



Online Safety Policy

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REVIEW RECORD

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July 2025	Policy amended following trustee input	July 2028

There are various Acts of Parliament which can be referenced when considering online safety in schools. These are listed below with details at appendix 1.

- Communications Act 2003 (section 127).
- Computer Misuse Act 1990 (sections 1–3).
- Copyright, Designs and Patents Act 1988.
- Counter-terrorism and Security Act 2015 (section 26)
- Criminal Justice Act 2003.
- Criminal Justice and Immigration Act 2008 (section 63).
- Data Protection Act 1998.
- Data Protection Act 2018 (General Data Protection Regulation (GDPR)).
- Education and Inspections Act 2006.
- Malicious Communications Act 1988 (section 1).
- Obscene Publications Act 1959 and 1964.
- Protection from Harassment Act 1997.
- Public Order Act 1986 (sections 17–29).
- Racial and Religious Hatred Act 2006.
- Regulation of Investigatory Powers Act 2000.
- Sexual Offences Act 2003.

The DfE non-statutory guidance ‘Teaching online safety in schools’ June 2019 should be read, together with section 135 of the DfE’s statutory guidance on ‘Keeping children safe in education (KCSIE)’ September 2024.

This policy should also be read in conjunction with the following YCAT policies:

- Acceptable Use Policy
- Data Protection Policy
- Information Security Policy
- Privacy Notices

The General Data Protection Regulation (GDPR) came into effect in May 2018 and must be heeded by schools whenever personal data is processed.

Ofsted’s briefing for section 5 inspections ‘Inspecting e-safety in schools’ (September 2018) is designed to provide detailed support for inspectors when reviewing a school’s e-safety provision. It also states that for a school to be considered ‘outstanding’ pupils will have ‘an excellent understanding of how to stay safe online and of the dangers of inappropriate use of mobile technology and social networking sites’.

Ofsted’s ‘Early years inspection handbook for January 2024’ also provides information on what inspectors will be looking for with regards to online safety.

UK Council for Internet Safety (UKCIS) has a helpful guide to advise governors on good practice in child internet safety [Online safety in schools and colleges: questions from the governing board](#).

School leaders may also want to read the report published by the UK Council for Child Internet Safety (UKCCIS) Education Working Group: Online safety in education report (December 2015). This explains what schools should be doing about online safety of their pupils.

Since 2019 UKCCIS has been known as UKCIS because it has taken on the role of improving internet safety for all ages.

Background

Schools must be highly aware of online safety on their premises and make both staff and pupils aware of the dangers of using electronic communication as well as its undoubted benefits.

The DfE non-statutory guidance 'Teaching online safety in schools' June 2019 is a helpful document for assisting teachers in the delivery of online safety education.

The DfE's statutory guidance <https://www.gov.uk/government/publications/keeping-children-safe-in-education> 'Keeping children safe in education' (September 2024) outlines the responsibilities that schools have in safeguarding children including reference to e-safety. The document requires schools to ensure that:

- Pupils are taught about safeguarding, especially against online abuse such as bullying and sexual abuse by exploitation online.
- They have appropriate filtering and monitoring systems in place on the school's ICT systems so that no pupil can access harmful content.
- They are careful that 'over blocking' does not lead to unreasonable restrictions as to what children can be taught with regards to online teaching and safeguarding.
- They develop methods whereby staff are alert to changes in children's behaviour which could indicate that they may need help or protection from radicalisation via the internet or social media. Staff should use their judgement and act proportionately, which may include making a referral to the Channel programme under the school's prevent duty.
- They include online safeguarding in all safeguarding training for staff.

The Ofsted briefing for section 5 inspections 'Inspecting e-safety in schools' (September 2018) is designed to provide detailed support for inspectors when reviewing a school's e-safety provision. The briefing defines e-safety in the 'context of an inspection' as a school's ability:

- To protect and educate pupils and staff in their use of technology.
- To have the appropriate mechanisms to intervene and support any incident where appropriate.

