

## DUMFRIES AND GALLOWAY PUBLIC PROTECTION COMMITTEE

# Dumfries and Galloway Multi-Agency Practitioner Guidance to the Sharing of Nudes and Semi-Nudes

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#### 1. Introduction

- 1.1. This guidance provides advice to practitioners working with children and young people. It provides guidance on how to respond to incidents involving children or young people where nudes and semi-nude images have been sent, received, or requested.
- 1.2. This guidance could act as good practice for schools, youth groups and other out of school settings.

### 2. Background Information

- 2.1. Sharing photos, videos and live streams online is part of daily life for many people, enabling them to share their experiences, connect with friends and record their lives.
- 2.2. Photos and videos can be shared via messaging apps or posted on social media and image sharing platforms. It is important to note that children and young people send a variety of images and videos, most of which are not nude, semi-nude, and/ or exploitative or intended to be so.
- 2.3. Not all young people send nudes and semi-nudes, but many are asked to send them or receive images and videos of others with or without consent.
- 2.4. While most children and young people are not creating or sharing these types of images and videos, the potential risks and impact can be significant depending on the nature of the image.
- 2.5. It is therefore important that practitioners working with our children and young people know how to respond if they are the recipient or the sender of an inappropriate image.

### 3. Purpose

- 3.1. To provide practitioners a shared understanding of the potential risks and impact in children and young people's lives of the sharing and receiving of inappropriate images.
- 3.2. To provide a shared approach and promote consistency that if applied will support practitioners when supporting children and young people when images have been sent or received.
- 3.3. To provide a framework for assessing and responding to potential risks. This guidance gives practical advice about what to do if an incident happens or is disclosed in your school, care, or youth work setting. The guidance highlights the steps you need to take and provides some practical examples.
- 3.4. The guidance gives an overview of the problem and offers an insight into the research and categorisation of sharing nudes and semi-nudes incidents. It also highlights some local activities, resources, and support for a preventative approach.
- 3.5. This guidance aligns itself with:
  - UNCRC (United Nations Convention on the Rights of the Child)

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- GIRFEC (Getting it Right for Every Child)
- Keeping the Promise About the promise
- National Child Protection Guidance 2021 Updated 2023

### 4. Scope

- 4.1. To ensure practitioners working with children and young people can respond to incident and provide the necessary advice to allow them to:
  - Assess the situation.
  - Safeguard and support the children or young people.
  - Liaise with other agencies who may become involved.
  - Inform and liaise with parents and carers.

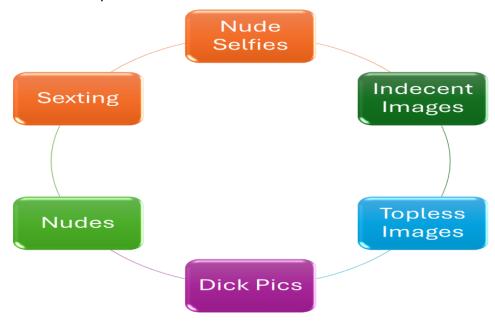
### 5. What is Meant by Nudes and Semi-Nudes?

- 5.1. Sharing nudes is when someone sends a naked or semi-naked image or video to another person. Sharing nudes is sometimes called 'sexting,' however young people often use this term to talk about sharing sexual messages and not imagery.
- 5.2. Young people can send nudes using phones, tablets and laptops and can share them across any app, site, or game, including during a livestream. It could include sharing them across devices using offline services like Airdrop or Bluetooth<sup>1</sup>.
- 5.3. Indecent images do not always mean nudity. They can be defined as indecent if they meet one or more of the following criteria:
  - Children posing sexually.
  - Children engaging in a sexual activity either with another child or an adult.
  - Someone nude or semi-nude touching themselves in a sexual way.
  - Any sexual activity involving a child.
  - Someone hurting someone else sexually.
  - Sexual activity that includes animals
- 5.4. The term 'indecent images' also include pseudo-images which are computergenerated images that otherwise are a photograph or video. These may be created using tools such as photo/ video editing software, deepfake apps and generators (to combine and superimpose existing images or videos onto other images and videos), and AI text to image generators.
- 5.5. The term 'nudes' is used as it is most recognised by children and young people and more appropriately covers all types of images sharing incidents. Alternative terms used by children and young people may include 'dick pics' or 'pics.'

