



## E-SAFETY POLICY

<b>The implementation of this e safety policy will be monitored by:</b>	<b>Anne-Marie Whyte (IT Coordinator)</b>
<b>Monitoring will take place at regular intervals:</b>	<b>Annually</b>
<b>Reporting to the Governing Body at regular intervals:</b>	<b>Annually (If changes are required)</b>
<b>The E safety policy will be reviewed annually or more regularly in the light of new developments in the use of technologies, threats to e safety or incidents that have taken place. The next review date will be:</b>	<b>September 2018</b>

The school will monitor the use of the policy using:

- Logs of reported incidents
- Northern Grid and LA monitoring logs of internet activity
- Internal monitoring data for network activity
- Surveys/questionnaires

All adult users of the school network and internet must read and understand the scope of this policy and then sign an Acceptable use agreement before being allowed access to the school services. Pupil users will sign and agree to acceptable user rules and procedures appropriate to their age and understanding.

## **Unlawful and Illegal Use**

As a user agree to use the service for lawful purposes only and not to use the Service to send or receive materials or data, which is:

- in violation of any law or regulation
- which is defamatory, offensive, abusive, indecent, obscene
- which constitutes harassment
- is in breach of confidence, privacy, trade secrets
- is in breach of any third party Intellectual Property rights (including copyright)
- is in breach of any other rights or has any fraudulent purpose of effect.

You are prohibited from storing, distributing or transmitting or permitting the storage distribution or transmission (whether intentionally or otherwise) of, any unlawful material through the Service.

Examples of unlawful material include:

- direct threats of physical harm
- hardcore and child abuse images
- copyrighted, trademarked and other proprietary material used without proper authorisation

You may not post, upload or otherwise distribute or permit the posting, uploading or distribution (whether intentionally or otherwise) of copyrighted material on our servers without the consent of the copyright holder. You must give acknowledgement to the source wherever such material is used.

In the event that the school, NGFL or BT become aware of any breach of this clause, action may be taken. The storage, distribution, or transmission of unlawful materials could also lead to UK authorities alleging criminal liability.

## **Violations of system or network security**

Any violations of systems or network security are prohibited, and may result in the user facing criminal and civil liability. The school and Northern Grid will investigate incidents involving such violations and will inform and co-operate with the relevant law enforcement organisations if a criminal violation is suspected. The user may be refused access to the network as a result of any breach of security. Violations may include, but are not limited to, the following:

- Unauthorised access to or use of data, systems or networks, including any attempt to probe, scan or test the vulnerability of a system or network
- Unauthorised monitoring of data or traffic on any network or system without express authorisation of the owner of the system or network
- Interfering with any user, host or network including mail-bombing, flooding, and deliberate attempts to overload a system and broadcast attacks.

All machines connected to the Northern Grid network must have full up to date and appropriate virus protection. No user should try to remove or alter this software. Any violation will mean immediate removal of access. Senior leaders are informed of any breaches on the network machines via eSafe Forensic monitoring. This is recorded and dealt with appropriately.

No machine should be connected to the internet without protection. Any machine found to be infecting the Local Area Network (LAN) must be immediately disconnected, cleaned and not reconnected to the LAN until fully checked by an authorised school officer.

All users must log in to the school LAN and use the Northern Grid network to access the internet. No other method of access is permitted.

## **Passwords**

All users must log in to the school LAN and the internet using user name and password provided. These must be kept secure, and no-one should give their user details to another to use. Any limitations in log in should be notified to the network administrator immediately. Breach may mean access is denied. Even the youngest pupils should be encouraged to have individual user names and passwords appropriate to their age.

Visitors to the network will also be given a user name and password. These will be rescinded when the visitor leaves. Any files or documents will be kept for a short while, up to 3 months, and then deleted from the system.

Users taking part in parent courses will have access to shared area monitored by the tutor.

Access to the LAN will be granted at various levels deemed appropriate to the level of need of the user, ie: pupils, governors and parents will have differing needs and access levels to staff. Higher access levels are granted to administrator and technician.

