Monkton Church of England School

Our Christian Values are:

Trust Friendship Compassion Forgiveness Justice

At Monkton Church of England Primary School we aim to create a community that enables every child to be and do the best they can.

We will actively promote the development of pupils' spiritual, moral, social and cultural awareness, fostering attitudes of tolerance and respect which ensures every member of the school community feels important and valued.

In school we celebrate and promote our Christian and British values. Our policies are written with the importance of these in mind and they underpin our Christian school ethos.

Online Safety (e–Safety) Policy

Contents

Please note that any reference in this policy to 'School' refers to Monkton Church of England School

1. Creating an Online Safety Ethos

1.1 Aims and policy scope

- Monkton Church of England School 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.
- Monkton Church of England School 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.
- Monkton Church of England School has a duty to provide the school community with quality Internet access to raise education standards, promote pupil achievement, support professional work of staff and enhance the schools management functions. Monkton Church of England School also identifies that with this there is a clear duty to ensure that children are protected from potential harm online.

- The purpose of Monkton Church of England School online safety policy is to:
    - Clearly identify the key principles expected of all members of the community with regards to the safe and responsible use technology to ensure that Monkton Church of England School is a safe and secure environment.
    - Safeguard and protect all members of Monkton Church of England School community online.
    - Raise awareness with all members of Monkton Church of England School 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, screening, searching and confiscation and relevant curriculum policies including computing, Personal Social Health and Education (PSHE), Citizenship and Sex and Relationships education (SRE).

1.2 Writing and reviewing the online safety policy

- Monkton Church of England School online safety policy has been written by the school, involving staff, pupils and parents/carers, building on the KCC online safety policy template with specialist advice and input as required.
- The policy has been approved and agreed by the Senior Leadership Team and the Governors.
- The school has appointed a member of the leadership team as the online safety lead.
- The schools online safety (e–Safety) Policy and its implementation will be reviewed at least annually or sooner if required.

The Online safety (e-Safety) Coordinator is: Jean Kennett (Headteacher)

Policy approved by: Jean Kennett. Date: 12.09.16

Policy approved by Governors: Date: 03/10/16

The date for the next policy review is September 2017

1.3 Key responsibilities of the community

Relevant for all settings

All members of school/setting communities have an essential role to play in ensuring the safety and wellbeing of others, both on and offline. It is important that all members of the community are aware of these roles and responsibilities and also how to access and seek support and guidance.

1.3.1 Key responsibilities of Monkton Church of England School are:

- Developing, owning and promoting the online safety vision and culture to all stakeholders, in line with national and local recommendations with appropriate support and consultation throughout the school community.
- Ensuring that online safety is viewed by the whole community as a safeguarding issue and proactively developing a robust online safety culture.
- Supporting the Designated Safeguarding Lead (DSL) by ensuring they have sufficient time and resources to fulfil their online safety role and responsibilities.
- Ensuring there are appropriate and up-to-date policies and procedures regarding online safety including an Acceptable Use Policy which covers appropriate professional conduct and use of technology.
- To ensure that suitable and appropriate filtering and monitoring systems are in place to protect children from inappropriate content which meet the needs of the school community whilst ensuring children have access to required educational material.
- To work with and support technical staff in monitoring the safety and security of school/setting systems and networks and to ensure that the school/setting 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/setting curriculum which enables all pupils to develop an age-appropriate understanding of online safety and the associated risks and safe behaviours.
- To be aware of any online safety incidents and ensure that external agencies and support are liaised with as appropriate.
- Receiving and regularly reviewing online safeguarding records 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 ensure a member of the Governing Body (***or committee, board member as appropriate***) is identified with a lead responsibility for supporting online safety.
- Auditing and evaluating current online safety practice to identify strengths and areas for improvement.
- To ensure that the Designated Safeguarding Lead (DSL) works with the online safety lead. (**If they are not the same person. See section 1.3.2**)

1.3.2 Key responsibilities of the designated safeguarding/online safety lead 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 Monkton Church of England School 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 Monkton Church of England School safeguarding recording structures and mechanisms.
- Monitor Monkton Church of England School's online safety incidents to identify gaps/trends and update the education response to reflect need and to report to the SLT, Board of Governors 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 the Acceptable Use Policies (AUPs) and adhering to them.
- Taking responsibility for the security of school systems and data.
- Having an awareness of a range of different online safety issues and how they may relate to the children in their care.
- Modelling good practice when using new and emerging technologies
- Embedding online safety education in curriculum delivery wherever possible.
- Identifying individuals of concern and taking appropriate action by following school safeguarding policies and procedures.
- 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.
- Demonstrating an emphasis on positive learning opportunities.
- 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 support 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 schools filtering policy is applied and updated on a regular basis and that responsibility for its implementation is shared with the DSL.
- Ensuring that the use of the school/setting's network is regularly monitored and reporting any deliberate or accidental misuse to the DSL.

- Report any breaches or concerns to the DSL and leadership team and together ensure that they are recorded and appropriate action is taken as advised.
- Developing an understanding of the relevant legislation as it relates to the security and safety of the technical infrastructure.
- Report any breaches and liaising with the local authority (or other local or national bodies) as appropriate on technical infrastructure issues.
- Providing technical support and perspective to the DSL 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.

1.3.5 Key responsibilities of children and young people are:

- Contributing to the development of online safety policies.
- Reading the 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 Monkton Church of England School 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 school 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 Monkton Church of England School, or other appropriate agencies, if they or their child encounters online problems or concerns.
- Contributing to the development of the school/setting online safety policies.
- Using school systems, such as learning platforms, 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 school/setting website

- Monkton Church of England School will ensure that information posted on the school websites 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 pupils' personal information will not be published.
- The Headteacher for Monkton Church of England School will take overall editorial responsibility for online content published by the school and will ensure that content published is accurate and appropriate.

- Monkton Church of England School website will comply with the school's guidelines for publications including respect for intellectual property rights, privacy policies and copyright.
- Email addresses will be published carefully online, to avoid being harvested for spam (e.g. by replacing '@' with 'AT'.)
- Pupils work will be published with their permission or that of their parents/carers.
- The administrator account for the school website will be safeguarded with an appropriately strong password.
- The school will post information about safeguarding, including online safety, on the school website for members of the community.

2.2 Publishing images and videos online

- Monkton Church of England School will ensure that all images are used in accordance with Monkton Church of England School image use policy.
- Monkton Church of England School will ensure that all use of images and videos take place in accordance other policies and procedures including data security, Acceptable Use Policies, Codes of Conduct, social media, use of personal devices and mobile phones etc.
- In line with the image policy, written permission from parents or carers will always be obtained before images/videos of pupils are electronically published.

