



FACT SHEET: Working with Sexually Active Young People

Reports of underage sexual activity may raise difficult issues for practitioners, and need to be managed with sensitivity. **The Sexual Offences Act 2003** sets out the law in relation to all children and young people under 16 who legally cannot consent to sex, but makes a separate distinction for children under 13 for whom any sexual activity should be considered to put a child at risk of serious harm. Although sexual activity in itself is not an offence over the age of 16, young people under the age of 18 are still offered protection under the Children Act 2004, if required.

Children under the age of 13

- Any sexual activity with a child under the age of 13 is illegal as the child is not deemed to be able to consent.
- Any awareness of sexual activity in a child under 13 should be discussed by practitioners with named/designated practitioners and line managers.
- A referral to Children's Social Care should be made if a girl under 13 is pregnant.

Children and Young People aged 13-15

- Sexual activity with a child under 16 is an offence.
- Each child's circumstances should be assessed as sexual activity in children between 13 -15 may have serious consequences for the child.
- The balance between the age of the child and the other party should be considered
- The power balance should be considered, is there coercion or exploitation involved?
- Where there are any concerns about the child a referral should be made to Children's Social Care.

Young People over 16 and under 18 Years Old

If the sexual activity is with a person in a Position of Trust (e.g a person working with children and young people in some capacity) or a family member, the young person is not deemed to be able to give consent.

Concerns about Sexual exploitation should be referred as should a young person who has a mental disorder which impedes choice.

Confidentiality

Confidentiality cannot be guaranteed and the child or young person must be informed of this.

The discussion with the young person may prove useful as a means of emphasising the gravity of some situations.

Decisions to share information with parents / carers will be taken using practitioner judgement, following discussion with the child or young person and in consultation with other involved agencies.

Assessment and Referral

Where a practitioner has discussed the concerns with a relevant manager and considered the needs of the child or young person as well as the risks of harm, a referral should be made to Children's Social Care.

For further details and advice see **chapter 3.28** in the Sheffield Safeguarding Children Board Child Protection Procedures. A discussion with the **Sheffield Safeguarding Children Advisory Service** could assist in undertaking an assessment of the needs of the child.

Where a practitioner is concerned that a child is at risk a telephone referral should be made to the relevant area office of Children's Social Care. The referral should be followed up in writing within 24 hours.

Multi-agency meetings should take place either as a part of the Child Protection process, or in respect of Child in Need procedures.