

## Emerging digital and mobile technologies

### 1. Introduction

**1.1** The development in new technology means that unlike ever before children and young people have extensive access to content that could be harmful. The development of the internet has generated a wealth of opportunities for young people to communicate and take up leisure opportunities in a variety of ways e.g. MSN, chat rooms and online gaming.

**1.2** However, these opportunities also have in-built risks in the form of content, contact and conduct. The grid by Hasenbrink, Livingstone, Haddor, Kirwil and Ponte, 2007, as mentioned in the Byron Review <http://www.dfes.gov.uk/byronreview/pdfs/Final%20Report%20Bookmarked.pdf> sets out the potentially broad ranging series of risks that the technology of the internet has.

	<b>Commercial</b>	<b>Aggressive</b>	<b>Sexual</b>	<b>Values</b>
<b>Content (child as recipient)</b>	Adverts Spam Sponsorship Personal information	Violent and hateful	Pornographic or unwelcome sexual content	Bias Racist Misleading information or advice.
<b>Contact (child as recipient)</b>	Tracking Harvesting Personal information	Being bullied, harassed or stalked	Meeting strangers, being groomed	Self harm Unwelcome persuasions
<b>Conduct (child as actor)</b>	Illegal downloading Hacking Gambling Financial scams Terrorism	Bullying and harassing another	Creating and uploading inappropriate material	Providing misleading information and/or advice

**1.3** It is important to bear in mind that there is likely to be overlap between some of these categories and the boundaries are sometimes blurred.

**1.4** This blurring can almost become a moral minefield in that an adult's perception of inappropriate material is likely to be subjective, based on age, experience, value and belief systems and culture. Some behaviours that take place on the internet, such as a young person's exploration of sexuality, may be considered inappropriate or even bordering on delinquent by an adult, but they can play an important role in the young person's development.

**1.5** Admittedly, children and young people may also use the internet to explore issues around behaviours that adults might consider inappropriate e.g. drugs and alcohol, either because they feel they have no-one to ask or because they feel too embarrassed to ask. There will be issues about how

the information is used by children and young people, and this will be dependent upon the maturity and understanding of the child/young person, the social context and psychological factors.

**1.6** It is recognised that the internet has become increasingly accessible for children and young people in places like school, libraries and their own homes. With the growth of broadband technology children and young people have faster, easier and more immediate access to online information than ever before.

**1.7** Web 1.0 technology only allowed the user to access material, but have no real influence in terms of creating and distributing material. The emergence of Web 2.0 technology, that is, use of the internet by individuals to create and distribute their own content, in audio visual as well as written form has meant that safeguarding children and young people has become more complex. Examples of Web 2.0 Services include.

- User generated content: sites such as wikis, blogs, image sharing sites, which are specifically designed to upload, share and view content.
- Social networking sites: where the user displays his/her personal 'profile', including such information as what school they go to, interests and tastes e.g. films, music or book, as well as photos or videos, music tracks and links to media profiles. They may also include facilities for chat, file sharing, blogging and discussion groups.
- Online communities and social worlds: where participants select, customise or create characters (called avatars). The avatars can build houses, furnish environments, interact with others and even exchange virtual money while purchasing and selling items in a multi-player virtual world.
- Online gaming: here players can often play with others in complex and extensive 'game worlds' where players can interact and talk to each other during play.

## **2. Contact and Conduct Risks**

**2.1** The growth of Web 2.0 technology has led to the potential of what is called in the Byron Review (March 2008) -

<http://www.dfes.gov.uk/byronreview/pdfs/Final%20Report%20Bookmarked.pdf>

'increased interactivity' that is, children and young people associating with each other and forming friendships online in a way that is not replicated in age related off-line social friendship groups. This in and of itself poses new risks and challenges regarding the appropriateness of contact.

**2.2** The distinction between contact and conduct is useful in that enables practitioners to think about the risks of the internet. However the reality is that there is significant overlap between the two. The key distinction is that:

- 'contact' refers to a situation in which the child is the receiver of the communication/message (the 'victim').