2.3 Managing email

- Pupils may only use Monkton Church of England School provided email accounts for educational purposes (**remove for early years settings)**
- All members of staff are provided with a specific Monkton Church of England School email address to use for any official communication.
- The use of personal email addresses by staff for any official Monkton Church of England School 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 data protection legislation (e.g. sensitive or personal information) will only be sent using secure and encrypted email.
- Access to Monkton Church of England School email systems will always take place in accordance to data protection legislation and in line with other appropriate school/setting policies e.g. confidentiality.
- Members of the community must immediately tell a designated member of staff if they receive offensive communication and this will be recorded in the school safeguarding files/records.
- Whole -class or group email addresses may be used for communication outside of the school (***in early years, infant and primary schools***).
- Staff will be encouraged to develop an appropriate work life balance when responding to email, especially if communication is taking place between staff and pupils and parents.
- Excessive social email use can interfere with teaching and learning and will be restricted. Access in school to external personal email accounts may be blocked.
- Email 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.
- School email addresses and other official contact details will not be used for setting up personal social media accounts.

2.4 Official videoconferencing and webcam use

- The school acknowledges that videoconferencing is a challenging activity with a wide range of learning benefits. Preparation and evaluation are essential to the whole activity.
- All videoconferencing equipment will be switched off when not in use and where appropriate, not set to auto answer.

- Equipment connected to the educational broadband network will use the national E.164 numbering system and display their H.323 ID name.
- External IP addresses will not be made available to other sites.
- Videoconferencing contact details will not be posted publically.
- Video conferencing equipment will be kept securely and, if necessary, locked away when not in use.
- School videoconferencing equipment will not be taken off school premises without permission.
- Staff will ensure that external videoconference opportunities and/or tools are suitably risk assessed and will ensure that accounts and systems used to access events are appropriately safe and secure.

Users

- Pupils will ask permission from a teacher before making or answering a videoconference call or message.
- Videoconferencing will be supervised appropriately for the pupils' age and ability. This will be supervised by trained staff only.
- Parents and carers consent will be obtained prior to children taking part in videoconferencing activities.
- Video conferencing will take place via official and approved communication channels following a robust risk assessment.
- Only key administrators will be given access to videoconferencing administration areas or remote control pages.
- Unique log on and password details for the educational videoconferencing services will only be issued to members of staff and kept secure.

Content

- When recording a videoconference lesson, written permission will be given by all sites and participants. The reason for the recording must be given and the recording of videoconference should be clear to all parties at the start of the conference. Recorded material will be stored securely.

- If third party materials are to be included, the school will check that recording is acceptable to avoid infringing the third party intellectual property rights.
- Monkton Church of England School will establish dialogue with other conference participants before taking part in a videoconference. If it is a non-school site the school will check that they are delivering material that is appropriate for the class.

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

- 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. Please access specific curriculum policies for further information.
- The Monkton Church of England School'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 pupils.
- 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 is essential.
- Supervision of pupils will be appropriate to their age and ability
- At Early Years Foundation Stage and Key Stage 1 pupils' access to the Internet will be by adult demonstration with occasional directly supervised access to specific and approved online materials which supports the learning outcomes planned for the pupils' age and ability.
- At Key Stage 2 pupils will be supervised. Pupils will use age-appropriate search engines and online tools and online activities will be teacher-directed where necessary. Children will be directed to online material and resources which support the learning outcomes planned for the pupils' age and ability.
- In residential provisions the school will balance children's ability to take part in age appropriate peer activities online with the need for the school to detect abuse, bullying or unsafe practice by children in accordance with the national minimum standards (NMS).
- All school owned devices will be used in accordance with the school Acceptable Use Policy and with appropriate safety and security measure in place. (***schools should list the specific measures in place e.g. for tablets, if mobile device management software will be used, how access will be recorded and how this will be enforced***)

- Members of staff will always evaluate websites, tools and apps fully before use in the classroom or recommending for use at home.
- Pupils will be educated in the effective use of the Internet in research, including the skills of knowledge location, retrieval and evaluation.
- The school will use age appropriate search tools as decided by the school following an informed risk assessment to identify which tool best suits the needs of our community. The following websites are approved to be used as search engines by Staff/Pupils:
    - www.kidrex.org
    - http://primaryschoolict.com/

- Monkton Church of England School will ensure that the use of Internet-derived materials by staff and pupils complies with copyright law and acknowledge the source of information.
- Pupils 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-school/setting requirement across the curriculum.
- Monkton Church of England School will use the internet to enable pupils and staff to communicate and collaborate in a safe and secure environment.

2.6 Publishing Pupil's Images and Work and Storage of Images

On a child's entry to the Monkton Church of England School, all parents / carers will be asked to give permission to use their child's work / photos in the following ways:

- Leaders/managers and staff will regularly monitor the usage of the Learning Platform (LP) in all areas, in particular message and communication tools and publishing facilities.
- Pupils/staff will be advised about acceptable conduct and use when using the LP.
- Only members of the current pupil, parent/carers and staff community will have access to the LP.
- All users will be mindful of copyright issues and will only upload appropriate content onto the LP.
- When staff, pupils' etc. leave the school their account or rights to specific school areas will be disabled or (**if appropriate**) transferred to their new establishment.
- Any concerns about content on the LP will be recorded and dealt with in the following ways:
    a) The user will be asked to remove any material deemed to be inappropriate or offensive.
    b) The material will be removed by the site administrator if the user does not comply.
    c) Access to the LP for the user may be suspended.
    d) The user will need to discuss the issues with a member of leadership before reinstatement. e) A pupil's parent/carer may be informed.
- A visitor may be invited onto the LP by a member of the leadership. In this instance there may be an agreed focus or a limited time slot.
- Pupils may require editorial approval from a member of staff. This may be given to the pupil to fulfil a specific aim and may have a limited time frame.

3. Social Networking Policy

3.1. General social media use

- Expectations regarding safe and responsible use of social media will apply to all members of Monkton Church of England School community and exist in order to safeguard both the school/setting and the wider community, on and offline. Examples of social media may include blogs, wikis, social networking sites, forums, bulletin boards, multiplayer online gaming, apps, video/photo sharing sites, chatrooms, instant messenger and many others.
- All members of Monkton Church of England School community will be encouraged to engage in social media in a positive, safe and responsible manner at all times.
- Information about safe and responsible use of social media will be communicated clearly and regularly to all members of Monkton Church of England School community.

- All members of Monkton Church of England School community are advised not to publish specific and detailed private thoughts, concerns, pictures or messages on any social media services, especially content that may be considered threatening, hurtful or defamatory to others.
- Monkton Church of England School will control pupil and staff access to social media and social networking sites whilst on site and when using school provided devices and systems.
- The use of social networking applications during school hours for personal use **is not** permitted.
- Inappropriate or excessive use of social media during school/work hours or whilst using school/setting devices may result in disciplinary or legal action and/or removal of Internet facilities.
- Any concerns regarding the online conduct of any member of Monkton Church of England School community on social media sites should be reported to the leadership team and will be managed in accordance with policies such as anti-bullying, allegations against staff, behaviour and safeguarding/child protection.
- Any breaches of school/setting policy may result in criminal, disciplinary or civil action being taken and this will depend upon the age of those involved and the circumstances of the wrong committed. Action taken will be accordance with relevant policies, such as anti-bullying, allegations against staff, behaviour and safeguarding/child protection.

