Sexual Offences Act 2003

In England the legal age for children to consent to have sex is 16, whether they are straight, gay or bisexual. The aim of the law is to protect the safety and rights of children and make it easier to prosecute people who pressure or force others into having sex they don't want. Forcing someone to have sex is a crime.

Although the age of consent is still 16, the Government says that the law will not be used to prosecute children under 16 who are of similar ages and mutually agree to engage in sexual activity, unless it involves abuse or exploitation. Children need to be aware of the possible legal consequences of engaging in sexual activity under the age of 16 consensual kissing or other sexual touching is not illegal for those aged 13-16.

The same age limits apply to children with disabilities. Fraser and HSCB guidelines should be used as with any other young person to highlight cause for concern.

The Sexual Offences Act 2003 makes provision for children of less than 16 years old, to be offered confidential professional advice on contraception, condoms, pregnancy and termination.

A person is not guilty of aiding, abetting or counselling a sexual offence against a child where s/he is acting for the purpose of:

- Protecting a child from pregnancy or sexually transmitted infection.
- Protecting the physical safety of a child.
- Promoting a child's emotional well-being by the giving of advice.

This exception, in statute, covers not only health professionals, but also anyone who acts to protect a child, for example teachers, school nurses, personal advisers, youth justice officers, youth workers, social workers and parents.