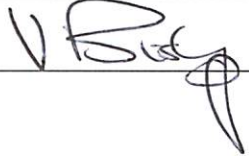


Title	Mobile Device Policy
Reviewed	October 2016
Next Review	October 2018
Associated Policies	E-Safety/Acceptable Use Policy Behaviour Policy Anti-Bullying Policy Safeguarding Policy
Originator	J. Barker
Approved	

Mobile device policy

Contents

Mobile device policy	1
1. Purpose	2
2. Rationale.....	2
3. Responsibility	3
4. Acceptable Uses	3
5. Unacceptable Uses	4
5a. Unacceptable uses by staff (See E-safety policy)	5
6. Theft or damage	5
7. Inappropriate conduct	6
8. Actions to educate and support our students	6
9. Sanctions.....	7
10. Appendix 1. Sexting “aka Youth produced sexual imagery”: Advice and Information for Hatton Academies Trust staff	8
What we know about “Youth produced sexual imagery”	8
Sharing personal images and videos	10
The school’s role	11
Recommendations for schools.....	11

1. Purpose

The widespread ownership of mobile devices e.g. phones, tablets etc. among young people requires that the academy community, including; teachers, students, parents and carers take steps to ensure that mobile devices are used responsibly in the academy. Furthermore we acknowledge that the inappropriate use of mobile technology outside of school can impact upon the wellbeing of members of the academy community during school hours. This policy is designed to ensure that potential issues involving mobile devices can be clearly identified and addressed, ensuring the benefits that mobile devices provide (such as increased safety) can continue to be enjoyed by our students.

Hatton Academies Trust has established the following policy for mobile devices (including Sexting “Youth produced sexual imagery”) to provide teachers, students, parents and carers with guidelines and instructions for the appropriate use of mobile devices during academy hours and where applicable, at home.

Students, their parents or carers must read and understand this policy as a condition upon which permission is given to bring mobile devices into a trust academy. Failure to comply with this policy could result in confiscation of the device and/or other sanctions in accordance with this policy and those for E-safety, behaviour and anti-bullying.

This policy and what is deemed acceptable for mobile devices also applies to students during school excursions, trips and extra-curricular activities both within the trust academies and off-site.

2. Rationale

We believe that educating pupils in the appropriate use of mobile devices prepares them for their role in society and teaches them acceptable behaviour in the world of work and in their private lives. We accept that the possession of a mobile device can be a necessary item for pupils in today’s society as it may provide some security on the way to and from the academy.

Calls, web browsing, social media and text messaging are not acceptable in lessons; they cause disruption and can often be inappropriate. We do not wish to prevent our students from carrying a mobile device but it must be clear that certain rules will apply and sanctions must occur should there be any misuse.

2.3. Personal safety and security

Hatton Academies Trust accepts that parents/carers give their children mobile devices to protect them from everyday risks involving personal security and safety. It is also acknowledged that providing a child with a mobile device gives parents reassurance that they can contact their child if they need to speak to them urgently outside of lesson times.

3. Responsibility

East trust academy has its own rules on bringing mobile devices into their academy which are appropriate to the situation and age of the students/pupils. In-school use in this policy only applies to academies that allow mobile devices to be taken in by a student.

It is the responsibility of students who bring mobile devices into our academies to abide by the guidelines outlined in this document. Furthermore it is the responsibility of students (with parental guidance) to use their mobile device/devices responsibly and within the law whilst at home.

The decision to provide a mobile device for their children should be made by parents or carers. It is the responsibility of parents/carers to understand the capabilities of these devices and their potential use / misuse. This includes understanding the potential issues related to devices with cameras, video recording or internet capability.

Parents/carers should be aware whether their child takes a mobile device to school. It is assumed that household or specific insurance will provide the required cover in the event of loss or damage. Hatton Academies Trust cannot accept responsibility for any loss, damage or costs incurred due to its use or having been brought into a trust academy.

Parents/carers are reminded that in cases of emergency, the academy office and student reception remain vital and appropriate points of contact and can ensure that your child is reached quickly and is assisted in any relevant way. Passing on messages through the academy office/reception also reduces the likelihood of disrupting lessons inadvertently and reduces the impact upon the learning of other students.

4. Acceptable Uses

If mobile devices are allowed in the HAT academy it should be switched off and kept out of sight during all lessons and while moving between lessons. They may be used during break and lunch. Exceptions may be permitted only in exceptional circumstances and if the parent / carer specifically requests it via a prior contact with the academy. Such requests will be handled on a case-by-case basis and should be directed to the student's Director of Year or academy Principal.

Parents/carers are asked that in cases of emergency they contact the academy first so that we are aware of any potential issues and may make the necessary arrangements to ensure the pupil remains safe and is given any support required.

Mobile devices should not be used in any manner or place that is disruptive to the normal routine of the academy (see below).

Students should protect their phone numbers by only giving them to close friends and keeping a note of who they have given them to. This can help protect the student's number from falling into the wrong hands and guard against the receipt of insulting, threatening or unpleasant voice, text and picture messages. Furthermore, students are advised not to trust any website/ emails / persons that ask for these numbers or their addresses without first seeking advice from an adult.

Hatton Academies Trust recognises the importance of emerging technologies present in modern mobile devices e.g. camera and video recording, internet access, MP3 and MP4 playback, blogging etc. Teachers may wish to utilise these functions to aid teaching and learning and students may have the opportunity to use their mobile devices in the classroom. On these occasions students may only use their devices when express permission has been given by the teacher and accept that staff will monitor their use. The use of personal mobile devices in one lesson for a specific purpose does not mean blanket usage is then acceptable. All use must be in accordance with the HAT E-safety and Acceptable Use Policy.

