



CAFC ACADEMY **SEXTING POLICY 2018-19**

Contents

Introduction....2

Definitions....2

Response Procedures...3

Rules for Searching a Device....4

Aggravated and Experimental image....4

Useful Contacts....6

Appendix 1- Legal Position....7



Introduction

'Sexting' is one of a number of behaviour risks associated with the use of digital devices, phones, social media or the internet. Increases in the speed and ease of sharing photographs and videos has brought concerns about young people producing and sharing sexual imagery of themselves.

This can expose them to risks, particularly if the imagery is shared further, including embarrassment, bullying and increased vulnerability to sexual exploitation. Making, possessing and sharing sexual images of under 18s is also illegal (including images of yourself if you are under 18). Young people experiment and challenge boundaries and therefore the risks associated with 'online' activity can never be completely eliminated. However, Charlton Athletic Academy takes a pro-active approach to help young people to understand, assess, manage and avoid the risks associated with 'online activity'. CAFC Academy recognises the duty of care to its young people who do find themselves involved in such activity as well as its responsibility to report such behaviours where legal or safeguarding boundaries are crossed.

Although the production of such imagery will usually take place outside of the environment of the CAFC Academy, issues may manifest in the academy environment and we understand the need to respond swiftly and confidently to ensure that academy members are safeguarded, supported and educated. This policy provides a guide for staff, players and parents/carers as to how the academy will proceed and what steps will be taken should an incident of sexting be reported or suspected. Our response to these incidents will be guided by the principle of proportionality and the primary concern at all times will be the welfare and protection of the young people involved

Definitions

There is no clear definition of 'sexting', which can mean different things to different groups of people. This policy covers the sharing of sexual photographs or videos by young people that they, or another young person, have created of themselves (referred to in this policy as 'youth produced sexual imagery'). The process on how these imagery

Creating or sharing explicit images of a child is illegal, even if the person doing it is a child. A young person is breaking the law if:

- A person under the age of 18 creates and shares sexual imagery of themselves with a peer under the age of 18
- A person under the age of 18 shares sexual imagery created by another person under the age of 18 with a peer under the age of 18 or an adult
- A person under the age of 18 is in possession of sexual imagery created by another person under the age of 18.



Response Procedures

All incidents of sexting will be responded to in line with CAFC Academy's Safeguarding and Child Protection Policy. All staff are aware of how to recognise and refer any disclosures and when an incident involving sexting comes to the academy's attention. Investigation of the concern or issue will follow the CAFC Academy's Safeguarding process and the concern or issue should be reported following the CAFC Academy's reporting guidelines. All CAFC staff and academy members are guided to use the Reporting Procedure Flowchart.

A young person is likely to be very distressed especially if the image has been circulated widely and if they don't know who has shared it, seen it or where it has ended up. They will need support during the disclosure and after the event. They may even need immediate protection or a referral to police or social services; parents should be informed as soon as possible (police advice permitting).

The following questions will help decide upon the best course of action:

- Is the young person disclosing about themselves receiving an image, sending an image or sharing an image?
- What sort of image is it? Is it potentially illegal or is it inappropriate?
- How widely has the image been shared and is the device in their possession?
- Is it a CAFC Academy device or a personal device?
- Does the young person need immediate support and/or protection?
- Are there other young people involved?
- Do they know where the image has ended up?
- Has the Designated Safeguarding Officer been informed?
- There is reason to believe that a young person has been coerced, blackmailed or groomed, or if there are concerns about their capacity to consent?

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, the Designated Safeguarding Officer should conduct a further review (including a meeting with the young people involved) to establish the facts and assess the risks. The following should be considered:

- Why was the imagery or text shared? Was the young person coerced or put under pressure to produce sexual imagery?
- Who has shared the text and/or imagery? Where have the imagery and/or text been shared? Was youth produced sexual imagery shared and received with the knowledge of the pupil in the imagery?
- Are there any adults involved in the sharing of imagery or text?
- What is the impact on the pupils involved?
- Do the pupils involved have additional vulnerabilities?
- Does the young person understand consent?

If indecent images of a young person are found:



- Store the device securely
- The Designated Safeguarding Officer and another member of the safeguarding team will carry out a risk assessment in relation to the young person
- The DSO will contact the police (if appropriate). Referrals may be made to Social Care or the MASH Team but where a crime may be thought to have taken place the police are the first port of call. Young persons who have engaged in 'experimental sexting' which is contained between two persons will be referred to MASH Team for support and guidance. Those who are felt to be victims of 'sexting' will also be referred to MASH Team at a point where the police feel that this will not impede an investigation.

