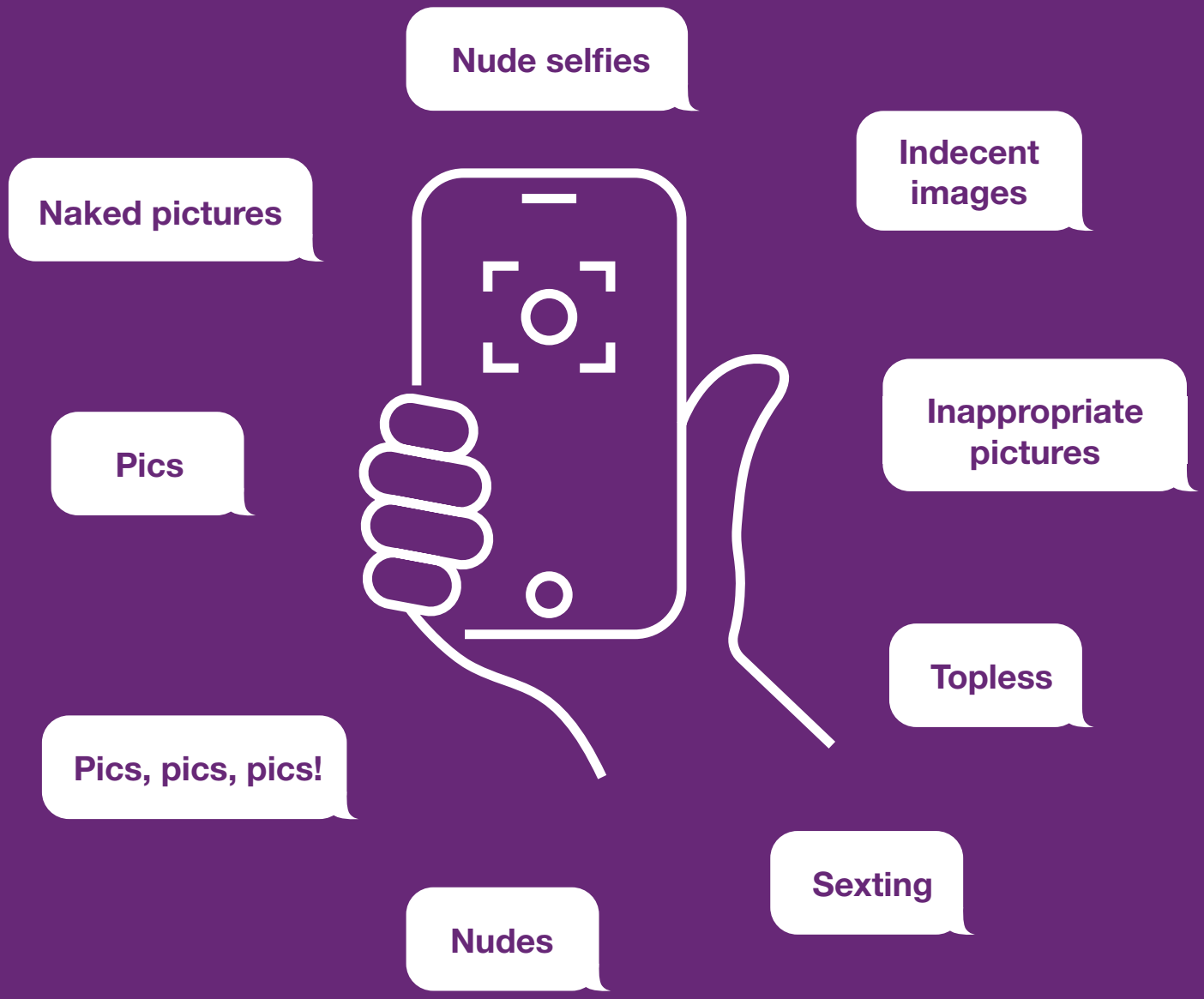
Sharing nudes and semi-nudes

Advice for education settings working with children and young people
Responding to incidents and safeguarding children and young people



UK Council for Internet Safety

Disclaimer

Relevant laws and best practice have been taken into account in the development of this document. However, these issues have the potential to be complex and multi-faceted. As case law in this area is still relatively underdeveloped, nothing in this document should be taken as legal advice.

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SECTION ONE – BACKGROUND AND CONTEXT

1.1 Who is this for?

This advice is for designated safeguarding leads (DSLs), their deputies, headteachers and senior leadership teams in schools and educational establishments[1] in England. Other members of staff should see a one-page summary on how to manage incidents available on the UK Council for Internet Safety's (UKCIS') website.

This document may also act as good practice advice for out-of-school settings providing education for children and young people in England e.g. extracurricular clubs, youth organisations and providers.

Practitioners working in education settings in Wales should see the following advice on responding to incidents:

- Sharing nudes and semi-nudes: responding to incidents and safeguarding children and young people (Welsh Government as part of UKCIS)

Practitioners working in education settings in Scotland should see the following guidance and advice for responding to incidents and safeguarding children and young people in Scotland:

- National Guidance for Child Protection in Scotland (Scottish Government)[2]
- Healthy relationships and consent: key messages for young people (Scottish Government)
- Upstream (Stop It Now! and the Scottish Government)
- What's the problem? (Stop It Now!)
- Internet safety for children and young people: national action plan (Scottish Government)

1.2 What does this advice cover?

This advice outlines how to respond to an incident of nudes and semi-nudes being shared (see section 1.4 for a definition), including:

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

[1] 'Schools and educational establishments' refers to schools and colleges and includes: maintained schools and colleges, independent schools (including academies, free schools), alternative provision academies and non-maintained special schools and Pupil Referral Units.
[2] Currently under review and due to be published in 2021

- informing parents and carers

The types of incidents which this advice covers are:

- a person under the age of 18 creates and shares nudes and semi-nudes of themselves with a peer under the age of 18
- a person under the age of 18 shares nudes and semi-nudes created by another person under the age of 18 with a peer under the age of 18
- a person under the age of 18 is in possession of nudes and semi-nudes created by another person under the age of 18

This advice does not cover:

- the sharing of nudes and semi-nudes of under 18s by adults (18 and over) as this constitutes child sexual abuse and education settings should always inform their local police force as a matter of urgency[3]
- children and young people under the age of 18 sharing adult pornography or exchanging sexual texts which do not contain images

In response to these issues, education settings should follow their local authority's guidance and schools and colleges should also refer to the Department for Education's (DfE's) Keeping Children Safe in Education statutory safeguarding guidance.

1.3 What is the status of this advice?

The production of this advice has been co-ordinated by the UKCIS Education Working Group in consultation with the National Police Chiefs' Council (NPCC) on behalf of UKCIS.

This advice is non-statutory, and schools and colleges should read this alongside:

- Keeping Children Safe in Education statutory guidance (DfE)
- Sexual violence and sexual harassment between children in schools and colleges non-statutory advice (DfE)
- Searching, Screening and Confiscation non-statutory advice (DfE).

The advice replaces 'Sexting in schools and colleges: responding to incidents and safeguarding young people' published in 2016 by UKCIS in collaboration with the NPCC and Charlotte Aynsley.

[3] This also includes instances where a person under the age of 18 shares nudes or semi-nudes created by a peer under the age of 18 with an adult

1.4 ‘Sharing nudes and semi-nudes’: definition

This advice uses the term ‘sharing nudes and semi-nudes’ to mean the sending or posting of nude or semi-nude images, videos or live streams by young people under the age of 18 online. 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.

The term ‘nudes’ is used as it is most commonly recognised by young people and more appropriately covers all types of image sharing incidents. 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. Such images may be created and shared consensually by young people who are in relationships, as well as between those who are not in a relationship.[4] It is also possible for a young person in a consensual relationship to be coerced into sharing an image with their partner. Incidents may also occur where:

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

Further guidance on the motivations for taking and sharing images and videos can be found in section 1.6.

The sharing of nudes and semi-nudes can happen publicly online, in 1:1 messaging or via group chats and closed social media accounts.

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

Creating and sharing nudes and semi-nudes of under-18s (including those created and shared with consent) is illegal which makes responding to incidents involving children and young people complex. There are also a range of risks which need careful management from those working in education settings.

[4] Consent is defined as an agreement made by choice, whereby an individual has the freedom and capacity to make that choice. This is outlined in s.74 of the Sexual Offences Act 2003. This mean the child or young person must have the capacity (i.e. the age and understanding) to make the choice and be in the position to make that choice freely without exploitation, threat or fear.

1.4(a) Alternative definitions

Many professionals may refer to 'nudes and semi-nudes' as:

- youth produced sexual imagery or 'youth involved' sexual imagery
- indecent imagery. This is the legal term used to define nude or semi-nude images and videos of children and young people under the age of 18. Further guidance on the law can be found in section 1.7
- 'sexting'. Many adults may use this term, however some young people interpret sexting as 'writing and sharing explicit messages with people they know' rather than sharing images
- image-based sexual abuse. This term may be used when referring to the non-consensual sharing of nudes and semi-nudes[5]

Terms such as 'revenge porn' and 'upskirting'[6] are also used to refer to specific incidents of nudes and semi-nudes being shared. However, these terms are more often used in the context of adult-to-adult non-consensual image sharing offences outlined in s.33-35 of the Criminal Justice and Courts Act 2015, Voyeurism (Offences) Act 2019 and s.67A of the Sexual Offences Act 2003.

1.5 Why does this matter to settings working with children?

Sharing photos, videos and live streams online is part of daily life for many people, enabling them to share their experiences, connect with friends and record their lives.

Photos and videos can be shared via messaging apps or posted on social media and image sharing platforms. It is important to note that children and young people send a variety of images and videos, some of which are not nude, semi-nude and/or exploitative or intended to be so. However, the focus of this guidance is on the sending of nudes and semi-nudes.

