

Harassment, Sexual Offences and Cyber Crime

Wednesday 9th December
2020

Guidance



Keeping children safe in education

Statutory guidance for schools and colleges

September 2020



Sexual violence and sexual harassment between children in schools and colleges

Advice for governing bodies, proprietors, headteachers, principals, senior leadership teams and designated safeguarding leads

May 2018



This session will provide guidance on when to report to the police and interpreting the wider guidance.



Peer on Peer abuse

bullying (including cyberbullying);

physical abuse which can include hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;

sexual violence and sexual harassment. Part five of this guidance sets out how schools and colleges should respond to reports of sexual violence and sexual harassment;

upskirting, which typically involves taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm;

sexting (also known as youth produced sexual imagery): the policy should include the school's or college's approach to it.

Initiation/hazing type violence and rituals

Harassment

Causing alarm or distress to another on more than one occasion, which they either know or should have known would amount to harassment of the other.

Need to establish:

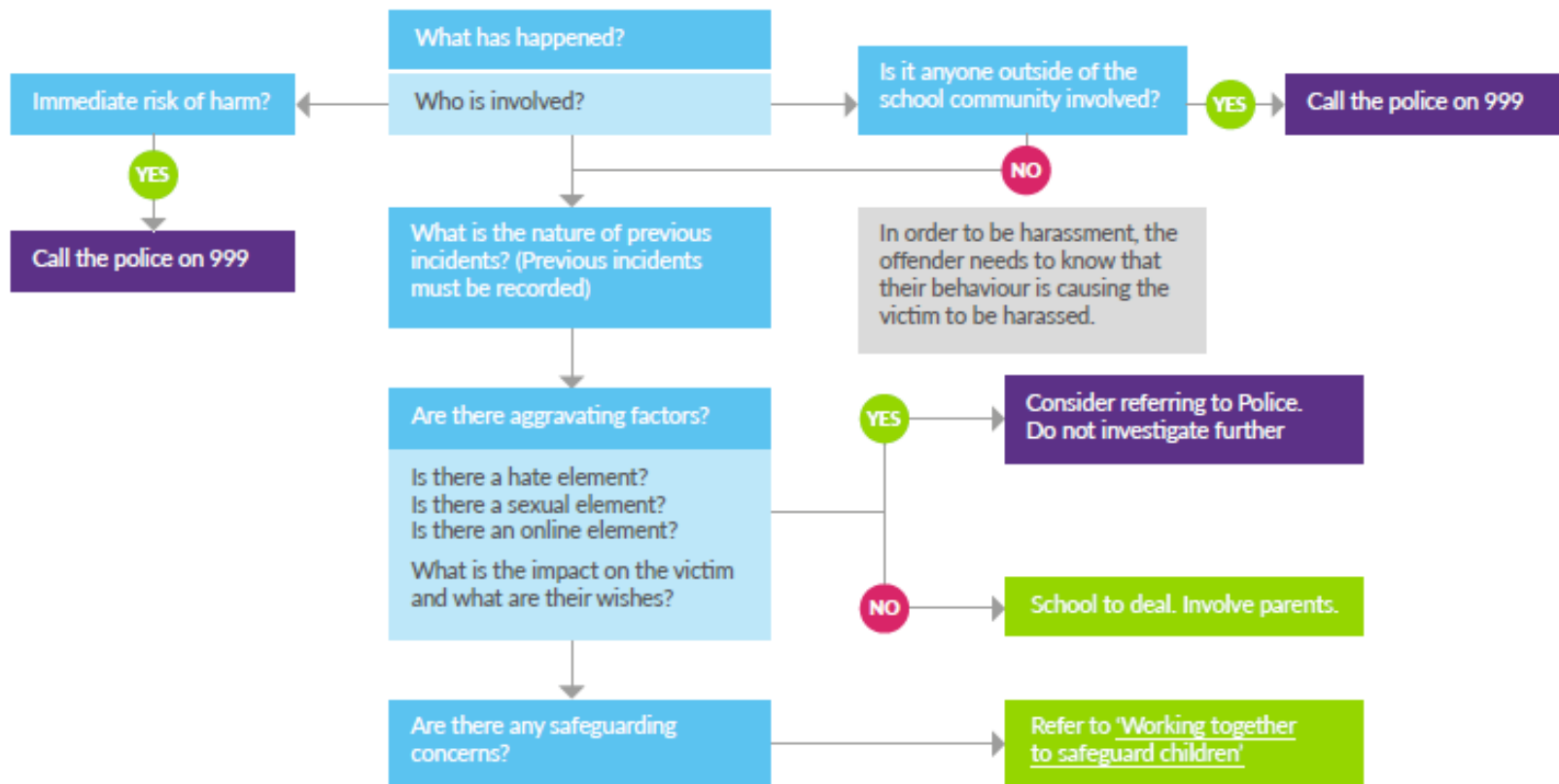
- What has happened?
- Who is involved?
- What is the nature of previous incidents?
- Are there any safeguarding concerns? If YES — Refer to Keeping children safe in education and follow local safeguarding protocols

