

## **Appendix to SJP Safeguarding Children Policy– Sexting and Offensive Materials**

### **Rationale**

SJP considers sexting as inappropriate and unsafe behaviour which threatens the social, emotional and/or physical safety of students. Although sexting is typically voluntary at first, it raises many serious legal and social concerns, especially when the images are spread beyond the control of the sender. Sexting can result in humiliation, bullying and harassment of students. The school has a responsibility to prevent sexting and the dissemination of inappropriate or offensive material and to educate both students and staff about both the legal and social dangers of sexting.

This appendix aims to provide a guide to students about what steps will be taken if there is a suspicion or a report of sexting occurring.

### **Definition**

The term 'sexting' is derived from texting and refers to the sending of sexually provocative material (including photos, videos and sexually explicit text) from modern communication devices or applications, such as mobile phones, tablets, email, social networking sites and instant messaging services.

### **Legal Implications for Students**

Sexting may breach laws that prohibit the creation, distribution or possession of child pornography regardless of whether all parties involved consent to the images being taken and shared, or whether the images are sent to other minors, even minors of the same age.

The Commonwealth *Crimes Legislation Amendment (Sexual Offences Against Children) Act 2010* impacts upon sexting as a criminal offence. Persons over 18 years of age who transmit indecent material to persons under the age of 16 may face criminal charges. Sexting may well be an offence if the material is considered indecent according to the standards of ordinary people.

Sexting may also fall under 'sexual harassment' under the Commonwealth *Sex Discrimination Act 1984* or if more than one 'sext' is sent to a recipient this may also constitute unlawful stalking in some jurisdictions.

Sexting may also be considered a form of cyberbullying when nude or sexually suggestive images are uploaded and shared on the internet, for example on Facebook. This is especially the case where images are shared past the intended audience or when accompanied by nasty comments.

### **Implementation**

All staff members are required to notify the Safeguarding Officer immediately upon becoming aware that sexting by a student is likely to have occurred. The allegation will first be investigated by the Safeguarding Officer and the parents of all students involved will be contacted.

Staff members are not permitted to forward, copy or print any sexting images, however, if the nature of the sexting is deemed to be of a serious nature, the Police will be contacted and the sexting will be reported.