Although many education settings are dealing with an increase in incidents of nudes and semi-nudes being shared, research has found a significant number of children and young people aren't sending or receiving nudes and semi-nudes (Brook and NCA-CEOP, 2017):

- 26% had sent a nude image to someone they were interested in
- 48% had received one of someone else, sent by that same person

[5] Online Sexual Harassment: Comprehensive Guidance for Education settings, School of Sexuality Education et al, 2020. Available at: https://schoolofsexed.org/guidance-for-schools

[6] 'Upskirting' is where someone takes a picture under a person's clothing (not necessarily a skirt) without their permission and/or knowledge, with the intention of viewing their genitals or buttocks (with or without underwear) to obtain sexual gratification, or cause the victim humiliation, distress or alarm. It is a criminal offence and anyone of any gender can be a victim.

Although most children and young people aren't creating or sharing these types of images and videos, the potential risks are significant. If the imagery is shared further, it may lead to embarrassment, bullying and increased vulnerability to blackmail and exploitation.

Producing and sharing nudes and semi-nudes of under 18s is also illegal, which causes considerable concern in education settings working with children and young people, and amongst parents and carers.

Although the production of such images will likely take place outside of education settings, sharing can take place and issues are often identified or reported here. Education settings need to be able to respond swiftly and confidently to make sure children and young people are safeguarded, supported and educated.

This advice aims to support education settings in developing procedures to respond to incidents involving nudes and semi-nudes. It also signposts sources of resources and support.

These procedures should be part of an education setting's safeguarding arrangements and all incidents should be dealt with as safeguarding concerns.

The response to these incidents should be guided by the principle of proportionality and the primary concern at all times should be the welfare and protection of any children and young people involved.

Individual incidents of peer abuse and sexual behaviour (the sharing of nudes and semi-nudes can fall under this category) can lead to unhealthy or damaging cultures within the school community. How these incidents – including incidents of 'low level' harmful sexual behaviour – are responded to directly affects the culture of the school. If handled poorly, an unsafe and unhealthy set of norms can be created which enable peer-on-peer abuse and this can also prevent other children and young people from disclosing.

It must be recognised that the individual case management can affect school-wide culture, peer response and all children's ability to speak out.

1.6 Understanding motivations and behaviours

Nudes and semi-nudes can be shared by, and between, children and young people under a wide range of circumstances, and are often not sexually or criminally motivated. An education setting's response to an incident will differ depending on the motivations behind the incident and the appropriateness of the child or young person's/people's behaviour.

In order to ensure an appropriate and proportionate response to an incident of nudes and semi-nudes being shared, education settings can use the tools set out below.

1.6(a) Defining the incident

Finkelhor and Wolak's typology of youth-produced imagery cases can be used to define and assess incidents according to motivations.[7]

Incidents can broadly be divided into two categories:

- **aggravated**: incidents involving additional or abusive elements beyond the creation, sending or possession of nudes and semi-nudes. These can further be sub-categorised into:
    - **adult involved**: adult offenders attempt to develop relationships by grooming children and young people, in criminal sex offences even without the added element of nudes and semi-nudes. Victims may be family friends, relatives, community members or contacted via the Internet. The images may be solicited by adult offenders
    - **youth only – intent to harm**: these cases can arise from interpersonal conflict, such as break-ups and fights among friends, or criminal/abusive conduct such as blackmail, threats or deception, sexual abuse or exploitation by young people
    - **youth only** – **reckless misuse:** no intent to harm but images are taken or sent without the knowing or willing participation of the young person who is pictured. In these cases, pictures are taken or sent thoughtlessly or recklessly and a victim may have been harmed as a result
- **experimental:** incidents involving the creation and sending of nudes and semi-nudes with no adult involvement, no apparent intent to harm or reckless misuse. These can further be subcategorised into:
    - **romantic:** incidents in which young people in ongoing relationships make images for themselves or each other, and images were not intended to be distributed beyond the pair
    - **'sexual attention seeking':** the phrase 'sexual attention seeking' is taken directly from the typology however it is important to note that incidents within this category can be a part of normal childhood. A child or young person should not be blamed for taking and sharing their image
    - **other:** cases that do not appear to have aggravating elements, like adult involvement, malicious motives or reckless misuse, but also do not fit into the Romantic or Attention Seeking sub-types. These involve either young

[7] Available at: https://scholars.unh.edu/ccrc/48

people who take pictures of themselves for themselves (no evidence of any sending or sharing or intent to do so) or pre-adolescent children (age 9 or younger) who did not appear to have sexual motives

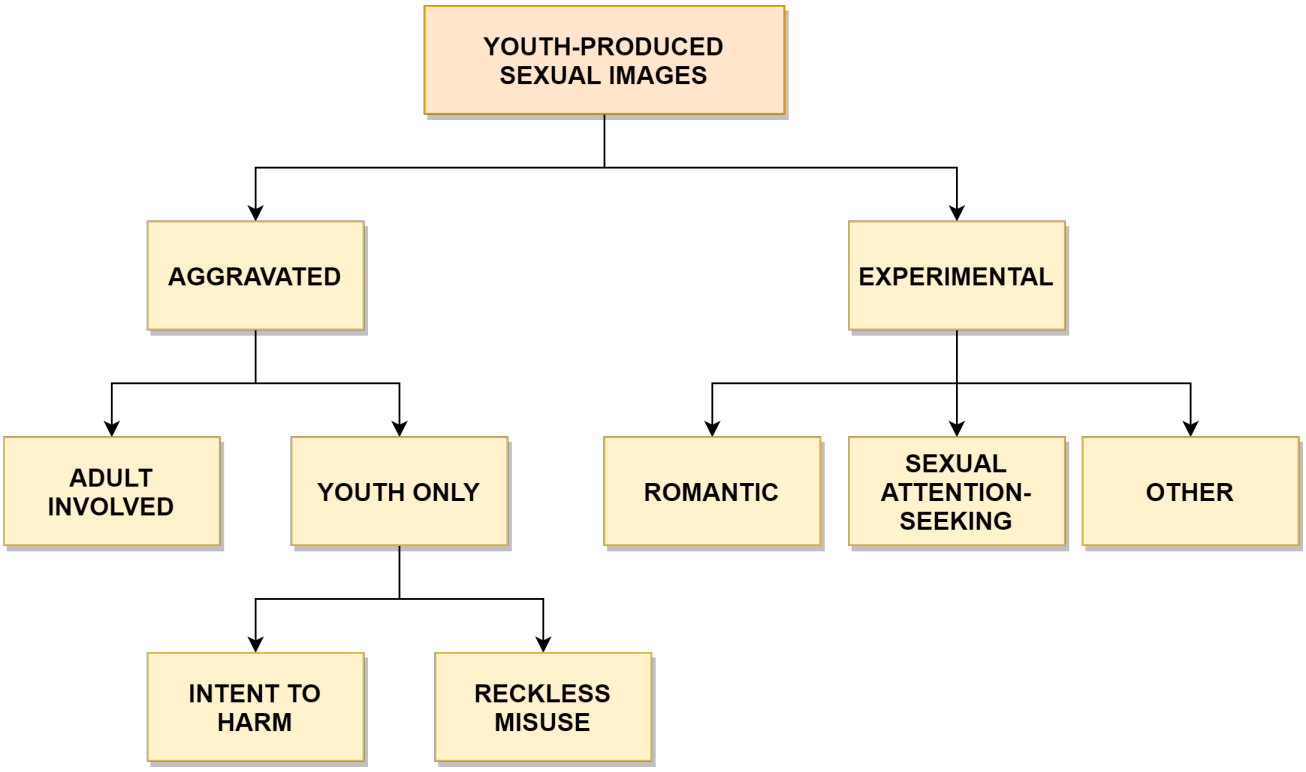


Fig 1: Sexting, a typology (Finkelhor and Wolak)

Annex B sets out an exercise that education settings can use within staff training to illustrate the different types of peer-to-peer sharing incidents that can occur and highlight that an appropriate and proportionate response needs to be considered for each incident.

1.6(b) Assessing behaviour

DSLs (or an education setting's equivalent) will need to be mindful that behaviour, which may not initially appear to be sexually motivated, may have occurred as a result of risky or harmful behaviour or sexual abuse being 'normalised' for children and young people.

Hackett's 'Continuum of children and young people's sexual behaviours' model can also help practitioners to understand that children and young people's sexual behaviours exist on a wide continuum from normal to abusive and violent behaviours, and may move fluidly between each category. It is important to note that an isolated incident that demonstrates problematic or abusive behaviour may not necessarily be indicative of the

child or young person's overall sexual behaviour.[8] The incident should be dealt with proportionally to the behaviour being displayed.

Appropriate	Inappropriate	Problematic	Abusive	Violent
Developmentally expected Socially acceptable Consensual, mutual, reciprocal Shared decision-making	Single instances of inappropriate sexual behaviour Behaviour accepted by peers within peer group context Context for behaviour may be inappropriate Generally consensual and reciprocal	Problematic and concerning behaviours Developmentally unusual and socially unexpected No overt elements of victimisation Consent issues may be unclear May lack reciprocity or equal power May include levels of compulsivity	Victimising intent or outcome Includes misuse of power Coercion and force to ensure victim compliance Intrusive Informed consent lacking or not able to be freely given by victim May include elements of expressive violence	Physically violent sexual abuse Highly intrusive Instrumental violence which is physiologically and/or sexually arousing to the perpetrator Sadism

Fig 2: Adapted from 'A continuum of children and young people's sexual behaviours' (Hackett, 2010)

It is important for professionals to place a child's sexual behaviour within the context of their age and development. DSLs (or equivalents) must ensure that they are familiar with and follow the relevant local policies and procedures to help them do so. This includes contact with safeguarding partners and guidance on recognising and responding to harmful behaviours and/or underage sexual activity when dealing with children with under 13. Frameworks such as Brook's Sexual Behaviours Traffic Light Tool can also be used to identify when a child or young person's sexual behaviour is a cause for concern in relation to their development.[9]

[8] Taken from Harmful sexual behaviour framework, NSPCC. Available at: https://learning.nspcc.org.uk/research-resources/2019/harmful-sexual-behaviour-framework
[9] Sexual Behaviours Traffic Light Tool, Brook. Available at: https://www.brook.org.uk/training/wider-professional-training/sexual-behaviours-traffic-light-tool/

Any child or young person displaying harmful sexual behaviour should be safeguarded and supported in moving forward from the incident and adopting positive behaviour patterns.

