

**THOMAS HARDYE SCHOOL**

# Youth Produced Sexual Imagery (YPSI) Policy



**Adopted By:** Local Governing Body

**Signed:** Chair of Governors – A.Moore

**Date:** TBC 30/11/22

**Review Date:** 29/11/23

## **Contents:**

### Statement of intent

1. [Legal framework](#)
2. [Roles and responsibilities](#)
3. [Definitions](#)
4. [Upskirting](#)
5. [Awareness of YPSI](#)
6. [Coordinating a response to incidents of YPSI](#)
7. [Resolving YPSI incidents](#)
8. [Monitoring and review](#)

## **Statement of intent**

The Thomas Hardy School is committed to safeguarding and supporting all pupils and staff both inside and outside of school against all the facets and complex issues surrounding youth-produced sexual imagery (YPSI). This approach will be informed by a whole-school safeguarding strategy, and will always focus on ensuring the mental and physical wellbeing of pupils and staff members.

This good practice policy provides a clear and consistent framework for the DSL and the headteacher in delivering this promise, as well as ensuring members of the governing board, headteachers, and staff understand their responsibilities under safeguarding legislation. It aims to assist the school in ensuring policies and procedures regarding YPSI are clear and easily understood by staff, pupils, and parents. It aims to also provide the school with a foundation for teaching pupils what behaviour is acceptable and unacceptable.

## **1. Legal framework**

This policy has due regard to all relevant legislation, good practice and statutory guidance including, but not limited to, the following:

- Department for Digital, Culture, Media and Sport and UK Council for Internet Safety (2020) 'Sharing nudes and semi-nudes: advice for education settings working with children and young people'
- DfE (2022) 'Keeping children safe in education 2022'
- DfE (2021) 'Sexual violence and sexual harassment between children in schools and colleges'
- Ministry of Justice (2015) 'Revenge Porn'
- Data Protection Act 2018
- The General Data Protection Regulation (GDPR)
- Voyeurism (Offences) Act 2019
- Protection of Children Act 1978
- Sexual Offences Act 2003
- Criminal Justice and Courts Act 2015

This policy operates in conjunction with the following school policies:

- Child Protection and Safeguarding Policy
- Anti-bullying Policy
- Records Management Policy
- Complaints Procedures Policy
- Child-on-child Abuse Policy
- Behaviour Policy
- Social Media Policy
- Staff Code of Conduct
- Online Safety Policy
- Data Protection Policy

## **2. Roles and responsibilities**

The headteacher has responsibility for:

- Safeguarding pupils' wellbeing.
- Overseeing staff training on YPSI with the DSL.
- Reviewing this policy.
- Providing parents with suitable information and support on YPSI.
- Liaising with the DSL on any incidents involving YPSI and supporting the DSL in the decisions they make regarding the incidents.
- Ensuring that policies and procedures are followed by staff members.
- Ensuring that, upon induction, new staff members are provided with copies of the policies and procedures they need, including the Child Protection and Safeguarding Policy, and parts one, two, and five of 'Keeping children safe in education'.

The governing board has responsibility for:

- Ensuring the headteacher has effectively implemented this policy.
- Monitoring the effectiveness of the procedures set out in this policy and its implementation across the school.
- Facilitate a whole-school approach to handling incidents of YPSI; this includes ensuring that safeguarding and child protection are at the forefront and underpin all relevant aspects of process and policy development.
- Ensure that mechanisms are in place to assist staff to understand and discharge their role and responsibilities in regard to handling incidents of YPSI.
- Ensure the school has clear systems and processes in place for identifying possible safeguarding issues, including clear routes to escalate concerns and clear referral and accountability systems.

Staff have responsibility for:

- Ensuring pupils are fully informed and are aware of suitable support systems regarding YPSI.
- Safeguarding pupils' wellbeing in relation to YPSI.
- Providing a safe environment in which pupils can learn.
- Being aware of the indicators of abuse.
- Maintaining appropriate levels of confidentiality when dealing with individual cases.
- Always acting in the best interest of the child in their respective cases.
- Reporting any safeguarding concerns to the DSL.
- Adhering to the procedures set out in this policy.

