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Frequently Asked Questions – How do I manage a residential visit when I know some participants are in a sexual relationship?

What do I need to know and do?

Remember:

1. A child under 13 is not legally capable of consenting to sexual activity. Any evidence that children of this age are sexually active is a serious safeguarding issue and the establishment safeguarding procedures must be followed.
2. Sexually active children aged 13-16 are committing an offence, but a prosecution is unlikely where the sex is genuinely consensual, the young people are of a similar age and there is no power imbalance in the relationship. However, sexual activity in this age group may be an indication of a potential risk to a young person's welfare and so the situation should be discussed with the establishment's designated safeguarding lead.
3. It is an offence for anyone over 18 to have any sexual activity with a person under 18 where the older person holds a position of trust in relation to the younger person.
4. While young people aged 16 and over are past the age of consent they are still at risk of sexual exploitation, even where they may consider they are in a consensual relationship. Any suspicion of sexual exploitation should be discussed with the designated safeguarding lead.

A Visit Leader may not know whether young people are sexually active. However, where it is known that sexually active partners are attending the same residential visit, measures should be considered at the planning stage.

Considerations include:

- Room allocation
- 'Free' time

- Generic establishment policies and any behaviour expectations or agreement.

Where it is the establishment's policy not to condone sexual relations during a residential visit, the standard division of male and female accommodation separates heterosexual couples. It is reasonable that non-heterosexual couples should also be accommodated in separate rooms. It is the responsibility of the Visit Leader to ensure clarity of expectations, including at times when there will not be direct supervision - such as overnight or during any periods of 'free' time.

Where a Visit leader becomes aware, during the visit, that a sexually active couple are sharing a room, it would be appropriate to rearrange the room allocation to separate them and to review the general supervision arrangements to ensure they remain appropriate.

Given that the age of consent for any form of sexual activity in the UK is 16, it would be inappropriate for Visit Leaders to knowingly allow active sexual partners under 16 to share accommodation. With the exception of point 3, above, there is no **legal** reason why a sexually active couple over the age of 16 should not share a room. However, before allowing this, the Visit Leader would need to be confident that the young people were in a genuinely consensual and non-exploitative relationship. The decision about rooming should then be based on the specific circumstances, taking into account:

- The establishment's policy.
- The age and maturity of the young people.
- The nature of their relationship (in terms of how established, accepted, open it is).
- The likely impact of such an arrangement on the aims of the visit.
- The well-being of the young people as a consequence of sharing or not sharing.
- The likely response of the rest of the group.
- Understanding and agreement of relevant parties.

Example

A friendship group of six 17-year old young people are undergoing the Gold Duke of Edinburgh Award expedition and camping in three 2-person tents. Two of the young people are in a sexual relationship and wish to share a tent together. The Visit Leader considers the following issues before deciding whether or not to allow this couple to share a tent:

- Is the visit leader confident that the relationship is established and consensual?
- Has the visit leader identified any cause for concern about the welfare of either young person?
- Is the whole group aware of and fully accepting of the relationship?
- Is there any identifiable negative impact on the aims of the visit or any of the young people involved?
- Do the proposed arrangements conform to the establishment's policy?

Overseas visits

It is essential that Leaders and Participants are aware of the legal requirements and cultural expectations in any foreign countries to be visited. Where such laws and expectations are less restrictive than the UK than UK standards should be applied to the visit. Where local laws and expectations are more restrictive than in the UK then local laws must be followed and it would be wise to respect local customs.

