

## **Sexting Toolkit**

The purpose of this toolkit is to give schools and other settings a framework for dealing with “sexting”. Sexting is a relatively new risk for young people that, apart from any social implications, may render young people culpable in Law under the Sexual Offences Act (2003) and the Protection of Children Act (1978).

The prime goal of this toolkit is the protection of young people, together with obtaining positive outcomes for all involved.

### **What is “sexting”?**

Sexting is a portmanteau word taken from “sex” and “texting.” It may take two forms, although those forms may be combined. Sexting is:-

- 1) A sexually explicit conversation (sent by text or instant messaging services) between two people.
- 2) The transmission of self-taken images of a sexual nature.

Throughout this document the term “sexts” is used to imply either images or conversations.

The prime device used in sexting is the mobile phone. However sexting can also occur over the internet. Sexts are easily transferred from one device to another or posted on social networking sites such as Twitter or Facebook.

Sexting may take place between two people who are in a relationship, or between strangers.

### **What are the risks for young people?**

Once sexts have been taken and sent to others, control of them is lost and they can end up anywhere. They could be seen by friends and family, a future employer, or even, in some cases, end up in the possession of an offender. Images in particular are increasingly used to bully and intimidate the person shown in the photograph.

*"He had just threatened to dump me and said if I took them we could get back together...I made him promise he'd keep them to himself. It took him about two weeks to convince me... everyone had seen them, not only all the people in my class but even at other schools in the area. The pictures were up in the bathrooms, in the corridors. People would stop me in the street and recognise me. They called me a porn star. I couldn't go to pubs, it was embarrassing for my friends as much as me." (BBC interview, August 2009)*

Children may have been coerced into co-operating with the production of images. CEOP reports a growing trend for offenders to use intimidation rather than traditional grooming methods in order to intimidate children into co-operating. Typically this will involve threats to hack into a child's computer or to show images or chats to the child's parents. This can lead into a spiral of exploitation and result in serious harm.

There are also risks for the recipient. Under the Sexual Offences Act 2003 it is illegal for someone aged 18 or over to incite a minor to commit a sexual act, which would include asking someone to pose for or send images or to engage in sexually explicit conversation. It is also illegal to be in possession of images of a minor for sexual gratification.

*"If a teenager were to have in their possession an indecent image of another minor, they would technically be in possession of an indecent image of a child, which is an offence under the Protection of Children Act 1978 and the Criminal Justice Act 1988." (CEOP).*

The law applies regardless of whether the image is of a boy or a girl.

14 -15 year old girls often have older boyfriends, so it is clear that some young men may be at risk of breaching the law. Having said that, it is important to remember that young men may also be sending images of themselves and this fact should be included in any training or lessons given to students.

When relationships end, it is not uncommon for images of either partner to be posted on the internet, particularly if the break up was not by mutual agreement. This could be seen as "distribution" of child abuse images, depending on the nature of the images and the ages of the people involved.

*"We are getting more reports of teenagers being bullied, called names and strung up in front of their whole school...we can completely understand why young people want to post these images to each other. But you have to have 100% trust in the person you are sending it to. Even then, what if their friends get hold of the phone or it gets lost on a bus somewhere?" (CEOP, 2009)*

### **How common is sexting?**

In 2009 Beatbullying carried out a survey of 2000 11-18 year olds. The results indicated that:

- **38%** said they had received a sexually explicit or distressing text or email (male: 36% | female: 39%)
- **70%** of young people knew the sender of the message.
- **45%** of messages were from a peer, **23%** from a current boyfriend / girlfriend and just **2%** from adults

- Of the **25%** who received an offensive sexual image, **55%** were issued via mobile phone
- **29%** have been chatting online when someone started talking about offensive or upsetting sexual things (male: 24% | female: 31%)
- In this instance, **45%** said the chat was instigated by a peer, **10%** by an ex-partner and **2%** by an adult.

### **What are the risks for adults (parents/carers?)**

There can be huge emotional fall-out from sexting. Young people who are worried about who will see their sexts can become depressed, anxious or turn to self-harming. In cases where bullying or blackmail is involved, some may run away, as they feel they have no alternative means of escape.

In some communities the nature of sexting is seen as dishonourable and there can be social repercussions for the whole family if a young relative is found to have been involved in the activity.

Even if sexts were sent many years ago, they can still circulate in cyberspace. They may show up in internet searches should they contain a name or “tag” showing who is in a photograph.

With employers and universities routinely carrying out web searches on applicants, it is possible they may discover sexts or other material that lead them to turn someone down – particularly if the sext appears to contradict something that has been said on the application form.

In some cases, sexting will involve pupils in a romantic relationship who have created and shared images consensually and have not shared them with anyone else. Whilst the images are still technically illegal, involving the police may have a very damaging effect on the young people concerned. The school or setting should follow the flow chart on page XX to determine how the harm from such images can be minimised without police intervention.

Other cases may be more concerning and lead to suspicions of coercion, blackmail or abuse. These should be reported and dealt with through the usual procedures, which will include notifying the police.

### **What are the risks for adults who discover this type of activity?**

There are significant risks for professionals who encounter this behaviour.

Sometimes, teenagers may target adults to whom they send unsolicited material.. This may be because they have a “crush,” or it could be more vindictive.

With the new power to search pupils’ mobile phones, teachers may encounter images or conversations whilst looking for other content. Sometimes a disclosure

may be made to a teacher by a worried pupil, or a disclosure may be made by a student concerned about the actions of a friend.

Professionals who view sexts in these contexts, and who report them immediately, are unlikely to suffer any repercussions.

However, if it is not reported, the teacher or professional could find it harder to defend themselves against a charge of viewing or possession of indecent images of a child.

Sending or printing the sext to another person, even if as part of the investigation process, could be viewed as distribution of illegal images

### **What should professionals do if they find sexts?**

If sexts are found:

- Consult line management immediately.
- Confiscate the device on which the sexts have been found and store it securely
- Carry out a risk assessment using the flow chart and table below, and take the actions indicated.
- If in any doubt about further action, consult Children's Social Care at Medway Council.
- A referral to Social Care should always be made if there are indications that a young person is distributing sexts or other explicit material.
- A referral to Social Care should always be made if the young person is under the age of 13 or is not competent under the Fraser guidelines. The Fraser guidelines are connected to a child's ability to keep him or herself safe and to understand the implications of their actions, regardless of their age. The guidelines are particularly relevant in the context of consent.
- To be "Fraser competent" a young person must be of sufficient maturity to understand advice, and be able to understand their own actions and decisions. Thus a Fraser competent 13 year old may be able to understand the implications of taking part in sexting whereas a 17 year old may be more vulnerable to exploitation and abuse even though they are technically over the age of consent.

There are some actions that should never be taken:

#### NEVER

- Search a phone or device looking for sexts, even when this is in response to an allegation or disclosure. This will cause further harm to the young person and could result in emotional distress for the member of staff.
- Print out any material “for evidence.”
- Move any material from one storage device to another.
- Fail to inform a senior manager about the discovery of such material or allegations that it is in circulation.

The child protection officer of the establishment where such images are found should always formally record the case even when no further action is deemed necessary.

A risk assessment should be based on professional expertise and judgement. Once a decision as to further action has been made, the school or setting will need to discuss which member of staff takes the matter forward with the young people concerned. This should be handled sensitively with regard to the age, gender and culture of the young people as well as any other factors that may need to be taken into consideration.