NSPCC
NORTHERN IRELAND

NSPCC Northern Ireland response to the draft Keeping children and young people safe online: an e-Safety Strategy and Three-Year Action Plan for Northern Ireland 2019-2022

Executive summary

- There is no doubt that the realisation of the strategic vision and implementation of the identified actions will help deliver better outcomes for children and young people in Northern Ireland. However, the NSPCC is clear that ring-fenced cross-departmental allocated funding and clear leadership is the only solution.
- The Strategy should be accompanied by a clear recognition of the need for synergy between NI Executive and UK Government policy responsibilities. It is important that the UK administrations are coordinated and recognise that each devolved nation has an individual role to play.
- We encourage governmental departments to respond to the open consultation on the Online Harms White Paper.
- The NSPCC strongly believes that the Strategy must be explicit and incorporate the legal requirements for working in partnership under the Children's Services Cooperation Act (Northern Ireland) 2015, including exercising the power to pool funding to support the delivery of the action plan.
- Lack of leadership from a range of stakeholders – including the Department of Health and Department of Education, underlies many of the shortcomings in progressing the Strategy. Leadership of and clear accountability at a Ministerial/Permanent Secretary level is essential going forward.
- The existing rotational devolved nations representation on UKCIS is deficient and is ineffective in delivering outcomes for local children. Put simply, the lack of traction and absentness on UKCIS means that Northern Ireland is lagging behind the rest of the UK in developing e-safety approaches.
- The SBNI's E-safety forum members have collectively communicated concerns about the viability of an SBNI-led coordination function without additional resources. **Put simply, the strategy will not be a vehicle for change without significant funding.**

Introduction

1. The NSPCC is the leading children's charity fighting to prevent child abuse in the UK and Channel Islands. We help children who have been abused to rebuild their lives, protect those at risk, and find the best ways of preventing abuse from ever happening. We have statutory child protection powers under the Children (NI) Order 1995, and we are statutory members of both the Safeguarding Board for Northern Ireland (SBNI) and Public Protection Arrangements Northern Ireland (PPANI). We are also core members of the SBNI's E-Safety forum and the Strategy Project Board.

EVERY CHILDHOOD IS WORTH FIGHTING FOR

2. The NSPCC have long-campaigned for an e-safety strategy in Northern Ireland and we warmly welcome the opportunity to comment on the draft strategy. This response is not intended to be comprehensive, instead it focuses on a number of high-level areas.

3. Unfortunately, the lapsed time-period between the drafting of the strategy and it being issued for public consultation has dated much of the content. The consultation exercise will expectedly provide an opportunity to refresh and update policy and practice developments for the 2019 landscape. Despite the delay, many of the strategic actions are sound, and if properly implemented, will help deliver better outcomes for children and young people in Northern Ireland.

4. We commend the National Children's Bureau (NCB) in Northern Ireland for their extensive engagement with young people in the design and development of the Strategy. To inform NSPCC's response on the E-Safety Strategy, staff facilitated two consultations with young people, one in partnership with NCB and the other is summarised in a separate submission.

Human rights

5. The strategy rightly has adopted a right based approach. To fully realise children's rights in the digital age, as required by the UN Convention on the Rights of the Child we suggest that the enclosed articles are also referenced on page 19 of the document - Article 2: protection from all forms of discrimination; Article 3: in all action concerning the child best interests should be a primary consideration; Article 6: the right to life, survival and development; Article 24: a child's right to the best possible health; and Article 32: Government must protect children from work that is dangerous or might harm their health or development.

6. The Council of Europe recently recommended guidance to its member states about how to interpret and implement the rights of the child in relation to the digital environment – see also the current consultation by the UN Committee on the Rights of the Child. Both these organisations, and many others, urge a holistic approach which includes children's rights to provision, participation and protection.

Children's Services Cooperation Act (Northern Ireland) 2015

7. Despite the Strategic objective to '*support the development of a comprehensive cross-government action plan that will improve e-safety*' (page 5), the document omits any reference to the Children's Services Cooperation Act (Northern Ireland) 2015 - one of the key legislative developments relating to children in Northern Ireland in recent years. The Act places obligations on Government Departments and Agencies to co-operate with each other to contribute to the wellbeing of children and young people.

