

## Sexting/Youth Produced Sexual Imagery Guidance Notes

1. The principal consideration when dealing with sexting should be ***the safeguarding of children***. If there is concern that a child has been harmed or is at risk of harm a referral should be made to the Police Public Protection Unit (PPU). Child Sexual Exploitation (CSE) should be at the forefront of any investigation – If in any doubt, seek expert advice from the Police PPU.
2. Sexting is an offence that occurs when a person takes, makes, permits to take, distributes, shows, possesses, and possesses with the intent to distribute, or to advertise indecent photographs or pseudo-photographs of any person below the age of 18.  
Commonly this happens when children and young people use digital technology, to take and share indecent images (still photographs and/or videos) of themselves - known as selfies – or others. Saving such images sent to a phone is classified as ‘making a new indecent image’.
3. Crimes involving indecent images, of themselves, or others fall under Section 1 of the Protection of Children Act, 1978; Sexual Offences Act, 2003; Obscene Publications Act 1959; Malicious Communications Act, 1988.
4. A serious incident is defined by the Home Office Counting Rules for recording crime (Annex B 2015/2016 HOCR). This is specifically applicable to police officers working in schools. Sexting can ***never*** be a School Crime Beat incident.
5. If the incident is a third party report, seek advice as a crime can be raised in accordance with 3<sup>rd</sup> party rule HOCR 2015/2016.
6. A repeat offender is any person who has previously come to the attention of the police on two or more occasions, for the same offence. However, each case should be considered on its own merit
7. Once an individual has been made ‘subject’ to a sexting crime, this may be disclosed through an advanced disclosure request at a future date. This may have an impact on the individual’s future employability. There is a potential for an individual involved in sexting to be added to the Sex Offender’s register.
8. Young people involved should be made aware of the following: ‘You have been recorded on police systems against (add crime type) and we (the Police) have taken no further action against you. In the future, if you require an enhanced DBS check, it is unlikely this log will be disclosed unless it shows a pattern of behaviour. However, any decision to disclose is based on all factors and information available at the time of the decision.’
9. ACPO of England, Wales and Northern Ireland, ***does not support the prosecution or criminalisation of children*** for taking indecent images of themselves and sharing them.
10. Crimes will need to be recorded in accordance with National Crime Recording Standard (NCRS) and Home Office Counting Rules (HOCR).

**Sexting/Youth Produced Sexual Imagery**  
(Cannot be a School Crime Beat Incident)

Please note: It is advisable that any image should **not** be viewed by any member of staff other than the safeguarding officer (DSP). Confiscate the device and secure. Follow school protocols.

School must carry out its safeguarding procedures. Consider possible CSE risks.

**School Response**

Report to Police via 101 **or** liaise with SCPO for guidance. Sexting is a serious incident and will be recorded on Police systems.

School response

Police response

**In all cases an incident must be created and safeguarding and crime routes followed**

**Safeguarding**

Public Protection Unit **must** be notified of **all** children and young people involved

Await update from PPU and other agencies

**Crime**

(See notes 1-10)

A crime must be raised against every victim/offender and investigated. Secure, preserve evidence. All victims and offenders to be linked to the incident.

Is this a repeat offender?  
Is an adult implicated?

Yes

No

Consider prosecution for CSE

Contact CID

A decision has been made not to prosecute – pass to SCPO for RA and educational response

**Restorative Approach**  
Victim/ Offender meeting with relevant parties

**Education**  
General Sexting lesson/assembly to school & specific inputs to victim/offender

The incident should be finalised with an appropriate closure code/outcome (Outcome 21). as defined in Section H of General Rules in the Home Office Counting Rules