

SEXTING INCIDENTS IN SCHOOLS

NEU Guidance for members in England, Wales & N.I.

What we say

When you read through this document you may have questions about what happens in your particular school or workplace and there may be collective issues that affect other members. In most circumstances, you should initially discuss the matter with your workplace rep, as they will know whether similar concerns have been raised by other members. If you do not have a rep at the moment, it would be a good idea to get members together to elect one. Further advice on this is available at:

<https://neu.org.uk/becoming-a-rep>

Although you may sometimes feel that you are the only person affected by or concerned about a particular issue, in reality this is seldom the case. Any difficulties you may experience are likely to be linked to wider conditions at your workplace and as a member of the NEU you have the advantage of being able to act collectively with your colleagues. This should give you the confidence of knowing that you have the weight of the Union behind you.

What is sexting?

There is no clear definition of 'sexting' and it can mean different things to different people. However, in the context of schools and young people, this guidance refers to sexting to mean 'youth produced sexual imagery' as this is the definition set out by the UK Council for Child Internet Safety (UKCCIS). Within this definition:

- 'Youth' refers to anyone under the age of 18.
- 'Youth produced' includes young people sharing images that they, or another young people, have created of themselves.
- 'Imagery' covers both still photos and moving videos.

How common is it?

69% of 12-15 year olds and 90% of 16-24 year olds own a smartphone, which gives them the ability to quickly and easily create and share photos and images.

A NSPCC survey in 2016 found that 13% of boys and girls had taken topless pictures of themselves (around one in four of those were girls) and 3% had taken fully naked pictures. Of those who had taken sexual images, 55% had shared them with others, and 31% of this group had shared them with someone they did not know. Research from the PHSE association found that nearly 80% of parents were either fairly or very concerned about youth produced sexual imagery.

What is the law in relation to sexting?

It is illegal to make, possess and distribute any image of anyone under 18 which is 'indecent'. This includes yourself if you are under 18. This is contained within the Sexual Offences Act 2003 (England and Wales). 'Indecent' is not defined in the legislation, so it is for a jury, judge or magistrate to decide if a picture falls into this category.

Will young people be criminalised for sexting?

The law criminalising indecent pictures of children was created in order to protect children from sexual abuse. However, there are concerns that it could lead to the criminalisation of young people that take and share sexual images of themselves. The UKCCIS guidance states that *'we should not unnecessarily criminalise children. Children with a criminal record face stigma and discrimination in accessing education, training, employment, travel and housing and these obstacles can follow a child into adulthood'*. Sometimes, child produced sexual imagery can be the result of young people's exploration of relationships, and they are likely to require education, support and/or safeguarding as opposed to criminalisation.

In some instances, schools will be able to deal with sexting incidents without involving the police. However, there will be some cases where it is always necessary to involve the police and/or social care and more information on this is set out in this document.

The NSPCC has also worked with the Home Office and the Disclosure and Barring Service to establish a way of allowing the police discretion when responding to sexting. It is called 'Outcome 21' and states that it is not in the public interest for the police to pursue the matter further. It is hoped that this will allow the police to respond to incidents in a way which should not have a long term negative impact on young people.

What should I do if I become aware of a sexting incident in school?

The DfE statutory guidance *'Keeping Children Safe in Education'* requires schools to have an effective child protection policy. This policy should address sexting and the school's response to it. Schools and colleges should ensure that all members of staff are made aware of how to recognise and refer any disclosures of incidents, this includes via training and disseminating relevant policies and procedures. Annex F of the [UKCCIS guidance](#) contains a model exercise which could be used by the school's Designated Safeguarding Lead (DSL) to explore issues around sexting with school staff.

If school staff become aware of a sexting incident, they should report it to the school's Designated Safeguarding Lead (DSL) as soon as possible. This will be a senior member of staff.

How should my school respond to sexting incidents?

Once the DSL has been informed of an incident, UKCCIS advises that the following process is followed:

- The DSL should hold an initial review meeting with appropriate school 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
- At any point in the process, if there is 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

The [UKCCIS guidance](#) provides comprehensive advice on how the review meeting should be undertaken. Things that will need to be considered include:

- Whether there is an immediate risk to a young person/people
- If a referral should be made to the police and/or children's social care (see below)
- If it is necessary to view the imagery in order to safeguard the young person – in most cases, it should not be viewed
- Whether action needs to be taken to remove images from devices or online services.
- Relevant factors about the young people involved that should be considered in the risk assessment

- Whether to contact parents or carers. In most cases parents should be involved. Any decision not to inform parents would normally be made in conjunction with other services such as social care and/or the police. Annex C of the [UKCCIS guidance](#) contains advice on working with parents and carers.

All incidents, whether they are dealt with internally or not, need to be recorded by the school and college. Page 18 of the UKCCIS guidance lists the things that Ofsted looks at when it inspects safeguarding procedures.

When is it necessary to involve other agencies?

UKCCIS advises that an immediate referral to the police and/or social care (or multi agency safeguarding hub where there is one) should be made if at the initial stage if any of the following apply:

- The incident involves an adult
- There is reason to believe that a young person has been coerced, blackmailed or groomed, or if there are concerns about their capacity to consent
- What you know about the imagery suggests that the content depicts sexual acts which are unusual for the young person's development stage, or are violent
- The imagery involves sexual acts and any pupil in the imagery is under 13
- You have reason to believe a pupil is at immediate risk of harm owing to the sharing of the imagery, for example, the young person is presenting as suicidal or self-harming

If none of the above apply, then the school or college may decide to respond to the incident without involving any other agencies at the initial stage (it can always be escalated if further information/concerns come to light) and deal with the incident via the school's internal procedures and policies.

A decision to not involve the police/social care should be made by the DSL in conjunction with the head teacher and other members of staff if appropriate and the reasons recorded.

How can schools teach young people about sexting?

Keeping Children Safe in Education states that schools 'should ensure children are taught about safeguarding, including online, through teaching and learning opportunities' and UKCCIS advises that this should include sexting. Section three of the UKCCIS guidance contains advice for schools on how to teach young people about sexting and links to a number of other resources for different age groups.

Useful resources include:

- [Childnet](#) – 'Picture this' drama activity for 11-16 year olds
- [Childnet](#) – 'Just send it' video and classroom resources
- [Childline](#) – advice for young people

What should I do next?

If further advice is needed, contact your NEU workplace rep in the first instance. If there is no NEU rep in your workplace, or the peripatetic nature of your employment makes contact with a workplace rep difficult, contact the NEU AdviceLine, or the Wales or N.I. offices instead. Their details may be found at <https://neu.org.uk/contact-us>.

Further Information

UKCCIS – Sexting in schools and colleges – [full guidance](#) and [overview](#)

[Childnet International](#) - Advice for professionals on online safety issues affecting young people.

[UK safer internet centre](#)

[Childnet International](#)

[DfE – Keeping children safe in education](#)