
Sense College - Operational Strategy

Sharing of nude and semi-nude images

(previously referred to as Youth Produced Sexual Imagery)

Information and Process

This strategy is for Sense College East and Sense College Loughborough



Please Note:

Due to the differing college management structures of Sense College East (SCE) and Sense College Loughborough (SCL), the role terminology will be different for each college.

- For SCE the senior reporting structure is the Principal and Executive Principal.
- For SCL the senior reporting structure is the Assistant Principals, Principal and Executive Principal.

Terminology

- DSL is Designated Safeguarding Lead (senior management level)
- DDSL is Deputy Designated Safeguarding Lead (local management level)



Outcomes

This strategy sets out the approach taken by Sense College to promote safety and awareness of issues relating to the production and sharing of nude and semi-nude images, with a view that:

- Students and young people are involved as practically possible in the safeguarding process.
- Students and young people are supported to keep themselves safe; they are provided with meaningful information to recognise and report abuse.
- Students and young people are engaged in an ongoing conversation about how best to respond to their safeguarding situation that enhances involvement, choice and control as well as improving their quality of life, wellbeing and safety.
- Students and young people's safety is respected and protected.
- Students and young people, family members' and staff members' concerns about safeguarding are taken seriously and acted upon appropriately.
- Staff understand safeguarding procedures and feel skilled, knowledgeable, confident and supported to report concerns about abuse.
- Students, young people and those working with them are aware of the law and how it affects them.
- Students and young people feel confident to say 'No'.
- Safeguarding issues are dealt with responsively and appropriately, actions are taken to prevent and reduce risks. The organisation promotes best practice in relation to safeguarding and learns lessons from internal and external experience.
- Students and young people are not unnecessarily criminalised.

For the college 'Sharing of Nude and Semi-nude Images Strategy' to be effective, it is important that staff are clear about its purposes and understand the processes. Sense College believes it is important that all members of the college community feel safe and are able to achieve their full potential. Such a culture supports the personal and social development of the people we support. It is only by everyone working together that we will achieve this aim.



Who is this strategy is for?

- The students, young people and individuals Sense supports
- All college staff and volunteers
- Families and carers
- Visitors to the college
- Governors

What is this strategy about?

This document sets out how Sense College will go about applying the principles and processes to ensure a safe and secure environment for all covering the sharing of sexual imagery by children, young people and Students.

Sense College has adopted the advice and guidance contained in the UK Council for Internet Safety (UKCIS) document '**Sharing Nudes and Semi-nudes: advice for education settings working with children and young people**' (December 2020) (SNaS-N 2020) – see Part 12 for weblink

This strategy introduces the phrase 'Sharing Nudes and Semi-Nudes' as an alternative to 'sexting'. Creating and sharing sexual photos and videos of under 18s is illegal and therefore college staff need to be aware of the legal framework as well as being sensitive to the impact of decisions made. The legal framework also presents a range of risks which need careful management.

This strategy refers to students and young people under the age of 18 years. It sets out everyone's responsibilities and provides information taking into account the Ofsted Education Inspection Framework and the Keeping Children Safe in Education (KCSIE) statutory guidance, which sets out that all colleges should have an effective child protection and safeguarding policy in place.



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Practice

Part One: Background Information

The Law

Much of the complexity in responding to the sharing of nude and semi-nude imagery is due to its legal status. **Making, possessing and distributing any imagery of someone under 18 which is 'indecent' is illegal. This includes imagery of yourself if you are under 18 years old.**

SNAS-N 2020, Section 1.7 pages 12-16

Social Media and Internet Based Activities

Sense College recognises that there is a risk that students and people supported within the college could inadvertently access and share sexual images of young people without fully understanding the consequences or implications of what they have done. This could occur when the people we support are accessing the internet and engaging in the use of social media.

Staff supporting people to access and use social media and other internet based activities **must** be mindful of this risk and take steps to minimise the risk of this happening.

Sense College has taken steps to filter/block access to such images through the Sense network via the filtering and monitoring system 'Smoothwall'. Sense College Senior Management Team (SMT) monitor and respond to any attempts to gain access. However, staff should be aware that it is not possible to block access through Students own devices if they are not using the Sense network.

Sense College will work with students and people accessing a college service, to help them adopt safe practice when using the Internet and social media.

