

Welcome to the seventh edition of *DASH!*

This edition focuses on the **Sexual Offences Order 2008**.

- Amanda Patterson from the Criminal Justice Delivery Division in the Northern Ireland Office (NIO), comments on the Order and maps out the key changes in the law and the implications they have for health, education, community and social services workers working in sexual health.
- In our regular feature *Horizons*, Roisin Flanagan talks about her new role working with parents and carers as Speakeasy Project Officer for FPA.

FPA is contracted by BHSCT to write and produce *DASH*. Showcase your project, publicise an event or comment on this edition by contacting the editor on tel: 028 90 316116 or email: graceg@fpa.org.uk.

Sexual offending: the new law

The Sexual Offences Order is the first major overhaul of sexual offences legislation in Northern Ireland for more than a century, setting out a strong, clear and modern approach, in the same way the Sexual Offences Act 2003 did for England and Wales. The Order introduces a range of new laws that put victims first and recognise the damage done by sexual offences, while protecting the right of adults to a private sex life. They are designed to protect everyone from abuse and exploitation, but have a very strong focus on the most vulnerable – particularly children. They reflect the reality of life today and set out clear boundaries about what is, and what is not, acceptable sexual behaviour. The new laws are non-discriminatory, so that men, women and people of all sexual orientations are protected equally. They also set down strong penalties for specific sexual crimes and give the courts and police the clarity they need to do their jobs and help protect everyone from abusers.

So, what is new?

In a nutshell:

- There are new laws on responsibilities surrounding consent to sex.
- There is a new definition of rape and other assault offences.
- There are many new offences of offending behaviour against children, some up to age 18.
- Sexual abuse within family situations is targeted.
- There are heavier penalties, many of which are life imprisonment.
- There are new offences relating to sexual activity with people who have a mental disorder.
- There are new offences associated with prostitution.
- The law around illegal, indecent images of children now includes images of children up to the age of 18, as opposed to 16.

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Sexual offending: the new law

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What does all this mean for those of us who work with children and young people?

The new laws are now much more precise about offending behaviour, but also inevitably create areas that are not so black and white. Let's look first at the broad areas of protection for children. *All* sexual activity involving a child under 13 is rape or sexual assault – consent plays no part. *All* sexual activity with a child under 16 is illegal – if the other person is also a young person the sentence is less than that for an adult. Finally, sexual activity with a child or young person under 18 is illegal in certain circumstances, for example within the family, if someone is in a position of trust, or if prostitution or pornography is the driver. That all seems fairly black and white.

But is it? In all these cases, if the perpetrator is an adult, it is an easy concept to grasp and understand, but if both parties are children or young people, what then? Do we really mean that two 15 year olds kissing at a school disco are committing a criminal offence? And if the teacher doesn't report that behaviour to the police then is he/she also guilty of a crime? Surely not. Well, not quite. When the law in England and Wales was being scrutinised in Parliament, the then Secretary of State for Constitutional Affairs, Lord Falconer, said:

“Our overriding concern is to protect children, not to punish them unnecessarily. Where sexual relationships are not abusive, prosecuting either or both children is highly unlikely to be in the public interest. Nor would it be in the best interests of the child...”

So, even though the law does allow for prosecution in such circumstances, which it has to do to provide blanket *protection* for children, there is no parliamentary intention of having it applied in this way. As for the poor teacher who would be left carrying the can for not reporting the behaviour, the new law has taken the step of removing the mandatory reporting requirement from sexual offences against children under 16 committed by children or young persons under 18.

Common sense and the law

Criminal law can be, and often has to be, inflexible in order to do its job properly. This means that common sense has to prevail in the application of the law, which is precisely what Parliament agreed to when debating the Sexual Offences Act 2003. The explanatory guidance on the Northern Ireland legislation is based on the same premise.

Since the new law was passed last year, the NIO has sought to deliver this message to many groups who work with children and young people in a variety of ways, including social services, FPA, Barnardo's and Brook. The NIO also had many discussions even before the new law was made which helped us shape the eventual framework.

New offences designed to protect those vulnerable to exploitation through mental disorder

There are three groups of new offences designed to protect those, of any age, who are vulnerable to exploitation through mental disorder, including learning disability:

1. The first set protects those with a mental disorder *who lack the capacity to consent to sexual activity*. Those who seek to exploit in this way face sanctions of up to life imprisonment.
2. The second set targets those who use inducement, threat or deception to have sex with a person with a mental disorder. This set of offences recognises that many people with a mental disorder do have a capacity to form consensual relationships and have a right to a sexual life, but seeks to provide extra protection against exploitation due to their vulnerability.
3. The third group simply makes it an offence for anyone who provides care for a person with a mental disorder to have sexual activity with that person.

The NIO hopes that the outcome of these major reforms is fit for purpose and that the law will not just punish those who continue to offend, but will discourage and prevent others from going down that road. Only time will tell. ■

More information is available at www.nio.gov.uk/sexualoffences.

The FPA Speakeasy project is once again running in Northern Ireland. Speakeasy aims to empower and enable parents and carers to talk openly and confidently with their children and young people about sex and relationships. It is delivered from a person-centred perspective. It involves a series of exploratory personal development and sexual health workshops designed to address a wide range of topics – self esteem, communication skills, resilience development, decision-making skills, understanding our bodies, conception, contraception, sexual language, sexually transmitted infections, understanding consent, promoting choice and much more.

