# Over the Internet, Under the Radar: Prevention of Online Child Sexual Abuse and Exploitation in Scotland

**CYCJ and Barnardo's Scotland**

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# Contents

# 1. Summary

- In early 2016 the Centre for Youth & Criminal Justice (CYCJ) facilitated two seminars for professionals from a wide range of backgrounds who encountered issues around adolescent risk taking behaviour online and e-safety.

- Anonymised cases relating to 'sexting', sexual exploitation online and downloading indecent images of children were discussed. These allowed the group to explore examples of good practice as well as identify some of the 'pinch points' in current processes and outline the gaps in professional knowledge and practice.

- Key findings included significant gaps in relation to policy, guidance, training and practitioner support that impacted on initial responses and decision making, when young people get into trouble through their online behaviour, and impaired high quality assessment and intervention. Cases involving online risk taking behaviour often raised issues around values and foregrounded complex ethical concerns. There were significant gaps in relation to research around higher tariff adolescent behaviours online.

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*Anonymised case studies*

*Derek is 15 and sends a nude photograph of himself to his 15 year old girlfriend. His girlfriend's parents see the image on her phone and contact the police. He is charged, although his girlfriend thought the images were just fun and flirty.*

*Jack is 16 and meets an older man online in a gay chatroom. The man sends him sexual images of children and says that Jack is now in possession of child pornography. He asks Jack to send him pictures of himself or the man will report him to the police.*

*Alan is 14 and spends a lot of time online watching pornography. He finds it difficult to speak to girls so he starts sending messages asking girls in his class via Facebook messenger to do sexual things online.*

*Jane is 14 and meets an older man online. She quickly becomes emotionally dependent on him. She is bright and comes from a caring family, but she feels the older man understands her better. Their relationship quickly becomes sexual first online and then off. When her parents find out, the man is charged. Jane doesn't believe she was abused and now hates her parents and wants to kill herself. The police find out that the man has circulated pictures of him having sex with Jane online. Jane does not know this.*

## 2. Setting the scene: Children and young people and new technologies

Over the last 20 years the internet has revolutionised many aspects of young people's lives: learning, entertainment, friendships and creativity for Scotland's children all look radically different in comparison to how they looked even a generation ago.  Research undertaken in 2014 suggested that 78% of 12 to 15 year olds and 31% of 8 to 11 year olds in the UK own a mobile phone, while 69% of the 12 to 15 year old group and 24% of the 8 to 11 year old group reported owning a smartphone (Ofcom 2015). The figures for smartphone ownership are likely to have risen significantly since this research was completed: for most young people today mobile technologies mean that they are always online.

We also know that young people increasingly use new media to explore and experience their sexuality. This is in addition to young people using the internet as a source of information about healthy and safe sex, relationships and intimacy. This is relatively unsurprising when we consider how digital technologies have become integrated into other aspects of young people's lives (Livingstone and Mason, 2015) and also reflect on how new media and mobile technologies have influenced many aspects of adult dating and relationships over the last few years.

However, as the case studies at the start of this paper suggest, this reality provides considerable challenges to adults who have a role in the protection of children from harm and the mitigation of risk posed by a small number of young people. Overall, the most common online problematic situations involving children include the sending of content that is violent, vulgar, or sexual. Other problematic situations include perpetrating, experiencing, and/or witnessing hateful, vulgar, or nasty messages. Although covered in less detail in the risk literature, being killed, cursed, excluded, and/or verbally assaulted in online games is also cited as a concern by many young people. Lastly, a minority of young people list meeting online peers offline, sending 'friend' requests or communicating with strangers not their own age as aspects of adolescent risk taking behaviour (Smahel and Wright, 2014).

Although many children are bothered by vulgar content displayed in dating site advertisements, some post self-produced sexualised content - usually through pictures - to attract peers. The issue of young people engaging in the sharing of private, naked pictures of someone, sometimes without the owner's permission, has been a source of considerable social anxiety over the last few years. The production of self-produced images (hereafter referred to as 'sexting') can occur in both romantic contexts as well as contexts involving coercion (Wolak, Finkelhor and Mitchell 2008). This behaviour is often complex with various contexts and motives; at times it will be an indicator of risk of sexual exploitation but on other occasions will just be a sign of experimentation (Cooper, Quayle, Jonsson and Svedin, 2016). Our understanding of the prevalence of 'sexting' is hampered by a lack of consistency in definitions – it is relatively commonplace amongst adolescents but probably more prevalent as an activity amongst young adults (Klettke, Hallford and Mellor 2014). Although non-sexting presentations of adolescents under the age of 18 downloading indecent images of children ('child pornography') are still relatively uncommon, 18 to 25 year olds are a group significantly overrepresented in statistics for downloading such material (Seto and Eke 2005; Seto 2011).

