



Title: The age of consent

Level: THIRD/FOURTH

Links to Curriculum for Excellence

Experiences and outcomes	Benchmarks
<p>I recognise that power can exist within relationships and can be used positively as well as negatively. HWB 3-45a</p> <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 3-45b</p> <p>I know where to get support and help with situations involving abuse and I understand that there are laws which protect me from different kinds of abuse. HWB3-49b</p>	<ul style="list-style-type: none"> Explains the impact an imbalance of power can have on relationships, including sexual relationships, for example, consent, coercion, responsibility for actions and decisions. Gives examples of laws in relation to sexual health, for example, age of consent, right to confidentiality, consent, coercion, grooming. Identifies how to take action in a situation involving abusive or inappropriate sexual behaviour, for example, ending unhealthy relationships, local support, police.

Learning intentions

- Young people understand the pressures they face in relationships, including sexual relationships.
- Young people know what the age of consent is.

Success Criteria

- I am building understanding that I am responsible for my actions towards others.
- I know that I do not need to be in a relationship, and that relationships do not need to be sexual unless I wish them to be so.
- I can explain what the age of consent is.
- I can identify a place or person to go to if I have questions or a worry.

Resources to support this activity.

- PowerPoint slides
- Props/cards for discussions: About the age of consent
- Teacher/educator to prepare a slide directing young people to local sexual health or community services.

NOTE: The age of consent in Scotland is 16. When young people learn this, it can be a tool that supports them to wait until after their 16th birthday before having sexual relationships. Most young people do wait until they are 16 or older. However, a minority of young people have sex before they are 16 and while we want them to understand the law, we do not want to frighten them, or put them off seeking information, support or services. This learning activity is designed to educate about the age of consent, but ensure that young people seek out information, support, or services before they are 16 if and when they need them.

Activity

1. Introduce the session along these lines: That today the class/group will be learning about what is called the age of consent. Share the first slide, clarify that the law is the same for every young person, regardless of sex/gender of them or their partner.

The age of consent is the law that states what age a person needs to be before they can agree to have sex lawfully. It is the same age for all young people, whatever their sex or gender or the sex/gender of their partner.

The age of consent in Scotland for everyone is 16.

2. Explain that the class is learning about this now because understanding the law and thinking about future relationships helps make sure that the relationships young people have will be healthy, happy and safe. Explain that this slide gives the basic information about the law, but there is more to understand. Ask the young people to work in 3s on the next group activity.
3. **Group discussion: About the age of consent.** The activity is in 2 parts – a pack of 6 statements to start, a second group of 6 follows. These provided in prop 1 for printing. Ask the young people to have a discussion and sort the statements (all about the age of consent) on the cards into 2 piles called:

- ***OK we understand this or***
- ***We have a question.***

Explain that young people should read then sort the cards by number/in order as the detail develops across the cards. Before they start, tell the young people they can wave you over to check anything – if they do and you are able to help/respond get them to put the card in the ***We have a question*** pile, so all the class can hear what has been clarified.

Take some time with the first set of cards in small groups, then discuss as a full group. Use the slides with the statements if that helps.

Part 1 cards/statements

1. The age of consent in Scotland for young men and women is 16.
2. The age of consent is the same for everyone – so if you are straight, lesbian, gay, bisexual or transgender.
3. Most people wait until they are 16 or older to have sex.
4. If you're both over 16, and both want to have sex, then it's legal.
5. If you are both aged 13,14 or 15, then you and your partner are breaking the law.
6. If one of you is 13, 14 or 15 years old and one of you is 16 or over, and you have sex, then the older person is breaking the law.

Then move on to the second part/cards. These are more complex, so again take time and discuss in as much detail as the young people need:

Part 2 cards/statements

7. If you are under the age of 13, the law says you are too young to give consent to **any** kind of sexual activity at all, like sexual touching or oral sex or vaginal sex or anal sex.

