



**Office of the Children's Commissioner**

# **“Sex without consent, I suppose that is rape”: How young people in England understand sexual consent**

November 2013

A report commissioned for the Office of the Children's Commissioner's Inquiry into Child Sexual Exploitation in Gangs and Groups

**Maddy Coy, Liz Kelly, Fiona Elvines, Maria Garner and Ava Kanyeredzi**



# About the Office of the Children's Commissioner

The Office of the Children's Commissioner (OCC) is a national organisation led by the Children's Commissioner for England, Dr Maggie Atkinson. The post of Children's Commissioner for England was established by the Children Act 2004. The United Nations Convention on the Rights of the Child (UNCRC) underpins and frames all of our work.

The Children's Commissioner has a duty to promote the views and interests of all children in England, in particular those whose voices are least likely to be heard, to the people who make decisions about their lives. She also has a duty to speak on behalf of all children in the UK on non-devolved issues which include immigration, for the whole of the UK, and youth justice, for England and Wales. One of the Children's Commissioner's key functions is encouraging organisations that provide services for children always to operate from the child's perspective.

Under the Children Act 2004 the Children's Commissioner is required both to publish what she finds from talking and listening to children and young people, and to draw national policymakers' and agencies' attention to the particular circumstances of a child or small group of children which should inform both policy and practice.

The Office of the Children's Commissioner has a statutory duty to highlight where we believe vulnerable children are not being treated appropriately in accordance with duties established under international and domestic legislation.

## **Our vision**

A society where children and young people's rights are realised, where their views shape decisions made about their lives and they respect the rights of others.

## **Our mission**

We will promote and protect the rights of children in England. We will do this by involving children and young people in our work and ensuring their voices are heard. We will use our statutory powers to undertake inquiries, and our position to engage, advise and influence those making decisions that affect children and young people.

## **This report is © The Office of the Children's Commissioner 2013**

Please reference this report as follows: Coy, M., Kelly, L., Elvines, F., Garner, M. and Kanyeredzi, A. (2013). *"Sex without consent, I suppose that is rape": How young people in England understand sexual consent*. London: Office of the Children's Commissioner.

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

# Acknowledgements

Many organisations and individuals have supported this research project. We would like to thank *Lives not Knives* for being our reference group and the project advisory group for your thoughtful and valuable input. Members of the Office of the Children's Commissioner Inquiry panel on Child Sexual Exploitation in Gangs and Groups also offered enthusiastic, reflective contributions.

We are especially grateful to colleagues at London Metropolitan University for their involvement in the project – Suzanne Cohen and Reza Moradi who made the films and Joanne Wilson and Karin Berg who carried out interviews with young people. Dr Kate Cook from Manchester Metropolitan University was our legal advisor on the films and report.

The organisations and schools that facilitated access to young people gave generously of precious time to support what they viewed as an important and timely study; we hope that the findings are useful to you. Susie McDonald at Tender and Jo Sharpen at AVA were incredibly helpful in initiating contacts.

Finally, to all the young people who participated, thank you for your time, insight and sharing your views so openly. Your voices and perspectives are at the heart of this report.

# Consent is...

## Young men

You have to have the other person's agreement to do it

For someone to say yeah, you can do it

The other person is willing to have sex

Permission, approval

The boy is like waiting for her to be ready for it and like so they can both enjoy it

If a girl says no, she means no

If someone says no then you can't do it

Being able to say without any sort of pressure or without manipulation whether you want to do something or don't want to do something

The other person is ready

## Young women

Both agreeing to it. Like they're happy to do it.

Permission to do something

If people are saying yes and being happy with it

Saying yeah and no

You both have got to be on the same level of wanting what's going to occur after you've given that consent

Both people wanting to do it, 100% wanting to do it, not 'shall I'? 'Shall I'?