Where a child or young person displays appropriate sexual behaviour within the context of their age or development, consideration should still be given as to whether the taking or sharing of the nude or semi-nude raises any additional concerns.

Further support and resources on addressing harmful sexual behaviour in education settings can be found at https://csnetwork.org.uk.

1.7 The law

1.7(a) Indecent images of children

Responding to incidents of sharing nudes and semi-nudes is complex because of 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).[10]

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.[11]

Indecent imagery does not always mean nudity, however images are likely to be defined as such if they meet one or more of the following criteria:

- nude or semi-nude sexual posing e.g. displaying genitals and/or breasts or overtly sexual images of young people in their underwear
- someone nude or semi-nude touching themselves in a sexual way
- any sexual activity involving a child
- someone hurting someone else sexually
- sexual activity that includes animals

[10] For relevant legislation in Scotland, see *Civic Government Act 1982* and *Criminal Justice Act 1988*. For relevant legislation in Northern Ireland, see *Protection of Children Order 1978* and *Sexual Offences Order 2008.*

[11] https://www.cps.gov.uk/legal-guidance/indecent-and-prohibited-images-children

1.7(b) Non-consensual image sharing

The non-consensual sharing of private sexual images or videos with the intent to cause distress is also illegal. The relevant legislation is contained in section 33 of the Criminal Justice and Courts Act 2015.

1.8 Avoiding unnecessary criminalisation of children

The law criminalising indecent images of children was 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 and young people. The law was also developed long before mass adoption of the internet, mobiles and digital photography.

Despite this, children and young people who share nudes and semi-nudes of themselves, or peers, are breaking the law.

However, children and young people should not be unnecessarily criminalised. Children and young people with a criminal record face stigma and discrimination in accessing education, training, employment, travel and housing and these obstacles can follow them into adulthood.[12]

Whilst children and young people creating and sharing images can be risky, it is often the result of their natural curiosity about sex and their exploration of relationships. Therefore, engaging in the taking or sharing of nudes and semi-nudes may not always be 'harmful' to all children and young people. Situations should be considered on a case by case context, considering what is known about the children and young people involved and if there is an immediate risk of harm. Often, children and young people need education and support for example, on identifying healthy and unhealthy behaviours within relationships and understanding consent and how to give it. Safeguarding action will also be required in cases where there is risk of harm.

Investigation by police of an incident of sharing nudes and semi-nudes does not automatically mean that the child/young person involved will have a criminal record, as explained in the next section.

1.9 The police response

The NPCC has made it clear that incidents involving sharing nudes and semi-nudes should have an immediate focus on safeguarding children.

[12] Growing Up, Moving On – The International Treatment of Childhood Criminal records, Standing Committee on Youth Justice, 2016. Available at: http://scyj.org.uk/publication/growing-up-moving-on-our-campaign-to-reform-the-law-on-childhood-criminal-records/

In many cases, education settings may respond to incidents without involving the police, for example where an incident can be defined as 'experimental' (see section 1.6) and there is no evidence abusive or aggravating elements. Further advice on the circumstances in which this would be appropriate can be found in section 2.

The police may, however, need to be involved in some cases to ensure thorough investigation, including the collection of all evidence (for example, through multi-agency checks). **Where there are abusive and/or aggravating factors, incidents should always be referred to the police through the Multi-Agency Safeguarding Hub (MASH) or equivalent** (see section 2 for further guidance).

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

To help local police services develop a coordinated, effective and proportionate response in this area, the NPCC and College of Policing has produced operational advice for law enforcement relating to the investigation of nudes and semi-nudes sharing offences.[13]

1.9(a) Crime recording

When an incident of sharing nudes and semi-nudes is reported to police, 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 child or young person involved may be listed in relation to it.

This is not the same as having a criminal record.

1.9(b) Police decision

Once an incident is reported to the police, they will investigate and decide on an appropriate outcome.

If an incident is found to have abusive and/or aggravating factors, the child or young person may receive a caution or conviction.

To mitigate the risk of children and young people being negatively impacted, the police are able to record the outcome of an investigation using an outcome 21 code should an incident be found to be non-abusive and have no evidence of any of the following:

- exploitation
- grooming

[13] Briefing note: Police action in response to youth produced sexual imagery ('Sexting'), College of Policing, 2016. Available at: http://www.college.police.uk/News/College-news/Documents/Police_action_in_response_to_sexting_-_briefing_(003).pdf

- profit motive
- malicious intent (e.g. extensive or inappropriate sharing e.g. uploading onto a pornographic website)
- persistent behaviour

The outcome 21 code, launched in 2016, helps to formalise the discretion available to the police when handling crimes such as the sharing of nudes and semi-nudes.

Outcome 21 states:

> *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.*

This means that even though a child or 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.

The decision to use outcome 21 in these circumstances is likely to be reviewed by a suitably senior and/or experienced officer.

Once an appropriate outcome has been decided, it should be communicated by police to the child or young person affected, their parent or carers and the school where appropriate. This should also explain the immediate and longer-term implications.

1.9(c) Criminal records check

A decision to disclose information as a part of any criminal record check (a DBS certificate in England) 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.

It is possible for an incident of sharing nudes and semi-nudes recorded on police systems with outcome 21 to be disclosed on a DBS certificate.

However, 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. That decision must be made on the basis that the chief officer reasonably believes the information to be relevant to the purpose of the disclosure (for example, someone taking up a position working with children) and considers that it ought to be included.

1.9(d) Multi-agency working

Should police inform a school or college of an incident previously unknown to the setting, the DSL (or equivalent) should follow statutory guidance set out in Keeping Children Safe in Education.

Out-of-school education settings should liaise with relevant multi-agency partners.

SECTION TWO – HANDLING INCIDENTS

2.1 Initial response

All schools and colleges are required to have an effective child protection policy in place.[14] It is best practice and recommended for out-of-school settings to also have a child protection policy in place.

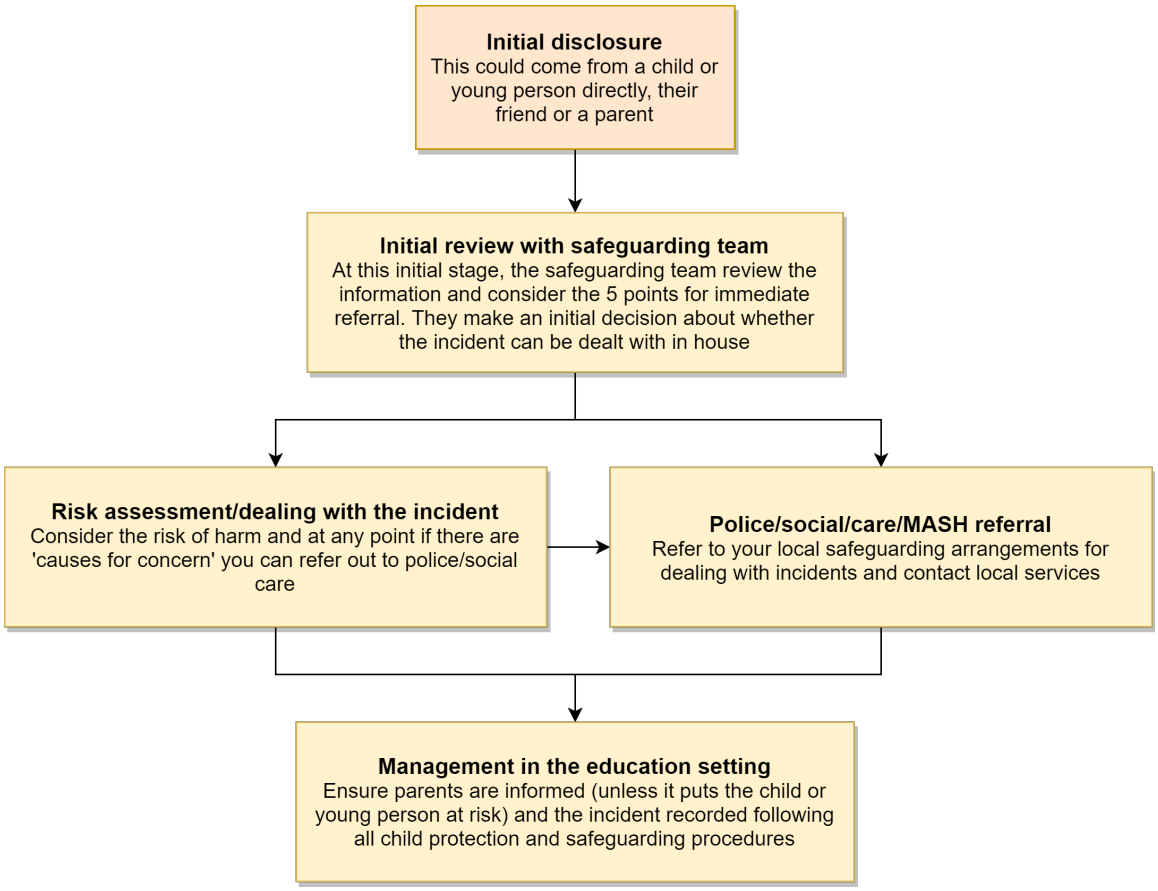
The policy should reflect the education setting's approach to incidents of nudes and semi-nudes being shared and staff should respond to such incidents in line with it.

When an incident involving nudes and semi-nudes comes to the attention of any member of staff in an education setting:

- the incident should be referred to the DSL (or equivalent) as soon as possible
- the DSL (or equivalent) should hold an initial review meeting with appropriate staff. This may include the staff member(s) who heard the disclosure and the safeguarding or leadership team who deal with safeguarding concerns
- there should be subsequent interviews with the children or young people involved (if appropriate)
- parents and carers should be informed at an early stage and involved in the process in order to best support the child or young person unless there is good reason to believe that involving them would put the child or young person at risk of harm
- A referral should be made to children's social care and/or the police immediately if there is a concern that a child or young person has been harmed or is at risk of immediate harm at any point in the process

Fig. 3 summarises the approach education settings should take when responding to an incident. This approach is outlined in this section.

[14] Keeping Children Safe in Education, Department for Education (2020). Available at: https://www.gov.uk/government/publications/keeping-children-safe-in-education--2



It is important to note that a disclosure may not be a single event and the child and young person may share further information at a later stage therefore multiple reviews and risk assessments may be needed depending on the situation.