3.2. Official use of social media

- Monkton Church of England School official social media channels are: ***NONE***
- Official use of social media sites by Monkton Church of England School will only take place with clear educational or community engagement objectives with specific intended outcomes e.g. increasing parental engagement.
- Official use of social media sites as communication tools will be risk assessed and formally approved by the headteacher/manager.
- Official school/setting social media channels will be set up as distinct and dedicated social media site or account for educational or engagement purposes.
- Staff will use Monkton Church of England School provided email addresses to register for and manage any official approved social media channels.
- Members of staff running official social media channels will sign a specific Acceptable Use Policy (AUP) to ensure they are aware of the required behaviours and expectations of use and to ensure that sites are used safely, responsibly and in accordance with local and national guidance and legislation.
- All communication on official social media platforms will be clear, transparent and open to scrutiny.
- Any online publication on official social media sites will comply with legal requirements including the Data Protection Act 1998, right to privacy conferred by the Human Rights Act 1998, or similar duty to protect private information and will not breach any common law duty of confidentiality, copyright etc.
- Official social media use will be in line with existing policies including anti-bullying and child protection.
- Images or videos of children will only be shared on official social media sites/channels in accordance with the image use policy.
- Information about safe and responsible use of social media channels will be communicated clearly and regularly to all members of the community.
- Official social media sites, blogs or wikis will be suitably protected (e.g. password protected) and where possible/appropriate, run and/or linked to from the Monkton Church of England School website and take place with written approval from the Leadership Team.
- Leadership staff must be aware of account information and relevant details for social media channels in case of emergency, such as staff absence.
- Parents/Carers and pupils will be informed of any official social media use, along with expectations for safe use and l action taken to safeguard the community.
- Public communications on behalf of Monkton Church of England School will, where possible, be read and agreed by at least one other colleague.
- Official social media channels will link back to Monkton Church of England School website and/or Acceptable Use Policy to demonstrate that the account is official.
- Monkton Church of England School will ensure that any official social media use does not exclude members of the community who are unable or unwilling to use social media channels.

3.3 Staff personal use of social media

- The safe and responsible use of social networking, social media and personal publishing sites will be discussed with all members of staff as part of staff induction and will be revisited and communicated via regular staff training opportunities.

- Safe and professional behaviour will be outlined for all members of staff (including volunteers) as part of the Monkton Church of England School Acceptable Use Policy.
- All members of staff are advised not to communicate with or add as 'friends' any current or past children/pupils or current or past pupils' family members via any personal social media sites, applications or profiles. Any pre-existing relationships or exceptions that may compromise this will be discussed with Designated Safeguarding Lead and/or the headteacher.
- If ongoing contact with pupils is required once they have left the school roll, then members of staff will be expected to use existing alumni networks or use official school provided communication tools.
- All communication between staff and members of the school community on school business will take place via official approved communication channels (***such as an official setting provided email address or phone numbers***)
- Staff will not use personal social media accounts to make contact with pupils or parents, nor should any contact be accepted, except in circumstance whereby prior approval has been given by the Headteacher/manager.
- Any communication from pupils/parents received on personal social media accounts will be reported to the schools designated safeguarding lead.
- Information and content that staff members have access to as part of their employment, including photos and personal information about pupils and their family members, colleagues etc. will not be shared or discussed on personal social media sites.
- All members of staff are strongly advised to safeguard themselves and their privacy when using social media sites. This will include being aware of location sharing services, setting the privacy levels of their personal sites as strictly as they can, opting out of public listings on social networking sites, logging out of accounts after use and keeping passwords safe and confidential.
- All members of staff are encouraged to carefully consider the information, including text and images, they share and post online and to ensure that their social media use is compatible with their professional role and is in accordance with schools policies (**safeguarding, confidentiality, data protection etc**.) and the wider professional and legal framework.
- Members of staff will be encouraged to manage and control the content they share and post online. Advice will be provided to staff via staff training and by sharing appropriate guidance and resources on a regular basis.
- Members of staff will notify the Leadership/Management Team immediately if they consider that any content shared or posted via any information and communications technology, including emails or social networking sites conflicts with their role in the Monkton Church of England School setting.
- Members of staff are encouraged not to identify themselves as employees of Monkton Church of England School on their personal social networking accounts. This is to prevent information on these sites from being linked with the school/setting and also to safeguard the privacy of staff members and the wider community.
- Members of staff will ensure that they do not represent their personal views as that of the school/setting on social media.
- Monkton Church of England School email addresses will not be used for setting up personal social media accounts.

3.5 Pupils use of social media

Safe and responsible use of social media sites will be outlined for children and their parents as part of the Acceptable Use Policy.

- Personal publishing on social media sites will be taught to pupils as part of an embedded and progressive education approach via age appropriate sites which have been risk assessed and approved as suitable for educational purposes.
- Pupils will be advised to consider the risks of sharing personal details of any kind on social media sites which may identify them and / or their location. Examples would include real/full name, address, mobile or landline

phone numbers, school attended, Instant messenger contact details, email addresses, full names of friends/family, specific interests and clubs etc.

- Pupils will be advised not to meet any online friends without a parent/carer or other responsible adult's permission and only when they can be present.
- Pupils will be advised on appropriate security on social media sites and will be encouraged to use safe and passwords, deny access to unknown individuals and be supported in learning how to block and report unwanted communications.
- Pupils will be encouraged to approve and invite known friends only on social networking sites and to deny access to others by making profiles private/protected.
- Parents will be informed of any official social media use with pupils and written parental consent will be obtained, as required.
- Any official social media activity involving pupils will be moderated by the school where possible.
- The school is aware that many popular social media sites state that they are not for children under the age of 13, therefore the School will not create accounts within school specifically for children under this age.
- Any concerns regarding pupils' use of social networking, social media and personal publishing sites, both at home and at school, will be dealt with in accordance with existing school policies including anti-bullying and behaviour.
- Any concerns regarding pupils' use of social networking, social media and personal publishing sites, both at home and at school, will be raised with parents/carers, particularly when concerning any underage use of social media sites.

4. Use of Personal Devices and Mobile Phones

- The widespread ownership of mobile phones and a range of other personal devices among children, young people and adults will require all members Monkton Church of England School community to take steps to ensure that mobile phones and personal devices are used responsibly.
- **T**he use of mobile phones and other personal devices by young people and adults will be decided by Monkton Church of England School and is covered in appropriate policies including the school Acceptable Use or Mobile Phone Policy.
- Monkton Church of England School recognises that personal communication through mobile technologies is an accepted part of everyday life for children, staff and parents/carers but requires that such technologies need to be used safely and appropriately within Monkton Church of England School.

4.1 Expectations for safe use of personal devices and mobile phones

- All use of personal devices and mobile phones will take place in accordance with the law and other appropriate school policies (***list as appropriate***).
- Electronic devices of all kinds that are brought in on site are the responsibility of the user at all times. The school/setting accepts no responsibility for the loss, theft or damage of such items. Nor will Monkton Church of England School accept responsibility for any adverse health effects caused by any such devices either potential or actual.
- Mobile phones and personal devices are not permitted to be used in certain areas within Monkton Church of England School site such as changing rooms, toilets and swimming pools.
- The sending of abusive or inappropriate messages or content via mobile phones or personal devices is forbidden by any member of the community and any breaches will be dealt with as part of the discipline/behaviour policy.
- Members of staff will be issued with a work phone number and email address where contact with pupils or parents/carers is required.
- All members of Monkton Church of England School community will be advised to take steps to protect their mobile phones or devices from loss, theft or damage.
- All members of Monkton Church of England School community will be advised to use passwords/pin numbers to ensure that unauthorised calls or actions cannot be made on their phones or devices if they are lost or stolen. Passwords and pin numbers should be kept confidential. Mobile phones and personal devices should not be shared.