The briefing paper states that the breadth of issues classified within e-safety is considerable, but can be categorised into three areas of risk:

- Content – being exposed to illegal, inappropriate or harmful material.
- Contact – being subjected to harmful online interaction with other users.
- Conduct – personal online behaviour that increases the likelihood of, or causes, harm.

With regard to online safeguarding of pupils Ofsted's 'Inspecting safeguarding in early years, education and skills settings' September 2018 emphasises that inspectors will:

- Look for evidence that appropriate filters and monitoring systems are in place to protect pupils from potentially harmful online material.

- Discuss online safety in their discussions with pupils (covering topics such as online bullying and safe use of the internet and social media).
- Will investigate what the school does to educate pupils in online safety and how the school deals with issues when they arise.

Personal data held or processed by the school

Under the General Data Protection Regulation schools are responsible for higher standards of e-safety and security of all personal data that they process. Ofsted inspectors will consider schools' compliance with these regulations when conducting school inspections.

Introduction

Today's pupils are growing up in a world where online and offline life is almost seamless. This offers many opportunities but also creates challenges, risks and threats. At Osmotherley Primary School we try to equip our pupils with the knowledge to be able to use technology to their best advantage in a safe, considered and respectful way.

Our school community recognises the importance of treating e-safety as an ever-present serious safeguarding issue and its teaching as a whole school issue and the responsibility of all staff. It is important to protect and educate both pupils and staff and have supportive mechanisms, policies and protocols in place to protect and support the school community.

Ofsted reviews e-safety measures in schools and there are numerous Acts of Parliament which relate when considering the safeguarding of both staff and pupils in schools. The safeguarding aspects of e-safety are evident in all our ICT/safeguarding policies and procedures throughout the school, and it is essential that this constantly developing area of technology is kept under review.

It is also critical to ensure the safety and security of all personal data that the school holds and processes. Under the General Data Protection Regulation, the school is responsible for exacting standards of safety and security of personal data that may be processed.

This policy links all the ICT, safeguarding and other policies and procedures to reflect how the school deals with e-safety issues daily. The documents referred to in this e-safety policy have been developed by various groups including:

- Governors, including the link governor for e-safety.
- Headteacher/senior leadership team (SLT)/designated safeguarding lead (DSL).
- E-safety co-ordinator and ICT technical support staff.
- Teachers and support staff.
- Pupils.
- Parents/carers.

Objectives and targets

This policy is aimed at making the use of electronic communication at Osmotherley Primary School as safe as possible. This policy applies to all members of the school community (including staff, pupils, volunteers, parents/carers, visitors, community users) who have access to, and are users of, school ICT systems, both in and out of school.

Action plan

The school will deal with any e-safety incidents which arise by invoking this policy, other ICT policies and the associated behaviour and anti-bullying policies. The school will, where

known, inform parents/carers of incidents of inappropriate e-safety behaviour that take place out of school and take appropriate action.

Any breaches of safety of personal data held by the school that may arise will be dealt with as soon as they come to light, and the appropriate authorities notified.

The following sections outline:

- The roles and responsibilities for e-safety of individuals and groups within the school, and how they will receive education/training to fulfil those roles.
- How e-safety is considered in the curriculum.
- How the infrastructure is managed.
- The protocols on using digital images.
- The protocols on data protection.
- The protocols for handling electronic communication.
- Awareness of and dealing with inappropriate use of electronic media.

Roles and Responsibilities – The Trust Board

- The board has overall responsibility for monitoring this policy and holding the trust leaders to account for its implementation.
- Trustees will ensure that they have read and understand this policy.
- Trustees will ensure that, where necessary, teaching about safeguarding, including online safety, is adapted for vulnerable children, victims of abuse and some pupils with SEND.
- Trustees will ensure that the filtering and monitoring provision is reviewed and recorded, at least annually.
- Trustees will undertake Prevent and Safeguarding training at least every two years.

