

## **Misuse of technology and social networking sites: Information for schools and educational settings**

All children and young people have a right to be in environments where they feel safe and valued. At the same time children and young people have the responsibility to make sure that they are not making others feel unsafe and unvalued - this includes when using the internet.

The internet can be used for many positive things, however it can also be used as a tool to bully, harass, ridicule and embarrass others. There are 'trends' at present that some children and young people are taking part in, possibly without realising that they could be committing a criminal offence. These can include posting derogatory comments on Facebook groups such as 'spotted' or indeed uploading pictures of vulnerable people (e.g. a child in care) for anybody accessing such sites to see, in addition to sharing pictures of a sexual nature via various websites and mobile phones.

Various criminal and civil laws can apply to any misuse of the internet that is seen as harassment, threatening behaviour or cyber-bullying (*Protection from Harassment Act 1997, Malicious Communications Act 1988, Section 43 of the Telecommunications Act 1984, Communications Act 2003, Public Order Act 1986*) with laws also applying to the creation and distribution of images with sexual content (e.g. sexting), for example if a teenager were to have in their possession an indecent image of another person under the age of 18, they would technically be in possession of an indecent image of a child, which is an offence (*under the Criminal Justice Act 1988 and the Protection of Children Act 1978 (Ch 37) amended by the Sexual Offences Act 2003*) to include anyone under 18. By sending or forwarding indecent pictures of a person under 18 is, for the same reason, also breaking the law and are therefore potentially open to prosecution.

Head teachers have powers to discipline pupils for poor behaviour outside of the school premises. If there is a criminal element to an incident (such as assault or harassment) the decision may be made to contact West Midlands Police. West Midlands Police will deal positively with all reports of criminal activity (whether received from within school / college or from another individual) and can offer advice on personal safety.

**If cases involve the criminal use of communication systems (i.e. harassment or threats through the use of mobile phones or the internet, or sharing of indecent images) West Midlands Police will deal with them accordingly.**

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