



**Devon & Cornwall Police
Policy Impact Assessment**

Assessment Date:	11/08/2016
Policy/Working Practice Title and Number	D096 Sexting
Policy/Working Practice Version Date	06/04/17
Associated Working Practices	N/A
Name of Business Area and Lead	Prevention – Supt Matt Lawler
Name and contact details of person carrying out PIA	Policy Unit 303598
PIA Publication Date	06/04/17
This PIA was last reviewed on:	N/A

Freedom of Information and Data Protection

Has the policy been FOI marked and exemptions identified?	Yes
Have the associated working practices been FOI marked and exemptions identified?	N/a
Does the policy refer to personal information?	Yes
Do the associated working practices refer to personal information?	N/a
Are time periods for retention or the process for removal and disposal defined in the document?	/N/a
If no what legislation governs the retention and disposal of the personal information?	<ul style="list-style-type: none"> • Criminal Procedures and Investigations Act 1996 • Police Act 1996 (MoPI) • Limitations Act 1980 • Policy D032

Health and Safety

Do the policy or working practices have any health and safety implications for the public or staff?	No
If yes, are these covered by any of the <u>Generic Risk Assessments</u>? List GRA	Yes /No /N/a

reference numbers where applicable	
Has advice been sought from Health and Safety or Occupational Health?	No
Name, date and comments received:	N/A

Equality Impact Initial Screening

<p>1. Significance & Impact: The relevance for equality depends on the nature and extent of the impact not just the numbers of people affected.</p>	
Do the proposals affect service users, employees or the wider community?	Yes
Do the proposals significantly affect service delivery, business processes or policy?	No
Does it involve a significant commitment of resources?	No
Do the proposals relate to an area where there are known inequalities? (e.g. hate crime, domestic abuse, accessibility, recruitment & progression)	Yes
<p>2. What is the purpose of the policy/working practice?</p> <p>This policy outlines the way that Devon and Cornwall Police will deal with reported incidents of sexting where at least one individual involved in the incident is under the age of 18, and where there are no aggravating factors involved (See 3.3.0 Aggravating factors).</p> <p>Specific information is available for both parents and young people via the Devon and Cornwall Police website;</p> <p>https://www.devon-cornwall.police.uk/youth/teenish-11-14/yospace/internet-safety/</p> <p>https://www.nspcc.org.uk/preventing-abuse/keeping-children-safe/sexting/</p> <p>and additional guidance for staff within schools will be placed on the website in order for information, advice and guidance to be provided less formally.</p>	
<p>3. Relevance: How does the aim and purpose of the policy/working practice relate to each of the aims of the public sector equality duty?</p> <p>This section must be fully completed for each PIA.</p>	
<p>a) To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010</p>	<p>The policy seeks to ensure that no young person should be unnecessarily criminalised and that safeguarding is priority. It is acknowledged both locally and nationally that a criminal record for low level offences can have a disproportionate impact on a young person's future. As such, the policy aims to protect the young person from unequitable treatment in later life and remove this impact</p>

		<p>on a young person's future where they may otherwise meet with reduced opportunity as a result of disclosure of consensual sexting in earlier life.</p> <p>Managing the initial responses within an education focus supports the prioritisation of a preventative approach to minimise longer term harm and discrimination.</p>				
b) To advance equality of opportunity between people from different groups		N/A				
c) To foster good relations between people from different groups.		The policy ensures a positive impact on the relationship between the police and young people.				
4. Is it likely that the proposals could affect particular protected groups differently?						
Age	Yes	Disability	No	Sexual Orientation	No	
Race	No	Sex	Yes	Religion or Belief	No	
Gender reassignment	No	Pregnancy and Maternity	No	Marriage or Civil Partnership Status	No	
Please provide details for each protected group where you have indicated 'Yes'.						
<p>This policy recognises the serious social and legal consequences of holding sexual images of underage people. These are not overlooked by application of this policy. Rather, the policy specifically concerns the use of outcome 21 where there are no aggravating factors, such as coercion, grooming or absence of consent. This outcome enables the police to avoid criminalisation of young people where other interactions applied by multi-agency teams such as intervention and education are less negatively impactful on future opportunity for young people whose actions, whilst recognised and acknowledged as of significant concern, are not seen as a wider threat or in the public interest to take further criminal action.</p> <p>This policy supports the conclusion that education and intervention is the more appropriate response over further investigation, where there are no aggravating factors.</p> <p>This outcome and policy are in response to the Home Office directive to allow discretion to take no further action <u>in certain cases</u> to avoid criminalising children who engage in the practice. Please see national guidance.</p> <p>In terms of impact on protected characteristics, there is no evidence or trend to suggest that there are significant racial, sexual orientation or disability distinctions with regards to participation in sexting, however there is limited data available in these areas and this will need to be monitored over time.</p> <p>Age</p> <p>The following data has been provided in relation to the FOIA Request No: 001709/16 and relates to sexting involving a young person under the age of 18 compiled from Qlikview between 1st January 2015 and 31st December 2015.</p>						
Age of	Female	Male	Age of	Female	Male	Not Known

OFFICIAL
Freedom of Information Act - Open

Sender			Recipient			
11	1		11		1	
12	3		12	1		
13	12	3	13	6	4	
14	10	4	14	8	2	
15	2	1	15		2	
16	2	6	16		4	
17	1	2	17			
Not Known			Not Known	2	12	15
Total	30	16	Total	17	25	13

- Overall 76% of sexts are sent by young people under the age of 16, however this masks a marked difference between girls (90%) and boys (50%)
- 46% of young people do not know the age of the person receiving their 'sexts'
- There is no significant difference between the age of the sender and the age of the recipient, where the the age of the recipient was known.
- The mean age of girls both sending and receiving 'sexts' is 13-14.