The SENCO has responsibility for:

- Liaising with the DSL, headteacher, and relevant staff members when responding to an incident of YPSI involving SEND pupils.
- Considering and enacting the appropriate arrangements for SEND pupils involved in YPSI incidents.

The DSL has responsibility for:

- Initiating and managing initial responses to incidents involving YPSI, in conjunction with relevant staff members, and in relation to the Child Protection and Safeguarding Policy.
- Initiating and managing responses to incidents of upskirting with relevant staff members and in line with the Child Protection and Safeguarding Policy.
- Organising and managing initial review meetings to consider evidence and establish risk.
- Handling referrals to children's social care and/or the police.
- Deciding the eventual response to any incidents of YPSI in conjunction with the headteacher.
- Handling the viewing of any YPSI, when it is necessary to do so, in conjunction with the headteacher.

Last updated: 8 June 2022

- Conducting interviews with pupils involved in YPSI incidents, with relevant staff members.
- Recording details of YPSI incidents in line with the Records Management Policy.

### 3. Definitions

“**Youth-produced sexual imagery**” is defined as the illegal act of creating and distributing nude or semi-nude images, videos or livestreams by young people under the age of 18. The term ‘nudes’ is more commonly used by young people and covers most types of creating and sharing incidents.

The term “**indecent imagery**” is the legal wording that refers to nude or semi-nude images or videos of anyone under the age of 18, although it can also refer to sexual posing or sexual violence.

“**Sexting**” is used by many adults to encompass the broad array of YPSI, however many young people interpret ‘sexting’ as writing and sending explicit messages with another, rather than images or videos.

Under the Voyeurism (Offences) Act 2019, “**upskirting**” refers to the capturing of an image or video under another person’s clothing, without their knowledge or consent, with the intention of viewing that person’s genitals or buttocks, with or without clothing, to obtain sexual gratification or cause the victim humiliation, distress or alarm.

“**Revenge porn**” is the creating and sharing of nude or semi-nude photos or videos of another person without their consent and with the intention of causing distress or embarrassment. It is a criminal offence under the Criminal Justice and Courts Act 2015.

### 4. Upskirting

Upskirting is an offence. The school has a zero-tolerance stance on upskirting incidents. Despite the name, anyone (including both pupils and staff members) of any gender, can be a victim of upskirting.

Any incidents of upskirting will be reported to the DSL and handled in accordance with the school’s Child Protection and Safeguarding Policy.

### 5. Awareness of YPSI

The school understands that creating and sharing an indecent image of an individual under the age of 18 is illegal, even if the individual sends one of themselves. Similarly, the school understands that the sharing of an image of a child – even if it has been shared with consent – is a criminal offence. As such, the school will take its approach towards YPSI very seriously and all cases will be fully investigated.

The school also understands that the law surrounding creating and sharing indecent imagery of those under 18 was intended to criminalise adults seeking to sexually abuse under 18-year-

olds, and not to criminalise under 18-year-olds. Individuals under the age of 18 will not be unnecessarily criminalised.

Staff members will receive training about YPSI on an annual basis which will address various elements, including, but not limited to, the following:

- What YPSI is and how young people engage in this way
- The legalities surrounding YPSI
- Their responsibility to be aware of YPSI
- How to recognise instances of YPSI
- Understanding the difference between sexual behaviour that is considered normal and expected for the age of the pupil, and sexual behaviour that is inappropriate and harmful
- How to respond to any concerns or disclosures of YPSI
- The school's response to instances of YPSI

Pupils will be educated about YPSI, which will address various elements, including the following:

- What YPSI is and how young people engage in this way
- The legalities surrounding YPSI
- Who they should speak to if they have concerns
- How to report explicit images and messages
- The school's response to YPSI

## **6. Coordinating a response to incidents of YPSI**

All incidents of YPSI will be handled in accordance with the school's Child Protection and Safeguarding Policy.