5. Unacceptable Uses

The academy/trust reserves the right to confiscate a mobile device if required as potential evidence of a breach of the trust's anti-bullying/ E-safety & Acceptable use policy, mobile device, behaviour or any other relevant policy.

Once confiscated, the device will be kept secure until such time as it is required by the appropriate authority or returned to the parent / carer.

Unless express permission is granted, mobile devices should not be used to make calls, send SMS messages, surf the internet, take photos/video or use any other application during academy lessons or other educational activities, such as assemblies, practical lessons etc.

The Bluetooth function of any device must be switched off at all times and not be used to send images or files to other devices.

Mobile devices must not disrupt classroom lessons with ring tones, music or sounds. They should be turned off during lesson times.

Using mobile devices to bully and threaten other students is always unacceptable.

Cyber bullying will not be tolerated and in some cases it can constitute criminal behaviour. If the use of technology humiliates, embarrasses or causes offence it is unacceptable regardless of whether 'consent' was given. Hatton Academies Trust works very closely with the Police and regularly liaises with them. (Please see the anti-bullying, E-safety & Acceptable Use, behaviour and Anti-bullying policies)

It is forbidden for students to "gang up" on any student/s or staff member/s and use their mobile devices to take videos and pictures of acts to denigrate and humiliate them. It is also forbidden to send the pictures / videos to others or to upload it to a website for public viewing. This also includes using devices to photograph or film any student or member of staff without their consent. It is a criminal offence to use a mobile device to menace, harass or offend another person and almost all calls, text messages and emails can be traced. (Please see the anti-bullying, behaviour and E-safety & Acceptable Use policies)

At SCHA students should have their mobile devices secure inside bags prior to entering the changing rooms, or be placed in a named envelope for safe storage by PE staff. Under no circumstances should devices be used in changing rooms (see the guidance on "Youth produced sexual imagery" 7.4). Mobile devices are not to be

Hatton Academies Trust

taken out of bags or used in any situation that may cause embarrassment or discomfort to fellow students, staff or visitors to the school. PE staff will confiscate any non-enveloped mobile devices found out of school bags and in use in these areas immediately.

Should there be more than one disruption to lessons caused by a mobile device, the responsible student may face disciplinary actions as sanctioned by the Principal. This may include a ban in the academy.

It is unacceptable to take a picture of a member of staff without their permission. In the event that this happens the student will be asked and expected to delete those images, and will be subject to appropriate disciplinary sanctions appropriate to the incident.

5a. Unacceptable uses by staff (See E-safety policy)

- Accessing social networking sites, instant messaging accounts, email or using a mobile phone etc. for personal use during lesson time on a mobile phone (or other personal mobile device).
- Using personal digital cameras or camera phones for taking and transferring images of pupils or staff without permission (staff must not store images at home without permission).
- During break and lunch times staff may use their mobile devices but this use must not be to the detriment of their duties.

6. Theft or damage

Students should mark their mobile devices clearly with their names or other identifying markings.

Students who bring mobile devices to the trust academy should leave it locked away in their locker / bag when they arrive. To reduce the risk of theft or damage during academy hours, students who carry mobile devices are advised to keep them well concealed / safe and not 'advertise' they have them.

Mobile devices that are found in an academy and whose owner cannot be located should be handed to reception. (The trust accepts no responsibility for replacing lost, stolen or damaged devices, be they lost on the way to, from or whilst at, the academy).

It is strongly advised that students use passwords/pin numbers to ensure that unauthorised phone calls cannot be made on their phones (e.g. by other students, or if stolen). Students must keep their password/pin numbers confidential. Mobile devices and/or passwords may not be shared. (See the E-safety & Acceptable Use policy)

Lost and stolen mobile phones in the U.K. can be blocked across all networks making them virtually worthless because they cannot be used. In the event of a loss or theft on trust premises, the academy can assist in arranging blocking.

7. Inappropriate conduct

Sir Christopher Hatton Academy uses Impero software which logs and produces a screen shot every time discriminatory, racist or extremist language is keyed into any college computer/device. This is sent directly to IT services and the E-safety coordinator.

Any student who uses vulgar, derogatory, homophobic, racist, disabilist or obscene language etc. while using a mobile device will face disciplinary action in accordance with the Behaviour, E-safety and Anti-bullying Policies.

Students may not engage in personal attacks, harass another person, or post private information about another person using SMS messages, taking/sending photos or objectionable images, and calls (this also includes computers, laptops etc.). Students using mobile devices to bully other students or staff will face disciplinary action regardless of whether the incident occurred within academy opening hours. It is a criminal offence to use a mobile device to menace, harass or offend another person. As such, the academy may consider it appropriate to involve the police.

Students must ensure that files stored on their electronic devices (including laptops, computers, phones etc.) do not contain violent, degrading, racist, homophobic or pornographic images. The transmission of such images is a criminal offence.

“Youth produced sexual imagery” – which includes the sending of personal sexual imagery - is also a criminal offence. As such, the academy will consider it appropriate to inform the Police of any student involved in the production, handling and or transmission of such images. In all instances, Learning zone staff will fill out a designated form and inform the DSP, in the event of such an incident, in preparation for the involvement of outside agencies. Appendix 1 contains further information and guidance on issues involved with “Youth produced sexual imagery” for trust staff.