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<sup>1</sup> Source: NSPCC (National Society for the Prevention of Cruelty to Children)

#### 5.6. Examples could include:



### 6. Why do Children and Young People Share Nudes and Semi-Nude Images?

- 6.1. Children and young people may share images for a variety of reasons<sup>2</sup>:
  - Peer pressure.
  - Being blackmailed, harassed, or threatened.
  - Being groomed or coercion.
  - To increase their self-esteem.
  - To explore or prove their sexuality.
  - Feeling like they 'owe' their boyfriend or girlfriend and being made to feel guilty if they do not.
  - Being in a relationship with someone and fully trusting them
  - They are in a long distance or online relationship and want to have sexual relationship.
  - As a dare or joke.
  - It is not seen as a big deal.
  - It is part of flirting,
  - Taking risks and pushing boundaries.

<sup>2</sup> Source: NSPCC (National Society for the Prevention of Cruelty to Children)

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### 7. Police Response

7.1. If an indecent image of a child shows a sexual act, the <u>Sexual Offences Act</u> states that the police must investigate to find out whether a sexual offence has been committed and act accordingly. This applies across the UK.

### 8. Is Sharing an Image Illegal?

- 8.1. The law says that creating or sharing sexual images or videos of a child under eighteen is illegal, even if the person sharing is a child. This includes:
  - Sending sexual messages to a child.
  - A child or young person taking an explicit photo or video of themselves or a friend.
  - Sharing an explicit image or video of a child, even if it is shared between children of the same age having, downloading, or storing an explicit image or video of a child, even if the child gave their permission for it to be taken.
  - 'Sharenting' or adults sharing a photo of a child to raise awareness is also illegal.
- 8.2. Whilst it is illegal for anyone to exchange nude or semi-nude imagery of a child, the legislation is there to protect children from abuse. If an incident involving a child or young person sharing a nude is reported to the police, it is unlikely it will result in the child being prosecuted. Each incident will be reviewed on its own unique set of circumstances for an appropriate outcome.
- 8.3. In all UK nations, <u>Section 67 of the Serious Crime Act 2015</u> makes it a criminal offence to engage in sexual communication with a child (under 16). This includes communication that relates to sexual activity and communication for the purpose of obtaining sexual gratification (for example, grooming for sexual abuse).

### 9. What Can the Impact be on Children and Young People and Children of Sharing Nudes or Semi-Nudes?

- 9.1. Children and young people may<sup>3</sup>:
  - Feel embarrassed or ashamed.
  - Blame themselves.
  - Be vulnerable to bullying behaviour.
  - Be vulnerable to being exploited.
  - Stay off school and this affects their attainment.
  - Start to self-harm and may consider taking their own lives.
  - Have anxiety attacks.
  - They may become withdrawn and do not seem themselves.

<sup>3</sup> Source: NSPCC (National Society for the Prevention of Cruelty to Children)

### 10. Child Sexual Exploitation

10.1. Distress can be caused as sometimes young people who have been involved in sexting have been blackmailed, tricked, or coerced – the person who received their image may threaten to share it more widely if the child or young person doesn't send them more images or money. Young people may also worry that if their relationship ends, the partner they shared their image with may share it to get revenge. If there is a concern that the child or young person is at risk of exploitation this must be reported to Police Scotland.

### 11. What are the Risks of Children and Young People Sharing Semi-Nudes and Nude Images?

- 11.1. **Losing control of the image -** Children and young people could lose control of the images, videos, or messages and how they are stored and shared. Once something is shared online it can be saved or copied by others. If the image has been shared widely, they might also experience anxiety over the image being re-shared in the future.
- 11.2. **Blackmail and Bullying Behaviour -** Children and young people can have their photos, messages or videos shared without their consent and be bullied about them. This can lead to difficult emotions like distress, embarrassment, or shame.
- 11.3. **Being involved in sharing the images of others -** Sometimes a child or young person might be sent a nude image or video of someone else and decide to share it with other people.
- 11.4. There are many different reasons why a young person might decide to do this but some of them are:
  - In retaliation after a bad break up or fall out.
  - To embarrass or bully someone.
  - As part of a dare or challenge.
  - Thinking it is funny or harmless.
  - They feel like everyone else is sharing it.
- 11.5. **Experiencing online harassment -** Online sexual harassment is a form of bullying and is when someone receives unwanted sexual contact on a digital platform.
- 11.6. When someone has a nude image or video shared of them online it is classed as online sexual harassment.
- 11.7. Some of the behaviours could include:
  - Spreading rumours or lies of a sexual nature.
  - Sharing a nude image or video of someone without their consent.
  - Photoshopping or editing an image or video of someone in a sexualised way.

