

Consent

TITLE
08



Consent

This unit aims to enhance the learners’ understanding of the practice of consent. This will include learning about making choices, expressing likes/preferences and dislikes, giving and withdrawing permission and learning to understand these behaviours in others.

The activities are suggestions only as there remains the need to carefully plan and personalise learning experiences. When you know a learner well you will be aware of how they communicate whether that be with behaviour, body language, speech or vocalisation or

using aids such as photographs, symbols or signs or other technology available to them. You can adapt or extend what is suggested to suit your learner’s age, cognitive ability and specific needs.



Links to Curriculum for Excellence	Learning intentions	Success criteria
<p>I am aware of the need to respect personal space and boundaries and can recognise and respond appropriately to verbal and non-verbal communication. HWB 0-45b</p> <p>I know that all forms of abuse are wrong, and I am developing the skills to keep myself safe and get help if I need it. HWB 2-49a</p> <p>I know how to manage situations concerning my sexual health and wellbeing and am learning to understand what is appropriate sexual behaviour. HWB 3-49a/HWB 4-49a</p>	<p>With the appropriate level of support and resources children and young people learn:</p> <ul style="list-style-type: none"> ▶ That they have choices. ▶ They can express like (preferences)/dislike in interactions with others. ▶ They can change their mind. ▶ About co-operating, sharing and seeking permission. ▶ That they should not make someone do something they don't want to do. ▶ To indicate to an adult if they are upset. 	<ul style="list-style-type: none"> ▶ I can communicate yes and no. ▶ I can communicate what I like (prefer)/don't like. ▶ I make choices. ▶ I can change my mind. ▶ I can accept or reject contact or touch from others. ▶ I can co-operate and share with others. ▶ I can terminate an interaction. ▶ I can indicate and respond to stop. ▶ I can indicate to an adult if I am upset.

Links to other themes

Learning within these other thematic units will support learning on this theme:

- ▶ My Body
- ▶ Personal Hygiene
- ▶ Personal Space and Boundaries
- ▶ Relationships



Why this learning is important

For the purpose of a shared adult understanding, consent means:

- ▶ Asking someone’s permission to do something.
- ▶ If the person says/communicates yes, they have given their consent.
- ▶ If the person says/communicates no, they have not given consent.
- ▶ If a person is not sure, or does not say/communicate ‘yes’, then this is not consent.
- ▶ If a person says/communicates yes on one occasion this does not mean they always consent to something; consent should be sought again.

When it comes to *consent* this is a concept that *all* children need to visit and revisit across childhood and adolescence. For children, we start with thinking about yes and no, about communicating preferences and making choices, learning about boundaries and about wanted or unwanted touch. It will only be in later years that we might want young people to understand how we apply consent to sexual behaviour and relationships – but this can’t happen unless we establish early learning and understanding.

For learners with complex ASN there is an important and challenging aspect to consider when learning about consent as they will often have different adults providing assistance and personal care. In other units (see *My Body and Personal Space and Boundaries*) we discuss this in more detail. In essence, adult care and support should always be provided with respect, consent and optimal levels of privacy and dignity. It is the responsibility of adults to model all the positive behaviours and ways of being with others that we associate with consent.

Activities

As we support children and young people to express preferences (likes or dislikes) or we seek their permission, we should provide opportunities to do so for different areas: *activities, objects and people*. It is worth keeping this in mind as we go through the course of the normal day, asking ourselves, are we providing such opportunities in those regular teachable moments?

There are 9 sections in this booklet:

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|---|---|
| 1. •Communicating yes (or again), no (or stop)/ Acknowledging when others do so | 6. Touch: I can say NO! I can say STOP! |
| 2. Please and thank you | 7. Understanding another person’s point of view, feelings or experiences: empathy |
| 3. Sharing and co-operating | 8. Extending learning |
| 4. Making choices and changing my mind | 9. Consent to sexual activity |
| 5. No and/or Stop | |

In the development of these resources about consent there has been some discussion around whether learners are more likely to understand ‘again’ rather than ‘yes’ – and ‘stop’ rather than ‘no’. You will see that we have thought about this in some of the following sections. Please make decisions for your learners based on knowing them. Depending on symbols being used please also be aware that ‘no’ can sometimes be interpreted as meaning ‘wrong’ which in terms of learning about consent is something we would want to avoid.

