Shoreham Academy

E-safety Policy

The academy takes E-Safety extremely seriously and understands it is key part of our overall Safeguarding agenda in keeping our young people safe. If you require support, please click here to find our key contacts who can support you with any E-Safety concerns.

4th Edition: March 2022

Review: March 2023

This document has been based on documents created by the Kent Safeguarding Children Board and material produced by the South West Grid for Learning

E-Safety Policy Shoreham Academy 2022

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1. Creating an Online Safety Ethos

1.1 Aims and policy scope

- Shoreham Academy believes that online safety (e-Safety) is an essential element of safeguarding children and adults in the digital world, when using technology such as computers, mobile phones or games consoles.
- Shoreham Academy identifies that the internet and information communication technologies are an important part of everyday life so children must be supported to be able to learn how to develop strategies to manage and respond to risk so they can be empowered to build resilience online.
- Shoreham Academy has a duty to provide the school community with quality Internet access to raise education standards, promote student achievement, support professional work of staff and enhance the school's management functions. Shoreham Academy also identifies that with this there is a clear duty to ensure that children are protected from potential harm online.
- The purpose of Shoreham Academy E-safety policy is to:
    - Clearly identify the key principles expected of all members of the community with regards to the safe and responsible use of technology to ensure that Shoreham Academy is a safe and secure environment.
    - Safeguard and protect all members of Shoreham Academy community online.
    - Raise awareness with all members of Shoreham Academy community regarding the potential risks as well as benefits of technology.
    - To enable all staff to work safely and responsibly, to role model positive behaviour online and be aware of the need to manage their own standards and practice when using technology.
    - Identify clear procedures to use when responding to online safety concerns that are known by all members of the community.
- This policy applies to all staff including the governing body, teachers, support staff, external contractors, visitors, volunteers and other individuals who work for or provide services on behalf of the school (collectively referred to as 'staff' in this policy) as well as children and parents/carers.
- This policy applies to all access to the internet and use of information communication devices including personal devices or where children, staff or other individuals have been provided with school issued devices for use off-site, such as a work laptop or mobile phone.
- This policy must be read in conjunction with other relevant school policies including (but not limited to) safeguarding and child protection, anti-bullying, behaviour, data security, image use, Acceptable Use Policies, confidentiality, search policy and relevant curriculum policies including computing, Personal Social Health and Education (PSHCE), Citizenship and Relationships and Sex education (RSE).

1.2 Writing and reviewing the online safety policy

- Shoreham Academy E-safety policy has been written by the academy, involving staff, students and parents/carers, building on the United Learning online safety policy template with specialist advice and input as required.
- The policy has been approved and agreed by the senior leadership team and governing body.
- The School has appointed a member of the governing body to take the lead responsibility for online safety (e-Safety).
- The school has appointed a member of the leadership team as the online safety lead. The school's online safety (e–safety) policy and its implementation will be reviewed at least annually or sooner if required.

Key Staff and Contacts

The Academy Designated Safeguarding Leads (DSLs) are Lydia Shelley and Martin Sacree

The Academy Online safety (e-Safety) SLT lead is Tim Harkins, Business Director

The Academy Online safety (e-Safety) ELT Coordinator and Designated Child Protection Officer (DCPO) is Carolyn Gilding

The Academy Online safety (e-Safety) lead for the Governing Body is Kay Haffenden

The Academy ICT Systems Manager is Tabie Thomson

The Academy Safety Officer is Karen Shaw

Policy approved by Governing Body: Kay Haffenden (Chair of Governors) Date: 22March 2022

The date for the next policy review is March 2023

1.3 Key responsibilities of the community

1.3.1 Key responsibilities of the school leadership team are:

- Developing, owning and promoting the online safety vision and culture to all stakeholders in line with national and local best practice recommendations with appropriate support and consultation throughout the school community.
- Auditing and evaluating current online safety practice to identify strengths and areas for improvement.
- Supporting the online safety (e-safety) ELT lead in the development of an online safety culture within the setting.
- Ensuring there are appropriate and up-to-date policies and procedures regarding online safety.
- To ensure that suitable, age-appropriate and relevant filtering is in place to protect children from inappropriate content (including extremist material) to meet the needs of the school community and ensuring that the filtering and school network system is actively monitored.
- Ensuring all members of staff receive regular, up-to-date and appropriate training regarding online safety roles and responsibilities and provide guidance regarding safe appropriate communications.
- Ensuring that online safety is embedded within a progressive whole school curriculum which enables all students to develop an age-appropriate understanding of online safety and the associated risks and safe behaviours.
- Making appropriate resources available to support the development of an online safety culture.
- Taking responsibility for online safety incidents and liaising with external agencies as appropriate.
- Receiving and regularly reviewing online safety incident logs and using them to inform and shape future practice.
- Ensuring there are robust reporting channels for the school/setting community to access regarding online safety concerns, including internal, local and national support.
- Ensure that appropriate risk assessments are undertaken regarding the safe use of technology, including ensuring the safe and responsible use of devices.
- To work with and support technical staff in monitoring the safety and security of school systems and networks.
- To ensure a member of the Governing Body is identified with a lead responsibility for supporting online safety.
- To ensure that the Designated Safeguarding Leads (DSLs) works in partnership with the online safety (e-safety lead.

1.3.2 Key responsibilities of the designated safeguarding/online safety leads are:

- Acting as a named point of contact on all online safety issues and liaising with other members of staff and agencies as appropriate.
- Keeping up-to-date with current research, legislation and trends.
- Coordinating participation in local and national events to promote positive online behaviour, e.g. Safer Internet Day.
- Ensuring that online safety is promoted to parents and carers and the wider community through a variety of channels and approaches.
- Work with the academy lead for data protection and data security to ensure that practice is in line with legislation.
- Maintaining an online safety incident/action log to record incidents and actions taken as part of the school's safeguarding recording structures and mechanisms.

- Monitor Internet filtering reports to identify behaviour which might indicate safeguarding issues or inappropriate behaviours. Update safeguarding log or e-safety incident log as appropriate.
- Monitor the school/settings online safety incidents to identify gaps/trends and update the education response to reflect need and to report to the school management team, governing body and other agencies as appropriate.
- Liaising with the local authority and other local and national bodies as appropriate.
- Reviewing and updating online safety policies, Acceptable Use Policies (AUPs) and other procedures on a regular basis (at least annually) with stakeholder input.
- Ensuring that online safety is integrated with other appropriate school policies and procedures.
- Meet regularly with the governor member with a lead responsibility for online safety

1.3.3 Key responsibilities of staff are:

- Contributing to the development of online safety policies.
- Reading and signing the school's Acceptable Use Policies (AUPs) and adhering to them.
- Taking responsibility for the security of academy systems and data.
- Having an awareness of online safety issues, and how they relate to the young people in their care.
- Modelling good practice in using new and emerging technologies and demonstrating an emphasis on positive learning opportunities rather than focusing on negatives.
- Embedding online safety education in curriculum delivery wherever possible.
- Identifying individuals of concern and taking appropriate action by working with the designated safeguarding lead/s.
- Knowing when and how to escalate online safety issues, internally and externally.
- Being able to signpost to appropriate support available for online safety issues, internally and externally.
- Maintaining a professional level of conduct in their personal use of technology, both on and off site.
- Taking personal responsibility for professional development in this area.

1.3.4. Additional responsibilities for staff managing the technical environment are:

- Providing a safe and secure technical infrastructure which supports safe online practices while ensuring that learning opportunities are still maximised.
- Taking responsibility for the implementation of safe security of systems and data in partnership with the leadership and management team.
- To ensure that suitable access controls and encryption is implemented to protect personal and sensitive information held on school-owned devices.
- Ensuring that the academy's filtering policy is applied and updated on a regular basis and that responsibility for its implementation is shared with the e-safety lead and DSL.
- Ensuring that the use of the academy's network is regularly monitored in order that any deliberate or accidental misuse can be reported to the e-safety lead, heads of school and DSLs.
- Report any breaches or concerns to the designated safeguarding lead/s and leadership team and together ensure that they are recorded on the e-safety incident log, and appropriate action is taken as advised.
- Develop an understanding of the relevant legislation as it relates to the security and safety of the technical infrastructure.
- Report any breaches and liaise with United Learning Technology Team (or other local or national bodies) as appropriate on technical infrastructure issues.
- Configure internet and Securus filters to generate regular safeguarding reports, as determined by e-safety leads, pastoral leads and DSL, and send to appropriate staff.