Roles and Responsibilities – Local Governing Bodies

- Filtering and monitoring are an important part of the online safety picture at Osmotherley Primary School and the governors ensure that appropriate filters and monitoring systems are in place on the school's ICT resources. Moreover, the governors have a whole school approach to online safety, which includes policies and procedures on mobile technology use in the school. Some pupils have access to the internet via 3G or 4G enabled devices unfiltered by the school and the school's policy on confiscation of inappropriate items will be used if it is found that such devices are being used inappropriately on the premises.
- Governors will ensure compliance with the Data Protection Act and GDPR for all personal data held.
- Governors will ensure that pupils are taught about e-safety, for example through personal, social, health and economic education (PSHE) and through relationships education.
- Governors are responsible for the approval of the e-safety policy, for reviewing the effectiveness of the policy and for dealing with issues when they arise.
- The governors are responsible for keeping online safety in the school under review.

- A nominated link governor for e-safety is appointed as a member of the school's e-safety committee.
- Governors receive e-safety training/awareness sessions as part of their cycle of meetings.

Roles and responsibilities – Headteacher and Senior Leaders

- The headteacher is responsible for ensuring the e-safety of members of the school community and will manage the education of pupils and training of staff in e-safety and awareness of potential radicalisation in pupils.
- The headteacher will take appropriate action if it is felt that any pupil of the school may be becoming radicalised.
- The headteacher, together with the data protection officer, is responsible on a day-to-day basis for ensuring compliance with the Data Protection Act and GDPR for the processing of personal data.
- The headteacher and another member of the senior leadership team/e-safety co-ordinator will be aware of the procedures to be followed in the event of a serious e-safety allegation being made against a member of staff, including the headteacher.
- The Education and Inspections Act 2006 empowers the headteacher, to such extent as is reasonable, to regulate the behaviour of pupils when they are off the school site and empowers members of staff to impose disciplinary penalties for inappropriate behaviour. This is pertinent to incidents of cyber-bullying, or other e-safety incidents covered by this policy, even though they may take place out of school, but are linked to membership of the school.

Roles and responsibilities – E-safety co-ordinator

The e-safety co-ordinator:

- Leads the e-safety committee.
- Takes day-to-day responsibility for e-safety issues and has a leading role in establishing and reviewing the school e-safety policy and other related policies, including the safe processing of personal data.
- Ensures that all members of staff are aware of the procedures that need to be followed in the event of an e-safety incident taking place.
- Provides training and advice for staff to ensure that all teaching is carried out in an age-appropriate way.
- Liaises with school ICT technical staff.
- Reports regularly to the senior leadership team/headteacher.
- Will receive training at regular update sessions and by reviewing national and local guidance documents.
- Liaises with the local authority (LA) and reports to the headteacher any suspicions of pupils who may be becoming radicalised.

Roles and responsibilities – Network Manager/Technical Support Provider

The network manager or technical support provider is responsible for ensuring:

- That the school's ICT infrastructure is secure and is not open to misuse or malicious attack.
- That appropriate filters and monitoring systems are in place.
- That the school meets the e-safety technical requirements outlined in the relevant national/local ICT security policy and/or acceptable usage/e-safety policy and guidance.
- Users may only access the school's networks through a properly enforced password protection policy.
- The headteacher is informed of any breaches in the processing of personal data.
- S/he receives appropriate training on a regular basis from approved trainers to support the e-safety of all members of the school community.
- The headteacher is informed of any suspicions of pupils who may be becoming radicalised.

Roles and responsibilities – Teaching and Support Staff

All staff receive e-safety training and understand their responsibilities, as outlined in this policy. An audit of the e-safety training needs of all staff will be carried out regularly. Training will be offered as a planned programme of formal e-safety training available to all staff. All new staff will receive e-safety training as part of their induction programme, ensuring that they fully understand the school e-safety policy and acceptable usage policies.

