

# Services For Education

SAFEGUARDING SUBSCRIPTION RESOURCES

## UPSKIRTING

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## What is Upskirting?

It is when someone takes a picture (usually on a mobile phone camera) under someone's clothing and without their permission. The intent is to view genitals or buttocks (with or without underwear) and is therefore a type of sexual harassment and can be classed as sexual abuse based on images. It is intrusive and a violation of privacy and anyone (any age and any gender) can be a victim.

It is sometimes called a "creepshot" and is a common act, usually performed in a crowded and public place. Victims can be harmed emotionally/mentally as well as possibly physically – it often leads to people being uncomfortable out in public alone which restricts their life.

## What is the Law Around it?

The Voyeurism (Offences) Act came into force in England and Wales in April 2019. The maximum sentence is two years in prison and if proven to have been committed to obtain sexual gratification, the perpetrator may be placed on the sex offenders' register. The campaign to make this law was led by Gina Martin, who was a victim of this act in 2017 when she was at a music festival.

Previous laws did not always cover this offence – for example the voyeurism offence in the Sexual Offences Act 2003 relates only to where someone is observed "doing a private act" – but as upskirting often occurs in public, this law did not apply.

The offence of outraging public decency also didn't always apply as third parties didn't always know this had taken place as it is a secretive act at the time. KCSIE has incorporated references to upskirting as part of child on child abuse since the law came in to force.

## How Common is it?

In the year following the law coming into force, 16 men were convicted of 48 offences. 33 of these offences took place in supermarkets and shops, 9 on public transport, 5 in the street and 1 in a school. We know it is underreported – as previously it was rare to be able to get a case to court - and we know some young people see this as "par for the course" of being a teenager – which is a worrying view.

## Why do People do This?

The perpetrator may gain sexual gratification from this act. However, sometimes it is committed to cause humiliation, distress or alarm – this occurs where the victim knows the perpetrator and it is a form of harassment. Often images are then shared on social media further with permission.

This reason is often why it happens amongst children and it does happen in schools and other educational settings. The youngest reported victim was 10 years old, though of course there may be much younger victims where it hasn't been reported.

## How Can we Empower and Support Young People?

1. Start talking about boundaries and consent from a young age – use the “spiral curriculum” notion in PSHE pedagogy, where we might not use defined terms at a young age, but we start to teach concepts which we come back to and develop at an older age with more specific terminology and content.
2. Publicise to staff and students that this type of behaviour will be taken seriously – that no-one will use language such as “it’s only banter” or “boys will be boys”. Train your staff well on the breadth of sexual violence and sexual harassment. Some behaviours that were “tolerated” in the past are no longer accepted, but unless we tell our staff they might not know. Perhaps they committed these types of acts in the past themselves so are reluctant to act? Some young people may see that this is something that “just happens” nowadays, so need the law, and the reasons for it, explaining in detail.
3. Teach children how to actively report these issues – staff most certainly do not need to see images, but children need confidence in reporting, and reporting quickly, so that any device that needs to be, is confiscated. As professionals, learn how to contact social media to get images taken down – for example the NSPCC Report Remove tool is a great place to start, share this information with children and parents too. Also signpost to charities etc. who might be good emotional and practical support. It is also worth knowing and sharing with victims that they are entitled to automatic protection from things such as their name being identified in the media.
4. Check your policies – are you specific about upskirting as a behaviour that constitutes child on child abuse in your setting? Do you explain what it is, why it is a safeguarding concern, what potential outcomes might be for perpetrators and what support you can signpost victims to?
5. Publicise that the police take this issue seriously – in the past, due to no law covering this exact offence, sometimes police were powerless to act. This is no longer the case.
6. Teach staff and children about a separate but related offence of “downblousing” – taking a photo of someone’s breasts/cleavage from above without their consent. This is not yet named in the Voyeurism (Offences) Act 2019 but is a very similar, and equally serious, issue.

If you need extra support on this topic, please contact us at [safeguarding@servicesforeducation.co.uk](mailto:safeguarding@servicesforeducation.co.uk)



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