

North Somerset LSCB Online Safeguarding Procedure

Flowchart for responding to Sexting incidents

The flowchart process below has been based on the guidance given in *Sexting in schools & colleges: Responding to incidents and safeguarding young people* guidance produced on behalf of the Government by the UK Council for Child Internet Safety (UKCCIS). The flowchart highlights the recommended process advocated by North Somerset Safeguarding Board for managing and responding to Sexting incidents and includes useful links to supporting resources.

Supporting Resources

1



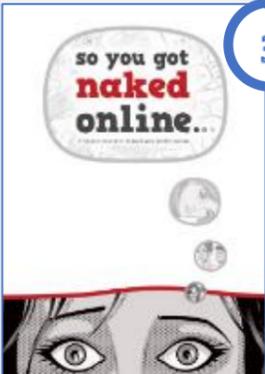
Nationally-recognised best-practice guidance for Schools & Colleges. **All Designated Safeguarding Leads (DSLs) should be expressly familiar with this guidance**

2



Online Safety Helpline: Helpline for professionals working with Children & Young People seeking further advice and support with online issues

3



Support For Young People: Practical post-incident advice from SWGfL to support Young People

4



The Child Exploitation and Online Protection Command: CEOP Command, is a command of the UK's National Crime Agency (NCA) Supporting you to deliver education and raise awareness of online child exploitation and abuse.

Flowchart for responding to Sexting incidents

Initial disclosure: This could come from a Parent/carer, professional or directly from a child.

Incident referred to designated safeguarding lead (DSL): The safeguarding lead will review the information and consider the 5 points, if any of these are identified then an immediate referral to Police and social care is done.

(As per UKCCIS guidance)

5 points to consider for referral:

1. **Adult involvement**
2. **Coercion or blackmail**
3. **Extreme or violent**
4. **Under 13**
5. **Immediate risk of harm**

(For more information refer to section 2 of UKCCIS *Sexting in schools and colleges*)

Referral needed

Police / Social Care / SPA referral

Refer to your local arrangements for dealing with incidents and contact local services.

No points identified for referral at this time

Risk assessment / Dealing with the incident:

The DSL should hold an initial risk meeting with appropriate staff. There should be subsequent interviews with the young people involved (if appropriate). 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.

Consider the use of Sexual Exploitation Risk Assessment Form and follow the CSE flowchart for practitioners.

At any point in the process if there is a 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.

(As per UKCCIS guidance)

Considerations – Risk Assessment

- Vulnerability of the child
 - Coercion
 - How shared and where
 - Impact on children
 - Age of the children
- (For more information see UKCCIS *Sexting in schools and colleges* - Annex A)

If you are worried about a child?

If you are worried about a child who is at risk, being ill-treated or neglected, talk to someone you trust or telephone our Children & Young People's Services Department.

If you live in North Somerset contact the Single Point of Access (SPA) on **01275 888 808**

Our normal office hours are Monday to Thursday 8.45am until 5pm and Friday from 8.45am until 4.30pm

Outside of these hours contact our Emergency Duty Team on **01454 615165**. If the line is engaged you should leave your name and number on the answering machine and someone will call you back as soon as possible.

Alternatively, contact your local police station on **0845 670 000** or if a child is in immediate danger dial **999**.

NSSCB would like to acknowledge the help with resources given by Pan Lancashire Safeguarding Board



Supporting Resources (Links):

- 1 UKCCIS Sexting in schools and colleges:
www.gov.uk/government/uploads/system/uploads/attachment_data/file/551575/6.2439_KG_NCA_Sexting_in_Schools_WEB_1_.pdf
- 2 UKSIC Professionals Online Safety Helpline (POSH):
www.saferinternet.org.uk/professionals-online-safety-helpline%20
- 3 SWGfL – So You Got Naked Online:
www.childnetsic.s3.amazonaws.com/ufiles/Files%202015/SYGNO%20Booklet%20-%20version%20%20May%202015.pdf
- 4 The Child Exploitation and Online Protection Command - Resources from the UK's National Crime Agency
www.new.thinkuknow.co.uk/professionals/

What is Sexting?

Sexting means sending indecent images (pictures and/or videos) of yourself or others or sending sexually explicit messages. Sexting is commonly known as "trading nudes", "dirties" or "pic for pic".

This can be someone sending or receiving a sexually explicit text, image or video on any electronic device that allows sharing of media and messages either using a mobile phone, computer or tablet. It can include sexual chat or requests for pictures/images of a sexual nature. Is it illegal? This depends on what the image is or what the chat involves and who it is sent between. However, it is a crime to possess, take, make, distribute or show anyone an indecent or abuse image of a child or young person under 18 years of age. Always remember that, while the age of consent is 16, the relevant age in relation to indecent images is 18. .

