

NILE POLICY ON BULLYING AND HARASSMENT, INCLUDING CYBER-BULLYING, AND SHARING NUDES AND SEMI-NUDES

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1. Bullying and Harassment

Policy purpose

This policy aims to raise awareness of the different types of bullying, signs and symptoms, and provides guidance on how NILE staff should respond.

NILE is committed to fostering a caring, friendly and safe environment for everyone involved in learning and teaching so they can participate in a relaxed secure atmosphere. NILE will not tolerate harassment or bullying either by staff or by students. If bullying does occur, all staff and students should be able to report and know that incidents will be dealt with promptly and effectively.

Definitions

Harassment and bullying involve behaviour which harms, intimidates, victimises, undermines, offends, degrades or humiliates. Such behaviour may be carried out by an individual or by a group, and can be overt or hidden from view of others. Whilst differences of attitude, background or culture and the misinterpretation of social signals may mean that what is perceived as harassment by one person may not seem so to another, this does not make the conduct acceptable. The defining features are that the continuing behaviour appears or feels offensive or intimidating to the recipient and would be regarded as such by any reasonable person.

Students under the age of 18 and vulnerable adults may feel less able to protect themselves from harassment or bullying and staff need to be aware of the increased vulnerability of these students.

Bullying results in pain and/or distress to the victim. No one deserves to be a victim of bullying. Everybody has the right to be treated with respect. Students or staff who are bullying need to learn different ways of behaving. Everyone involved in learning and teaching has a responsibility to respond promptly and effectively to issues of bullying.

Examples

There are different types of bullying and harassment.

Emotional – being unfriendly, excluding (emotionally and physically), sending hurtful text messages (or emails, phone calls and social media), threatening violence, belittling, intimidating, tormenting (e.g. threatening gestures)

Physical – pushing, kicking, hitting, punching or any use of violence or deliberately damaging someone's personal property

Racist- racial taunts, graffiti, gestures

Sexual – unwanted physical contact or sexually abusive comments (see also: *Sharing Nudes and Semi Nudes* below)

Homophobic – because of or focusing on the issue of sexuality*

Religious - through discrimination, victimisation, taunting, etc

Verbal – name-calling, sarcasm, spreading rumours, teasing

Age – unworthy of attention because of age (young or old)

Gender – physical or verbal based on being male or female or a gender identity which may be different to the sex

assigned at birth, for example trans, non-binary*

*Being LGBTQIA+ isn't inherently a risk but we acknowledge that bullying and adverse behaviour may be more prevalent towards those who identify in this way. In the event that NILE is made aware that someone is, for example, transgender, NILE will take action to inform appropriate parties, for example hosts, SPAs, trainers, to use the preferred pronouns of the individual. Contact will be made with group leaders to ensure that the NILE team are to keep a closer eye on vulnerable individuals.

Bullies come from all walks of life; they bully for a variety of reasons and may even have been bullied or abused themselves. Typically, bullies can have low self-esteem, be excitable, aggressive or jealous. Bullies can be any gender.

Signs and Symptoms

The damage inflicted by bullying can be visible or invisible, obvious or subtle. It can cause considerable distress to all individuals, particularly vulnerable, minority or marginalised groups. An individual may indicate, by signs or by behaviour, that he or she is being bullied. Teachers and those in staffing positions should be aware of these possible signs that they should investigate, especially where an individual:

- says they are being bullied
- shows any change in behaviour
- shows a change in ability to concentrate or gets worse grades than usual
- shows a change in energy levels or tiredness
- is reluctant or unwilling to go to classes
- becomes withdrawn, anxious, or lacking in confidence
- regularly feels ill before lessons and social activities
- has clothes torn or possessions damaged
- has possessions go "missing"
- asks for money
- steals money or parts with their own money (to pay bully)
- has unexplained cuts, bruises or injuries
- is frightened to say what's wrong
- gives improbable excuses for any of the above

In more extreme cases:

- starts stammering and/or cries themselves to sleep at night
- has nightmares or demonstrates any other form of unusual behaviour during the evenings
- becomes aggressive
- becomes disruptive or unreasonable
- is bullying other individuals
- stops eating
- self-harms
- attempts or threatens suicide or runs away.

NILE Policy

NILE ensures that all students and staff are aware that harassment and bullying are unacceptable. Students are encouraged to speak to the NILE DSP or any other member of staff they feel comfortable talking to, if they feel they are being harassed or bullied.

Any member of NILE staff who witnesses or receives an allegation of bullying will take the matter seriously and report the matter to the NILE DSP. If a member of staff is concerned that bullying may be taking place, even though an allegation has not been made, it should be discussed with the DSP, who will investigate or commission an investigation with a view to disciplinary proceedings.

