

# Wellingtonia Dealing with Sexuality and Personal Relationships Policy



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## **Legislation and guidance:**

Children's Homes Regulation's 2015 and Guide:

Positive relationship standard:

Help each child to understand, in a way that is appropriate according to the child's age and understanding, personal, sexual and social relationships, and how those relationships can be supportive or harmful

The quality and standard of Care:

'personalised care': Care which meets each child's needs and promotes their welfare, taking into account of the child's gender, religion, ethnicity, cultural and linguistic background, sexual identity, mental health, any disability, their assessed needs, previous experiences and any relevant plans.

A safe and supportive environment: Children's home staff should take every step to make sure that individual children and young people are not subject to discrimination, marginalisation or bullying from their peers by virtue of their gender, religion, ethnicity, cultural and linguistic background, sexual identity, mental health, disability or for any other reason.

The Health and wellbeing standard:

Advice, support and guidance : Staff should have the relevant skills and knowledge to be able to help children understand, and where necessary work to change negative behaviours in key areas of health and well-being such as, but not limited to, nutrition and healthy diet, exercise, mental health, sexual relationships, sexual health, contraception and use of legal highs, drugs, alcohol and tobacco.

The Mental Capacity Act 2005, section 27 specifically highlights:

(1) Nothing in this Act permits a decision on any of the following matters to be made on behalf of a person—

- (a) consenting to marriage or a civil partnership,
- (b) consenting to have sexual relations,

In particular Wellingtonia will hold in mind the five key principles set out in the Mental Capacity Act code of practice (2007), in regards to older children and vulnerable adults:

1. Presumption of capacity – A person must be assumed to have capacity unless it is established that they lack capacity.
2. The right for individuals to be supported to make their own decisions – A person is not to be treated as unable to make a decision unless all practicable steps to help him or her to do so have been taken without success.
3. The right to make 'unwise' decisions: A person is not to be treated as unable to make a decision merely because they make an unwise decision.
4. Least restrictive option – Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

## **Outcome:**

For Wellingtonia to challenge the barriers that prevent children and vulnerable adults from being able to express their sexuality.

Children and Vulnerable adults at Wellingtonia have the right to enjoy positive relationships, good sexual health and wellbeing throughout their lives.

For children and vulnerable adults to not feel restricted or judged by those providing their care.

## **Introduction:**

The term child is used to describe individuals in our care aged 17 and under, however this policy must be read with the understanding that all sexual activities must be balanced against the age of the child, their best interests, capacity to consent and in accordance with the law.

This policy must be read alongside the Child Protection and Safeguarding policy with particular consideration to sexual exploitation.

Generally sexual feelings will start to emerge as children reach puberty and this may vary from individual to individual. Wellingtonia will not permit any intimate sexual relationship to occur unless this is between two consenting adults or children aged 16 or over. The matter of consent is dependant upon capacity and this will always be assessed by the Therapy and Management Teams and in partnership with parents and the local authority. Any issues regarding consent will be included in relevant plans. Staff must recognise that Sexuality and Relationships is a highly sensitive, regulated and complex practice concern and as such staff are expected to highlight

any issues to the Management and Therapy Teams even if they are not specifically addressed in this policy.

Children and vulnerable adults at Wellingtonia develop sexually and have romantic feelings just as other children and adults their age do. They need to be supported to understand physical and emotional feelings and be given appropriate boundaries through exploring appropriate explanations of sex, sexuality and relationships.

Exploration and experimentation with sexuality is normal and common alongside feelings which may develop regarding other individuals. Wellingtonia is committed to supporting children and vulnerable adults to explore these feelings and facilitating them to understand feelings of intimacy, attraction and affection. Wellingtonia recognise that to ignore these feelings will impact negatively upon the child or vulnerable adult's mental health and emotional wellbeing.

### **What is sexuality:**

Sexuality encompasses a person's gender identity, body image and sexual desires and experiences. And people can have needs relating to their sexuality regardless of their age, mental capacity or personal history.

It is important to recognise that sexuality can mean different things to different people and so staff must remain open to understanding individual experiences.

### **Relationships:**

Children and vulnerable adults may wish to develop different relationships which may be closer and more intimate with individual both inside and outside of the home. Staff are expected to be respectful when a child or vulnerable adult is experiencing feelings in regards to sexuality and must ensure this is reported to the manager so safeguarding can be considered.

The Manager and Therapy team will work in partnership with parents and the local authority to formulate a plan and risk assessment with behaviour support to enable staff to provide a consistent approach. .

If two children or vulnerable adults within the home are in a relationship which is deemed inappropriate or there are issues in regards to consent the manager will liaise with the local authority in regards to Deprivation of Liberty safeguards in accordance with regulation.

### **Sexual Orientation and Gender Identity:**

Sexual orientation describes a person's physical, romantic, and/or emotional attraction to another person (for example: straight, gay, lesbian, bisexual).

Gender identity describes a person's internal, personal sense of being a man or a woman (or someone who does not identify themselves as a man or woman).

Sexual orientation describes who a child or vulnerable adult may be attracted to, and gender identity describes their own sense of self.

Children and vulnerable adults at Wellingtonia must be supported to explore their own sexual orientation and gender identity without fear of shame and stigma. Staff must support inclusive practices, whilst understanding the need to adequately balance risk and responsibility toward the child or vulnerable adult

## **Stigma and Discrimination:**

Wellingtonia expect all staff to uphold the rights of children and vulnerable adults by:

- Challenging the stigma towards people with disabilities exploring sexual feelings and relationships.
- Acknowledging children and adults will have sexual desires and feelings.
- Providing ongoing relevant and practical sex and relationships education to support their sexual and emotional development.
- Recognising children and vulnerable adults will be more vulnerable to sexual abuse and exploitation.
- Respect the confidentiality and privacy of the individual's sexual expression as far as possible.
- Taking a holistic view of sexuality to encompass sensuality and intimacy, and the focus should be on the needs of the individual rather than on their individual disability.
- Providing support to empower individuals to make informed choices about their sexual health as far as is possible in accordance with their individual understanding.