2.2 Disclosure

All members of staff in an education setting have a duty to recognise and refer any incidents involving nudes and semi-nudes and must be equipped with the necessary safeguarding training and support to enable them to recognise concerns. Procedures should be covered within the setting's child protection policy. Annex B contains a training exercise which may be used to highlight the issues for staff.

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

When a disclosure is made, the member (or members) of staff should ensure the child is feeling comfortable and appropriate and sensitive questions are asked, in order to minimise further distress or trauma to them.

Further resources to help adults respond to disclosures of abuse can be found at: https://learning.nspcc.org.uk/research-resources/2019/let-children-know-you-re-listening/

2.3 Initial review meeting

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

- whether there is an immediate risk to any child or young person
- if a referral should be made to the police and/or children's social care
- if it is necessary to view the image(s) in order to safeguard the child or young person – **in most cases, images or videos should not be viewed (see section 2.10 for further guidance on when an image may need to be viewed)**
- what further information is required to decide on the best response
- whether the image(s) 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 or videos from devices or online services
- any relevant facts about the children or young people involved which would influence risk assessment
- if there is a need to contact another education, setting or individual
- whether to contact parents or carers of the children or young people involved - in most cases they should be involved

DSLs can use Finkelhor and Wolak's typology and harmful sexual behaviour tools outlined in section 1 to help categorise the incident and assess the behaviours of any child or young person involved to identify any immediate risks.

An immediate referral to police and/or children's social care through the MASH or equivalent should be made if at this initial stage:

1. The incident involves an adult
2. There is reason to believe that a child or young person has been coerced, blackmailed or groomed, or there are concerns about their capacity to consent (for example, owing to special educational needs)
3. What you know about the images or videos suggests the content depicts sexual acts which are unusual for the young person's developmental stage, or are violent (see section 1.6 for guidance on assessing behaviour)
4. The images involves sexual acts and any pupil in the images or videos is under 13[15]
5. You have reason to believe a child or young person is at immediate risk of harm owing to the sharing of nudes and semi-nudes, for example, they are presenting as suicidal or self-harming

If none of the above apply, an education setting may decide to respond to the incident without involving the police or children's social care. They can still choose to escalate the incident at any time if further information/concerns are disclosed at a later date.

The decision to respond to the incident without involving the police or children's social care should only be made in cases where the DSL (or equivalent) is confident that they have enough information to assess the risks to any child or young person involved and the risks can be managed within the education setting's pastoral support and disciplinary framework and, if appropriate, their local network of support.

The decision should be made by the DSL (or equivalent) with input from the education's settings headteacher/principal or manager and leadership team and input from other members of staff if appropriate. The decision should be made and recorded in line with the education setting's safeguarding or child protection procedures and should be based on consideration of the best interests of any child or young person involved. This should take into account proportionality as well as the welfare and protection of any child or young person. The decision should be reviewed throughout the process of responding to the incident.

If doubts remain after following child protection procedures, local safeguarding arrangements should be followed.

2.4 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 (or equivalent) should conduct a further review (including an interview with any child or

[15] See Annex A for more information about age considerations.

young person involved) to establish the facts and assess the risks, referring back to any relevant assessment tools.

When assessing the risks and determining whether a referral is needed, the following should be also considered:

- why was the nude or semi-nude shared? Was it consensual or was the child or young person put under pressure or coerced?
- has the nude or semi-nude been shared beyond its intended recipient? Was it shared without the consent of the child or young person who produced the image?
- has the nude or semi-nude been shared on social media or anywhere else online? If so, what steps have been taken to contain the spread?
- how old are any of the children or young people involved?
- did the child or young person send the nude or semi-nude to more than one person?
- do you have any concerns about the child or young person's vulnerability?
- are there additional concerns if the parents or carers are informed?

These questions will help the DSL (or equivalent) decide whether a child or young person is at risk of harm, in which case a referral will be appropriate, whether additional information or support is needed from other agencies or whether the education setting can manage the incident and support any child or young person directly. DSLs (or equivalent) should always use their professional judgement in conjunction with that of their colleagues to assess incidents.

Annex A provides further detail on why these questions should be used to complement and support the DSL's (or equivalent's) professional judgement.

2.5 Supporting the young person/people involved

Once a school has assessed a child 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. If possible, the DSL (or equivalent) should carry out this this conversation.

However, if the child or young person feels more comfortable talking to a different member of staff, this should be facilitated where possible. It is important that the child or young person is given a sense of control over the reporting process. The DSL (or equivalent) should support the member of staff to make sure the conversation is handled appropriately and they feel confident in discussing the incident.

The purpose of the conversation is to:

- identify, **without viewing wherever possible**, what the image contains and whether anyone else has been involved
- find out whether the image has been shared between two people or shared further. This may be speculative information as images or videos may have been shared more widely than the child or young person is aware of
- discuss what actions and support might be needed, including preventing further distribution. This discussion should take into account the views of the child or young person as well as balancing what are considered to be appropriate actions for responding to the incident

When discussing the sharing of nudes and semi-nudes, it is important that the DSL (or equivalent)/member of staff:

- reassures the child or young person that they are not alone, and the education setting will do everything that they can to help and support them. They should also be reassured that they will be kept informed throughout the process
- recognises the pressures that children and young people can be under to take part in sharing an image and, if relevant, supports their parents and carers to understand the wider issues and motivations around this
- remains solution-focused and avoids any victim-blaming questions such as 'why have you done this?' as this may prevent the child or young person from talking about what has happened. For example, use questions such as 'describe what happened' or 'explain to me who was involved'
- helps the child or 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 image(s)
- 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 do not want to do, or to show them things that they are unhappy about. Let them know that they can speak to the DSL or equivalent if this ever happens
- explains the law on the sharing of nudes and semi-nudes. It is important to highlight that the law is in place to protect children and young people rather than criminalise them and should be explained in such a way that avoids alarming or distressing them
- signposts to the IWF and Childline's Report Remove tool at www.childline.org.uk/info-advice/bullying-abuse-safety/online-mobile-safety/sexting/report-nude-image-online/. Report Remove helps children and

young people to report an image shared online, to see if it is possible to get the image removed. This must be done as soon as possible in order to minimise the number of people that have seen the picture

Children and young people who have had their nudes or semi-nudes shared publicly should be:

- reassured that they have done the right thing by speaking to an adult and that the education setting and other adults are there to help
- advised:
    - to delete images or videos from social media accounts (including from cloud photo backups) if they have uploaded them themselves
    - to use the IWF and Childline's Report Remove tool at www.childline.org.uk/info-advice/bullying-abuse-safety/online-mobile-safety/sexting/report-nude-image-online/. Report Remove helps children and young people to report an image shared online, to see if it is possible to get the image removed. This must be done as soon as possible in order to minimise the number of people that have seen the picture
    - on how to report sexual images or videos on individual sites to get them taken down. If the image has been shared via a mobile, they should be informed that they can contact the mobile phone operator to have a mobile number changed as this may stop others from contacting them
    - to speak to the school if they are concerned about any bullying behaviour

Children and young people who have been sent a nude or semi-nude should be:

- reassured that they have done the right thing by speaking out and that the education setting and other adults are there to help
- asked whether it was sent by an adult or another child or young person and if they requested the photo or if it was sent unsolicited
- advised:
    - on the importance of reporting it online if it has been shared
    - to delete it from their devices and accounts
    - on the importance of not sharing the image further
    - if they asked to receive the photos, explain that they should not put pressure onto others to do things that they are uncomfortable with

Children and young people who have shared another child's or young person's nudes or semi-nudes should be:

- asked:
    - whether they asked for the photo or were initially sent it without requesting
    - who the image has been sent to and where it has been shared. Agree next steps for taking the image down, including deleting the image from their phone or any social media accounts and reporting it to service providers
    - about their motivations for sharing the photo and discuss what they could have done differently. If they have reacted to an upsetting incident, such as the break-up of a relationship, by sending the photo onwards, talk about how they could have managed their feelings in a healthier and more positive way. Emphasise that whatever the reason, it is always wrong to share nudes and semi-nudes of another child or young person. This can be used as an opportunity to discuss the importance of consent and not putting pressure on others to take or share nudes and semi-nudes
- advised on the law on the sharing of nudes and semi-nudes

2.6 Informing parents and carers

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

Where appropriate, DSLs (or equivalents) should support any child or young person involved with determining the best approach for informing parents and carers and allow them to be a part of this process if they want to be.

2.7 Supporting parents and carers

Children and young people can be involved in an incident in several different ways. They may lose control of their own image, receive an image of someone else or share an image of another person. In any of these situations, parents and carers may find it difficult to know how to deal with the knowledge that their child has been involved in an incident and may display differing emotions.

Whatever their feelings, it is important that professionals listen to their concerns and take them seriously. It can also be helpful for staff members and the police or social

care, to reassure parents and carers by explaining that it is normal for young people to be curious about sex.

In all situations, parents or carers should be:

- given information about the sharing of nudes and semi-nudes, what they can expect to happen next, and who will be their link person within the education setting
- given support to deal with their own feelings of upset and concern including signposting to further resources that can help them to understand the sharing of nudes and semi-nudes or support services they can contact, where appropriate
- given support on how to speak to their child about the incident
- advised on the law around the sharing of nudes and semi-nudes
- kept updated about any actions that have been taken or any support that their child is accessing, unless the child involved has specifically asked for this not to happen and is judged to be old enough to make that informed decision
- informed about sources of support for their child, in case they are feeling anxious or depressed about what has happened. This could include speaking to a Childline counsellor at www.childline.org.uk or on 0800 11 11, in house counselling services where available, or a GP. If they are concerned that their child is suicidal, they should contact 999
- directed to NCA-CEOP at www.ceop.police.uk/safety-centre if the child or young person discloses any further details to them that may suggest they are being groomed or sexually exploited

In addition to the advice above, parents and carers should be given the following advice and guidance for specific scenarios.