1. Communicating yes (or again), no (or stop) and preferences/ Acknowledging when others do so

You can ask 2 types of questions to help children learn to use yes/no or express a preference.

- ▶ **Fact based questions** ask the learner to confirm or reject a statement: *Are you cold? Is this your pencil?*
- ▶ **Preference based questions** ask the learner to confirm or reject something being offered. *Do you want to...* is a good way to phrase these questions: *Do you want to sit beside Charlie?* To practice and build capacity the best questions are those the learner is highly motivated to answer, so perhaps asking if they want something they have expressed a clear preference for (or not) on a previous occasion.

Questions can get more complex if you introduce a time element: *Do you want your snack after we wash our hands?*

You can have fun with a yes (or again)/no (or stop) game. Ask questions that you can predict an answer to (so when you know the learner's preferences) alongside silly questions to which the child responds yes/again or no/stop. You can mirror their response, with appropriate exaggeration when it's something funny.

You can use physical prompts/gestures when you say yes or no – nodding or shaking your head, thumbs up or down, smiling or not.

In other units we talk about adults providing personal care. In such circumstances it is important to ask/observe permission: *Is it okay if I...* anytime there is interaction.

Communicating preferences, or making choices, can also be extended into the learner making their wants known, or asking for something. You might establish a signifier for going to the toilet, being thirsty, being fed up etc. which initiates a response from you and/or a further conversation.

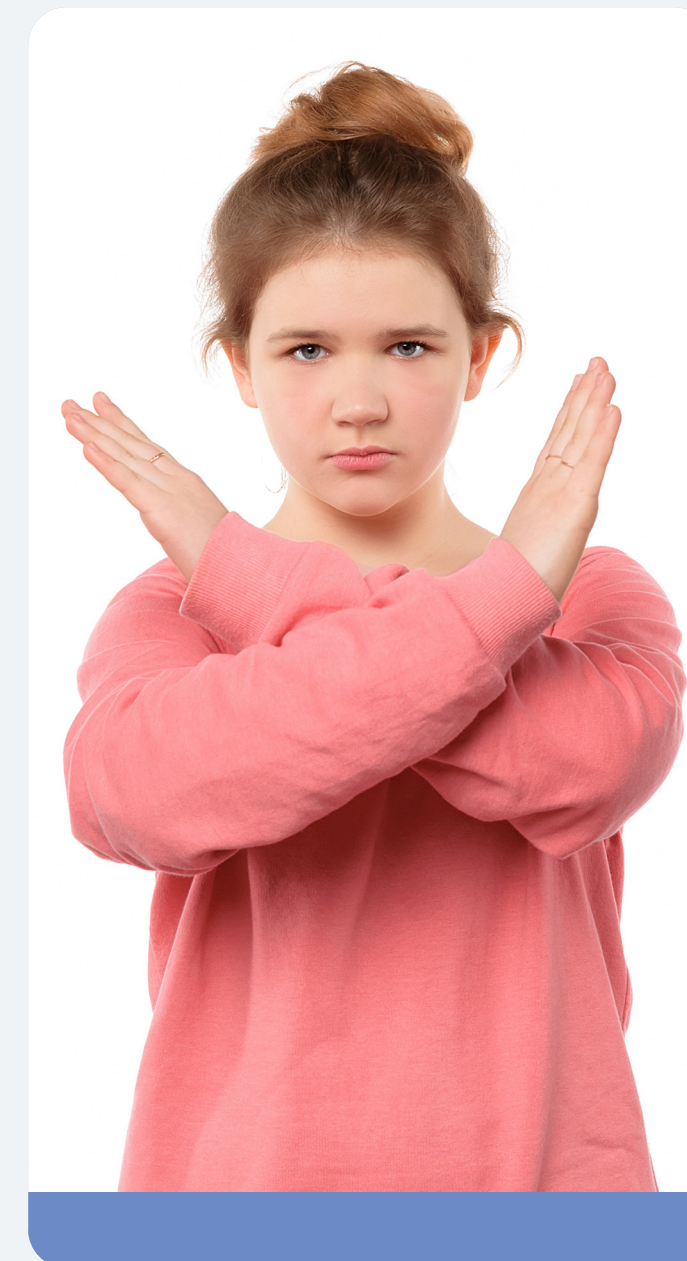
We can help learners build awareness of how others in the group communicate yes/again or no/stop, especially if they are non-verbal signals. We can do this by:

