

Sexual Health: Consent and Confidentiality

Guidance for Foster Parents

Promoting and safeguarding a young person's sexual health should be discussed at the placement planning meeting (if age appropriate) and at statutory reviews of the young person's Care Plan. At these meetings, the local authority will set out their expectations of the foster parent, and issues of confidentiality and safeguarding can be discussed by the following principles and procedures:

- Young people under the age of 13 years cannot, in law, consent to sexual activity and consequently any incidents involving sexual activity must be reported to the Registered Manager and Head of Safeguarding.
- Sexual activity among young people over 13, but under 16 years of age is illegal, but law enforcement decisions are influenced by the age of the participants together with issues of coercion, exploitation and relative vulnerability of the young people concerned. If you are aware that a young person over 13, but under 16 years of age is involved in sexual activity you should inform your supervising social worker. They will initiate discussions about any risk factors and possible child sexual exploitation (CSE). Young people can be vulnerable to CSE as a result of mental ill health, psychological problems, emotional immaturity, physical disability, learning disability, substance misuse or low self-esteem. As many of our young people experience these problems, it is important that you do not make decisions about their vulnerability in isolation from ISP's social workers and the local authority.

A sexually-active young person over 13, but under 16 years of age can access free and confidential sexual health advice and contraception from the NHS without you or their local authority being informed, subject to the health professional judging them to be 'Gillick Competent', and subject to the health professional being satisfied that there are no CSE factors involved.

- Young people who are over 16 years of age can consent in law to sexual activity and can access confidential sexual health advice and contraception from the NHS. Young people's sexual health clinics will be alert to CSE factors and will take appropriate action to safeguard young people when they are concerned. If you are aware that a

young person over 16 is involved in consensual, non-exploitative sexual activity you should encourage them to access NHS sexual health services and also encourage them to let you inform their social worker to increase support available to them. If a LAC Nurse conducts their annual health assessment, they are well-placed to give advice and support and young people should be encouraged to access this service.

You are not obliged to breach their confidentiality should they ask you not to inform their social worker, unless you have concerns about CSE, or other wellbeing concerns. Please consider the following factors:

- The age of the young person and their sexual partner;
- Number of sexual partners/frequency with which they change;
- The level of maturity and understanding of the young person;
- Aggression, coercion or bribery in the relationship;
- Changes in the young person's mood or behaviour, e.g. becoming withdrawn, secretive, anxious, aggressive;
- Misuse of substances, which can act as a dis-inhibitor;
- Young person's ability to make informed decisions and accept advice.

If you do feel it necessary to speak with your supervising social worker about your concerns, it is important that you discuss this with the young person first and let them know who you are going to tell, and the reasons why.

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