Any work conducted on the network must be supervised by technician, administrator or agent of the NGFL or LEA. All software must be installed by an authorised person or their agent.

Users should not share logins or passwords. Passwords should be changed regularly.

All passwords should be complex in nature including capitals, lowercase, symbols and numerals. The more complex the password the more protection you are providing. Passwords should be between 8-10 characters using single letters. A phrase password, which includes spaces, may be easier to remember.

All machines should be locked or logged out when unattended. Staff should also follow the policy of the school for security of the premises and equipment on it.

## **Pupils or staff leaving the school network**

Logins will be cancelled within 1 week. Files should be transferred to the new teacher/school if appropriate. Files will be stored for a short while, 3 months, then deleted.

Learning platform account and e mail will be disabled within 1 week. The account will not be deleted so as useful documents can still be utilised by the school.

Portable devices need to be thoroughly checked for inappropriate content, malware, illegal copies etc. prior to being made available to other users.

Files, programs, data - ensure none are taken away from the school if the copyright is only for the institution.

Images – no teacher can take images of pupils away from the school when they cease to be employed by the school.

‘Shared Accounts –change any shared service passwords such as administrator accounts on servers, printers and network devices if necessary.

Service contracts and web sites where the employee is a named contact will need to be updated.

## **Video conferencing and weblinks**

The school takes part in communications with other schools via video conferencing or dedicated websites. This must only be done with teacher supervision. The school only uses secure sites and JVCS wherever possible.

## **Uploading material**

Permission will be obtained before uploading video or photos on the internet. Pupils uploading material will be moderated by a teacher before posting. All users must remember that posted material represents the school and should not bring the school into disrepute.

## **Mobile Devices**

Mobile devices such as phones, PDA's, PSP's, E-books, web books, MP3 players, Nintendo DS, flash drives, portable hard drives and laptops may be used in school for educational purposes. Users must follow the guidance for connecting to the school network and accessing the internet.

Pupils may only send and receive files using portable devices, Bluetooth or the internet under supervision of the teacher and as part of their education. Pupils who bring personal mobile devices into school will be required to follow health and safety guidelines and give the device to a member of staff for safekeeping.

Staff may use personal portable devices to further their teaching responsibilities during directed time. Staff should ensure that Bluetooth is turned off or hidden and that private use of mobile

technologies is carried out in a responsible manner. Staff should ensure that Bluetooth names are appropriate for educational settings.

Any mobile device must be checked for viruses and spam content before being attached to the regional broadband network.

Mobile devices must not be used to take photographs, video or sound clips of any person who is unaware of the action and who has not given their permission.

Any use of mobile technology to intimidate, bully, harass or threaten others will be counted as an infringement of network use. This may result in disconnection from the network or legal or civil disciplinary action. Uploading images and sound is only permissible if the subject involved gives permission.

## **Email Use**

You must use the e-mail address issued by the school for employment purposes only.

You may not send e-mail to any user who does not wish to receive it. Users must refrain from sending further e-mail to a user after receiving a request to stop.

Chain letters, flood e-mails and mail bombs may not be propagated using the Service. You may not operate or assist in any way whatsoever any web site, email address, email service, ftp service or any other online service, which is advertised or promoted by means of Unsolicited Bulk Email

You may not use false e-mail headers or alter the headers of e-mail messages to conceal their e-mail address or to prevent Internet users from responding to messages. You may not use any email address that you are not authorised to use.

E-mail sent through the school service is deemed to be representing the school. As such any e-mail must not contain defamatory remarks, offensive language or other inappropriate material.

Attachments may only be opened if you are certain they do not contain any virus or other damaging content.

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 and must not respond to any such email.

Any digital communication between staff and students / pupils or parents / carers (email, chat, VLE etc) must be professional in tone and content. These communications may only take place on official (monitored) school systems. Personal email addresses, text messaging or public chat / social networking programmes must not be used for these communications.

Pupils in KS2 and above will be provided with individual school email addresses for educational use.

Students / pupils should be taught about email safety issues, such as the risks attached to the use of personal details. They should also be taught strategies to deal with inappropriate emails and be reminded of the need to write emails clearly and correctly and not include any unsuitable or abusive material.