A recent discussion paper has argued that practitioners working with children display a divergence of opinions about the impact of technologies upon children and generally the debate is whether individuals see the internet as a place of risk or opportunity (Simpson, 2013). Clearly it is both, but the dichotomy reflects general public debates about new technologies. As one author puts it:

*"Popular discussions of the internet, for example, veer between celebration and paranoia: on the one hand, the technology is seen to create new forms of community and civic life and to offer immense resources for personal liberation and empowerment; on the other, it is seen to pose dangers to privacy, to create new forms of inequality and commercial exploitation, as well as leaving the individual prey to addiction and pornography"* (Buckingham, 2007)

We increasingly live in a society where many complex aspects of adolescent development concerning relationships and healthy sexuality now take place online. A small minority of young people are actively involved with technology mediated sexual offending. However, there is growing evidence to suggest that adult paranoia about adolescent sexual expression

is leading to some normative online behaviour being problematised or criminalised for children and young people. This in turn, leads to considerable confusion amongst parents, carers and professionals about where adolescent sexual experimentation online ends and sexual exploitation online begins.

## 3. The CYCJ Young People Affected by New Technology Events

In early 2016 CYCJ facilitated two events in Edinburgh and Glasgow that explored current gaps and challenges relating to the protection of children online, in Scotland. The events involved around 30 professionals who were selected because of their particular expertise and / or their specific role, drawn from Scottish Government, education, social work, COPFS, SCRA, Police Scotland and specialist services. Both days were facilitated by Dr Ethel Quayle, University of Edinburgh, who has written widely on internet sexual offending, including the experiences of children involved with online grooming.

Practitioners at these events were asked to share anonymised cases that involved one or more of the following:

- 'sexting' (self-produced indecent images of children);
- online sexual exploitation;
- adolescent use of online pornography (including downloading illegal materials).

Applying Chatham House Rules, facilitated discussions on day 1 explored current practice in relation to how problematic or abusive online behaviour is identified and immediately responded to by professionals. Decision making processes and their impact on outcomes for young people were also explored. Day 2 looked specifically at issues around assessment and intervention of children and young people after online abuse had been identified. Due to time limitations, the focus of the two days was on concerning online behaviour that is criminal in nature; accordingly cyber-bullying - although touched on - was not a specific focus of the event. As the two days focused on young people's experiences and needs, the disruption, prosecution, assessment and treatment of adults who sexually offend online was not a specific focus of these events.

## 4. Key findings

At the start of the events professionals noted that the speed of progress in technology made it difficult to keep up to date with how young people were using new media. The lack of representation from the technology industry at the events, despite attempts to include them (such as Facebook or Microsoft) was noted and there was agreement that their involvement may have shaped the discussions over the two days in very different ways.

### Good Practice

There were examples of good practice presented over the two days: practice situations where child-centred and proportionate decisions were made in response to concerns and where relevant and effective assessments and systemically orientated interventions were undertaken and evaluated. However, these examples were exceptions: in the main the picture that emerged of current practice across Scotland was of responses that were often inconsistent and driven by a desire to respond, often mixed with uncertainty about whether those responses were effective, proportionate and credible in the eyes of young people.

Examples of good practice in prevention work in schools and other settings were offered but there was evidence of a lack of inter-agency and national sharing of materials, resources and learning.  There was also evidence of a lack of co-ordination around child protection and e-safety. Even within the same local authority, police and social work were providing inputs to pupils and parents at local schools about aspects of online exploitation and e-safety without knowledge of each other's activities.

### Adolescent behaviour

Participants were acutely aware that exploring the issue of what constitutes problematic adolescent online behaviour involved asking ourselves challenging questions about our values - are we problematising behaviours that are normative and inherently not problematic for many young people? - as well as risk aversion – do we instinctively prioritise risk-management over opportunity when considering technologies we are not familiar with, and are we guilty of 'moral panic' when we consider young people's online sexual behaviour?

