

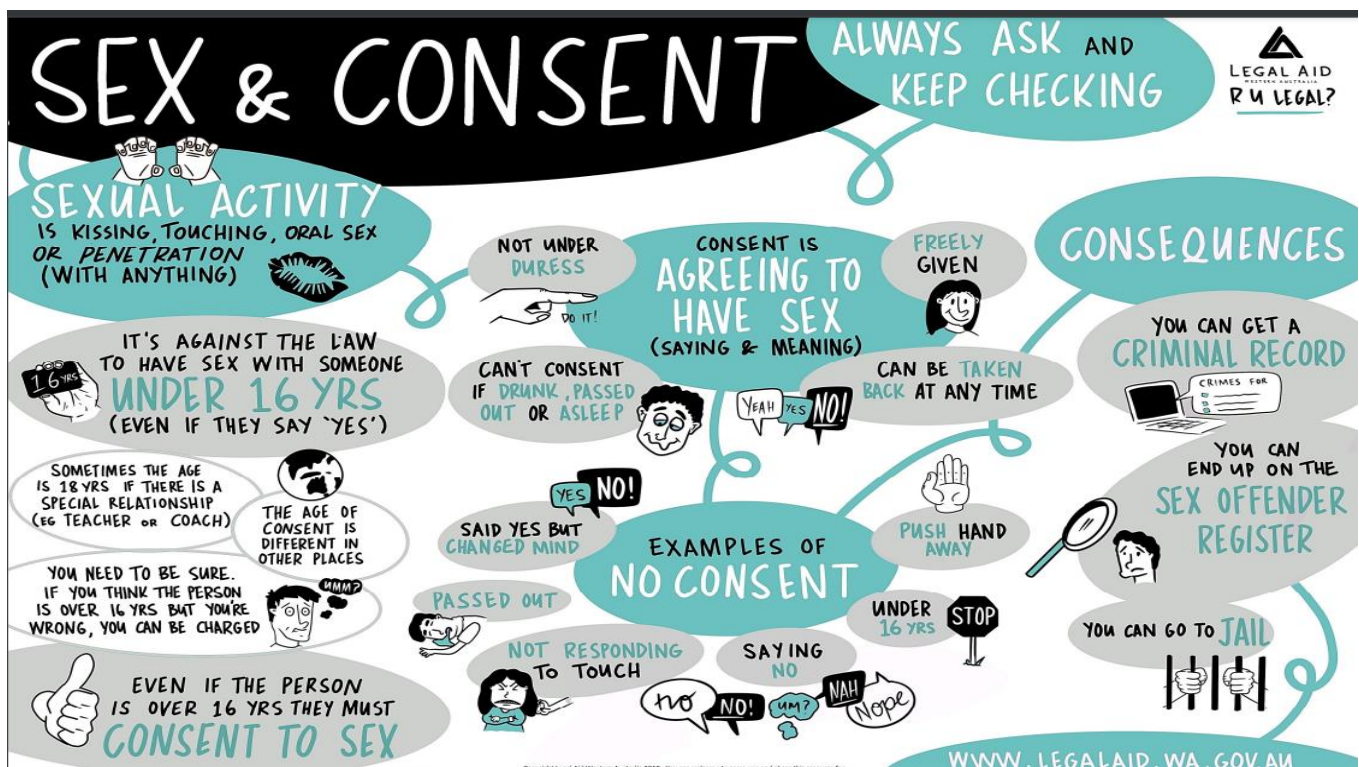
# Consent

Consent can take place within numerous situations of everyday life such as consent to share your information or consent to have health care given to you. In this briefing we are talking about consent within relation to a sexual activity. The Sysco Group expect respect from all staff and learners and have a zero-tolerance policy to any abusive behaviour, regular updates have also been provided on awareness of harmful sexual behaviour with our strap lines promoted "ItsNotOk" and "ExpectRespect". This focus of this hot topic is on the consent aspect and how to recognise consent and non-consent.

## What is Consent?

Consent is an agreement between participants to engage in sexual activity. Consent should be clearly and freely communicated and fully understood before moving forward with a sexual activity. A verbal and affirmative expression of consent can help both you and your partner to understand and respect each other's boundaries.

Consent cannot be given by individuals who are underage, intoxicated or incapacitated by drugs or alcohol, or asleep or unconscious. If someone agrees to an activity under pressure of intimidation or threat, that isn't considered consent because it was not given freely. Unequal power dynamics, such as engaging in sexual activity with an employee or student, also mean that consent cannot be freely given.



## How does consent work?

When you're engaging in sexual activity, **consent is about communication**. And it should happen every time for every type of activity. Consenting to one activity, one time, does not mean someone gives consent for other activities or for the same activity on other occasions. For example, agreeing to kiss someone doesn't give that person permission to remove your clothes. Having sex with someone in the past doesn't give that person permission to have sex with you again in the future. It's important to discuss boundaries and expectations with your partner prior to engaging in any sexual behaviour. **You can change your mind at any time.**

You can withdraw consent at any point if you feel uncomfortable. One way to do this is to clearly communicate to your partner that you are no longer comfortable with this activity and wish to stop. Withdrawing consent can sometimes be challenging or difficult to do verbally, so non-verbal cues can also be used to convey this. The best way to ensure that all parties are comfortable with any sexual activity is to talk about it, check in periodically, and make sure everyone involved consents before escalating or changing activities.