- Sharing a sexual image and claiming it to be of someone to embarrass or upset them.
- Sending sexualised messages to someone via private message or commenting publicly on their posts.
- Pressuring someone to share a nude image or video of themselves by repeatedly sending them messages.
- Calling people names using offensive or discriminatory sexual language.
- Being bullied because of their actual/perceived gender or sexual orientation
- Sharing a link to a website that contains sexualised content.
- Sending sexualised emojis or memes to embarrass or annoy someone.

### Increasing an Awareness of Preventing the Sharing of Semi-Nudes and Nudes

- 12.1. **Education/ Training -** Children and young people should be provided with education that addresses online sexual harm before spending unsupervised time online. This should include information about:
  - Why it occurs and the different forms it can take.
  - How to identify it.
  - Its impacts, and what to do if it happens.
- 12.2. Children and young people need help to understand what constitutes harm within the context of peer relationships or existing online networks. The 'normality' of such occurrences can reduce awareness of the harm caused to individuals and the harm caused by creation of normative expectations; particularly sexual demands made in relation to girls. Education around online sexual harm must be embedded in the school curriculum for children and young people. It is important that children and young people are supported in building their own resilience in the online world. Being online offers positive opportunities and avoidance-based messaging may be unhelpful. Schools are the most common source of learning about sexual harm, however family members, friends, peers, and the media are also significant sources of learning.<sup>4</sup>

### 13. Hints and Tips for Talking to Children and Young People About Staying Safe Online

- Use realistic scenarios and resources.
- Use culturally sensitive materials.
- Use gender-sensitive materials to address gender-specific issues.

<sup>4</sup> Source: National Guidance for Child Protection in Scotland 2021 - updated 2023

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- Work in small groups to help encourage open discussion, for example if an issue is gender specific.
- Allowing opportunities for children and young people to speak individually and confidentially with a trusted adult if they have experienced this.
- Discuss sexting in the wider context of other issues such as sexuality, relationships, consent, body image, bullying and wellbeing.
- Be sensitive to the needs of any children for whom the discussions might be particularly upsetting, for example those who have previously been involved in a sexting incident.
- Use language that young people understand, and that is not victimblaming or dismissive (UK Council for Internet Safety (UKCIS), 2022).

### 14. Increasing an Awareness with Parents and Carers

- 14.1. Help parents and carers keep their children safe online by making sure they are aware of risks to their child and know what support is available if there is ever a problem.
- 14.2. Promoting the websites that can offer advice, help, and support to parents via your setting's social media platforms See resources.

### 15. Guidance for Practitioners - How to Respond to a Disclosure will Involve Gathering Information and Assessing the Risk

- 15.1. Children and young people who are reporting or making disclosure about an incident may:
  - Have shared an image of themselves.
  - Asked for an image from someone else.
  - Have received an inappropriate image.
  - Shared an image of someone else.
  - Created an image.
- 15.2. See your child protection coordinator/ designated child protection lead as soon as possible.
  - Never view, copy, print, share, store or save the imagery yourself, or ask a child to share or download this is illegal.
  - If you have already viewed the imagery by accident (e.g. if a child or young person has showed it to you before you could ask them not to).
     Make your child protection coordinator/ designated CP lead is aware of this and seek support if you need it to.
  - Do not delete the image or ask the child or young person to delete it.
  - Do not ask the child/ children or young person(s) who are involved in the incident to disclose information regarding the imagery. This will be the responsibility of the child protection coordinator/ designated CP lead.

- Do not share information about the incident with other members of staff/ other children or young people it involves or their, or other, parents and/ or carers.
- Do not say or do anything to blame or shame any young people involved.
- Do explain to them that you need to report it and reassure them that they will receive help and support.<sup>5</sup>
- 15.3. The role of the child protection coordinator/ designated CP lead should gather information and assess the risk presented with the disclosure. Refer to your own Safeguarding and Child Protection Guidance and the authority's <a href="Multi-Agency Child Protection Guidance">Multi-Agency Child Protection Guidance</a> and considering the GIRFEC questions.

