

Sexuality & Safeguarding

Working with Sexually Active Children & Young People

October 2005

Sexuality

- **Involves: the ‘ whole person ‘**
- **Develops: from experience & conditioning**
- **Includes: making & maintaining relationships**

What is Sexual Health?

...Enjoyment of sexual activity

- Of one's choice
- Does not cause physical harm
- Does not cause mental harm

The London Protocol

- All agencies respond to legislation & government guidance
- Multi-agency assessments. Sharing of information
- Safeguard & protect from abuse

Legislation & Guidance

- Sexual Offences Act 2003
- Bichard Inquiry 2004
- Children Act 2004
- Education Act 2002
- UN Convention on the Rights of the Child

Sexual Offences Act 2003

Legislation prevents:

- Sexual activity with a child
- Causing or inciting a child to engage in sexual activity
- Engaging in sexual activity in the presence of a child
- Causing a child to watch a sexual act

Sexual Offences Act 2003

- Legal age consent 16 years
 - The law is not intended to prosecute mutually agreed teenage sexual activity, between two young people of a similar age **unless there is evidence abuse or exploitation**
- ... and this can only be ascertained through sharing information for an assessment of the risk

Sexual Offences Act 2003

A child under the age of 13 years is
not competent to give
consent to sexual
activity

The Bichard Inquiry

National Guidance giving clarification of notifying police:

- Age or power imbalance
- Overt aggression
- Coercion or bribery
- Misuse substances as dis-inhibiter
- Attempt to secure secrecy
- Evidence of grooming

Children Act 2004

- Duty to safeguard and promote welfare
- Duty to co-operate to improve well being
- All young people identified at risk abuse - given protection and safety from harm

Education Act 2002

- LEAs, schools and other education establishments providing for children under the age of 18 years must make arrangements for safeguarding and promoting the welfare of children who attend the establishment

UN Convention on the Rights of the Child

Article 6:

Parties shall ensure to the maximum extent possible the survival and development of the child

UN Convention on the Rights of the Child

Article 34:

Parties undertake to protect the child from all form of sexual exploitation and sexual abuse, and take multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity
- (b) The exploitative use of children in prostitution or other unlawful sexual practices
- (c) The exploitative use of children in pornographic performances and materials

Good Practice

Always discuss:

- Emotional & physical implications sexual activity
- Is there coercion or abuse, is it mutually agreed?
- Encourage to inform parent, general practitioner
- Confidentiality

Fraser Guidelines

Does/would, the young person:

- Understand practitioner's advice?
- Be persuaded to inform parent?
- Be likely to have intercourse without contraception?
- Be likely to suffer physically or mentally without advice or treatment?

Working with the London Procedure

Assessment:

- Assess the risk – is sexual activity harmful?
- Use the risk assessment tool
- Share information
- Clarify age, responsibilities

Risk Assessment

- Use the Assessment Matrix to assess and record risk

Ask the Right Questions

- What are the ages of the child and the partner?
- Is there an age or power imbalance?
- Is there overt aggression?
- Are their living circumstances supportive?
- Do they attend school/college regularly

Consider Exploitation

- Does it appear coercion or bribery have been used?
- Have substances been used as disinhibiter?
- Does the child's own behaviour increase risk or affect ability to make informed choice?

Consider predisposing factors

- Is the sexual partner known to other agencies?
- Are there attempts to secure secrecy?
- What is child's perception – do they minimise, accept or deny concerns?
- Are there evidence of grooming?

Case Study: scenario

You are a worker at a residential unit for adolescents where Kim, aged 13 resides. Kim is a looked after child who is subject to a Care Order.

She has a troubled family background, having experienced sexual abuse from an early age, until she was taken into care at the age of 10. Kim has had a foster placement, which broke down, and it is hoped to work towards another family placement. Kim has run away from the unit on several occasions and staff are concerned about her vulnerability as she has a mild learning disability. Kim has confided in you that she has a boyfriend who is older than her and buys her clothes. Kim has told you that she has 'slept' with him and wants to go on the pill. She has asked you not to tell anyone.

Case Study: questions

- Who would you want to share information with and why?
- Is it appropriate to obtain consent?
- Should the information be shared without consent?
- What information would you record and why ?

Role of police: to safeguard and promote welfare child

- Receive an enquiry
- Process enquiry
- Contact agency making enquiry
- Feedback relevant information
- **Contacting the police for risk assessment information is not an allegation of crime**

Summary

Record contemporaneously:

- All case details
- All decisions made & by whom
- Actions taken & by whom
- Use of risk Assessment Matrix
- Consultation within supervision

Successful prosecutions ...

- Have been made by the police managing to identify serial perpetrators through the recording and sharing of their 'nicknames'

Safeguarding children from harm is paramount

London Child Protection Committee Procedures:

- Section 4 – recognition & response
- Section 5 – referral & assessment
- Section 9 – additional response

Research Childline (2002)

- Average age of caller 12yrs – 15yrs
- 8,402 callers experienced abuse
- 6,122 girls
- 2,280 boys
- 57% abuse by family member
- 30% person known to child
- 13% stranger

Why young people keep sexual abuse hidden

- Fear family member would not believe
- Shame of the event
- Fear of causing trouble
- Lack of awareness of being abused (especially when abuser is partner, many girls say “I love him”)
- Ignorance of protective role of professional

Contact details

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