Personal information should not be posted on the school website and only official email addresses should be used to identify members of staff.

## **World wide web usage**

All access to the Internet is filtered via a Cachepilot or a similar proxy server.

The school monitor internet sites visited and may prohibit access to some sites deemed unacceptable or inappropriate.

All Internet usage from the Northern Grid network is monitored and logged and a log is kept of all sites visited. When specific circumstances of abuse warrant it, individual web sessions will be investigated and traced to the relevant site and user account. Such an investigation may result in action and possibly criminal investigation.

Copyrights and licensing conditions must be observed when downloading software and fixes from the web sites of authorised software suppliers. Such files must never be transmitted or redistributed to third parties without the express permission of the copyright owner.

The laws of all nation states, regulating such diverse subjects as intellectual property, fraud, defamation, pornography, insurance, banking, financial services and tax, apply equally to on-line activities.

Documents or material must not be published or accessed on the web which are defamatory or which may constitute intimidating, hostile or offensive material on the basis of sex, race, colour, religion, national origin, sexual orientation or disability under the sovereign law of the country in which the web server hosting the published material is sited.

## **Images**

Any images that involve children must not identify children by name and permission must have been agreed by the subject and/or relevant parent / carer before posting. A record should be made of who will be taking the photos, why the photos are being taken, when they are being taken and what they are to be used for. This should all be documented in the risk assessment carried out before a school trip or event. The photos should then be stored in a safe area within the school LAN and only used for legitimate educational purposes as directed by the Headteacher

Download images from camera/memory card/mobile device to a LAN secure shared area and store in a clearly labelled folder. This must be done within seven days.

Delete original images on camera or other device prior to it being taken off site.

Before using images in other media (eg email, online, paper based and other collateral) ensure permission given covers intended use.

Equipment must not be available for further use until images have been transferred/deleted.

When using digital images, staff should inform and educate students / pupils about the risks associated with the taking, use, sharing, publication and distribution of images. In particular they should recognise the risks attached to publishing their own images on the internet eg: on social networking sites.

Staff will make every effort to use school equipment when taking images, however the use of personal devices is deemed to be acceptable provided that the images are transferred/deleted from the device at the earliest opportunity when returning to school and not later than 7 days after the images were taken.

Care should be taken when taking digital / video images that students / pupils are appropriately dressed and are not participating in activities that might bring the individuals or the school into disrepute.

### **Social Networking and Media**

The school may use/uses an e-mail distribution list to send messages to selected groups of users.

Teachers will moderate collaboration tools such as newsgroups and chat rooms if used on the school network for learning purposes.

Students will be denied access to public or un-moderated chat rooms.

Teachers will moderate social media tools such as blogs and wiki's if used on the school network for learning purposes.

## **Disciplinary and Related Action**

The school wishes to promote the highest standards in relation to good practice and security in the use of information technology. Consequently it expects and supports the integrity of its users. The school system is monitored on a regular basis and any misuse is reported and followed through.

In exceptional circumstances, where there are reasonable grounds to suspect that a user has committed a serious criminal offence, the police will be informed and a criminal prosecution may follow. The school will also assist where necessary should an investigation be called for by the police.

In other instances the user may be restricted from using the service for a period determined by the Head. Disciplinary action may also be taken.

All cases of inappropriate use are logged in the E-Safety Log, held in the Office. All cases of sites deemed inappropriate by the school and the action taken are also held on file.

## **Storage of Information**

Digital images may only be stored on the LAN in recognized files. These will be detailed with date and title of school event. Should users need to store images in local document folders these will be kept to a minimum and kept public. No images will be stored in private or password protected areas of the network.

School images stored on teacher laptops will also be in an identifiable folder clearly visible on the desktop. Images will be kept for teaching purposes only. Any publication of images will conform to the school policy. Individuals will not be identifiable by name or year group unless parental permission is obtained. Work may be identified by Christian name and year group only, however it should preferably remain anonymous.