Mobile devices are banned from all examinations. Students are expected to leave their mobile devices, switched off, in their bags, before entering the exam hall or they should hand them to invigilators before entering the exam hall. Any student found in possession of a mobile device during an examination will have that paper disqualified. Such an incident may result in all other exam papers being disqualified.

8. Actions to educate and support our students

We educate against inappropriate conduct by:

Ensuring up to date training for students, for example, through Lifeskills, assemblies and form activities which cover peer-exchange of sexual messages, images, invitations, taunts, extremism, discriminatory language etc. This is informed by the use of confidential student surveys, consultation with external advisors, Stonewall, the county E-safety advisor and the Police. Students also complete online training from “e-safety advisor”.

We have designated staff e.g. Learning Mentors, Senior Child Protection Officer, Anti-Bullying / E-safety Coordinator who deal with cyber-bullying (including sexual) or digitally mediated sexual harassment.

Ensuring that staff are up to date with current issues through internal and externally sourced (online) training. This is informed by the use of confidential staff and student surveys.

Sourcing training through the Police and E-safety experts for staff and students. We also offer training sessions for parents as well as placing up to date resources on the academy and trust website for their information.

9. Sanctions

Students who infringe the rules set out in this document could face having their devices confiscated by staff. If the device is being used inappropriately the student must give it to a teacher if requested, without argument (See E-safety and Behaviour policies).

Parents will be notified and the student will not be permitted to collect the device without a parent/carer's express consent. If a parent/carer is unable to attend the school they are permitted to phone and give verbal consent for their child to collect the device and must speak to a member of the management team or student support. The incident will be recorded as per the Behaviour and E-safety policies.

Any further infringements of the mobile phone code of conduct may result in a ban on bringing devices to school.

As set out in the previous section, failure to heed the rules set out in this document may result in an alleged incident – of a serious nature - being referred to the police for investigation. In such cases, the parent or carer would be notified immediately.

10. Appendix 1. Sexting “aka Youth produced sexual imagery”: Advice and

Information for Hatton Academies Trust staff

In the parliamentary debate on 14 February 2013 into violence against women and girls, MPs debated (among other issues) “Youth produced sexual imagery” in schools. Claire Perry MP highlighted that: ‘The problem is children and young people exchanging inappropriate images, content and messages. That is a huge, growing and endemic problem.’

Research suggests that it is considered normal behaviour by many

“Youth produced sexual imagery” involves creating, sharing and forwarding sexually suggestive rude (or nearly rude) images. It is more likely to be instigated by boys, and extended distribution or ‘exposure’ can have significant emotional implications.

What is particularly worrying is that research suggests that it is considered normal behaviour by many.

According to a 2016 NSPCC/Office of the Children’s Commissioner England study found that just over one in ten boys and girls (13%) 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. 31% of this group had also shared the image with someone that they did not know.

Although most young people aren’t creating or sharing this type of imagery, the potential risks are significant and there is considerable concern about the issue in schools and amongst parents. Research conducted by ‘The Key’ found that 61% of its secondary school head teacher members reported ‘sexting’ as a concern. This placed it higher than drugs, obesity and offline bullying in terms of frequency of reporting as a concern.

What we know about “Youth produced sexual imagery”

The NSPCC asked the Institute of Education, King’s College London, the London School of Economics and the Open University to conduct a small-scale qualitative study to improve understanding of “Youth produced sexual imagery” and the use of mobile technology by young people.

The researchers conducted focus group interviews with 120 young people aged 13 to 14 across three counties in England and published their findings in 2012: *A qualitative study of children and young people and ‘Sexting “aka Youth produced sexual imagery”’: a report prepared for the NSPCC.*

Main findings

The main messages from the NSPCC research include the following.

- The main threat is from technology-mediated sexual pressure from the ever-widening circles of peers, rather than ‘stranger danger’.
- “Youth produced sexual imagery” is often coercive and linked to harassment, bullying and even violence.
- Girls are most adversely affected – primarily, boys harass girls.
- Technology amplifies the problem, increasing the objectification of girls.
- “Youth produced sexual imagery” reveals wider sexual pressures.
- Ever younger children are affected – the impact on Year 8 was greater than in Year 10.
- “Youth produced sexual imagery” practices are culturally specific, with girls being subject to oppressive, racialised beauty norms and boys being subject to competitive masculinity – both linked to commercial culture.
- More support and resources are vital.

A very worrying picture

The research presented a very worrying picture of life in secondary school, particularly for girls.

Girls were repeatedly asked to send images of themselves. If they gave in, they were vulnerable to being labelled as ‘sluts’, with very little control over the further distribution of images.

The circulation of pictures is a form of popularity currency, particularly among boys. The NSPCC found that both boys and girls blamed girls for sending the pictures.

Pressurised yet voluntary

‘They choose to participate but they cannot choose to say “no”’

The researchers found that: ‘Much of young people’s talk, therefore, reflects an experience that is pressurised yet voluntary – they choose to participate but they cannot choose to say “no”’.

They suggest that the young people they talked to were well aware of how to protect themselves from strangers online, but had greater difficulty when it came to reducing risk from known peers.

Resigned attitudes

Many of the young people felt that they had few friends who could be trusted, and they could not see a way of publicly disagreeing with the practice: 'There seemed to be a certain resigned individualistic attitude in the sense that nothing they could do would change anything, so as long as it didn't [affect] them personally, there was no point in trying'.

