

Learning Together: Underage Sexual Activity

Under the terms of the Sexual Offences Act 2003 **children under the age of 13 years old are not legally capable of giving consent**

The **legal age of consent** is 16 for both females and males. This is the legal age regardless of the gender or sexual orientation of a person and whether the activity is between people of the same or different sex. This means that it is an offence for anyone to have any sexual activity with a person under the age of 16. However, it is important to note that the Home Office and CPS guidance is clear there is no intention to criminalise teenagers under the age of 16 where they are of similar age and there is mutual consent.

**Child Sexual Exploitation** (CSE) is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child Sexual Exploitation does not always involve physical contact; it can also occur through the use of technology.

**Young people find it difficult to talk to adults about sexual issues:** Young people said that they are unlikely to disclose sexual exploitation, due to embarrassment about sexual experiences or fear of or loyalty to perpetrators. Young people may lack knowledge or acceptance that they are being exploited or have a lack of trust of or fear authorities. Messages from young people are that they want professionals, including sexual health nurses and GPs, to ask better questions and be more inquisitive, particularly when prescribing contraception or treating STIs.

**Assessment:** Practitioners should be aware of the potential for sexual relationships to become abusive and the need for further action to be taken, which may mean a referral to Childrens Social Care. It is essential that practitioners are curious and inquisitive when they become aware of underage sexual activity as the child may view what’s happening as consensual; however, this does not mean that they are not being abused. Children cannot consent to their own abuse.

SCR’s have identified that there is confusion in relation to underage sexual activity that can leave practitioners struggling to distinguish between sexual abuse, CSE and/or underage sexual activity. This can prevent victims of abuse being identified and reported. It is essential that workers use professional curiosity when talking to children about sexual activity.

**Behaviours can be a sign of exploitation:** Victims of sexual abuse often display challenging or offending behaviour, but risk-taking behaviour is a key indicator of abuse. When dealing with troubled children, practitioners need to see young people as vulnerable children in need of protection rather than focussing on their challenging behaviour. Victims of exploitation who engage in offending behaviour should not be criminalised, but instead need protection and support. Services need to embed a child-centred approach where children at risk of exploitation are viewed as vulnerable children in need of protection.

**Keep focus on the need to improve outcomes for the child’s daily lived experience:** Children need to be listened to and their experiences accepted so trust can develop and young people can feel supported and able to disclose their experiences. Victims of sexual exploitation may need on-going support to ensure they are protected from further exploitation in the future.

**Be aware of the warning signs of potential sexual exploitation and grooming**

* Underage sexual activity ✓ Teenage pregnancy ✓ Relationships with adults ✓ Going missing
* Sexual health concerns ✓ Criminal activity ✓ Alcohol and drug misuse ✓ Truancy, exclusion from school
* Mental health problems ✓ Aggressive behaviour ✓ Suicide attempts ✓ Self-harm
* Isolation from family and friends ✓ Involvement in abusive relationships

**Have confidence in identifying and assessing child sexual abuse and CSE.**

* Attend local training ✓ Access research and resource ✓ Escalate concerns when necessary
* Use CSE screening tools ✓ Discuss in supervision

**Local Support** If you are worried about a child contact Swindon Multi Agency Safeguarding Hub (MASH) 01793 466903. E-mail: [**Swindonmash@swindon.gov.uk**](mailto:to%20Swindonmash@swindon.gov.uk) Telephone: 01793 466903. The Emergency Duty Service (EDS) is available outside office hours on 01793 466900​​.

For further information on Child Abuse please see the Swindon Safeguarding Partnership (SSP) website <https://safeguardingpartnership.swindon.gov.uk/> where you can also find more information and resources on Child Sexual Abuse/Child Sexual Exploitation and links to training. You can also visit the South West Child Protection Procedures ([www.swcpp.org.uk](http://www.swcpp.org.uk)) for relevant policies and procedures relating to Child Abuse and Neglect.