Where a YPSI incident occurs, the school will initiate the following response:

- The incident will be referred to the DSL immediately
- The DSL will hold an initial review meeting with the necessary school staff
- The DSL, and other relevant staff members if appropriate, will conduct interviews with all pupils involved
- Parents of the pupils involved will be informed as soon as possible and involved in the school's response, unless doing so would put a pupil at further risk of harm
- Where a pupil has been physically harmed, or is at risk of physical harm, the incident will be referred to children's social care and/or the police without delay
- If the incident involves child pornography the police will be informed immediately after the incident has been referred to the DSL

### **The initial review meeting**

During the initial review meeting, the DSL will meet with any and all relevant staff members, and aim to establish:

Last updated: 8 June 2022

- Whether there is an immediate risk to the pupil or pupils involved.
- If a referral should be made to children's social care and/or the police.
- Whether it is necessary for the DSL to view the imagery and/or message.
- What further information is needed to decide on the best course of action.
- Whether the imagery and/or message has been shared widely and via what services or platforms, e.g. on social media.
- Whether immediate action needs to be taken to delete or remove images and/or messages from devices or other platforms.
- If there are any relevant facts about the pupils involved that need to be considered when conducting assessment of risk.
- If any other schools, colleges, settings or individuals need to be contacted.
- How parents will be informed and involved in the school's response.

### **Assessment of risk**

Assessing risk will be aided by considering behaviour and the motivations involved in the incident. These can be wide-ranging and move fluidly along a continuum from normal to violent and abusive behaviours. The school will always take into account that isolated inappropriate or problematic behaviour may not always be indicative of a pupil's overall sexual behaviour. The school will also take into account that harmful sexual behaviour that does not begin as sexually motivated, may arise from this kind of behaviour being normalised within the school culture. Incidents may be described as:

- **Aggravated** – involving abusive elements beyond the creating and sharing of YPSI or involving adult criminal behaviour. This could be with intention to harm such as resulting from break ups, conflict between friends, or criminal threats or blackmail; or with no intention to harm, whereby creating and sharing YPSI is thoughtless or reckless.
- **Experimental** – involving no intention to harm or reckless misuse. This could be in the case of romantic partners who create and share imagery between one another and it is accidentally shared, or instances of 'sexual attention seeking'.

The following will be considered when assessing risk:

- Why the image and/or message was shared, and whether the pupil was coerced or put under pressure to produce it
- Who has shared the image and/or message and where it has been shared, i.e. social media platforms
- The impact on the pupils involved in the incident and whether they have any additional vulnerabilities, e.g. SEND
- Whether the pupil who produced the image had provided consent and if the image was shared beyond its intended recipient
- Whether the pupil has taken part in this kind of activity before
- How many pupils the incident involves and how old they are

The DSL will make an immediate referral to children's social care and/or police if, at the initial review stage, it is determined that:

- The incident involves an adult.
- A pupil has been coerced, blackmailed, or groomed, or if there are concerns about their ability to provide consent.
- What the school knows about the incident suggests the content depicts sexual acts that are unusual for the pupil's developmental stage.
- The image involves sexual acts and the pupil in the imagery is under the age of 13.
- The image shows violence.
- The school has reason to believe that a pupil is at immediate risk of harm as a result of the image and/or message being shared.

Where none of the criteria above apply, the DSL, in conjunction with the headteacher, will determine the appropriate response and may choose not to involve children's social care or the police; however, if further information comes to light, the DSL may decide to escalate the incident at any stage.

The DSL will only decide not to refer the case to children's social care and/or the police if they are confident that the risks can be managed effectively by the school. The best interests of the pupils involved, and their welfare, will be central to the DSL's decision.

If a pupil has shared an image and/or message consensually, and there is no intended malice, the school will resolve the incident directly, without involvement from other stakeholders. If a pupil has shared an image, message or video as a result of interpersonal conflict such as break-ups or fights, the incident will be managed in line with the school's Child-on-child Abuse Policy.

Any incidents caused by an aggravated factor such as where an adult is involved or where there are abusive elements, or where consent has not been provided will involve children's social care and/or police.

## **7. Resolving YPSI incidents**

If an incident involves children's social care and/or the police, the DSL will resolve the incident in line with their investigation.