Teaching and support colleagues are responsible for ensuring that:

- They have an up-to-date awareness of e-safety matters and of the current school e-safety policy.
- They have read, understood and signed the relevant staff acceptable computer usage agreement and staff laptop usage agreement, as well as other related policies eg staff e-mail, social media, use of personally owned ICT devices and professional identity protection.
- They report any suspected misuse or problem to the e-safety co-ordinator/headteacher/senior leader/head of ICT/ICT co-ordinator/class teacher/head of year as appropriate for investigation/action/sanction.
- They report any suspected breach of processing any personal data to the e-safety co-ordinator/headteacher/senior leader/ network manager/technical support provider.
- Digital communications with pupils (email/virtual learning environment (VLE)/voice) are on a professional level and only carried out using official school systems.
- Pupils understand and follow the school e-safety policy and the pupil acceptable computer usage policy.
- Pupils have a good understanding of research skills and the need to avoid plagiarism and uphold copyright regulations.

- They monitor ICT activity in lessons and in extracurricular and extended school activities.
- They are aware of e-safety issues related to the use of mobile phones, cameras and hand-held devices and that they monitor their use and implement current school policies regarding these devices.
- They are aware of the e-safety issues pertaining to email and social media usage.
- They are alert to, and report to the headteacher, any suspicions of pupils who may be becoming radicalised.
- In lessons where internet use is pre-planned, pupils are guided to sites checked as suitable for their use and that processes are in place for dealing with any unsuitable material that is found in internet searches.

Roles and responsibilities – Designated Safeguarding Lead (DSL)

The DSL is trained in e-safety issues and will be aware of the potential for serious child protection issues to arise from:

- Sharing of personal data.
- Access to illegal/inappropriate materials.
- Inappropriate online contact with adults/strangers.
- Potential or actual incidents of grooming.
- Cyber-bullying.
- Sexting.
- Suspicions of radicalisation.

Roles and responsibilities – Pupils

The rules for use of ICT systems/internet will be posted in all relevant rooms and displayed on log-on screens so that pupils are aware of their responsibilities.

Pupils:

- Are responsible for using the school ICT systems in accordance with the pupil acceptable computer usage policy and agreement, which they will be expected to sign before being given access to school systems.
- Need to understand the importance of reporting abuse, misuse or access to inappropriate materials, including suspicions of pupils who may be becoming radicalised, and know how to report such abuse.
- Will develop a good understanding of research skills and the need to avoid plagiarism and uphold copyright regulations.
- Will be expected to know and understand school policies on the use of mobile phones, digital cameras and hand-held devices, including the school's policy on confiscation of inappropriate items where it relates to the use of mobile phones.

- Will be expected to know and understand school policies on the taking/use of images and on cyber-bullying.
- Will be expected to know and understand the dangers of social networking sites as well as their benefits.
- Will understand the importance of adopting good e-safety practice when using digital technologies out of school and realise that the school's e-safety policy covers their actions out of school.

Roles and responsibilities – Parents/Carers

Parents/carers play a crucial role in ensuring that their children understand the need to use the internet/mobile devices in an appropriate way.

- Parents and carers will be responsible for endorsing (by signature) the pupil acceptable computer usage agreement.
- Where children may need to use online opportunities to assist their education (e.g. during remote learning) parents should have regular conversations about staying safe online and encourage their children to speak to them if they come across something worrying online.
- Parents should speak to their children particularly about the importance of creating a safe online environment, including keeping any log-in details and passwords safe.

Resources which will support parents to talk to their children about a range of online safety issues, set up home filtering in a child-friendly way, and set up age-appropriate parental controls on digital devices are shown at appendix 2.

Research shows that many parents and carers do not fully understand the issues and are less experienced in the use of ICT than their children. The school will therefore take every opportunity to help parents understand these issues through:

- Sending information on internet safety and the importance of monitoring internet use at home to all parents annually.
- Parents' evenings.
- Newsletters.
- Letters.
- Website.
- Information about all relevant national/local e-safety campaigns/literature.
- Information about useful organisations /support services for reporting e-safety issues (see appendix 2).

E-safety in the curriculum

E-safety is taught in specific areas of the curriculum but is also emphasised whenever pupils are using computers online. Staff always consider age-appropriateness when speaking of e-safety and will be aware of those pupils who may be particularly vulnerable, e.g. looked-after children or those with special needs. The school may use external resources and external visitors to assist in lessons, but appropriate members of staff will check in advance to ensure that they will enhance lessons and that materials used are appropriate for them.

