

Sexual Consent

A Teen Talk kit for Australian schools.



A resource prepared by Monash Education

www.Moned.net

Monash Education

15 Dewbay Court

Claremont

Tasmania 7011

Email info@moned.net

Web www.moned.net

All young people need to know the importance of building healthy relationships and identifying those relationships that are unhealthy. Education has a key role to play in this. We want to support young people by ensuring teachers have the best materials to use in schools.

We are confident that teachers will welcome this excellent resource which will help them provide pupils with the skills and knowledge to keep themselves and others informed, healthy and safe.

Learning about consent should begin before young people are sexually active, otherwise it is too late. As part of learning about consent, pupils must learn that the law is clear that sexual activity is illegal for young people under the age of 16. We know, however, that some young people are sexually active before 16, and learning about healthy relationships is crucial to keeping them healthy and safe from abuse and exploitation. Recognising that some young people will be sexually active before the age of 16 does not equate to encouraging underage sexual activity. Furthermore, the key learning set out in this guidance – about respecting the rights of others, communication, negotiation and considering the freedom and capacity of others to make choices – is crucial in a range of situations young people will encounter in their lives.

TEACHING ABOUT CONSENT

In this section we offer eight lesson plans for teaching about consent. The lessons include various assessment opportunities, including an optional self-assessment sheet for each lesson. These 'Then and now' sheets compare where pupils feel they were before the lesson with where they feel they are at the end, in relation to the intended learning outcomes. The whole 'Then and now' sheet should always be completed at the end of the lesson.

Lessons cover:

- Lesson 1: Introducing and recognising consent
- Lesson 2: Consent and the law
- Lesson 3: Avoiding assumptions relating to consent
- Lesson 4: The right to withdraw consent
- Lesson 5: Capacity to consent
- Lesson 6: Persuasion, pressure and coercion
- Lesson 7: Pornography, sexual images and consent
- Lesson 8: Rape myths and victim blaming
- Lesson 9: Boundaries and respectful relationships

CHOOSING WHICH LESSONS TO TEACH

These lessons are designed to develop pupils' knowledge, understanding, skills, attributes and attitudes. Lesson 1 provides a series of baseline assessment activities which will help you ensure that subsequent lessons meet your pupils' needs. Baseline assessment should give an indication of pupils' current understanding of the concept of consent, their beliefs and attitudes, as well as any misconceptions and gaps in their knowledge and understanding.

While schools may choose to teach all eight lessons, either as a single module or shared over the two key stages, many will select the lessons most relevant for their pupils. We do, however, recommend that you include Lessons 1 and 2. When choosing which lessons to teach in addition to Lessons 1 and 2, the aim should be to correct misconceptions, and to fill gaps in and extend your pupils' knowledge, understanding and skills development, based on the findings from the baseline assessment.

The plans are based on one-hour lessons, but some have space for discussions which can be extended or condensed, enabling schools to use them flexibly to fit in with their own timetables. Every group of pupils in every school will have different starting points and needs, so inevitably these lesson plans will need to be adapted by teachers for their classes. This might include differentiating to allow all pupils to access the learning activities, or modifying intended learning outcomes, as appropriate for individual pupils' needs and circumstances. For example, for some pupils with special educational needs, simple rules are important: an intended outcome such as 'When seeking another's consent, I know how to avoid assuming consent' could become 'I know that when I want someone to do something, I always need to ask them if it's ok, even if I think they're happy to do it'.

Some pupils may need different or additional learning outcomes. For example, the intended learning outcomes in Lesson 5 are:

- I understand that if someone does not have the freedom or capacity to agree by choice, no one has the right to assume they are consenting.
- I understand that seeking to make someone more vulnerable or misleading someone to make them trust me is wrong, and can be a very serious offence.

For a pupil whose disability means he or she needs to be touched, moved or washed by carers, then although the first of these learning outcomes is really important, an alternative second outcome such as 'I am able to communicate clearly to other people that I do not want them to do something' might be more appropriate.

LESSON 1: INTRODUCING AND RECOGNISING CONSENT

CONTEXT AND OVERVIEW

This lesson explores what consent means and how you can recognise when another person is giving their consent. Recognising consent, in the true sense of the word, is of vital importance, so this introduction must be fully understood and firmly embedded. While the lesson looks at both seeking and giving/not giving consent, it is important to reinforce the fact that it is the person seeking consent who is responsible for ensuring that consent is given freely and that the other person has the capacity to give their consent. As people can change their minds or consent to one activity but not another, the seeker of consent should not see seeking consent as a 'one-off' but should check that consent is still being given by a partner.