Data files, resources and planning files will be stored in clearly labelled folders and handed over if the member of staff leaves. Storage of pupil information follows guidance in the data protection act. Files may be transferred on USB sticks only if the USB stick has been encrypted. Files should be uploaded to named folders and not remain on USB sticks for more than 1 month.

## **Access to inappropriate material and reporting**

Should a user access a site that they deem to be inappropriate by accident they should inform the e-safety officer or a teacher who will then inform the e-safety officer. Pupils should activate screening software immediately (Hector Protector). The site will be recorded in the e-safety log and filtering adjusted if necessary. Do not show anyone the content or make public the URL. If reporting a URL do not copy and paste, type the address.

The E Safety Officer will then report the site to the LA and then to Northern Grid.



Should a user discover deliberate misuse or abuse or is the victim of cyber-bullying they should inform the e-safety officer or a teacher who will then inform the e-safety officer. All incidents will be recorded in the e-safety log and acted on.

Users must report and a log made of all e safety concerns such as access to inappropriate sites, unacceptable e mail and any instances of cyberbullying. The report will be made to the E Safety Officer who will then decide whether the incident should be progressed further in accordance with guidance issued by the LA.

## **Use of school equipment**

School laptops and equipment should only be used by the nominated school employee and for educational use only.

## **Digital Literacy (E-Safety) Education**

### **Students / pupils**

Whilst regulation and technical solutions are very important, their use must be balanced by educating students / pupils to take a responsible approach. The education of students / pupils in digital literacy is therefore an essential part of the school's digital literacy provision. Children and young people need the help and support of the school to recognise and avoid digital literacy risks and build their resilience. Digital literacy should be a focus in all areas of the curriculum and staff should reinforce digital literacy messages in the use of ICT across the curriculum.

Digital Literacy education will be provided in the following ways:

- A planned e-safety programme should be provided as part of Computing / PHSE / other lessons and should be regularly revisited – this will cover both the use of ICT and new technologies in school and outside school
- Key digital literacy messages should be reinforced as part of a planned programme of assemblies and tutorial / pastoral activities
- Students / pupils should be taught in all lessons to be critically aware of the materials / content they access on-line and be guided to validate the accuracy of information
- Students / pupils should be helped to understand the need for the student / pupil AUP and encouraged to adopt safe and responsible use of ICT, the internet and mobile devices both within and outside school
- Students / pupils should be taught to acknowledge the source of information used and to respect copyright when using material accessed on the internet
- Rules for use of ICT systems / internet will be posted in all rooms and displayed on log-on screens
- Staff should act as good role models in their use of ICT, the internet and mobile devices
- Students / pupils should be taught in all lessons to be critically aware of the materials / content they access on-line and be guided to validate the accuracy of information

## **Parents & Carers**

Many parents and carers have only a limited understanding of e-safety risks and issues, yet they play an essential role in the education of their children and in the monitoring / regulation of the children's on-line experiences. Parents often either underestimate or do not realise how often children and young people come across potentially harmful and inappropriate material on the internet and are often unsure about what they would do about it. "There is a generational digital divide". (Byron Report).

The school will therefore seek to provide information and awareness to parents and carers through:

- Newsletters, website & Facebook
- Parents evenings

## **Extended Schools**

The school will offer family learning courses in ICT, media literacy and e-safety so that parents and children can together gain a better understanding of these issues. Messages to the public around e safety should also be targeted towards grandparents and other relatives as well as parents. Everyone has a role to play in empowering children to stay safe while they enjoy these new technologies, just as it is everyone's responsibility to keep children safe in the non-digital world.

## **Staff**

It is essential that all staff receive e-safety training and understand their responsibilities. Training will be offered as follows:

- A planned programme of formal e-safety training will be made available to staff. An audit of the e-safety training needs of all staff will be carried out regularly. It is expected that some staff will identify e-safety as a training need within the performance management process.
- All new staff should receive e-safety training as part of their induction programme, ensuring that they fully understand the school e-safety policy and Acceptable Use Policies
- The E-Safety Coordinator (or other nominated person) will receive regular updates through attendance at NGfI/LA / other information / training sessions and by reviewing guidance documents released by NGfL / LA and others.
- This E-Safety policy and its updates will be presented to and discussed by staff in staff / team meetings / INSET days.
- The E-Safety Coordinator (or other nominated person) will provide advice / guidance / training as required to individuals as required

