

CONSENT .



Learning objectives and outcomes

Objective

To learn:

- what we mean by 'consent'
- how and where to access support with issues around consent

Learning outcomes

Students will be able to:

- explain what is meant by 'consent', and what this means within healthy relationships
- explain some consequences of someone not receiving consent for sexual behaviour within a relationship
- describe how and from where to access support, and how to support a friend who may be experiencing abuse

WHAT IS 'consent'

Consent is defined as an agreement made by someone with the freedom and ability to decide something. Under the law, it is the person seeking consent who is responsible for ensuring that these conditions are met.

Consent has to be given freely and no one can be made to consent to something. It's not consent if someone does something because they feel they have to.

Official definitions of 'consent'

- British law says that **both people** need to give their consent before sex or any physical closeness
- The law also says that to consent to sex **a person must be 16 or over and have the ability to make informed decisions for themselves** (i.e. they have to be mature enough to make the decision and not be impaired by e.g. drugs or alcohol)

Understanding 'consent'



Understanding consent

After viewing the film, discuss:

- what are your initial thoughts?
- what do you think about the way the characters (puppets) in the film are behaving?
- what do you think about the behaviours which were mentioned in the film?

Further discussion of the film:

- Using both our class and official definitions of consent, discuss where or how in the film consent was or was not given.

Discuss – write your thoughts

“You sent me a video.
You must want to for real.”

“Why are you pulling away?
You came out on a date with me.
You must be ok kissing me!”

“What’s wrong with you?
You’ve been flirting with me all night.
You must want more than a kiss.”

“Look at what you’re wearing.
You must be in the mood.”

“You wanted to last week.
You must want to do it again.”

“You’ve already done it with
someone else before so you must be
up for it with me, too.”

Checking for consent:

How could someone show non-verbally that they are not consenting to sex or another sexual act?

- stop kissing
- pulling away from the other person
- don't want to be hugged
- nervous/frightened
- 'freeze' or become unresponsive
- stop speaking

Complete the back of the worksheet.

Year 10 Lesson 1 | Resource 2: Enthusiastic consent

	Enthusiastic consent	May be consent but check to be sure	Not consent
Ty and Jamie say they love each other and they both kiss for a long time before they both feel ready to go further.			
Irene tells Jay he needs to hurry up and say yes as she is bored waiting for him to be ready. Jay thinks he might be ready but feels really nervous.			
Jeff tells Carly that he will share a private video of her unless she sends him more.			
Suzanna asks Mali "Do you like this?" Mali moans with pleasure and says "Yes!"			
Simon tells Ade he thinks it would be sexy to watch porn together. But Ade feels really embarrassed about it.			
Greg's partner asks "How does that feel?" He says, "Keep going. That feels good."			
Mario is stroking Tabitha's arm. She winces and pulls her arm away, saying "It feels tickly."			
As they're about to have sex, Demi says she needs the toilet and disappears for a while. Then she says she's distracted by the noise, then she says the sofa is uncomfortable.			
Taylor jokes that he'll start sleeping around with other girls if Lily doesn't do what he wants in bed.			
Mimi says "No" at first, but after Ed talks to her about it, she finally agrees to have sex.			
Alexis and Gia have spoken about contraception and gone to get some together. They are laughing, smiling, kissing and decide to take things further.			
Aya has been exchanging sexy messages with her girlfriend about things she'd like to do when they're next together. They're meeting up at the weekend and she is really excited.			

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Irene tells Jay he needs to hurry up and say yes as she is bored waiting for him to be ready. Jay thinks he might be ready but feels really nervous.		✓	
Jeff tells Carly that he will share a private video of her unless she sends him more.			✓
Suzanna asks Mali "Do you like this?" Mali moans with pleasure and says "Yes!"	✓		
Simon tells Ade he thinks it would be sexy to watch porn together. But Ade feels really embarrassed about it.		✓	✓
Greg's partner asks "How does that feel?" He says; "Keep going. That feels good."	✓		

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Aya has been exchanging sexy messages with her girlfriend about things she'd like to do when they're next together. They're meeting up at the weekend and she is really excited.	✓	✓	

1

"It's only illegal if one of you's over 16 and the other's under 16. We were both under 16, so it's fine"

2

"She's very quiet and isn't making eye contact – does she want me to go ahead?"

3

"They didn't say no, so I think it was fine"

4

"Oh come on – you were fine when it was just touching. Why don't you want to do more?"

5

"Of course we can stop. Shall we just cuddle and watch the rest of the film?"

6

"I like her but I'm going to wait – just not sure it's the right time and I don't really know her well enough to talk about contraception and stuff"

7

"We've done it before so I can't see the point in asking – it must be ok"

8

"It wasn't rape 'cos it was only oral. It's different, isn't it?"

Key consent messages – what do you think?

1

Sex with anyone under 16 is unlawful. This is true whether or not consent is given.

5

A partner has the right to change their mind and withdraw consent to sexual activity at any time.

2

Always be sure that you have consent. If a person wants to be intimate with you, they'll show it through their words and body language.

6

When it comes to sex or physical closeness, both people should feel safe with a partner, trust them and have mutual respect for decisions.