If a student, whilst accessing the Internet, using online applications or mobile apps, comes across sexual images which seem to be of a child, it is very likely that criminal activity has



taken place before the student has viewed the images and means that children could be at continuing risk of harm.

Staff should not view the image, but should follow the advice contained in Part 5 of this strategy if necessary.

Upskirting

Upskirting is where someone takes a picture under a person's clothing without their permission. It is now a criminal offence in England and Wales, punishable by up to two years in prison (The Voyeurism (Offences) Act 2019). Anyone, and any gender, can be a victim and this behaviour is completely unacceptable.

Sense College recognises that this could happen in college, as anywhere. It may be linked to SNaS-N or may take place as a distinct and separate act. Sense College will seek to address this as part of supporting students and young people to keep safe; exploring the issue of 'consent', as appropriate as well as acceptable use of IT.

If a student or young person reports they have been the victim of Upskirting, they will be listened to and appropriate steps taken to support them within the framework of the law. This will include making a record of the facts and may include obtaining support to delete the images if the perpetrator is a fellow student. The response will be proportionate and supportive of both victim and perpetrator. If the perpetrator is a member of staff; another person in a position of trust, or member of the public, statutory agencies including the police and social services will be informed.

Age Considerations

When considering appropriate action regarding SNaS-N, the Designated Safeguarding Lead (DSL) and Deputy Designated Safeguarding Leads (DDSLs) will need to take the age of the student/young person involved into account, as well as the context, as this will influence decision making and may determine the most appropriate action required.



YOUNGER CHILDREN

Children under 13 are given extra protection from sexual abuse under the Sexual Offences Act 2003. This law makes it clear that sexual activity with a child under 13 is never acceptable and that children of this age can never legally give consent to engage in sexual activity. This applies to children who have not yet reached their 13th birthday, i.e. children who are aged 12 and under.

Any situations involving children under 13 and SNaS-N must be taken seriously as potentially being indicative of a wider safeguarding or child protection concern or as being problematic sexual behaviour.

The understanding of children and young people around the potential implications of taking and/or SNaS-N is likely to be influenced by the age and ability of the children involved.

In some cases, children under 13 (and indeed older) may create nude and/or semi-nude images as a result of age appropriate curiosity or risk-taking behaviour, or simple due to naivety rather than sexual intent.

Within this context, it is unlikely that police or social care involvement is required or proportionate, but the DSL will need to use their professional judgement to consider the specific context and those involved.

Part Two: Disclosure Process

Any direct disclosure by a student or young person should be taken very seriously. A student or young person who discloses they are the subject of sexual imagery is likely to be embarrassed and worried about the consequences. Disclosures about SNaS-N can happen in a variety of ways.

SNaS-N 2020 Section 2 p.17

When an incident involving SNaS-N is either disclosed by a child, student or young person – or comes to the attention of Sense College, the College will follow the processes set out in this strategy in conjunction with **SNaS-N 2020**.



- The incident should be referred to the DDSL or DSL as soon as possible, who will take the necessary steps.
- The DSL and Principal and Executive Principal **must** be informed.
- At any point in the process, if there is a concern a child, student or young person has been harmed, or is at risk of harm, a referral to children's social care and/or the police must be made immediately.
- All support staff should be made aware of how to recognise and refer any disclosure of incidents involving SNaS-N. This is covered within Sense staff training and the Sense Safeguarding Children and Young People Procedure and Guidance (OS11)

Part Three: Reporting Practice

Sense College will follow the process as described in the **SNaS-N 2020** document.

In accordance with this guidance, an immediate referral to police and/or children's social care should be made if, at this initial stage:

- The incident involves an adult.
- There is reason to believe that a student or young person has been coerced, blackmailed or groomed, or if there are concerns about their capacity to consent (for example owing to special educational needs).
- What you know about the imagery suggests the content depicts sexual acts which are unusual for the student or young person's developmental stage, or are violent.
- The imagery involves sexual acts and any child or young person in the imagery is under 13 years of age.



- You have the reason to believe a student or young person 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, the college may decide to respond to the incident without involving the police or children's social care. However, the college can choose to escalate the incident at any time if further information/concerns come to light, in accordance with the guidance (**SiSaC 2017 Section 2 page 10-19**) **SNaS-N 2020 Section 2 pages 17-34**

Part Four: Reporting Incidents to the Police

If it is necessary to refer to the police, contact should be made through existing arrangements. This may be through a safer school's officer, a Police Community Security Officer (PCSO), local neighbourhood police or by dialling 101.