The lack of representation of young people at the meetings was also noted. There was consensus that the rights of young people to sexual expression online needed to be weighed against the rights of young people to be protected from online exploitation. We also recognised that we brought a particular adult set of perspectives to how we balanced these rights and recognised that these perspectives needed to be scrutinised and challenged.

## Legal context and consistency of response

The group noted that there was a lack of clarity about when adolescent behaviour constituted an offence and when it was a child protection matter. Some issues in relation to online peer to peer exploitation were complex and often did not break down into there being a clear 'perpetrator' on one side and 'victim' on the other. Additionally, "perpetrator" and "victim" roles can be unclear where young people have been sent abusive images by an adult whose motive is to groom that young person or use them as a conduit to access children and young people.  There was some agreement that harm reduction approaches were vital in considering cases involving sexting. Anecdotal evidence suggested that concerns around sexting were managed by schools, and police in particular, in very inconsistent ways across Scotland. Lack of clear guidance and standard operating procedures (in relation to police practices) was flagged as an issue here. Decision making was also inconsistent and some participants argued strongly that diversionary processes needed to more pro-actively be used with under 18 year olds involved with sexting (and perhaps under 21 year olds when there are issues around vulnerability and online behaviour). This is an area COPFS are currently exploring.  Examples of teenagers being held in police detention for possession of small numbers of illegal images were described. Bail conditions for young people often made access to the internet impossible and were insensitive to how technologies were central in young people's lives. Examples were shared where well-meaning measures restricting access to the internet for children who had been sexually exploited online had ended up inadvertently socially isolating individuals, particularly those who were accommodated in out of authority placements and separated geographically from their peer group, family and community.

The current legal situation is that the age of consent to sexual activity in Scotland is 16 but the fact that individuals under 18 can be charged in relation to sexting was thought to be

confusing and information concerning this was under promoted for both young people and professionals. The current legal provision for young people is that it is illegal to possess an 'indecent' sexual image of a person under age 18 but it is lawful to have actual sexual relations with someone under the age of 18 (where the person is aged over 16 and there is consent). In Scottish law someone under the age of 13 cannot consent to sexual activity and therefore anyone, including 16 and 17 year olds, engaging in sex with someone under 13 is committing rape and could face prosecution in the High Court. Additionally, several case examples described exploitation of 16 and 17 year olds where the current child protection guidance and practice did not significantly help with the protection of vulnerable individuals in this age group.

## Challenges

The specific needs of marginalised groups (LGBTI community, young people with mental health issues, young people with learning disabilities, young people who are looked after etc.) were highlighted. These included the limited opportunities that such groups have to explore their sexuality, leading in some cases to placing themselves at elevated risk of victimisation, abuse or behaviours which could result in being charged with offences.

Significant challenges were described in relation to approaches to managing risk online. Practitioners noted there was no clear assessment framework or agreed intervention strategies employed when young people had been charged with online sexual offences. There was reference to a need for guidance for all agencies in respect of multi-agency working; for example, having access to police transcripts or descriptions of content young people have accessed can be helpful in forming assessments, yet some professionals will not know to request this information. Furthermore, monitoring of equipment is an area where practitioners feel de-skilled.

Diminished parental capacity and worker confidence to effectively manage risk (reflecting the NSPCC 2014 (Martin et al) finding that 86% of social workers do not feel confident in addressing online behaviour) repeatedly emerged with few examples of creative partnership working with parents about their child's safety described. It was noted that both adolescent victims and perpetrators of sexual abuse and exploitation came from a wide range of

backgrounds including family situations where these were not the typical vulnerabilities and issues often seen in social care settings. This is an issue that is also supported across the international literature (Aebi, 2013). There was some anecdotal evidence of effective practice involving mentoring and restorative justice but no empirical research to back these approaches. Indeed, many practitioners felt that research needed to progress if we are to properly understand multiple pathways into - and out of - adolescent harmful behaviour online.

Ethical issues were also raised over the two days. What should professionals do if we know indecent photographs have been taken of a child or adolescent but they themselves do not know that the images are online? In what situations and contexts do adults have a right to monitor the young person's online activity without the young person's consent? There were also conceptual disagreements in the group. Should, for instance, internet addiction be a concept we use with adolescents and are there ever situations where deliberately taking children offline for their own welfare and protection is an effective and proportionate approach?