You've always got to get permission

Both people coming to a mutual understanding and agreeing that they do want to have sex

# Contents

<b>About the Office of the Children’s Commissioner</b>	<b>2</b>
<b>Acknowledgments</b>	<b>3</b>
<b>Glossary</b>	<b>6</b>
<b>Foreword by the Deputy Children’s Commissioner</b>	<b>7</b>
<b>Executive Summary</b>	<b>9</b>
Introduction: Why study young people and sexual consent?	14
Methodology	16
How young people understand consent	21
Learning, talking and knowing: Findings from the focus groups and interviews	37
Conclusions	68
Recommendations	72
<b>References</b>	<b>73</b>
<b>Appendix 1: Current legal and policy context</b>	<b>79</b>
<b>Appendix 2: What we know about young people and sexual consent</b>	<b>83</b>
<b>Appendix 3: Full methodology</b>	<b>92</b>

## List of figures

Table 1: Basic elements in each of the films
Table 2: Number of focus groups across research sites
Table 3: Young people who participated in interviews by research sites and gender
Table 4: Survey responses to the Tashi and Josh story
Table 5: Survey responses to the Chelsea and Steve story (Time 1)
Table 6: Survey responses to the Chelsea and Steve story (Time 2)
Table 7: Survey responses to the Monique story
Table 8: Survey responses to the Kate story
Table 9: Survey responses to the Gavin story
Table 10: Survey responses to Gavin's account
Table 11: Survey responses to the Sabrina story
Table 12: Survey responses to the Joey story
Table 13: Survey responses to the Kelly story

# Glossary

<b>Communicative consent</b>	A concept developed by Lois Pineau, a US philosopher, in which consent is based on explicit communication about wanting (or not) to have sex
<b>Complainant</b>	Someone who has made a report of a crime
<b>Discourse</b>	The reflection of ideas and knowledge in words
<b>Gender</b>	The social organisation of differences between women and men
<b>Hogging</b>	A practice identified by US researchers (Gailey & Prohaska, 2006; Prohaska & Gailey, 2010) where young men seek out a fat young woman, often ply with her alcohol to reduce her resistance, and have sex with her for the sole purpose of sharing the experience with male peers
<b>Intersectional</b>	How different social positions e.g. gender/ethnicity/age/class are interconnected
<b>Man points</b>	Competitive 'ratings' between boys that indicate their status within peer groups. Ways to accumulate points include being thought of as 'cool', making others laugh and most of all, engaging in sexual activity (also sometimes referred to as 'lad points')
<b>Pornography</b>	A widely cited definition is 'sexually explicit media that are primarily intended to sexually arouse the audience' <sup>1</sup>
<b>Sexting</b>	The creation and transmission of sexual images through social media and communication technology, usually with reference to young people

---

<sup>1</sup> Malamuth, N. (2001) *Pornography* In N.J. Smelser & P.B. Baltes (eds) International encyclopedia of social and behavioral sciences Amsterdam & New York: Elsevier, vol. 17 11816–11821.

# Foreword by the Deputy Children's Commissioner

During year one of the Office of the Children's Commissioner's Inquiry into Child Sexual Exploitation in Gangs and Groups, we encountered, over and over again, evidence of forced or coerced sex by young people against young people taking place in an extraordinarily casual way. The impression given was that there was little sense amongst either the victims or the perpetrators that 'no' was an option and we wondered whether many young people even understood the concept of consent.

Girls who had sex against their will were frequently held to blame, often by other girls as well as boys. Views that girls who had already had sex had forever given up their right to refuse consent appeared to be prevalent. This research shows that these attitudes are widespread, compounded by the age-old double standard that boys who have sex are 'legends' while girls are 'sluts'.

Views that victims are the agents of their own abuse were not confined to young people. It was truly shocking to encounter professionals across many agencies and in prominent positions who espoused the sorts of attitudes expressed by a chair of a local safeguarding children board who told us there was no sexual exploitation of children in his area but there were two young girls of 13 and 14 who were *'prostituting themselves up and down the high street'*. Many professionals told us that the victims of sexual exploitation were simply *'making bad choices'* or *'choosing to engage in risky behaviours'*.

While an investigation of such shameful attitudes is warranted, the Inquiry decided to examine young people's understanding of consent in order to ensure policy and practice for the prevention of child sexual exploitation is evidence-based.

