

Sexuality and Personal Relationships Guidance

Privacy and Dignity

This document is part of Salutem's Privacy and Dignity Policy. Please refer to the main policy document for the principles, associated materials and version control.

Introduction

The aim of this guidance is to uphold and promote the rights of the people we support to express their sexuality and engage in personal relationships whilst safeguarding their wellbeing. The guidance is intended to help staff to confidently and safely approach and manage situations relating to this topic within a supportive environment.

This guidance is applicable to all people we support over the age of consent. Within England and Wales, the age of consent is 16 years old.

Salutem is committed to working practices that encourage individuals to lead a lifestyle which is meaningful to them. This includes the development of the whole spectrum of relationships including their personal and sexual development. Salutem will exercise its legal responsibilities to ensure that personal sexual expression is within the law and does not devalue, stigmatise or exploit individuals.

Staff should support those they are working with to maintain a wide range of relationships with partners, family, friends and acquaintances.

The implementation of this guidance will ensure:

- The people we support have the right to express their sexuality and pursue personal relationships and that the legal rights, choices and preferences of each service user are respected.
- Staff have guidance to facilitate the assessment of individuals' needs and the development of care and support plans.
- Staff are clear on their roles and responsibilities when supporting issues of sexuality and personal relationships.
- That all information regarding the people we support is treated in a confidential manner.

- That negative views on vulnerable adults having sexual or intimate relationships are addressed and positive views promoted.
- Compliance with legislative and professional body requirements and in particular those duties to safeguard against discrimination against those with 'protected characteristics' under the Equality Act (2010) on the grounds of age, race, sex, disability, sexual orientation, marriage and civil partnership status, gender reassignment, religion and belief and/or pregnancy and maternity status
- Compliance with duties under the Equality Act (2010), Care Act (2014), Care Standards Act (2000), the Sexual Offences Act (2003), Safeguarding Vulnerable Groups Act (2006), the Forced Marriage (Civil Protection) Act (2007), the Mental Capacity Act (2005), the Health and Social Care Act (2008), the Children Act (2004) and (1989) and the Education Acts. Further details provided in Appendix.

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Key Points

Staff should allow the people we support to make informed choices and to be able to freely express their wishes and preferences.

Every person we support should, like any other person, be at liberty to pursue their sexual aspirations. However, many disabled people find that although their practical needs are met, their personal needs may be ignored, leaving them feeling stranded. Newly disabled people, for example, may suffer relationship breakdowns, long periods of depression and social isolation.

Services should support the rights of our individuals to develop and maintain social, personal and/or sexual relationships based on the recognition of their human rights.

However, this right can be compromised by:

- Discrimination against disabled people denying them this right and denying them the information and guidance through sex education and other means that their non-disabled peers are more normally given access to;
- Institutional service commissioning and provision failing to provide an enabling environment that supports and encourages this right;
- Impairment making it difficult to enjoy this right without the support of staff or others;
- The absence of the same privacy, respect and dignity that is enjoyed by non-disabled peers;
- This right conflicting with the personal values and beliefs of significant others such as staff, families, fellow individuals and other agencies involved in the person's life that can exert power and pressure to undermine their right;
- The very real need to safeguard vulnerable people acting as an artificial barrier.

Moreover, Saluitem works with some individuals with cognitive impairment who may lack the capacity to consent to a sexual relationship and therefore can be very vulnerable to abuse. It is important for staff to consider their duty of care under a number of regulatory, legislative and ethical imperatives including the Equality Act (2010), Care Act (2014), Care Standards Act (2000), the Sexual Offences Act (2003), Safeguarding Vulnerable Groups Act (2006), the Forced Marriage (Civil Protection) Act (2007), Health and Social Care Act (2008) and the Mental Capacity Act (2005). Further details provided in Appendix.

Consent and Choice

Individuals should be encouraged to make their own decisions about their personal and sexual relationships. The law defines the age at which consent can be given for certain relationships and activities.

Within England and Wales, the age of consent is 16 years old. It is illegal for an individual to engage in sexual activity with someone who is under the age of 18 if they are in a position of trust (e.g. their carer or teacher).