Of significance, it also creates an [enabling power to allow departments to pool resources to address crosscutting children's issues.](#)

8. The NSPCC strongly believe that the Strategy must be explicit and incorporate the legal requirements for working in partnership under the [Children's Services Cooperation Act (Northern Ireland) 2015](#). The statutory obligations on cross-governmental departments and agencies, as envisaged under the Act, including pooled funding to support the delivery of the action plan, should effectively and efficiently help address and redress online safety/digital safeguarding in Northern Ireland.

Leadership

9. The strategic leadership asssigned to the SBNI is ambitious, if unrealistic, in the absence of additional staffing. E-safety forum members have collectively communicated concerns about the viability of an SBNI-led coordinator function without additional resources. The Strategy will not be a vehicle for change without funding. SBNI is being asked to effectively lead a Strategy which should be the remit of Government Departments, co-produced with the members of the SBNI playing a role in co-ordination and partnership.

10. Reflecting on earlier comments in relation to the Children's Services Cooperation Act (2015) [enabling power to allow departments to pool resources to address crosscutting children's issues.](#) NSPCC call for urgent ring-fenced cross-departmental allocated funding to deliver the strategic vision.

Strengthening links between NI and wider UK e-safety structures

11. The Strategy should be accompanied by a clear recognition of the need for synergy between NI Executive and UK Government policy responsibilities. It is important that the UK administrations are coordinated and recognise that each devolved nation has an individual role to play. NSPCC have provided a suggested action: Under 1(c) *Ensure cooperation and collaboration with the UK government and other administrations to introduce statutory industry regulation.*

12. In this regard, we encourage governmental departments to respond to the open consultation on the [Online Harms White Paper](#) which recognises that most social networks have been cavalier when it comes to keeping children safe, and that it's time to introduce [statutory regulation](#) on social networks. The White Paper proposes a number of legislative and non-legislative measures that place an onus on making companies more responsible for their users' safety online, especially children and other vulnerable groups.

13. We welcome the reflections on the disconnectedness of government departments with UKCIS. The NSPCC in Northern Ireland have routinely voiced concerns about the lack of transparency and meaningful representation on the Council. The existing rotational devolved nation representation is deficient and is ineffective in delivering outcomes for local

children. Put simply, the lack of traction and absentness on the UKCIS means that Northern Ireland is lagging behind the rest of the UK in developing e-safety approaches.

14. Strategic action 1(c) *'Establishment of a formal feedback mechanism to support NI contribution to UKCIS meetings & ensure the voice of local service users and stakeholders are heard,'* is a key driver for change and should be implemented without delay.

Definitions

15. The definition and strategic objectives focus exclusively on the online world however it needs to recognise parity of protection online as well as offline, therefore, maybe reference could be made to reflect that children and young people's 'worlds', both online-offline are a continuation and can shift on a moment by moment basis. The safeguarding focus needs to be maintained on the 'human' interaction via content, contact and conduct whereas a focus on devices may imply that the device is the issue.

16. In addition to the draft definition of E-safety on page 8, we feel it would be useful to also include a working definition of online abuse. The NSPCC currently defines online abuse as:

> *"Abuse that is facilitated using electronic technology. It may take place through social media, online games, or other channels of digital communication. Children can also be re-victimised if evidence of their abuse is recorded or uploaded online. Technology can facilitate a number of illegal abusive behaviours including, but not limited to: harassment; stalking; threatening behaviour; child sexual abuse material; inciting a child to sexual activity; sexual exploitation; grooming; sexual communication with a child; and, causing a child to view images or watch videos of a sexual act. Using technology to facilitate any of the above activities is online abuse."*

Online harm data

17. Surprisingly the Strategy omits any available PSNI crime data relating to online abuse. Data collection around online abuse is still in its infancy, in recent years a number of steps have been taken to improve our understanding of the issue. While there is discrepancy and difficulty in identifying the actual prevalence of children and young people who are victim to online harm, the crime data supports that this is a growing population.