Parents/carers whose child has had their nudes or semi-nudes shared publicly should be:

- advised to:
    - stay calm and refrain from getting angry with their child
    - help their child delete images from social media accounts (included from cloud photo backups) if they have uploaded them themselves
    - help their child use the IWF and Childline's Report Remove tool at www.childline.org.uk/info-advice/bullying-abuse-safety/online-mobile-safety/sexting/report-nude-image-online/. Report Remove helps children and young people to report an image shared online, to see if it is possible

to get the image removed. This must be done as soon as possible to minimise the number of people that have seen the picture

- report sexual images on individual sites to get them taken down. If the image has been shared via a mobile, they should be informed that they can contact the mobile phone operator to have a mobile number changed

- directed to services for Harmful Sexual Behaviour, such as the National Clinical Assessment and Treatment Service25 (an NSPCC service), if there have been similar incidents or they are worried about inappropriate sexual behaviour for their age
- to speak to the education setting if they are concerned about any bullying behaviour
- directed to services for Harmful Sexual Behaviour, such as the National Clinical Assessment and Treatment Service25 (an NSPCC service), if there have been similar incidents or they are worried about inappropriate sexual behaviour for their age.

Parents/carers whose child has been sent nudes and semi-nudes should be advised to:

- listen to their child's concerns without criticising their decisions
- consider ways that their child could speak to the sender to stop future correspondences. Alternatively, if the child or young person prefers, informed about how to block the sender
- discuss 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 do not want to do, or to show them things that they are unhappy about. Children can speak to school and/or parents/carers if this ever happens

Parents/ carers whose child has shared another child's nudes or semi-nudes should be advised to:

- stay calm and refrain from getting angry with their child
- discuss issues of consent and trust in healthy relationships or friendships. Talk about the types of things which are and aren't ok to share and how they would feel if someone shared a personal photo of them
- contact their child's education setting if they are concerned that their child is behaving in a sexually inappropriate way. They could also be directed to services for Harmful Sexual Behaviour, such as the National Clinical Assessment and Treatment Service, if appropriate, or if similar incidents have previously occurred

2.8 Multi-agency working

If it is necessary to report to the police, contact should be made through existing arrangements. This may be through the MASH or equivalent in the first instance, a safer schools officer, a Police Community Support Officer, local neighbourhood police, dialling 101 or 999 (where there is a threat to life[16]).

Once a report is made to the police, it has to be recorded and the police will conduct an investigation. This may include taking devices and interviews with any child or young person involved.

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

- Contact should be made through existing arrangements (such as the MASH or equivalent) if reporting to the police is necessary.
- Be aware that the police are not able to offer general advice on incidents. If the child or young person involved are named or specifics are provided they are duty-bound to record and investigate all criminal activity reported. This does not mean the child or young person will automatically have a criminal record when the crime is recorded.
- If 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.

[16] 'Threat to life' can include serious sexual assault and/or rape

2.9 Children's social care contact and referrals

The DSL (or equivalent) should contact children's social care if any child or young person involved is already known to them. For example, they may currently, or in the past, have been on an Early Help or Child Protection Plan.

If, because of the investigation, the DSL (or equivalent) believes there are wider issues which meet the threshold for children's social care involvement, they should make a referral in line with their safeguarding or child protection procedures.

DSLs (or equivalents) should ensure that they are aware of, and familiar with, any relevant local policies, procedures and contact points/names which are available to support education settings in responding to an incident.

If a local area has a MASH then this may be the most appropriate place for education settings to initially make a referral.

2.10 Searching devices, viewing and deleting nudes and semi-nudes

2.10(a) Viewing the imagery

Staff and parents or carers must not intentionally view any nudes and semi-nudes unless there is good and clear reason to do so as outlined below. Wherever possible, responses to incidents should be based on what DSLs (or equivalents) have been told about the content of the imagery.

It is important that all members of staff are clear on what they can and can't do in relation to viewing nudes and semi-nudes and that this is communicated to any child, young person or parent and carer requesting that imagery be viewed.

The decision to view any imagery should be based on the professional judgement of the DSL (or equivalent) and should always comply with the child protection policy and procedures of the education setting. Imagery should never be viewed if the act of viewing will cause significant distress or harm to any child or young person involved.

If a decision is made to view imagery, the DSL (or equivalent) would need to be satisfied that viewing:

- is the only way to make a decision about whether to involve other agencies because it is not possible to establish the facts from any child or young person involved
- is necessary to report it to a website, app or suitable reporting agency (such as the IWF) to have it taken down, or to support the child or young person or parent or carer in making a report

- is unavoidable because a child or young person has presented it directly to a staff member or nudes or semi-nudes have been found on an education setting's device or network

If it is necessary to view the imagery then the DSL (or equivalent) should:

- never copy, print, share, store or save them; this is illegal. If this has already happened, please contact your local police for advice and to explain the circumstances
- discuss the decision with the headteacher or a member of the senior leadership team
- make sure viewing is undertaken by the DSL (or equivalent) or another member of the safeguarding team with delegated authority from the headteacher or a member of the senior leadership team
- make sure 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, make sure viewing takes place on the premises of the education setting, ideally in the headteacher or a member of the senior leadership team's office
- make sure wherever possible that they are viewed by a staff member of the same sex as the child or young person in the images
- record how and why the decision was made to view the imagery in the safeguarding or child protection records, including who was present, why the nudes or semi-nudes were viewed and any subsequent actions. Ensure this is signed and dated and meets any appropriate wider standards e.g. such as those set out in statutory safeguarding guidance and local authority policies and procedures
- if any devices need to be taken and passed onto the police, confiscate the device(s) and call the police. The device should be disconnected from Wi-Fi and data and turned off immediately to avoid imagery being removed from the device remotely through a cloud storage service. The device should be placed in a secure place, for example in a locked cupboard or safe until the police are able to come and collect it

Further details on searching, deleting and confiscating devices can be found in the DfE's Searching, Screening and Confiscation advice (note this advice is for schools only). Any procedures for searching, deleting and confiscating devices should be included in the educational setting's safeguarding or child protection procedures.

Children and young people, their parent and carers should be made aware of this procedure.

If nudes or semi-nudes have been viewed by a member of staff, either following a disclosure from a child or young person or as a result of a member of staff undertaking their daily role (such as IT staff monitoring school systems), DSLs (or equivalents) should make sure that the staff member is provided with appropriate support. Viewing nudes and semi-nudes can be distressing for both children, young people and adults and appropriate emotional support may be required.

The Searching, Screening and Confiscation advice for schools highlights how the Education Act 2011 gives schools the power to search pupils for devices, search data on devices. 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.

2.10(b) Deletion of imagery

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

In most cases, children and young people should be asked to delete the imagery and to confirm that they have deleted them. They should be given a deadline for deletion across all devices, online storage or social media sites. They should be reminded that possession of nudes and semi-nudes is illegal. They should be informed that if they refuse or it is later discovered they did not delete the imagery, they are continuing to commit a criminal offence and the police may become involved.

Any decision to search a child or young person's device and delete imagery should be based on the professional judgement of the DSL (or equivalent) and should always comply with the safeguarding or child protection policy and procedures of the education setting. 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 any child or the young person.

2.11 Recording incidents

All incidents relating to nudes and semi-nudes being shared need to be recorded. This includes incidents that have been referred to external agencies and those that have not. Incidents that have not been reported out to police or children's social care, education settings should record their reason for doing so and ensure it is signed off by the headteacher or setting's manager/leadership team. Please note copies of imagery should not be taken.

Records should be kept in line with statutory requirements set out in Keeping Children Safe in Education, where applicable, and your local safeguarding procedures.

2.12 Reporting nudes and semi-nudes online

Children and young people may need help and support with the removal of nudes and semi-nudes 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 child or young person. More information can be found on individual providers' websites where they should make public their Terms of Service and process for reporting.

In the event that a site has no reporting function and if the content is a sexual image of someone under 18, you can report it to the Internet Watch Foundation (IWF). You can report directly to the IWF here: www.iwf.org.uk.

Children and young people can use the IWF and Childline's Report Remove tool to report images and videos they are worried have been, or might be, shared publicly at www.childline.org.uk/info-advice/bullying-abuse-safety/online-mobile-safety/sexting/report-nude-image-online/. The tool helps children and young people to report an image shared online, to see if it is possible to get the image removed. This must be done as soon as possible in order to minimise the number of people that have seen the picture.

If you are concerned that a child or young person is being sexually abused, exploited or groomed online you should report to NCA-CEOP: www.ceop.police.uk/safety-centre.

2.13 Best practice responses to incidents

The case studies below demonstrate three examples of incidents and how an education setting may respond effectively to them following the guidance outlined in this section.

Further case studies can be found in annex B. These can be used in a training exercise with staff to help them identify the type of incident that has occurred and how to respond appropriately.

Case study A: Children and young people aged 13 to 18

A 15-year-old girl reported to her head of year she had consensually sent her boyfriend (another student, 16) a topless photo of herself. She has been told that her boyfriend has shown the photo to his friends and they are now posting comments about her being a ‘slut’ online. She was very upset and did not want to get into trouble for taking the photo. The head of year explained to her that what she had experienced was extremely serious and that they would need to speak to the DSL.

The DSL reassured the girl that she had done the right thing in speaking to her head of year and explained that the school needed to make sure she was safe and discussed the possible action the school would take. The DSL explained they would be following the school’s child protection and behaviour policy and would speak to the boys involved and their parents. The girl was offered additional pastoral support. She agreed and her parents were contacted and given the opportunity to discuss the action the school planned to take.

The DSL spoke to the boyfriend who said he only told one friend about the photo. He did not show anyone the photo and did not forward it to anyone. The boys making comments online were spoken with separately; they all confirmed the boy had not shown them any photos and he had only discussed the photo with one other person. The DSL had no previous safeguarding concerns about any of the young people involved.

Result: The boyfriend was spoken with about consent and trust within healthy relationships. His behaviour was discussed with his parents present and he was instructed to delete the images immediately from any devices, including his recently deleted folder.

The boys making comments online were spoken with about their behaviour with their parents present; it was made clear that their behaviour was unacceptable, and they received sanctions in line with the behaviour policy.

All boys involved were warned about the more severe consequences that would arise if the harassment continued or any images were shared again.

Everything was explained to the girl and her parents, who were happy with the action taken by the school. There have been no further incidents.