- All members of Monkton Church of England School community will be advised to ensure that their mobile phones and personal devices do not contain any content which may be considered to be offensive, derogatory or would otherwise contravene the school/settings policies.
- School/setting mobile phones and devices must always be used in accordance with the Acceptable Use Policy and any other relevant policies.
- School/setting mobile phones and devices used for communication with parents and pupils must be suitably protected via a passcode/password/pin and must only be accessed and used by members of staff.

4.2 Pupils use of personal devices and mobile phones

- Pupils will be educated regarding the safe and appropriate use of personal devices and mobile phones.
- All use of mobile phones and personal devices by children will take place in accordance with the acceptable use policy.
- Pupil's personal mobile phones and personal devices will be kept in the school office and switched off.
- Mobile phones or personal devices will not be used by pupils during lessons or formal school time unless as part of an approved and directed curriculum based activity with consent from a member of staff. The use of personal mobile phones or devices for a specific education purpose does not mean that blanket use is permitted.
- If members of staff have an educational reason to allow children to use their mobile phones or personal devices as part of an educational activity then it will only take place when approved by the Leadership Team.
- If a pupil needs to contact his/her parents/carers they will be allowed to use Monkton Church of England School phone.
- Parents are advised not to contact their child via their mobile phone during the school day, but to contact the school office. Exceptions may be permitted in exceptional circumstances on a case-by-case basis and as approved by the headteacher.
- Pupils should protect their phone numbers by only giving them to trusted friends and family members.
- Pupils will be instructed in safe and appropriate use of mobile phones and personal devices and will be made aware of boundaries and consequences.
- Mobile phones and personal devices must not be taken into examinations. Pupils found in possession of a mobile phone or personal device during an exam will be reported to the appropriate examining body. This may result in the pupil's withdrawal from either that examination or all examinations.
- If a pupil breaches the school policy then the phone or device will be confiscated and will be held in a secure place in the school office. Mobile phones and devices will be released to parents/carers in accordance with the school policy.
- If there is suspicion that material on a pupil's personal device or mobile phone may be illegal or may provide evidence relating to a criminal offence then the device will be handed over to the police for further investigation.

4.3 Staff use of personal devices and mobile phones

- Members of Monkton Church of England School staff are not permitted to use their own personal phones or devices for contacting children, young people and their families within or outside of the setting in a professional capacity. Any pre-existing relationships which could compromise this will be discussed with leaders/managers.
- Staff will not use personal devices such as mobile phones, tablets or cameras to take photos or videos of children and will only use work-provided equipment for this purpose.
- Staff will not use any personal devices directly with children and will only use work-provided equipment during lessons/educational activities.
- Members of staff will ensure that any use of personal phones and devices will always take place in accordance with the law e.g. data protection as well as relevant school policy and procedures e.g. confidentiality, data security, Acceptable Use etc.
- Staff personal mobile phones and devices will be switched off/switched to 'silent' mode during lesson times and kept in the staff room.
- Bluetooth or other forms of communication should be "hidden" or switched off during lesson times.

- Personal mobile phones or devices will not be used during teaching periods unless permission has been given by a member of the Leadership Team in emergency circumstances.
- Staff will ensure that any content bought on site via mobile phones and personal devices are compatible with their professional role and expectations.
- If a member of staff breaches Monkton Church of England School policy then disciplinary action will be taken.
- If a member of staff is thought to have illegal content saved or stored on a mobile phone or personal device or have committed a criminal offence then the police will be contacted.
- Any allegations against members of staff involving personal use of mobile phone or devices will be responded to following Monkton Church of England School allegations management policy.

4.4 Visitors use of personal devices and mobile phones

- Parents/carers and visitors must use mobile phones and personal devices in accordance with the schools policy.
- Use of mobile phones or personal devices by visitors and parents/carers to take photos or videos must take place in accordance with the school image use policy.
- The school will ensure appropriate signage and information is displayed and provided to inform visitors of expectations of use.
- Staff will be expected to challenge concerns when safe and appropriate and will always inform the Designated Safeguarding Lead of any breaches of use by visitors.

5. Policy Decisions

5.1. Reducing online risks

- Monkton Church of England School is aware that the Internet is a constantly changing environment with new apps, tools, devices, sites and material emerging at a rapid pace.
- Emerging technologies will be examined for educational benefit and the School's leadership team will ensure that appropriate risk assessments are carried out before use in the School is allowed.
- Monkton Church of England School will ensure that appropriate filtering systems are in place to prevent staff and pupils from accessing unsuitable or illegal content. **Schools should include appropriate details about the systems in place**
- Monkton Church of England School 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.
- Monkton Church of England 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.
- Methods to identify, assess and minimise online risks will be reviewed regularly by Monkton Church of England School leadership team.

5.2 Internet use throughout the wider school/setting community

- Monkton Church of England School will liaise with local organisations to establish a common approach to online safety.
- The school will work with the local community's needs (including recognising cultural backgrounds, languages, religions and ethnicity) to ensure internet use is appropriate.
- The school will provide an Acceptable Use Policy for any guest/visitor who
- needs to access the school computer system or internet on site

5.3 Authorising internet access

- Monkton Church of England School will maintain a current record of all staff and pupils who are granted access to the School's electronic communications.
- All staff, pupils and visitors will read and sign the School Acceptable Use Policy before using any school ICT resources.
- Parents will be informed that pupils 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 pupil 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 pupil(s).

6. Engagement Approaches

6.1 Engagement and education of children and young people

- An online safety (e-Safety) curriculum will be established and embedded throughout the whole school, to raise awareness regarding the importance of safe and responsible internet use amongst pupils.
- Education about safe and responsible use will precede internet access.
- Pupils input will be sought when writing and developing school online safety policies and practices.
- Pupils 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.
- Pupil instruction regarding responsible and safe use will precede Internet access.
- Online safety (e-Safety) will be included in the PSHE, SRE, Citizenship and Computing programmes of study covering both safe school and home use.
- 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 schools internal online safety (e-Safety) education approaches.
- The school will reward positive use of technology by pupils.
- The school will implement peer education to develop online safety as appropriate to the needs of the pupils.

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

- Monkton Church of England School is aware that some children may be considered to be more vulnerable online due to a range of factors.
- Monkton Church of England School 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).*

6.3 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 our safeguarding responsibilities.
- Staff will be made aware that our Internet traffic can be monitored and traced to the individual user. Discretion and professional conduct is essential when using school systems and devices.
- 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 in a variety of ways, on a regular (at least annual) basis.
- 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 school. 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.