- Providing technical support and perspective to the online safety lead and leadership team, especially in the development and implementation of appropriate online safety policies and procedures.
- Ensuring that the school's ICT infrastructure/system is secure and not open to misuse or malicious attack.
- Ensuring that appropriate anti-virus software and system updates are installed and maintained on all setting machines and portable devices.
- Ensure that appropriately strong passwords are applied and enforced for all but the youngest users and those with additional learning needs which act as a barrier to this.

1.3.5 Key responsibilities of children and young people are:

- Contributing to the development of online safety policies.
- Reading the academy Acceptable Use Policies (AUPs) and adhering to them.
- Respecting the feelings and rights of others both on and offline.
- Seeking help from a trusted adult if things go wrong and supporting others that may be experiencing online safety issues.

At a level that is appropriate to their individual age, ability and vulnerabilities:

- Taking responsibility for keeping themselves and others safe online.
- Taking responsibility for their own awareness and learning in relation to the opportunities and risks posed by new and emerging technologies.
- Assessing the personal risks of using any particular technology and behaving safely and responsibly to limit those risks.

1.3.6. Key responsibilities of parents and carers are:

- Reading the academy Acceptable Use Policies, encouraging their children to adhere to them, and adhering to them themselves where appropriate.
- Discussing online safety issues with their children, supporting the academy in their online safety approaches, and reinforcing appropriate safe online behaviours at home.
- Role modelling safe and appropriate uses of new and emerging technology.
- Identifying changes in behaviour that could indicate that their child is at risk of harm online.
- Seeking help and support from the school, or other appropriate agencies, if they or their child encounters online problems or concerns.
- Contributing to the development of the academy online safety policies.
- Using academy systems, such as Firefly VLE, and other network resources, safely and appropriately.
- Taking responsibility for their own awareness and learning in relation to the opportunities and risks posed by new and emerging technologies.

2. Online Communication and Safer Use of Technology

2.1 Managing the academy website

- The academy will ensure that information posted on the academy website meets the requirements as identified by the Department for Education.
- The contact details on the website will be the school address, email and telephone number. Staff or students/ personal information will not be published.
- The Principal will take overall editorial responsibility for online content published by the academy and will ensure that content published is accurate and appropriate.
- The academy website will comply with United Learning's and the school's guidelines for publications including respect for intellectual property rights, privacy policies and copyright.
- The academy will post information about safeguarding, including online safety on the academy website, or link to the resources hosted by United Learning.
- The administrator account for the school website will be safeguarded with an appropriately strong password.
- Email addresses will be published carefully online, to avoid being harvested for spam (e.g. by replacing '@' with 'AT'.)

2.2 Publishing images and videos online

- The academy will ensure that all images are used in accordance with the academy image use policy.
- In line with the academy's image policy, written permission from parents or carers will always be obtained before images/videos of students are electronically published.
- Any images, videos or music posted online will comply with the intellectual property rights and copyright

2.3 Managing email

- All staff will follow best practice email guidance outlined in Shoreham Email Protocol 2021 documentation.
- Students may only use academy provided email accounts for educational purposes.
- Students in lower year groups will have restrictions placed on emailing outside of the organisation.
- All members of staff are provided with a specific academy email address to use for any official communication.
- The use of personal email addresses by staff for any official academy business is not permitted.
- The forwarding of any chain messages/emails etc. is not permitted. Spam or junk mail will be blocked and reported to the email provider.
- Any electronic communication which contains any content which could be subject to GDPR and data protection legislation must only be sent using secure and encrypted methods.
- Members of the academy community must immediately tell a designated member of staff if they receive offensive communication and this should be recorded in the academy online safety incident log.
- Sensitive or personal information will only be shared via email in accordance with data protection legislation.
- Caution should be taken on opening emails with attachments or clicking on links within; being conscious of the risks from malware.
- Access in school to external personal email accounts may be blocked.
- Excessive social email use can interfere with learning and will be restricted.

- Emails sent to external organisations should be written carefully and authorised before sending, in the same way as a letter written on school headed paper would be.
- The school will have a dedicated email for reporting wellbeing and pastoral issues. This inbox will be managed by designated and trained staff.
- Academy email addresses and other official contact details will not be used for setting up personal social media accounts.

2.4 Live lessons & official videoconferencing and webcam use and

- All live lessons will be undertaken following protocols from the guidance in the Safeguarding Advice and Procedures for Ms Teams and Acceptable Use Policy for Live Lessons.
    - Safeguarding Guidance and Procedures for Ms Teams
    - Acceptable Use Policy for Live Lessons
- Teachers will host live lessons where and when they find this will enhance the learning experience for the students.
- Students are prohibited from recording or capturing/screen grabbing content from the video call. This would be considered a serious breach of ICT use policies and would be followed up under the behaviour and e-safety policies.
- All videoconferencing equipment in the classroom will be switched off when not in use and where appropriate, not set to auto answer.
- Staff will ensure that external videoconferences are suitably risk assessed and that accounts and systems used to access events are appropriately safe and secure.
- Videoconferencing is a challenging activity with a wide range of learning benefits. Preparation and evaluation are essential to the whole activity.

2.5 Appropriate and safe classroom use of the internet and associated devices

- The academy's internet access will be designed to enhance and extend education.
- Access levels to the internet will be reviewed to reflect the curriculum requirements and the age and ability of students.
- Students will use age and ability appropriate tools to search the Internet for content. (Students should follow all parts of the AUP (Acceptable Use Policy) Failure to do so may result in sanctions including restriction of IT and Internet access).
- Internet use is a key feature of educational access and all children will receive age and ability appropriate education to support and enable them to develop strategies to respond to concerns as part of an embedded whole school curriculum.
- The academy will ensure that the use of Internet-derived materials by staff and students complies with copyright law and acknowledge the source of information.
- All members of staff are aware that they cannot rely on filtering alone to safeguard children and supervision, classroom management and education about safe and responsible use are essential.
- Supervision of students will be appropriate to their age and ability;
    - Secondary, sixth form and college students will be appropriately supervised when using technology, according to their ability and understanding.
- All school owned devices will be used in accordance with the academy Acceptable Use Policy and with appropriate safety and security measures in place including the Securus monitoring system on all student laptops and United Learning filtering enabled on all Chromebooks.

- Students will be educated in the effective use of the Internet in research, including the skills of knowledge location, retrieval and evaluation.
- The academy will use age-appropriate search tools as decided by the academy following an informed risk assessment to identify which tool best suits the needs of our community.
- The academy will use the internet to enable students and staff to communicate and collaborate in a safe and secure environment.
- Students will be taught to be critically aware of the materials they read and shown how to validate information before accepting its accuracy.
- The evaluation of online materials is a part of teaching and learning in every subject and will be viewed as a whole-academy requirement across the curriculum.
- Members of staff will always evaluate websites, tools and apps fully before use in the classroom or recommending for use at home.

2.6 Management of academy VLE and portals (Firefly & Office 365)

- Students/staff will be advised about acceptable conduct and use when using the VLE.
- Only members of the current student, parent/carers and staff community will have access to the VLE.
- When staff, students etc. leave the school their account or rights to specific school areas will be disabled and files in Office 365 will be auto deleted after 3 months.
- Any concerns about content on the VLE may be recorded and dealt with in the following ways:
- The user will be asked to remove any material deemed to be inappropriate or offensive.
- The material will be removed by the site administrator if the user does not comply.
- Access to the VLE for the user may be suspended.
- The user will need to discuss the issues with a member of leadership before reinstatement.
- A student's parent/carer may be informed.
- A visitor may be invited onto the VLE by a member of the leadership team. In this instance there may be an agreed focus or a limited time slot.
- Students may require editorial approval from a member of staff. This may be given to the student to fulfil a specific aim and may have a limited time frame.