Relationships education or relationships and sex education

Pupils are taught about:

- Online safety and harm.
- Positive, healthy and respectful relationships online.
- The effects of their online actions.
- How to recognise and show respectful behaviour online.

Computing in the curriculum

- Principles of online safety.
- Where to obtain help and support if they are concerned about any online content or contact.

Citizenship in the curriculum

- Media literacy online.
- Distinguishing fact from fiction online.

E-safety throughout the curriculum

Key e-safety messages will be reinforced as part of a planned programme of assemblies and tutorial/pastoral activities, including:

- How to evaluate what they see online – to be critically aware of the materials/content they access online and be guided to validate the accuracy of information.
- How to recognise persuasion techniques.
- How to recognise acceptable and unacceptable online behaviour – to understand the need for the acceptable computer usage agreement and to adopt safe and responsible use of ICT, the internet and mobile devices both within and outside school.
- How to identify online risks.
- How and when to seek support.
- The need to acknowledge the source of any information used and to respect copyright when using material accessed on the internet.

In lessons where internet use is pre-planned, pupils are guided to sites checked as suitable for their use and processes are in place for dealing with any unsuitable material that is found in internet searches.

Where pupils are allowed to search the internet freely, e.g. using search engines, staff are vigilant in monitoring the content of the websites the pupils visit.

It is accepted that from time-to-time, for good educational reasons, pupils may need to research topics (e.g. racism, drugs, and discrimination) that would normally result in internet searches being blocked. In such a situation, staff can request that the network manager temporarily removes those sites from the filtered list for the period of study. Any request to do so will be recorded, with clear reasons for the need.

Management of infrastructure

The school will be responsible for ensuring that the school infrastructure/network is as safe and secure as is reasonably possible and that policies and procedures approved within this policy are implemented. The school will also ensure that the relevant people named in the above sections will be effective in carrying out their e-safety responsibilities:

School ICT systems will be managed in ways that ensure that the school meets the e-safety technical requirements outlined in the acceptable computer usage policy and any relevant LA e-safety policy and guidance.

Personal data is held and processed in compliance with the Data Protection Act and GDPR. Personal data must not be sent over the internet or taken off the school site unless safely encrypted or otherwise secured.

- There will be regular reviews and audits of the safety and security of school ICT systems.
- Servers, wireless systems and cabling will be securely located and physical access restricted.
- All users will have clearly defined access rights to school ICT systems. Details of the access rights available to groups of users will be recorded by the network manager and will be reviewed, at least annually, by the e-safety committee (or other group).
- All users will be provided with a username and password by the network manager.
- The 'master/administrator' passwords for the school ICT system, used by the network manager (or other person) are also available to the headteacher or other nominated senior leader and kept in a secure place (e.g. school safe).
- Users are made responsible for the security of their username and password, must not allow other users to access the systems using their log on details and must immediately report any suspicion or evidence that there has been a breach of security.
- The school maintains and supports the managed filtering service provided by Exa (SurfProtect).
- Any filtering issues should be reported immediately to the network manager.
- School ICT technical staff regularly monitor and record the activity of users on the school ICT systems and users are made aware of this in the acceptable computer usage policy.
- Appropriate security measures are in place to protect the servers, firewalls, routers, wireless systems, workstations, handheld devices etc from accidental or malicious attempts which might threaten the security of the school systems and data.
- An agreed policy is in place in the acceptable computer usage policy regarding the downloading of executable files by users.
- Agreements are signed by members of staff in possession of school-provided laptops regarding the extent of personal use that users (staff/pupils/community users) and their family members are allowed on laptops and other personally owned devices that may be used out of school.
- The school infrastructure and individual workstations are protected by up-to-date virus software.