The project is run by Roisin Flanagan, who previously worked with FPA delivering the young

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women’s project – Choices. Roisin understands the issues that affect young people’s lives and brings a wealth of knowledge and experience to Speakeasy. She enjoys the challenges her new role brings such as helping parents to overcome their reluctance to talk to their children about sex and relationships.

Roisin acknowledges that for some parents it takes courage to attend Speakeasy workshops, but as they help their children

negotiate the complex, and at times confusing transition from adolescence to adulthood it pays off. She reflects:

“Speakeasy provides parents and/or carers with a wonderful opportunity to address a topic that many parents would much rather avoid. Parents are encouraged through Speakeasy to not only equip themselves with accurate information and confidence, but also to challenge values and attitudes that contribute to low self esteem and poor sexual health.”

Speakeasy is funded by the DHSSPS and is available free of charge to any group of parents and/or carers throughout Northern Ireland. For further information, please contact Roisin. ■

New publications

Speakeasy: talking with your children about growing up

Speakeasy: talking with your children about growing up is a new FPA book that helps parents and carers develop the skills, knowledge and confidence they need to talk to their children about growing up, sex and relationships. Suitable to use with children of any age, the book includes anecdotes from parents, typical questions children ask, and suggestions of how parents can answer these appropriately for the child’s age. The chapters present clear information about growing up, emotions and relationships, puberty, sex, sexuality, pregnancy and pregnancy choices. They also cover contraception, sexually transmitted infections and how children and young people can keep safe.

Price £9.99. The book can be purchased from FPA, tel: 0845 122 8600, email: fpadirect@fpa.org.uk or visit www.fpa.org.uk/Shop. It is also available in bookshops and libraries, or can be purchased at www.amazon.co.uk. ■



Sexual health: essential skills for nurses

(Wiley Blackwell, £17.99)

This handbook gives a very good overview of sexual health and sexually transmitted infections and has separate chapters on HIV and late-stage HIV infection, contraception, abortion, consent and confidentiality, and sexual assault. Usefully, it gives practical tips on how to approach potentially difficult subject areas with clients. It provides clear guidance on which steps to take and where to direct clients. The book is up-to-date, compact enough to slip into a pocket and useful for nurses and other health professionals working in the sexual health field. ■



Clinic locations

Visit www.fpa.org.uk/Findaclinic to find clinics in Northern Ireland.

Sexual and Reproductive Healthcare Clinic
5th Floor, 16 College Street, Belfast BT1 6BT
Tel: 028 90 821555
Mon, Tue and Thurs
10am–12.30pm; Wed and
Fri 11am–1.30pm

Brook Northern Ireland
Belfast City Centre (Under 19s),
29a North Street,
Belfast BT1 1NA
Tel: 028 90 328866
Mon, Tue and Wed
2.30pm–5pm;
Thurs 5.30pm–8pm;
Fri 2pm–4.30pm;
Sat 1.30pm–4pm;
Sat (young men under 25)
4pm–5.30pm;
Sun 1.30pm–3pm

North Belfast (Under 25s)
206 Duncairn Gardens,
Belfast BT15 2GN
Tel: 028 90 745588
Fri 3pm–5pm

East Belfast (Under 25s)
Ballybeen Women's
Centre, 34 Ballybeen
Square, Dundonald
BT16 2QE
Tel: 028 90 481632
Mon 6pm–8pm

HYPE Team (under 25s)
5th Floor,
16 College Street,
Belfast BT1 6BT
Tel: 028 90 821555
Tue 2.15pm–5pm

The Bradbury Centre
1–17 Lower Lisburn
Road, Belfast BT9 7AA
Tel: 028 90 912111
Mon, Tue, Wed and Thurs
9am–11.30am; Tue
5pm–7pm; Wed 5pm–7pm

Carlisle Health & Wellbeing Centre
40 Antrim Road,
Belfast BT15 2AX
Tel: 028 90 163758
Thurs 9am–11.30pm; Mon
and Thurs 1.45pm–4pm

Shankill Health Centre
135 Shankill Parade,
Belfast BT13 1DY
Tel: 028 90 247181
Fri 9am–11.30am

Whiterock Clinic
6 Whiterock Grove,
Belfast BT12 7RQ
Tel: 028 90 821555
Tue 9.30am–11.30am

Cupar Street Clinic
91 Cupar Street,
Belfast BT13 2LJ
Tel: 028 90 327613
Thurs 1.45pm–4pm

Ballyowen Health Centre
179a Andersonstown
Road, Belfast BT11 9EA
Tel: 028 90 610611
Mon, Wed and Fri
9am–11.30am; Wed
1.45pm–3.45pm, and
5pm–7pm

Knockbreda Centre
110 Saintfield Road,
Belfast BT8 6HD
Tel: 028 90 635150
Wed 9am–11.30am,
1.45–4pm and
4.45pm–6.45pm

Dundonald Health Centre
16 Church Road,
Dundonald BT16 2LN
Tel: 028 90 534700
Thurs 9am–11.30am

Cherryvalley Health Centre
Kings Square, Belfast
BT5 7EA
Tel: 028 90 798237
Tue 4.30pm–6.30pm

Hollywood Arches Health Centre
Westminster Avenue
North, Belfast
BT41 1QQ
Tel: 028 90 563218
Mon and Tue 2pm–4pm;
Wed 4.30pm–6.30pm;
Fri 9am–11.30am