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## Responsibilities and consequences

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### Ground rules

- [Add your class rules here]

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### Learning objective:

- To learn about legal and moral responsibilities in relation to consent, and about the range of consequences of failing to respect others' right to consent

### We will be able to:

- explain legal and moral responsibilities in relation to seeking consent
- recognise factors that might affect capacity to consent
- analyse the emotional, physical, social and legal consequences of failing to respect others' right not to give or to withdraw consent

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### Definition: Consent

Class definition:

Consent: Agreement that is given **willingly** and freely **without exploitation, threat or fear**, and by a person who has the **capacity** to give their agreement

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# The importance of consent



1. Write 'the importance of consent' in the middle of your sheet of paper
2. Mind-map your ideas as a group, thinking about different aspects including:
  - The law
  - Emotional or physical health
  - Consequences of failing to get consent
  - Any other category

3. Now use different colours to highlight the points you have made that link to
  - The law
  - Emotional or physical health
  - Consequences of failing to get consent
  - Any other category

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# Legal definition



- Consent is defined by Section 74 of the Sexual Offences Act 2003 as "A person consents if he **agrees by choice, and has the freedom and capacity to make that choice**".
  - In investigating the suspect, it must be established **what steps**, if any, the suspect took to obtain the complainant's consent and the prosecution must prove that the suspect did not have a **reasonable belief** that the complainant was consenting.
  - Consent can be withdrawn at any time during sexual activity and each time an activity occurs.
  - Consent to sexual activity may be given to one sort of sexual activity but not another.
- Source: CPS, 'What is Consent,' [https://www.cps.gov.uk/sites/default/files/documents/publications/what\\_is\\_consent\\_v2.pdf](https://www.cps.gov.uk/sites/default/files/documents/publications/what_is_consent_v2.pdf)

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- Factors affecting **capacity to consent**:
- alcohol or drugs
  - medical conditions that limit the ability to consent or communicate consent
  - mental health problems or learning disabilities
  - being asleep or unconscious
- Factors affecting **freedom to consent**:
- domestic violence
  - an uneven power dynamic and/or abuse of trust
  - dependence on the suspect, e.g. financially or for care.
  - age and/or a significant age gap

# Consent statements

Once someone has given consent, they can always take it back.	Consent can be withdrawn with actions as well as words.
If consent is given for one thing, that doesn't mean consent has been given for anything else.	If a person's decision to give or not give consent isn't respected, that person is never to blame.
Consent forms the basis of a healthy relationship.	There are some things, like being seriously injured by another person, that people can't consent to.
It is important to explicitly seek consent - assumptions can't be made.	Not everyone is able to give consent.
No one can be forced into giving consent. Saying 'yes' (or allowing something to be done) through force or coercion, does not constitute consent.	Asking and regularly checking for consent is a way of showing respect for your partner.
It is important to learn how to recognise and communicate about consent.	Consent cannot be given if someone is incapacitated by alcohol or other drugs.

The statements in green boxes are supported by the law

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# The law in practice

- You will be acting as legal teams for the prosecution in a case relating to consent.
- You should read your case and use the legal information to identify how the law relating to consent has been broken.
- You should be ready to read your case and share your findings with the class.



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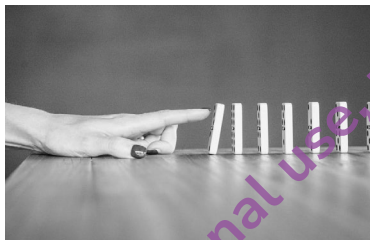
## Consequences

Thinking about your case, what might the consequences be for:

- the person who experienced the abuse?
- the perpetrator?

### Think about the:

- Legal consequences
- Physical or emotional consequences
- Social consequences



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## Consent and legal consequences



**'Causing sexual activity without consent:'** For non-penetrative sex there is a maximum sentence of 10 years in prison and for penetrative sex, there is a maximum life sentence.

### Other offences linked to the absence of consent are:

- Rape – maximum sentence: life imprisonment
- Assault by penetration – maximum sentence: life imprisonment
- Sexual assault – maximum sentence: imprisonment for 10 years
- Offences against children (A range of offences with life imprisonment as the maximum sentence)

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## Support is available

### For further support about healthy relationships or consent:

- Speak to a parent, tutor, counsellor, support service or other trusted member of staff in the school, university or workplace
- Contact: Childline [www.childline.org.uk](http://www.childline.org.uk); 0800 1111 (up to age 18)  
Samaritans, [www.samaritans.org](http://www.samaritans.org); 116 123
- Explore advice on the Brook website [www.brook.org.uk](http://www.brook.org.uk)
- Contact Victim Support: [www.victimsupport.org.uk](http://www.victimsupport.org.uk) or Rape Crisis: [www.rapecrisis.org.uk](http://www.rapecrisis.org.uk)



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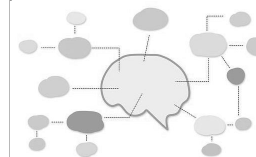
## Reflection and endpoint assessment

### Re-visiting the importance of consent

Return to your mind map from the start of the lesson. Use a different colour to add anything new you have learnt about the importance of consent and make any amendments to the original if needed.

Think about:

- The law
- Emotional and physical health
- Consequences of failing to obtain consent



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## Reflection and endpoint assessment

### Exit cards

On one side of your exit card, write the **two most important things you have learnt** about consent.



On the other side, write any **questions** you have about consent or anything else from today's lesson.

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## Extension activity

**Create a social media campaign** to raise awareness about the importance of consent among young people. You can choose to create either:

- a social media page
- a blog post
- a storyboard for a viral video

**Your campaign should include information on:**

- The meaning of consent
- The importance of consent
- The law around consent
- Where to go for support

**Make sure that your campaign:**

- Includes accurate information
- Is aimed at the 15-17 age group
- Has a positive message and avoids worst-case scenarios

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