All victims of harassment or bullying are supported throughout any investigation and disciplinary action and all reasonable steps are taken to ensure no further incidents occur. An attempt will be made to help the bully understand the impact and change their behaviour.

2. Cyber-bullying

Introduction

NILE embraces the use of the internet on mobile phones and laptop devices for educational purposes. However, the school is mindful of the potential for bullying to occur online through social media, the NILE course platform (Brightspace) and other technology. NILE believes that all students have a right to not be bullied and it is unacceptable regardless of the form it takes. NILE also recognises that it must take note of bullying perpetrated outside the school that could involve students and staff.

Definitions

Cyber-bullying is an aggressive, intentional act carried out by a group or individual using electronic forms of contact repeatedly over time against a victim who cannot easily defend themselves.

Cyber bullying is bullying by electronic media:

- Bullying by texts or messages or calls on mobile phones
- The use of mobile phone cameras to cause distress, fear or humiliation
- Posting threatening, abusive, defamatory or humiliating material on social media sites and apps
- Sending threatening, abusive, defamatory or humiliating messages, either via direct message or on public pages on social media or other websites
- Using someone else's email to send messages and pretending to be them
- Hijacking/cloning e-mail accounts

The Law

Cyber-bullying is generally criminal in character. The law applies to cyberspace.

- It is unlawful to disseminate defamatory information in any media including internet sites.

- *Section 127 of the Communications Act 2003* makes it an offence to send, by public means of a public electronic communications network, a message or other matter that is grossly offensive or one of an indecent, obscene or menacing character.
- The *Protection from Harassment Act 1997* makes it an offence to knowingly pursue any course of conduct amounting to harassment.

NILE Policy

NILE expects its staff to respond effectively to reports of cyber-bullying or harassment and has a reporting procedure as part of its overall bullying and harassment policy.

NILE endeavours to block access to inappropriate web sites, using firewalls, antivirus protection and filtering systems which are managed by our IT management company, InTouch Systems. InTouch Systems monitors and reports any access to malicious sites in a fortnightly meeting or immediately when appropriate. The NILE Brightspace platform is moderated by course tutors. Any inappropriate behaviour is immediately reported to the NILE Online Academic Manager.

NILE reserves the right to take action against those who take part in cyber-bullying.

- All bullying is damaging but cyber-bullying and harassment can be invasive of privacy at all times. These acts may also be criminal acts.
- NILE supports victims and, when necessary, will work with the Police to detect those involved in criminal acts.
- NILE will use, as appropriate, the full range of sanctions to correct, punish or remove students who bully or harass staff in this way, both in and out of school.
- NILE will confiscate when necessary to prevent students and staff from committing crimes or misusing equipment.
- All members of NILE staff and tutors are aware they have a duty to bring to the attention of the Designated Safeguarding Person (DSP), Miriam Anderson, any example of cyber-bullying or harassment that they know about or suspect.

Guidance for Staff

If staff suspect or are told about a cyber-bullying incident, follow the protocol outlined below:

Mobile Phones

- Ask the student or staff to show you the mobile phone
- Note clearly everything on the screen relating to an inappropriate text message or image, to include the date, time and names
- Make a transcript of a spoken message, again record date, times and names
- Tell the student or staff to save the message/image
- Go with the student/staff member to the Designated Safeguarding Person or in their absence, a member of the Safeguarding Team

Computers

- Ask the student or staff member to get up on-screen the material in question
- Ask the student or staff member to save the material
- Print off the offending material straight away
- Make sure pages are in the right order and that there are no omissions
- Accompany the student or staff member, taking the offending material, to see the Designated Safeguarding Person or in their absence, a member of the Safeguarding Team
- Normal procedures to interview students or staff member to take statements will then be followed particularly if a child protection issue is presented

Guidance for Students

If a student believes they or someone else is the victim of cyber-bullying, they need to speak to someone as soon as possible. This person could be a host, tutor, member of staff or Designated Safeguarding Person.

The student should:

- Not answer abusive messages but log and report them
- Not delete anything until it has been shown to a tutor, group leader, or Designated Safeguarding Person (even if it is upsetting, the material is important evidence which may need to be used later as proof of cyber-bullying)
- Not give out personal IT details
- Never reply to abusive e-mails
- Never reply to someone they do not know
- Stay in public areas in chat rooms

Guidance for Parents, Tutors and Group Leaders of Under 18s

It is vital that parents, group leaders and NILE work together to ensure that all students are aware of the serious consequences of getting involved in anything that might be seen to be cyber-bullying. NILE informs parents of the cyber-bullying policy and the procedures in place to deal with cyber-bullying.