3

There are many ways for someone to show that they don't consent to sexual activity: they don't just have to say 'no'.

7

Even if two people have had sex before, consent is still required each time

4

Consent to one sort of sexual activity does not mean consent to everything. Consent is required for each sexual activity.

8

Giving oral sex to someone without their permission is illegal. In law, if a male forces someone to perform oral sex on him, that is rape.

Remember:

- The importance of getting consent for sexual activity
- Look out for the signs that a partner is consenting (and keep checking)
- It is the legal and ethical responsibility of the seeker of consent to get it
- Saying 'No' is just one way of not consenting to something and not saying 'No' does not mean someone has given consent



Also remember:

- Good communication between both partners ensures understanding about sex or physical closeness. Check with your partner by asking if they are enjoying what you are doing and asking if they want to continue.
- Reading body language is also important. If your partner is relaxed it is likely that they feel comfortable. If they are tense, they may be nervous or frightened and trying to hide how they really feel.
- Look out for signs of someone not consenting to sex – sometimes people might find it hard to say anything at all if they don't want to have sex, If someone stops kissing you or doesn't want to be hugged or held, this could be a sign of non-consent. Don't ignore it.
- If one person doesn't want to have sex, the other person needs to accept that. It's not ok to try and change their minds, as pressuring someone into sex is rape. This also applies to pressurising someone to have sex without using contraception.

Consequences I

- Every action has consequences – an effect on something or someone.
- Consequences can be positive or negative and can have a lasting impact on people's lives. Sex or physical closeness without consent can have extremely damaging consequences for both people involved.
- Can you think of a physical, legal and an emotional consequence?



Physical:

- sexually transmitted infections for both people and any other future partners
- physical injury
- internal injury
- mental health problems including depression
- unwanted pregnancy

Emotional

- lower self-esteem and sense of worth
- humiliation
- fear
- hurt
- embarrassment
- problems trusting future partners
- problems forming new relationships

Legal:

- possible custodial sentence if found guilty of rape
- sexual assault could lead to a community order, fine or prison sentence
- having sex without consent and sexual assault could result in the perpetrator being added to the Sex Offender Register
- having a criminal record, and/or being put on the Sex Offender Register will have a major impact on future life events such as getting work



Introduction

Kim and Mark are both 15 and have been in a relationship for 3 months; recently they have become faced with issues over agreeing to have a sexual relationship.

Mark is feeling frustrated at Kim for not wanting to, he thinks she is just being awkward; Kim is feeling pressured by Mark and is finding this difficult to manage.

Read both Mark and Kim's stories for an insight into their thoughts, actions and feelings in the lead up to a sexual encounter.

Discuss and record your group's views about how both their actions contribute to the outcome.

Consider the following points:

- **Expectation or Assumption:** Kim has had sex before so Mark may assume or expect she will have sex with him
- **Pressure:** Is Mark pressuring Kim for sex?
- **Respect:** Is Mark being respectful to Kim's feelings?
- **Communication:** Is Kim leading Mark on or giving him mixed messages?
- **Freedom:** Kim should not feel under duress or apologise for not agreeing to sex
- **Choice:** Kim has the right to change her mind at anytime
- **Responsibility:** Is it Mark's responsibility to make sure consent is clear?
- **Has a sexual offence taken place?** If so, explain.

In many cases, offences are the result of a string of poor choices in the lead up to the event; this is not to say that the victim is to blame, more so an emphasis on the fact that almost always there were several opportunities to 'get out' or 'avoid' the situation - often these are not realised until it's too late.



Kim and Mark's situation could certainly have been avoided; refer back to their story's to identify points where they could have acted differently or made better choices to avoid the outcome.

KIM

NOT SEND PICTURES IN HER UNDERWEAR:

Even though Kim likes the attention from sending photos to Mark, she is not considering how he is reading this or the feelings of arousal he's likely to feel.

! Sending out the wrong or unintended message is risky; especially when the recipient is aware the sender is sexually active and is likely to read it as a sexual gesture or sign of willingness

OPENNESS AND HONESTY FROM THE

OUTSET: When Mark first made comments about sex, Kim should have been open and honest about her real feelings; laughing it off has not given Mark a clear understanding to help his decisions and choices.

! Not making your thoughts and feelings clear about engaging in sexual activity may lead to misinterpretation by the other person; they may read a response which isn't a 'no' as a possible 'yes'.

MARK

NOT ASSUME SHE WILL WANT SEX: Just because it is alleged that Kim has had sex before, it doesn't mean she will want to have sex again and Mark should not have assumed this as a reason for getting with her.

! Regardless of a person's sexual history or reputation, it is wrong to assume they are willing to engage in sexual activity. Assumption can lead to misinterpretation, misunderstanding and bad choices

OPENNESS AND HONESTY FROM THE

OUTSET: Like Kim, Mark should have been open and honest about his sexual expectation to ensure Kim is aware and able to express her thoughts about that; this way, both can make an informed choice whether or not to carry on with the relationship

! Not being open about expectation can cause issues as a result of mixed messages and feelings. Honesty and openness is a healthier approach.