#### Use Appendix 2 to help.

- What is getting in the way of this child or young person's wellbeing?
- Do I have all the information I need to help this child or young person?
- What can I do now that is needed and appropriate to help this child or young person?
- What can my agency or organisation do now to help this child or young person?
- What additional help, if any, may be needed from others

### 16. When Should You Report a Child Protection Concern to Social Work or Police Scotland?

- 16.1. You should report a child protection concern to Social Work or Police Scotland if:
  - The incident involves an adult as a perpetrator.
  - There is reason to believe that the child or young person has been coerced, blackmailed, or groomed, or if there are concerns about their consenting capacities.
  - What you know about any images which suggests the content shows sexual acts unusual for the child or young person's stage of development or are violent in nature.
  - Any images which show sexual acts involving a child or young person under the age of thirteen.
  - You have reason to believe that the child or young person is at an immediate risk of harm (for example, they are suicidal or self-harming).
  - Following the incident, the Child Protection Coordinator and the named person for the child or young person may have to liaise with Social Work or Police Scotland depending on the incident.
  - The child or young person is at immediate risk contact Police Scotland on 999.
- 16.2. If none of the above apply, settings may decide to respond to the incident without involving Police Scotland or social work. They can still choose to

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<sup>&</sup>lt;sup>5</sup> Extracted from UKCIS

- escalate the incident at any time if further information/ concerns are disclosed later.
- 16.3. Intimate images may be shared without consent when a relationship has broken down. The intimate images may be shared without consent in an act or revenge or retaliation. This will be treated as a domestic abuse incident and should be reported to Police Scotland and Social Work.
- 16.4. The decision to respond to the incident without involving the Police Scotland or social work should only be made in cases where the child protection coordinator /designated CP lead is confident they have enough information to assess the risks to any child or young person involved and the risks can be managed within their settings and the child or young person can be supported.

### 17. How to Support Children and Young People Involved

17.1. Once a setting has assessed a child or young person is not at immediate risk, it may be necessary to have a conversation with them and decide what the next steps should be.

### **Initial Conversation with the Child or Young Person**

- 17.2. The child protection coordinator/ designated CP lead should:
  - Identify, without viewing wherever possible, what the image contains and whether anyone else has been involved.
  - Find out whether the image has been shared between two people or shared further. This may be speculative information as images or videos may have been shared more widely than the child or young person is aware of
  - Discuss what actions and support might be needed, including preventing further distribution. This discussion should consider the views of the child or young person as well as balancing what are appropriate actions for responding to the incident.
- 17.3. Please remember it is important to:
  - Reassure the child or young person that they are not alone, and they have done the right thing by speaking out and that you and other adults are there to help and support. They should also be reassured that they will be kept informed throughout the process.
  - Recognise the pressures that children and young people can be under to take part in sharing an image and, if relevant, supports their parents and carers to understand the wider issues and motivations around this.
  - Remain solution-focused and avoid victim-blaming questions such as 'why
    have you done this?' as this may prevent the child or young person from
    talking about what has happened. For example, use questions such as
    'describe what happened' or 'explain to me who was involved.'
  - Helps the child or young person to understand what has happened by discussing the wider pressures that they may face and the motivations of the person that sent on the image(s) or has requested an image.

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- Discusses issues of consent and trust within healthy relationships.
   Explain that it is not ok for someone to make them feel uncomfortable, to pressure them into doing things that they do not want to do, or to show them things that they are unhappy about.
- Explains the law on the sharing of nudes and semi-nudes. It is important to highlight that the law is in place to protect children and young people rather than criminalise them and should be explained in such a way that avoids alarming or distressing them.

### Additional Support for Children and Young People

- 17.4. The child or young person's nudes or semi-nudes has been shared publicly:
  - They should be advised to delete images or videos from social media accounts, including cloud photo backups if they have uploaded them themselves.
  - Use the Remove nude images shared online | NSPCC.
  - Giving advice on how to report sexual images or videos on individual sites
    to get them taken down. If the image has been shared via a mobile, they
    should be informed that they can contact the mobile phone operator to
    have a mobile number changed as this may stop others from contacting
    them.
- 17.5. Children and young people have been sent a nude or semi-nude:
  - Asked whether it was sent by an adult or another child or young person and if they requested the photo or if it was sent unsolicited.
  - They should be advised to report the sharing of the image.
  - They should be advised to delete it from their devices and accounts and advised not to share the image further.
  - If they asked to receive the images explain that they should not put pressure onto others to do things that they are uncomfortable with.
- 17.6. Children and young people who have shared another child's or young person's nudes or semi-nudes should be:
  - Asked whether they asked for the photo or were initially sent it without asking for it.
  - Asked who the image has been sent to and where it has been shared.
     Agree next steps for taking the image down, including deleting the image from their phone or any social media accounts and reporting it to online service providers.
  - Asked about what motivated them to share the image and discuss what they could have done differently. Emphasise that whatever the reason it is always wrong to share images of another child or young person.
  - Advised about the importance of consent and the importance of not putting pressure on others to take photos.
  - Advised on the law and the implication of sharing nudes and semi-nudes.