3. Policy Decisions

3.1. Reducing online risks

- Emerging technologies will be examined for educational benefit and the academy leadership team will ensure that appropriate risk assessments are carried out before use in school is allowed.
- The academy will ensure that appropriate filtering systems are in place to prevent staff and students from accessing unsuitable or illegal content.
- The academy will take all reasonable precautions to ensure that users access only appropriate material. However, due to the global and connected nature of Internet content, it is not possible to guarantee that access to unsuitable material will never occur via a school computer or device.
- Students are not permitted to use mobile phones while in the building during core school hours. However, given that it is not possible to restrict 3G and 4G signals within or around the building it is not possible to guarantee that students will not access to unsuitable material on their own mobile phones. Where inappropriate use of mobile phone is suspected on school site this will be followed up via the academy behaviour policy and parents informed.
- The school will audit technology use to establish if the online safety (e–safety) policy is adequate and that the implementation of the policy is appropriate.
- Filtering decisions, internet access and device use by students and staff will be reviewed regularly by the academy's leadership team.

3.2. Internet use throughout the wider school/setting community

- The academy will liaise with United Learning and local feeder schools to try to establish a common approach to online safety (e–safety).
- The academy will provide an Acceptable Use Policy for any guest/visitor who needs to access the school computer system or internet on site.

3.3 Authorising internet access

- The academy will maintain a current record of all staff, students and volunteers who are granted access to the academy's electronic communications.
- All staff, students, volunteers and visitors will read and sign the School Acceptable Use Policy before using any school ICT resources.
- Parents will be informed that students will be provided with supervised Internet access, which is appropriate to their age and ability.
- Parents will be asked to read the School Acceptable Use Policy for student access and discuss it with their child, where appropriate.
- When considering access for vulnerable members of the school community (such as with children with special education needs) the school will make decisions based on the specific needs and understanding of the student(s).

4. Engagement Approaches

4.1 Engagement and education of children and young people

- An online safety (e-safety) curriculum will be established and embedded throughout the whole school as part of the overall RSE curriculum, to raise awareness regarding the importance of safe and responsible internet use amongst students.
- Education about safe and responsible use will precede internet access.
- Students' input will be sought when writing and developing academy online safety policies and practices.
- Students will be supported in reading and understanding the school Acceptable Use Policy in a way which suits their age and ability.
- All users will be informed that network and Internet use will be monitored.
- Student instruction regarding responsible and safe use will precede Internet access.
- Online safety (e-Safety) will be included in the PSHE, RSE, Mentoring and Computing programmes of study covering both safe school and home use.
- Online safety (e-Safety) education and training will be included as part of the transition programme across the Key Stages and when moving between establishments.
- The student Acceptable Use expectations and posters will be posted in all rooms with Internet access.
- Safe and responsible use of the Internet and technology will be reinforced across the curriculum and within all subject areas.
- External support will be used to complement and support the academy's internal online safety (e-safety) education approaches.

4.2 Engagement and education of children and young people who are considered to be vulnerable

- Shoreham Academy is aware that some children may be considered to be more vulnerable online due to a range of factors and will ensure that differentiated and ability appropriate online safety (e-safety) education is given, with input from specialist staff as appropriate (e.g. SENCO).

4.3 Engagement and education of staff

- The online safety (e-safety) policy will be formally provided to and discussed with all members of staff as part of induction and will be reinforced and highlighted as part of academy safeguarding practice.
- To protect all staff and students, the academy will implement Acceptable Use Policies which highlights appropriate online conduct and communication.
- Staff will be made aware that Internet traffic can be monitored and traced to the individual user. Discretion and professional conduct is essential.
- Up-to-date and appropriate staff training in safe and responsible Internet use, both professionally and personally, will be provided for all members of staff on a regular basis.
- Members of staff with a responsibility for managing filtering systems or monitoring ICT use will be supervised by the leadership team and will have clear procedures for reporting issues or concerns.
- The academy will highlight useful online tools which staff should use with children in the classroom. These tools will vary according to the age and ability of the students.
- All members of staff will be made aware that their online conduct out of school could have an impact on their role and reputation within the academy. Civil, legal or disciplinary action could be taken if they are found to bring the profession or institution into disrepute, or if something is felt to have undermined

confidence in their professional abilities.

4.4 Engagement and education of parents and carers

- Shoreham Academy recognise that parents/carers have an essential role to play in enabling children to become safe and responsible users of the internet and digital technology.
- Parents' attention will be drawn to the academy online safety (e-safety) policy and expectations in newsletters, letters, the academy prospectus and on the academy website.
- A partnership approach to online safety at home and at school with parents will be encouraged. This may include offering parent evenings with demonstrations and suggestions for safe home Internet use or highlighting online safety at other well attended events e.g. parent evenings, transition events, fetes and sports days.
- Parents will be requested to read online safety information as part of the Home School Agreement.
- Parents will be encouraged to read the school Acceptable Use Policy for students and discuss its implications with their children.
- Information and guidance for parents on online safety will be made available to parents in a variety of formats.
- Parents will be encouraged to role model positive behaviour for their children online.

5. Responding to Online Incidents and Concerns

- All members of the academy community will be informed about the procedure for reporting online safety (e-safety) concerns (such as breaches of filtering, cyberbullying, illegal content etc.).
- The Designated Safeguarding Lead/s (DSL) will be informed of any online safety (e-safety) incidents involving child protection concerns, which will then be recorded on the academy CPOMS safeguarding software and followed up.
- The Designated Safeguarding Lead/s (DSL) will ensure that online safety concerns are escalated and reported to the United Learning Designated Safeguarding Officer and relevant agencies in line with the Local Safeguarding Children Board thresholds and procedures.
- Complaints about Internet misuse will be dealt with under the Academy's behaviour or complaints procedure.
- Complaints about online bullying will be dealt with under the School's anti-bullying and behaviour policies and procedures.
- Any complaint about staff misuse will be referred to the Principal.
- Any allegations against a member of staff's online conduct will be discussed with the LADO (Local Authority Designated Officer).
- Students, parents and staff will be informed of the academy's complaints procedure.
- Staff will be informed of the complaints and whistleblowing procedure.
- All members of the academy community will need to be aware of the importance of confidentiality and the need to follow the official academy procedures for reporting concerns.
- All members of the academy community will be reminded about safe and appropriate behaviour online and the importance of not posting any content, comments, images or videos online which cause harm, distress or offence to any other members of the academy community.
- The academy will manage online safety (e-safety) incidents in accordance with the academy behaviour policy where appropriate.
- The academy will inform parents/carers of any incidents of concern as and when required.
- After any investigations are completed, the academy will debrief, identify lessons learnt and implement any changes as required.
- Where there is cause for concern or fear that illegal activity has taken place or is taking place then the academy will contact the Local Education Safeguards Team or local Police via 999 if there is immediate danger or risk of harm.
- The use of computer systems without permission or for inappropriate purposes could constitute a criminal offence under the Computer Misuse Act 1990 and breaches will be reported to United Learning Technology Team and local Police.
- If the academy is unsure how to proceed with any incidents of concern, then the incident will be escalated to the United Learning Lead Safeguarding Officer or Local Education Safeguarding Team.
- If an incident of concern needs to be passed beyond the academy, then the concern will be escalated to the Local Education Safeguarding Team to communicate to other schools in area.
- Parents and children will need to work in partnership with the academy to resolve issues.

Appendix A

Procedures for Responding to Specific Online Incidents or Concerns

6.1 Responding to concerns regarding Self-Generated Indecent Images of Children (SGIIOC or "Sexting")

Discussion:

Self-Generated Indecent Images of Children (SGIIOC or "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 a mobile phone, webcam, handheld device or website. Children and young people will always look to push the boundaries, especially when they go through puberty and are an age where they are more sexually and socially aware. Children typically do not use the term "sexting", usually referring to the images as "selfies" and may decide to send such pictures or videos for many reasons. For younger children (early years and primary school aged) indecent images or videos may be taken or shared out of curiosity or naivety and for older children, indecent images may be taken or shared as a response to peer pressure, cyberbullying, sexual exploration, impulsive behaviour, "flirting" or even exploitation due to blackmail from a friend, partner, or other on or offline contact. Often children and young people and indeed adults are unaware of the social, psychological and even criminal consequences of sharing such images and videos.

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 an indecent image, advertise indecent images and possess an indecent image or possess an indecent image with the intention of distribution. This applies even if the images are sent or shared by someone under the age of 18 with "consent". "Sexts" may be viewed as police evidence and it is essential that schools secure devices and seek advice immediately when dealing with concerns.