This also applies to the pressure on boys to behave in a certain macho masculine way or be at risk of being labelled 'gay'.

Sexist abuse and physical harassment

What is perhaps particularly worrying, according to the NSPCC research, is the general prevalence of sexist abuse and physical harassment that "Youth produced sexual imagery" is part of. Girls were subject to sexual harassment on a regular basis. "Youth produced sexual imagery" is only one expression of this.

Exposure

The NSPCC report talks about 'exposure', which is 'a term used by the young people to describe the unwanted posting of private pictures or text to Facebook or Blackberry messaging'.

Exposure ranged from proving that someone told a lie to taking a picture of them when they weren't expecting it. They found that girls were constantly under threat of exposure, and that this could have an impact on their emotional wellbeing.

Sharing personal images and videos

Dr Andy Phippen of Plymouth University wrote a report in 2009, entitled *Sharing personal images and videos among young people*, based on research carried out by the South West Grid for Learning and Plymouth University.

Of the 535 respondents, 56% were aware of times when images and videos were distributed further than the intended recipient, but only 23% believed that this was intended to cause upset.

Blasé attitudes

Dr Phippen's particular concern was the relaxed attitude that there seemed to be about it: 'The survey clearly shows a population fully aware of the concept of "Youth produced sexual imagery" and a significant subset who are actively engaged with the practice. What is particularly worrying is the somewhat blasé attitudes to the subject'.

Some 40% of respondents did not see anything wrong with a topless image, and 15% did not take issue with a naked image.

Also, 40% said they knew friends who carried out the practice of “Youth produced sexual imagery”, and 27% of respondents said that “Youth produced sexual imagery” happens regularly or all of the time.

The school’s role

Discuss “Youth produced sexual imagery” with pupils

In Dr Phippen’s research only 27% thought that young people needed more support and advice about “Youth produced sexual imagery”, and only 24% would turn to a teacher if they were affected by it. However, he suggests that schools should be more prepared to discuss “Youth produced sexual imagery” with their pupils, as they may not be fully aware of the implications of their actions.

The NSPCC found that girls often said that they would go to their mum or go to a teacher if something became particularly upsetting, but this was a ‘rote’ answer. Overall, there was a culture of silence, as girls were also concerned about being seen as a ‘grass’.

Discuss sexual matters as part of anti-bullying initiatives

Reference to the use of mobile technologies should be included in anti-bullying policies

The NSPCC points out that there is a fine line between “Youth produced sexual imagery” and bullying, and it is important that teachers are willing to discuss sexual matters as part of their anti-bullying initiatives.

The difference in perception of “Youth produced sexual imagery” according to gender needs careful handling, says the NSPCC report: ‘We found considerable evidence of an age-old double standard, by which sexually active boys are to be admired and “rated”, while sexually active girls are denigrated and despised as “sluts”.

Decide policy on mobile technologies

Reference to the use of mobile technologies should be included in anti-bullying policies.

There are some specific differences to other types of bullying. For example, non-response can lead to very public ‘punishments’, and messages can be sent repeatedly. This needs to be taken into consideration, when deciding on policy.

Recommendations for schools

The NSPCC recommendations for schools include:

- a PSHE curriculum in secondary schools that covers peer exchange of sexual messages, images, invitations and taunts either together with or separately from bullying

- greater awareness of the issues and resources to cope with sexual cyberbullying or digitally mediated sexual harassment in schools
- strategies to address teacher embarrassment and acknowledgement that sexual harassment might not come from a stranger but from another child in the same class
- readiness to address issues through viewing and discussing up-to-date, realistic, filmed scenarios – these should be gender-sensitive and non-moralising, and should resist blaming girls
- addressing the issue of “Youth produced sexual imagery” in single-sex groups (ideally small ones), with boys being helped to recognise their double standards
- acknowledgement that not all “Youth produced sexual imagery” is a problem
- ensuring that those addressing the problem in schools are up to date with technology
- placing greater emphasis on information and pedagogical resources, rather than on heavy-handed surveillance systems.

Appendix 1

Advice on “Youth produced sexual imagery”

Appendix 1. “Youth produced sexual imagery”: Advice and Information for Hatton Academies Trust staff

In the parliamentary debate on 14 February 2013 into violence against women and girls, MPs debated (among other issues) “Youth produced sexual imagery” in schools. Claire Perry MP highlighted that: ‘The problem is children and young people exchanging inappropriate images, content and messages. That is a huge, growing and endemic problem.’

Research suggests that it is considered normal behaviour by many

“Youth produced sexual imagery” involves creating, sharing and forwarding sexually suggestive rude (or nearly rude) images. It is more likely to be instigated by boys, and extended distribution or ‘exposure’ can have significant emotional implications.

What is particularly worrying is that research suggests that it is considered normal behaviour by many.

According to a 2016 NSPCC/Office of the Children’s Commissioner England study found that just over one in ten boys and girls (13%) 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. 31% of this group had also shared the image with someone that they did not know.

Although most young people aren’t creating or sharing this type of imagery, the potential risks are significant and there is considerable concern about the issue in schools and amongst parents. Research conducted by ‘The Key’ found that 61% of its secondary school head teacher members reported ‘sexting’ as a concern. This placed it higher than drugs, obesity and offline bullying in terms of frequency of reporting as a concern.