## What is enthusiastic consent?

Enthusiastic consent is a newer model for understanding consent that focuses on a positive expression of consent. Simply put, enthusiastic consent means looking for the presence of a “yes” rather than the absence of a “no.” Enthusiastic consent can be expressed verbally or through nonverbal cues, such as positive body language like smiling, maintaining eye contact, and nodding. These cues alone do not necessarily represent consent, but they are additional details that may reflect consent. It is necessary, however, to still seek verbal confirmation. The important part of consent, enthusiastic or otherwise, is checking in with your partner regularly to make sure that they are still on the same page.

### Enthusiastic consent can look like this:

- Asking permission before you change the type or degree of sexual activity with phrases like “Is this, OK?”
- Confirming that there is reciprocal interest before initiating any physical touch.
- Letting your partner know that you can stop at any time.
- Periodically checking in with your partner, such as asking “Is this still, okay?”
- Providing positive feedback when you’re comfortable with an activity.
- Explicitly agreeing to certain activities, either by saying “yes” or another affirmative statement, like “I’m open to trying.”

### Consent does NOT look like this:

- Refusing to acknowledge “no”.
- A partner who is disengaged, nonresponsive or visibly upset.
- Assuming that wearing certain clothes, flirting or kissing is an invitation for anything more.
- Someone being under the legal age of consent as defined by UK law.
- Someone being incapacitated because of drugs or alcohol.
- Pressuring someone into sexual activity by using fear or intimidation.

### NON-VERBAL SIGNS OF POSSIBLE CONSENT

- |                             |  |
|-----------------------------|--|
| ♥ active body language      | ♥ laughter                             |
| ♥ open body language        | ♥ pulling someone closer               |
| ♥ nodding yes               | ♥ smiling                              |
| ♥ actively touching someone | ♥ body language is responsive to touch |
| ♥ direct eye contact        | ♥ initiating sensual touch             |



### NON-VERBAL SIGNS OF NO CONSENT

- |                                     |   |
|-------------------------------------|---|
| ⚡ avoiding eye contact              | ⚡ pushing someone away                          |
| ⚡ avoiding kiss/touch               | ⚡ not initiating sexual activity                |
| ⚡ just lying there                  | ⚡ fearful expressions                           |
| ⚡ closed body language              | ⚡ shaking head no                               |
| ⚡ crying/sad expressions            | ⚡ stop responding to touch/verbal communication |
| ⚡ wriggling around to stop advances | ⚡ making excuses to avoid advances              |

## #ItsNotOk

### Consequences of non-consent

If any type of sexual activity, including sexual touching, kissing, fondling, oral sex, or intercourse, is forced on a person without their consent, it becomes a form of sexual assault and is considered a crime. Sometimes a person may say yes and later be hesitant or feel uncomfortable about continuing. If someone changes their mind, consent is considered revoked, and it becomes a criminal act.

Non consent for any sexual activity could be deemed an offence under the Sexual Offences Act; The Act sets out the offences requiring the prosecution to prove absence of consent at sections 1-4. They are:

- rape,
- assault by penetration,
- sexual assault, and
- causing a person to engage in sexual activity.

Section 3 of the Act makes it an offence for any male or female to intentionally touch another person sexually without their consent. A person found guilty of sexual assault could be sent to prison for a **maximum of ten years**

For further information:

<https://www.cps.gov.uk/legal-guidance/rape-and-sexual-offences-chapter-7-key-legislation-and-offences>

### Have you heard of capacity to consent?

A person's capacity, or ability, to legally consent to sexual activity can be based on a number of factors, which often vary from state to state. In a criminal investigation, a state may use these factors to determine if a person who engaged in sexual activity had the capacity to consent. If not, the state may be able to charge the perpetrator with a crime. Examples of some factors that may contribute to someone's capacity to consent include:

- **Age:** Is the person at or above the age of consent for that country? Does the age difference between the perpetrator and victim affect the age of consent in that country?
- **Developmental disability:** Does the person have a developmental disability or other form of mental incapacitation, such as a traumatic brain injury?
- **Intoxication:** Was the person intoxicated? Different countries have different definitions of intoxication, and in some countries, it matters whether you voluntarily or involuntarily became intoxicated.
- **Physical disability:** Does the person have a physical disability, incapacity, or other form of helplessness?
- **Relationship of victim/perpetrator:** Was the alleged perpetrator in a position of authority, such as such as a teacher, coach, police officer?
- **Unconsciousness:** Was the person sleeping, sedated, strangled, or suffering from physical trauma?
- **Vulnerable adults:** Is the person considered a vulnerable adult, such as an elderly or ill person? Is this adult dependent on others for care?

### TV drama looks at consent

**Consent** is the new Channel 4 film looking at the impact of social media and porn on teenage sexual boundaries. A rather interesting and brave Channel 4 drama is set to look at how consent – as well as porn culture, the Internet and social media – impacts the way teenagers construct their sexual identities and experiences.

According to the drama's official synopsis, it is set to “capture what it feels like for young people in an environment where sexual expectations are distorted by the instant access to porn and where the lines of consent are minimised”.



<https://www.stylist.co.uk/entertainment/tv/consent-channel-4/757833>

### Getting help

If you would like advice if you feel you have not provided consent in relation to a sexual activity then please contact the police on 101 or you can visit <https://rapecrisis.org.uk/get-help/reporting-to-the-police/>

If you would like more information on consent, harmful sexual behaviour or any safeguarding matters, you can contact a member of the safeguarding team on;

<https://www.sysco.uk.com/safeguarding/> or <https://www.brighterfutures.uk.com/safeguarding/>

Please also find further information at: <https://www.brook.org.uk/your-life/sex-and-consent/>

And most importantly always expect respect!

**#ExpectRespect**