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.'

www.ceop.police.uk/Documents/ceopdocs/externaldocs/ACPO_Lead_position_on_Self_Taken_Images.pdf

It should be noted that prosecution of children for sharing indecent images for a first offence is rare. The decision to criminalise children and young people for sending these kinds of images will need to be considered and made on a case-by-case basis, however where possible the intention should not be to criminalise children. Wider

vulnerability considerations for all of those involved should always be made and education and safeguarding approaches must always be implemented.

There can also be huge emotional and reputation damage that can come from having intimate photos forwarded to others or shared online. These consequences can include isolation, bullying, low self-esteem, loss of control, creating of a negative "digital footprint" or online reputation, harassment, mental health difficulties, self-harm, suicide and increased risk of child sexual exploitation. Schools and settings will also want to take as many preventative measures as they can to educate young people about the risks and to support them in maintaining a healthy digital footprint.

It is essential that schools and settings handle 'sexting' incidents as carefully as possible and offer support to all parties involved whilst abiding by the law and also do not compromise police investigations. Schools and education settings should access and consider the guidance as set out in "'Sexting' in schools: advice and support around self-generated images. What to do and how to handle it" which can be downloaded from the Kelsi website: http://www.kelsi.org.uk/support-for-children-and-young-people/child-protection-and-safeguarding/esafety

Guidance for following up

- What is the age of the child(ren) involved?
    - If under 13 then a consultation/referral to Children's Social Care should be made.
    - If an adult (over 18) is involved, then consider using the KSCB CSE toolkit.
- Is there any contextual information to help inform decision making?
    - E.g. are the children involved in a relationship and if so is the relationship appropriate?
    - Is this age-appropriate experimentation, natural curiosity or possible exploitation?
- Are the school or other agencies (e.g. Police or social care) aware of any vulnerability for the child(ren) involved?
    - E.g. special education needs, emotional needs, children in care, youth offending?
- Are there any other risks or concerns known by the school or other agencies which may influence decisions or judgements about the safety and wellbeing of the child(ren) involved?
    - E.g. family situation, children at risk of sexual exploitation?
- How were the school made aware of the image?
    - E.g. did a child disclose about receiving, sending or sharing an image themselves or was the concern raised by another student or member of the school community?
- What sort of image is it?
    - Is the image potentially illegal or is it inappropriate?
- Does the child(ren) know who has accessed the image?
    - E.g. was it sent to a known peer (e.g. boyfriend or girlfriend) or an unknown adult?
    - Do they know where the image has been shared?
    - Has it been shared online or sent to another child/person?
- How widely has the image been shared?
    - E.g. just to one other child or to an unknown number of children/adults?
- Are there other children/students involved?
    - If so, who are they and are there any safeguarding concerns?
    - What are their views/perceptions on the issue?
- What apps, services or devices are involved (if appropriate)?
    - Some apps and devices may automatically store, backup or delete images which can influence evidence gathering.
- Is the image on a school device or a personal device?
    - Is the device secured?
        - Schools and settings must NOT print/copy etc. images suspected to be indecent – the device should be secured until advice can be obtained.

- Does the child need immediate support and / or protection?
    - What is the impact on the child?
    - What can the school put in place to support them?
- Are other schools/settings involved?
    - Does the relevant Designated Safeguarding Lead/s need to be identified and contacted?
- Is this a first incident or has the child(ren) been involved in sexting concern before?
    - If so, what action was taken and does this possibly increase concerns for offending behaviour?
- Are the school child protection and safeguarding policies and practices being followed?
    - For example, is a member of the child protection team on hand and is their advice and support available?

6.1 Responding to concerns regarding Self-Generated Indecent Images of Children (SGIIOC or "Sexting")

- Shoreham Academy ensure that all members of the community are made aware of the social, psychological and criminal consequences of sharing, possessing and creating incident images of children (known as "sexting").
- The academy will implement preventative approaches via a range of age and ability appropriate educational approaches for students, staff and parents/carers.
- Shoreham Academy views "sexting" as a safeguarding issue and all concerns will be reported to and dealt with by the Designated Safeguarding Leads Martin Sacree, Vice Principal and Lydia Shelley, Senior Assistant Principal, or the Deputy Designated Safeguarding lead, Carolyn Gilding.
- If the school are made aware of incident involving indecent images of a child the academy will:
    - Act in accordance with the academy's child protection and safeguarding policy and the relevant Local Safeguarding Child Board's procedures.
    - Immediately notify the designated safeguarding lead/s.
    - Store the device securely.
    - Carry out a risk assessment in relation to the children(s) involved.
    - Consider the vulnerabilities of children(s) involved (including carrying out relevant checks with other agencies)
    - Make a referral to children's social care and/or the police (as needed/appropriate). Put the necessary safeguards in place for children e.g. offer counselling support and immediate protection and offer appropriate pastoral support for those involved.
    - Inform parents/carers about the incident and how it is being managed.
    - Implement appropriate sanctions in accordance with the academy's behaviour policy but taking care not to further traumatise victims where possible.
    - Review the handling of any incidents to ensure that the academy is implementing best practice and the leadership team will review and update any management procedures where necessary.
- The academy will not view the image unless there is a clear need or reason to do so.
- The academy will not send, share or save indecent images of children and will not allow or request children to do so. (If this is required for investigation purposes, it will be undertaken in consultation with either the police or WSCC Multi Agency Safeguarding Hub.)
- If an indecent image has been taken or shared on the academy network or devices then the academy will take action to block access to all users and isolate the image.
- The academy will need to involve or consult the police if images are considered to be illegal. The academy will take action regarding indecent images, regardless of the use of academy equipment or personal equipment, both on and off the premises.
- The academy will follow the guidance (including the decision-making flow chart and risk assessment template) as set out in "'Sexting' in schools: advice and support around self-generated images. What to do and how to handle it".

- The academy will ensure that all members of the community are aware of sources of support.

6.2. Responding to concerns regarding Online Child Sexual Abuse

Online child sexual abuse within this policy context is specifically defined as when children are sexually abused or exploited via the use of technology and the internet. Typically, this is referred to as “online grooming” however this term can sometimes be considered to be too narrow when considering online child sexual abuse as using the term “grooming” may imply that the behaviour has taken place over a period of time whilst an offender has built a relationship and gained the trust of their victim. Whilst this longer-term process still occurs, current trends identified nationally (CEOP/NCA) and locally would suggest that the period of engagement between offender and victim can in many cases be extremely brief. In 2015, CEOP identified that the objectives of online child sexual abuse have evolved and can lead to a range of offending outcomes, such as deceiving children into producing indecent images of themselves or engaging in sexual chat or sexual activity over webcam. Online child sexual abuse can also result in offline offending such as meetings between an adult and a child for sexual purposes following online engagement.

OSCE can also be perpetrated by young people themselves and these issues should be viewed and responded to in line with the Local Safeguarding Children Board procedure for children who display harmful behaviours

Online child sexual abuse can also link in with Child Sexual Exploitation

Schools must be aware of and understand the law regarding the online sexual abuse and exploitation of children. Specifically, (but not limited to):

- The Sexual Offences Act 2003 – Section 15. Meeting a child following sexual grooming.
- The Sexual Offences Act 2003 – Section 8. Causing or inciting a child under 13 to engage in sexual activity
- The Sexual Offences Act 2003 – Section 10. Causing or inciting a child to engage in sexual activity.
- The Sexual Offences Act 2003 – Section 12. Causing a child to watch a sexual act
- The Sexual Offences Act 2003 – Section 13. Child sex offences (section 10, 11 and 12) but committed by children (offender is under 18).
- The Serious Crime Act 2015 - Part 5. Protection of Children - Section 67. Sending a child sexualised communications.

More information about these offences can be found within the legal framework section of the policy template.

Schools and settings may wish to highlight responses to online child sexual abuse within existing school policies and procedures rather than within the online safety policy.