Protocols on using digital and video images

- When using digital images, staff inform and educate pupils about the risks associated with taking, using, sharing, publishing and distributing images. They recognise the risks attached to publishing their own images on the internet e.g. on social networking sites.
- If any incidents come to light about 'sexting' i.e. the sharing of sexual images of pupils under 18, the DSL should be advised in the first instance.

- Staff are allowed to take digital/video images to support educational aims, but must follow school policies concerning the sharing, distribution and publication of those images.
- Any images should only be taken on school equipment. Personal equipment of staff should *not* be used for such purposes.
- Photographs published on the website, or elsewhere, that include pupils will be selected carefully and will comply with good practice guidance on the use of such images. Written permission from parents or carers will be obtained.

Protocols on data protection

Personal data will be recorded, processed, transferred and made available according to the Data Protection Act and in compliance with the General Data Protection Regulation which state that personal data must be:

- Fairly and lawfully processed.
- Processed for limited purposes.
- Adequate, relevant and not excessive.
- Accurate.
- Kept no longer than is necessary.
- Processed in accordance with the data subject's rights.
- Secure.
- Only transferred to others with adequate protection.

Staff will ensure that they comply with the internal data security policy by:

- Always taking care to ensure the safe keeping of personal data, minimising the risk of its loss or misuse.
- Using personal data only on secure password protected computers and other devices and ensuring that they are properly 'logged off' at the end of any session in which they are using personal data.
- Transferring data using encryption and secure password protected devices.

Protocols for handling electronic communications

When using communication technologies, the school considers the following as good practice:

- The official school email service may be regarded as safe and secure and is monitored.
- Users need to be aware that email communications may be monitored.
- Users will be expected to know and understand school policies on email, social media (and other relevant electronic devices protocols.)
- Users must immediately report, to the nominated person, in accordance with the school policy, the receipt of any email that makes them feel uncomfortable, is offensive, threatening or bullying in nature. Users must not respond to any such email but must follow the procedures in the email policy.
- Any digital communication between staff and pupils or parents/carers (email, chat, VLE etc) must be professional in tone and content.

Unsuitable/inappropriate activities

Certain activities are referred to in the acceptable computer usage agreements as being inappropriate in a school context and users must not engage in these activities in school or

outside school when using school equipment or systems. The school policies on child protection, safeguarding and e-safety *must be* followed if any apparent, suspected or actual misuse appears to involve illegal or inappropriate activity e.g.:

- Child sexual abuse images.
- Adult material which potentially breaches the Obscene Publications Act.
- Criminally racist material.
- Other criminal conduct, activity or materials.
- Potential radicalisation of pupils.

Should any serious e-safety incidents take place, the appropriate external authorities will be informed e.g. local area DSL, police etc or, for personal data breaches, the Information Commissioner's Office (ICO).

Monitoring and reviewing

The school will monitor the impact of the policy using:

- Logs of reported incidents.
- Monitoring logs of internet activity (ie ISP, school network or managed service as appropriate).
- Internal monitoring data for network activity.
- Surveys/questionnaires of pupils, parents/carers and staff.

The policy will be reviewed by the governors annually, or more regularly, in the light of any new legislation, any incidents that have taken place, significant new developments in the use of the technologies, or perceived new threats to e-safety as advised by the e-safety committee or others.

APPENDIX 1

Acts of Parliament relevant to e-safety in schools

Communications Act 2003 (section 127)

Sending by means of the internet a message or other matter that is grossly offensive or of an indecent, obscene or menacing character; or sending a false message by means of or persistently making use of the internet for the purpose of causing annoyance, inconvenience or needless anxiety is an offence liable, on conviction, to imprisonment. (This wording is important because an offence is complete as soon as the message has been sent there is no need to prove any intent or purpose.)

Computer Misuse Act 1990 (sections 1–3)

Regardless of an individual's motivation, the Act makes it a criminal offence to:

- Gain access to computer files or software without permission (eg using someone else's password to access files).
- Gain unauthorised access, as above, to commit a further criminal act (such as fraud).
- Impair the operation of a computer or program (eg caused by viruses or denial of service attacks).