This important research, conducted for the Office of the Children's Commissioner by the Child and Woman's Abuse Studies Unit (CWASU) at London Metropolitan University, explores in-depth how young people view the giving and obtaining of consent to sex, how they think about choice and coercion and how they understand 'rape'.

Clearly the lines are often blurred. Rape is generally seen as something that is done by a stranger and involves high degrees of force. Sex without consent but where the parties know each other, including when the victim clearly is not willing or is too intoxicated to know what is happening, is frequently seen as somehow different from rape. The victim, usually a girl (but boys are victims too), is invariably blamed for their own assault. They should not have gone to visit the boy; should not have worn a tight top; should not have had the drink; have 'done it before' so have no right to say 'no'.

The extent of muddled thinking about what constitutes both consent and rape is deeply worrying. The young people who participated in this research as well as so many others with whom we spoke throughout the two years of this Inquiry, were crying out for meaningful, honest information about sex and relationships and opportunities in which to safely explore these crucial issues so essential for a nourishing life. For their sakes and for the sake of society, this needs to happen.

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

Young people have told us that they do not wish to or feel unable to discuss such matters with their parents. It is essential therefore that every school and youth service recognises and fulfils their responsibility to young people to provide quality relationships and sex education – truly an education for life.

I am profoundly grateful to Professor Liz Kelly, Dr Maddy Coy and the team at CWASU for this excellent and important research. Above all, I am indebted to the young people who participated and gave their views so honestly and frankly. Their contribution has been invaluable and is a wakeup call to us all.

A handwritten signature in black ink that reads "Sue Berelowitz". The signature is written in a cursive, flowing style.

**Sue Berelowitz**  
**Deputy Children's Commissioner for England**  
**Chief Executive of the Office of the Children's Commissioner**



# Executive summary

This research into young people's understanding of consent to sex was conducted by the Child and Woman Abuse Studies Unit (CWASU) at London Metropolitan University for the Office of the Children's Commissioner, as part of its national Inquiry into Child Sexual Exploitation in Gangs and Groups (CSEGG). How young people make sense of sexual consent emerged as a key issue of concern during the first year of the CSEGG Inquiry (Berelowitz et al, 2012). The aim of this study was to explore young people's perceptions of consent, and what informs, influences and constrains their understandings and decision-making processes.

## Young people and sexual consent

A range of studies on sexual violence and exploitation consistently demonstrate that young people, particularly young women, are disproportionately likely to be victimised (e.g. Barter et al, 2009; Berelowitz et al, 2012; Beckett et al, 2012). Research also reveals that some young men report using coercive tactics and techniques (see, for example, Teten et al, 2009).

A frequently cited idea is that non-consensual sex is the result of 'miscommunication'. This creates expectations for sex to be refused with a clear verbal 'no', unlike other forms of human interaction where declining is typically much less direct. The evidence base for 'sexual miscommunication theory' is weak (Burkett & Hamilton, 2012). One study found that young men understood non-verbal signals of refusal, yet claimed 'sexual miscommunication' to justify using pressure, suggesting that this idea operates as a new rape myth (O'Byrne et al, 2008). Recent research on consent from both the US (Powers-Albanesi, 2009) and Australia (Powell, 2010) highlights the importance of gender in understandings of how agreement to have sex is negotiated: that young women feel under pressure to submit to unwanted sex, while only young men are perceived to be the 'initiators'. This suggests we are still some way away from a positive model of consent which involves active communication and mutual pleasure.

The Sexual Offences Act 2003 places responsibility on both parties to be sure that consent is 'freely given'. Yet few UK researchers have explicitly explored sexual consent with young people. It is especially topical to do so when there is growing concern about the impacts of pornography, sexualised popular culture and technology on young people's social and sexual landscapes.