Once a report is made to the police, it has to be recorded and the police will conduct an investigation. This may include seizure of devices and interviews with the young people involved.

Things to be aware of when making reports to the police:

- Be aware that the police are not able to offer general advice on incidents. If the children, students or young people involved are named or specifics are provided they are duty-bound to record and investigate all criminal activity reported.
- When making a report through the 101 service, be aware that the person answering the call is a call handler who deals with a wide variety of crimes and may not have specialist knowledge in this area. Ensure any crime reference numbers provided are recorded.
- If a child or young person is at immediate risk of harm, call 999.



Part Five: Securing Devices with Evidence

If any devices need to be seized and passed onto the police, staff should confiscate the device(s) and the police should be called. The device should be turned off and placed under lock and key until the police are able to come and retrieve it.

Searching devices, viewing and deleting imagery

The Education Act 2011* amended the power in the Education Act 1996 to provide that when an electronic device, such as a mobile phone, has been seized, a teacher who has been formally authorised by the college principal can examine data or files and delete these, where there is good reason to do so.

* see 'Searching, screening and confiscation Advice for Headteachers, school staff and governing bodies – Department for Education, September 2022 for further information).

See Part 12 for weblink.

This power applies to all schools and colleges and there is no need to have parental consent to search through a young person's mobile phone.

Adults should not view SNaSN unless there is good and clear reason to do so, and only with the knowledge and agreement of the Principal and Executive Principal

Sense College will follow the guidance contained in **SNaS-N 2020 Section 2 pages 28-30**

You must never copy, print or share the imagery; this is illegal.

Part Six: Assessing the Risks

The SNaS-N document gives guidance on assessing the risks and Sense College will follow this guidance; acknowledging that the circumstances of incidents can vary widely. If, at the initial review stage, a decision has been made not to refer to the police and/or children's social care, the DDSL, with support from the DSL, should conduct a further



review (including an interview with the students/young people involved) to establish the facts and assess the risks.

Service managers and DDSLs should always use their professional judgement in conjunction with their colleagues to assess incidents. Annex A of SNaS-N 2020 provides a list of questions to complement and support professional judgement.

When assessing the risks, the following should be considered:

- Why was the imagery shared? Was the student or young person coerced or put under pressure to produce the imagery?
- Who has shared the imagery? Where has the imagery been shared to? Was it shared and received with the knowledge of the student or young person in the imagery?
- Are there any adults involved in the sharing of the imagery?
- What is the impact on the Students or young people involved?
- Do the Students or young people involved have additional vulnerabilities?
- Does the student or young person understand consent?
- Has the student or young person taken part in this kind of activity before?

Part Seven: Interviewing and Talking to the Young Person/People involved

Once a service has assessed a student or young person as not at immediate risk, it may be necessary to have a conversation with them and decide the best course of action.

Sense College will follow the guidance **SNaS-N 2020 Section 2.5 pages 21-24 but**



recognises that the students and young people it supports, use many forms of communication and also may not be able to fully engage with the process. In this case, it may be necessary to establish mental capacity and agree best interests when planning next steps and identifying the outcomes that the student or young person would want.

Part Eight: Informing Parents/Carers

Parents or Carers should be informed and involved in the process at an early stage, unless informing the parent/carer will put the student or young person at risk of harm. Any decision not to inform the parent/carer would generally be made in conjunction with other services such as children's social care and/or the police; who would take the lead in deciding when the parents/carers should be informed.

Services may work with the student or young people involved to decide on the best approach for informing parents/carers. In some cases, services may work to support the student or young people to inform their parents/carers themselves.

Part Nine: Social Care Contact and Referrals

If the DDSL/DSL is aware that children's social care is currently involved with a student or young person involved in an incident of SNaS-N, then they should contact the children's social care team. They should also contact the children's social care team if they believe they may be involved, or have been involved, with the student or young person in the past.

If, as a result of the investigation, the DDSL/DSL believes there are wider issues which meet the threshold for children's social care involvement, then they should make a referral in line with the Sense Safeguarding Children and Young People procedure and Guidance (OS11). It may be appropriate to consider any potential for risk to the wider family. If in doubt, always make a referral.