UK citizens or residents may be extradited to another country if they are suspected of committing any of the above offences.

Copyright, Designs and Patents Act 1988

Copyright is the right to prevent others from copying or using his or her 'work' without permission.

The material to which copyright may attach (known in the business as 'work') must be the author's own creation and the result of some skill and judgement. It comes about when an individual expresses an idea in a tangible form. Works such as text, music, sound, film and programs all qualify for copyright protection. The author of the work is usually the copyright owner, but if it was created during employment it belongs to the employer.

It is an infringement of copyright to copy all or a substantial part of anyone's work without obtaining the author's permission. Usually, a licence associated with the work will allow a user to copy or use it for limited purposes. It is advisable always to read the terms of a licence before you copy or use someone else's material.

It is also illegal to adapt or use software without a licence or in ways prohibited by the terms of the software licence.

Counter-Terrorism and Security Act 2015 (section 26)

The prevent duty is the duty in the Counterterrorism and Security Act 2015 on specified authorities, in the exercise of their functions, to have due regard to the need to prevent people from being drawn into terrorism.

Criminal Justice Act 2003

Section 146 of the Criminal Justice Act 2003 empowers courts to impose tougher sentences for offences motivated or aggravated by the victim's sexual orientation in England and Wales.

Criminal Justice and Immigration Act 2008 (section 63)

It is an offence to possess an 'extreme pornographic image'. An extreme pornographic image is defined in section 63 of this Act. Penalties can be up to three years imprisonment.

Data Protection Act 1998

The Act requires anyone who handles personal information to notify the Information Commissioner's Office of the type of processing it administers, and data users must comply with important data protection principles when handling personal data relating to any living individual. The Act also grants individuals rights of access to their personal data, compensation and prevention of processing.

Data Protection Act 2018 (General Data Protection Regulation (GDPR))

The General Data Protection Regulation became effective in May 2018 and is legislation designed to strengthen and unify the safety and security of all data held by organisations within the European Union. In EU legislative terms, it updates and replaces the 1995 Directive. In national UK terms, it replaces the current 1998 Data Protection Act.

Education and Inspections Act 2006

Education and Inspections Act 2006 outlines legal powers for schools which relate to cyber-bullying/bullying:

- Headteachers have the power 'to such an extent as is reasonable' to regulate the conduct of pupils off-site.
- School staff are able to confiscate items such as mobile phones etc when they are being used to cause a disturbance in class or otherwise contravene the school behaviour/anti-bullying policy.

Malicious Communications Act 1988 (section 1)

This legislation makes it a criminal offence to send an electronic message that conveys indecent, grossly offensive, threatening material or information that is false, or is of an indecent or grossly offensive nature if the purpose was to cause a recipient to suffer distress or anxiety. This can include racist, xenophobic and homophobic comments, messages etc.

Obscene Publications Act 1959 and 1964

Publishing an 'obscene' article is a criminal offence. Publishing includes electronic transmission.

Protection from Harassment Act 1997

A person must not pursue a course of conduct, which amounts to harassment of another, and which he knows or ought to know amounts to harassment of the other.

A person whose course of conduct causes another to fear, on at least two occasions, that violence will be used against him is guilty of an offence if he knows, or ought to know, that his course of conduct will cause the other so to fear on each of those occasions.

This also includes incidents of racism, xenophobia and homophobia.

Public Order Act 1986 (sections 17–29)

This Act makes it a criminal offence to stir up racial hatred by displaying, publishing or distributing written material which is threatening. Like the Racial and Religious Hatred Act 2006, it also makes the possession of inflammatory material with a view of releasing it a criminal offence.

Racial and Religious Hatred Act 2006

This Act makes it a criminal offence to threaten people because of their faith, or to stir up religious hatred by displaying, publishing or distributing written material which is threatening. Other laws already protect people from threats based on their race, nationality or ethnic background.

Regulation of Investigatory Powers Act 2000

The Regulation of Investigatory Powers Act 2000 (RIP) regulates the interception of communications and makes it an offence to intercept or monitor communications without the consent of the parties involved in the communication. The RIP was enacted to comply with the Human Rights Act 1998.