Specific information on Sexting is included within the 'Teenish 11-14' yrspace section of the Devon and Cornwall Police website.

To support this additional information is available on the website to support staff within schools who may have concerns/want further information and advice.

Research presented to the Women and Equalities Committee suggests that sexualised behaviour among pupils is now a social norm. Children often describe sexting as [mundane](#).

The application of this policy is a tool to ensure that young people are not criminalised for misguided activity. Outcome 21/27 is not provided as a suitable intervention in CSE or human trafficking or wider concerns around a child.

Sex

From – to (Sex)	Number
Female to Male	21
Male to Female	13
Female to Female	1
Male to Male	

Female to Not known	8
Male to Not Known	3

- There is little difference in the percentage of girls to boys engaged in sexting; 47% and 31% respectively, however this masks a marked difference between the sex of those sending a 'sexts' or receiving. Girls are twice as likely to be the sender of a 'sext' than boys and half as likely to be the recipient.
- 28% of young people do not know the sex of the person they are sending the 'sexts' to, with girls twice as like to 'sext' someone where they do not know the sex of the person receiving the image.
- 97% of 'sexts' were sent to someone of the opposite sex

Research from the [NSPCC](#) suggests that “sexting is not a gender neutral practice. It is shaped by the gender dynamics of peer groups, where primarily boys harass girls, and it is exacerbated by the gendered norms of popular culture, family and school, which fail to recognise the problem or to support girls”. The research highlights “gender-specific risks where girls are unable to openly speak about sexual activities and practices, while boys are at risk of peer exclusion if they do not brag about sexual experiences”.

However, it is evident that sexting is a universal practice among children of either sex.

Sexual orientation

No known impact in terms of application of this policy. However points to note below.

While there is no empirical evidence to suggest that sexting impacts a specific sexual orientation, there may be some complexities around a young person’s (particularly boys) participating in sexting in order to preserve their heterosexual identification. The NPCC report suggests that individuals who challenge peer possession of images of girls fear accusations of homosexuality which they do not welcome.

5. Have you identified any potential interference or issues in relation to Human Rights?

Article 2: Right to Life	No	Article 3: Prohibition of torture	No	Article 4: Prohibition of slavery and forced labour	No
Article 5: Right to Liberty and Security	No	Article 6: Right to a fair trial	No	Article 7: No punishment without law	No
Article 8: Right to respect for private and family life	Yes	Article 9: Freedom of thought, conscience and religion	No	Article 10: Freedom of expression	Yes
Article 11: Freedom of assembly and association	No	Article 12: Right to marry	No	Article 14: Prohibition of discrimination	No
Article 1 or protocol 1: Protection of property	Yes	Article 2 of protocol 1: Right to education	No	Article 3 of protocol 1: Right to free elections	No

6. Where any potential interference has been identified at section 5 please answer sections a-d below:

Please note Articles 3,4,7, the first part of 9 as well as protocol 13 are absolute rights and cannot be justified. These must be mitigated within policy. The other Articles are qualified rights and must be justified within policy where mitigation is not possible.

<p>a) What is the potential for interference with an individual's rights?</p>	<p>Article 8: Right to respect for family and private life – the policy specifically requires an initial screening to be undertaken within an educational environment, prior to contacting the police in order not to unnecessarily criminalise young people.</p> <p>Article 10: Freedom of expression – the policy specifically requires an initial screening to be undertaken within an educational environment, prior to contacting the police in order not to unnecessarily criminalise young people.</p> <p>Article 1: Protection of property – the policy specifically requires an initial screening to be undertaken within an educational environment, prior to contacting the police in order not to unnecessarily criminalise young people; this may require the school to keep hold of a young person's personal possessions.</p>
<p>b) What is the legal basis?</p>	<p>N/A</p>
<p>c) Are the interferences necessary? What are the legitimate aims?</p>	<p>Yes – implementation of the policy ensures that young people are not unnecessarily criminalised</p>
<p>d) Are the interferences proportionate?</p>	<p>Yes – implementation of the policy ensures that young people are not unnecessarily criminalised</p>
<p>6. Proceed to full Equality Impact Assessment?</p>	<p>No</p>
<p>7. Seen by Equality and Diversity Unit</p>	<p>Name: Equality and Diversity Officer Date: 22nd September 2016 Comments: Policy and PIA amended as discussed.</p>
<p>8. Approved by Business Lead</p>	<p>Name: Supt Matt Lawler Signature: Supt Matt Lawler Date: 22/03/2017</p>

If progressing to full Equality Impact Assessment use the [Equality and Diversity EIA template](#) and start at step 2 (box 8). Both PIA and EIA together constitute a full EIA document.