



Title: Sexual consent and what the Law says

Level: **THIRD/FOURTH**

Links to Curriculum for Excellence

Experiences and outcomes	Benchmarks
I recognise that power can exist within relationships and can be used positively as well as negatively. HWB 4-45a	<ul style="list-style-type: none"> Distinguishes between a balance of power and abuse of power in relationships, for example, respect, trust, coercion, consent.

Learning intentions

- Young people know that consent in the context of relationships is about communication and respect and means asking another person for permission to do something.
- Young people understand what the law says about sexual consent.
- Young people understand the pressures young people face to be in relationships including sexual relationships.

Success Criteria

- I can explain what consent in relationships means.
- I can explain what sexual consent is.
- I am building understanding, skills and capacity to assert myself in relationships so that I can express what I want and don't want.
- I have an understanding of the law on sexual offences/sexual consent.

Resources to support this activity

- PowerPoint slides (teacher/educator to insert a final slide with local service information)
- Film: Screwball (duration 12 minutes 22 seconds) <https://www.truetube.co.uk/film/screwball>
Produced by TrueTube, a multi award-winning website for schools. The film is free to access but does require you set up an account or log in if you have already done so.
- Film: How do you know if someone wants to have sex with you? (3 minutes 50 seconds) <https://youtu.be/qNN3nAevQKY>
- 10 facts about consent (on cards for group discussion)
- No consent = No Fairy Tale (1 minute 10) <https://youtu.be/QJTqpydWFNA>

NOTE: This is the third activity at Third/Fourth Level that makes explicit reference to consent. In this activity this is more explicitly about consent for sexual activity, and what the law says about non-consensual sexual activity. The young people in your class/group might benefit from earlier inputs at this Level, if so please refer to the activities called: **Relationship and Consent** and **Sex: Consent, Pressure, Pleasure (and first-time sex)**.

Activity

1. Introduce the session along these lines: That today the class/group will be remembering what consent is, but especially what consent means when people have sex, and what the law says about this. Emphasise that there is no assumption that young people are having sex, this is just about preparing for adult life, that young people can make their own decisions about when sex is right for them.
2. Two slides just to remind young people of key things. The first is what we mean by consent. And the second is what the law says sex is. Check understanding after each slide.

Consent means...

- Asking someone if you can do something or if they want something.
- If they say yes, they give consent.
- If they say no, they do not give consent.
- If they don't say anything, or they aren't sure or aren't clear, they do not give consent.
- If they give consent once, you still have to ask the next time.

Sex and the law

The law says that sexual activity includes mutual masturbation, oral sex or penetrative sex. Penetrative sex is when a person puts their finger or penis or something else (like a sex toy/dildo) into a person's mouth, vagina or anus (bottom).

3. With both clarified, watch the film **Screwball** together – it is a comedy drama about Ryan and Natalie - two young people struggling through their first sexual encounter, and having to deal with each other's expectations. After watching get some initial feedback and thoughts.
Screwball (duration 12 minutes 22 seconds) <https://www.truetube.co.uk/film/screwball>
4. **Being and feeling safe.** Continue by explaining that as the young people will know, they have the right to be healthy, happy and safe in their relationships. Explain you want them to think especially about being **safe**. Ask them to work briefly with a partner to think of what would characterise a 'safe' relationship, then have contributions and discussion.

If you are in a relationship, you have the right to be healthy, happy and safe. But thinking about what it means to be SAFE in a relationship, what does this mean in practice? Being safe means that....

After pairs have had some chat, and there has been some feedback, the slides (6 to 11) that follow could be used to run through and check what the young people thought of each of these characteristics of a safe relationship, refer back to Ryan and Natalie when helpful.

5. Explain that a part of being in a relationship is that when you feel ready, you can choose to have sex. Pose the question: **How do you know if someone wants to have sex with you?** Ask the young people to work in their pair, they don't have to write anything down but see if they can come up with 5 ideas.

After a few minutes, ask for feedback (voluntary, don't go around the room). Write the feedback up as it is offered on the smartboard. From the feedback pick out anything that might be worth exploring a bit further, anything that you think would benefit from further clarification. For example, if someone offered 'You just know' ask 'So, give me some examples of how you would know...?' (Pose such clarification questions to everyone, not just the person who offered the idea). Explain that you are doing this just to be really clear about what we might mean.