For consent to be valid:

- it must be freely decided
- the individual(s) concerned are able to demonstrate a broad understanding of what is involved and have a basic understanding of the likely consequences of their actions.

If anyone does not have this level of understanding then, in the eyes of the law, they may be unable to make the decision. **Please see the Mental Capacity Act Policy and Procedure for guidance on making Best Interest Decisions for individuals who are assessed as lacking capacity.**

The rights of people we support

Salutem reaffirms the human right of its individuals to (so far as it is lawful, possible and appropriate):

- Have their choice of relationships, including marriage, friendships, partnerships and same sex relationships respected.
- Exercise choice and have their individual morality and beliefs respected.
- Have their privacy and confidentiality respected.
- Have sexual relationships and pursue the opportunities that may lead to sexual relationships.
- Express sexuality and adopt sexual practices, within legal constraints.
- Access information concerning the choices they make.
- Seek counselling, information, advice and support to exercise or pursue any of these rights.
- Take risks and assume the responsibilities inherent in exercising these rights.
- Be responded to as individuals. This involves recognising and respecting individual needs, desires and differences and enabling these to be expressed by the person or their representative e.g. advocate.
- Have access to information held about them and for that to be stored confidentially and only shared on a need to know basis
- Protection from abusive and exploitative relationships including forced marriage
- Not to be judged by the individual sexual attitudes of different staff and carers or as adults be constrained by those attitudes
- Make a complaint if they feel their rights have been breached
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Salutem will ensure that our individuals are aware of the contents of this policy and that they understand and know how to exercise their rights.

Staff Responsibilities

Staff must:

- Support individuals in accessing a variety of opportunities enabling them to interact with people outside the service.
- Provide appropriate support and guidance to facilitate the individual's involvement in the wider community.
- Ensure staff and individuals are aware of professional boundaries.
- Staff may be apprehensive of the risks they encounter by supporting individuals in developing relationships. Remember, risk is a normal part of developing personal relationships for anyone. However this apprehension should not stand in the way of individual's rights.

- Staff should be encouraged to be open and non-judgmental when dealing with personal relationships.
- Staff are encouraged to educate and inform individuals they work with of their right to express their sexuality and have an understanding of the implications of doing so.
- Staff do not need to agree with or share the same values as the people they support. However, they must respect the values and attitudes of people with a disability, and any decisions or actions based on these. The only exceptions to this are when a person is engaging in illegal or potentially harmful or dangerous behaviour, or when a support worker is required to follow particular policy or legal procedures.
- Staff must be careful not to impose their values and attitudes on the personal relationships of individuals. However, if a staff member has strongly held values about personal relationships that may conflict with their capacity to provide support they must refer the issue to their manager.

Training for Salutem Staff

Staff should feel confident in engaging individuals about their sexuality and personal relationships and should therefore be provided with suitable training to help equip them with the tools and resources to allow them to do this effectively.

Discussing Sexuality and Personal Relationships with Individuals

When engaging individuals about such intimate topics it is important that this is done by a member of staff who the individual feels safe and secure with. Mutual trust will need to be established and individuals will need privacy and reassurance. When talking to an individual about their sexual feelings and desires, they need to be alone, not with care workers, parents, or anyone else in the room unless they choose otherwise.

You may need to allocate extra time for individuals with communication impairments, both to learn how to communicate and to engage in conversation, as the person who normally translates for you should not be in the room, unless the individual is sure that is OK.

Ensure that when an individual comes out of hospital they are informed how and when they can proceed with sexual activity, e.g. after hip replacement or continence related operations.

Ensure the relevant publications and leaflets are given in formats they can access. Provide information and advice about contraception and sexually transmitted infections are provided in formats they can access. Ensure sufficient signposting information is available.

Establish whether the individual has sufficient equipment to support their sexual activities e.g. hoists.

If an individual presents with depression or gives any clues that they may be deeply unhappy, check if they are experiencing any personal / sexual difficulties.