## **Consent and Safety:**

Safety means that the child or vulnerable adult are protected against any physical or emotional harm and any experience is respectful and non-violent and this must be considered in regards to the following:

Children and Vulnerable adults are not permitted to enter each others bedrooms.

Children are not permitted to be alone with vulnerable adults who live at the home.

In every sexuality and relationship situation, consent and safety are paramount.

Consent means that the child or vulnerable adult needs to be sure they are agreeing to any kind of sexual experimentation and are fully aware of the risks involved. This may have implications of capacity and this will be explored in partnership with parents are the local authority.

Consent means that if a child or vulnerable adult embarks upon any relationship that both parties are in agreement with any experimentation which may occur, however it must be reflected upon balance of power and whether the young person is being exploited.

## **Masturbation:**

Children and young people at the home will most likely experiences sexual feelings and desires and will experiment with touching their own bodies. Masturbation is a natural activity and at Wellingtonia we will support this message by:

- Not shaming them,
- Encourage them to masturbate only in their bedroom and away from communal areas.
- Support them to recognise where a communal area may be.
- Decide upon a signal they may use if they wish to have time alone.
- Ensure a consistent approach across all teams.

Staff are not permitted to tell a child or adult how to masturbate because this is a part of their own learning and exploration. Should staff have concerns that a child or vulnerable adult is causing themselves any health concern, pain or infection due to masturbation then the manager must be informed and will work in partnership with this local authority and parents and will formulate a plan and risk assessment. This work must not be undertaken without consultation and agreement..

## **Legal Pornography:**

Some vulnerable adults may wish to view pornographic material which is deemed legal for those 18 years and over. The adult must access the pornography without support from staff, this ensures the individual is making the choice to watch the material not the staff member.

If appropriate and agreed, the team leader on duty will monitor via the vulnerable adults internet history that the material being viewed is appropriate and legal.

Staff are not permitted to allow children in the home to access pornography because this is illegal.

Viewing of any illegal pornography is not allowed and must be reported to the DSL immediately.

Pornography must be watched in the individuals private space and not in public areas, they must be supported to understand safe boundaries.

Vulnerable adults at Wellingtonia are permitted to view pornography and this will be assessed across the care and therapy team to ensure this is not effecting their overall wellbeing. Should the pornography start to have a negative effect on the individuals wellbeing, this will be risk assessed and as far as is possible and a support plan will be implemented.

### **Explicit Media not deemed to be pornographic.**

Some children may wish to watch media which is deemed age appropriate by law, this media may contain sexual scenes. Children at Wellingtonia will not be permitted to view material which has a higher age rating certificate than their own age because this is illegal.

Children will be permitted to access age appropriate sexual media, however this will be unsupported by staff to ensure the choice remains with the child.

If appropriate and agreed, the team leader on duty will monitor via the child's internet history that the material being viewed is appropriate and legal.

Should the media start to have a negative effect on the individuals wellbeing, this will be risk assessed and as far as is possible a support plan will be implemented in partnership with the local authority and parents if appropriate.

### **Managers Responsibilities:**

The Manager will ensure that sexuality and personal relationships are discussed and addressed for all young people and will as far as is possible:

- Maintain privacy and understanding in regards to the child or vulnerable adult's needs
- Maintain that sexual expression is a positive, natural human need.
- Keep up to date Sexuality and relationship plans for each person and ensure these are written by staff who are confident and competent in this area and include information about relationships, sexual habits, intimacy any possible risks including those from porn.
- Prevent blanket and overarching procedures regarding an individual's ability to consent and assess each scenario as separate.
- Work in partnership with the local authority to apply for Deprivation of Liberty if restrictions upon sexuality and relationships are deemed appropriate to prevent harm and if the child or vulnerable adult cannot recognise and work towards preventing this harm.

### **Assessing Sexuality needs:**

Each child and vulnerable adult will be assessed in regards to their sexuality needs when or if the issue emerges. Wellingtonia will consider the following within the assessment:

- Impact of relationships and whether consent is possible.
- Impact of sexual activity, be that physical touch to another consenting individual or masturbation.
- Understand as far as is possible what the individuals needs are and how they wish to express these.
- Promote positive sexual expression as a natural human need.
- As far as is possible and in regards to the individuals understanding; discuss sexual orientation, sexual expression, understanding of sexual health, personal dress preferences and gender identity.
- Understanding of the individuals capacity in regards to sexuality and relationships
- To regularly update plans
- Ensure that each child and vulnerable adult understands as far as is possible that:
  - that they can change their mind at any time regarding any choice or decision they make regarding their own sexuality and relationships.
  - If appropriate, the mechanics of sex and contraception
  - If appropriate, that they have a choice whether to have sex and can refuse and that sex between a man and a woman may result in the woman becoming pregnant.
- That any plan is undertaken in partnership with the local authority and parents if appropriate.

### **Staff Support:**

- Sexuality and relationships is a challenging subject to navigate in a consistent but individualised way. Therefore staff will be encouraged to discuss their queries and concerns within supervision and team meetings.
- Training is provided regarding Sexuality and relationships which considers how staff make evidence based dynamic risk assessments upon consent, capacity and safeguarding.