

Underage Sexual Activity



Introduction

In the UK, the age of consent is 16. Young people can develop healthy & appropriate interests in sex whilst they are under the age of consent. However, regardless of gender or sexuality, sexual activity with somebody under the age of 16 is against the law. The law is designed to protect young people from abuse, exploitation, and harm. It is not designed to criminalise or prosecute under 16's, should non exploitative sex occur between mutually consenting teenagers under 16 years old.

Additional Information and training

- [Fraser Guidelines](#) for healthcare professionals
- [Sexual violence and harassment guidance for education](#)
- [Childline](#)
- Confidential NHS Service - [Sexual Health Warwickshire](#)
- [Victim Blaming Language](#) 7-Minute Briefing

Where can I find help?

- If you are concerned about the welfare of a child, contact [Children and Families Front Door](#) or call 999
- Help, advice and support around sharing explicit images or sexting - [Victim Support](#)
- If the child or young person is at risk or a victim of Criminal Sexual Exploitation (CSE) visit [Somethings Not Right](#)

When should I take action?

1. If there are concerns a young person is at risk of CSE, refer to children's social care in accordance to [local CE procedures](#).
2. If you believe the young person is being sexually groomed.
3. If you have any concerns about the sexual activity of a young person, initially discuss with the Designated Senior Person for Safeguarding in your agency. There will be a process of information sharing and discussion to formulate an appropriate plan.

What should I consider as a practitioner?

When assessing if a relationship poses a risk to the young person, factors need to be considered. *

- Does the child or young person have a learning disability or mental health condition?
- If the sexual partner is a known concern to other agencies?
- What is known about the young person's living circumstances or background?

What if the child is under 13?

Under the Sexual Offences Act 2003, a child under 13 does not have any legal capacity to consent. Sexual activity is illegal and will be prosecuted as rape, sexual abuse, or assault.

A referral to the police and children's social care must be made if a under child 13 is believed to be engaging in sexual activity.

What if the young person is under 18?

Young people under the age of 18 are still offered protection under the Childrens Act 1989/2004. Consideration still needs to be given for sexual exploitation, and abuse of power. Under the Sexual Offences Act 2003, it is against the law for a person in a position of trust to engage in sexual activity with a person under 18, even if consent was granted.

Minute briefing

* Not an exhaustive list as other factors may need to be taken into account. For further information visit [WM Procedures – Sexual activity in children and young people](#)