What we know about “Youth produced sexual imagery”

The NSPCC asked the Institute of Education, King’s College London, the London School of Economics and the Open University to conduct a small-scale qualitative study to improve understanding of “Youth produced sexual imagery” and the use of mobile technology by young people.

The researchers conducted focus group interviews with 120 young people aged 13 to 14 across three counties in England and published their findings in 2012: *A qualitative study of children and young people and ‘Sexting “aka Youth produced sexual imagery”’: a report prepared for the NSPCC.*

Main findings

The main messages from the NSPCC research include the following.

- The main threat is from technology-mediated sexual pressure from the ever-widening circles of peers, rather than ‘stranger danger’.
- “Youth produced sexual imagery” is often coercive and linked to harassment, bullying and even violence.
- Girls are most adversely affected – primarily, boys harass girls.
- Technology amplifies the problem, increasing the objectification of girls.
- “Youth produced sexual imagery” reveals wider sexual pressures.
- Ever younger children are affected – the impact on Year 8 was greater than in Year 10.
- “Youth produced sexual imagery” practices are culturally specific, with girls being subject to oppressive, racialised beauty norms and boys being subject to competitive masculinity – both linked to commercial culture.
- More support and resources are vital.

A very worrying picture

The research presented a very worrying picture of life in secondary school, particularly for girls.

Girls were repeatedly asked to send images of themselves. If they gave in, they were vulnerable to being labelled as ‘sluts’, with very little control over the further distribution of images.

The circulation of pictures is a form of popularity currency, particularly among boys. The NSPCC found that both boys and girls blamed girls for sending the pictures.

Pressurised yet voluntary

‘They choose to participate but they cannot choose to say “no”’

Hatton Academies Trust

The researchers found that: ‘Much of young people’s talk, therefore, reflects an experience that is pressurised yet voluntary – they choose to participate but they cannot choose to say “no”’.

They suggest that the young people they talked to were well aware of how to protect themselves from strangers online, but had greater difficulty when it came to reducing risk from known peers.

Resigned attitudes

Many of the young people felt that they had few friends who could be trusted, and they could not see a way of publicly disagreeing with the practice: ‘There seemed to be a certain resigned individualistic attitude in the sense that nothing they could do would change anything, so as long as it didn’t [affect] them personally, there was no point in trying’.

This also applies to the pressure on boys to behave in a certain macho masculine way or be at risk of being labelled ‘gay’.

Sexist abuse and physical harassment

What is perhaps particularly worrying, according to the NSPCC research, is the general prevalence of sexist abuse and physical harassment that “Youth produced sexual imagery” is part of. Girls were subject to sexual harassment on a regular basis. “Youth produced sexual imagery” is only one expression of this.

Exposure

The NSPCC report talks about ‘exposure’, which is ‘a term used by the young people to describe the unwanted posting of private pictures or text to Facebook or Blackberry messaging’.

Exposure ranged from proving that someone told a lie to taking a picture of them when they weren’t expecting it. They found that girls were constantly under threat of exposure, and that this could have an impact on their emotional wellbeing.

Sharing personal images and videos

Dr Andy Phippen of Plymouth University wrote a report in 2009, entitled *Sharing personal images and videos among young people*, based on research carried out by the South West Grid for Learning and Plymouth University.

Of the 535 respondents, 56% were aware of times when images and videos were distributed further than the intended recipient, but only 23% believed that this was intended to cause upset.

Blasé attitudes

Dr Phippen’s particular concern was the relaxed attitude that there seemed to be about it: ‘The survey clearly shows a population fully aware of the concept of “Youth produced sexual imagery” and a significant subset who are actively engaged with the practice. What is particularly worrying is the somewhat blasé attitudes to the subject’.

Some 40% of respondents did not see anything wrong with a topless image, and 15% did not take issue with a naked image.

Also, 40% said they knew friends who carried out the practice of “Youth produced sexual imagery”, and 27% of respondents said that “Youth produced sexual imagery” happens regularly or all of the time.

The school’s role

Discuss “Youth produced sexual imagery” with pupils

In Dr Phippen’s research only 27% thought that young people needed more support and advice about “Youth produced sexual imagery”, and only 24% would turn to a teacher if they were affected by it. However, he suggests that schools should be more prepared to discuss “Youth produced sexual imagery” with their pupils, as they may not be fully aware of the implications of their actions.

The NSPCC found that girls often said that they would go to their mum or go to a teacher if something became particularly upsetting, but this was a ‘rote’ answer. Overall, there was a culture of silence, as girls were also concerned about being seen as a ‘grass’.

Discuss sexual matters as part of anti-bullying initiatives

Reference to the use of mobile technologies should be included in anti-bullying policies

The NSPCC points out that there is a fine line between “Youth produced sexual imagery” and bullying, and it is important that teachers are willing to discuss sexual matters as part of their anti-bullying initiatives.

The difference in perception of “Youth produced sexual imagery” according to gender needs careful handling, says the NSPCC report: ‘We found considerable evidence of an age-old double standard, by which sexually active boys are to be admired and “rated”, while sexually active girls are denigrated and despised as “sluts”.

Decide policy on mobile technologies

Reference to the use of mobile technologies should be included in anti-bullying policies.

There are some specific differences to other types of bullying. For example, non-response can lead to very public ‘punishments’, and messages can be sent repeatedly. This needs to be taken into consideration, when deciding on policy.