6.2. Responding to concerns regarding Online Child Sexual Abuse

- Shoreham Academy will ensure that all members of the community are made aware of online child sexual abuse, including exploitation and grooming including the consequences, possible approaches which may be employed by offenders to target children and how to respond to concerns.
- The academy will implement preventative approaches for online child sexual abuse via a range of age and ability appropriate educational approaches for students, staff and parents/carers.
- Shoreham Academy views online child sexual abuse as a safeguarding issue and all concerns will be reported to and dealt with by the Designated Safeguarding Leads, Martin Sacree (Vice Principal) and Lydia Shelley (Senior Assistant Principal).
- If the academy is unclear if a criminal offence has been committed, then the Designated Safeguarding Lead/s will obtain advice immediately through the Education Safeguarding Team and/or local Police.
- If the academy is made aware of an incident involving online child sexual abuse of a child, then the academy will:
    - Act in accordance with the academy's child protection and safeguarding policy and the relevant Local Safeguarding Child Board's procedures.
    - Immediately notify the designated safeguarding lead/s.
    - Store any devices involved securely.
    - Immediately inform local police via 101 (using 999 if a child is at immediate risk) or alternatively to CEOP by using the Click CEOP report form: http://www.ceop.police.uk/safety-centre/
    - Where appropriate the school will involve and empower children to report concerns regarding online child sexual abuse
    - Carry out a risk assessment which considers any vulnerabilities of student(s) involved (including carrying out relevant checks with other agencies).
    - Make a referral to children's social care (if needed/appropriate).
    - Put the necessary safeguards in place for student(s) e.g. offer counselling support and immediate protection and offer appropriate pastoral support for those involved.
    - Inform parents/carers about the incident and how it is being managed.
    - Review the handling of any incidents to ensure that the academy is implementing best practice and the school leadership team will review and update any management procedures where necessary.
- The academy will take action regarding online child sexual abuse regardless of the use of school equipment or personal equipment, both on and off the school premises.
- The academy will ensure that all members of the community are aware of sources of support regarding online child sexual abuse.
- If students at other schools are believed to have been targeted, then the academy will seek support from the Education Safeguarding Team to enable other schools to take appropriate action to safeguarding their community.
- The academy will ensure that the Click CEOP report button is visible and available to students and other members of the academy community, for example including the CEOP report button on the academy website homepage and on intranet systems.

6.3 Responding to concerns regarding Indecent Images of Children (IIOC)

Schools and settings must be aware of and understand the law regarding indecent images of children. Specifically, (but not limited to):

- The Sexual Offences Act 2003 (England and Wales) defines a child, for the purposes of indecent images, as anyone under the age of 18. The Civic Government (Scotland) Act, 1982 replicates this.
- The Sexual Offences Act 2003 (England and Wales) provides a defence for handling potentially criminal images and this is supported by a Memorandum of Understanding which provides guidance on what is and is not acceptable.

It is an offence to possess, distribute, show and make indecent images of children. Making of and distributing indecent images of children includes printing and viewing them on the internet otherwise known as 'downloading'. More information about these offences can be found within the legal framework section.

Where there is cause for concern or fear that illegal activity has taken place or is taking place involving the use of school computer equipment, then schools should determine the level of response necessary for the offence disclosed. The decision to involve Police should be made as soon as possible if the offence is deemed to be out of the remit of the school to deal with. If schools are unsure if an issue is of a criminal nature, then the Designated Safeguarding Lead/s should seek advice from the Education Safeguards Team or local Police.

Where it is determined that an offence has been committed and that a police investigation is warranted, all measures to preserve evidence should be undertaken. If an officer decides that equipment needs to be seized, then they will need to determine if the equipment is networked. If in doubt as to whether the server should be seized or not, officers should seek advice from the Police Digital Forensic Unit, as seizure of the server will have a significant impact on the school. It is essential that schools are aware of this possibility and they should ensure that measures are in place to enable the school's computer network to continue functioning should this situation arise.

In cases where a suspect picture or photograph is discovered it should also be borne in mind that a person could be guilty of the offence to 'Make' and 'Distribute' if they print or forward the image. There is a defence in law for police investigating crimes in these circumstances — in some cases, it may still be necessary for that person, or others (for example a person to whom an accidental find is reported), to knowingly "make" another copy of the photograph or pseudo-photograph in order that it will be reported to the authorities, and clearly it is desirable that they should be able to do so without fear of prosecution. This does not mean that schools should forward, save or print indecent images of children and as soon as schools are made aware that an image may be illegal, appropriate advice must be sought immediately. Schools should be aware that all copies (including digital or printed copies) of indecent images of children will be seized.

In all cases, a detailed statement may be obtained to assist those who investigate the offence. The following information should be included in the statement:

- The identity of any material witnesses
- The name of the Internet service provider (ISP) or mobile telephone service provider in the case of images received through a telephone
- If known, the web address, name of the app or website through which the image was found or received
- Any passwords or other procedure required to gain access to the website
- If known, the identity of the person who sent the image
- Any details relating to those involved e.g. email address or screen names
- The reason for any delay in reporting the incident to the police (to assist investigators).

In the case of offences involving mobile phones or devices ("sexting"), the likelihood is that issues will in the main be resolved by the academy. Should an incident arise which is deemed to be of a serious nature and necessitates criminal investigation it may require the seizure of the phone/device. Schools should ensure the existing policies regarding seizing and searching are robust and up-to-date.

6.3 Responding to concerns regarding Indecent Images of Children (IIOC)

- Shoreham Academy will ensure that all members of the community are made aware of the criminal nature of Indecent Images of Children (IIOC) including the possible consequences.
- The academy will take action regarding Indecent Images of Children (IIOC) regardless of the use of academy equipment or personal equipment, both on and off the premises.

- The academy will take action to prevent accidental access to Indecent Images of Children (IIOC); for example using an internet Service provider (ISP) which subscribes to the Internet Watch Foundation block list, implementing appropriate web filtering, implementing firewalls and anti-spam software.
- If the academy is unclear if a criminal offence has been committed, then the Designated Safeguarding Lead/s will obtain advice immediately through the Education Safeguarding Team and/or local police.
    - If the academy is made aware of Indecent Images of Children (IIOC) then the school will:
    - Act in accordance with the academy's child protection and safeguarding policy and the relevant Local Safeguarding Child Boards procedures.
    - Immediately notify the academy Designated Safeguard Lead/s.
    - Store any devices involved securely.
    - Immediately inform appropriate organisations e.g. the Internet Watch Foundation (IWF), local police via 101 (using 999 if a child is at immediate risk) and/or the LADO (if there is an allegation against a member of staff).

- If the academy is made aware that a member of staff or a student has been inadvertently exposed to indecent images of children whilst using the internet then the academy will:

    - Ensure that the Designated Safeguard Lead/s are informed.
    - Ensure that the URLs (webpage addresses) which contain the suspect images are reported to the Internet Watch Foundation via www.iwf.org.uk .
    - Ensure that any copies that exist of the image, for example in emails, are deleted.

- If the academy is made aware that indecent images of children have been found on the academy's electronic devices then the academy will:

    - Ensure that the Designated Safeguard Lead/s are informed.
    - Ensure that the URLs (webpage addresses) which contain the suspect images are reported to the Internet Watch Foundation via www.iwf.org.uk .
    - Ensure that any/all copies that exist of the image, for example in emails, are deleted, following advice from the police.
    - Inform the police via 101 (999 if there is an immediate risk of harm) and children's social services (as appropriate).
    - Only store copies of images (securely, where no one else has access to them and delete all other copies) at the request of the police only.

- If the academy is made aware that a member of staff is found in possession of indecent images of children on their electronic device provided by the academy, then the school will:

    - Ensure that the Designated Safeguard Lead/s are informed or another member of staff in accordance with the school whistleblowing procedure.
    - Contact the police regarding the images and quarantine any devices involved until police advice has been sought.
    - Inform the Local Authority Designated Officer (LADO) and other relevant organisations in accordance with the school's managing allegations policy.
    - Follow the appropriate academy policies regarding conduct.

- The academy displays the 'Report Harmful Content' button from the Internet Watch foundation at the foot of the website for students to report any concerns

6.4. Responding to concerns regarding radicalisation or extremism online

Shoreham Academy are mindful of the specific responsibilities and requirements placed upon them under the Prevent Duty https://www.gov.uk/government/publications/protecting-children-from-radicalisation-theprevent-duty

From 1st July 2015 specified authorities, including all schools are subject to a duty under section 26 of the Counter-Terrorism and Security Act 2015 ("the CTSA 2015"), in the exercise of their functions, to have "due regard to the need to prevent people from being drawn into terrorism" This duty is known as the Prevent duty. The statutory Prevent guidance summarises the requirements on schools as undertaking risk assessment, working in partnership, staff training and IT policies.

