# Childnet Response to the Department for Education consultation on changes to the statutory guidance *Keeping children safe in education* (KCSIE) and a new departmental non-statutory advice document covering sexual violence and sexual harassment between children in schools and colleges.

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**About Childnet:**

Childnet is a children's charity with a mission to help make the internet a great and safe place for children and young people. Since 1995 Childnet has delivered a positive impact with its empowering, youth-led, evidence-based and collaborative approach to empower children and young people to use the internet safely and positively.

From its innovative resources for 3-18s, parents, carers and teachers, to its pupil powered e-safety programmes, Childnet has stayed at the cutting edge of the latest tech trends by speaking to thousands of children and young people face-to-face each year.

As one of three charities in the UK Safer Internet Centre (UKSIC), Childnet coordinates Safer Internet Day, which reaches millions of UK children every year.

It achieves a wider impact through giving young people a voice and influencing best practice and policy, both in the UK and internationally, sitting on Facebook's Safety Advisory Board, Twitter's Trust and Safety Council and the Executive Board of the UK Council for Child Internet Safety.

For more information, visit www.childnet.com and www.saferinternet.org.uk.

**Background about Childnet relevant to this response:**

Childnet coordinates an EU-funded project that seeks to understand, prevent and respond to online sexual harassment among minors. Project deSHAME ([www.deshame.eu](www.deshame.eu)) is a collaboration between Childnet, Save the Children (Denmark), Kek Vonal (Hungary) and UCLan (UK), co-financed by the EU. In December it published a report into young people's experiences of this issue.

Childnet has developed a range of educational materials to support schools in teaching online safeguarding as part of SRE and PSHE, which are available for free on the Childnet website. These include:

- Early Years/Key Stage 1: [Digiduck's Big Decision](), an illustrated story book about friendships, including online.
- [Smartie the Penguin]() stories, encourage children to tell someone if they have a problem or are worried about something online.
- KS2: the [Adventures of Captain Kara and the SMART crew]() – five cartoons that teach the key SMART rules on keeping safe online.
- [Crossing the Line, a PSHE Toolkit](): developed with support from the EU and the GEO, these four short films and accompanying resources/lesson plans, are designed to engage children in discussions around sexting, homophobic cyberbullying, peer pressure and self-esteem.
- Developing children's critical thinking around online content, contact and propaganda in [Trust Me](), a resource about critical thinking online for teachers working with primary and secondary school children.
- [Childnet Digital Leaders Programme](), empowering young people to become peer educators and active agents in their school community.
- There are also resources for parents, including how to talk to your child about [online pornography]().
- We provide and regularly update a guide to teaching the [Computing Curriculum]().
- Childnet also produced an award-winning film, [Let's fight it together](), made for the Department for Children, Schools and Families, and this resource that has been used in schools right across the country and also right across the world. It focusses on the prevention and response to cyberbullying.

**Findings from our research into online sexual harassment:**

In December, Childnet published its Project deSHAME report (deshame.eu) into the prevalence of online sexual harassment among teenagers in the UK, Denmark and Hungary, which demonstrate the breadth and scale of this issue.

In our report we categorised online sexual harassment in four main types. These different behaviours are often experienced simultaneously and can overlap with offline experiences of sexual harassment.

*Non-consensual sharing of intimate images and videos*

- Over half of UK respondents aged 13-17 years (51%) said they have witnessed people their age circulating nude or nearly nude images of someone they know, also referred to as 'revenge porn', while 6% have been the target of this behaviour.

- Almost a quarter of UK teens (23%) have witnessed young people secretly taking sexual images of someone and sharing them online, also referred to as 'creep shots' or 'upskirting', while 8% admitted they had done this in the last year.

*Exploitation, coercion and threats*

- 1 in 10 of UK respondents aged 13-17 years (10%) have received sexual threats online, including rape threats, from people their age in the last year, while 31% have witnessed this happening.

- 12% of UK teens said their boyfriend or girlfriend had pressured them to share nude images in the last year, with girls being more likely to report this (14%) than boys (7%).