Case study B: Children and young people aged 13 to 18

A 14-year-old girl reported to a DSL she had been forwarded a naked photo of one of her friends, 13. Her friend had initially sent the photo to a boy, 15, that she liked who attends a nearby school. The DSL reassured the girl that she had done the right thing in speaking to her and explained that the school needed to make sure her friend was safe.

The school spoke to the DSL at the boys' school and they agreed to investigate. They stated the boy had been involved in nude image sharing concerns before.

The DSL spoke to girl who denied taking any images initially. She then said she had sent a photo to a boy she liked, however she stated she was fully clothed. The girl had previously been known to social services due to concerns about a risk of exploitation and the school were concerned about her safety if naked images were being shared.

The DSL made the decision that it was necessary to view the photo as it was the only way to decide about whether to involve other agencies as conflicting information had been shared by the young people involved. The DSL discussed the decision with the headteacher and viewed the image in their office, with them present in the room. The DSL recorded their decision making regarding viewing the image. The DSL was able to confirm that the girl was naked in the photo and was masturbating.

The girl was spoken with again. She told the DSL that she had not told the truth before as she was worried she would be in trouble with the police. She stated that the boy had told her he would go out with her if she sent him naked photos. She was unaware the image had been shared and was very distressed.

Result: The girl's parents were contacted and given the opportunity to discuss the action the school planned to take. The school reported the concern to the local MASH; it was agreed via a strategy discussion that social care and police would visit both schools to speak to the children involved and their parents and act, as necessary. The girl was provided with counselling and additional pastoral support in school.

Case study C: Children and young people under the age of 13

An 11-year-old boy reported to his class teacher that one of his friends took a photo of themselves naked and sent it to him last night. He was upset by the photo but had not told his parents in case they took his phone away. His teacher reassured him for speaking to them and explained that what he had been sent was not funny and that they would need to speak to the DSL to make sure everyone was safe.

The DSL reassured the boy that he had done the right thing for speaking to his teacher and explained they would be following the school's child protection and behaviour policy and would speak to the boy involved and his parents. The boy's parents were contacted and given the opportunity to discuss the action the school planned to take.

The DSL spoke to the boy who said he thought it was funny and he did not mean to upset his friend. He stated he had not sent the photo to anyone else. He said he realised it was not funny and that he should not send naked photos even as a joke. The DSL did not have any previous safeguarding concerns about the children involved.

Result: His behaviour was discussed with his parents present and he was instructed to delete the images immediately from any devices, including his recently deleted folder. The boy was spoken with about appropriate behaviour and boundaries online and a safety plan was discussed and agreed with his parents, including appropriate supervision of devices at home.

Everything was explained to the other boy and his parents, who were happy with the action taken by the school. There have been no further concerns.

SECTION THREE – EDUCATING CHILDREN AND YOUNG PEOPLE

3.1 Why educate children and young people about the sharing of nudes and semi-nudes?

Teaching about safeguarding issues can prevent harm by providing children and young people with skills, attributes and knowledge to they need to identify risk online and access help when they need it. Addressing sensitive issues promotes a whole setting approach to safeguarding, giving children and young people the space to explore key issues and the confidence to seek the support of adults should they encounter problems.

Keeping Children Safe in Education states that schools and colleges 'should ensure children are taught about safeguarding, including online safety'.

Through compulsory Relationships Education for all primary-aged pupils and Relationships and Sex Education (RSE) for all secondary-aged pupils, all schools should provide opportunities for children and young people to learn about online safety and harms. This includes being taught what positive, healthy and respectful online relationships look like and, in secondary education settings, that sharing and viewing indecent images of children (including those created by children) is a criminal offence.[17][18]

Relationships Education and RSE play a key role in ensuring young people understand their right to be treated with respect in a relationship and how they should treat others with the same dignity and respect.

It is also an opportunity to open important conversations, not just with children, but with staff, parents and the wider community. Openly exploring topics such as understanding and recognising healthy and unhealthy behaviours and raising any worries or concerns with a trusted adult is a chance to educate communities and peer groups on what is appropriate behaviour to support and protect children.

3.2 When and where should we teach children and young people about the sharing of nudes and semi-nudes?

In schools, learning about the sharing of nudes and semi-nudes should be located within the Relationships Education and Relationships and Sex Education curriculum, as

[17] Relationships Education, Relationships and Sex Education and Health Education: statutory guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teacher, Department for Education, 2019. Available at: www.gov.uk/government/publications/relationships-education-relationships-and-sex-education-rse-and-health-education

[18] Teaching online safety in school, Department for Education, 2019. Available at: www.gov.uk/government/publications/teaching-online-safety-in-schools

well as the school's Computing programme where it should reflect the requirements of the National Curriculum programmes of study for Computing.

Education should be embedded across all year groups with learning made relevant to children and young peoples' online behaviour and experiences and matched to their readiness for new learning. Appropriate education on the basic principles of consensual image sharing can be delivered to primary-aged children, without the need to discuss the sharing of nudes and semi-nudes specifically.

All education settings can refer to the Education for a Connected World framework for age-specific advice on teaching about taking and sharing inappropriate images, including nudes and semi-nudes.[19]

Education settings should also consider:

- what specific learning is provided in the curriculum *about* the sharing of nudes and semi-nudes? This focuses on factual information and will include:
    - what it is
    - how it is most likely to be encountered
    - the consequences of requesting, forwarding or providing such images, including when it is and is not abusive and when it may be deemed as online sexual harassment
    - issues of legality
    - the risk of damage to peoples' feelings and reputation
- what specific learning is provided to ensure children and young people have the strategies and skills required to *manage*:
    - specific requests or pressure to provide (or share on) such images
    - the receipt of such images

  This will include who to tell; what to say; what to do; what not to do and where to get support from within and outside of the education setting.

  It is important to recognise how difficult it may be for children and young people to challenge or deny their peers' requests for images, especially those to whom they are attracted or whose approval they seek. It may also be extremely difficult for them to ask adults for help. Children and young people may have made a decision they are worried about and may find it difficult or embarrassing to ask for help. It is essential that lessons help children and young people develop the confidence they may need to put their skills and strategies into action.

[19] Available at: https://www.gov.uk/government/publications/education-for-a-connected-world

It is therefore important that children and young people understand their school's policy towards nudes and semi-nudes. The content of this policy and the protocols the school will follow in the event of an incident can be explored as part of this learning. This reinforces the inappropriate nature of abusive behaviours and can reassure children and young people that their school will support them if they experience difficulties or have concerns.

- What *underpinning protective learning* is being provided by the school's curriculum? This will include work on:
    - communication
    - understanding healthy relationships including trust
    - understanding and respecting the concept of consent
    - understanding our rights (especially our collective right to *be* safe and to *feel* safe)
    - recognising and challenging abusive and coercive language and behaviours
    - Recognising and challenging victim blaming and harmful societal norms such as 'slut-shaming'
    - accepting our responsibilities (especially our responsibility to respect others trust and protect their right to be physically, emotionally and socially safe)

  Without this underpinning learning, *specific* learning about the sharing of nudes and semi-nudes may have limited impact.

3.3 How can we deliver education safely?

Teaching should reflect best practice in delivering safe and effective education, including[20]:

- **safeguarding first.** Make sure that the safety and wellbeing of each child comes first by establishing an emotionally safe learning environment and following the education setting's safeguarding or child protection policies and procedures in the event of a disclosure
- **approach from the perspective of the child.** Before any new teaching, it is important to understand what being online means to children and young people and their relationships and explore the positive opportunities it presents, as well as the risks

[20] Values taken from NCA-CEOP's Thinkuknow education programme. Available at: www.thinkuknow.co.uk/professionals

- **promote dialogue and understanding.** Children and young people feel safest when they are listened to and understood – and know that they can ask trusted adults for help when they need it
- **empower and enable children and young people.** Children and young people have the right to be protected from harm, and to be supported to build knowledge, skills and confidence which will help them manage risk and access support when they need it
- **never frighten or scare-monger.** Alarmist education can be risky or worse, counterproductive. Avoid shocking or scaring children and young people, their families or other professionals
- **challenge victim-blaming attitudes.** Some children, young people and adults may express victim-blaming attitudes around the sharing of nudes and semi-nudes. These should be challenged in a constructive and supportive way that encourages them to think critically about the language they use

Teaching should also reflect the principles articulated in 'Key principles of effective prevention education' - produced by the PSHE Association on behalf of NCA-CEOP. [21]

3.4 Using external visitors

The use of external visitors to support education around the sharing of nudes and semi-nudes can provide significant benefits to education settings but their use should be carefully considered to ensure they are effective. External visitors should be used to enhance a setting's offer rather to deliver education in isolation.

It is important to consider:

- how will the external visitor be used to meet the education setting's aims and objectives?
- has the right external visitor been selected? Do they have the required skills and knowledge, are their resources appropriate, and does their key message reflect the education setting's safeguarding ethos/approach?
- how the setting's community will be safeguarded, including ensuring that:
    - the external visitor is briefed on the setting's child protection policies and procedures, and disclosures are handled in line with these.
    - there are clear procedures for dealing with queries, concerns or safeguarding disclosures

[21] Key principles of effective prevention education, NCA-CEOP and the PSHE Association, 2016. Available at: www.pshe-association.org.uk/curriculum-and-resources/resources/key-principles-effective-prevention-education

    - an appropriately trained teacher is present during the session to take responsibility for discipline and safeguarding
- How will their input be evaluated and their impact be assessed?

