



Safe Relationships & Sex – Adults with learning disabilities



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Key Focus Points

Barriers to having a sexual relationship for adults with learning disabilities

Supporting parents

Balancing risks and rights

Keeping the person safe while online

Gender Identity





Defining Sexuality

- Sexuality encompasses a person's gender identity, body image and sexual desires and experiences. This means people can have needs relating to their sexuality, regardless of their age, mental capacity or personal history.
- Sexual expression is a positive, natural human need. Ignoring it can have a negative impact on individuals' physical and mental wellbeing.



Sex Education/Life Experiences

- Often incomplete or inaccurate
- Limited social networks
- Restricted social life – constantly supervised by family or paid support
- Lack of opportunity or ability to converse, explore thoughts, feelings and aspirations
- Lesser access to technology to engage with other people, or difficulty safely navigating devices/social media/internet
- Pool of potential partners are limited

Sexual Offender?

Risk of men with learning disabilities and/or autism going through CJS or having a sexual offending label – issue may well be distorted or poor understanding of sexual/social boundaries coupled with confused sexual feelings.





Families

- Parents are the first teachers and lifelong advocates. Little information/signposting for families to navigate complexities of sex and relationships
- Many parents don't find it easy to talk about these issues
- Fear of pregnancy and/or abuse – sense of a need to protect the adult child
- Cultural, religious beliefs may impact
- Equally many parents are supportive and aspire to their son/daughter having personal relationships/sex

Adult Social Care

- Inconsistency in how social care providers support rights of people
- Confusion as to how best to protect rights and promote independence
- Lack of clarity/capability to provide sound advice/guidance
- Risk averse, overly restrictive support
- Support staff need to make snap judgement calls
- Pressure to 'safeguard' people
- Lack of clarity on how to apply the MCA





Human Rights Act 1998

Article 8 of the European Convention on Human Rights –

- people have a right to respect for their "private and family life, home and correspondence", which cannot be interfered with unless "in accordance with law" and "necessary in a democratic society".
- Obstruction or prevention of a sexual relationship, including by failing to assist someone to acquire capacity to consent to sex, may breach Article 8. However, sexual activity must always be consensual; non-consensual sex is rape.



5 principles on which the Mental Capacity Act 2005 is built:

- 1. Presume capacity**
- 2. Provide support**
- 3. Unwise decisions**
- 4. Best interests**
- 5. Less restrictive option**

Mental Capacity Act

Nothing in the Act permits a decision to be made on someone else's behalf on any of the following matters:

- consenting to marriage or a civil partnership
- consenting to have sexual relations

Mental Capacity Act Code of Practice '07



Best Interests and Sex

- Best interest decisions **cannot** be made in relation to a person's ability to consent to sex. This is **specifically excluded** in the Mental Capacity Act 2005 by Section 27 – Family relationships, (1) (b) “Nothing in this Act permits a decision on..... consenting to have sexual relations.”
- There will be times when it is necessary to carry out an assessment of a person's capacity to consent to sexual relations. By law, both parties must consent to sex. It is important that a person's capacity to consent to sex is reviewed regularly. This is particularly important if it is likely to change or fluctuate.

Sex – What's being assessed?

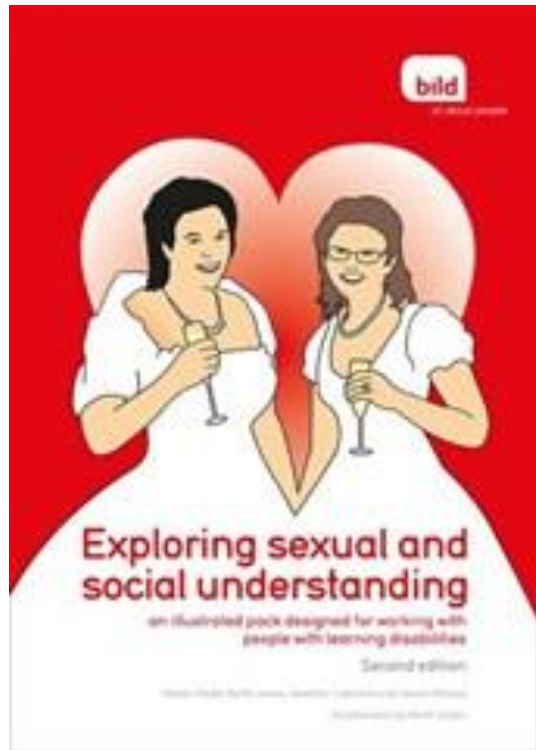
- ...capacity to consent to sexual relations is... a question directed to the nature of the activity rather than to the identity of the sexual partner.' Mr Justice Munby, *Sheffield City Council v E.* (2004)
- It is important to remember this when assessing capacity – whatever the assessor's views of the suitability of a particular partner, the judgement is not about them, but about the person's understanding of the act itself and its consequences.