*Sexualised bullying*

- 26% of UK respondents aged 13-17 years have had rumours about their sexual behaviour shared online in the last year, with almost two-thirds of respondents (65%) saying that girls are judged more harshly for this than boys.

- Almost a third of UK teens (31%) had seen people their age creating fake profiles of someone to share sexual images, comments or messages in the last year, while almost half (47%) witnessed 'doxing' where other young people share personal details of someone who is seen as 'easy'.

*Unwanted sexualisation*

- 23% of UK respondents aged 13-17 years have received unwanted sexual messages and images in the last year, with girls being significantly more likely to experience this (31%) compared to boys (11%).

- Over a quarter of UK teens (26%) reported that they had received sexual comments on a photo they posted of themselves in the last year, with girls being significantly more likely to experience this (33%) compared to boys (14%).

The research revealed that young people face many barriers that can prevent them from speaking up about online sexual harassment.

Young people in the UK are more likely to turn to their friends if they experienced online sexual harassment (68%), compared to their parent or carer (39%), the police (18%) or a teacher (15%). While the majority of UK teens (81%) said they would block the person on social media, just 38% said they would report them.

Over half of UK teens (53%) said they would just ignore it, with young people reporting a range of barriers that would prevent them from speaking up.

- 56% said they would be too embarrassed

- 49% said they would be worried their parents/carers would stop them using the internet

- 48% said they would be worried that they were to blame

- 47% said they would be worried about what would happen next

Childnet welcomed the introduction of online safety into the statutory guidance in 2016. It is essential that all schools and colleges empower children and young people to use technology safely and responsibly.

We recommend four key changes to help schools and colleges keep their pupils safe online.

## 1) A whole school approach

To strengthen Annex C, we recommend making it clear that a whole school approach to online safeguarding is essential.

At present, there is only a brief reference under 'Staff training' to the requirement to ensure children are taught about safeguarding, including online (paragraph 78). Annex C provides an important opportunity to reinforce the need for preventative education across all ages, including through Computing, PSHE and RSE curricula.

This section could reinforce the importance of involving everyone in the school or college, including the governing body or proprietor, all the staff, all the children and their parents or carers.

It would provide an opportunity to reinforce the need to embed online safeguarding throughout relevant policies and procedures.

We recommend that this new section is presented at the beginning of Annex C to give it necessary prominence. The guidance about 'Filters and Monitoring' is important, but the focus on this risks changing school priorities with regards to online safeguarding.

## 2) Broadening the definition of online safety

To strengthen Annex C, we recommend broadening the definition of online safety beyond three categories of online risk and expanding the introductory statement that currently refers to a limited list of risks (child sexual exploitation, radicalisation, sexual predation).

Over several years a clear consensus has been reached that while online safety education must equip children to navigate online risks, it is also essential to promote positive behaviours that support their wellbeing and healthy relationships, while giving them the skills they need to thrive in the digital age.

For example, topics that schools need to address include:

- Promoting children's wellbeing and self-esteem in relation to their technology use, including exploring issues of body image and mental health.
- Empowering children to develop healthy relationships, including addressing peer pressure, consent, coercion, respect and inclusivity.

- Developing children's digital skills and media literacy to ensure they are able to make informed decisions and critically evaluate any online content.

With the introduction of the guidance on peer-on-peer abuse (paragraph 86) and advice at Annex A of KCSIE about sexual violence and sexual harassment, there is also now the opportunity to provide a clear reference to the role of digital technology in peer-on-peer abuse, including cyberbullying and online sexual harassment.

## 3) Equipping schools to manage incidents

We recommend the inclusion of a section in Annex C on managing incidents.

This would provide an opportunity to highlight the UKCCIS advice 'Sexting in schools and colleges: Responding to incidents and safeguarding young people'. In particular it is important to highlight the specific guidance around handling devices and imagery and risk assessing situations.

We also recommend highlighting the UK Safer Internet Centre's Helpline, which offers free, tailored support to the children's workforce and can help schools manage incidents and escalate to social media companies to assist in the quick removal of harmful content.