Inform parents and/or carers about the incident and how it is being managed unless it is thought doing so would endanger the young person.

Rules for Searching a Device

The policy allows for a device to be examined, confiscated and securely stored if there is reason to believe it contains indecent images or extreme pornography.

When searching a mobile device, the following conditions should apply

- The search is conducted by a manager or a person authorised by them and one other person.
- If possible, the Designated Safeguarding Officer should be present or informed of the intended search
- The search should normally be conducted by a member of the same gender as the person being searched. However, if the image being searched for is likely to be of a different gender to the person 'in possession' then the device should only be viewed by a member of the same gender as the person whose image it is.
- If any illegal images of a young person are found the Safeguarding Team will discuss this with the Police.

Aggravated and Experimental images

The Association of Chief Police Officers (ACPO) advise that as a general rule it will almost always be proportionate to refer any incident involving 'aggravated' sharing of images to the Police, whereas purely 'experimental' conduct may proportionately be dealt with without such referral, most particularly if it involves the young person sharing images of themselves.

'Experimental conduct' commonly refers to that shared between two individuals (e.g. girlfriend and boyfriend) with no intention to publish the images further. Coercion is not a feature of such conduct, neither are there requests for images sent from one person to multiple other young persons.

Any conduct involving, or possibly involving, the knowledge or participation of adults should always be referred to the police.

If an 'experimental' incident is not referred to the Police, the reasons for this should be recorded by the Designated Safeguarding Officer



Working Practices

Never

- Search a mobile device even in response to an allegation or disclosure if this is likely to cause additional stress to the student/young person UNLESS there is clear evidence to suggest not to do so would impede a police inquiry. Instead rely on the description by the young person, secure the advice and contact the Police.
- Print out any material for evidence.
- Move any material from one storage device to another.
- Send, share or save the image anywhere.
- Allow young people to do any of the above.

Always

- If it is a CAFC Academy device close down or switch the device off as soon as possible. This may prevent anyone removing evidence 'remotely'.
- Inform and involve the Designated Safeguarding Officer
- Record the incident.

Viewing the image

It is advisable not to view the image unless there is a clear reason to do so or view it without an additional adult present (this additional person does not need to view the image and certainly should not do so if they are of a different gender to the person whose image has been shared). The viewing of an image should only be done to establish that there has been an incident which requires further action. If the image is to be viewed then it must be done by someone of the same gender.

Useful Contacts

Charlton Athletic Youth Academy Safeguarding Contacts

Kiran Dingri- CAFC Academy Safeguarding Officer

- Email- kiran.dingri@cafc.co.uk
- Telephone number- 0738451783

Ladoki Toya- Education and Welfare Assistant

- Email- ladoki.toya@cafc.co.uk
- Telephone number-07464480797



Joe Francis- Academy Head of Education and Welfare

- Email- joe.francis@cafc.co.uk
- Telephone number- 07983363476

NSPCC

- Help line 0808 800 5000
- www.nspcc.org.uk/preventing-abuse/keeping-children-safe/sexting/

Safer Internet

- <https://www.saferinternet.org.uk/>
- Telephone- 0344 800 2382
- Email- enquiries@saferinternet.org.uk



APPENDIX 1

The Legal Position

It is important to be aware that young people involved in sharing sexual videos and pictures may be committing a criminal offence. Specifically, crimes involving indecent photographs (including pseudo images) of a person under 18 years of age fall under Section 1 of the Protection of Children Act 1978 and Section 160 Criminal Justice Act 1988. Under this legislation it is a crime to:

- take an indecent photograph or allow an indecent photograph to be taken;
- make an indecent photograph (this includes downloading or opening an image that has been sent via email);
- distribute or show such an image;
- possess with the intention of distributing images;
- advertise; and
- possess such images

While any decision to charge individuals for such offences is a matter for the Crown Prosecution Service, it is unlikely to be considered in the public interest to prosecute children. However, children need to be aware that they may be breaking the law. Although unlikely to be prosecuted, children and young people who send or possess images may be visited by police and on some occasions media equipment could be removed. This is more likely if they have distributed images.

The decision to criminalise children and young people for sending these kinds of images is a little unclear and may depend on local strategies. However, the current Association of Chief Police Officers (ACPO) position is that:

'ACPO does not support the prosecution or criminalisation of children for taking indecent images of themselves and sharing them. Being prosecuted through the criminal justice system is likely to be upsetting and distressing for children especially if they are convicted and punished. The label of sex offender that would be applied to a child or young person convicted of such offences is regrettable, unjust and clearly detrimental to their future health and wellbeing.'

Policy Approval:

Policy Reviewed:

Next policy Review:

Richard Murray

Non-Executive Chairman