- 17.7. Children and young people who have created a nude or semi-nude of another child or young person and shared it should be:
  - Asked who the image has been sent to and where it has been shared.
     Agree next steps for taking the image down.
  - Ask about what motivated them to share the image and discuss what they could have done differently.
  - If the images have been generated by AI advise the, that the law applies to digitally manipulated images of other children and young people.

### 18. Informing and Supporting Parents and Carers

- 18.1. Parents/ carers should be informed and involved in the process at an early stage unless informing them will put a child or young person at risk of harm.
- 18.2. Any decision not to inform the parents or carers should be made in conjunction with other partners for example social work and/ or Police Scotland, who would take the lead in deciding when whether parents/ carers should be informed.
- 18.3. The practitioner should support any child or young person involved with determining the best approach for informing parents and carers and allow them to be a part of this process.

### **Supporting Parents and Carers:**

- 18.4. Explain that children and young people can be involved in an incident in several different ways.
- 18.5. They may lose control of their own image, receive an image of someone else or share an image of another person.
- 18.6. In any of these situations, parents and carers may find it difficult to know how to deal with the knowledge that their child has been involved in an incident and may display differing emotions.
- 18.7. Whatever their feelings, it is important that we listen to their concerns and take them seriously. It can also be helpful for practitioners to reassure parents and carers by explaining that it is normal for young people to be curious about sex.
- 18.8. Parents/ carers whose child has had their nudes or semi-nudes shared publicly should be advised to stay calm in the first instance.
- 18.9. **Share link to NSPCC Website** What to do in response to an incident of sharing nudes and semi-nudes <a href="https://www.nspcc.org.uk/keeping-children-safe/online-safety/sexting-sending-nudes/">https://www.nspcc.org.uk/keeping-children-safe/online-safety/sexting-sending-nudes/</a>
- 18.10. **Share** Appendix 1 with parents/ carers to give them guidance on helping and supporting their child.
- 18.11. Parents/ carers whose child has been sent nudes and semi-nudes should be advised to listen to their child's concerns without criticising their decisions.
- 18.12. Advice on removing images, Appendix 3 can be shared with parents/ carers and on your settings website.

### 19. Recording of Incidents

19.1. All incidents relating to nudes and semi-nudes being shared need to be recorded. This includes incidents that have been referred to external agencies and those that have not. Incidents that have not been reported out to police or children's social care, education settings should record their reason for doing so and ensure it is signed off by the headteacher or setting's manager/ leadership team. It is important that copies of any image/s should not be taken.

### 20. Avoiding Unnecessary Criminalisation of Children and Young People

- 20.1. It is a criminal offence to create or share explicit images of a child. **However, the law is intended to protect children and not criminalise them**. If sexting by a young person is reported to the police, they will make a record but depending on the circumstances they may decide not to take any formal action.
- 20.2. The law criminalising indecent images of children was created to protect children and young people from adults seeking to sexually abuse them or gain pleasure from their sexual abuse. It was not intended to criminalise children and young people. The law was also developed long before mass adoption of the internet, mobiles, and digital photography.
- 20.3. Despite this, children and young people who share nudes and semi-nudes of themselves, or peers, are breaking the law.
- 20.4. However, children and young people should not be unnecessarily criminalised. Children and young people with a criminal record face stigma and discrimination in accessing education, training, employment, travel and housing and these obstacles can follow them into adulthood.
- 20.5. Whilst children and young people creating and sharing images can be risky, it is often the result of their natural curiosity about sex and their exploration of relationships. Therefore, engaging in the taking or sharing of nudes and seminudes may not always be 'harmful' to all children and young people.
- 20.6. Situations should be considered on a case-by-case context, considering what is known about the children and young people involved and if there is an immediate risk of harm.
- 20.7. Often, children and young people need education and support for example, on identifying healthy and unhealthy behaviours within relationships and understanding consent and how to give it. Safeguarding action will also be required in cases where there is risk of harm.
- 20.8. Investigation by police of an incident of sharing nudes and semi-nudes does not automatically mean that the child/ young person involved will have a criminal record.