- Parents and Group Leaders can help by making sure the students understand NILE's policy and, above all, how seriously NILE takes incidents of cyber-bullying
- Parents and Group Leaders should support NILE in the students understanding of the legal issues relating to cyber-bullying
- If parents or group leaders believe their child is the victim of cyber-bullying, they should save the offending material (if needs be by saving an offensive text on their or their child's mobile phone) and make sure they have all relevant information before deleting anything
- Parents and Group Leaders should contact the Designated Safeguarding Person at NILE as soon as possible. A meeting can then be arranged with Designated Safeguarding Person, which may involve other relevant members of staff

Further advice can be sought from <https://www.childnet.com/help-and-advice/using-technology/>

3. Sharing nudes and semi-nudes

Introduction

The below is drawn from the 'Sharing nudes and semi-nudes advice for education settings V2' guidance by the UK Council for Internet Safety, December 2020. Please refer to this document for comprehensive information and advice.

Sharing photos, videos and live streams online is part of daily life for many young people. Some of these images may be nude or semi-nude images, otherwise known as 'youth produced/involved sexual imagery'.

Definitions

According to Finkelhor and Wolak, incidents relating to sharing youth sexual imagery can broadly be divided into two categories according to motivation:

'Aggravated' incidents involve additional or abusive elements beyond the creation, sending or possession of nudes and semi-nudes, and may be done with intent to harm or thoughtlessly or recklessly. Regardless of intention, there is still harm against the person pictured. Aggravated incidents may be perpetrated by an adult offender or youth. An example might be images sent as a result of a relationship break-up, sometimes known as "revenge porn". Sharing these images may have impacts ranging from embarrassment, bullying and increased vulnerability to blackmail and exploitation.

'Experimental' incidents involve the creation of nude or semi-nude imagery with no apparent intent to harm or misuse, for example, in a romantic relationship, or as part of normal childhood behaviour, and with no adult involvement.

The Law

Responding to incidents of sharing nudes and semi-nudes is complex because of its legal status. Making, possessing and distributing any imagery of someone under 18 which is 'indecent' is illegal. This includes imagery of the individual themselves if they are under 18. The relevant legislation is contained in the Protection of Children Act 1978 as amended in the Sexual Offences Act 2003 (England and Wales).

The non-consensual sharing of private sexual images or videos with the intent to cause distress is also illegal. The relevant legislation is contained in section 33 of the Criminal Justice and Courts Act 2015.

With that said, in many cases, the DSP may respond to incidents without involving the police, for example where an incident can be defined as 'experimental' (see above) and there is no evidence of abusive or aggravating elements.

Where there are abusive and/or aggravating factors, incidents should always be referred to the police through the Multi-Agency Safeguarding Hub (MASH) or equivalent.

Guidance for staff

The following information is from the [gov.uk guidance](#), updated March 2024.

- The incident should be reported to the DSP following safeguarding reporting procedures immediately.
- Staff should approach the situation in a non-judgemental and non-victim-blaming manner

- The DSP should assess the situation and gather information from the relevant parties involved and decide on next steps.
- The DSP should contact The Children’s Advice and Duty Service (CADS) and/or the police immediately if there is a concern that the young person has been harmed or is at immediate risk of harm
- If relevant, the online image should be reported and a removal requested.
- Consideration should be given to deleting nudes and semi-nudes from devices and online services to limit any further sharing, as long as the image is not required for police investigation
- Parents or carers may be contacted if deemed appropriate
- The student affected should be kept informed, reassured and supported throughout the process

Viewing the nudes and semi-nudes

- Staff must not view, copy, print, share, store or save the imagery yourself, or ask a child to share or download – this is illegal
- The DSP may only view the images if it is deemed strictly necessary and unavoidable and as discussed and agreed with the DSL, for example if it is not possible to establish the facts from the young person involved
- Wherever possible, responses should be based on what the DSP has been told about the imagery.
- If you have already viewed the imagery by accident (e.g. if a young person has showed it to you before you could ask them not to), report this to the DSP and seek support.
- Staff should not ask the young person(s) who are involved in the incident to disclose information regarding the imagery. This is the responsibility of the DSP.
- Staff should not delete the imagery or ask the young person to delete it.
- Staff should not share information about the incident with anyone other than the DSP.
- **Do** explain to the young person affected that you need to report it and reassure them that they will receive support and help from the DSL (or equivalent).