The law is contained in **Protection of Children Act 1978, section 1.**

Know the Law

Sexting can be seen as harmless, but creating or sharing explicit images of a child is illegal, even if the person doing it is a child

If you are under 18 it is against the law to:

- Take, have or distribute a sexual photo or video of yourself; this includes a selfie.
- Have or pass on indecent images of someone under 18.
- Encourage or incite someone to take or send 'sexts'.
- Take a photo of their own genitals whether the image is shared on or not.
- Possess, download or store an explicit image or video of a child, even if the child gave their permission for it to be created

Further information regarding Sexting and the Law can be found via the **Avon and Somerset Police Website** and further information on the **NSPCC documentation on Sexting.**

However, as of January 2016 in England and Wales, if a young person is found creating or sharing images, the police can choose to record that a crime has been committed but that taking formal action isn't in the public interest.

Crimes recorded this way are unlikely to appear on future records or checks, unless the young person has been involved in other similar activities which may indicate that they're a risk.

Police action - the proportionate approach

All reports of sexting by under 18s will be recorded by the police as a crime. Recording a crime does not mean that the person will have a criminal record. A police officer will establish the facts; this will include assessing whether there are any aggravating factors such as the presence of exploitation, coercion, a profit motive or adults as perpetrators in the creation of the images. If there are aggravating factors or significant risks are identified, the police will take control of the incident and an investigation will take place.

If there are no aggravating factors, the police will support victims and assist a school and family through education and intervention. The Police will record that a crime has been committed but that taking formal action is not in the public interest. This is known as utilising 'Outcome 21.'

Outcome 21

This new outcome code allows the police to record a crime as having happened but for no formal criminal justice action to be taken. Crimes recorded this way are unlikely to appear on future records or checks, unless the young person has been involved in other similar activities which may indicate that they are at risk.

The discretion about whether to disclose non-conviction information rests with each Chief Constable managing the process. Although no guarantee can be provided, it will be a very small number of unusual cases that may lead to a further disclosure.

Use the link for advice on the Police action in response to 'youth produced sexual imagery' ('Sexting'), from the College of Policing:

[www.college.police.uk/News/College-news/Documents/Police_action_in_response_to_sexting_-_briefing_\(003\).pdf](http://www.college.police.uk/News/College-news/Documents/Police_action_in_response_to_sexting_-_briefing_(003).pdf)

**Further information about keeping children safe online is available from the
North Somerset LSCB Online Safeguarding website:
www.northsomersetlscb.org.uk**



Guidance to help with 'Sexting' incidents and responses to take

If a sexually explicit image of an adult has been sent from an adult to a child

An offence may have occurred. Contact local police on **101** for further guidance.

If a sexually explicit image of an adult has been sent between children

Then there is no sexual offence but it may, in some cases, be appropriate to speak to Childs Parents, other professionals that are working with the child or family, and consider Early Help.

If it's a sexually explicit image of a child (under 18 years of age)

You should contact local police on **101** for advice and guidance. Do not delete the image and under no circumstances should you save the image, send it to another person or show it to anyone else as you may be committing an offence.

(Further help which may assist you can be found in the section 'Searching devices, viewing and deleting imagery' on Pages 15 & 16 of the UKCCIS guidance. This provides clear examples of circumstances when it may be necessary to view imagery and what actions the DSL should/should not take.)

What if a child (under 18 years of age) takes a sexually explicit image of themselves?

That child has committed an offence by making and possessing that image. If that child then sends the image to another person then the child has committed a further offence of distributing the image and the person who receives the image will also be liable for an offence of possessing the image. In these cases you should contact local police on **101** for advice and guidance. Please be aware that, while offences may technically have been committed by the child/children involved, the matter will be dealt with sensitively and considering all of the circumstances.

If it's sexually explicit text/chat between adults (this can include requests for pictures of a sexual nature)

There may be no sexual offence, but if this communication is unwanted or involves a vulnerable adult then there may be other offences, such as harassment or exploitation to consider. Contact **101** for advice if there are any concerns.

Always remember that, while the age of consent is 16, the relevant age in relation to indecent images is 18. If a vulnerable adult is involved there may be concerns about the ability to give consent.

REMEMBER – IF YOU ARE IN ANY DOUBT ALWAYS CONTACT THE POLICE ON 101 FOR FURTHER INFORMATION.

Other useful links:

Sexual Exploitation Practice Guidance:

www.northsomersetlscb.org.uk/uploads/files/984.pdf

Child Law Advice - Sexting:

www.childlawadvice.org.uk/information-pages/sexting

CSE flowchart for practitioners:

www.northsomersetlscb.org.uk/uploads/files/1021.pdf

Avon and Somerset Police:

www.avonandsomerset.police.uk/advice/crime-prevention-advice/keeping-yourself-safe-online/sexting/

www.thisisnotanexcuse.org/child-sexual-exploitation/