## 4) Changing threats require an annual assessment of risk

Given the changing nature of threats posed to children by the internet, we as part of the UK Safer Internet Centre also recommend that governing bodies and proprietors should ensure that an annual online safety risk assessment is completed.

For schools and colleges to discuss these issues and risks at least annually will mean that their online safety policy and provision will be more effective at preventing harm. Mitigation measures and safeguards will be systematically assessed and amended to manage the identified risks in their context.  It will also mean that the school or college will be better placed to articulate and evidence its online safety policy and provision when challenged.

# Question 6(a): Do you have any comments on the effectiveness of the sexual violence and sexual harassment advice?

Childnet welcomes the advice for schools on sexual violence and sexual harassment between children in schools and colleges.

We believe this guidance will support schools and colleges in effectively safeguarding children and young people from sexual violence and sexual harassment, including online. This standalone advice provides schools and colleges with the level of detail needed to ensure they can effectively understand, prevent and respond to this issue.

It  has been valuable to work with the Department for Education to give young people who are members of our Project deSHAME Youth Advisory Board the opportunity to review drafts of this advice.

It is clear from our research that many young people are experiencing and witnessing online sexual harassment, but they face many barriers that can prevent them from seeking help. Meanwhile schools and colleges face significant challenges in understanding, preventing and responding to online sexual harassment.

We have **four recommendations** to improve the effectiveness of this advice for schools and colleges, which we provide further detail on below.

1. Refining the definition of online sexual harassment
2. Supporting schools in managing digital evidence in cases of sexual violence and sexual harassment
3. Supporting schools in managing the peer context surrounding incidents
4. Providing clear reference to the UKCCIS advice 'Sexting in schools and colleges: Responding to incidents and safeguarding young people'

## 1) Refining the definition of online sexual harassment

We welcome the inclusion of online sexual harassment in paragraph 7 (page 7) of the advice. Our research delivered as part of Project deSHAME indicates the prevalence of this form of sexual harassment, as well as the particular challenges it can present.

In our Project deSHAME report (deshame.eu) we categorise online sexual harassment in four main types:

- *Non-consensual sharing of intimate images and videos*
- *Sexual exploitation, coercion and threats, including rape threats and blackmail*
- *Sexualised online bullying, including impersonation and defamation*
- *Unwanted sexualisation, including unwanted sexual requests, messages or comments*

**We recommend making it very clear to schools, in the context of online sexual harassment, the difference between consensual and non-consensual sharing of sexual images and videos**, which would require a different response by schools and colleges. Currently, paragraph 7 (page 7) includes the wording "non-consensual sharing of sexual images and videos and sharing sexual images and videos (both often referred to as sexting)". We would recommend amending this to "non-consensual sharing of sexual images and videos".

All incidents involving youth produced sexual imagery should be responded to in line with the school's safeguarding and child protection policy. However, not all incidents would be defined as online sexual harassment.

Sexting, or the sharing of sexual images and videos, can take place consensually and as such would be managed differently if disclosed to a school and there were no aggravating factors. On the other hand, it may be defined as sexual violence or sexual harassment in the context of aggravating factors that mean the image sharing was non-consensual:

- a young person's sexual image was shared with others without their permission
- a young person was coerced into sharing an image of themselves
- a young person was blackmailed with their sexual image
- a young person received an unwanted sexual image from someone else

As set out in page 12 of the UKCCIS advice 'Sexting in schools and colleges: Responding to incidents and safeguarding young people':

"If a young person has shared imagery consensually, such as when in a romantic relationship, or as a joke, and there is no intended malice, it is usually appropriate for the school to manage the incident directly. In contrast any incidents with aggravating factors, for example, a young person sharing someone else's imagery without consent and with malicious intent, should generally be referred to police and/or children's social care."

**We recommend the inclusion of 'sexualised online bullying'** as part of the definition of online sexual harassment. In our research this emerged as a very common form of online sexual harassment. We found that 26% of UK respondents aged 13-17 years have had rumours about their sexual behaviour shared online in the last year. Almost a third of UK teens (31%) had seen people their age creating fake profiles of someone to share sexual images, comments or messages in the last year, while almost half (47%) witnessed 'doxing' where other young people share personal details of someone who is seen as 'easy'.