Capacity – to consent to sex

- Does the person understand:
 - that they have a choice whether to have sex and can refuse
 - that they can change their mind at any time leading up to, and during, the sexual act
- the mechanics of sex
- contraception
- associated health risks, particularly the risk of sti's
- that heterosexual sex may result in pregnancy.

Tools to assess



Designed to provide a flexible visual resource to assess sexual knowledge, understand the person's attitudes and aspirations.

bild.org.uk



Important points for us all

Do

- teach young people about personal boundaries and consent
- Assume your child has a sexuality and that is a natural and good thing – making conversations about sexuality and relationships part of your everyday experience
- Be encouraging – we all need loving relationships
- Step out of your comfort zone and be a relationship coach for friendships and relationships.

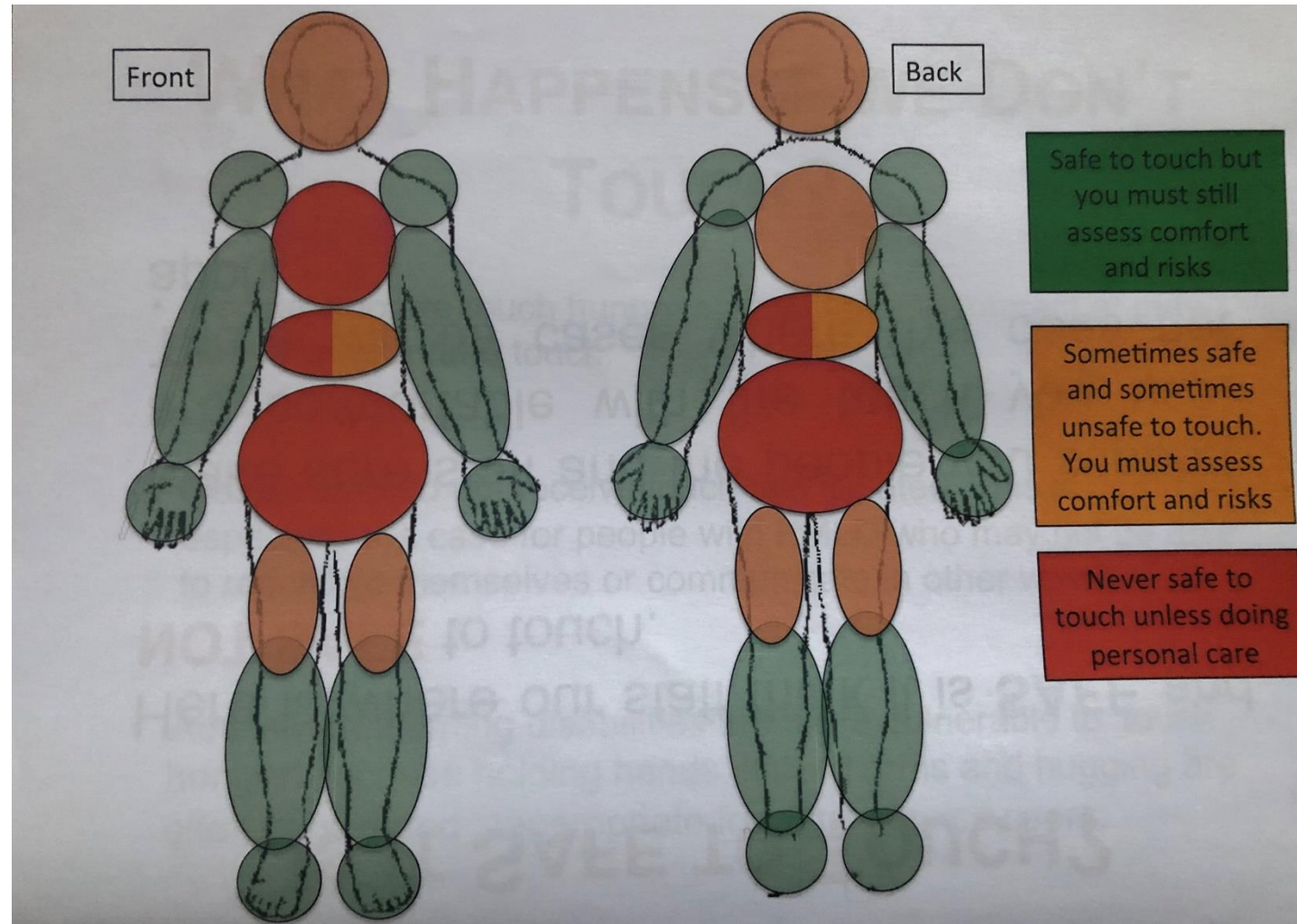
Important messages for us all

Don't

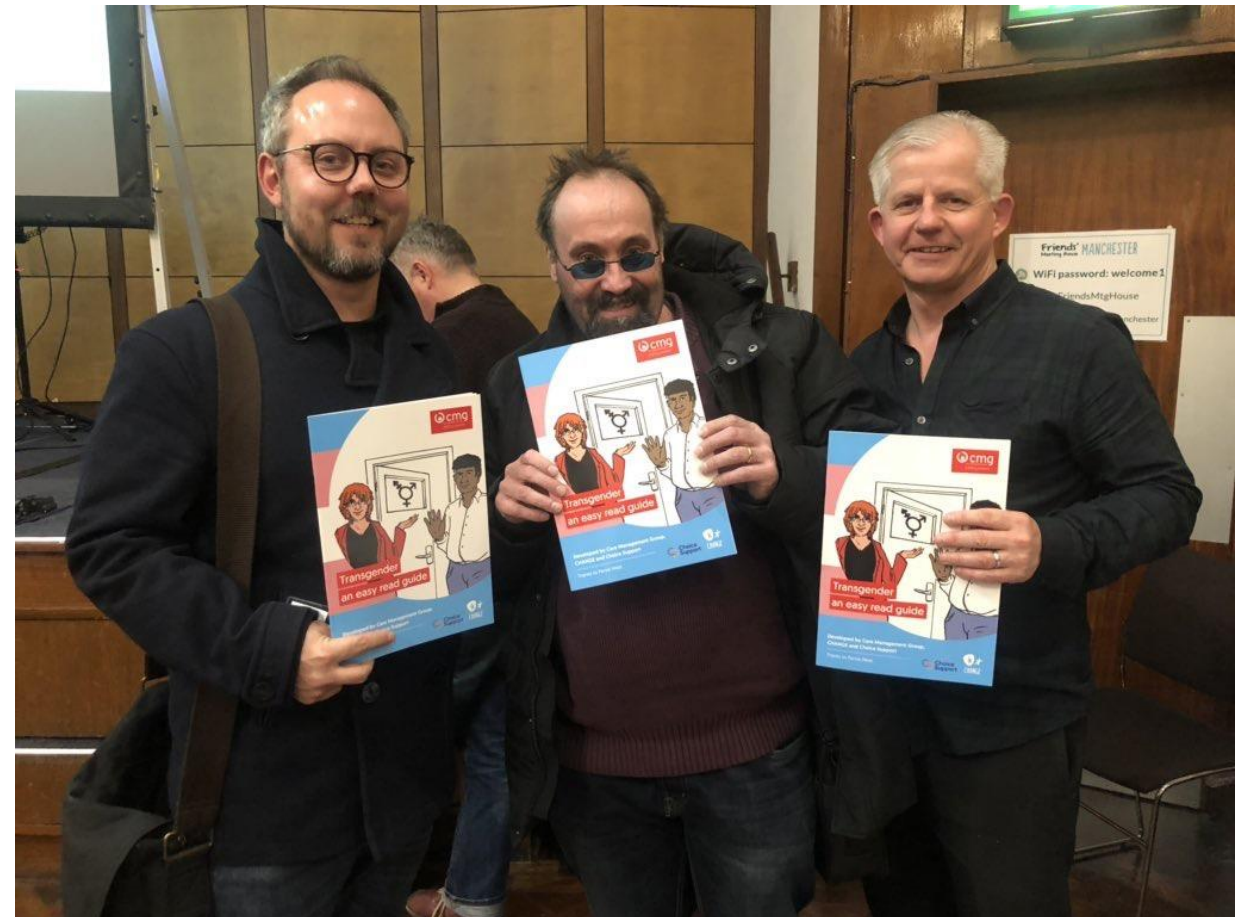
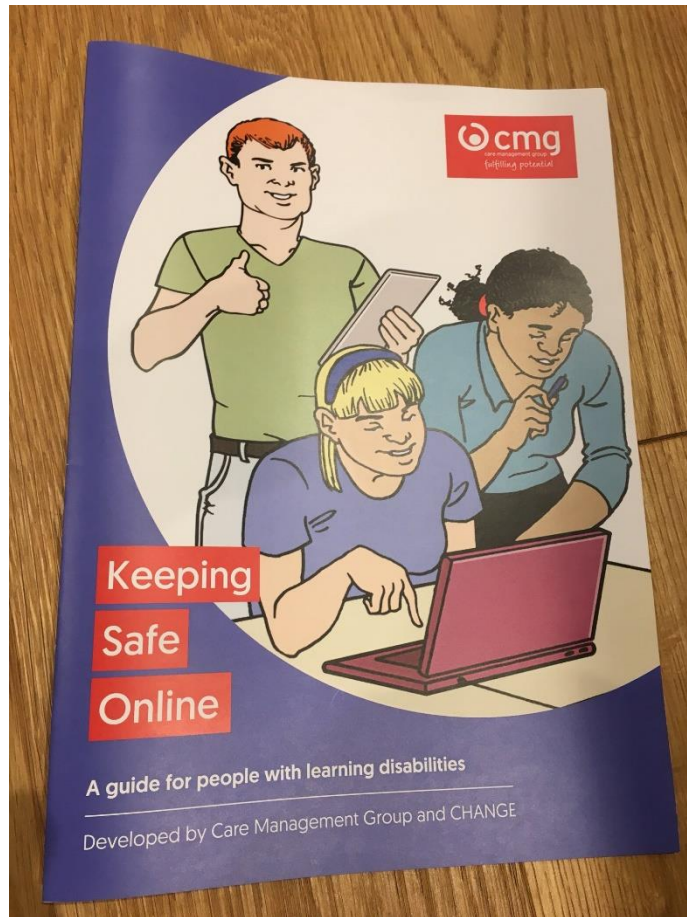
- Let fears about pregnancy lead you to steer a person away from intimacy
- Assume a person doesn't have capacity for loving.
- Hide behind the Mental Capacity Act



