

YPSI Further Information

What is 'Sexting'?

Youth Produced Sexual Imagery (YPSI 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/app.

☒ It is a crime to take, make, permit to take, distribute, show, possess, possess with intent to distribute, or to advertise indecent images of any person below the age of 18 (Crime and Justice Act 1988, section 160, Protection of Children Act, 1978, section 1,1,a).

☒ Professionals should be aware the prosecution or criminalisation of children for taking indecent images of themselves and sharing them should be avoided where possible. Being prosecuted through the criminal justice system is likely to be upsetting and distressing for children and young people 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.

'Sexting' within the wider safeguarding context

Sexting among children and young people is often considered to be commonplace within modern relationships. However it should raise professional concerns and in some cases may require further action or involvement with other agencies. "Sexting" can be defined as being "Experimental" or "Aggravated" (based on the Wolak and Finklehor model, 2011) and will require professionals to make informed judgements when responding.

Experimental 'Sexting'

These incidents involve children or young people creating and sharing sexual images without additional concerns regarding criminal behaviour (beyond the creation or sending of images), without apparent malice towards others and involves the willing participation of those young people who were pictured. They can be classified in the following way:

☒ **Romantic:** Young people in ongoing relationships, make images for themselves or each other, and the images are ***not intended to be distributed beyond the pair***. For example two 16 year olds are in relationship and are sharing sexual images which are not shared beyond their relationship.

☒ **Sexual Attention Seeking:** Cases in which images are made and ***sent between or amongst young people*** who were not known to be romantic partners, or where one young person takes pictures and sends them to many others or posts them online, presumably to draw sexual attention. For example a 13 year old shares a picture of their breasts to a 14 year old when "flirting" with them.

☒ **Other:** May include cases that do not appear to have aggravating elements but also do not fit into the Romantic or Attention Seeking sub-types. These involve either young people who take pictures of themselves for themselves (***no evidence of any sending or sharing or intent to do so***) or pre-adolescent children who did not appear to have sexual motives. For example an 11 year old taking pictures of their own genitals because they find it funny.

If children or young people engaging in experimental incidents are aged 12 or under, or are considered to be vulnerable then existing procedures should be considered, including (but not limited to) underage sexual activity, Child Sexual Exploitation toolkit and/or children who display harmful behaviour. The wider contextual information will also need to be considered.

Aggravated 'Sexting'

These incidents involve additional criminal or abusive elements beyond the creation, sending or possession of sexual images. This may include the involvement of adults, for example soliciting sexual images from children and young people, or other illegal adult involvement. It may also involve criminal or abusive behaviour by minors such as sexual abuse, extortion, deception or threats; malicious conduct arising from interpersonal conflicts; or creation or sending of images without the knowledge or against the will of those who were pictured. They can be classified in the following way:

☒ **Adult Involved.** An adult (aged 18 or over) has developed a relationship with and/or coerced a child (17 or under) in criminal sex offences. ***The images are generally, but not always, solicited by the adult offender(s).*** For example a 16 year old girl is coerced into sharing sexual images of herself with a 25 year old man.

☒ **Youth Only: Intent to Harm.** Sexual or indecent images which were created by young people (aged 13-17) as part of a consensual age appropriate relationship, which have ***then been shared with the intent to cause harm or distress.*** Cases may arise from interpersonal conflict such as break-ups and fights among friends or partners, involve criminal or abusive conduct such as blackmail, threats or deception or involve criminal sexual abuse or exploitation by juvenile offenders (aged 10-17). For example a 14 year shares naked pictures of an ex-partner for revenge.

☒ **Youth Only: Reckless Misuse.** Images are ***taken, sent or shared by young people without the knowledge or willing participation of the young person who is pictured.*** In these cases, pictures are taken or sent thoughtlessly or recklessly and a victim may have been harmed as a result, but the culpability appears somewhat less than in the intent to harm episodes. For example a 15 year old takes a photo of their friend topless whilst they are changing and shares it online as "a joke". Aggravated cases are likely to need to be discussed with specialist children's services and/or the police. Wider contextual information may also be asked for.

For young people aged 18+ professionals may need to be aware of the Criminal Justice and Courts Act 2015 which states that sexually explicit images or videos of adults sent without consent electronically, with the intent to cause distress, is illegal. This includes the sharing of images without consent both on and offline and includes the physical distribution of images. This is also known as "revenge pornography".

Risk Management

It is expected that all agencies will exercise professional judgement regarding responding to sexting. We consider the harmful sexualised behaviour tool, Child Sexual Exploitation toolkit and threshold document to inform this decision making; however other agency or risk management tools may be appropriate.

NB: professionals must not print, forward, distribute or save any images or content believed to be an indecent image unless Police advice has been given. Key questions should include:

What is already known about the child(ren) or young people involved?

- Age of child(ren) or young people
- Previous/current agency involvement
- Vulnerability e.g. special educational needs, child in care etc.?

How has the imagery been shared?

- Immediate risk of harm
- Multiple incidents

What do we know about the intent or motivation behind creating or sharing the imagery?

- Public or private
- Apps/services involved
- Adult involvement

What is the impact on the child(ren) or young people involved?

- Coercion or blackmail
- Ability to “consent”
- Image is extreme or violent
- Emotional impact
- Criminal consequences
- Potential long term impact