nudes and semi-nudes?

In the latest advice for schools and colleges (UKCIS, 2020), 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 be via social media, gaming platforms, chat apps or forums. It could also involve sharing between devices via services like Apple's AirDrop which works offline. Alternative terms used by children and young people may include 'dick pics' or 'pics'.

Children in the UK are using artificial intelligence (AI) to create indecent images of other children, which legally constitute as child sexual abuse material. The director of the UK Safer Internet Centre (UKSIC) described the images as "terrifyingly" realistic.

The motivations for taking and sharing nude and semi-nude images, videos and live streams are not always sexually or criminally motivated.

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.

What to do if an incident comes to your attention

Report it to your Designated Safeguarding Lead (DSL) or equivalent immediately. The School's 'Youth Produced Sexual Imagery Policy' contains more detail.

- Never view, copy, print, share, store or save the imagery yourself, or ask a child to share or download – this is illegal.¹
- If you have already viewed the imagery by accident (e.g. if a young person has showed it to you before you could ask them not to), report this to the DSL (or equivalent) and seek support.
- Do not delete the imagery or ask the young person to delete it.
- Do not ask the child/children or young person(s) who are involved in the incident to disclose information regarding the imagery. This is the responsibility of the DSL (or equivalent).
- Do not share information about the incident with other members of staff, the young person(s) it involves or their, or other, parents and/or carers.
- Do not say or do anything to blame or shame any young people involved.
- Do explain to them that you need to report it and reassure them that they will receive support and help from the DSL (or equivalent).

¹ In exceptional circumstances, it may be necessary for the DSL (or equivalent) only to view the image in order to safeguard the child or young person. That decision should be based on the professional judgement of the DSL (or equivalent).