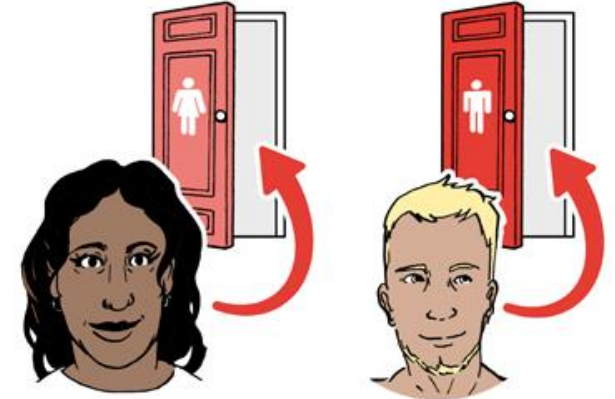
The power of touch



Easy Read Booklets – Focus Groups



Transgender Support



Resources

- [Supported Loving Network – Facebook, Twitter](#)
- [Friendships –](#)
<https://inclusionnorth.org/wp-content/uploads/2019/02/Friendship-Booklet-JUN16-V5.pdf>
- [http://www.easyhealth.org.uk/listing/sex-and-relationships-\(leaflets\)](http://www.easyhealth.org.uk/listing/sex-and-relationships-(leaflets))
- Sexuality and Learning Disabilities, a Handbook (2018), Pavilion Publishing

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