Are there any aggravating factors?

- Is there evidence of escalating behaviour?
- Are there any on line elements?
- Is it sexual harassment? If YES – refer to **Sexual harassment guidance**
- Are there any hate elements?
- What is the impact on the victim?
- What are the victims' wishes?

HARASSMENT

Definition: Causing alarm or distress or putting people in fear of violence, on more than one occasion (course of conduct) and the incidents are connected.



Record decisions and the reasons for decisions

Sexual Violence and Sexual harassment

Sexual violence refers to a criminal acts; **rape**; **assault by penetration** and **sexual assault** as defined by the Sexual Offences Act 2003.

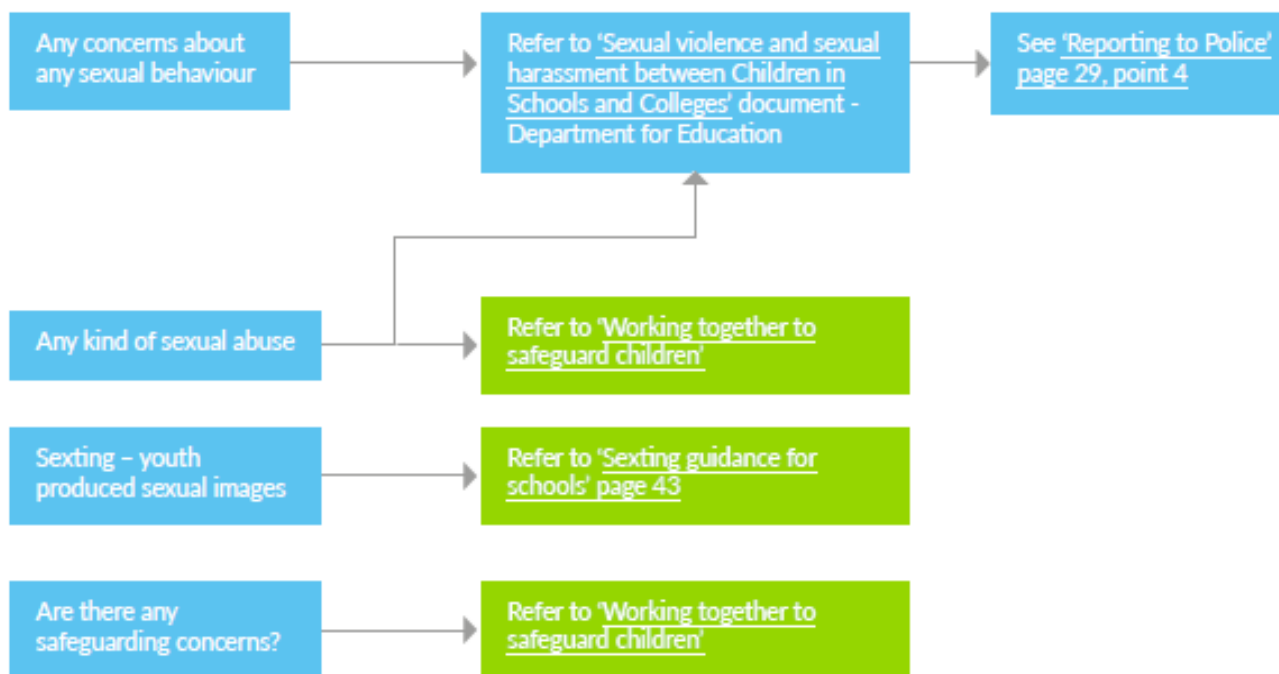
Sexual Assault: A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B (even over clothes) **consents**