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### **Appendix 1 – Advice to Parents/ Carers on Supporting Their Child**

- Try not to shout at them or make them feel like it is their fault. They are worried and need your help and advice.
- Reassure them and offering support remind them they can always talk to you, another trusted adult in or a charity such as Childline.
- Asking open questions such as "what happened?" rather than asking "why have you done it?", as the latter may stop them from opening to you.
- Talk to them about how to treat others online and what is and is not appropriate online behaviour.
- Remind them that people might not always be who they say they are online, so they should be careful about talking to anyone they do not know.
- Speak with the Child Protection Coordinator at school if your child agrees.
   Schools can keep an eye on the situation and help stop images or videos being shared. They can also support any other children who have been affected and can refer your child to agencies who can provide further help and advice.
- Explore the social media platforms, apps and games children and young people are using to familiarise with the site and platforms they are on.

#### Helpful sites:

https://www.childline.org.uk/info-advice/bullying-abuse-safety/online-mobile-safety/sexting/

https://www.stopitnow.org.uk/scotland/ (now known as the Lucy Faithfull Foundation)

https://www.theupstreamproject.org.uk/

My child is gaming with strangers – what should I do?

Remove nude images shared online | NSPCC

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### Appendix 2 - Assessing the Risks

Any practitioner can use this checklist to reflect on any worries or concerns they may have about a child or young person's wellbeing.

This is a self-reflective Checklist.

Name of the child or young person	Date of birth	Age

Questions	Notes/Observations
What worries do you have that made you call us today?	
How safe is the child/young person?	
How long have you been worried about this child/young person?	
What are you most worried about?	
What have you done to help?	
What do you think, given what you know about this child/young person could be done to help?	

#### What is the information telling me?

- Using this Checklist, analyse the information gathered and ask yourself the key question, "what is this information telling me?"
- Consider the information gathered and identify the key risk factors for the child or young person or the parent/carer and their wider world.
- The Checklist will highlight the specific areas of concern/ need/ risk (your evidence) and should give you an overview of what you consider to be the key issues.
- Now form a view as to the level of concern/ need/ risk for the child or young
  person or the parent/ carer, taking account of the interaction between the child or
  young person or the parent/ carer and their wider world.
- What is the information telling you about the level of concern/ need/ risk.

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(Consider frequency, dura	elling me about the level of concern/need/risk? ation, severity, single or accumulative in nature - reaching a conclusion about the level of
What am I going to do ne	xt?
Date completed.	Completed by

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#### Resources:

<u>Barnardos</u> run specialist services for children and young people who have engaged in harmful sexual behaviour or are at risk of or experiencing child sexual abuse and exploitation.

<u>Childline</u> provides information and advice on a range of topics including nudes and semi-nudes and, with the Internet Watch Foundation (IWF), offers <u>Report Remove</u>, a tool to help under 18s in reporting images and videos to get them removed from the internet. Childline also includes online safety advice for deaf children and young people.

<u>Childnet</u> provides free online safety information, advice and educational resources for young people, professionals and parents and carers. This includes session plans on online sexual harassment, healthy relationships and the sharing of nudes and semi-nudes. Learning resources for children and young people with special educational needs and disabilities (SEND) are also available.

<u>CEOP</u> (Child Exploitation and Online Protection) is the online safety education programme from the National Crime Agency. It provides information and advice for parents and carers and children and young people on sex, relationships, sharing nudes and semi-nudes: advice for education settings and the internet. Professionals can also access free <u>educational resources</u> that explore the sharing of nudes and semi-nudes, healthy and unhealthy relationships, harmful sexual behaviours, and online sexual abuse.

The <u>NSPCC</u> provides training and guidance for professionals and advice for parents and carers across a range of child safeguarding topics. The NSPCC also provides services that work to protect children against sexual abuse and free teaching resources and lesson plans that explore healthy relationships, concerning or abusive behaviour, and sharing images online. Learning resources for children and young people with ASN are also available.

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