

South Yorkshire Area Child  
Protection Procedures

Appendix 13

**Working with Sexually Active Young  
People under the Age of 18**

**February 2005**

## Protocol

This protocol has been devised with the understanding that most young people under the age of 18 will have a healthy interest in sex and sexual relationships. It is designed to assist those working with young people to identify where these relationships may be abusive and the young people may need the provision of protection or additional services.

All young people, regardless of gender, who are believed to be engaged in, or planning to be engaged in, sexual activity should have their needs for health education, support and/or protection assessed by the agency involved.

This assessment should be carried out in accordance with guidance set out in the South Yorkshire ACPCs' Child Protection Procedures (Ss. 1.2.4; 1.5; 13.2.1;11.4)

**In assessing the nature of any particular behaviour, it is essential to look at the facts of the actual relationship between those involved. Power imbalances are very important and can occur through differences in size, age and development and where gender, sexuality, race and levels of sexual knowledge are used to exert such power. (Of these age may be a key indicator, e.g. a 15 year old girl and a 25 year old man.)**

**If the young person has a learning disability or other communication difficulty and cannot easily communicate to someone that they have been abused, then the behaviour may well have been abusive. There may also be an imbalance of power if the young person's sexual partner is in a position of trust in relation to them.**

In order to determine whether the relationship presents a risk to the young person, the following factors should be considered:

- whether the young person is competent to understand, and consent to, the sexual activity they are involved in
- the nature of the relationship between those involved, particularly if there are age or power imbalances as outlined above
- whether overt aggression, coercion or bribery was involved including misuse of substances as a disinhibitor
- whether the young person's own behaviour, for example through misuse of substances, places them in a position where they are unable to make an informed choice about the activity
- any attempts to secure secrecy by the sexual partner beyond what would be considered usual in a teenage relationship
- whether the sexual partner is known by the agency as having other concerning relationships with similar young people
- whether the young person denies, minimises or accepts concerns
- whether methods used to secure compliance and/or secrecy by the sexual partner are consistent with behaviours considered to be 'grooming' as per sexual exploitation

If, at this stage, you have concerns that the young person may be at risk of sexual exploitation through prostitution, please refer to Section 11 and Appendix 7 of South Yorkshire ACPCs' Child Protection Procedures.

## Process

In working with young people, it must always be made clear to them at the earliest appropriate point, that absolute confidentiality cannot be guaranteed, and that there will be some circumstances where the needs of the young person can only be safeguarded by sharing information with others (for guidance on information sharing and confidentiality, please refer to Section 3 of the Child Protection Procedures). This discussion with the young person may prove useful as a means of emphasising the gravity of some situations.

On each occasion that a young person is seen, consideration should be given to whether their circumstances have changed or further information is given which may lead to the need for referral or re-referral.

In some cases urgent action may need to be taken to safeguard the welfare of a young person. However, in most circumstances there will need to be a process of information sharing and discussion in order to formulate an appropriate plan. There should be time for reasoned consideration to define the best way forward. Anyone concerned about the sexual activity of a young person should initially discuss this with the person, or unit, in his or her agency responsible for child protection. There may then be a need for further consultation with a member of the Child Protection Unit\*. All discussions should be recorded, giving reasons for action taken and who was spoken to, as support for the professional decisions made. It is important that all decision-making is undertaken with full professional consultation, never by one person alone.

Following any referral to social services (as outlined in S 5 of the Child Protection Procedures) there may be one of these responses:

- no further action deemed necessary
- an initial assessment undertaken which may identify the young person as a child in need and additional services provided
- an initial assessment undertaken which may identify the young person as a child at risk of significant harm and in need of child protection intervention

Wherever possible, appropriate support should be offered and agencies should continue to offer the services provided.

\*The Child Protection Unit is a specialist unit within social services, responsible, amongst other things, for chairing child protection conferences and offering an advice and consultation service to staff from all agencies. A discussion with the Child Protection Unit does not constitute a referral to social services, but they may offer advice on the necessity or otherwise of making a referral to a field work team. The telephone number of the Unit is found in Appendix 10 of the Child Protection Procedures.

## Young people under the age of 13

In all cases where the sexually active young person is under the age of 13, there must be a discussion with the social services Child Protection Unit (see footnote above on the role and function of the Child Protection Unit) who would make an enquiry to the Child Protection Register and will consult with partner agencies, including the police, as appropriate (see Appendix 10 of the Child Protection Procedures for contact details). **This discussion should be informed by the assessment undertaken using this protocol and, in the majority of cases, may be largely for the purposes of consultation and information sharing. In order for this discussion to be meaningful, the young person will need to be identified, as will their sexual partner if details are known.**

In the vast majority of cases, it will not be in the best interests of the young person for criminal or civil proceedings to be instigated. However, police and social services may hold vital information that will assist in any clear assessment of risk. Whether or not to support a victim in making a complaint to the police should be the subject of professional judgement, taking advice as and when appropriate.

Action to be taken when a girl under 13 is found to be pregnant will be informed by the in-house protocols of social services and police, but, again, such girls should **always** be the subject of a discussion with the Child Protection Unit at social services.

## **Young people between 13-16**

The Sexual Offences Act 2003 reinforces that, whilst mutually agreed, non-exploitative sexually activity between teenagers does take place and that often no harm comes from it, the age of consent should still remain at 16. This acknowledges that this group of young people is still vulnerable, even when they do not view themselves as such.

Sexually active young people in this age group will still have to have their needs assessed using this protocol. Discussion with social services is not mandatory and will depend on the level of risk/need assessed by those working with the young person. The same considerations as to making a criminal complaint apply as set out above, e.g. a 14 year old and a 25 year old man.

**This difference in procedure reflects the position that, whilst sexual activity under 16 remains illegal, young people under the age of 13 are deemed unable to give consent to such sexual activity.**

## **Young people under 18 and over 16**

Although sexual activity in itself is no longer an offence over the age of 16, young people under the age of 18 are still offered the protection of Child Protection Procedures under the Children Act 1989. Consideration still needs to be given to issues of sexual exploitation through prostitution and abuse of power in circumstances outlined above. Young people, of course, can still be subject to offences of rape and assault and the circumstances of an incident may need to be explored with a young person. Young people over the age of 16 and under the age of 18 are not deemed able to give consent if the sexual activity is with an adult in a position of trust or a family member as defined by the Sexual Offences Act 2003.

Any girl, either under or over the age of 13, who is pregnant should be offered specialist support and guidance by the relevant services. These services will also be a part of the assessment of the girl's circumstances

## **Sharing information with parents**

Decisions to share information with parents will be taken using professional judgement and in consultation with the Child Protection Procedures. Decisions will be based on the child's age, maturity and ability to appreciate what is involved in terms of the implications and risks to themselves. This should be coupled with the parents' ability and commitment to protect the young person. Given the responsibility that parents have for the conduct and welfare of their children, professionals should encourage the young person, at all points, to share information with their parents where ever safe to do so.

This protocol is written on the understanding that those working with this vulnerable group of young people will, naturally, want to do as much as they can to provide a safe, accessible and confidential service, whilst remaining aware of their duty of care to safeguard them and promote their well being.