Finally, it was noted that there were significant training gaps for childcare professionals in Scotland, as well as access to relevant resources and research. Recourse to experts who may be in a position to support frontline practitioners with challenging cases was also noted as a gap.

## 5. Conclusion

It is clear that there are many pockets of excellent practice in Scotland regarding e-safety and supporting young people with challenging behaviours online. It is also clear that preventative work is far more developed than it was even just 10 years ago – most children will receive formal inputs at various points in primary and secondary school about e-safety and exploitation online. It would also be wrong to say that there has been no strategic focus on e-safety in Scotland: it is contained in the National Action Plan to Tackle Child Sexual Exploitation and work is being taken forward through the refresh of the Child Internet Safety Action Plan.

However, it is also the case that technologies and new media keep developing at a significant pace and that it is hard for professionals to keep up to date with developments and how to respond to new challenges. There was no single solution offered at these seminars on how we support both frontline and specialist professionals, but the group suggested that progress needed to be made on a number of fronts.

1. **It was noted that there is no overarching national strategy about e-safety in Scotland**.

   How are the principles and practice of GIRFEC defined in an online world? How do we translate wellbeing indicators so that they are meaningful to young people with respect to their online lives? What would child protection guidance look like if it embraced how important the digital aspects of children's lives are to their development and wellbeing?

2. **The group felt that there was considerable progress needed in guidance and protocols across Scotland.**

   There is a need for a clear assessment framework around technology, recognising the complexity of issues around agency and young people placing themselves in risk situations online that lead to them being victimised. The work underway as part of the Scottish Government's Cyber Resilience Strategy will be a welcome addition to any framework developed. A Standard Operating Procedure would provide clarity and consistency for Police Scotland in cases involving sexting. There should be national guidance for primary and secondary schools along with relevant training to respond to sexting. It is welcomed that the Scottish Government's Choices for Life Programme, which is delivered by Safer Communities, has added cybercrime to the informed messaging encompassed within the programme, although more still needs to be done in this area. Clearer guidance around the use of diversion from prosecution for under 21 year olds in relation to illegal online behaviour would provide a clearer framework for decision making in many cases. Operationally, a consistent structure is needed with the right protocols and guidance in place to: inform decision making; enhance

practitioner skills and knowledge; and provide clarity around the balance between rights and management of risk.

3. **Issues around knowledge transfer need to be addressed**.

The group felt that a single knowledge hub that allows practitioners and policy makers to share key research and resources would be of great value. A tiered approach to training for child care professionals – universal services, statutory services and specialist services – would help frontline practitioners identify and appropriately respond to issues around online risk and engage more effectively with parents. Any training strategy needs to also be implemented effectively to ensure that the right ongoing support is provided to help change practice and encourage professionals to be more comfortable in discussing such issues with young people.

4. **The experience and knowledge of practitioners, researchers and policy makers in Scotland about what works in e-safety remains untapped.**

Effecting change at different levels is challenging. However, these seminars showed there is an immense range of knowledge and experience in Scotland that is untapped, and one way of driving change at both strategic and operational levels may be creating the right kinds of advisory groups – including both professionals and those with expertise through experience - to drive progress and ensure that children in Scotland are to be as safe as possible online while also having access to all the remarkable opportunities the internet and social media affords.

5. **There needs to be greater engagement in Scotland with technology industries and the development of new technologies – including games – to ensure that safeguards are in place to prevent children being harmed.**

The group noted that there was no representation from Internet Service Providers or technology developers at these seminars and participants welcomed the possibility of a wider conversation involving researchers, practitioners and professionals working in the technology industry.

6. **There needs to be a wider debate about children and young people's rights to privacy and protection online.**

One of the emerging themes from the discussions over these two days was that issues about the right to online activity - at a time when many aspects of young people's lives are now managed, in part, online through new technologies - are justifiably limited by adults in a child's life. It was recognised that this was a complex and developing area of professional ethics and wider debate needs to take place if our practice is to be sensitive to the new digital landscape that we work in. In particular this wider debate needs to gather the views of children and young people if we are to co-construct defendable solutions to these kinds of dilemmas when they occur in practice settings.

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