**We recommend clarifying that online sexual harassment involves 'unwanted sexual comments and messages', not just 'inappropriate sexual comments'**. This changed definition makes it explicitly clear the importance of consent and places the victims experience and needs at the heart of the definition. It removes any need for a value judgment about whether a comment is 'appropriate' or 'inappropriate'. The inclusion of 'messages' in the definition would help to reflect how digital communication can be public ('comments') and private ('messages').

## 2) Supporting schools in managing digital evidence in cases of sexual violence and sexual harassment

Incidents of online sexual harassment often require schools and colleges to manage digital evidence, including potentially illegal content such as indecent images of children.

In the section on 'Managing the disclosure' on page 19 of the advice, we recommend the inclusion of advice for schools about searching devices and viewing and deleting imagery. There is helpful wording in relation to this on pages 15-17 of the UKCCIS advice 'Sexting in schools and colleges: Responding to incidents and safeguarding young people'.

## 3) Supporting schools in managing the peer context surrounding incidents

Incidents of sexual harassment, particularly online incidents, commonly involve the wider peer group as witnesses and in some cases active participants. Some cases may involve multiple schools. For example, a young person's sexual image may have been distributed non-consensually with many peers both within their school and in their local community.

In the section 'Safeguarding and supporting the alleged perpetrator' on page 35 of the advice, we recommend including advice for schools about managing the incident in relation to the wider peer group, particularly considering incidents that may involve multiple perpetrators and bystanders who have been involved in the incident in different ways.

Schools would benefit from advice on:

- Finding out who has seen or shared any sexual image or other digital content and how further distribution can be prevented
- Asking young people to delete imagery and to confirm that they have deleted the imagery
- Sanctions / disciplinary measures
- Educational interventions (considering proportionality and the needs of the victim)
- Liaising with other schools and settings.

## 4) Providing clear reference to the UKCCIS advice 'Sexting in schools and colleges: Responding to incidents and safeguarding young people'.

It would be helpful to include the UKCCIS advice 'Sexting in schools and colleges: Responding to incidents and safeguarding young people' in page 4 'Other advice and guidance'.

In particular, in paragraph 86 of the advice we would recommend referring to this as 'advice for schools and colleges on responding to sexting incidents' rather than 'sexting advice'.

Childnet welcomes the summary at Annex A of the advice for schools on sexual violence and sexual harassment between children in schools and colleges. It is helpful that this is referenced in paragraph 86 in KCSIE.

We believe this will enable schools and colleges to effectively safeguard children and young people from sexual violence and sexual harassment, including online. It is helpful for schools to have this summarised version at Annex A, supported by more in-depth standalone advice. We believe the summary at Annex A is an appropriate length.

We have **four recommendations** to improve the effectiveness of Annex A and paragraph 86 in KCSIE, which we provide further detail on below.

1) Clearly signposting to the detailed advice throughout Annex A
2) Ensuring all key information in the detailed advice is included in the summary at Annex A
3) Clarifying the wider issue of peer on peer abuse, and sexual harassment or violence within this
4) Clarifying the definition of sexting as a form of peer on peer abuse

## 1) Clearly signposting to the detailed advice throughout Annex A

It is helpful that there is a link to the detailed advice at the start of Annex A, but we would recommend including clear references throughout Annex A, including providing page numbers.

For example, wording could be included throughout Annex A like "For further advice about managing the disclosure, see page 19 of the <u>detailed advice</u>"

This would support schools in effectively using the summary and detailed advice together.

## 2) Ensuring all key information in the detailed advice is included in the summary at Annex A

It is helpful that the summary at Annex A provides information on all key areas included in the detailed advice.

We recommend also including the following sections from the detailed advice in the summary at Annex A.

- Annex A page 72 'Context': We recommend including reference to the vulnerabilities of young people who are, or perceived to be, LGBT, see paragraph 2 (page 6) of the detailed advice.