- ▶ **Identifying when a yes or no is being expressed by someone in the group, and we want others to notice:** *Aanya doesn't want to eat her snack today.*
- ▶ **Pointing out to a group member when another is indicating a yes or a no, and that this needs to be acknowledged:** *Charlie, Emma is saying she doesn't want to share the book with you.*
- ▶ **We can check in with children/young people about whether they sought consent for something they have done:** *Sergie, did you ask Maria if she wanted a hug?*

As with all of the suggested activities or approaches in our RSHP units all engagement with learners is based on the adult knowing the child or young person well. When you do you will be aware of the possibility that the learner may have difficulty with retaining or processing more than a simple choice, or perhaps may not respond with a true choice if they are motivated to please you. You can also consider whether visual representations of a 'choice' suit the learner better and allow them the time to process the choice offered.

2. Please and thank you

Using please and thank you shows respect for another person. This is subtle, but adults can model the use of *please* and *thank-you* and the behaviours that go with them. Using *please* can soften a request, it means waiting for and respecting the decision made. Using *thank-you* acknowledges the other person's choice, and can be associated with a smile and extra comments: *Thank-you, that was really kind of you to let me borrow your pen.* Of course whatever communication system a learner uses there will be ways to express please and thank you.



3. Sharing and cooperating

Through our RSHP curriculum we can support approaches to building awareness of mine, yours and sharing. Our efforts in this regard are about supporting the learner to anticipate, tolerate, accept and cooperate in terms of:

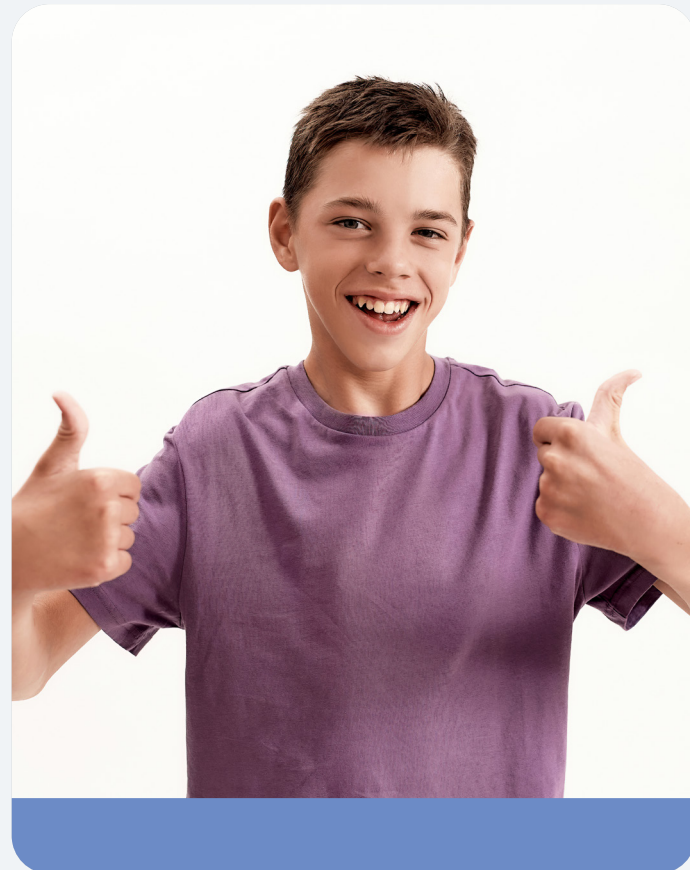
- ▶ **Sharing space:** For example, sitting with others at break or lunchtime.
- ▶ **Turn taking:** For example, waiting to wash their hands, waiting in line at the school canteen.
- ▶ **Interactive routines:** For example, being part of the group and responding to actions or words in a familiar story or song.
- ▶ **Sharing activities:** First with a familiar person and progressing to sharing with an unfamiliar person, for example activities in a PE class or in the playground.
- ▶ **Sharing things:** It is important not to upset or stress a child/young person who finds sharing something that belongs to them too difficult, nor should we impose an idea that something *must* be shared. But, with knowledge of the child, it might be possible to encourage and facilitate sharing of toys, snacks or things like pencils or crayons. As an adult, you can model sharing your things.