Sexual harassment is described as “unwanted conduct of a sexual nature (*comments, jokes, taunts, online sexual harassment*).”

It can include: physical behaviour, such as: deliberately brushing against someone, interfering with someone’s clothes (*schools and colleges should be considering when any of this crosses a line into sexual violence*) and displaying pictures, photos or drawings of a sexual nature

SEXUAL OFFENCE

Definition: Any sexual contact with another person without that other person's consent. Generally speaking guidance on dealing with sexual offences is covered in working together to safeguard children. For incidents of rape or serious sexual assault call the police immediately.



Record decisions and the reasons for decisions

Case study

A 12-year-old girl reported to the head of year that five boys in her friendship group were playing a game, which involved daring each other to use increasingly graphic sexually explicit language, describing what they would like to do to her. She was very upset, but did not want to get anyone into trouble or everyone to know about it. She just wanted them to stop. She explained this to her head of year.

The head of year explained to her that what she had experienced was extremely serious and reassured her that her reaction was completely understandable. He also explained that he would pass the report to the designated safeguarding lead to ensure records were updated. He explained he would be following the school's behaviour policy and would speak to the boys involved and their parents, making it clear that what they were doing was sexual bullying and harassment and taken extremely seriously.

The girl's parents were contacted and given the opportunity to discuss the action the school planned to take.

Youth Produced Imagery – Sexting

It is illegal to send or be in possession of indecent images or videos of people under 18.

(Protection of Children At 1978 & Criminal Justice Act 1988)

“Not sexting” but referring to as “Youth produced sexual imagery” basically referring to under 18 making and sharing indecent images/videos with Another under 18 year old.

Responding to Incidents and Safeguarding Young People
UK Council for Child Internet Safety (UKCCIS, 2016)

Outcome 21: Police discretion if not impacting on wider public interest. Recorded but not disclosed on DBS check

Resource: So you got naked online: www.swgfl.org.uk/sextinghelp

Aggravated incidents involve criminal or abusive elements beyond the creation, sending or possession of youth produced sexual images.

Vs

Experimental incidents involve the creation and sending of youth produced sexual images, with no adult involvement, no apparent intent to harm or reckless misuse.

Adapted from Wolak and Finkelhor
‘Sexting: a Typology’ March 2011

Sexting: how to respond to an incident

An overview for all teaching and non-teaching staff
in schools and colleges



This document provides a brief overview for frontline staff of how to respond to incidents involving 'sexting'.

All such incidents should be reported to the Designated Safeguarding Lead (DSL) and managed in line with your school's safeguarding policies.

The DSL should be familiar with the full 2016 guidance from the UK Council for Child Internet Safety (UKCCIS), *Sexting in Schools and Colleges: Responding to Incidents and Safeguarding Young People*, and should not refer to this document instead of the full guidance.

What is 'sexting'?

In the latest advice for schools and colleges (UKCCIS, 2016), sexting is defined as **the production and/or sharing of sexual photos and videos of and by young people who are under the age of 18**. It includes nude or nearly nude images and/or sexual acts. It is also referred to as 'youth produced sexual imagery'.

'Sexting' does not include the sharing of sexual photos and videos of under-18 year olds with or by adults. This is a form of child sexual abuse and must be referred to the police.

What to do if an incident involving 'sexting' comes to your attention

Report it to your Designated Safeguarding Lead (DSL) immediately.