- ‘conduct’ refers to a situation where the child is the instigator of the inappropriate behaviour (the ‘perpetrator’)

**2.3** Moreover, the same child/young person can inhabit both roles at different times.

### **3. Social Networking Sites**

**3.1** Social networking sites allow users to create their own content and share it with a vast network of individuals, and, potentially, the world. These sites have developed around specific communities of interest.

**3.2** There are a number of reasons as to why social networking sites are so popular, these include the ability to create original and personal content that can be published in a form of a website. Most importantly, it is the opportunity for self expression that is the greatest attraction for children and young people. Other key activities include:

- keeping in touch with friends and sharing interests;
- experimenting with ideas and opinions;
- having a ‘place’ or ‘space’ where parent(s)/carer(s) may not be present; and
- demonstrating technical skill and expertise.

**3.3** A young person can be a victim of online abuse in the form of inappropriate content and cyber bullying. Moreover, children and in particular young people, may also engage in risk taking behaviours e.g. cyber flirting and cyber sex. These situations can escalate to a point where the young person is no longer in control.

**3.4** The Home Office Task Force on Child Protection (Good practice guidance for Providers of social networking and other user interactive services 2008 – <http://police.homeoffice.gov.uk/publications.operationalpolicing/social-networking-guidance?view=binary>) identified that the potential risks to children and young people using social networking and other interactive services include:

- bullying by peers and people they consider ‘friends’;
- exposure to inappropriate or harmful content;
- involvement in illegal or inappropriate content
- posting personal information that can identify and locate a child/young person offline
- sexual grooming, luring, exploitation and abuse through contact with strangers;
- exposure to information and interaction with others who encourage self-harm;
- exposure to racist or hate material;
- glorifying activities such as drug taking or excessive drinking;
- physical harm to young people in making video content, such as enacting and imitating stunts and risk taking activities; and

- leaving and running away from home as a result of contact made online

**3.5** There is also concern that the capabilities of social networking sites together with children/young people's risk taking behaviour combines to increase the potential of sexual exploitation.

**3.6** This exploitation can include:

- exposure to harmful content including adult pornography and indecent images of children;
- engaging in sexually explicit communications and conversations that reduce the inhibitions of children/young people;
- manipulation and exploitation, which can include being encouraged or paid to pose in sexually provocative ways, pose naked or perform sexual acts;
- Grooming and luring children to meet offline to sexually exploit them.

**3.7** The use of webcams is a cause for concern as young people in particular, may use the internet to explore their sexuality, as previously stated. This may result in a young person engaging in cyber flirting or cyber sex with their 'friends'. However, the reality is that the young person will not understand the potential implications of sharing or publishing explicit or suggestive images, which may be tantamount to illegal images, even if they are posted by young people.

**3.8** As noted by The Home Office Task Force for Child Protection, the general principle that an action is illegal if it is committed offline is also illegal if committed online. This applies both to issues such as distributing illegal material and also harmful behaviour, if it amounts to a course of harassment, or grooming.

## **4. Gaming Sites**

**4.1** The immediate risks posed by gaming sites is the amount of time and considerable commitment required to play a game. The time consumption can impact on young people's daily life in the form of failing to eat properly, take care of personal hygiene and on their ability to perform academically well in school.

**4.2** Of particular concern with gaming sites is the social interaction that can take place whilst a game is taking place. Consequently, a child/young person can be at risk of exploitation, as previously stated in terms of contact and conduct risks.

## **5. Parents; Carers and other adults working with children and young people**

**5.1** The Byron Review (March 2008) concluded that there is a generational digital divide between parents/carers, children and young people and that many parents and carers are unsure about how to teach their children risk

management skills when using the internet. It is more than likely that such an observation will be true for members of the children and young people's workforce.

**5.2** There is also the truism that, children and young people have superior technical skills to their parents/carers and those adults that work regularly with them, when it comes to the internet. However, children and young people do lack the ability to comprehend and assess risk, as well as clearly understand the implications of their behaviour.

**5.3** The sense of uncertainty and anxiety that a parent/carer may feel is likely to be driven by a lack of knowledge and skills, and these feelings are heightened by media stories which link internet usage to abuse and anti-social behaviour. Overall, parents tend to equate their ability to protect their children when online with their relative skill levels, so children and young people of parents with few internet skills are potentially disadvantaged in terms of protection from the risks.