- Members of staff with a responsibility for managing filtering systems or monitor ICT use will be supervised by the Leadership Team and will have clear procedures for reporting issues or concerns.
- Monkton Church of England School will highlight useful online tools which staff should use according to the age and ability of the pupils.

6.4 Engagement and education of parents and carers

- Monkton Church of England School 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 school online safety (e-Safety) policy and expectations in newsletters, letters, the school prospectus and on the school 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.
- 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 pupils 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.

7. Managing Information Systems

7.1 Managing personal data online

- Personal data will be recorded, processed, transferred and made available according to the Data Protection Act 1998.
- Full information regarding the schools approach to data protection and information governance can be found in the schools information security policy.

7.2 Security and Management of Information Systems

- The security of Monkton Church of England School information systems and users will be reviewed regularly.
- Virus protection will be updated regularly.
- Personal data sent over the Internet or taken off site (such as via portable media storage) will be encrypted or accessed via appropriate secure remote access systems.
- Portable media may not be used without specific permission followed by an anti-virus /malware scan.
- Unapproved software will not be allowed in work areas or attached to email.
- Files held on the school's network will be regularly checked.
- The network manager will review system capacity regularly.
- The appropriate use of user logins and passwords to access the school network will be enforced for all but the youngest users.
- All users will be expected to log off or lock their screens/devices if systems are unattended.
- The school will log and record internet use on all school owned devices (***list how this will be achieved***).

Password policy (*if not covered elsewhere in school policies*)

- All users will be informed not to share passwords or information with others and not to login as another user at any time.
- Staff and pupils must always keep their password private and must not share it with others or leave it where others can find it.
- All members of staff will have their own unique username and private passwords to access school systems. Members of staff are responsible for keeping their password private. From year X (amend as appropriate), all pupils are provided with their own unique username and private passwords to access school systems. Pupils are responsible for keeping their password private.

- We require staff and pupils to use STRONG passwords for access into our system.
- We require staff and pupils to change their passwords every year.

7.3 Filtering and Monitoring

- The governors/proprietors will ensure that the school has age and ability appropriate filtering and monitoring in place whilst using school devices and systems to limit children's exposure to online risks.
- The school's internet access strategy will be dependent on the need and requirements of our community and will therefore be designed to suit the age and curriculum requirements of our pupils, with advice from technical, educational and safeguarding staff.
- All monitoring of school owned/provided systems will take place to safeguard members of the community.
- All users will be informed that use of school systems can be monitored and that all monitoring will be in line with data protection, human rights and privacy legislation.
- Monkton Church of England School uses educational filtered secure broadband connectivity through the KPSN which is appropriate to the age and requirement of our pupils.
- Monkton Church of England School uses Light Speed filtering system which blocks sites that fall into categories such as pornography, racial hatred, extremism, gaming, sites of an illegal nature, etc.
- Monkton Church of England School will work with KCC and the Schools Broadband team or broadband/filtering provider to ensure that filtering policy is continually reviewed.
- Monkton Church of England School will have a clear procedure for reporting breaches of filtering which all members of the school community (all staff and all pupils) will be made aware of.
- If staff or pupils discover unsuitable sites, the URL will be reported to the School Designated Safeguarding Lead and will then be recorded and escalated as appropriate.
- Monkton Church of England School filtering system will block all sites on the Internet Watch Foundation (IWF) list.
- Changes to the school filtering policy will be risk assessed by staff with educational and technical experience prior to any changes and where appropriate with consent from the Leadership Team.
- All changes to Monkton Church of England School filtering policy will be logged and recorded.
- The Leadership Team will ensure that regular checks are made to ensure that the filtering methods selected are effective and appropriate.
- Any material that the school believes is illegal will be reported to appropriate agencies such as IWF, Kent Police or CEOP immediately.

7.4 Management of applications (apps) used to record children's progress

- The headteacher/manager is ultimately responsible for the security of any data or images held of children.
- Apps/systems which store personal data will be risk assessed prior to use.
- Only school/setting issued devices will be used for apps that record and store children's personal details, attainment or photographs. Personal staff mobile phones or devices will not be used to access or upload content to any apps which record and store children's personal details, attainment or images.
- Devices will be appropriately encrypted if taken off site to prevent a data security breach in the event of loss or theft.
- Users will be advised on safety measures to protect all members of the community such as using strong passwords, logging out of systems etc.
- Parents will be informed of the schools expectations regarding safe and appropriate use (e.g. not sharing passwords or sharing images) prior to being given access.

8. Responding to Online Incidents and Concerns

- All members of the community will be made aware of the range of online risks that are likely to be encountered including sexting, online/cyber bullying etc. This will be highlighted within staff training and educational approaches for pupils.

- All members of Monkton Church of England School community will be informed about the procedure for reporting online safety (e-Safety) concerns, such as breaches of filtering, sexting, cyberbullying, illegal content etc.
- The Designated Safeguarding Lead (DSL) will be informed of any online safety (e-Safety) incidents involving child protection concerns, which will then be recorded.
- The DSL will ensure that online safety concerns are escalated and reported to relevant agencies in line with the Kent Safeguarding Children Board thresholds and procedures.
- Complaints about Internet misuse will be dealt with under the School's complaints procedure.
- Complaints about online/cyber bullying will be dealt with under the School's anti-bullying policy and procedure
- Any complaint about staff misuse will be referred to the head teacher.
- Any allegations against a member of staff's online conduct will be discussed with the LADO (Local Authority Designated Officer).
- Pupils, parents and staff will be informed of the schools complaints procedure.
- Staff will be informed of the complaints and whistleblowing procedure.
- All members of the school community will need to be aware of the importance of confidentiality and the need to follow the official school procedures for reporting concerns.
- All members of Monkton Church of England School 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 school community.
- Monkton Church of England School will manage online safety (e-Safety) incidents in accordance with the school discipline/behaviour policy where appropriate.
- Monkton Church of England School will inform parents/carers of any incidents of concerns as and when required.
- After any investigations are completed, the school 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 school will contact the Education Safeguards Team or Kent Police via 101 or 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 Kent Police.
- If the school is unsure how to proceed with any incidents of concern, then the incident will be escalated to the Education Safeguarding Team.
- If an incident of concern needs to be passed beyond the school/setting community, then the concern will be escalated to the Education Safeguarding Team to communicate to other schools/settings in Kent.
- Parents and children will need to work in partnership with the school to resolve issues.

Appendix A

Procedures for Responding to Specific Online Incidents or Concerns

The following content is provided to enable schools and education settings to make appropriate safeguarding decisions reading online safety concerns and has been written by the Kent e-Safety Strategy Group with input from specialist services and teams. This content is not exhaustive and cannot cover every eventually so professional judgement and support from appropriate agencies such as the Education Safeguarding Team, Police, CSET and Children's Social Care is encouraged.
Some settings may not feel that these sections are relevant due to the age and ability of children; however it is recommended that designated safeguarding leads ensure that their settings safeguarding policies and procedures are robust and are applicable for a range of safeguarding issues should they occur.

Some schools and settings will place these sections within existing safeguarding and child protection policies and procedures rather than the online safety policy or within other appropriate policies and procedures. Other settings will prefer to keep this content as reference material for Designated Safeguarding Leads.