Schools are expected to assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology which includes a range of extremism views including the far right. Schools should have clear procedures in place for protecting children who are identified to be at risk of radicalisation. These procedures may be set out in existing safeguarding policies and it is not necessary for schools and colleges to have distinct policies on implementing the Prevent duty. The online safety policy will be an important part of this role as it will highlight the action that the school will take to ensure that children are safe from terrorist and extremist material when accessing the internet in schools. Schools should ensure that suitable filtering is in place which takes into account the needs of the school's community. Schools should ensure that online safety education highlights the risks of extremist content online, especially regarding the use and power of social media as a tool in radicalisation.

When ensuring appropriate filtering is in place, schools should be mindful to act in accordance with the law, much like when ensuring the filtering blocks other forms of illegal content. It should also be noted that radicalisation and extremist views can be shared and accessed on variety of platforms, including user generated or social media sites such as Facebook and YouTube and schools should make filtering decisions with this in mind. The way in which the monitoring of internet and network use is managed will be down to individual schools to decide and implement so as to meet their specific needs and requirements, for example taking into account the curriculum and also the needs and abilities of the community e.g. students or staff with EAL. The school (Head and Governing Body) needs to be able to satisfy itself that appropriate safeguarding measures (all reasonable precautions) are being taken to identify any activity which indicates that students or staff may be at risk of harm (or indeed putting others at risk). Leaders will need to ensure that appropriate time and resources are available to ensure that this is done sufficiently for a range of risks which will include radicalisation and extremism from a variety of perspectives as well as grooming and child sexual exploitation.

If schools/settings use devices which do not require students/staff to "login" to systems (such as iPads) to access the internet then they must ensure that there are appropriate mechanisms in place to log which member of the community has access to which devices to ensure that if concerns are identified, the school can trace users.

Staff with the responsibility for managing and monitoring the school filtering and network must have appropriate resources available to them as well as training and support to ensure that this can be carried out in both a manageable and a safe way. These decisions must be documented within the appropriate school policies (especially the school AUP) and be supported with training etc. and supervision all staff involved as well as the wider whole school staff and student group.

Schools should always be aware that simply relying on filtering to prevent radicalisation will not be sufficient as children are likely to have access to a range of devices within the home which may not be filtered or monitored, education around safe use is therefore essential. As with all safeguarding risks, all members of staff should be alert to changes in children's behaviour which may indicate that they may be at risk or in need of specific help or

protection. All members of staff should receive appropriate training to enable them to explore their responsibilities with regards to prevent for safeguarding students and adults within the school community.

School staff should also understand when it is appropriate to make a referral to the Channel programme using the Prevent Referral form. Channel is a programme which focuses on providing support at an early stage to people who are identified as being vulnerable to being drawn into terrorism. It provides a mechanism for schools to make referrals if they are concerned that an individual might be vulnerable to radicalisation. An individual's engagement with the programme is entirely voluntary at all stages.

Schools and settings may choose to highlight the overall response to the Prevent duty within existing policies and procedures rather than within the online safety policy.

6.4. Responding to concerns regarding radicalisation or extremism online

- The academy will take all reasonable precautions to ensure that children are safe from terrorist and extremist material when accessing the internet in school and that suitable filtering is in place which takes into account the needs of students. Regular proactive checks of key words often involved in radicalisation and extremism online will be undertaken and results shared with DSL and E-Safety leads.
- When concerns are noted by staff that a child may be at risk of radicalisation online then the Designated Safeguarding Lead/s (DSL) will be informed immediately and action will be taken in line with the academy safeguarding policy.

6.5 Responding to concerns regarding cyberbullying

Online or cyberbullying can be defined as the use of Information Communication Technology, particularly mobile phones and the internet to deliberately hurt or upset someone. Cyberbullying is becoming increasingly prevalent with the rapid advances and use of modern technology. Mobile, internet and wireless technologies have increased the pace of communication and brought significant benefits to users worldwide but their popularity provides increasing opportunity for misuse through 'cyberbullying', with worrying consequences. It's crucial that children and young people as well as adults, use their devices and the internet safely and positively and they are aware of the consequences of misuse. As technology develops, bullying techniques can evolve to exploit it.

When children or adults are the target of bullying via mobiles phones, gaming or the Internet, they can often feel very alone, particularly if those around them do not understand online bullying and its effects. A once previously safe and enjoyable environment or activity can become threatening, harmful and a source of anxiety.

Cyberbullying may not always be intentional and repeated in the same way that traditional offline bullying is. Repeated harassment online could include an initial concern which is then shared or endorsed by others such as by "liking", "sharing" or "commenting". People may not feel that they are bullying by doing this and a single issue may become more serious. It is very important that all incidents of online abuse are addressed as early as possible to prevent escalation

Education staff, parents and young people have to be constantly vigilant and work together to prevent this and tackle it wherever it appears. Cyberbullying is a method of bullying and should be viewed and treated the same as "real world" bullying and can happen to any member of the school community.

It is essential that young people, school staff and parents and carers understand how online bullying can affect people and how to respond and combat misuse. Promoting a culture of confident users will support innovation and safety.

There are a number of statutory obligations on schools with regard to behaviour which establish clear responsibilities to respond to bullying. In particular section 89 of the Education and Inspections Act 2006:

- every school must have measures to encourage good behaviour and prevent all forms of bullying amongst students. These measures should be part of the school's behaviour policy which must be communicated to all students, school staff and parents
- gives headteachers the ability to ensure that students behave when they are not on school premises or under the lawful control of school staff.

Where online bullying which takes place outside school is reported then it must be investigated and acted on.

Under the Children Act 1989 a bullying incident should be addressed as a child protection concern when there is 'reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm' and Emotional abuse highlights the impact of online bullying. Where this is the case, the school staff should report their concerns to the Education Safeguards Team. Even where safeguarding is not considered to be an issue, schools may need to draw on a range of external services to support the student who is experiencing bullying, or to tackle any underlying issue which has contributed to a child doing the bullying.

Although bullying in itself is not a specific criminal offence in the UK, it is important to bear in mind that some types of harassing or threatening behaviour or communications both on and offline could be a criminal offence, for example under the Protection from Harassment Act 1997, the Malicious Communications Act 1988, the Communications Act 2003, and the Public Order Act 1986. If school staff feel that an offence may have been committed they should seek assistance from the police

Additional advice and information can be found at http://www.kelsi.org.uk/support-for-children-and-youngpeople/child-protection-and-safeguarding/e-safety/cyberbullying.For more information please read "Preventing and Tackling Bullying: Advice for School Leaders, Staff and Governing Bodies" https://www.gov.uk/government/publications/preventing-and-tackling-bullying.

Childnet International have produced resources and guidance that can be used to give practical advice and guidance on cyberbullying: www.childnet.com.

The academy displays the 'Report Harmful Content' button from the Internet Watch foundation at the foot of the website for students to report any concerns

6.5 Responding to concerns regarding cyberbullying

- Cyberbullying, along with all other forms of bullying, of any member of Shoreham Academy community will not be tolerated. Full details are set out in the academy policies regarding anti-bullying and behaviour.
- All incidents of online bullying reported will be recorded.
- There are clear procedures in place to investigate incidents or allegations and support anyone in the academy community affected by online bullying where appropriate.
- If the academy is unclear if a criminal offence has been committed then the Designated Safeguarding Lead/s will obtain advice immediately through the Education Safeguarding Team and/or local police.
- Students, staff and parents/carers will be advised to keep a record of the bullying as evidence.
- The academy will take steps to identify the bully where possible and appropriate. This may include examining school system logs, identifying and interviewing possible witnesses, and contacting the service provider and the police, if necessary.
- Students, staff and parents/carers will be required to work with the academy to support the approach to cyberbullying and the school's e-safety ethos.
- Sanctions for those involved in online or cyberbullying may include:
    - Those involved will be asked to remove any material deemed to be inappropriate or offensive.
    - A service provider may be contacted to remove content if those involved refuse to or are unable to delete content.

- Internet access may be suspended at the academy for the user for a period of time. Other sanctions for students and staff may also be used in accordance with the schools anti-bullying, behaviour policy or Acceptable Use Policy.
- Parent/carers of students involved in online bullying will be informed.
- The Police will be contacted if a criminal offence is suspected.