**5.4** In terms of adults working with children and young people, it is likely that they may experience the same sense of anxiety, and on this basis it is essential that they receive appropriate awareness and training about e-safety.

## **6. Children and Young People who use abusive behaviour**

**6.1** One aspect of abuse that is prevalent amongst children and young people is cyber-bullying. Cyberbullying has been described as a sub-set or 'method' of bullying. It can be used to carry out all types of bullying e.g. racist and homophobic bullying. The substantial difference is that instead of the child or young person carrying out the bullying in person, they use technology as the means of conducting bullying.

**6.2** Cyberbullying can include a range of unacceptable behaviour, which include: harassment; insults; threats; intimidation; vilification/defamation; exclusion or peer rejection; impersonation or unauthorised publication of private information or images. There is also a possibility that cyberbullying could extend to the sending and receipt of indecent images. Where this has or is taking place, the response of the agency must be to follow Chapter 9 – Abuse by children and young people.

**6.3** Cyberbullying can be defined as the use of ICT (Information and Communications Technology), particularly mobile phones and the internet, deliberately to upset someone else. It can be an extension of face-to-face bullying, with technology providing the bully with another route to harass their target. However, it differs in several significant ways from other kinds of bullying: the invasion of home and personal space; the difficulty in controlling electronically circulated messages; the size of the audience; perceived anonymity; and even the profile of the person doing the bullying and their target.

**6.4** As has been suggested earlier, children and young people may be extremely skilled in the use of computer technology. Some young people may also develop abusive behaviour and use the internet and other technologies to make contact with potential victims.

**6.5** Cyberbullying, like all bullying should be taken seriously by schools and other types of educational establishments. The school community has a duty to protect all its members and provide a safe, healthy environment. There are a range of Education Acts and government guidance that outline a schools' duties and powers in relation to bullying. In particular, the Education and Inspections Act 2006 (EIA 2006) includes legal powers that relate more directly to cyberbullying.

**6.6** Although cyberbullying is not a specific criminal offence, there are criminal laws that can apply in terms of harassment as well as threatening and menacing communications. Agencies should contact the police if they feel that the law has been broken.

**6.7** It is widely acknowledged that some cyberbullying is clearly deliberate and aggressive, but it is also important to recognise that some incidents of cyberbullying are known to be unintentional, and are simply the product of a prank or joke by a child or young person who has failed to think through the consequences of his or her actions.

**6.8** A worrying characteristic of cyberbullying, as with all forms of bullying is that bystanders can easily become perpetrators. This takes place when bystanders pass on or show others images designed to humiliate. Where children and young people are bystanders they may not recognise themselves as participating in bullying. However, their involvement does compound the misery of the individual who is the victim of bullying behaviour.

**6.9** As cyberbullying is recognised as a form of bullying, schools should already have in place existing policies and procedures that focus on anti-bullying and e-safety. These will include an anti-bullying policy, Acceptable Use Policies (AUPs), responsible use of school IT networks, equipment and VLEs (Virtual Learning Environments) as well as mobile phones. In addition, schools should be sharing with their members the principles of e-safety through education programmes and awareness training.

**6.10** It should not be forgotten that, children and young people may be influenced to harmful and/or destructive behaviours because of peer pressure to be able to distinguish various motivations that have prompted behaviour which is deemed harmful and/or destructive.

**6.11** Where it has been identified that a child/young person has been the subject of cyber-bullying, it is essential that support is provided to the 'victim'. This could be through peer support programmes that are available within the school or through community counselling services such as Open Door and Relate2U.

## **7. Children and young people who are the subject of abusive images**

**7.1** Children can be severely traumatised by knowing that images of them being sexually provocative or abused exist on the internet, and will probably be subject to wide circulation. The situation is further compounded by the fact that different countries have different cultural perspectives regarding sexually provocative or indecent images of children and young people, which will be reflected in their legislation. Where this is the case, it can never be known if the image has been totally removed, and therefore in this sense the individual remains a victim, hence the need for therapeutic support.