For further guidance on using external visitors, see:

- Using External Visitors to Support Online Safety Education: Guidance for Educational Settings (UKCIS) at www.gov.uk/government/publications/using-external-visitors-to-support-online-safety-education-guidance-for-educational-settings
- Police In The Classroom: a handbook for police and PSHE teachers (PSHE Association and NPCC) at https://pshe-association.org.uk/policing

3.5 What resources are available?

The following organisations provide resources and guidance that education settings may find helpful when planning education opportunities and supporting children and young people:

- **Barnardos** (www.barnardos.org.uk): Barnardos run specialist services for children and young people who have engaged in harmful sexual behaviour or are at risk of or experiencing child sexual abuse and exploitation
- **Childline** (www.childline.org.uk): Childline is a free, private, and confidential service where children and young people can talk about anything either on the phone or online. Childline provides information and advice on a range of topics including nudes and semi-nudes and, with the IWF, offers Report Remove, a tool to help under 18s in reporting images and videos to get them removed from the internet. Childline also includes online safety advice for d/Deaf children and young people
- **Childnet** (www.childnet.com): Childnet provides free online safety information, advice and educational resources for young people, professionals and parents and carers. This includes session plans on online sexual harassment, healthy relationships and the sharing of nudes and semi-nudes. Learning resources for children and young people with special educational needs and disabilities (SEND) are also available
- **LGfL (London Grid for Learning)** (sexting.lgfl.net): LGfL offers training and free safeguarding and online safety education resources for educational settings, including informative posters for staff and children and young people and a teaching resource for primary-aged children from Early Years to Key Stage 2 about not getting changed or undressed on camera or when using a device

- **NCA-CEOP – Thinkuknow** (www.thinkuknow.co.uk): Thinkuknow is the online safety education programme from the National Crime Agency. It provides information and advice for parents and carers and children and young people on sex, relationships and the internet. Professionals can also access free educational resources that explore the sharing of nudes and semi-nudes, healthy and unhealthy relationships, harmful sexual behaviours, and online sexual abuse
- **NSPCC** (www.nspcc.org.uk): The NSPCC provides training and guidance for professionals and advice for parents and carers across a range of child safeguarding topics. The NSPCC also provides services that work to protect children against sexual abuse and free teaching resources and lesson plans that explore healthy relationships, concerning or abusive behaviour, and sharing images online. Learning resources for children and young people with SEND are also available
- **PSHE Association** (www.pshe-association.org.uk): The PSHE Association provides advice, training and resources in PSHE education, including relationships and sex education. Its programme of study for England sets out how key learning objectives around healthy relationships, consent and abuse should be addressed within the curriculum
- **South West Grid for Learning – ProjectEVOLVE** (www.projectevolve.co.uk): South West Grid for Learning's (SWGfL's) ProjectEVOLVE educational resources explore the strands of the Education for a Connected World framework. These include activities on healthy and unhealthy online sexual behaviour, sharing images and consent. SWGfL also offer resources for children and young people with SEND and information and advice for educational professionals, including the Professionals Online Safety Helpline (https://swgfl.org.uk/services/professionals-online-safety-helpline)
- **UKCIS (**www.gov.uk/government/organisations/uk-council-for-internet-safety): The UK Council for Internet Safety is a collaborative forum through which government, the tech community and third sector work together to ensure the UK is the safest place in the world to be online. To support education professionals, it has published the Education for a Connected World framework which sets out the knowledge and skills children and young people should have the opportunity to develop in areas such as online relationships and self-image and identity

Annex A: Questions to support assessment

When deciding whether to involve the police and or children's social care, consideration should be given to the following questions. Answering these questions will support the DSL (or equivalent) in considering whether a young person is at risk of harm, in which case a referral will be appropriate, whether additional information or support is needed from other agencies or whether the school can manage the incident and support the young people directly.

Do you have any concerns about the young person's vulnerability?	
Why this question?	Consideration should be given to whether a child or young person's circumstances, background or sexuality makes them additionally vulnerable. This could include: • being in care • having special educational needs or disability • having been a victim of abuse • having less direct contact with parents • lacking positive role modelling at home Where there are wider concerns about the care and welfare of a child or young person then consideration should be given to referring to children's social care

Why were the nudes and semi-nudes shared? Was the young person put under pressure or coerced or was consent freely given?	
Why this question?	Children and young people's motivations for sharing nudes and semi-nudes include flirting, developing trust in a romantic relationship, seeking attention or as a joke. Though there are clearly risks when children or young people share images consensually, those who have been pressured to share nudes and semi-nudes are more likely to report negative consequences. A referral should be made to the police if a child or young person has been pressured or coerced into sharing an image, or images have been shared without consent and with malicious intent. Consideration should also be given to a child or young person's level

	of maturity and the impact of any special educational needs or disability on their understanding of the situation. Action should be taken, in accordance with the setting's behaviour policy, with any child or young person who has pressured or coerced others into sharing nudes and semi-nudes. If this is part of pattern of behaviour then a referral to a Harmful Sexual Behaviour service should be considered, such as the National Clinical Assessment and Treatment Service (an NSPCC service).

Have the nudes and semi-nudes been shared beyond its intended recipient? Was it shared without the consent of the young person who produced the images?	
Why this question?	The nudes and semi-nudes may have been shared initially with consent but then passed on to others. A child or young person may have shared them further with malicious intent, or they may not have had a full understanding of the potential consequences. Consideration should also be given to a child or young person's level of maturity and the impact of any special educational needs on their understanding of the situation. The police should be informed through the MASH or equivalent if there was a deliberate intent to cause harm by sharing the nudes and semi-nudes or if they have been used to bully or blackmail a child or young person.

Have the nude and semi-nudes been shared on social media or anywhere else online? If so, what steps have been taken to contain the spread of the images?	
Why this question?	If the nudes and semi-nudes have been shared widely on social media, this could cause significant embarrassment for the child or young person and have a long-term impact on their online reputation. It could also increase the risk of them being bullied or contacted by strangers online. The child or young person should be supported to report the imagery to any sites it is hosted on. Information on reporting in section 2.12. If the child or young person has tried to report the imagery and it has not been removed the young person should use the IWF and Childline's Report Remove tool: https://www.childline.org.uk/info-advice/bullying-abuse-safety/online-mobile-safety/sexting/report-nude-image-online/. The Professionals Online Safety Helpline for further advice and support by calling 0844 381 4772 or visiting www.saferinternet.org.uk/helpline/professionals-online-safety-helpline. If the child or young person is being contacted by people they don't know who have viewed the images, it should be reported to NCA-CEOP at: www.ceop.police.uk/safety-centre

How old is the young person or young people involved?	
Why this question?	Children under 13 are dealt with differently under the Sexual Offences Act 2003. This law makes it clear 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. Further action must be taken where an incident involves children under 13 and sexual acts as it is potentially indicative of a wider safeguarding or child protection concern or as being problematic sexual behaviour. In some cases, children under 13 (and indeed older) may create nudes and semi-nudes as a result of age appropriate curiosity or risk-taking behaviour or simply due to naivety rather than any sexual intent. This is likely to be the behaviour more commonly identified within primary education settings. Some common examples could include sending pictures of their genitals to their friends as a dare or taking a photo of another child whilst getting changed for PE. Within this context, it is unlikely that police or social care involvement is required or proportionate, but DSLs will need to use their professional judgement to consider the specific context and the children involved. Being older can give someone power in a relationship, so if there is a significant age difference it may indicate the child or young person felt under pressure to take the nudes and semi-nudes or share it. Consideration should also be given to a child or young person's level of maturity and the impact of any special educational needs or disability on their understanding of the situation. If the nudes and semi-nudes are believed to contain acts which would not be expected of a child or young person of that age, it should be referred to police through the MASH or equivalent. The Brook Traffic Light tool provides guidance on harmful sexual behaviour at different ages.

Did the young person send nudes and semi-nudes to more than one person?	
Why this question?	If a child or young person is sharing nudes or semi-nudes with multiple people, this may indicate that there are other issues which they need support with such as self-esteem and low confidence or harmful sexual behaviour. Consideration should be given to their motivations for sharing. A referral to children's social care should be made if there are wider safeguarding concerns.

Does the young person understand the possible implications of sharing the nudes and semi-nudes?	
Why this question?	Children and young people may produce or share nudes and semi-nudes without fully understanding the consequences of what they are doing. They may not, for example, understand how it may put them at risk or cause harm to another child or young person. They may also not understand consent. Exploring their understanding can help in assess whether the child or young person passed on an image with deliberate intent to harm and plan an appropriate response.

Are there additional concerns if the parents or carers are informed?	
Why this question?	Parents or carers should be informed of incidents of this nature unless there is good reason to believe that informing them will put the young person at risk. This may be due to concerns about parental abuse or cultural or religious factors which would affect how they or their community would respond. If a child or young person highlights concerns about involvement of their parents or carers, then the DSL (or equivalent) should use their professional judgment about whether it is appropriate to involve them and at what stage. If the education setting chooses not to involve a parent or carer they must clearly record the reasons for not doing so. Where possible, children and young people should be supported to speak with their parents or carers themselves about the concerns.

Annex B: Training exercise

Exercise instruction sheet

This exercise may be used by a DSL (or equivalent) with staff to explore the issues around responding to incidents of nudes and semi-nudes being shared by children and young people.

It is designed to illustrate a range of incidents and highlight that an appropriate and proportionate response needs to be considered for each incident.

Instructions to trainer

Resources required:

- Resource Sheet 1 – typology definitions (1 per delegate)
- Resource Sheet 2 – case studies (1 per group)
- Resource Sheet 3 – response (1 per delegate)
- Coloured card – 6 colours
- Sticky tack

Preparation:

A - Prepare a set of case study cards per group. This takes a little time but the cards can be reused. If preferred, you may wish to use anonymised case studies that you are aware of and able to discuss the outcome.

The 14 case studies (Resource sheet 2) match the six typology categories as follows:

Aggravated Adult (case studies 8 & 9)

Aggravated Youth Intent to Harm (case studies 1, 2, 7 & 10)

Aggravated Youth Reckless misuse (case studies 3, 4,)

Experimental Romantic (case studies 6, 11)

Experimental Attention Seeking (case studies 5, 12 & 13)

Experimental Other (case study 14)

Assign a distinctive coloured card to each of the six categories above, then cut and mount each of the 14 case studies accordingly.

B - Prepare 6 white ‘header’ cards for wall mounting – each card should display the title of one of the typologies.

Activity:

1. Divide delegates into groups of 3-4. Where appropriate, mix delegates to include a wide range of experience / job role etc.
2. Give each group a set of case study cards (all 14 if time permits, if not then ensure that they have at least one of each colour).
3. Instruct delegates to read each case study and consider the following questions as a group:
   - what level of risk do they think is attached to each case – green/red/amber
   - what should the action of the education setting be?
   - at this stage which of the case studies would they report to police and or social care?

