



**Mental Health and  
Emotional Wellbeing  
Service for Children  
and Young People**

Underage Sex Policy

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## APPENDICES



*Underage Sex Policy*

## **Background**

There is no law regarding confidentiality and talking about sex and relationships. The best interests of the young person are paramount on every occasion and information should be treated as strictly confidential and be made available only to those who have a need to know. Effort should be made to obtain the young person's consent before passing on personal information.

### **What do I do if a young person under the age of 16 discloses they are sexually active?**

Clinicians do not have a duty to inform parents of evidence or suspicion of sexual activity. However, working in partnership with the young person's parent/carer should always be encouraged where appropriate. Where sexual activity has been disclosed by a young person they should be asked if they feel able to talk to their parent/carer about these matters. A disclosure of underage sex is not in itself a reason to break confidentiality.

It is always necessary to discuss cases of sexual activity involving young people under 13 with the Safeguarding Lead. Any sexual activity involving a young person under 13 is illegal and on all occasions will be discussed with social care. In law a child under the age of 13 cannot consent to sex.

Although sexual activity under the age of 16 is an offence, where it is consensual it is less serious than if the child is under 13. There are however a number of questions you should ask in a sensitive way to assess whether the young person is at risk of harm:

- Age of the young person – sexual activity at a young age is a strong indicator there are risks to the welfare of the young person
- The level of maturity of the young person and their understanding to give informed consent – compliance is not consent
- What is known about the young person's background/home circumstances?
- Age imbalance – particularly where there is a significant age difference i.e. a 14 year old having sex with an 18 year old (this should always be discussed with the safeguarding lead)
- Are they being coerced/bribed?
- Familial child sex offences – is the young person related in such a way that the relationship is illegal?
- Does the young person appear anxious/withdrawn/distressed?
- Have any attempts to secure secrecy been made by the sexual partner?
- Does the young person perceive the activity as abusive? If so it should be treated as such

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- Is there any evidence of grooming in person or by the internet?
- Is the young person at risk of child sexual exploitation (cse)?
- When a young person with a learning disability is involved extra care should be taken to ensure they are not being exploited
- If the young person has a communication difficulty you need to ensure their wishes and feelings are being understood and they understand their activity

Where there is any cause for concern a discussion with the Safeguarding Lead should be had as soon as possible and all concerns should be documented in a timely fashion.