## **8. Glossary of current legislation**

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

- The Computer Misuse Act makes it an offence for anyone to have:-
  - Unauthorised access to computer material e.g. if you access someone else's email account without their permission.
  - Unauthorised access with an intention to commit further offences e.g. If you access someone else's email account with the intention of committing a fraud.
  - Unauthorised modification of computer material e.g. If you change data without permission on a computer or intentionally introduce a virus that affects its performance.

### **8.2 Protection from Harassment Act 1997**

- the most important elements of the Act include:

Section 2 – 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.

Section 4 – 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

### **8.3 Communications Act 2003**

- There are 2 separate offences under this act:
  - (a) sending by means of a public electronic communications network, a message or other matter that is grossly offensive or of an indecent, obscene or menacing character.
  - (b) sending of a false message or persistently making use of a public electronic communications network for the purpose of causing annoyance, inconvenience or needless anxiety.

This wording is important because the offence under (a) is complete when the message has been sent – no need to prove any intent or purpose. It is an offence under (b) to keep using the network for sending any kind of message irrespective of content if for the purpose of causing annoyance etc.

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

- offence to send a letter, electronic communication or article which is indecent or grossly offensive, threatening or false information with intent to cause distress or anxiety to the recipient.

### **8.5 Public Order Act 1986**

- offence to possess, publish, disseminate material intended to/likely to incite racial hatred.

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

- defines “obscene” and related offences.

### **8.7 Copyright, Design and Patents Act 1988**

- it is an offence to use unlicensed software

### **8.8 Sexual Offences Act 2003**

- Grooming – If you are over 18 and have communicated with a child under 16 at least twice (including by phone or 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.
- Making indecent images – it is an offence to take, make, distribute, show, advertise indecent images of a child under 18. (Note: to view an indecent image on your computer means that you have made a digital image.)
- Causing a child under 16 to watch a sexual act – to intentionally cause a child to watch someone else taking part in sexual activity, including looking at images such as videos, photos or webcams, for your own gratification.
- Abuse of positions of trust – Staff must be aware that it is 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 (it applies to teachers, social workers, health professionals, Connexions staff etc).
- Causing or inciting a child to engage in sexual activity
- Engaging in sexual activity in the presence of a child under 16
- Exposure

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

- The law on images of child abuse is clear. It is an offence to possess indecent images of children in the United Kingdom.

## 8.10 Sex Offences Act 2003 Memorandum of Understanding

- Memorandum of Understanding between Crown Prosecution Service (CPS) and the Association of Chief Police Officers (ACPO) concerning Section 46 Sexual Offences Act 2003.

The aim of this memorandum is to help clarify the position of those professionally involved in the management, operation or use of electronic communications networks and services who may face jeopardy for criminal offences so that they will be re-assured of protection where they are acting to combat the creation and distribution of images of child abuse. This memorandum has been created within the context of child protection, which will always take primacy.

The MOU: <http://www.iwf.org.uk/police/page.22.213.htm>

## 8.11 The Data Protection Act 1998

- gives individuals the right to know what information is held about them and it provides a framework to ensure that personal information is handled properly. It promotes openness in the use of personal information. Under the Act every organisation that processes personal information (personal data) must notify the Information Commissioner's Office, unless they are exempt.

The Data Protection Act 1998 applies to anyone who handles or has access to information concerning individuals. Everyone in the workplace has a legal duty to protect the privacy of information relating to individuals. The Act can be summed up in 8 principles, which must be satisfied when processing personal data (information that will identify an individual). The Act also gives rights to the people the information is about and allows individuals to find out what information is held about them.

The eight principles are that personal data must be:

- Processed fairly and lawfully
- Personal information must be processed for specified purposes
- The information held must be adequate, relevant and not excessive
- The information must be accurate and up-to-date
- The information should not be held no longer than is necessary
- The information should be processed in line with individuals rights
- The information must be kept secure
- The information should only be transferred only to other countries with suitable security measures.

**For further information, go to Data Protection website, which can be found at: <http://www.informationcomissioner.gov.uk/>**