Appendix B

Legal Framework

Data protection and Computer Misuse

Copyright, Design and Patents Act 1988

Copyright is the right to prevent others from copying or using his or her "work" without permission. The material to which copyright may attach (known in the business as "work") must be the author's own creation and the result of some skill and judgement. It comes about when an individual expresses an idea in a tangible form. Works such as text, music, sound, film and programs all qualify for copyright protection. The author of the work is usually the copyright owner, but if it was created during the course of employment it belongs to the employer.

It is an infringement of copyright to copy all or a substantial part of anyone's work without obtaining the author's permission. Usually a licence associated with the work will allow a user to copy or use it for limited purposes. It is advisable always to read the terms of a licence before you copy or use someone else's material. It is also illegal to adapt or use software without a licence or in ways prohibited by the terms of the software licence.

Data Protection Act 1998

The Act requires anyone who handles personal information to notify the Information Commissioner's Office of the type of processing it administers, and must comply with important data protection principles when treating personal data relating to any living individual. The Act also grants individuals rights of access to their personal data, compensation and prevention of processing.

The Computer Misuse Act 1990 (sections 1 - 3)

Regardless of an individual's motivation, the Act makes it a criminal offence to:

gain access to computer files or software without permission (for example using someone else's password to access files); gain unauthorised access, as above, in order to commit a further criminal act (such as fraud); or impair the operation of a computer or program (for example caused by viruses or denial of service attacks).

UK citizens or residents may be extradited to another country if they are suspected of committing any of the above offences.

Regulation of Investigatory Powers Act 2000

The Regulation of Investigatory Powers Act 2000 (RIPA) regulates the interception of communications and makes it an offence to intercept or monitor communications without the consent of the parties involved in the communication. The RIP was enacted to comply with the Human Rights Act 1998.

The Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000, however, permit a degree of monitoring and record keeping, for example, to ensure communications are relevant to school activity or to investigate or detect unauthorised use of the network. Nevertheless, any monitoring is subject to informed consent, which means steps must have been taken to ensure that everyone who may use the system is informed that communications may be monitored.

Covert monitoring without informing users that surveillance is taking place risks breaching data protection and privacy legislation.

Obscene Content and Harassment

Obscene Publications Act 1959 and 1964

Publishing an “obscene” article is a criminal offence and this includes electronic transmission. For the purposes of the Act an article is deemed to be obscene if its effect is to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the content. This offence can result in imprisonment for up to 5 years.

Malicious Communications Act 1988 (section 1)

This legislation makes it a criminal offence to send an electronic message that conveys indecent, grossly offensive, threatening material or information that is false; or is of an indecent or grossly offensive nature if the purpose was to cause a recipient to suffer distress or anxiety. This offence can result in imprisonment for up to 2 years.

Protection from Harassment Act 1997

This Act is relevant for incidents that have happened repeatedly (i.e. on more than two occasions). The Protection from Harassment Act 1997 makes it a criminal and civil offence to pursue a course of conduct which causes alarm and distress, which includes the publication of words, which he/she knows or ought to know amounts to harassment of the other. A person whose course of conduct causes another to fear, on at least two occasions, that violence will be used against him is guilty of an offence if he knows or ought to know that his course of conduct will cause the other so to fear on each of those occasions.

The victim can also bring a civil claim for damages and an injunction against the abuser, although in reality this is a remedy that is only used by individuals with the financial means to litigate, and only possible if the abuser can be identified, which is not always straightforward.

Public Order Act 1986 (sections 17 — 29)

This Act makes it a criminal offence to stir up racial hatred by displaying, publishing or distributing written material which is threatening. Like the Racial and Religious Hatred Act 2006 it also makes the possession of inflammatory material with a view of releasing it a criminal offence.

Communications Act 2003 (section 127)

Sending by means of the Internet a message or other matter that is grossly offensive or of an indecent, obscene or menacing character; or sending a false message by means of or persistently making use of the Internet for the purpose of causing annoyance, inconvenience or needless anxiety is guilty of an offence liable, on conviction, to imprisonment. This wording is important because an offence is complete as soon as the message has been sent: there is no need to prove any intent or purpose.

Criminal Justice Act 2003

Section 146 of the Criminal Justice Act 2003 came into effect in April 2005, empowering courts to impose tougher sentences for offences motivated or aggravated by the victim’s sexual orientation in England and Wales.

Racial and Religious Hatred Act 2006

This Act makes it a criminal offence to threaten people because of their faith, or to stir up religious hatred by displaying, publishing or distributing written material which is threatening. Other laws already protect people from threats based on their race, nationality or ethnic background.

Libel and Privacy Law

These matters will be dealt with under civil rather than criminal law.

Libel is defined as 'defamation by written or printed words, pictures, or in any form other than by spoken words or gestures' and as such the author could be held accountable under Defamation law which was created to protect individuals or organisations from unwarranted, mistaken or untruthful attacks on their reputation. Defamation is a civil “common law” tort in respect of which the Defamation Acts of 1952 and 1996 provide certain defences. It applies to any published material that damages the reputation of an individual or an organisation, and it includes material published on the internet.

A civil action for defamation can be brought by an individual or a company, but not by a public authority. Where defamatory material is posted on a website, the person affected can inform the host of its contents and ask the host to remove it. Once the host knows that the material is there and that it may be defamatory, it can no longer rely on the defence of innocent dissemination in the Defamation Act 1996. This means that the person affected could (if the material has been published in the jurisdiction, i.e. in England and Wales) obtain a court order (an injunction) to require removal of the material, and could sue either the host or the person who posted the material for defamation.

If social media is used to publish private and confidential information (for example breaches of data protection act) about an individual, then this could give rise to a potential privacy claim and it is possible for individuals to seek an injunction and damages.

Education Law

Education and Inspections Act 2006

Section 89 of the Act states that every school must have measures to encourage good behaviour and prevent all forms of bullying amongst students. These measures should be part of the school's behaviour policy which must be communicated to all students, school staff and parents. This act (89.5) gives headteachers the ability to ensure that students behave when they are not on school premises or under the lawful control of school staff.

The Education Act 2011

Section 13 makes it an offence to publish the name of a teacher who is subject to an allegation until such a time as that they are charged with an offence. All members of the community need to be aware of the importance of not publishing named allegations against teachers online as this can lead to prosecution. Schools should contact the LADO team for advice.

Within Part 2 of the Education Act 2011 (Discipline) there have been changes to the powers afforded to schools by statute to search students in order to maintain discipline and ensure safety. The DfE advice on these sections of the Education Act 2011 can be found in the document: “Screening, searching and confiscation – Advice for head teachers, staff and governing bodies”
www.education.gov.uk/schools/studentsupport/behaviour/behaviourpolicies/f0076897/screening-searching-andconfiscation

Sexual Offences

Criminal Justice and Courts Bill 2015

Section 33 makes it an offence to share private, sexual materials, either photos or videos, of another person without their consent and with the purpose of causing embarrassment or distress, often referred to as “revenge

porn". The offence applies both online and offline and to images which are shared electronically or in a more traditional way so includes the uploading of images on the internet, sharing by text and e-mail, or showing someone a physical or electronic image. This offence can result in imprisonment for up to 2 years.

Sending images of this kind may, depending on the circumstances, also be an offence under the Communications Act 2003 or the Malicious Communications Act 1988. Repeated behaviour may be an offence under the Protection from Harassment Act 1997. This law and the term "revenge porn" only applies to images or videos of those over 18.

Sexual Offences Act 2003

There are many offences under the Sexual Offence Act 2003 which can be related to or involve the misuse of technology. This includes (but is not limited to) the following points.

Section 15 - Meeting a child following sexual grooming. The offence of grooming is committed if someone over 18 has communicated with a child under 16, at least twice (including by phone or using the Internet) and meets them or travels to meet with them anywhere in the world with the intention of committing a sexual offence. This offence can result in imprisonment for up to 10 years.

Causing or inciting a child under 16 to watch or take part in a sexual act is illegal, including looking at images such as videos, photos or webcams, for your own gratification.

