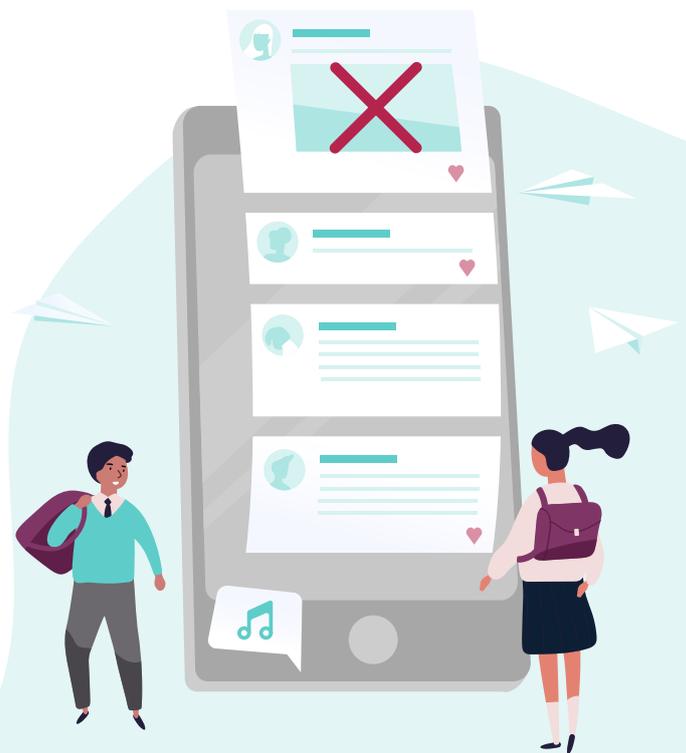


Guide to responding to the sharing of explicit material

eSafety Toolkit for Schools

Creating safer online environments



Why has this guide been produced?

This guide provides support and advice to help school leaders respond effectively to incidents of sharing explicit material, for example where a student's nude or sexual image or video is taken, shared or threatened to be shared online. The taking and sharing of explicit images or sexual content is sometimes referred to as 'sexting', 'naked selfies' or 'nudes'. As each State and Territory has its own specific legislation about young people sharing explicit material, the definition of what constitutes 'sexting' or explicit material varies. Generally, explicit material may include content containing or depicting nudity or sexual activity.

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The sharing of explicit material between young people is complex and requires sensitive treatment.

Important note! This guide should be read alongside any child protection policies supplied by your relevant education department or governing body.

Police response and involvement will vary as each State and Territory has its own specific legislation around young people sharing explicit material. If in doubt, seek advice from your local police.

Staff training

It is recommended that schools have a designated person responsible for online incidents of this nature – ideally the Deputy and/or Principal/Head of Agency.

All members of staff (including non-teaching) should be trained to recognise and refer any incidents involving explicit material among students. This should be covered in professional development and the school's child protection policy.

Regardless of a person's role in a school, if they become aware of an incident, it should be reported to the Principal/Head of Agency. As the school leader, you will need to adhere to reporting obligations or seek further advice from agencies or organisations such as the education department or governing body.



Managing incidents

Disclosure

You need to act as soon you become aware of an incident impacting students at your school, for example when:

- the material is brought to or circulated at school
- students are talking about it
- it is on the school network or a school device
- it has caused undesirable behaviour, for example it has resulted in bullying.

Student/s

The student/s affected may be experiencing anxiety and embarrassment. It may be useful to involve a teacher the student feels comfortable with, to make the disclosure process easier.

Speak to the affected student/s as soon as possible and try to find out:

- who is involved
- if it's an image or video
- how widely the material has been shared, with whom and on what platforms
- if an adult or coercion is involved
- if those involved are at immediate risk
- any other vulnerabilities the young person has
- how affected students are feeling
- if it's on a school or personal device.

Remain calm, reassuring and non-judgemental.

Do not say or do anything to blame or shame any students involved.

Do not formally interview students (particularly the students responsible) or ask for written statements. Should police become involved, they may do this as part of their investigations. If the police are involved, students or their parents/carers may wish to seek legal advice.

The welfare and protection of the students involved (including the victim, alleged offender or witnesses) should always be the primary concern — follow your school's safeguarding and child protection policies and procedures.

Engage counselling support if there is a concern about risk of harm. Many young people feel re-victimised every time the content is shared or viewed and may need ongoing support. If the student is presenting as suicidal or self-harming consider notifying their parents/carers, implement child protection reporting obligations (if required) and refer the student to appropriate support services.



Teacher/s

Ensure you:

- find out all relevant information from staff who were alerted to the material or brought it to your attention
- do not share information about the incident with other members of staff
- record in writing, details of the incident and the actions taken in response to the incident.

Parents

Follow your school's policy and procedures and inform and involve parents/carers as soon as reasonably possible, unless there is a good reason not to, for example if it puts the student at further risk or hampers a possible police investigation. Consider giving the young person the opportunity to tell their parents themselves.

Reporting

It is recommended you:

- follow the Department of Education guidelines for police involvement
- seek advice as soon as you can from your State or Territory police as to whether a police response is required
- consider the need to notify your relevant education or child protection body
- record in writing any advice you have received including the date, time, police job reference number and person you reported the incident to
- contact the eSafety Commissioner for advice on the removal of explicit images.