- Annex A page 72 'Context': We recommend including information about harmful sexual behaviours, see paragraph 9 (page 8) of the detailed advice.
- Annex A page 73 'A whole school or college approach': We recommend including reference to the importance of staff training, see paragraph 22-23 (page 12) of the detailed advice.
- Annex A page 73 'A whole school or college approach': We recommend including further detail on the role of education in prevention, particularly highlighting the need for 'a planned programme of evidence-based content delivered through the curriculum' including through SRE and PSHE, see paragraph 25 (page 13) of the detailed advice.
- Annex A page 73 'A whole school or college approach': We recommend mentioning how schools should consider if specialist support and interventions are necessary, see paragraph 29-30 (page 14) of the detailed advice.
- Annex A page 74 'Managing the disclosure': We recommend including further detail on effective safeguarding practice in managing disclosures, either by referring to Part One of KCSIE or by including a summary of paragraph 40 (page 20) of the detailed advice.
- Annex A page 74 'Managing the disclosure': We recommend including further detail on how to handle digital evidence, including potentially illegal content such as indecent images of children. (Note: we have recommended that this is included in the detailed advice for schools and colleges – see our recommendation 2, question 6a). This could also be an opportunity to refer to the UKCCIS advice 'Sexting in schools and colleges: Responding to incidents and safeguarding young people'.
- Annex A page 75 'Action following a report: What to consider': We recommend introducing this section including information from page 25-27 of the detailed advice to frame why these considerations are important: "There are four likely scenarios for schools and colleges to consider when managing any reports of sexual violence and/or sexual harassment: 1) Manage internally, 2) Early help, 3) Referrals to children's social care, 4) Reporting to the police."
- Annex A: We recommend including a section on 'Working with parents and carers', see paragraph 62-67 (page 36-37) of the detailed advice.

## 3) Clarifying the wider issue of peer on peer abuse, and sexual harassment or violence within this

It is helpful to contextualise sexual harassment and sexual violence within broader issues of peer on peer abuse.

However, we recommend making this clearer at paragraph 86 and Annex A.

Annex A includes a very brief overview of peer on peer abuse (page 71) but then goes specifically to focus on sexual violence and sexual harassment. It might be clearer to include only the advice on sexual harassment and sexual violence in Annex A. This could then be titled "Further information on sexual violence and sexual harassment between children" to align with the other advice provided in Annex A.

Paragraph 86 provides advice on peer on peer abuse more broadly, which is helpful. We recommend making the following amendments to ensure it reflects this.

- Include bullying (including cyberbullying) in the overview of the different forms peer on peer abuse can take. This addition could signpost to the Department's advice for schools [Preventing and Tacking Bullying](Preventing and Tacking Bullying)
- Make it clear that the gendered nature of peer on peer abuse is only for some types, for example girls are more likely to experience sexual violence and sexual harassment.
- Make it clear that the additional information in Annex A only addresses sexual harassment and sexual violence, not peer on peer abuse more broadly.

## 4) Clarifying the definition of sexting as a form of peer on peer abuse

Currently, paragraph 86 lists 'sexting' as a form of peer on peer abuse. We would recommend amending this wording to "Non-consensual sharing of sexual images (known as 'sexting' or 'revenge porn')".

As suggested in our first recommendation in question Question 6(a), we recommend making it very clear to schools, in the context of peer on peer abuse, the difference between consensual and non-consensual sharing of sexual images and videos.

Sexting, or the sharing of sexual images and videos, can take place consensually and as such would be managed differently if disclosed to a school and there were no aggravating factors. On the other hand, it may be defined as peer on peer abuse in the context of aggravating factors that mean the image sharing was non-consensual.

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## Question 7: Which of the following options would you support and why?

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We support the following option:

> The department publishes standalone advice and summarises it in Annex A of KCSIE

We believe this approach provides schools with the level of detail needed to equip them to effectively safeguard pupils from sexual violence and sexual harassment. The detailed advice provides the opportunity to provide in-depth case studies, further signposting and in-depth advice.

We believe this approach would be most effective if there is clear signposting from the summary in Annex A to the relevant sections of the standalone advice, making it as easy as possible for schools to use these in combination.