Using Sexual Facilitators and Enablers

Staff should be knowledgeable about sexual facilitators and enablers and should therefore be provided with suitable training so that they feel competent in providing the right information for individuals. Staff should support the rights of individuals to have access to sexual enablers, and facilitators based on the recognition of their human rights.

There are men and women who specialise in servicing disabled clients, who can be relied on to provide a good service. They should be embraced and supported, rather than feared and avoided. For example, the TLC-Trust website is devoted to creating such mutual understanding.

The buying and selling of sex is legal in the UK. However, the booking must be made by the disabled person who will be hiring and paying him or her. What is **not** legal is kerb crawling, soliciting, brothel keeping, procuring, forcing someone into prostitution, or making money out of a sex worker.

Hiring an independent escort is the safest route, rather than approaching a street walker or visiting a massage parlour. Some escorts visit clients in their home or in a hotel, while others work from a flat, many do both.

It is legal to phone up on behalf of an individual to order a sex worker, so long as you don't get involved in the money aspect. There are no laws to prevent individuals paying for sex workers out of benefits provided by the state. Professionals listed on the TLC site all sign to say they work on their own free will and are not trafficked.

There needs to be a strict cut-off line for any staff member, between helping with non-sexual bodily functions, advice and support, and sexual activity. At that point, it is appropriate for the individual to hire a sex worker, if that is required, so that they are not left stranded. Typical situations:

- when washing an individual with no physical strength and his erection or her cravings are overwhelming.
- individual gets aroused but cannot masturbate due to physical impairment
- The individual needs teaching and helping with masturbation, learning about the body of the opposite sex, and being taught about how to enjoy the kind of sex they want.
- A disabled couple are unable to physically do the things that they want whilst making love.

People need opportunities to experiment, and individuals may need help with this. For example, hearing impaired individuals may experience different sexual fantasies to visually impaired individuals and may need support in exploring and understanding their feeling, in order to enjoy sex.

Using a professional specialist sex worker is a safe way to ensure sexual activity does not leave the individual demoralised and vulnerable.

It is important for the personal development of all individuals that:

- any sex they experience is not clinical or mechanical.
- their feelings are not patronised or trivialized.
- individuals don't have to be deprived or put up with amateur help. Specialist sex workers are professionals who know about sex, and are accustomed to being sexual with strangers who may be disabled. They are able to cope with emotions and falling in love situations etc.
- the individual is given control over what happens to them in their lives, including making the choice to hire a sex worker.

Pornography, sex books and sex aids

Pornography is a legitimate masturbation tool. An interest in pornography can be a useful way of exploring one's sexuality and many individuals find it helpful to read books about sex, especially those that include disability and discuss attitudes. Sex aids should also be considered as useful for individuals to assist them in areas of sexual fulfilment.

Staff should be knowledgeable about the law and use of pornography, sex books and sex aids and should therefore be provided with suitable training to ensure they are competent to provide this information.

Appropriate guidance about legal access to pornography should be made available to individuals. It can be useful, however, to inform on legalities, as extreme pornography, that which depicts life-threatening acts, is now illegal under the Criminal Justice and Immigration Act 2008.

Staff may assist/ support individuals they are working with who wish to buy legal sexually stimulating material. Assistance must be legal and support the notions of privacy and discretion. Staff must remind the individual that such material may offend others. Staff must highlight that consideration must be given to the storage and visibility of such materials, e.g. not keeping such material in communal areas. However, if support is being provided within the individual's own home, staff must respect the individual's decision in where they keep their material. Staff must be aware that individuals can purchase pornography through a number of routes including through the internet, mail order, high street shops, or by asking someone to make the purchase for them. Any reasonable request by the individual for access to legal adult material should be agreed.

Where there is a cause for concern the service manager must call a case review with the sponsoring authority. Due to the sensitivity of the topic, it may not be appropriate to invite the family or friends who would usually be invited to a review meeting. This must be discussed with the individual where at all possible. Please refer to the Safeguarding Policy and Procedure for more information.