In many cases, offences are the result of a string of poor choices in the lead up to the event; this is not to say that the victim is to blame, more so an emphasis on the fact that almost always there were several opportunities to 'get out' or 'avoid' the situation - often these are not realised until it's too late.



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KIM

SEXTING: Engaging in text sex with Mark and sending topless pictures to keep him happy and off her back is giving the wrong message; Kim's actions are the opposite to her intention and will add confusion to Mark's interpretation.

! Playing along to a person's sexual advances with no intention of following through is risky, unfair, irresponsible and potentially dangerous.

QUESTION THE RELATIONSHIP: The first time Mark made threats to end the relationship over Kim not wanting sex, she should have assessed their different needs or wanting different things; giving into 'ultimatums' gave Mark power to manipulate her

! Threatening to end the relationship over sex is not a sign of being respectful to others feelings; this can lead a person into being manipulated.

MARK

SEXTING: Mark should not have used text sex as a means to coerce Kim into engaging in sexual activity; she is just playing along to keep him happy and he thinks her responses are real - this has caused mixed messages, deception, and misunderstanding.

! The danger of sexual activity online is that it masks what each other is really thinking and feeling.

THREATS: Mark should not threaten to end the relationship as an 'ultimatum' response to Kim not wanting to have sex; this led to further manipulation and certainly contributed to the outcome.

! Threatening someone to get what you want from them is manipulative and may influence them to agree (coerced) to do something they may regret; this can lead to serious issues and possible offences.

In many cases, offences are the result of a string of poor choices in the lead up to the event; this is not to say that the victim is to blame, more so an emphasis on the fact that almost always there were several opportunities to 'get out' or 'avoid' the situation - often these are not realised until it's too late.



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KIM

AGREE TO HAVE SEX: Kim had nothing to apologise to Mark for when he got angry for her not wanting to have sex; agreeing to have sex as a way of making amends is leading to creating an unwanted situation and encourages Mark to act inconsiderately

! Apologising and agreeing to sex solely to prevent a relationship ending is risky and can lead to an unwanted situation; it gives the wrong message and empower a person to be threatening to get what they want.

MARK

ENTER THE HOUSE: Aware that Kim had backed out of the sexual arrangement; ending the relationship as a consequence, Mark should not have gone back on this and gone into the house. Kim is clearly confused about having sex and this is risky

! Continuing to pursue sex with a person who displays signs of confusion and changing their mind under duress is risky; this can result in an unwanted situation with offences being committed.

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KIM

INVITE MARK INTO THE HOUSE: Due to Mark's text to Kim not to contact him again because she changed her mind about having sex, she should not have asked him to come into the house. This gives a mixed message to Mark and it is not representative of Kim's true feelings not wanting to have sex. This has empowered Mark to be in control of the situation, recognising Kim's fear of the relationship ending if she doesn't participate.

! Again, giving mixed messages is risky; inviting a person into the house directly after they have threatened to end the relationship can lead to an unwanted situation.

MARK

STOP WHEN ASKED: Mark should have stopped sexual activity as soon as Kim asked him to; ignoring her and becoming more forceful when she continued to say no is an offence - consent is withdrawn and his actions and choice to continue amounts to the offence of rape.

! A person has the right to withdraw consent at any time before or during sexual activity; ignoring this and continuing against their will is a serious offence.
No means No: anything less than 'Yes' is a 'No'.

END OF THE STORY.....

■



Kim tells her parents what has happened and they report it to the Police. Read what happens next; discuss and record your group's views before deciding the outcome.



Kim was crying when explaining to her mum how she had invited Mark to the house and that she had led him to believe she would have sex with him; she went on to say how she had changed her mind, but he ignored her and forced himself on her. Having been told this and seeing how distressed her daughter was she called the police to make a report.

Police attended and spoke with Kim alone; from the brief details she gave, officers considered that an offence had taken place and seized her clothing for forensic examination. Kim agreed to be taken to a Sexual Assault Centre (SARC) where she was cared for by a specialist team of support workers; further forensic evidence was taken at the centre which included swabs from Kim's body to test for body fluids such as semen and saliva.

Kim gave her statement to a specialist interviewer at a video interview suite; this is an environment more comfortable than a police station. The account given by Kim in her interview is her statement and forms part of the case evidence.

Police attend Mark's house to arrest him on suspicion of having committed the offence; he was taken to a police custody centre where his photo, fingerprints and DNA were taken as part of the process; his clothing and mobile phone were seized as evidence for forensic examination, along with swabs to test for body fluids.

Mark was interviewed under caution with an appropriate adult present as he is under 18 years old; he was asked to give his account and questioned about what had happened. He denied committing any sexual offences against Kim, claiming that she had invited him to her house willingly for sex and that she was playing games with him by resisting.

Mark was released on police bail whilst a full investigation was carried out; he was given a date to return to the police station, and conditions were placed on Mark preventing him from contacting Kim or going to her house.

Mark returns to the police station on the date he was given to find out if he will or will not be charged with a sexual offence against Kim.

signposting

<https://learning.nspcc.org.uk/>

<https://www.nspcc.org.uk/keeping-children-safe/sex-relationships/healthy-relationships/>