18. For reference, we have included available data that could be included in the further development of the Strategy document, for example -

    o There has been increasing recognition of the importance of recording instances where abuse involves an online element. Online crime is now identified through the use of a "flag" on the crime recording system where an offence was committed, in full or in part, through a computer, computer network or other computer-enabled device. Its

aim is to help provide a national and local picture of the extent to which the internet and digital communications technology are being used to commit crimes.

- o Table 1 shows the data for Northern Ireland that has been published since 2014/15, the first full financial year in which the flag was used.

Table 1. PSNI Recorded Crime of under 18's with an online flag[1]

	under 18			
	2014/15	2015/16	2016/17	2017/18
VICTIM-BASED OFFENCES				
Violence against the person	57	57	41	116
3B Threats to kill	*10*	*9*	*3*	*6*
Harassment[1]	*42*	*43*	*31*	*103*
All other violence against the person	*5*	*5*	*7*	*7*
Sexual offences	66	138	176	171
Sexual activity[2]	*61*	*114*	*157*	*121*
All other sexual offences[3]	*5*	*24*	*19*	*50*
Burglary, robbery, theft and criminal damage	4	11	18	7
35 Blackmail (theft offences)	*3*	*10*	*17*	*7*
All other offences of burglary, robbery, theft and criminal damage	*1*	*1*	*1*	*0*
OTHER CRIMES AGAINST SOCIETY				
59 Threat or possession with intent to commit criminal damage	*0*	*0*	*1*	*2*
86 Obscene publications, etc. and protected sexual material	*0*	*0*	*0*	*0*
All other crimes against society	*0*	*0*	*0*	*0*
TOTAL RECORDED CRIME - ALL OFFENCES	**127**	**206**	**236**	**296**

- o From the data we can see that, since 2014/15, the number recorded crime offences of under 18's with an online flag has increased by 133 per cent, from 127 offences in 2014/15 to 296 in 2017/18.

- o The data also shows that 2017/18 there were 171 recorded sexual offences of under 18's with an online flag, an increase of 159 per cent since 2014/15. By looking at sexual offences which have been "flagged" as involving an online element and grooming offences, we can get a better sense of the role that the internet is playing in facilitating the sexual abuse of children.

- o The law has also changed in response to new ways of perpetrating abuse.[2] This means we are now able to count the number of offences recorded by the police where adults are accused of having sexual communication with

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[1] See Table 4.2 Online crime by age of victim, 2014/15 to 2017/18
(PSNI) (2018) Trends in Police Recorded Crime in Northern Ireland 1998/99 to 2017/18. Belfast: PSNI.
[2] See https://www.legislation.gov.uk/nia/2015/9/part/9/crossheading/sexual-offences-against-children
Section 90 of the Justice Act (Northern Ireland) 2015 inserted a new offence into the Sexual Offences (Northern Ireland) Order 2008 criminalising sexual communication with a child.

a child. The offence of sexual communication with a child was introduced in Northern Ireland in February 2016. There has been an increase in recorded sexual communications with a child offences in the last year, from 19 recorded in 2016/17 to 82 in 2017/18.[3] As with all new offences, the number will expectedly rise as awareness of the offence increases and the crime is more routinely recorded by the PSNI.

o The PSNI have long-published data on '*obscene publications and protected sexual material.* These offences are recorded as state-based offences, meaning that victim age is not available. The data shows there were 478 police-recorded obscene publication offences that related to images of children under the age of 18 in Northern Ireland in 2017/18. This is a 302 per cent increase in the past five years (119 offences in 2012/13.[4] The PSNI links the increase in the number of offences to a rise in the number of offences taking place online and to a rise in offences related to sexting.[5]

19. Child sexual abuse images, whether still images or videos, are a visual record of the sexual abuse of a child. Every time an image is shared the victim is re-victimised. There is also the debate around casual links between viewing indecent images of children and committing a contact sexual offence.[6]

Measuring the impact

20. In terms of measuring the primary outcome that '*All children and young people are safe and secure online,'* there are considerable challenges in attaining a true and comprehensive measure of the totality of '*Incidence of e-safety related crime involving children and young people.'* An obvious source of information on the extent of crime is the police, however, much abuse goes unreported and unrecorded. Also, trends in the data may reflect increased public awareness, rather than an increase in incidence.