## **Governors**

Governors should take part in e-safety training / awareness sessions, with particular importance for those who are members of any sub- committee / group involved in ICT / e-safety / health and safety / child protection. This may be offered in a number of ways:

- Attendance at training provided by the Local Authority / National Governors Association / NGfL or other relevant organisation.
- Participation in school training / information sessions for staff or parents

## **Technical – infrastructure / equipment, filtering and monitoring**

(nb. if the school has a managed ICT service provided by an outside contractor, it is the responsibility of the school to ensure that the managed service provider carries out all the e-safety measures that would otherwise be the responsibility of the school, as suggested below.)

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 are implemented.

- School ICT systems will be managed in ways that ensure that the school meets the e-safety technical requirements outlined in the NGfL Security Policy and Acceptable Usage Policy and any relevant Local Authority E-Safety Policy and guidance
- There will be regular reviews and audits of the safety and security of school ICT systems
- Servers, wireless systems and cabling must be securely located and physical access restricted
- The “master / administrator” passwords for the school ICT system, used by the Network Manager (or other person) must also be available to the Headteacher or other nominated senior leader and kept in a secure place (eg school safe)
- (Alternatively, where the system allows more than one “master / administrator” log-on, the Headteacher or other nominated senior leader should be allocated those master / administrator rights. A school should never allow one user to have sole administrator access)
- Remote management tools are used by technical staff to control workstations and view users activity
- An appropriate system is in place for users to report any actual / potential e-safety incident to the Network Manager, E Safety Officer (or other relevant person).
- Appropriate security measures are in place to protect the servers, firewalls, routers, wireless systems, work stations, hand held devices etc from accidental or malicious attempts which might threaten the security of the school systems and data.

## **Appendix I**

### **Relevant legislation**

The following are a list of Acts that apply to the use of Northern Grid Network and Services:

- Regulation of Investigatory Powers Act 2000
- Computers' Misuse Act 1990
- Protection from Harassment Act 1997
- Equality Act 2010
- Obscene Publications Act 1959 and 1964
- Telecommunications Act 1984
- Protection of Children Act 1978
- Criminal Justice and Public Order Act 1994
- Data Protection Act 1998
- The Patents Act 1977
- Copyright, Designs and Patents Act 1988
- Defamation Act 1996
- The Regulation of Investigatory Powers Act 2000
- Freedom of Information Act 2000
- Human Rights Act 1998
- Communications Act 2003
- Malicious Communications Act 1988
- Trade Marks Act 1994
- Racial and Religious Hatred Act 2006
- Sexual Offences Act 2003
- Public Order Act 1986
- Education and Inspections Act 2006

### **References:**

Byron Review – Children and New Technology – “Safer Children in a Digital World”

SWGfL

BECTA

Department for Education

Northern Grid for Learning (NGfL)

Wikipedia

Legislation.gov.uk

Websitelaw.co.uk

## Appendix 2

### Communication Technologies Grid

# Communication Technologies

	Staff and other adults				Students/pupils			
	Allowed	Allowed at certain times	Allowed for selected staff	Not allowed	Allowed	Allowed at certain times	Allowed with staff permission	Not allowed
Mobile phones may be brought to school	X						X	
Use of mobile phones in lessons (for activities which require them , eg Plickers)		X						X
Use of mobile phones in social time		X						X
Taking photos on mobile phones or other camera devices			X					X
Use of hand held devices eg PDAs, PSPs, Nintendo DSi			X				X	
Use of personal e mail addresses in school, or on school network		X					X	
Use of school email for personal emails				X				X
Use of chat rooms/facilities			X				X	
Use of instant messaging			X				X	
Use of social networking sites			X					X
Use of blogs	X				X			