LEARNING OBJECTIVES

'We are learning about consent, what it means and what it should look like in practice.

INTENDED LEARNING OUTCOMES

Pupils will be able to state the following:

- I understand what consent means and why it is so important.
- I can recognise when someone is consenting and when they are not.
- I understand how consent is sought, given and not given in a healthy relationship.
- I know what to say and do to seek the consent of another person.

CLIMATE FOR LEARNING

Before starting, make sure you have read section 1 of this document and that you understand how to establish a safe learning environment. Make sure you are familiar with the school's safeguarding policy. Consider any sensitivities and prior knowledge you have about specific pupils' circumstances.

Establish or reinforce existing ground rules – adding or emphasising any ground rules that are especially relevant to this lesson, such as no personal stories, listening, and respecting other people's points of view.

Ask pupils to write down any questions they have relating to consent anonymously at any time, and collect them in using an anonymous question box – which should be accessible both in and after every lesson. To ensure that pupils do not feel self-conscious about being seen to be asking a

question, you can tell all pupils that everyone has to write something: either a question or 'no question' if taking anonymous questions during the lesson. You may wish to set aside some time at the end of each lesson for this.

STARTER ACTIVITY

Share the objectives and intended learning outcomes for the lesson with the group.

To explore the pupils' existing understanding of consent, tell the class: 'Imagine an alien has arrived from another world. They have heard about something called "consent" but they have no idea what it means.'

In pairs or small groups explore the following question: 'How would you explain "consent" to the alien who knows absolutely nothing about it?'

Ask pairs/groups to come up with their own definition of consent and write it down in their books or on post-it notes (these definitions will be revisited later, so keep them safe).

Gather feedback on the board (pupils may use terms like 'permission', 'aged 16', 'saying yes', 'age of consent', 'sex', 'rape', 'assault', 'consent for medical treatment' or 'going on school trips'). Build on the feedback to give a basic definition of consent: agreement by choice made by someone with the freedom and capacity to consent. Explain that these terms will be explored further in later lessons.

When considering the feedback (and when looking at any anonymous questions after the lesson), consider:

- What prior understanding do pupils already have that is correct and which you can build on? Is anything missing? Are there misunderstandings?
- Is there anything you need to challenge (for example, myths or disrespectful/negative attitudes towards others)?
- Are there any differences in the responses of the different genders? What do these suggest about their attitudes?
- Is their focus on the need to 'get consent' or on 'giving/not giving consent', or is there an appropriate balance between the two (remembering that ethically and legally the responsibility is on the person who is seeking consent)?
- What do their responses and questions suggest about their understanding of healthy relationships in the context of seeking and giving/not giving consent?

After this lesson, use the pupils' responses from this activity to determine which of the subsequent lessons you plan to use (we recommend that all schools teach this lesson and Lesson 2 on consent and the law). For example, if alcohol or drug use linked to risky sexual behaviours is a particular concern, then Lesson 5 would be a good lesson to use next once Lessons 1 and 2 are complete; if pornography is having an influence on pupils' attitudes, or you are concerned about pupils sharing sexual images, consider Lesson 7; if you are concerned about myths in relation to consent, Lesson 8 may be useful.

MAIN ACTIVITY 1 (parallel lines and personal boundaries)

Parallel lines and personal boundaries

Line the group up in two lines facing each other about three metres apart. Tell them:

‘We are now going to begin to consider consent in practice. When I say “go”, the people in one of the lines [indicate which] will slowly take small steps forward, asking their partner “can I take another step?” before each step. The facing person should say “stop” once they feel uncomfortable with the proximity of the person opposite them. The person opposite must stop when requested and remain in that position.’

Continue until everyone on the opposite line has said ‘stop’. It is likely that pupils will have asked each other to stop at different points.

Keep the pupils in their lines for a discussion of the following questions:

- Where does the responsibility for stopping lie between the two people? (emphasise that in the law in relation to sexual consent, it is the person seeking consent who is responsible).
- Why do you think people asked the other person to stop at different distances away? (answers might include ‘because everyone has different personal space requirements’, ‘depends on the relationship between the pairs’, ‘friends may get closer than people who don’t know each other so well’).
- How did it feel to be able to say ‘stop’ and have that respected? How does it feel when people don’t respect your boundaries?
- How would it have felt if the opposite person had kept taking a step forward even when you asked them to stop?

Going down each line quickly, ask pupils to show how someone might have communicated non-verbally (with body language/facial expressions) that they wanted the other person to stop walking towards them.

- Would we all have understood that non-verbal communication?