8. It is very unusual for young people (age 13, 14 or 15) to be prosecuted if **both** young people are happy and one person is not forcing the other to have sex.
 9. If you are 13, 14 or 15 and you speak to a professional person about having sex with your boyfriend/girlfriend then they need to be sure you are safe with this person.
 10. If you are under 16 and you are having sex with someone much older than you, a professional person will be concerned about your safety. If there is a concern about your safety, the person you speak to may have to share information in order to protect you, but they will always speak to you about this first unless it is absolutely necessary to share the information urgently to protect you from harm.
 11. It is always wrong and against the law to force someone to have sex, no matter what age you or they are.
 12. To help protect young people, it is an offence for someone aged 18 or over, to engage in sexual activity with someone aged 16 or 17 if the older person is in a position of trust. A position of trust is someone who looks after you for example, in a school or a care home.
4. **The law.** The issue of the law can be of concern, and also quite confusing for young people. Having worked through the earlier cards/statements the next slide acknowledges that the law says it is illegal to have sex before you are 16 but this law is really to protect young people from adults, not make them feel worried or frightened about the law. Use the next 2 slides to provide some important information. Use *the text in italics provided below* by way of explanation. Check understanding as you go, take any questions.

The law: If you are 13, 14 or 15 and thinking about having sex or having sex you might be worried about the law.

NOTE/to be read by teacher/facilitator: *The law says young people should wait until they are 16 before they have sex. Most young people do. But if they do have sex before they are 16 and want to get some good advice and support, maybe contraception or condoms, then young people should understand that a professional person would not be expected to report them to the police unless the young person is at risk. Usually, the professional person will want to give the young person health advice and support. The professional person does need to make sure the young person is safe and happy with the situation.*

5. **Sexual Health Clinics.** Having clarified the law this next slide explains how this applies to young people accessing sexual health services. Again, share the slide and use the *Note/text in italics* to explain and discuss.

Sexual health clinics see young people aged 13 and over. It is confidential, and they are not allowed to tell your parent or carer.

NOTE/to be read by teacher/facilitator: *Sexual health clinics have a lot of experience working with young people and they believe that you should get a confidential service. Young people can also contact Childline who provide a lot of confidential information and support to young people your age.*

6. Acknowledge that you have used the word confidential – so just to check everyone gets that use the next slide to explain. Again, take any questions or comments, and use the NOTE to give further explanation about how confidentiality works.

Confidential means keeping your stuff private. If you speak to a nurse or doctor, they will keep your information private. They will check that you are safe. They will not share information about you unless someone is harming you or you are in danger.

NOTE: *So, confidentiality means a nurse or doctor will not share information with a parent or carer, but they will encourage a young person to talk to adults they trust because they can also give help and support.*

- 7. My 5 trusted people.** Acknowledge that discussion of age of consent and the law might make young people a bit worried or even confused. In this case, it's always good to have someone in mind to talk to with a question or a worry. Set a task, ask the young people to think of five people they could go to with a question or a worry, including one about relationships or a question about sex. The challenge is to think of one or two people in their family, and on the rest of their fingers other people. After a few minutes thinking and chatting ask *if* any young people would like to share their choices, as much as they want to, why them? Acknowledge the range and reasons - remind young people they can always come to you. **Share the prepared slide about local confidential services for young people/ChildLine.**
- 8.** To end the session, ask if there are any outstanding questions or things that need clarified. Acknowledge contributions and remind the young people to keep their trusted individuals in mind whenever they have a question or a worry. The key information about age of consent is provided on the handout, Prop 2.

Connecting with home

Text is provided in the part 1 activity: *What consent means in a relationship.*

Child Protection and underage sexual activity

Teachers and other practitioners can find information about responding to under age sexual activity in this document [Supporting documents - National Guidance for Child Protection in Scotland 2021 - updated 2023 - gov.scot \(www.gov.scot\)](http://www.gov.scot) see page 180.

Practitioner Notes