9.1 Responding to concerns regarding Youth Produced Sexual Imagery or "Sexting"

Discussion:

Youth Produced Sexual Imagery 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 or even exploitation due to blackmail from a friend, partner, or other on or offline contact.

There can also be emotional and reputation damage that can come from having intimate photos forwarded to others or shared online including 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.

Whilst is it important for professionals not to condone the creation of youth produced sexual imagery it is important to recognise that many young people (and indeed adults) view sharing sexual images as part of a "normal" relationship in today's modern society. 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 than 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 sexualised images will need to be considered and made on a case by case basis based on a number of factors including age, intent and vulnerability of children involved.

'Keeping Children Safe in Education' 2016 (to be implemented in September 2016) highlights the need for all members of staff to be aware that abuse can be perpetrated by children themselves, including sexting, and there is a need for all members of staff to be aware of concerning behaviour and appropriate safeguarding responses.

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. Should an incident arise which necessitates criminal investigation then it may require the seizure of the phone/device and any other devices involved or identified as potentially having access to the imagery. Schools and settings should ensure the existing policies regarding seizing and searching are robust and up-to-date.

Schools and education settings DLS should access and consider the guidance as set out in UKCCIS guidance 'Sexting in schools and colleges: responding to incidents and safeguarding young people' which can be downloaded from Kelsi: www.kelsi.org.uk/support-for-children-and-young-people/child-protection-and-safeguarding/e-safety and www.gov.uk/government/uploads/system/uploads/attachment_data/file/545997/Sexting_in_schools_and_colleges_UKCCIS__4_.pdf

Designated Safeguarding Leads (DSLs) should ensure that they are familiar with the relevant Kent Safeguarding Children Board Threshold and procedures regarding online safety, including but not limited to:

- 2.2.2: Children Who Exhibit Harmful Behaviour including Sexual Harm
- 2.2.7: Working with Sexually Active Young People
- 2.2.9: Bullying
- 2.2.10: Online Safety, Child Abuse and Technology
- 2.2.11: Safeguarding Children Abused through Sexual Exploitation

Specific advice for responding to youth produced sexual imagery for professionals working within Kent can be accessed within these procedures. KSCB guidance and a localised flow chart can also be accessed at http://www.kscb.org.uk/guidance/online-safety and within Annex C (please note the 2 page guidance should be accessed in conjunction with the flowchart)

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. Early years and primary schools are an essential time for education regarding safe and responsible taking and sharing images as this will them to develop resilience against potential peer and social pressure to take and share sexual imagery when they are older. A range of appropriate educational resources for children and parents can be accessed in the 'Sexting in schools and colleges: responding to incidents and safeguarding young people' document (available as above).
The statement within Appendix B may also help DSLs consider how best to respond to concerns relating to youth produced sexual imagery.

- Monkton Church of England School ensure that all members of the community are made aware of the potential social, psychological and criminal consequences of sharing, possessing and creating youth produced sexual imagery (known as "sexting").
- The school will implement preventative approaches via a range of age and ability appropriate educational approaches for pupils, staff and parents/carers.
- Monkton Church of England School views "sexting" as a safeguarding issue and all concerns will be reported to and dealt with by the Designated Safeguarding Leads: J Kennett/K Wilson.
- Monkton Church of England School will follow the guidance as set out in the non-statutory UKCCIS advice 'Sexting in schools and colleges: responding to incidents and safeguarding young people' and KSCB "Responding to youth produced sexual imagery" guidance
- If Monkton Church of England School are made aware of incident involving creating youth produced sexual imagery the school will:
- Act in accordance with the schools child protection and safeguarding policy and the relevant Kent Safeguarding Child Boards procedures.
- Immediately notify the designated safeguarding lead.
- 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.
- Implement appropriate sanctions in accordance with the schools behaviour policy but taking care not to further traumatise victims where possible.
- Review the handling of any incidents to ensure that the school is implementing best practice and the leadership team will review and update any management procedures where necessary.
- Inform parents/carers about the incident and how it is being managed.
- The school will not view an images suspected of being youth produced sexual imagery unless there is no other possible option or there is a clear need or reason to do so (in these cases the image will only be viewed by the Designated Safeguarding Lead).
- Monkton Church of England School will not send, share or save content suspected to be an indecent image of children and will not allow or request children to do so.
- If an indecent image has been taken or shared on the school/settings network or devices then the school will take action to block access to all users and isolate the image.
- The school will take action regarding creating youth produced sexual imagery, regardless of the use of school/setting equipment or personal equipment, both on and off the premises.
- The school will ensure that all members of the community are aware of sources of support regarding youth produced sexual imagery.

9.2. Responding to concerns regarding Online Child Sexual Abuse and exploitation

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 Kent Safeguarding Children Board procedure for children who display harmful behaviours (2.2.2).
Online child sexual abuse can also link in with Child Sexual Exploitation and DSLs should be aware of the KSCB CSE toolkit, CSET Team and Operation Willow: http://www.kscb.org.uk/guidance/sexual-abuse-and-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.
Designated Safeguarding Leads (DSLs) should ensure that they are familiar with the relevant Kent Safeguarding Children Board Threshold and procedures regarding online safety, including but not limited to:

- 2.2.2: Children Who Exhibit Harmful Behaviour including Sexual Harm (Assessing and Providing Interventions)
- 2.2.7: Working with Sexually Active Young People
- 2.2.9: Bullying
- 2.2.10: Online Safety, Child Abuse and Technology
- 2.2.11: Safeguarding Children Abused through Sexual Exploitation
- Monkton Church of England School 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 school will implement preventative approaches for online child sexual abuse via a range of age and ability appropriate educational approaches for pupils, staff and parents/carers.
- Monkton Church of England School views online child sexual abuse as a safeguarding issue and all concerns will be reported to and dealt with by the Designated Safeguarding Leads J Kennett/K Wilson.
- If the school is unclear if a criminal offence has been committed then the Designated Safeguarding Lead will obtain advice immediately through the Education Safeguarding Team and/or Kent Police.
- If the school is made aware of intelligence or information which may relate to child sexual exploitation (on or offline) then it will be passed through to the CSET team by the DSL.
- If the school are made aware of incident involving online child sexual abuse of a child then the school will:
    - Act in accordance with the schools child protection and safeguarding policy and the relevant Kent Safeguarding Child Boards procedures.
    - Immediately notify the designated safeguarding lead.
    - Store any devices involved securely.
    - Immediately inform Kent police via 101 (using 999 if a child is at immediate risk)
    - Where appropriate the school will involve and empower children to report concerns regarding online child sexual abuse e.g. using the Click CEOP report form: www.ceop.police.uk/safety-centre/
    - Carry out a risk assessment which considers any vulnerabilities of pupil(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 pupil(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 school is implementing best practice and the school leadership team will review and update any management procedures where necessary.

- The school 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 school will ensure that all members of the community are aware of sources of support regarding online child sexual abuse.
- If pupils at other schools are believed to have been targeted then the school will seek support from the Education Safeguarding Team to enable other schools to take appropriate action to safeguarding their community.
- The school will ensure that the Click CEOP report button is visible and available to pupils and other members of the school community, for example

9.3. 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, 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 should seek advice from the Education Safeguards Team or Kent 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 sough 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).