- Never view, download or share the imagery yourself, or ask a child to share or download – this is illegal.
- If you have already viewed the imagery by accident (e.g. if a young person has showed it to you before you could ask them not to), report this to the DSL.
- Do not delete the imagery or ask the young person to delete it.
- Do not ask the young person(s) who are involved in the incident to disclose information regarding the imagery. This is the responsibility of the DSL.
- Do not share information about the incident to other members of staff, the young person(s) it involves or their, or other, parents and/or carers.
- Do not say or do anything to blame or shame any young people involved.
- Do explain to them that you need to report it and reassure them that they will receive support and help from the DSL.

If a 'sexting' incident comes to your attention, report it to your DSL. Your school's safeguarding policies should outline codes of practice to be followed.

For further information

Download the full guidance [Sexting in Schools and Colleges: Responding to Incidents and Safeguarding Young People](#) (UKCCIS, 2016) at www.gov.uk/government/groups/uk-council-for-child-internet-safety-ukccis.

Sexting in schools and colleges:

Responding to incidents and safeguarding young people



Case Study

Case study A Children and Young people aged 13-18

Two children both aged 15, were in a relationship for the past month. The boy asked the girl for sexy pictures and she sent him a single topless photo.

Afterwards the girl was worried that he might share the photo so she shared concerns with her friends. Her friends told the form tutor who told the DSL.

Case Study

Case study B: Children aged under 13

A group of 4 Year 7 girls have had a sleepover, and during the evening an adult male has joined a House Party chat with the girls on one of their devices. He has asked them for inappropriate images and for each of them to show him parts of their body while on the call, describing it as a dare game. He is seen to begin to undress. The girls end the call / chat and block him. One of the girls tells their parent – who then shares what has happened with a teacher at school on Monday

Cybercrime

Cybercrime is criminal activity committed using computers and/or the internet. It can involve malicious attacks on computer software, including:

- Breaking IT rules
- Unauthorised access to computers
- Denial of Service or other computer interference and impairment
- Acts causing serious damage to or loss of data
- 'Hacking'
- Cheating at online gaming