## Appendix 3 User Actions Grid

	User Actions	Acceptable	Acceptable at certain times	Acceptable for nominated users	Unacceptable	Unacceptable and illegal
<b>Users shall not visit internet sites, make, post, download, upload, data transfer, communicate or pass on, material, remarks, proposals or comments that contain or relate to:</b>	Child sexual abuse images					✓
	Promotion or conduct of illegal acts, eg: under the child protection, obscenity, computer misuse and fraud legislation					✓
	Adult material that potentially breaches the Obscene Publications Act in the UK					✓
	Criminally racist material in the UK					✓
	Pornography				✓	
	Promotion of any kind of discrimination				✓	
	Promotion of racial or religious hatred				✓	
	Threatening behaviour, including promotion of physical violence or mental harm				✓	
	Any other information which may be offensive to colleagues or breaches the integrity of the ethos of the school or brings the school into disrepute				✓	
	Using school systems to run a private business				✓	
	Use systems, applications, websites or other mechanisms that bypass the filtering or other safeguards employed by NGfL, South Tyneside LA and / or the school				✓	
	Uploading, downloading or transmitting commercial software or any copyrighted materials belonging to third parties, without the necessary licensing permissions				✓	
	Revealing or publicising confidential or proprietary information (eg: financial / personal information, databases, computer / network access codes and passwords)				✓	
	Creating or propagating computer viruses or other harmful files				✓	
	Carrying out sustained or instantaneous high volume network traffic (downloading / uploading files) that causes network congestion and hinders others in their use of the internet				✓	
	On-line gaming (educational)		✓			

On-line gaming (non educational)		✓			
On-line gambling				✓	
On-line shopping / commerce			✓		
File sharing			✓		
Use of social networking sites			✓		
Use of video broadcasting eg: Youtube			✓		

## **Appendix 3**

### **Legislation**

Schools should be aware of the legislative framework under which this E-Safety Policy guidance has been produced. It is important to note that in general terms an action that is illegal if committed offline is also illegal if committed online.

#### **Computer Misuse Act 1990**

This Act makes it an offence to:

- Erase or amend data or programs without authority;
- Obtain unauthorised access to a computer;
- “Eavesdrop” on a computer;
- Make unauthorised use of computer time or facilities;
- Maliciously corrupt or erase data or programs;
- Deny access to authorised users.

#### **Data Protection Act 1998**

This protects the rights and privacy of individual’s data. To comply with the law, information about individuals must be collected and used fairly, stored safely and securely and not disclosed to any third party unlawfully. The Act states that person data must be:

- Fairly and lawfully processed.
- Processed for limited purposes.
- Adequate, relevant and not excessive.
- Accurate.
- Not kept longer than necessary.
- Processed in accordance with the data subject’s rights.
- Secure.
- Not transferred to other countries without adequate protection.

#### **Freedom of Information Act 2000**

The Freedom of Information Act gives individuals the right to request information held by public authorities. All public authorities and companies wholly owned by public authorities have obligations under the Freedom of Information Act. When responding to requests, they have to follow a number of set procedures.

#### **Communications Act 2003**

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 guilty of 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.

#### **Malicious Communications Act 1988**

It is an offence to send an indecent, offensive, or threatening letter, electronic communication or other article to another person.



## **Regulation of Investigatory Powers Act 2000**

It is an offence for any person to intentionally and without lawful authority intercept any communication. Monitoring or keeping a record of any form of electronic communications is permitted, in order to:

- Establish the facts;
- Ascertain compliance with regulatory or self-regulatory practices or procedures;
- Demonstrate standards, which are or ought to be achieved by persons using the system;
- Investigate or detect unauthorised use of the communications system;
- Prevent or detect crime or in the interests of national security;
- Ensure the effective operation of the system.
- Monitoring but not recording is also permissible in order to:
  - Ascertain whether the communication is business or personal;
  - Protect or support help line staff.
- The school reserves the right to monitor its systems and communications in line with its rights under this act.

## **Trade Marks Act 1994**

This provides protection for Registered Trade Marks, which can be any symbol (words, shapes or images) that are associated with a particular set of goods or services. Registered Trade Marks must not be used without permission. This can also arise from using a Mark that is confusingly similar to an existing Mark.