However, The Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 permit a degree of monitoring and record keeping, (eg to ensure communications are relevant to school activity or to investigate or detect unauthorised use of the network.) Nevertheless, any monitoring is subject to informed consent, which means steps must have been taken to ensure that everyone who may use the system is informed that communications may be monitored. Covert monitoring without informing users that surveillance is taking place risks breaching data protection and privacy legislation.

Sexual Offences Act 2003

It is an offence to take, permit to be taken, make, possess, show, distribute or advertise indecent images of children in the UK. Viewing an indecent image of a child on your computer means that you have made a digital image. An image of a child also covers pseudo-photographs (digitally collated or otherwise). This can include images taken by and distributed by the child themselves (often referred to as 'sexting'). A person convicted of such an offence may face up to 10 years in prison.

The offence of grooming is committed if you are over 18 and have communicated with a child under 16 at least twice (including by phone or using the internet). It is an offence to meet them or travel to meet them anywhere in the world with the intention of committing a sexual offence.

Causing a child under 16 to watch a sexual act is illegal, including looking at images such as videos, photos or webcams, for your own gratification.

It is also an offence for a person in a position of trust to engage in sexual activity with any person under 18, with whom they are in a position of trust. Typically, teachers, social workers, health professionals, connexions staff etc fall in this category of trust. Any sexual intercourse with a child under the age of 13 commits the offence of rape.

APPENDIX 2

Useful organisations/support services for reporting e-safety issues

Grooming or other illegal behaviour

If you want to report someone who is behaving suspiciously online towards a child, you should in an emergency contact the emergency services by calling 999 or otherwise make a report to *Child Exploitation Online Protection Centre (CEOP)*. See www.ceop.police.uk/Safety-Centre.

Criminal content online

If you stumble across criminal content online, you should report this to the *Internet Watch Foundation (IWF)* at <https://iwf.org.uk>

Criminal content in the UK includes child sexual abuse images, criminally obscene adult content as well as non-photographic child sexual abuse images.

Online content which incites hatred on the grounds of race, religion and sexual orientation should be reported to *True Vision*, which tackles all forms of hate crime, including those on the grounds of disability and transgender identity. True Vision, at www.report-it.org.uk, will give you information on content which incites hatred and how to report it.

Getting help/advice: for young people

- ChildLine: Is a free 24/7 helpline for children and young people. Visit www.childline.org.uk or call 0800 1111. ChildLine is run by the NSPCC.

Getting help/advice: for parents and carers

- Advice from the DfE on keeping children safe online during remote learning can be found at: www.gov.uk/government/publications/coronavirus-covid-19-keeping-children-safe-online/coronavirus-covid-19-support-for-parents-and-carers-to-keep-children-safe-online.
- *Family Lives*: A charity providing help and support in all aspects of family life. They have a 24/7 free Parentline on 0808 8002222, or visit www.familylives.org.uk
- *Kidscape*: Is a leading anti-bullying charity, which provides a helpline for parents of children who have been bullied. From 10am to 5pm, Mondays and Tuesdays on 0207 823 5430 www.kidscape.org.uk.
- *Childnet International* Is a non-profit organisation working to help make the internet a safe place for children. 'We strive to take a balanced approach, making sure that we promote the positive opportunities, as well as responding to the risks and equipping children and young people to deal with them'. Contact details are: www.childnet.com phone 020 7639 6967, email info@childnet.com.
- *UK Council for Internet Safety (UKCIS)* has practical guides to help parents and others with internet safety www.gov.uk/government/organisations/uk-council-for-internet-safety.
- *Thinkuknow* has a section for parents which offers advice on protecting children from abuse online offered by the National Crime Agency's CEOP Command www.thinkuknow.co.uk/parents.

Getting help/advice: for teachers

DfE has a telephone helpline (020 7340 7264) and an email address (counter.extremism@education.gsi.gov.uk) to enable teachers to raise concerns or questions on extremism directly with them.