

QUIZ

Know your law

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You are a therapist in private practice...

QUESTIONS

- 1** A therapy client you have been seeing for a month admits they have looked at child abuse images involving four- and five-year-old girls. As a psychotherapist or counsellor in private practice, would you have a legal duty to report them?
- 2** Another client says he makes images of adult women's bodies, and puts the head of a child on to these and he masturbates to these images. Is this an illegal act?
- 3** Sarah is 14 years old and takes a photograph of her genitals on her phone and sends it to her boyfriend James, who is 15. Has Sarah broken the law?
- 4** James (age 15) loves the photo of his girlfriend Sarah's genitals. He looks at it once a day at least. Has he broken the law?



- 5** Is it illegal for a man to have penetrative sex with his four-year-old Labrador dog?
- 6** A teacher has sex with his 17-year-old student. As she is over 16, is this against the law?
- 7** If you were a therapist in private practice, would you have a legal duty to report any of the cases above (questions 1-5)?
- 8** A client arrives and seems excited. He says, 'I was worried I would have to cancel owing to lack of funds, but I didn't. I can afford to pay you this week because I sold some marijuana to a friend this morning.' Would you have a legal duty to report him?

- 9** You are concerned about the drug dealing, and it violates your ethics. You ask him to go to the police. You tell him that you are planning to report him. Have you broken the law?
- 10** If the reconviction rate for domestic burglary is approx 50%, what do you think the re-offending rate for sexual (child) offences is? 70% or above; 30-70%; 10-30%; below 10%?

If you are interested in a one-day workshop exploring the law and ethical choices, look out for *Crossing the line: what to do when a client presents who may be straying into illegal territory and is at risk of sexual offending or re-offending* on www.stopso.org.uk/training.htm

ANSWERS

- 1** No. The Protection of Children Act 1978 and related statutory guidance from Her Majesty's Government have not imposed a mandatory reporting of child abuse.
- 2** Yes. In the Criminal Justice and Immigration Act 2008 pseudo-photographs are put on the same footing as actual photographs. If the dominant impression conveyed is that the person shown is a child, notwithstanding that some of the physical characteristics shown are those of an adult person, there can be a conviction. Pseudo photographs include derivatives of photographs, such as tracings or other forms of data.
- 3** Yes. Sarah is guilty of distributing child pornography (Protection of Children Act 1978).
- 4** Yes. James is guilty of possession of child pornography (Criminal Justice and Immigration Act 1988).
- 5** Yes. Anal and vaginal penetration of or by an animal is illegal, and carries a sentence of up to two years' imprisonment (Sexual Offences Act 2003).
- 6** It is a criminal offence for a person in a position of trust to engage in sexual activity with a person under 18 (Sexual Offences Act 2003).
- 7** If you work in private practice, there is no legal duty to report any of the above, although many would choose to report.
- 8** Yes. Under the Drug Trafficking Act 1994, it is an offence not to disclose information about drug money laundering received in the course of a trade.
- 9** It is an offence under section 53 of the Drug Trafficking Act 1994 to inform the client that the authorities have been notified.
- 10** According to Ministry of Justice statistics for England and Wales, July 2010 and June 2011, domestic burglary had the highest proven re-offending rate at 49.8% and sexual (child) offences the lowest at 8.9%.