



Document Impact Assessment (DIA)

Title:	Youth Produced Sexual Imagery (YPSI) Policy
Document Ref Number:	J-P-007
Version No:	1.0
Linked Operational Procedure(s) / Procedure(s)	
Name	Ref No
YPSI Procedure (D&C)	DCP-OPr-003
YPSI Procedure (Dorset)	DP-OPr-003
Job Title / Name of person carrying out impact assessment:	Legitimacy Manager, Dorset
Date assessment completed:	20.04.2021
Owning Department / Command area:	Prevention, D&C Prevention, Territorial Policing, Dorset
Agreed by Owner/Lead Officer:	Yes (for DCP)
Completed DIA quality assured by:	Diversity Development Manager

This document should be discussed with the below to identify business risk and equality relevance and complete the full Equality Impact Assessment:

DEVON AND CORNWALL
Corporate Equality and Diversity Team

DIVERSITYHQ@devonandcornwall.pnn.police

DORSET
Legitimacy Team

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STEP 1: FOI, DATA PROTECTION, HEALTH AND SAFETY AND BUSINESS RISK

FREEDOM OF INFORMATION AND DATA PROTECTION ASSESSMENT

Does the document contain the appropriate Government Security Classification indicator?	Yes
Does the document contain a short clear statement addressing its suitability or not for publication?	Yes
Does the document refer to personal information?	No

HEALTH AND SAFETY ASSESSMENT

Does the document have health and safety implications for the public or staff?	No
Do any Generic Risk Assessments apply?	na
If yes, list the GRA reference numbers:	
Has advice been sought from Health and Safety or Occupational Health?	Yes
If yes; name, date and comments received:	As part of consultation. Please note there are processes in place to support officers and staff who view explicit/sensitive imagery as part of normal health and safety and welfare protection.

Business Risk Assessment Process:

Risks identified here either will already be included on the Force Corporate Risk Register or be those identified as known or potential areas of risk for the strategy, policy, procedure, project, plan, or guidance.

This section should be discussed with the document owner shown on page 1 to discuss how to apply business risk. However, here you will need to identify any potential risk to the organisation of:

1. Not implementing / retaining this policy.
2. Any remaining risks despite the policy being in place.
3. Any local risks as contained on your area / department register or any linked corporate risk.
4. Any significant negative impact to individuals or communities (internal or external).

Description of Risk	Probability	Impact	Risk Score
Unnecessary criminalisation of children	4	4	16
OVERALL RISK SCORE			16

The risk score is obtained by multiplying the probability and impact scores.

The **overall risk score** will be the value of the **highest scoring risk**.

RISK SCORES

PROBABILITY ↓	←IMPACT→				
	1 INSIGNIFICANT	2 MINOR	3 MODERATE	4 SIGNIFICANT	5 CATASTROPHIC
1 NEGLIGIBLE	1 LOW	2 LOW	3 LOW	4 LOW	5 LOW
2 RARE	2 LOW	4 LOW	6 MEDIUM	8 MEDIUM	10 MEDIUM
3 UNLIKELY	3 LOW	6 MEDIUM	9 MEDIUM	12 HIGH	15 HIGH
4 POSSIBLE	4 LOW	8 MEDIUM	12 HIGH	16 VERY HIGH	20 VERY HIGH
5 PROBABLE	5 LOW	10 MEDIUM	15 HIGH	20 VERY HIGH	25 VERY HIGH