## The Give'n'Get project

To engage with young people in this research, we created eight short films. In seven, a young actor described a scenario about sex which although legally constituting rape, did not fit the stereotype of a 'real rape'. For instance, one film featured a young man talking about having sex with his girlfriend when she was passed out from drinking alcohol, another a homeless young woman who accepted a bed for the night but was expected to have sex in 'payment'. The eighth film functioned as a debrief, with a young man talking about a communicative mode of consent. These films were used in an online survey and in focus groups and interviews with young people to explore if they thought consent had been sought, and given, and whether each scenario represented rape. A total of 497 young people completed the online survey,

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

87 participated in the focus groups, and 23 in individual interviews. While we do not claim to have a representative sample of young people in England, these 607 responses bring together the understandings of young people aged 13–20 from diverse backgrounds and geographical locations.

In the discussions in focus groups and interviews, we also explored the wider contexts of young people's lives: where they got information about sex; pornography and popular culture; sexting; and peer group norms. The perspectives of the young people who participated are the core of this report.

Their accounts demonstrate that when making decisions about sex, young people must negotiate a complex web of competing influences including: media representations; pornography; peer pressure on boys to have sex to demonstrate their masculinity and on girls, not to have sex, for fear of being labelled a 'slut'.

Below we present our key findings on how young people understand sexual consent, the wider contexts that inform and shape these understandings, and make recommendations drawn from this data.

### **Key findings: How young people understand sexual consent**

In the main young people understand what is meant by *giving* consent to sex, but have a very limited sense of what *getting* consent might involve.

Young people can describe what consent means in theory but real life contexts make a significant difference to their perceptions of what non-consensual sex looks like.

The most significant influence on young people's understanding of consent is constructions of gender, particularly of masculinity. All young people referred to the sexual double standard which rewards young men for having sex while passing negative judgment on young women who do so.

*'If a boy goes round having sex with girls, his mates will call him a legend, a player, and all of that. But as soon as you find out about another girl having sex with quite a few lads, it's 'slag', 'sket' or another slur' (Young man, 16, SW-110).<sup>2</sup>*

Young men are under pressure to act in certain ways in order to gain the respect of their peers. This code of behaviour was referred to as '*man points*' (see glossary). One of the most important ways that '*man points*' are achieved by young men is having sex.

*'If you respected the girl's decision and just said yeah, I'm not going to do anything, then... they would probably just give up and not give you lad [man] points' (Young man, 14, SW-17).*

This has crucial implications for understanding how young people negotiate sexual consent. If young men fear losing their status and position within peer groups for '*respecting a girl's decision*', then '*man points*' are implicitly equated with forms of masculinity where sexual encounters are not mutually negotiated.

---

<sup>2</sup> The codes for each young person who participated are formulated by region (LON/NW/SW), interview or focus group (I/FG) and number.

Young women are often blamed if they experience sexual exploitation and/or violence. Their actions are scrutinised, with wearing revealing clothing, drinking alcohol, visiting a man's house or sending sexualised pictures ('sexting') all seen as evidence that they were responsible for what happened to them afterwards.

*'She's giving him an open invitation – if she's going to send me photos, why can't I do it in person'* (Young woman, 17, LON-I7).

Young women also reported expecting to be pressured into having sex if they are in a relationship.

*'I think it's a given now that you are expected if you ever go out with a guy or whatever, it's expected that you are supposed to be having sex with him. Even when you are little [young]'* (Young woman, year 11, LON-FG1).

Many young people rely on reading visual signals to know whether someone wants to have sex, rather than communication and discussion. These signals are then interpreted through what they think is appropriate gendered behaviour i.e. what they expect from young men and women.

*'I think if a girl didn't want to she would clearly state that... if they didn't want it, that they'd say no, there and then. But if they didn't I think most people would assume it would be alright to carry on'* (Young man, 17, SW-14).

However, a minority of young people were clear that directly asking whether or not someone wanted to have sex was essential.

*'To know if someone wants to have sex with you, you have to have that conversation. You wouldn't know it without asking, otherwise you're just assuming. I wouldn't just know if a guy wanted to have sex with me, you would have to talk about it'* (Young woman, year 11, SW-FG3).

Finally, and importantly, young people tend to perceive rape as forced sex between strangers. For example, if a person was coerced into having sex without wishing to when they were drunk, young people are uncertain as to whether this constitutes rape.

*'If you're doing that to someone random, it's rape. But if you're doing that with your girlfriend that's not rape'* (Young woman, 16, NW-14).