Designated Safeguarding Leads (DSLs) should ensure that they are familiar with the relevant Kent Safeguarding Children Board Threshold and procedures regarding online safety, including but not limited to:

- 2.2.2: Children Who Exhibit Harmful Behaviour including Sexual Harm
- 2.2.7: Working with Sexually Active Young People
- 2.2.9: Bullying
- 2.2.10: Online Safety, Child Abuse and Technology
- 2.2.11: Safeguarding Children Abused through Sexual Exploitation

Schools and settings may wish to highlight responding to concerns regarding Indecent Images of children within existing policies and procedures rather than within the online safety policy.

- Monkton Church of England School 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 school will take action regarding of Indecent Images of Children (IIOC) regardless of the use of school/setting equipment or personal equipment, both on and off the premises.
- The school will take action to prevent access accidental access to of 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 school is unclear if a criminal offence has been committed then the Designated Safeguarding Lead will obtain advice immediately through the Education Safeguarding Team and/or Kent Police.
- If the school/setting is made aware of Indecent Images of Children (IIOC) then the school will:
- Act in accordance with the schools child protection and safeguarding policy and the relevant Kent Safeguarding Child Boards procedures.
- Immediately notify the school Designated Safeguard Lead.
- Store any devices involved securely.
- Immediately inform appropriate organisations e.g. the Internet Watch Foundation (IWF), Kent 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 school are made aware that a member of staff or a pupil has been inadvertently exposed to indecent images of children whilst using the internet then the school will:
- Ensure that the Designated Safeguard Lead is 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 school are made aware that indecent images of children have been found on the schools electronic devices then the school will:
- Ensure that the Designated Safeguard Lead is 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.
- 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 school are made aware that a member of staff is found in possession of indecent images of children on their electronic device provided by the school, then the school will:

- Ensure that the Designated Safeguard Lead is 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 schools managing allegations policy.
- Follow the appropriate school policies regarding conduct.

9.4. Responding to concerns regarding radicalisation or extremism online

- Monkton Church of England School will take all reasonable precautions to ensure that children are safe from terrorist and extremist material when accessing the internet in schools and that suitable filtering is in place which takes into account the needs of pupils.
- When concerns are noted by staff that a child may be at risk of radicalisation online then the Designated Safeguarding Lead (DSL) will be informed immediately and action will be taken in line with the safeguarding policy.
- Online hate content directed towards or posted by specific members of the community will be responded to in line with existing school policies, including anti-bullying, behaviour etc. If the school is unclear if a criminal offence has been committed then the Designated Safeguarding Lead will obtain advice immediately via the Education Safeguarding Team and/or Kent Police.

9.5. 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 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. 2nd Edition. August 2016

Keeping Children Safe in Education’ 2016 (to be implemented in September 2016) highlights the need for staff to be aware that abuse can be perpetrated by children themselves including cyberbullying, and staff must be aware of concerning behaviour and appropriate safeguarding responses.

It is essential that young people, school staff and parents and carers understand how online 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 pupils. These measures should be part of the school’s behaviour policy which must be communicated to all pupils, school staff and parents gives headteachers the ability to ensure that pupils 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 appropriately by schools.

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 pupil 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 feels 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-young-people/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

Cyberbullying, along with all other forms of bullying, of any member of Monkton Church of England Primary School community will not be tolerated. Full details are set out in the school 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 school community affected by online bullying.

- If the school is unclear if a criminal offence has been committed then the Designated Safeguarding Lead will obtain advice immediately through the Education Safeguarding Team and/or Kent Police.
- Pupils, staff and parents/carers will be advised to keep a record of cyberbullying as evidence.
- The school 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.
- Pupils, staff and parents/carers will be required to work with the school to support the approach to cyberbullying and the schools 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 school for the user for a period of time. Other sanctions for pupils and staff may also be used in accordance to the schools anti-bullying, behaviour policy or Acceptable Use Policy.
- Parent/carers of pupils involved in online bullying will be informed.
- The Police will be contacted if a criminal offence is suspected.

9.6 Responding to concerns regarding online hate

Schools and settings will need to be aware that whilst there is likely to be a lot of content on the internet which may be considered to be offensive, very little of it is actually illegal. UK laws have been written to ensure that people can speak and write, even offensive material, without being prosecuted for their views. However there are some situations whereby posting offensive content online may be viewed as illegal as either harassment or possibly as a hate crime. Hate crimes are any crimes that are targeted at a person because of hostility or prejudice towards that person's:

- disability
- race or ethnicity
- religion or belief
- sexual orientation
- transgender identity

Schools must ensure that they respond appropriately regarding online hate and discrimination and support members of the community who may be targeted online.
Useful links www.report-it.org.uk – Report hate crimes

www.stoponlineabuse.org.uk - Report online Sexism, homophobia, biphobia and transphobia

www.homeoffice.gov.uk/crime-victims/reducing-crime/hate-crime/

www.stophateuk.org

www.voiceuk.org.uk

www.victimsupport.org.uk

www.stonewall.org.uk

- Online hate at Monkton Church of England School will not be tolerated. Further details are set out in the school policies regarding anti-bullying and behaviour.
- All incidents of online hate reported to the school will be recorded.
- All members of the community will be advised to report online hate in accordance with relevant school policies and procedures e.g. anti-bullying, behaviour etc.
- The Police will be contacted if a criminal offence is suspected. If the school is unclear if a criminal offence has been committed then the Designated Safeguarding Lead will obtain advice immediately through the Education Safeguarding Team and/or Kent Police.

Appendix B

Questions to support DSLs responding to concerns relating to youth produced sexual imagery

The following statements may DSLs to consider how best to respond to concerns relating to youth produced sexual imagery:

Child/Young person involved

- What is the age of the child(ren) involved?
- If under 13 then a consultation/referral to Children's Social Care should be considered.
- If an adult (over 18) is involved then police involvement will be required. Contact 101 or 999 if there is risk of immediate harm.
- Is the child able to understand the implications of taking/sharing sexual imagery?
- Is the school or other agencies aware of any vulnerability for the children(s) 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?
- Has the child(ren) involved been considered under KSCB 2.2.2 "children who display harmful behaviours" or the KSCB CSE toolkit?

Context

- Is there any contextual information to help inform decision making?
- Is there indication of coercion, threats or blackmail?
  - What was the intent for taking/sharing the imagery? E.g. was it a "joke" or are the children involved in a "relationship"?
- If so is the relationship age appropriate? For primary schools a referral to social care regarding under age sexual activity is likely to be required.
  - Is this behaviour age appropriate experimentation, natural curiosity or is it possible exploitation?
- How were the school made aware of the concern?
  - Did a child disclose about receiving, sending or sharing imagery themselves or was the concern raised by another pupil or member of the school community? If so then how will the school safeguard the pupil concerned given that this is likely to be distressing to discuss.

