

## Derby Safeguarding Children Board Briefing Note:

### Offence of Sexual Communication with a Child

On 3<sup>rd</sup> April 2017 the Serious Crime Act 2015, Section 67 (offence of Sexual Communication with a Child) comes into force. The Act inserts a new section 15A into the Sexual Offences Act 2003 and will help protect children from adults communicating to groom them, as a prelude to carrying out sexual abuse.

The offence criminalises conduct where **an adult intentionally communicates** (for example, by e-mail, text message, written note or verbally) with **a child under 16** (whom the adult does not reasonably believe to be aged 16 or over) **for the purpose of obtaining sexual gratification if the communication is sexual or intended to encourage the child to make a communication that is sexual** (new section 15A (1) and (2)).

Scenarios likely to be covered by the offence include talking sexually to a child via a chatroom or sending sexually explicit text messages to a child as well as inviting a child to communicate sexually (irrespective of whether the invitation is itself sexual).

The new offence is designed to ensure that it does not criminalise, for example, ordinary social or educational interactions between children and adults or communications between young people themselves.

This offence has a maximum sentence of 2 years imprisonment. The Act cannot be applied retrospectively and is applicable for conduct from 3<sup>rd</sup> April 2017.

Section 67 is a really important piece of legislation which plugs the gap where an offender is communicating sexually with a child, but has not got as far as committing an offence under the Sexual Offences Act, Section 10 Causing or inciting a child to engage in sexual activity.

Further information about the offence can be found on [www.legislation.gov.uk](http://www.legislation.gov.uk), Serious Crime Act 2015, Section 67.