The DSL will not usually view any imagery involved in an incident, unless they are satisfied that doing so is:

- The only way to make a decision about whether to involve other agencies.
- Necessary to report the image on a website, app or other reporting agency to have it removed.
- Unavoidable because a pupil has presented the image directly to a staff member or it has been found on a school device and/or network.

Staff will not view any imagery and instead report it to the DSL. Where it is necessary to view the image, the DSL will first discuss the decision with the headteacher, and will:

- Not copy, print or share the imagery; this is illegal.
- Ensure viewing is undertaken by themselves or another member of the safeguarding team with permission from the headteacher.
- Ensure the viewing takes place with another member of staff in the room – usually the headteacher.
- Ensure viewing takes place on the school premises, wherever possible.
- Ensure that images are viewed by an individual of the same sex as the pupil in the image, wherever possible.
- Record the viewing of the imagery in the school's safeguarding records, which includes the following information:
  - Who was present
  - Why the image was viewed
  - Any actions taken as a result of the image being viewed
  - A date and signature of the staff members who have viewed the image

Once it has been determined that a pupil is not at immediate risk, the DSL and any other relevant staff members will conduct interviews with all those involved to determine the best course of action. The purpose of these interviews is to:

- Identify what the image contains and whether anyone else has been involved, without viewing the image wherever possible.
- Find out who has seen or shared the content and how further distribution can be prevented.
- The pupil's views and feelings towards the incident.
- What device the content is on and which device it has been shared from.
- Whether any adults were involved.

The DSL and any other relevant staff members will support and guide the affected pupils through this process, by reassuring them that they are not alone, identifying with the pressures they are often under to engage in this behaviour, and avoiding victim-blaming. They will assure pupils that they can always come to them for support.

Support will extend to discussing consent within healthy relationships and the law surrounding indecent imagery if necessary. The DSL will make sure that the law is explained in a way that does not distress or scare the pupil, and emphasize that it is designed to protect young people, not criminalise them.

Affected parents will be properly supported throughout this process and in the aftermath, including:

- Help on how to speak and listen to their child about such incidents.
- How to deal with their own emotions regarding incidents and access any support.

- How they can discuss issues surrounding consent and trust within healthy relationships.
- Understanding the law surrounding creating and sharing indecent imagery.
- Being kept up to date on any actions that are being taken and any support their child is accessing, unless the pupil has asked for this not to happen and is old enough to make this decision.
- Being directed to resources to support their child if they are feeling anxious or depressed.

Parents whose child has had their nudes shared will be advised to stay calm and refrain from getting angry, directed to support services like the NSPCC, and advised to speak to the school if bullying is a concern.

Parents whose child has been sent another child's nudes will be advised to listen to their child's concerns and avoid criticising them. Parents will be advised to guide their child through blocking the sender, and discuss consent and trust within healthy relationships.

Parents whose child has shared YPSI will be advised to stay calm and refrain from getting angry at their child, discuss issues surrounding consent within healthy relationships, and contact the school if they are worried with how their child's sexual behaviour.

If the DSL has decided no other stakeholders should be involved, consideration will be given to deleting the imagery and/or message from devices and any other services.

The DSL will not search through devices to delete any content unless there is a clear, good reason to do so.

In most cases, the pupil will be advised to delete the image and will be asked to confirm when they have done so. They will be given a deadline for deletion across all devices, online storage or social media sites.

All pupils involved will be informed that possession of this content is illegal and if they refuse to delete the content, or it is later discovered that it has not been deleted, they are committing an offence.

Details of the full incident, including dates, times, persons responsible, persons involved, and persons affected will be held by the school in line with the Records Management Policy. This includes the following:

- Outcomes of the initial review meeting
- The assessment of risk
- The response actioned
- Outcomes of the interviews held with pupils involved
- Any further action taken

## **8. Monitoring and review**

This policy will be reviewed at least annually by the DSL and the headteacher. This policy will be updated as needed to ensure it is up-to-date with safeguarding issues as they emerge and evolve, including any lessons learnt.

Any changes made to this policy will be communicated to all members of staff, parents and pupils. All members of staff are required to familiarise themselves with all processes and procedures outlined in this policy as part of their induction programme. The next scheduled review date for this policy is September 2023.