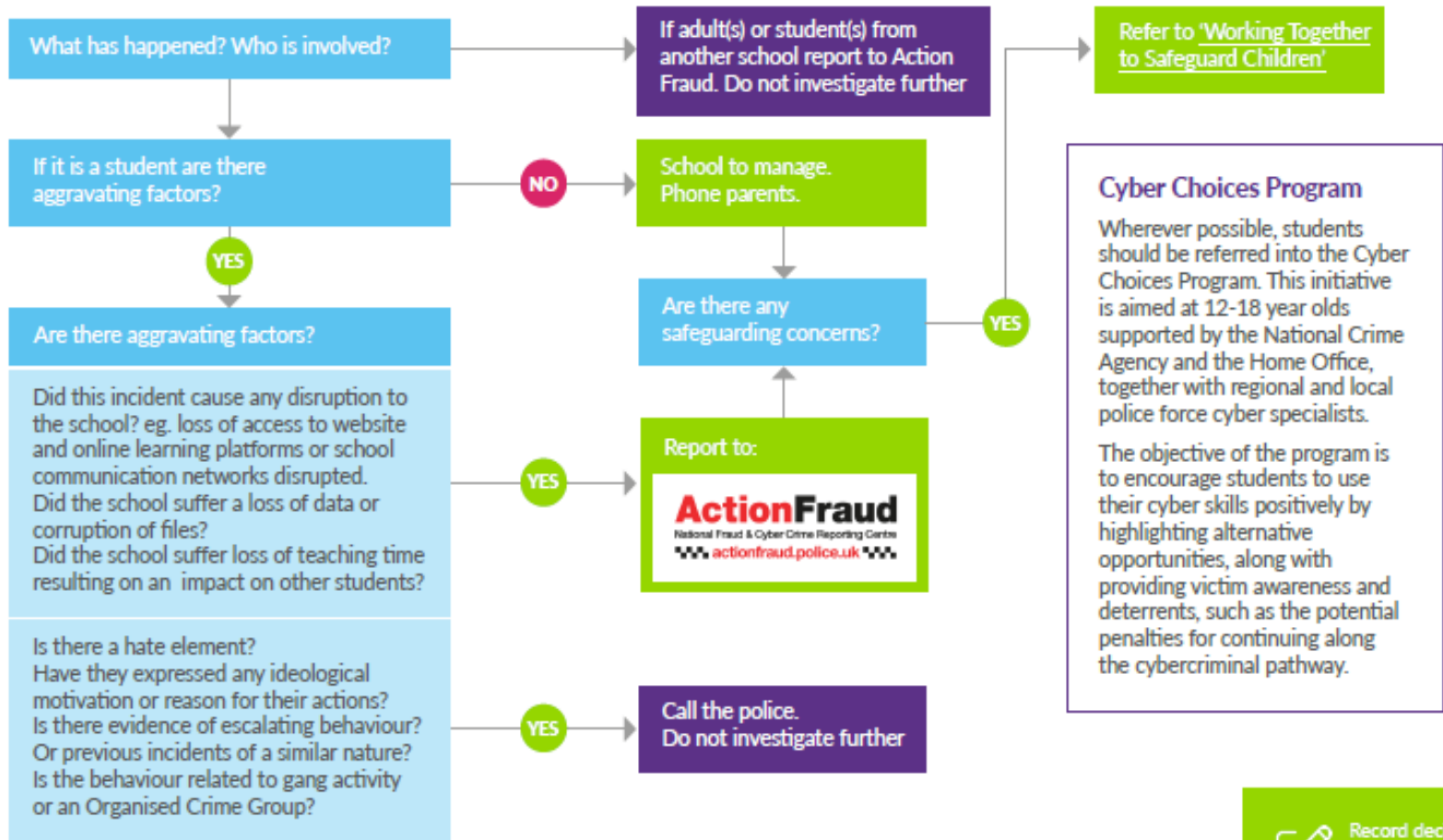
What to consider in Cyber Crime

Are there any aggravating factors?

- Did this incident cause any disruption to the school?
eg. loss of access to website and online learning platforms or school communication networks disrupted.
- Did the school suffer a loss of data or corruption of files?
- Did the school suffer loss of teaching time resulting on an impact on other students?
- Is there a hate element?
- Have they expressed any ideological motivation or reason for their actions?
- Is there evidence of escalating behaviour? Or previous incidents of a similar nature?
- Is the behaviour related to gang activity or an Organised Crime Group?
- Do the young people involved have any additional relevant vulnerabilities?

CYBER CRIME

Definition: Cyber Dependent Activity includes: Unauthorised access to computers, Denial of Service or other computer interference and impairment, Acts causing serious damage to or loss of data, 'Hacking'.



Cyber Choices Program

Wherever possible, students should be referred into the Cyber Choices Program. This initiative is aimed at 12-18 year olds supported by the National Crime Agency and the Home Office, together with regional and local police force cyber specialists.

The objective of the program is to encourage students to use their cyber skills positively by highlighting alternative opportunities, along with providing victim awareness and deterrents, such as the potential penalties for continuing along the cybercriminal pathway.



Record decisions and the reasons for decisions

Responding to reports

Manage internally

One-off incidents, dealt with under school's behaviour policy or anti-bullying policy

Early Help

Non-violent harmful sexual behaviours

Refer to Social Care

All incidents where a child has been harmed, is at risk of harm or in immediate danger

Report to Police

All incidents of rape, assault by penetration or sexual assault

Resources

SEXUAL BEHAVIOURS
TRAFFIC LIGHT TOOL



Contact the **Stop it Now!** Helpline
Freephone **0808 1000 900**

Front Door: 01753 875362

For out of hours service please call: 01344 78654

Speak to your **DSL!!**

Thames Valley Police:

www.thamesvalley.police.uk

Telephone: 101



Keeping Children Safe in Education (KCSIE) 2020
<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

Working Together to Keep Children Safe 2018
<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>



Questions?

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