6. Introduce and watch the short film **How do you know if someone wants to have sex with you?** (3 minutes 50 seconds) <https://youtu.be/qNN3nAevQKY> Take any first thoughts, feedback. (This film is also part of the RSHP resource Third/Fourth Level 'Make it Good' material)
7. **Activity: 10 facts about consent.** Explain that you have some information about sex and consent for the young people to consider. Explain that there are 10 things to remember about consent and they are on the cards (see prop provided) you are giving to the young people. Ask them to work their way through the cards, in pairs or 3s, and sort them into categories two categories: **GET IT/UNDERSTOOD** or **NOT SURE/WE HAVE QUESTIONS**. Stress that it is okay to be not sure or have questions. After some time, follow up with some discussion around the groups about the 10 facts cards. What's well understood? Is anything new? Does anything need clarified?
8. **What the Law says about sexual activity when there is not consent** Explain that the law says some important things about when sexual activity happens without consent. To remember:

The law says that sexual activity includes mutual masturbation, oral sex or penetrative sex. Penetrative sex is when a person puts their finger or penis or something else (like a sex toy/dildo) into a person's mouth, vagina or anus (bottom).

When sexual activity happens without the consent of a person then the Sexual Offences (Scotland) Act can be used to prosecute the person who has assaulted the other person. Share the slide and read through, acknowledge this is upsetting information, but that it is important to understand the law because if consent is not clearly given and understood then an offence like these can be committed.

There are laws that protect us from harmful sexual behaviour, abuse and exploitation. An important law is the Sexual Offences (Scotland) Act 2009. The law protects us all against these things:

1. **Rape is the forced penetration** of a person's vagina, anus or mouth with the penis.
2. **Sexual assault** might also mean penetration of a person's vagina, anus or mouth with an object, or other sexual touching without consent.

And it also protects us against these things:

3. **Coercing a person in to being present during a sexual activity** might mean pressuring someone to be present when sexual activity is taking place with other people.
4. **Coercing a person into looking at a sexual image** could be making them look at a nude or making them look at porn on a phone.

5. **Communicating indecently** might mean sending nudes/photos of your private parts.
6. **Sexual exposure** might mean showing someone your sexual body parts.
7. **Voyeurism** might mean looking at someone in a changing room or cubicle. It also includes 'up-skirting' which is an offence.
8. **Administering a substance for sexual purposes** might mean spiking someone's drink.

NOTE: Of course, none of this is legal 'advice' rather it is information, we are simply trying to ensure young people understand that the law does address sexual consent and they need to have some understanding of this. If a question is asked that as an educator you do not know the answer to, or feel a young person needs better advice, you can talk to them afterwards and support them to access sexual health information and advice or other advice and support. As with all situations the educator must follow child protection procedures if concerns are raised.

9. This short animation (1 minute 10 seconds) from Amnesty International is funny and very to the point: **No consent = No Fairy Tale** <https://youtu.be/QJTqpydWFNA>
10. **Awkward Moments**. Explain to the young people that you would really like them to do some individual follow up and think more about these issues on their own or with friends. Tell them that there is a website available with films made in Scotland that it would be good to check out. It's called [NHS Awkward Moments](#)
11. End with thanks for all contributions. Remind young people that you are available to them if they have any questions or worries. Also remind young people (use the final slide with info inserted) of their nearest young people's confidential sexual health/health or support services. Add finally that young people their age still use ChildLine because it offers a great confidential service and someone to talk to.

Additional ideas/activities:

Young people may know these films, they are good and can be used in this or later sessions to touch base with key messages about consent. The first uses the metaphor of sexual consent and offering a cup of tea. **Consent – cup of tea** <https://youtu.be/u7Nii5w2Fal> (2 minutes 58 seconds) A good alternative is this: **Cycling through Consent**, a Canadian animation inspired by the Tea/consent animation: <https://youtu.be/-JwIKjRaUaw> (3 minutes 47 seconds)

Connecting with home

The text below could be used to communicate with home about this activity.

As part of our learning this term about relationships we are discussing what we mean by consent. In particular the young people are thinking about what consent means when it comes to sex. There is no assumption that young people are having sex, this is just about preparing for adult life, so that young people can make their own good decisions about when sex is right for them. Young people also need to understand what the law says about sex and consent. These short films will be used, they capture the key messages in our learning activity.

How do you know if someone wants to have sex with you? <https://youtu.be/qNN3nAevQKY>

Consent – cup of tea <https://youtu.be/u7Nii5w2Fal>

Cycling through Consent: <https://youtu.be/-JwIKjRaUaw>

Practitioner Notes