Recommendations for schools

The NSPCC recommendations for schools include:

- a PSHE curriculum in secondary schools that covers peer exchange of sexual messages, images, invitations and taunts either together with or separately from bullying
- greater awareness of the issues and resources to cope with sexual cyberbullying or digitally mediated sexual harassment in schools

Hatton Academies Trust

- strategies to address teacher embarrassment and acknowledgement that sexual harassment might not come from a stranger but from another child in the same class
- readiness to address issues through viewing and discussing up-to-date, realistic, filmed scenarios – these should be gender-sensitive and non-moralising, and should resist blaming girls
- addressing the issue of “Youth produced sexual imagery” in single-sex groups (ideally small ones), with boys being helped to recognise their double standards
- acknowledgement that not all “Youth produced sexual imagery” is a problem
- ensuring that those addressing the problem in schools are up to date with technology
- placing greater emphasis on information and pedagogical resources, rather than on heavy-handed surveillance systems.

The Law

The law

Much of the complexity in responding to youth produced sexual 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.

The relevant legislation is contained in the Protection of Children Act 1978 (England and Wales) as amended in the Sexual Offences Act 2003 (England and Wales).

Specifically:

It is an offence to possess, distribute, show and make indecent images of children.

The Sexual Offences Act 2003 (England and Wales) defines a child, for the purposes of indecent images, as anyone under the age of 18.

‘Indecent’ is not defined in legislation. When cases are prosecuted, the question of whether any photograph of a child is indecent is for a jury, magistrate or District Judge to decide based on what is the recognised standard of propriety.¹³ For most purposes, if imagery contains a naked young person, a topless girl, and/ or displays genitals or sex acts, including masturbation, then it will be considered indecent. Indecent images may also include overtly sexual images of young people in their underwear.

Criminalisation of children

The law criminalising indecent images of children was created long before mass adoption of the internet, mobiles and digital photography. It was also created to protect children and young people from adults seeking to sexually abuse them or gain pleasure from their sexual abuse. It was not intended to criminalise children.

Despite this, young people who share sexual imagery of themselves, or peers, are breaking the law.

Hatton Academies Trust

We should not, however, 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.¹⁴

Whilst young people creating and sharing sexual imagery can be very risky, it is often the result of young people's natural curiosity about sex and their exploration of relationships. Often, young people need education, support or safeguarding, not criminalisation.

The police response

The National Police Chiefs Council (NPCC) has made clear that incidents involving youth produced sexual imagery should primarily be treated as safeguarding issues.

Schools may respond to incidents without involving the police.

The police may, however, need to be involved in cases to ensure thorough investigation including collection of all evidence (for example, through multi-agency checks), and there are incidents, highlighted in this advice, which should always be referred to the police.

Even when the police are involved, however, a criminal justice response and formal sanction against a young person would only be considered proportionate in certain circumstances.

The NPCC is working towards producing new guidance for law enforcement relating to the investigation of youth produced sexual imagery offences in order to aid local police services to develop a coordinated, effective, proportionate response. On publication this will be available via the College of Policing website.

Crime recording

Where the police are notified of incidents of youth produced sexual imagery they are obliged, under the Home Office Counting Rules and National Crime Recording Standards, to record the incident on their crime systems. The incident will be listed as a 'crime' and the young person involved will be listed as a 'suspect.'

This is not the same as having a criminal record.

However, there have been concerns that young people could be negatively affected should that crime be disclosed, for example, on an enhanced Disclosure and Barring Service (DBS) check.

To mitigate this risk, the NPCC have worked with the Home Office and the Disclosure and Barring Service and provided policing with a new way of recording the outcome of an investigation into youth produced sexual imagery. This is called Outcome 21.

Outcome 21

Every 'crime' recorded on police systems has to be assigned an outcome from a predefined list of outcome codes. As of January 2016 the Home Office launched a new outcome code (Outcome 21) to help formalise the discretion available to the police when handling crimes such as youth produced sexual imagery.

Outcome 21 states:

This means that even though a young person has broken the law and the police could provide evidence that they have done so, the police can record that they chose not to take further action as it was not in the public interest.

DBS certificates

It is not possible to categorically say that an incident of youth produced sexual imagery recorded on police systems with Outcome 21 would never be disclosed on a DBS certificate.

However, a decision to disclose information on a DBS certificate is made on the basis of whether that information is relevant to the risk an individual might pose to children, young people or vulnerable adults.

Information falling short of conviction or caution can only be included on a DBS certificate when an individual has applied for an Enhanced Criminal Records Check. In such cases it would be for a chief officer to consider what information (in addition to convictions and cautions held on the Police National Computer) should be provided for inclusion on a DBS certificate.

If as a result of a police investigation Outcome 21 was considered appropriate then this would indicate that a criminal justice sanction had not been considered proportionate. If this was an isolated incident, it is then unlikely that there would be many instances in which the disclosure test which the chief officer must apply would be passed.¹⁵

Consequently, schools and colleges can be confident that the police have discretion to respond appropriately in cases of youth produced sexual imagery and to record incidents in a way which should not have a long term negative impact on young people.

Further investigation, resulting from the crime report, which could provide evidence sufficient to support formal action being taken against the suspect is not in the public interest. This is a police decision.

Initial response

Keeping Children Safe in Education statutory guidance sets out that all schools should have an effective child protection policy. Youth produced sexual imagery and a school's approach to it should be reflected in the policy.

All incidents involving youth produced sexual imagery should be responded to in line with the school's safeguarding and child protection policy.

When an incident involving youth produced sexual imagery comes to a school or college's attention:

- The incident should be referred to the DSL as soon as possible
- 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

Hatton Academies Trust

- 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.