Explain that consent is not just about saying yes or no and that it is always the responsibility of the seeker of consent to be sure of whether consent is being freely given or not given. This shouldn’t be considered as a one-off since people can change their minds or consent to one activity but not another. This makes continued checking very important. These are key messages everyone needs to know about consent and will be explored in later classes.

MAIN ACTIVITY 2 (Identifying and recognising verbal and non-verbal signs of consent and non-consent)

Divide the class into small groups and give each group post-it notes and pens. Explain that given the responsibility on the seeker of consent which was just explored, the lesson is now going to look more closely at how people seeking consent can identify and recognise verbal and non-verbal signs of consent and non-consent.

Ask half the groups to think of as many examples as they can of 'how people behave when they are happy with what someone is suggesting or doing'.

The other groups come up with as many examples as they can of 'how people might behave when they don't like (or no longer like) what someone is doing or suggesting'.

They should note down their examples on the post-it notes provided.

The groups feed back quickly to the whole class. Stick the sheets of post-its on separate walls and add in any additional responses. Swap the groups over and ask pupils to reorganise the post-it notes under three headings:

- How people show us with their words ...
- How people show us with their facial expressions ...
- How people show us with their body language ...

Alternative for pupils who find this activity challenging:

Provide examples of signs of consent written on cards or post-it notes (taken from the 'Possible signs of consent' table included in the supplementary documents). Ask pupils to discuss and sort them into signs of consent or non-consent (and/or whether they are a visual or a verbal clue). Pupils return to their small groups: Ask pupils:

- If we weren't sure whether the other person was giving their consent, how could we check? Think of two or three questions we could ask.

Take feedback.

Suggest that they should always remember to ask 'Are you happy with this?' and 'Are you sure?', and to stop immediately if the answer is not 'yes' (the absence of a 'no' is not the same as a 'yes'). Saying 'If you don't want to, that's ok' is also very important. They should also remember that sometimes people change their minds or feel differently in different circumstances or may consent to one thing but not something else; this means that seeking consent should not be seen as a 'one-off' process but rather a continuing process.

PLENARY/ ASSESSMENT FOR AND OF LEARNING

Reinforce that it is the person seeking consent who is responsible for ensuring that the consent has been given, acknowledging that in healthy relationships both parties respectfully seek consent from one another, regularly check that consent is still being given and respect one another when consent is not given. It is crucial that any activity, sexual or otherwise, only takes place if consent is clearly given, and if in doubt, one should assume that consent has not been given.

Reinforce that the key signs of consent are that the person clearly wants to engage in the activity and actively demonstrates this. There should be no ambiguity or confusion over whether consent is given: 'not saying no' is not giving consent. Responsibility for ensuring that consent has been given lies with the person seeking consent, both ethically and in law. This means being sure that a partner is actively consenting, that the partner has the capacity to consent (i.e. that they are old enough, that their judgement is not impaired and so on) and that none of the conditions which prevent free, informed consent (such as manipulation or exploitation) are present (these will be explored further in subsequent lessons).

Show the following numbered statements. Ask pupils to indicate with a number fan, or on a mini-whiteboard, the number that corresponds to the statement that best describes how they feel. Discuss with the class the reasons for their answers.

- 1 I know whether someone is consenting or not.
- 2 I think I know whether someone is consenting or not.
- 3 I think I know some signs of whether someone is consenting or not.
- 4 I think it's really hard to know whether someone is consenting or not.
- 5 I am really confused about how to tell whether someone is consenting or not.

To sum up, remind the class that it is the person seeking consent who has the responsibility here. Those who say they know whether someone is consenting should be cautious, but you can get a good idea through positive and enthusiastic body language and words (the person is actively consenting). If in any doubt, assume that consent has not been given. Remember to ask 'Are you happy with this?' and 'Are you sure?', and to stop immediately if the answer is not 'yes' (the absence of a 'no' is not the same as a 'yes'). Saying 'If you don't want to, that's ok' is also very important.

Explain that this is just the first part of learning about consent, and that future lessons will cover concepts like freedom and capacity to consent in more detail. It may be, for example, that although someone goes along with an activity, it does not constitute consent, for instance if they are too drunk to make that judgement or if they are scared or feeling under pressure. These situations will be explored in subsequent lessons.

ASSESSMENT OF LEARNING

Ask pupils to complete the 'Then and now' self-assessment sheet, thinking back to where they feel they were before the lesson and then where they judge themselves to be now against the intended learning outcomes. Use this assessment to recognise achievement, evaluate the impact of these lessons and inform future learning.

EXTENSION ACTIVITIES/ HOMEWORK

Ask pupils to note any examples, from the television shows they watch, where consent was respected or not respected. They could write a short script of that scenario, which could be used for role plays and interaction analysis in a later lesson.