21. In March 2019 the Royal College of Psychiatrists, the professional medical body responsible for supporting psychiatrists and raising UK psychiatric standards, advised that questions about technology use should be a routine part of assessments of children's mental health problems.[7] We understand that NI agencies, including children's services, do not as yet routinely record this data. NSPCC would therefore suggest that the Department of Health, through its delegated Statutory Functions Returns, routinely obtain and publish information about the involvement of the internet in abuse cases.

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[3] Police Service of Northern Ireland (PSNI) (2018) Trends in Police Recorded Crime in Northern Ireland 1998/99 to 2017/18*.* Belfast: PSNI. (Additional data provided to NSPCC)
[4] Police Service of Northern Ireland (PSNI) (2018) Trends in Police Recorded Crime in Northern Ireland 1998/99 to 2017/18*.* Belfast: PSNI. (Note a slight revision has been made to the 2017/18 Annual Trends publication Table 7.4, revised data provided to NSPCC and published on PSNI website.)
[5] Police Service of Northern Ireland (PSNI) (2018) Trends in police recorded crime in Northern Ireland: 1998/99 to 2017/18. Belfast: PSNI.
[6] Rhiannon Lewis. (2018) Literature review on children and young people demonstrating technology-assisted harmful sexual behaviour. Aggression and Violent Behavior 40.
[7] Royal College of Psychiatrists (2019) Psychiatrists should consider impact of social media on all children they assess, leading medical body says for first time.

Educating our children and young people, their parents and those who work with them

22. There is no doubt that Strategic action 2(a) is core component of the document and that the delivery of this action would help improve outcomes for children and young people in Northern Ireland.

23. Nothwithstanding, assissing the SBNI (in the existing staffing structure) and e-safety forum to deliver on this action is unrealistic, unworkable and no more than an undeliverable wishlist. More so, the 'specific activities' are unsurmountable within the identified timescales.

24. If the Strategy is to protect all children, it is important to build in specific provisions to address each of these groups, who may be more likely to feel socially isolated and so build friendships online, but who are likely to be less resilient to online risks.

25. There are key concerns around the lack of support for young people with intellectual/learning disabilities in the developing policy and practice response, in particular - lack of appropriate education and fewer opportunities for healthy sexual/social expression; lack of understanding around sexual behaviour and/or social norms; and this group may relate on a psychosocial level to younger children whose functional age is similar to their own. These complex dynamics bring distinct and increased risk factors.

26. In addition to the identified vulnerable groups, it is important that the Strategy explicitly considers the needs of young people with intellectual/learning disabilities; children with physical disabilities; those from low-literacy families; children from chaotic home or family environments; and those with experience of exclusion of access (including travellers, asylum seekers, trafficked or migrant children). Specific provisions are needed to address each of these groups, who may be more likely to feel socially isolated and so build friendships online, but who are likely to be less resilient to online risks.

27. It is crucial that Northern Ireland, within their devolved powers, ensure there an effective Child Sexual Abuse Strategy, including high quality statutory RSE, PHSE and digital literacy curriculums. RSE in particular can play increasingly important role in filling the 'information void' around sex and relationships, in both the online and offline space, and teaching young people the information they need about sex, healthy relationships and consent. Research shows that children and young people turn to online pornography as a source of information about sex and sexual expectations in the absence of other sources.

28. We would suggest that the Department of Communities provide sector specific guidance for their arms-length bodies many of whom have remits which bring them into contact with children to ensure consistency of approach.

29. More joined-up working and early intervention; specialist messages; agreed reporting pathways; and the development of a public awareness campaign is all extremely welcome. But, we need to make sure there are sufficient services to be signposted to.

30. Of interest, the NSPCC have developed a service for children and young who have experienced Adverse Childhood Experiences who have a further increased vulnerability to an accumulated negative impact if further abuse experienced online – this is in the process of being promoted in NI and is being evaluated as part of NSPCC's Strategy.

31. We would welcome the opportunity to work with the departmental officials and Agencies in the further development of the Strategy and delivery of the action plan.

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