Disclosure

Disclosures about youth produced sexual imagery can happen in a variety of ways. The young person affected may inform a class teacher, the DSL in school, or any member of the school or college staff. They may report through an existing reporting structure, or a friend or parent may inform someone in school or college, or inform the police directly.

All members of staff (including non teaching) should be made aware of how to recognise and refer any disclosures of incidents involving youth produced sexual imagery. This should be covered within staff training and within the school or college's child protection policy.

Any direct disclosure by a young person should be taken very seriously. A young person who discloses they are the subject of sexual imagery is likely to be embarrassed and worried about the consequences. It is likely that disclosure in school is a last resort and they may have already tried to resolve the issue themselves.

Initial review meeting

The initial review meeting should consider the initial evidence and aim to establish:

- Whether there is an immediate risk to a young person or young people
- If a referral should be made to the police and/or children's social care
- If it is necessary to view the imagery in order to safeguard the young person – in most cases, imagery should not be viewed
- What further information is required to decide on the best response
- Whether the imagery has been shared widely and via what services and/or platforms. This may be unknown.
- Whether immediate action should be taken to delete or remove images from devices or online services.
- Any relevant facts about the young people involved which would influence risk assessment.
- If there is a need to contact another school, college, setting or individual
- Whether to contact parents or carers of the pupils involved - in most cases parents should be involved

An immediate referral to police and/or children's social care¹⁶ should be made if at this initial stage:

1. The incident involves an adult

Hatton Academies Trust

2. 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 (for example owing to special educational needs)
3. What you know about the imagery suggests the content depicts sexual acts which are unusual for the young person's developmental stage, or are violent
4. The imagery involves sexual acts and any pupil in the imagery is under 13
5. You have reason to believe a pupil or 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 a school may decide to respond to the incident without involving the police or children's social care (a school can choose to escalate the incident at any time if further information/concerns come to light).

The decision to respond to the incident without involving the police or children's social care would be made in cases when the DSL is confident that they have enough information to assess the risks to pupils involved and the risks can be managed within the school's pastoral support and disciplinary framework and if appropriate local network of support.

The decision should be made by the DSL with input from the Headteacher and input from other members of staff if appropriate. The decision should be recorded in line with school policy.

The decision should be in line with the school's child protection procedures and should be based on consideration of the best interests of the young people involved. This should take into account proportionality as well as the welfare and protection of the young people. The decision should be reviewed throughout the process of responding to the incident.

If a young person has shared imagery consensually, such as when in a romantic relationship, or as a joke, and there is no intended malice, it is usually appropriate for the school to manage the incident directly. In contrast any incidents with aggravating factors, for example, a young person sharing someone else's imagery without consent and with malicious intent, should generally be referred to police and/or children's social care.

If you have any doubts about whether to involve other agencies, you should make a referral to the police.

Assessing the risks

The circumstances of incidents can vary widely. If at the initial review stage a decision has been made not to refer to police and/or children's social care, the DSL should conduct a further review (including an interview with the young people involved) to establish the facts and assess the risks.

When assessing the risks the following should be considered:

- Why was the imagery shared? Was the young person coerced or put under pressure to produce the imagery?

Hatton Academies Trust

- Who has shared the imagery? Where has the imagery been shared? Was it shared and received with the knowledge of the pupil in the imagery?
- Are there any adults involved in the sharing of imagery?
- What is the impact on the pupils involved?
- Do the pupils involved have additional vulnerabilities?
- Does the young person understand consent?
- Has the young person taken part in this kind of activity before?

DSLs should always use their professional judgement in conjunction with their colleagues to assess incidents. Annex A provides a list of questions to complement and support their professional judgment.

Informing parents (or carers)

Parents (or carers) should be informed and involved in the process at an early stage unless informing the parent will put the young person at risk of harm. Any decision not to inform the parents 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 should be informed.

DSLs may work with the young people involved to decide on the best approach for informing parents. In some cases DSLs may work to support the young people to inform their parents themselves.

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 schools officer, a PCSO (Police

Community Security Officer), local neighbourhood police or by dialling 101.

Once a report is made to the police, the report 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 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.
- Safer Schools Officers (where available) are able to offer direct support to schools on prevention and advice on management of incidents.

Securing and handing over devices to the police

If any devices need to be seized and passed onto the police then the device(s) should be confiscated¹⁸ 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.

Children's social care contact and referrals

If the DSL is aware that children's social care are currently involved with a young person involved in an incident of youth produced sexual imagery then they should contact children's social care. They should also contact children's social care if they believe they may be involved, or have been involved with a young person in the past.

If as a result of the investigation the 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 their child protection procedures.

DSLs should ensure that they are aware of, and familiar with, any relevant local policies, procedures and contact points/names which are available to support schools in responding to youth produced sexual imagery.

If a local area has a Multi-Agency Safeguarding Hub (MASH) then this may be the most appropriate place for schools to initially make a referral.

Searching devices, viewing and deleting imagery

Viewing the imagery

Adults should not view youth produced sexual imagery unless there is good and clear reason to do so. Wherever possible responses to incidents should be based on what DSLs have been told about the content of the imagery.

The decision to view imagery should be based on the professional judgement of the DSL and should always comply with the child protection policy and procedures of the school or college. Imagery should never be viewed if the act of viewing will cause significant distress or harm to the pupil.