## **Copyright, Designs and Patents Act 1988**

It is an offence to copy all, or a substantial part of a copyright work. There are, however, certain limited user permissions, such as fair dealing, which means under certain circumstances permission is not needed to copy small amounts for non-commercial research or private study. The Act also provides for Moral Rights, whereby authors can sue if their name is not included in a work they wrote, or if the work has been amended in such a way as to impugn their reputation. Copyright covers materials in print and electronic form, and includes words, images, and sounds, moving images, TV broadcasts and other media (e.g. youtube).

## **Telecommunications Act 1984**

It is an offence to send a message or other matter that is grossly offensive or of an indecent, obscene or menacing character. It is also an offence to send a message that is intended to cause annoyance, inconvenience or needless anxiety to another that the sender knows to be false.

## **Criminal Justice & Public Order Act 1994**

This defines a criminal offence of intentional harassment, which covers all forms of harassment, including sexual. A person is guilty of an offence if, with intent to cause a person harassment, alarm or distress, they: -

- Use threatening, abusive or insulting words or behaviour, or disorderly behaviour; or
- Display any writing, sign or other visible representation, which is threatening, abusive or insulting, thereby causing that or another person harassment, alarm or distress.

## **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.

### **Protection from Harrassment 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.

### **Protection of Children Act 1978**

It is an offence to take, permit to be taken, make, possess, show, distribute or advertise indecent images of children in the United Kingdom. A child for these purposes is anyone under the age of 18. 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). A person convicted of such an offence may face up to 10 years in prison

### **Sexual Offences Act 2003**

The new grooming offence 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 fall in this category of trust). Any sexual intercourse with a child under the age of 13 commits the offence of rape.

### **Public Order Act 1986**

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. Children, Families and Education Directorate page 38 April 2007.

### **Obscene Publications Act 1959 and 1964**

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

### **Human Rights Act 1998**

This does not deal with any particular issue specifically or any discrete subject area within the law. It is a type of "higher law", affecting all other laws. In the school context, human rights to be aware of include:

- The right to a fair trial
- The right to respect for private and family life, home and correspondence
- Freedom of thought, conscience and religion
- Freedom of expression
- Freedom of assembly
- Prohibition of discrimination
- The right to education

These rights are not absolute. The school is obliged to respect these rights and freedoms, balancing them against those rights, duties and obligations, which arise from other relevant legislation.

## **The Education and Inspections Act 2006**

Empowers Headteachers, to such extent as is reasonable, to regulate the behaviour of students / pupils when they are off the school site and empowers members of staff to impose disciplinary penalties for inappropriate behaviour.

## **Equality Act 2010**

This Act consolidated the complicated and numerous array of Acts and Regulations, which formed the basis of anti-discrimination law in Great Britain. This was, primarily, the Equal Pay Act 1970, the Sex Discrimination Act 1975, the Race Relations Act 1976, the Disability Discrimination Act 1995 and three major statutory instruments protecting discrimination in employment on grounds of religion or belief, sexual orientation and age. This legislation has the same goals as the four major EU Equal Treatment Directives, whose provisions it mirrors and implements. It requires equal treatment in access to employment as well as private and public services, regardless of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, and sexual orientation.

## **Patents Act 1977**

This Act covers an invention or an inventive step. It is similar to copyright in that it gives the owner of the patent exclusive rights to prevent others from making, using, selling, or distributing the patented invention without permission.

## **Defamation Act 1996**

Defamation is a false statement made by one individual about another. This statement attempts to discredit that person's character, reputation or credit worthiness. In order to be defamatory, such a statement must be communicated to at least one other person.

## **The Regulation of Investigatory Powers Act 2000**

Also referred to as **RIPA**. This act is concerned with regulating the powers of public bodies to carry out surveillance and investigation, and covering the interception of communications. It was introduced to take account of technological change such as the growth of the Internet and strong encryption. In a school situation this would be requested if you or the LA or another law enforcement agency contacted you with suspicions that the school network was being used for illegal purposes eg: gaining access to potentially illegal material e.g. Child abuse images, or is suspected of inappropriate Internet / email use.

## **Digital Economy Act 2010**