- **Section 8. Causing or inciting a child under 13 to engage in sexual activity** (Can result in imprisonment for up to 14 years)
- **Section 9. Sexual Activity with a child** (Can result in imprisonment for up to 14 years)
- **Section 10. Causing or inciting a child (13 to 16) to engage in sexual activity** (Can result in imprisonment for up to 14 years)
- **Section 11. Engaging in sexual activity in the presence of a child** (Can result in imprisonment for up to 14 years)
- **Section 12. Causing a child to watch a sexual act** (Can result in imprisonment for up to 10 years)
- **Section 13. Child sex offences committed by children** (offender is under 18) (Can result in imprisonment for up to 5 years)

Any sexual intercourse with a child under the age of 13 commits the offence of rape.

Section 16 - Abuse of position of trust: sexual activity with a child.

It is an offence for a person in a position of trust to engage in sexual activity with any person under 18 with whom they are in a position of trust as a result of being in their professional role. It is also an offence to cause or incite a child with whom they are in a position of trust to engage in sexual activity, to engage in sexual activity in the presence of a child with whom they are in a position of trust, or cause a child with whom they are in a position of trust to watch a sexual act. Typically, teachers, social workers, health professionals, connexions staff etc. fall in this category of trust and this can result in imprisonment for up to 5 years.

Indecent Images of Children

It is an offence to take, permit to be taken, make, possess, show, distribute or advertise indecent images of children in the United Kingdom under two pieces of legislation; **Criminal Justice Act 1988**, section 160 and **Protection of Children Act 1978**, section 1.1.a. Indecent images of children are images of children (under 18 years) depicting sexual posing, performing sexual acts on themselves or others, animals or sadomachisism.

A child for these purposes is considered to be anyone under the age of 18. An image of a child also covers pseudo-photographs (digitally collated or otherwise). This offence can include images taken by and distributed by the child themselves (often referred to as "Sexting", see section 9.1). Viewing an indecent image of a child on your

computer or phone means that you have made a digital image and printing/forwarding/sharing/publishing can be considered to be distribution. A person convicted of such an offence may face up to 10 years in prison.

Criminal Justice and Immigration Act 2008

Section 63 makes it an offence to possess “extreme pornographic images”. 63 (6) identifies that such images must be considered to be “grossly offensive, disgusting or otherwise obscene”. Section 63 (7) includes images of “threats to a person life or injury to anus, breasts or genitals, sexual acts with a corpse or animal whether alive or dead” must also be “explicit and realistic”. Penalties for possession of extreme pornographic images can be up to 3 years imprisonment.

The Serious Crime Act 2015

Part 5 (Protection of Children) section 67 makes it a criminal offence for an adult (person aged over 18) to send a child (under 16) sexualised communications or send communications intended to elicit a sexual communication. The offence is committed whether or not the child communicates with the adult. Penalties for sexual communication with a child can be up to 2 years imprisonment.

Section 69 makes it an offence to be in possession of paedophile manuals, information or guides (physically or electronically) which provide advice or guidance on sexually abusing children. Penalties for possession of such content can be up to 3 years imprisonment.

This law also removed references in existing legislation to terms such as child prostitution and child pornography and identified that this should be viewed to be child sexual exploitation.

Appendix C

Online Safety (e-Safety) Contacts and Reference

National Links and Resources

Action Fraud: www.actionfraud.police.uk

BBC WebWise: www.bbc.co.uk/webwise

CEOP (Child Exploitation and Online Protection Centre): www.ceop.police.uk

ChildLine: www.childline.org.uk

Childnet: www.childnet.com

Get Safe Online: www.getsafeonline.org

Internet Matters: www.internetmatters.org

Internet Watch Foundation (IWF): www.iwf.org.uk Report Button – Click Here

Lucy Faithfull Foundation: www.lucyfaithfull.org

Know the Net: www.knowthenet.org.uk

Net Aware: www.net-aware.org.uk

NSPCC: www.nspcc.org.uk/onlinesafety

Parent Port: www.parentport.org.uk

Professional Online Safety Helpline: www.saferinternet.org.uk/about/helpline

The Marie Collins Foundation: http://www.mariecollinsfoundation.org.uk/

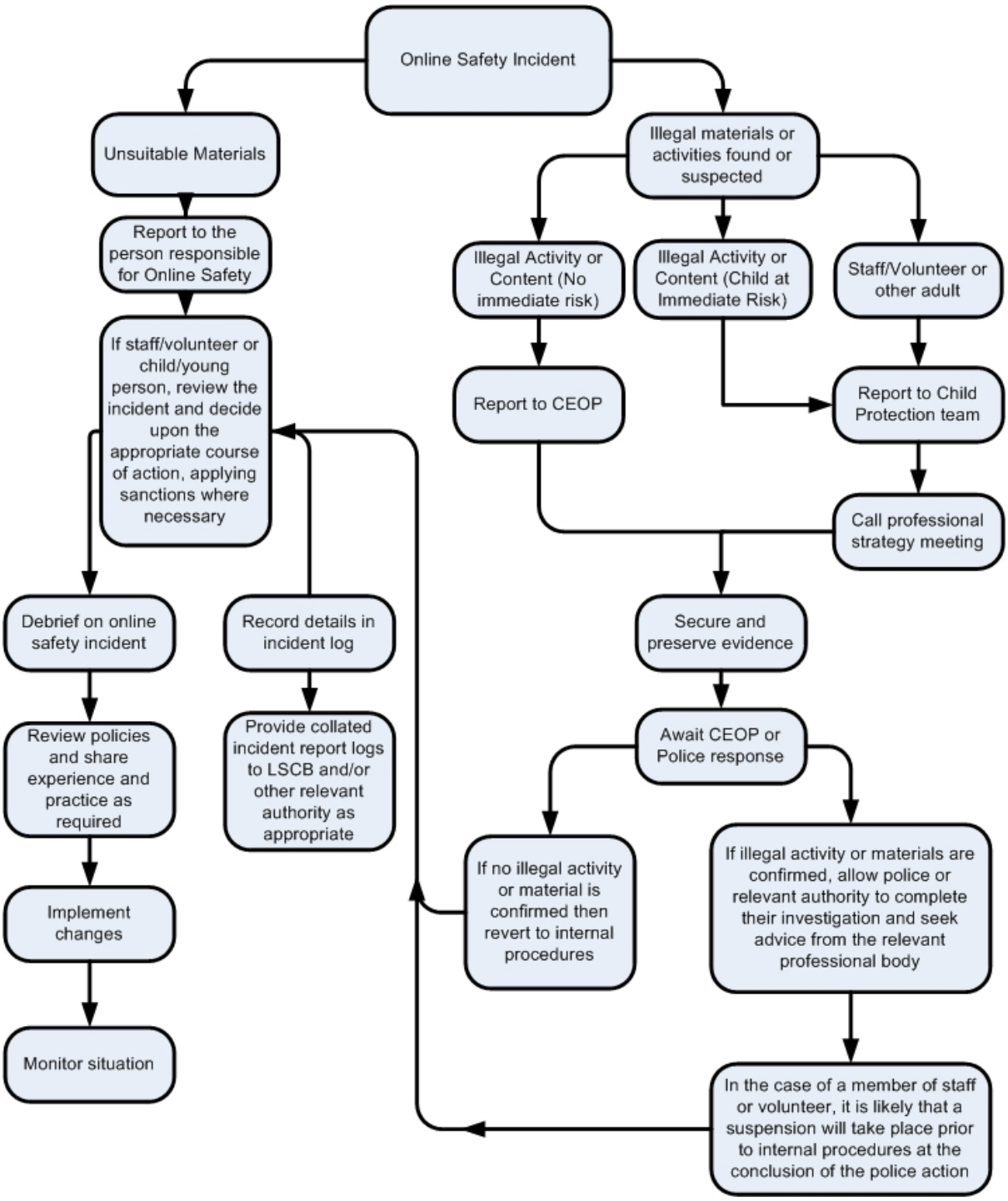
Think U Know: www.thinkuknow.co.uk

Virtual Global Taskforce: www.virtualglobaltaskforce.com

UK Safer Internet Centre: www.saferinternet.org.uk

360 Safe Self-Review tool for schools: https://360safe.org.uk/

Appendix D – Responding to Incidents of Misuse – Flowchart



Taken from the SWGFL - Responding to incidents of misuse – flow chart, part of their E-safety School Template Policies Document.