If a decision is made to view imagery the DSL would need to be satisfied that viewing:

- is the only way to make a decision about whether to involve other agencies (i.e. it is not possible to establish the facts from the young people involved)
- is necessary to report the image to a website, app or suitable reporting agency to have it taken down, or to support the young person or parent in making a report
- is unavoidable because a pupil has presented an image directly to a staff member or the imagery has been found on a school device or network

If it is necessary to view the imagery then the DSL should:

- Never copy, print or share the imagery; this is illegal.
- Discuss the decision with the Headteacher.

Hatton Academies Trust

- Ensure viewing is undertaken by the DSL or another member of the safeguarding team with delegated authority from the Headteacher.
- Ensure viewing takes place with another member of staff present in the room, ideally the Headteacher or a member of the senior leadership team. This staff member does not need to view the images.
- Wherever possible ensure viewing takes place on school or college premises, ideally in the Headteacher or a member of the senior leadership team's office.
- Ensure wherever possible that images are viewed by a staff member of the same sex as the young person in the imagery.
- Record the viewing of the imagery in the school's safeguarding records including who was present, why the image was viewed and any subsequent actions. Ensure this is signed and dated and meets the wider standards set out by Ofsted for recording safeguarding incidents.

Further details on searching, deleting and confiscating devices can be found in the DfE Searching, Screening and Confiscation advice (note this advice is for schools only).¹⁹ If youth produced sexual imagery has been unavoidably viewed by a member of staff either following a disclosure from a young person or as a result of a member of staff undertaking their daily role (such as IT staff monitoring school systems) then

DSLs should ensure that the staff member is provided with appropriate support.

Viewing youth produced sexual imagery can be distressing for both young people and adults and appropriate emotional support may be required.

Deletion of images

If the school has decided that other agencies do not need to be involved, then consideration should be given to deleting imagery from devices and online services to limit any further sharing of the imagery.

The Searching, Screening and Confiscation advice highlights that schools have the power to search pupils for devices, search data on devices and delete youth produced sexual 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 headteacher can examine data or files, and delete these, where there is good reason to do so. This power applies to all schools and there is no need to have parental consent to search through a young person's mobile phone.

If during a search a teacher finds material which concerns them and they reasonably suspect the material has been or could be used to cause harm or commit an offence, they can decide whether they should delete the material or retain it as evidence of a criminal offence or a breach of school discipline. They can also decide whether the material is of such seriousness that the police need to be involved

Hatton Academies Trust

However, just as in most circumstances it is not recommended that school staff view imagery, it is recommended that schools should not search through devices and delete imagery unless there is good and clear reason to do so.

It is recommended that in most cases young people are asked to delete imagery and to confirm that they have deleted the imagery. Young people should be given a deadline for deletion across all devices, online storage or social media sites.²⁰

Young people should be reminded that possession of youth produced sexual imagery is illegal. They should be informed that if they refuse or it is later discovered they did not delete the image they are committing a criminal offence and the police may become involved. All of these decisions need to be recorded, including times, dates and reasons for decisions made and logged in the safeguarding records. Parents and carers should also be informed unless this presents a further risk to the young person.

At this point schools and colleges may want to invoke their own disciplinary measures to discourage young people from sharing, creating or receiving images but this is at the discretion of the school or college and should be in line with its own behaviour policies.

Interviewing and talking to the young person/people involved

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

If possible, the DSL should carry out this conversation. However, if the young person feels more comfortable talking to a different teacher, this should be facilitated where possible.

When discussing the sharing of youth produced sexual imagery, it is important that the DSL:

- Recognises the pressures that young people can be under to take part in sharing such imagery and, if relevant, supports the young person's parents to understand the wider issues and motivations around this.
- Remains solution-focused and avoids questions such as 'why have you done this?' as this may prevent the young person from talking about what has happened.
- Reassures the young person that they are not alone and the school or college will do everything that they can to help and support them.
- Helps the young person to understand what has happened by discussing the wider pressures that they may face and the motivations of the person that sent on the imagery.
- Discusses issues of consent and trust within healthy relationships. Explain that it is not ok for someone to make them feel uncomfortable, to pressure them into doing things that they don't want to do, or to show them things that they are unhappy about. Let them know that they can speak to the DSL if this ever happens.

The purpose of the conversation is to:

- Identify, without looking, what the image contains and whether anyone else has been involved.

- Find out who has seen or shared the image and how further distribution can be prevented.

Recording incidents

All incidents relating to youth produced sexual imagery need to be recorded in school or college. This includes incidents that have been referred to external agencies and those that have not.

Ofsted highlight that when inspecting schools in relation to safeguarding they look for the following:

- Are records up to date and complete?
- Do records demonstrate both effective identification and management of the risk of harm?
- Do records demonstrate sound decision-making, appropriate responses to concerns and evidence of relevant referrals made in a timely manner?
- Do they indicate that appropriate action is taken in response to concerns and allegations in a timely manner?
- Do they show evidence of tenacity in following up concerns with relevant agencies?
- Do they provide evidence of effective partnership working and sharing of information?
- Is there evidence of attendance at or contribution to inter-agency meetings and conferences?
- Is there clarity about the school's policy relating to the sharing of information internally, safe keeping of records, and transfer when a pupil leaves the school?

In cases that relate to youth produced sexual imagery it is important that schools reflect all of the areas above when they are recording incidents.

In addition, where schools do not refer incidents out to police or children's social care they should record their reason for doing so and ensure that this is signed off by the Headteacher.

Reporting youth produced sexual imagery online

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 young person.