- Are there other children/pupils involved?
  - If so, who are they and are there any safeguarding concerns for them?
  - What are their views/perceptions on the issue?
- What apps, services or devices are involved (if appropriate)?
- Is the imagery on a school device or a personal device? Is the device secured?

NB: Schools and settings must NOT print/copy etc. imagery suspected to be indecent – the device should be secured until advice can be obtained.

The Imagery

- What does the school know about the imagery? (Be aware it is unlikely to be necessary for staff to view the imagery)
  - Is the imagery potentially indecent (illegal) or is it "inappropriate"?
  - Does it contain nudity or sexual acts?
- Does the child(ren) know who has accessed the imagery?
  - Was it sent to a known peer (e.g. boyfriend or girlfriend) or an unknown adult?
- How widely has the imagery been shared? E.g. just to one other child privately, shared online publically or sent to an unknown number of children/adults?

Action

- Does the child need immediate support and or protection?
  - What is the specific impact on the child?
  - What can the school put in place to support them?
- Is the imagery available online?
  - If so, have appropriate reports been made to service providers etc.?
- Are other schools/settings involved?
  - Does the relevant Designated Safeguarding Lead need to be identified and contacted?
- Is this a first incident or has the child(ren) been involved in youth produced sexual imagery concerns before?
  - If so, what action was taken? **NB repeated issues will increase concerns for offending behaviour and vulnerability therefore an appropriate referral will be required.**
- Are the school child protection and safeguarding policies and practices being followed?
  - Is a member of the child protection team on hand and is their advice and support available?
- How will the school inform parents?
  - With older pupils it is likely that DSLs will work with the young person to support them to inform parents
- Can the school manage this issue internally or are other agencies required?
  - Issues concerning adults, coercion or blackmail, violent/extreme imagery, repeated concerns, vulnerable pupils or risk of significant harm will always need involvement with other agencies.

DSLs should follow the guidance available locally by KSCB and the Education Safeguarding Team and nationally via "'Sexting in schools: youth produced sexual imagery and how to handle it" which can be downloaded from the Kelsi website from (September 2016): http://www.kelsi.org.uk/support-for-children-and-young-people/child-protection-and-safeguarding/e-safety

Appendix D

Notes on the Legal Framework

Many young people and indeed some staff and adults use the Internet regularly without being aware that some of the activities they take part in are potentially illegal.

This section is designed to inform users of potential legal issues relevant to the use of electronic communications. It must not replace professional advice and schools and settings should always consult with their Area Safeguarding Adviser or the Education Safeguarding Adviser (Online Protection) from the Education Safeguarding Team, Legal representation, Local Authority Designated Officer or Kent Police if they are concerned that an offence may have been committed.

Please note that the law around this area is constantly updating due to the rapidly changing nature of the internet and this list is not exhaustive.

Human Rights Act 1998

This does not deal with any particular issue specifically or any discrete subject area within the law. It is a "higher law" which affects all other laws. Within an education context, human rights for schools and settings to be aware of include:

- The right to a fair trial
- The right to respect for private and family life, home and correspondence
- Freedom of thought, conscience and religion
- Freedom of expression
- Freedom of assembly
- Prohibition of discrimination
- The right to education

These rights are not absolute. Schools and settings are obliged to respect these rights and freedoms, balancing them against rights, duties and obligations, which may arise from other relevant legislation.

Data protection and Computer Misuse

Trade Marks Act 1994

This provides protection for Registered Trade Marks, which can be any symbol (words, shapes or images) that are associated with a particular set of goods or services. Registered Trade Marks must not be used without permission. This can also arise from using a Mark that is confusingly similar to an existing Mark.

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, video 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. The Act also provides for Moral Rights, whereby authors can sue if their name is not included in a work they wrote, or if the work has been amended in such a way as to impugn their reputation.

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.

Freedom of Information Act 2000

The Freedom of Information Act gives individuals the right to request information held by public authorities. All public authorities and companies wholly owned by public authorities have obligations under the Freedom of Information Act. When responding to requests, organisations have to follow a number of set procedures.

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.

The Protection of Freedoms Act 2012

This act requires schools to seek permission from a parent / carer to use Biometric systems.

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 and Offensive Content including Hate 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.

Telecommunications Act 1984

It is an offence to send a message or other matter that is grossly offensive or of an indecent, obscene or menacing character. It is also an offence to send a message that is intended to cause annoyance, inconvenience or needless anxiety to another that the sender knows to be false.

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.

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.

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.

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.

The Protection of Freedoms Act 2012 (2A and 4A) and Serious Crimes Act 2015 (section 76) - Stalking and Harassment

The Protection of Freedoms Act 2012 was updated in 2015 and two sections were added regarding online stalking and harassment, section 2A and 4A. Section 2A makes it offence for a perpetrator to pursue a course of conduct (2 or more incidents) described as "stalking behaviour" which amounts to harassment. Stalking behaviours include following, contacting/attempting to contact, publishing statements or material about the victim, monitoring the victim (including online), loitering in a public or private place, interfering with property, watching or spying. The Serious Crime Act 2015 Section 76 also created a new offence of controlling or coercive behaviour in intimate or familial relationships which will include online behaviour.

Criminal Justice and Courts Bill 2015 (section 33) - Revenge Pornography

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 aged 18 or over. For more information access: www.revengepornhelpline.org.uk

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 could 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 states that every school must have measures to encourage good behaviour and prevent all forms of bullying amongst pupils. These measures should be part of the school's behaviour policy which must be communicated to all pupils, school staff and parents. This act (89.5) gives headteachers the ability to ensure that pupils 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 pupils in order to maintain discipline and ensure safety. This act gave permission for Headteachers (and nominated staff) to search for electronic devices. It also provides powers to search for data on those devices and to delete data. 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/pupilsupport/behaviour/behaviourpolicies/f0076897/screening-searching-and-confiscation)

The School Information Regulations 2012

This act requires schools to publish certain information on its website: https://www.gov.uk/guidance/what-maintained-schools-must-publish-online

Sexual Offences

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

- **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)
- **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 know as a result of being in their professional role. It is also an offence 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.

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 sends communications intended to elicit a sexual communications. 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 E

Online Safety (e-Safety) Contacts and References

Kent Support and Guidance

Kent County Councils Education Safeguards Team: www.kelsi.org.uk/support-for-children-and-young-people/child-protection-and-safeguarding

Kent Online Safety Support for Education Settings

Rebecca Avery, Education Safeguarding Adviser (Online Protection)

Ashley Assiter, e-Safety Development Officer

esafetyofficer@kent.gov.uk Tel: 03000 415797

Kent Police: www.kent.police.uk or www.kent.police.uk/internetsafety

In an emergency (a life is in danger or a crime in progress) dial 999. For other non-urgent enquiries contact Kent Police via 101

Kent Public Service Network (KPSN): www.kpsn.net

Kent Safeguarding Children Board (KSCB): www.kscb.org.uk

Kent e–Safety Blog: www.kentesafety.wordpress.com

EiS - ICT Support for Schools and Kent Schools Broadband Service Desk**:** www.eiskent.co.uk

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

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/

Online Compass (Self review tool for other settings): http://www.onlinecompass.org.uk/

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