



Title Consent and the Law

DATE:

Ready to Learn Reminders

- Sit in the seating plan.
- Take your coat/hat/scarf off.
- Get equipment out (including green pen).
- Write title, date, subheading and underline – keep your book beautiful!
- Complete DNA in silence.



Do Now Activity

Retrieval Practice

Starter



Session Two

Consent and the Law



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

With or without you

Without consent there would no...

Without support or help for a victim abuse there would be no...

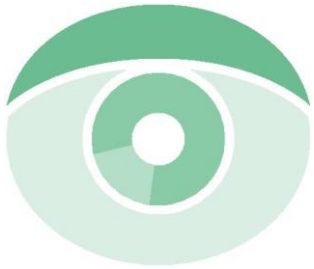
Without relationships there would be no...

Without choices there would be no...

Starter activity

Mindmap pairs/groups:

- What are the features of a healthy, positive relationship?
- In your groups, come up with a definition for 'consent' - it can be either: 1 sentence, a tweet (140 characters) or 6 words.



Official definitions of 'consent'

- Consent is defined in law 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
- To ***give your consent*** you should be sure that it is your decision and not one you have been pressured to make
- 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)

Legal ages of 'consent'

- Under English and Welsh law, children and young people under the age of 13 are seen as being less capable of consenting than those aged 13 and over.
- That's why the Sexual Offences Act 2003 lists different offences for cases involving children and young people aged 12 and under – and why it's a factor for prosecutors to consider when they are deciding whether or not to prosecute someone.
- This means that sexual activity between two or more people is always unlawful if at least one of the people is under the age of 16.
- It doesn't matter if:
 - All those involved are the same age or very close in age.
 - Those under the age of 16 have given their consent (in line with the definition above).
 - However, not everyone who does something unlawful is charged with a crime and taken to court (prosecuted). It is up to prosecutors to decide whether it is in the 'public interest' for this to happen – and, when making this decision, they have to take certain factors into account.
- **NO MEANS NO**

Understanding Consent

[Tea Consent Clean \(youtube.com\)](https://www.youtube.com/watch?v=Tea_Consent_Clean)



Understanding consent

After viewing the film, discuss:

- what are your initial thoughts?
- what do you think about the way the character 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.

True or false I

Sort the 'Myths and misconception?' cards into three piles: *True;*
False; Not sure

Is rape normally done by a stranger?

The majority of rapes are committed by people known to, and often trusted by, the person who is raped . They could be friends, partners, family members or known from school, college or work.

If two people have had sex before, it is always ok to have sex again.

Even if two people have had sex before, they should both be consenting each time they subsequently have sex.

True or false II

If someone is raped while they are drunk, they are also somewhat responsible

If someone is drunk, they not be able to give consent to having sex. It is not acceptable for an attacker to blame drink or drugs for their actions.

When it comes to sex, 'no' sometimes means 'yes'

If two people want to have sex with each other it should be something that they both agree and consent to. They show this through their words and through their body language. Saying 'no' means consent has not been given.

Alcohol and drugs have a big part in rape charges.

Drugs and alcohol are never the cause of rape or sexual assault. The attacker commits the crime, not the drugs and/or alcohol.

If you go back to someone's house, you are saying you want to have sex with that person.

Going home with someone is not giving consent to have sex with that person. Consent must be sought and given, never assumed. Misplaced assumptions are no excuse, neither ethically, nor in the eyes of the law.

True or false III

How is someone prosecuted of a Rape charge.

Rape happens when someone doesn't consent to sex. Rapists may threaten violence, or may take advantage of their victim being unable to consent (for example because they're drunk or asleep).

It is not rape if the target doesn't clearly say 'no'

There are many ways that someone can show they do not want sex as well as saying the word.

True or false IV

It is only rape if someone is physically or violently forced into having sex.

Rape happens when someone doesn't consent to sex. Rapists may threaten violence, or may take advantage of their victims being unable to consent (for example because they are drunk or asleep)

Boys and men don't get raped.

While the majority of rapes and sexual assaults are committed against women, it also happens to a significant number of men.

Porn shows an unrealistic view of sex and can influence what individuals think is acceptable.

Porn glamourises sex and shows actors who have consented to what is happening on the screen. This doesn't mean everyone will be happy for these behaviours to happen when they have sex.

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.

Sort your 'Consequences' cards into three piles: 'physical', 'emotional' and 'legal'

- Can your group think of any others to add to each list?



Consequences II

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 Offenders' Register
- having a criminal record, and/or being put on the Sex Offender's Register will have major impact on future life events such as getting work

Plenary

- Is there anything you would change in our original definitions of consent?
- Do you feel differently about anything as a result of what you have seen and heard in this session?
- Has anything surprised you/shocked you?
- Can you describe signs of consent/non-consent?
- If you thought someone was being pressured into having sex, or any sexual activity, could you explain where they could get help?

Remember: it is always the seeker's responsibility to get consent and act on the signs of consent/non-consent

Have we achieved the learning outcomes?

Can you:

- Explain what is meant by the term 'consent' and what it means within healthy relationships?
- Describe how someone can get help if they experience abuse and support a friend who may be experiencing abuse?