4. Making choices and changing my mind

When you know learners well you will understand how they communicate choices – facial expression, gesture or vocalisation. Observing and engaging with the learner will allow you to identify changes in terms of what has been agreed or consented to; it is our responsibility to look for changes in behaviour or demeanour that might indicate a change of mind. When we see it, we should acknowledge it and respect it.

There will be many opportunities in the course of the day to provide choices for children, not so that they are overwhelmed with options but where there is a genuine choice for them to make – and time to make it – about play, food, learning tasks.

You can encourage pupils to respond to questions such as *Who do you want to sit beside? Who do you want to play the game with?* so that they can show preference for people.



5. No and/or stop

We can support a child/young person to stop an activity, or exit a situation, when they express a wish to do so. If a learner pulls away or looks apprehensive you can ask: ‘You want me to stop?’ Of course it might not be possible to respond to such a request immediately, then we need to acknowledge the request and explain any delay.

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Endings to activities (*It’s time to stop*) or transitions should be explained, perhaps using a signifier to indicate the end of one thing and transition to another.

In this and other units (see the unit on *Personal Space and Boundaries*) we address the need to ensure that all personal care is provided with maximum levels of privacy and dignity. Permission should always be sought, and waited for. In the provision of care, the adult must be aware of the child/young person’s responses moment to moment – never in automatic pilot when doing a regular task – so that the withdrawal of consent can be recognised and respected.

We might also need the child/young person to stop doing something. Requests should be polite and firm. As much as is possible, and is safe, we should give the child/young person the time they need to process a request, perhaps challenge or disagree with it, or have it explained. Requests put to a child/young person, framed as *no* or *stop*, need to be consistent – something that wasn’t permissible one day (for fair and good reasons) should as much as possible remain unacceptable the next, with consistency across settings.

6. Touch: I can say NO! I can say STOP!

(Supporting PowerPoint available)

An important aspect of consent and protection from harm is the child/young person understanding and being able to reject contact or touch from others. There are specific circumstances that we want learners to be aware of, thinking in terms of touching private parts, being kissed or hit. The PowerPoint can be used, one slide at a time, building understanding. Whatever method the learner uses to communicate, verbal or non-verbal, we must ensure that there is the means to express these feelings clearly. Repetition will build confidence. The PowerPoint provided can be adapted by you, taking on board decisions about using ‘no’ or ‘stop’ or both. And as always your learner might benefit from personalisation, using the script you want:

Touch: I can say NO! I can say STOP!

- ▶ I can say NO! I can say STOP!
- ▶ My private areas are my vulva, my bottom and my breasts.
- ▶ My private areas are my penis and my bottom
- ▶ If someone touches me in my private areas when I don’t want them too. I can say NO! I can say STOP!
- ▶ If someone touches me in my private areas when I don’t want them too. I can say NO! I can say STOP!
- ▶ If someone hits me. I can say NO! I can say STOP!
- ▶ If someone kisses me when I don’t want them to. I can say NO! I can say STOP!

