

Responding to Sexting (Youth Produced Sexual Imagery)

Guidance for Staff and Foster Parents

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1. What is 'Sexting'?

Youth Produced Sexual Imagery (“sexting” can be defined as images or videos generated by children under the age of 18 that are of a sexual nature or are considered to be indecent. These images may be shared between children and young people and/or adults via mobile phones, webcams, handheld devices or websites/apps.

2. The Law and Youth Produced Sexual Imagery

It is a crime to take, make, permit to take, distribute, show, possess, possess with intent to distribute or to advertise indecent images of any person below the age of 18 years (Crime and Justice Act 1988, Protection of Children Act 1978)

3. Definitions

- “Indecent” can include penetrative and non-penetrative sexual activity;
- “Making” can include opening an attachment, downloading images and saving images to a computer/mobile device online;
- “Sharing” includes sending by email, offering on a file sharing platform, uploading to a site that other people have access to, and possessing with a view to distribute.

4. Examples of Offences

- A young person under 18 years of age takes a nude photograph of themselves and sends it to another young person under the age of 18 years.
- A young person under 18 years of age receives a sexual image of another young person aged under 18 years of age and forwards the image to a friend.
- A person over the age of 18 years creates/possesses and/or shares a sexual image of a young person under the age of 18 years.

If an incident of ‘sexting’ is reported to the police, their initial response will be to record the offence as a crime. The subsequent investigation will consider whether the incident involved consensual sharing of images, or if there are ‘aggravating features’, e.g. adult involved, evidence of coercion/violence/threat/profit-making/vengeance. Where offenders or victims are looked-after-children, child protection procedures are usually involved.

Incidents without aggravating features can be dealt with by way of ‘outcome 21’ which results in no further legal action, but support for the young person involved to prevent recurrence of the incident. Young people’s devices might be seized by the police as evidence.

5. Agency Response

Foster parents should report any known incidents of youth produced sexual imagery as a significant event. This might involve a report to the Out of Hours service if the situation is an emergency. ISP will inform the young person’s local authority of the situation and they will make a decision about whether the incident necessitates a report to the police. A report to the police will be essential if there are any aggravating features, e.g.

- The image has been shared with a number of recipients;
- The image has been shared with an intent to cause harm or distress;
- The image was solicited by an adult or an unknown person online;
- The image was solicited by threats or deception.

Aggravated cases will need to be managed under local safeguarding procedures.

The young person's Risk Assessment and Safer Care Plan will be updated and a CSE risk assessment might be undertaken.

Support will need to be offered to the young person throughout the investigation, to include emotional support regarding the impact of the incident on their wellbeing and information about the police investigation and any consequences thereof. This might include therapeutic support.

N.B. Agency staff and foster parents must not print, forward, distribute or save any youth produced sexual imagery unless instructed to do so by the police.

6. Resources

<https://swgfl.org.uk/resources/so-you-got-naked-online/>

<https://www.gov.uk/government/publications/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people>

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