If the student or young person is aged over 18 it may be appropriate to make a referral to the local safeguarding adults team; depending on the circumstances of the case and issues such as consent and ongoing risk. If in doubt, always make a referral.



Part Ten: Online Reporting of SNaS-N

Students and young people may need help and support with the removal of content (imagery and videos) from devices and social media; especially if they are distressed. Most online service providers offer a reporting function for account holders and some offer a public reporting function to enable a third party to make a report on behalf of the student or young person. In such cases, Sense College will follow the guidance (**SiSaC 2017 – Section 2 – page 19) SNaS-N 2020 Section 2.12 p.31**

Part Eleven: Responsibilities

The Sense College Executive Principal and Principal will ensure that this strategy is:

- Implemented fully across the college
- Monitored to ensure that the processes have been followed correctly
- Followed to ensure that any incidents are referred to the most appropriate external agency i.e. Police, Local Authority, Ofsted, etc.

The College DSL (Designated Safeguarding Lead) will:

- Report any incidents to the Executive Principal and Principal, keeping them updated with action taken
- Support and advise DDSLs and service managers to bring about satisfactory outcomes
- Monitor the level and content of blocked searches through the daily Smoothwall reports
- Update guidance for staff and Students/young people in the light of current expert thinking

The college Deputy Designated Safeguarding Leads (DDSLs) will:

- Ensure centre staff are aware of the content of this strategy and how to implement it
- Ensure students and young people are supported to remain safe when online and when using social media



- Act swiftly to investigate and respond to any safeguarding concerns, including those involving SNaS-N, in accordance with this and other relevant guidance
- Display **Appendix 1** Sharing Nudes and Semi-nudes: how to respond to an incident in a relevant place (e.g. Safeguarding Board) accessible to all staff.

Part Twelve: Other sources of Information

- UK Council for Internet Safety, Sharing Nudes and Semi Nudes
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1008443/UKCIS_sharing_nudes_and_semi_nudes_advice_for_education_settings_Web_accessible_.pdf
- DfE Searching, Screening and Confiscation Advice for schools July 2022
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1091132/Searching__Screening_and_Confiscation_guidance_July_2022.pdf
- DfE Keeping Children Safe in Education (2022)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1080047/KCSIE_2022_revised.pdf
- Ofsted –Education Inspection Framework (EIF) (2022)
<https://www.gov.uk/government/publications/education-inspection-framework/education-inspection-framework>
- Ofsted – Inspecting Safeguarding in Early Years Education and Skills (2021)
<https://www.gov.uk/government/publications/inspecting-safeguarding-in-early-years-education-and-skills/inspecting-safeguarding-in-early-years-education-and-skills>
- HM Gov. Working Together to Safeguard Children (2018, updated December 2020)
<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>



Quality Assurance

Incidents of SNaS-N will be reviewed by the DSL in the first instance and all incidents and complaints will be monitored by the college Principal and Executive Principal.

If anyone is not happy with the way a SNaS-N incident has been handled after alerting a member of staff to, or raising a concern, they should contact a member of college SMT.

This strategy and process will be reviewed:

- Annually, in line with the college document review cycle;
- After a serious incident;
- Whenever there is a need.

Conclusion

Sense College believes that by recognising, tackling and preventing incidents of SNaS-N, the quality of provision can be significantly enhanced by raising standards, increasing student confidence and achievements, as well as supporting staff to develop their practice.

For Quality Assurance Use only:

<i>Policy/Procedure:</i>	Sense College Sharing Nudes and Semi-nudes Strategy (replaces YPSI) v08
<i>Reviewed:</i>	Pat Dyson, Executive Principal
<i>Quality Control:</i>	Lynne Kendall, Head of Performance Management and College Improvement
<i>Date Live:</i>	August 2022
<i>Review Due:</i>	August 2023

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

An overview for all staff working in education settings in England

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 your setting'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'.

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. Your setting's child protection policy should outline codes of practice to be followed.

- **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).

For further information

Download the full guidance, *Sharing nudes and semi-nudes: advice for education settings working with children and young people* (UKCIS, 2020) at www.gov.uk/government/publications/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people.

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).