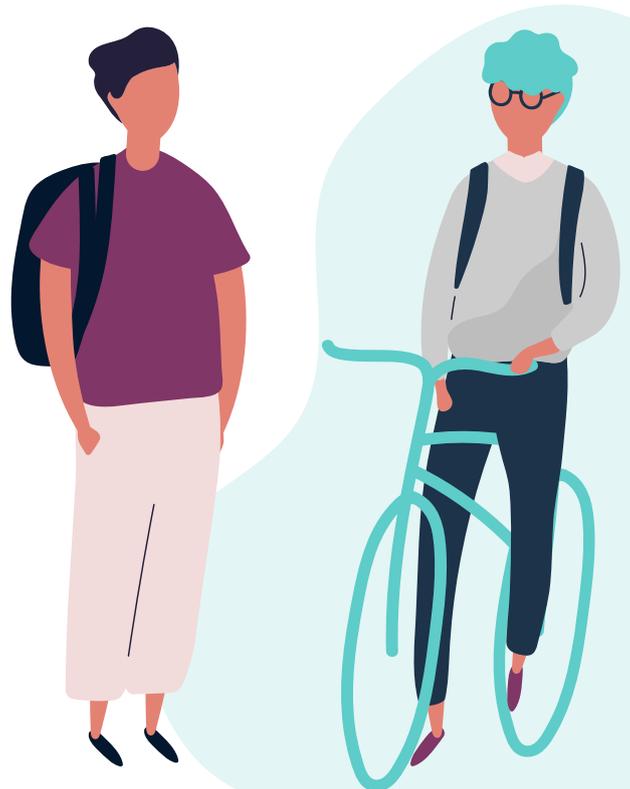
Evidence

When dealing with explicit material:

- do not deliberately view the material — you will likely already have enough information about the material and who it concerns
- use written descriptions to note the nature of the material, observations and times and dates of events
- do not copy, print, delete or further share the material as it may be unlawful to do so, leave this to the police if they become involved
- do not, under any circumstance, send the image to yourself for evidence
- if the material has been shared on social media, report it to the social media service first unless the police are involved and are still looking into the matter.

When dealing with the device:

- temporarily remove and secure the device/s at the earliest possibility, if this is permitted by your school or Department policies
- if you are involving the police the material may be required for evidence purposes — where possible, maintain observations of the device in the presence of a witness. Request the student does not touch the device until police arrive
- obtain passwords/passcodes from the student if possible
- if the student refuses to hand over the device wait for parental consent or for police to arrive
- if the explicit material is contained on a shared school device (such as a library computer), notify the school's ICT administrator to quarantine the device from the network
- if the police are not involved or they decide not to investigate, ensure the student deletes the explicit material from the device/s. The device should be made available for collection within a reasonable time and in accordance with your school or department policies.



Police involvement

When police respond to an incident at a school involving students sharing explicit material, they may speak to the student/s involved. Sometimes the victim may find it easier to speak about sexual matters without their parents/carers or teachers present. Police will generally leave the decision up to the young person and ensure they feel comfortable. However, in some cases police may only speak to the parents or carers of the students affected.

If the young person is a potential suspect, the police will interview them in the presence of an adult.

Once police have assessed the situation, they will determine the most appropriate action to take in consultation with the affected students and their family. Possible outcomes include:

- an educative approach such as talking to students and parents/carers
- investigating with a view to charging the person responsible.

Decisions to investigate and charge are at the discretion of police and will take into account the nature and seriousness of the conduct involved.

There are criminal laws designed to protect children and young people from serious harm caused by the production, viewing and exchange of child exploitation material.

Depending on your State or Territory, there may be specific legislation around young people sharing personal sexual content. These include criminal offences for young people who share explicit images without consent, or penalty options that avoid the need for young people to face child exploitation charges and subsequent listing on the Child Sex Offender Register.

eSafety Commissioner involvement

eSafety has legislative powers to help with the removal of explicit images or videos that have been shared without consent. In some cases eSafety may also take action against the person responsible for sharing the image or video.

Explicit material can be reported to eSafety by:

- the person in the explicit image or video
- a person authorised on behalf of the person in the explicit image or video
- a parent or guardian on behalf of a child who is under 16.

Note: eSafety refers to explicit material as "intimate" material.



Ongoing school education and resources

Consider whether the incident requires follow-up communication to those involved, or whole-of-school communication to help manage the issue. There are several support services and resources that can be useful for ongoing education to parents and carers, teachers and students, including:

eSafety Commissioner [eSafety.gov.au](https://esafety.gov.au)

eSafety can help with the removal of explicit material that has been shared online. The eSafety website provides evidence-based resources for students, teachers and parents/carers covering a range of online safety matters.

ThinkUKnow thinkuknow.org.au

ThinkUKnow is a national law enforcement-led initiative, delivered in partnership with the Australian Federal Police, Commonwealth Bank, Datacom and Microsoft, as well as all State and Territory police and Neighbourhood Watch Australasia. ThinkUKnow provides face-to-face education and resources for parents, carers, teachers and students.

Support services

Bravehearts Crisis Support and Counselling

bravehearts.org.au (1800 272 831)

A specialist support service for children and young people affected by sexual assault.

Childwise National Child Abuse Helpline

childwise.org.au (1800 99 10 99)

A toll-free number providing access to counsellors trained in dealing with child abuse.

Headspace headspace.org.au

An early intervention mental health service for young people aged 12 to 25 years, including a 24-hour crisis support and suicide prevention service.

Kids Helpline kidshelp.com.au

(1800 55 1800)

A free, confidential telephone and online counselling service for young people aged between 5 to 25 years.

Reach Out au.reachout.com

An online youth mental health service. Reach Out provides information, support and resources about mental health issues.



This guide has been produced by the the [eSafety Commissioner](https://esafety.gov.au), in collaboration with the Australian Federal Police-led [Australian Centre to Counter Child Exploitation](https://www.austlii.edu.au/au/other/dfat/page/accce.html), the [ThinkUKnow](https://thinkuknow.org.au) program, and input by the [Association of Independent Schools NSW](https://www.aiesnsw.edu.au).