   At this stage, ask delegates to discuss a simple outline/ plan of action - no more than 3 mins per case.
4. Give each group member a copy of Resource Sheet 1 and discuss with them Finkelhor's typology. Finkelhor's typology will help them to define the kind of incident and will also help them to decide on the appropriate and proportionate response.
5. Give each delegate a copy of Resource Sheet 3 and ask them as a group to decide for each case study which typology category they would assign to it. Record any comments on their sheets.
6. Whilst delegates are working, stick the 6 'header' cards around the room.
7. When delegates have categorised each of their case studies, ask them to post the cards on the wall under the appropriate 'header' card around the room. (It becomes apparent quite quickly that the colours match up in groups and show where groups agree/disagree on categorisation).
8. Comment on where there has been agreement/disagreement to pull out variation in group thinking.
9. Pull out a variety of incidents that reflect the different typologies, for example romantic, attention seeking, aggravated adult, and ask delegates to consider the following:
   - do any of the case studies reflect any of the five points for immediate referral to other agencies?
   - if they do, which external agency should they be reported to and why?
   - if they don't need to be reported to an external agency, why not?

10. Where there are case studies that don't hit the referral threshold ask the groups to consider their response. This should take into account how they would respond. They should consider the following:
    - how would the child or young person be supported?
    - how would parents or carers be informed?
    - how would the deletion and removal of the images be handled?
    - how would the incident be recorded?
    - how would take the lead in managing the incident?
    - what would follow after the management of the incident?

11. Allow for discussion in small groups on these topics and, where possible, ask them to refer to the main body of the advice. Draw out any key elements for discussion and take the opportunity to remind staff of any relevant policies and procedures in managing incidents of nudes and semi-nudes being shared.

Resource Sheet 1 (Adapted from Wolak and Finkelhor 'Sexting: a Typology' March 2011)

<table>
<tr><td rowspan="3">Aggravated incidents involve criminal or abusive elements beyond the creation, sending or possession of youth-produced sexual images</td><td>Adult offenders attempt to develop relationships by grooming teenagers, in criminal sex offenses even without the added element of youth-produced images. Victims may be family friends, relatives, community members or contacted via the Internet. The youth-produced sexual images may be solicited by adult offenders.</td></tr>
<tr><td>Youth Only: Intent to Harm cases that:
arise from interpersonal conflict such as break-ups and fights among friends
involve criminal or abusive conduct such as blackmail, threats or deception
involve sexual abuse or exploitation by young people.</td></tr>
<tr><td>Youth Only: Reckless Misuse
No intent to harm but images are taken or sent without the knowing or willing participation of the young person who is pictured. In these cases, pictures are taken or sent thoughtlessly or recklessly and a victim may have been harmed as a result.</td></tr>
<tr><td rowspan="3">Experimental incidents involve the creation and sending of youth-produced sexual images, with no adult involvement, no apparent intent to harm or reckless misuse.</td><td>Romantic episodes in which young people in ongoing relationships make images for themselves or each other, and images were not intended to be distributed beyond the pair.</td></tr>
<tr><td>Sexual Attention Seeking in which images are made and sent between or among young people who were not known to be romantic partners, or where one young person takes pictures and sends them to many others or posts them online.</td></tr>
<tr><td>Other. Cases that do not appear to have aggravating elements, like adult involvement, malicious motives or reckless misuse, but also do not fit into the Romantic or Attention Seeking sub-types. These involve either young people who take pictures of themselves for themselves (no evidence of any sending or sharing or intent to do so) or pre-adolescent children (age 9 or younger) who did not appear to have sexual motives.</td></tr>
</table>

Resource Sheet 2: Case studies

(Includes case studies adapted from Wolak and Finkelhor)

Case study 1

A pupil in Year 12 confides in a friend that she shared nude images with her boyfriend who has just turned 18 and is in Year 13. They have recently split up and the girl has asked for the images to be deleted – the boy has refused, and the girl is worried that he might show them to his friends.

Case study 2

Two 16-year-old males are in a relationship and have faced some homophobic abuse online. This has culminated in their heads being digitally manipulated onto pornographic images which have been shared. One of the boys confided in a member of staff about what had happened. On investigation, it becomes clear that they have exchanged nude images with each other. Another young person claims to have a copy of the image (although there is no proof of this) and has threatened to share it. One of the two boys is worried that if his family find out about his relationship there could be “serious consequences for us both”.

Case study 3

A 13-year-old boy sent one picture of himself masturbating to another pupil in his class. The pupil was shocked and shared the image with two others asking for their advice and what to do. One of the pupils showed the image to their parents who have emailed it to the form tutor at school demanding that something be done.

Case study 4

Two 16-year-olds were having sex at a party – someone took a photo and shared it online. One of the 16-year-olds is really distressed and has allegedly tried to self-harm. The two 16-year olds have had no previous safeguarding concerns and have been in a relationship for some time.

Case study 5

The DSL at a neighbouring school calls to explain that they are aware of a local 'competition' between children to see what are the riskiest videos that they can upload to social media sites without getting them reported and removed. Apparently a girl from your school has posted content of herself in her underwear simulating oral sex. The DSL has not seen any of this content but has been told by their pupils. When you speak to the pupil she insists this is not true and that she is fully clothed in any content.

Case Study 6

An 11-year old boy sent a nude photo of himself to his 12-year-old girlfriend (an ex pupil). No physical sexual activity took place between them prior to this event online or offline. The image was discovered on the girl's mobile phone by her mother who deleted the image and contacted the boy's parents. The boy's parents approached the education setting for advice. He said it was meant as a joke and that no physical sexual activity took place between them prior to this event online or offline.

Case Study 7

A girl, 15, sent a topless photo of herself to her girlfriend, who was also 15. When they broke up, the girl sent the photo to numerous friends and many recipients forwarded the image to others. The education setting found out when one recipient told a parent. By then over 200 students had received the picture.

Case Study 8

The parents of a 14-year old girl found nude pictures of her on her mobile device and approached her school for advice. She admitted sending the pictures to a 37-year old man she met online. The girl stated she was in love with him and he lived in another part of the country. They have never met face-to-face.

Case Study 9

A 17-year old boy sent nude images of himself to a man he had met online through a dating platform who had requested them. The man continued to ask for more, threatening to leak the photos he had already received. The boy told his friend who then reported it to a member of staff in the education setting.

Case study 10

A 13-year old girl took nude images of her 3 younger sisters (ages 5, 6 & 8) and touched them sexually. A classmate disclosed this information to their class teacher. Children's social care had been involved with the family for some time.

Case Study 11

Parents approached the school when they discovered their son, 16, had received a video of a 17-year-old boy masturbating. Their son is gay and in a relationship with the other boy who he knows through school. His parents were upset about his sexual orientation.

Case Study 12

A boy, 15, sent unsolicited naked pictures of himself to three different girls in his school. One of the girls reported it to their class teacher.

Case Study 13

A girl, 17, posted nude pictures of herself on a social networking site. The website identified the images as possible child abuse images, removed them and reported the incident to NCA-CEOP, which referred the report to the local police force. The police approached the school and talked with the girl, but no further action was taken.

Case Study 14

An 11-year-old girl took pictures of her breasts with her mobile phone. Her parents discovered the images and brought the phone to school. The girl, when spoken to, admitted she took the pictures of herself to see if she looked 'normal'. She said she had not sent them to anyone.

Resource Sheet 3 - Response

Case study - Typology	Comments	Response
1 -		
2 -		
3 -		
4 -		
5 -		
6 -		
7 -		
8 -		

9 -		
10 -		
11 -		
12 -		
13 -		
14 -		

Annex C: Table of substantive changes from Sexting in Schools and Colleges

Where	What
Whole document	
Terminology changed from ‘youth produced sexual imagery’ to ‘sharing nudes and semi-nudes’	
Guidance expanded to refer to all educational settings including out-of-school settings	
Section One	**Background and context**
1.1. Who is this for?	New paragraph added to signpost to relevant guidance in Wales and Scotland
1.4 ‘Sharing nudes and semi-nudes’: definition	Replaced definition of ‘youth-produced sexual images’ with definition of ‘sharing nudes and semi-nudes’ and examples of alternative definitions
1.6 Understanding motivations and behaviours	New section added exploring the motivations and behaviour behind the sharing of nudes and semi-nudes. ‘Sexting, a typology’ (Finkelhor and Wolak) and ‘A continuum of children and young people’s sexual behaviours’ (Hackett, 2010) included in this section (previously in Annex B and F)
1.7 The law	Law on non-consensual image sharing (section 33 of the Criminal Justice and Courts Act 2015) added
1.9 The police response	Guidance added on when and how to refer incidents to the police
Section Two	**Background and context**
2.1 Initial response	Flowchart for responding to incidents updated and added (previously in Annex G)

2.5 Supporting the young person/young people involved	New guidance added
2.7 Supporting parents and carers	Updated guidance on supporting parents and carers added (previously in Annex C)
2.10 Searching devices, viewing and deleting images	Updated and additional guidance added
2.11 Recording incidents	Guidance updated and references to Ofsted expectations removed. Annex E: Youth produced sexual imagery and the Ofsted Common Inspection Framework also removed
2.12 Reporting nudes and semi-nudes online	New guidance added on the IWF and Childline's Report Remove tool. Annex D: Reporting youth produced sexual imagery online removed.
2.13 Best practice responses to incidents	New section with examples of case studies demonstrating best practice in responding to incidents
Section 3	**Educating children and young people**
3.1 Why teach children and young people about the sharing of nudes and semi-nudes?	Updated to reflect mandatory RSHE from September 2020
3.2 When and where should we teach children and young people about the sharing of nudes and semi-nudes?	Updated to reflect mandatory RSHE from September 2020. Reference added to Education for a Connected World Additional guidance on challenging victim blaming
3.3 How can we deliver education safely	New guidance added on best practice in delivering safe and effective education
3.4 Using external visitors	New guidance added on working with external visitors

3.5 What resources are available?	Updated links to organisations. References to individual resources removed.
Annex	
Annex A	Guidance updated
Annex B	New case studies added

Access the guidance online at:
www.gov.uk/government/organisations/uk-council-for-internet-safety

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Internet Safety