STEP 2: EQUALITY IMPACT INITIAL SCREENING

1. What are the main aims, purpose and outcomes of the proposals? How do these support the overall aims of the police and crime plan?	
<p>This Policy is intended for staff within Devon and Cornwall Police (DCP) and Dorset Police (DP). The term YPSI is used to describe the sharing by young people (under 18) of indecent images, stills or videos, of themselves or of others (i.e. others under 18). Other terms do not have firm definitions- some children believe 'YPSI' means sending flirty written texts and describe the sharing of images as sending 'nudes' or 'nudies'.</p> <p>YPSI can range from consensual sharing to exploitation. Criminal investigation and prosecution for reported offences of Youth Produced Sexual Imagery will be appropriate where there is a presence of aggravating factors (see relevant force operational procedure) such as exploitation, coercion, a profit motive, adults as perpetrators or a significant age difference between the children involved. These would constitute Child Sexual Abuse (CSA). APP should be consulted in these instances.</p> <p>If there are no aggravating factors present, it may be more appropriate to deal with reports of youth produced sexual imagery through education and intervention (see relevant force operational procedure). This approach is supported by The National Police Chief Council (NPCC) National Strategy for the Policing of Children and Young People.</p> <p>This policy and associated procedures seeks to provide clarity on the action that should be taken by officers and staff.</p>	
2. Relevance: How does the aim and purpose of the proposals relate to each of the aims of the public sector equality duty?	
a. To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010	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 on a young person's future where they may otherwise meet with reduced opportunity as a result of disclosure of consensual YPSI in earlier life. Managing the initial responses within an education focus supports the prioritisation of a preventative approach to minimise longer term harm and discrimination.
b. To advance equality of opportunity between people from different groups	NA
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.
3. Is it likely that the proposals could affect particular protected groups differently? (this could be positively or negatively)	

Age	YES	Disability	YES	Gender reassignment	NO
Marriage or Civil Partnership Status	NO	Pregnancy & Maternity	NO	Race	NO
Religion or Belief	NO	Sex	YES	Sexual Orientation	NO

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.

This policy supports the conclusion that education and intervention is the more appropriate response over further investigation, where there are no aggravating factors.

This outcome and policy are in response to the Home Office directive to allow discretion to take no further action in certain cases to avoid criminalising children who engage in the practice. Please see national guidance.

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 YPSI, however there is limited data available in these areas and this will need to be monitored over time.

Age:

Research presented to the Women and Equalities Committee suggests that sexualised behaviour among pupils is now a social norm. Children often describe YPSI 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.

Disability:

Consideration must be given to the understanding of those with learning disabilities and the ability to understand either what is being asked for, the dangers of producing YPSI and the consequences of doing so. There is the potential for exploitation by others.

Sex:

Research from the NSPCC suggests that “sexting (YPSI) 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 (YPSI) 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.

4. What are the issues that you have identified and considered in relation to Human Rights? (see Guidance)

<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 justified/necessary?</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>e. Do the interferences have a right of appeal? (through, grievance IOPC, tribunal etc)</p>	<p>N/A</p>

STEP 3: EQUALITY RELEVANCE ASSESSMENT:

5. Significance & Impact: The relevance for equality depends on the nature and extent of the impact not just the numbers of people affected.

OFFICIAL – No restriction on distribution
FOIA – Open

a. Do the proposals affect service users, employees or the wider community?	X
b. Is it likely to affect people with particular protected characteristics differently? (this could be positively or negatively)	X
c. Do the proposals significantly affect service delivery, business processes or policy?	
d. Does it involve a significant commitment of resources?	
e. Will the strategy, policy, procedure, project, plan, or guidance have a significant impact on how other organisations operate in terms of equality? (e.g. multi agency strategies or protocols)	X
f. Does the strategy, policy, procedure, project, plan, or guidance relate to functions that consultation and engagement has identified as being important to people with particular protected characteristics?	
g. Do the proposals relate to an area where there are known inequalities? (e.g. hate crime, domestic abuse, accessibility, recruitment & progression)	
h. Do the proposals relate to the Force Equality Objectives?	
Overall Relevance Score (Scoring where Yes = 1, No = 0)	3

NO RELEVANCE	LOW	MEDIUM	HIGH
Zero	1 – 3	4 – 5	6 and over

Is a full EIA required (score of 4 or more)?	No
If yes, please refer to Corporate Equality and Diversity Team, Devon and Cornwall or Legitimacy Team, Dorset Police.	

Review Date

Business Risk Score	Equality Relevance Score	Review Period
Very High	High	1 year
High		1 year
Medium		1 year
Low		1 year
Very High	Medium	1 year
High		1 year
Medium		2 years
Low		2 years
Very High	Low	1 year
High		1 year
Medium		2 years

Low		3 years
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Date of next scheduled review: (* please delete as appropriate)	1 year from publication
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Formal Consultation Required: (If this is a new document or significantly changed i.e. full version change consultation will always be necessary) External consultation should be guided by negotiations between Equality/Legitimacy, owners, policy authors and Policy Officers	Please select
Key Stakeholders	
Internal (please list): •	
External (please list): •	

STEP 4: VERSION CONTROL

Version	Date	Details of the version
1.0	20/04/2021	DIA Completed