Staff have a responsibility to seek out and enable appropriate opportunities or times for individuals to have privacy, for example to keep the door closed if they wish, and where appropriate lock the door, as agreed in the Risk Assessment. This must be noted in their support plan.

Inappropriate Behaviour from Individuals

In the event that a individual behaves in an inappropriate way (e.g. develops a crush on a member of staff), staff should speak to their line manager.

Staff Relationships with Individuals

Staff must ensure that their relationships with people using Saludem services remain of a professional nature only, whether within or outside of their workplace. Failure to do so could be considered gross misconduct.

Staff who engage in, or provide support to anyone in the engagement or pursuit of illegal activity will be disciplined for gross misconduct and placed at the hands of the authorities.

Objections from Other Parties

It should be noted that the existence of this guidance and its implementation may provoke critical reaction from those using and working in Salutem Services. Families, carers and members of the public who have not sufficiently considered the legal and moral imperative to establish and promote the rights of disabled people to sexual expression and engagement in personal and intimate relationships may also have reservations. This should be engaged with positively to challenge those views in pursuit of Salutem's purpose to uphold these rights.

If there are objections from the relative or body financing the individual, one option is that the individual hires their own independent advocate to help the individual handle this side of their lives.

Confidentiality

Any discussions with individuals surrounding the personal issues of sexuality and relationships remains confidential and that it should only be broken in certain circumstances. Individual information should only be discussed amongst staff on a 'need to know' basis and targeted to the appropriate people. There are occasions when information needs to be shared to protect the interests of the staff or individual, for example it may be necessary to pass on information to professionals or others in the public interest, for instance, where personal health or safety is at risk, or if required by law.

Individual's confidentiality must be maintained at all times. Relatives, friends and other staff who are not in the support team do not have the right to be informed, unless the individual consents or there are safety issues.

Whilst staff must respect the individual's right to privacy, if the Service Manager suspects an individual is at risk or is involved in illegal activities they will inform their line manager.

Exploitation Awareness

Measures should be taken to ensure individuals are not exploited. Individuals should be encouraged to be aware of situations where it could be seen that they are exploiting others or they themselves could be exploited. Factors that could indicate abuse/exploitation/lack of consent:

- One partner is much more dominating than the other.
- One partner fears physical violence from the other.
- Between two men, if one partner is always penetrated by the other and does not know why.
- A man is being unaware of/ uninterested in how women become sexually aroused and who only engages in vaginal/anal penetration.
- The two people were unknown to each other prior to the sexual contact.
- A person describing sex as something that is 'done to them'.
- A person believing that sex is meant to hurt them.
- One partner does not have learning difficulties.
- One partner has severe learning communication difficulties or finds it hard to make choices and express their wishes.

- An individual having a known history of sexually abusing.
- One partner fears the other will end the relationship if they do not have sex.

Factors that could indicate consent/mutuality:

- Both partners seem to like each other.
- Both partners seek each other out for company and their relationship is not limited to sexual contact.
- Both partners speak positively about each other.
- Both partners want to go off to private/seclude places.
- With less able people, their facial expressions and body language are positive and welcoming of the sexual contact.
- A man showing that he does think about his partner's sexual pleasure.
- Intimate contact that continues beyond one partner's orgasm.
- A woman experiencing sexual pleasure.
- Both partners undressing to a similar extent.

Staff should discuss any concerns with their line manager.

Parental Involvement

Parents, whilst having no legal rights over their adult children, will invariably feel concern and a responsibility to protect, guide, care for, advise and be a friend to their son or daughter. To harness the contribution a parent has to make can be of great benefit to their son or daughter. For a variety of reasons many parents may need help in coming to terms with their son or daughter's sexuality. Staff should be aware of this and offer support to parents as appropriate. If necessary, parents should be given information on Saludem's approach to sexuality and personal relationships.

Supporting guidance and additional resources

- ["Sex and the 3 R's" Michelle McCarthy and David Thompson](#)
- [The Sexual Respect Tool Kit \(Guidance for Professionals\)](#)
- [Enhance the UK](#)