Inappropriate touch is also considered in the unit *Personal Space and Boundaries*.

7. Understanding another person’s point of view, feelings or experiences: empathy

Empathy is the ability to understand and share the feelings of another. We might express it through kind-heartedness or common decency toward other human beings. It is in the experience of friendship that children learn a lot about empathy; the challenge is that for many children and young people with disabilities social isolation and the disproportionate level of engagement they have with adults, can mean that day-to-day peer group interactions are limited.

Some children and young people will benefit from having another child’s state or feelings described to them, so that they can understand them better in that moment: *Andrew is a bit tired today. Mharaid has a sore tummy today.* A child/young person can be asked how they are, and supported to communicate this to others so they recognise how they are at the moment. If this state of being needs some action from others, this can be described: *Andrew is a bit tired today. Let’s leave Andrew here with Mrs Smith while we go to PE.*

Stories have always been a way to help children and young people to build empathy. While conversations can be built around literal questions about the facts of a story, inference questions ask children to look beyond the text to something that was implied: What do you think might happen next? Moving on, evaluative questions require children to read behind and beyond the lines: Do you think she should have done that? These different kinds of questions help build the child’s understanding of another person or character’s point of view and build empathy and understanding. Reading and re-reading a story many times, perhaps acting out scenarios with dolls or toys, can all help build a connection with and between characters.

8. Extending learning

In the identification of which CfE Experiences and Outcomes are of relevance to our learners with complex needs we have drawn, in this unit, on those at Second and Third Level. This is not because we expect our learners to be learning at these Levels for say Literacy or Numeracy, but because they remind us that much of what we do needs to be age as well as developmentally appropriate. If your learners would benefit from extending learning beyond what is described in this booklet please do refer to other RSHP material at Second Level for some useful material you might want to adapt.

9. Consent to sexual activity

It is generally assumed that at 16 years old young people have capacity to consent to sexual activity, thus we have the age of consent as 16. RSHP education encourages young people to understand the law, but also to consider other factors in their life and personal relationships, and so also encourages delaying sexual activity, and to think of sex as something that is best done in the context of a safe, healthy and happy relationship, free of coercion and regret. Most young people wait until they are 16 or older to have their first sexual experience.

The learning activities in this unit support learning about the meaning and practice of consent for learners who have the most complex needs. It is not possible here to explore whether an individual young person with such complex disabilities will have capacity to consent to sexual relationships from the age of 16. This can only be done on an individual basis, where the young person, their parents and carers and supporting professionals can work together to assess understanding, needs, risks and to consider all of these in the context of the young person/young adult's human rights.

Capacity is always assumed until proven otherwise. Lack of capacity in one area (for example finance) does not mean a person does not have capacity in another area (for example sexual activity). Equally, someone who cannot consent to sex can still enjoy kissing, cuddling and intimacy in a relationship. It is also worth remembering that capacity can change with age, maturity, knowledge and understanding. Someone who cannot consent to sex at 16 may be able to a few years later



And finally....

I can indicate to an adult if I am upset

Children and young people may be upset by an aspect of their RSHP learning. As they learn we want them to understand and remember who they can find support from. The My Circle exercise described in the unit called Personal Space and Boundaries can support children and young people to identify who they can tell if they are upset. Of course it is also the responsibility of adults who provide education and care to know the learner well and to be aware of changes in behaviours that might communicate worry or distress.

Learner evaluation

Learners should be asked to show a preference as to whether they like or dislike the activities that are part of their RSHP learning. It may be possible to tell if the child/young person is enjoying their participation as it happens, this is facilitated when the adult knows the learner well and is able to interpret reactions. Whether at school or at home, you may have already worked on developing an object of reference or signifier for when you want to know a child/young person's opinion. Learner evaluation will help you to make learning more enjoyable, relevant and useful for the learner.