Overall our findings indicate that for young people, both consent and coercion are slippery concepts, making the drawing of such boundaries complex and even contradictory. Age also appears to be important in how understandings of consent develop, with 13–14 year olds less likely to recognise non-consensual sex than older age groups.

## Key findings: wider social and peer contexts

Pornography plays a significant role in young people's lives, referred to by almost all young men who took part in the focus groups and interviews as a source of guidance about sex.

*'I think young people expect sex to be like porn. There's that standard where if it's not like that, then sex isn't good'* (Young woman, 18, LON-I3).

Young women and some young men perceive that pornography shapes sexist attitudes and expectations.

*'It sort of makes boys fantasies become like real because it's real people. And then they will assume what it's what it's always like... and it can be a bit aggressive, a bit forceful'* (Young woman, year 11, SW-FG3).

*'It's not realistic, they have very high expectations of what people should look like and what their experiences should be like, and it's very degrading towards women, so it can make people a little bit sexist towards women'* (Young man, 18, LON-I4).

Sexing is widespread. Girls report being pressured and 'nagged' by boys to send sexualised photos, yet being judged as 'sluts' if they do.

*'The girl sends the lad a picture, the lad will take advantage and send it round to everyone and then the picture gets out there. He puts it on Facebook and all that'* (Young man, 19, NW-I6).

Contemporary socio-cultural landscapes emerged as key to how young people negotiate their understandings, knowledge and expectations of sex. The ubiquity of sexualised imagery in popular culture was also discussed by young people as an influence on perceptions and aspirations.

Yet young people receive little useful help or guidance from either Sex and Relationships Education (SRE) or parents in how to negotiate sex, and want safe spaces to have these conversations. With no consistent and required content for SRE in England, young people's access to accurate information and spaces to explore the complexities of their lives and decision making are limited.

The framework developed by the Office of the Children's Commissioner for keeping young people safe from sexual exploitation (see Berelowitz et al, 2013) has a number of practice points relevant to conversations with young people about their understandings of sexual consent. For instance, it is clearly relevant to prevention to provide young women and young men with a clearer understanding of sexual consent – both giving and getting it – as a foundation that seeks to make mutual negotiation the norm. In terms of support and intervention with children and young people who have been sexually exploited, and their families, exploring the complexities of coercion and pressure can interrupt self-blame and victim blame. Both are important in rebuilding a sense of self, relationships with others and protecting from re-victimisation. Narrow perceptions of sexual consent are not confined to young people, and we know that they have been problematic in

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

responses by professionals to recent child sexual exploitation (CSE) cases. For the multi-agency model of identification and intervention to work effectively, all stakeholders also need to ensure that they share understandings of not only the law on sexual consent, but also the ways in which it is intricately connected to the gendered double standard and forms of victim blame.

Our recommendations reflect the need for conversations with, and between, young people about how understandings of consent as mutually negotiated can be developed and applied in their everyday lives.

## Recommendations

- Local action is required for all schools and education providers to ensure that there are opportunities for young people to explore the meaning of consent in the context of relationships and sex education.
- Five aspects should be core to all discussions in educational or youth work settings:
  - that *getting* is as important as *giving*
  - applying ideas about consent to real life situations
  - the gendered double standard
  - positive and active communication that goes beyond expecting partners to ‘say no’
  - challenging victim blame.
- Targeted sessions should take place with younger teenagers about the boundaries between consent and coercion to ensure they understand what it means to get and give consent.
- Relationships and sex education should address pornography as an important influence on young people’s understandings about expectations of sex and attitudes to women and girls.
- Education and youth settings need to develop policies and practices that enable young people to critically explore gender – what it is to be male and female – and pressures or expectations to act in certain ways that potentially cause harm to others or oneself.
- Guidance on sexting should address not only the behaviours of those who manipulate young women into sending images, but also those that share such images without consent.

## Introduction: Why study young people and sexual consent?

This research into young people's understanding of consent to sex was conducted by the Child and Woman Abuse Studies Unit (CWASU) at London Metropolitan University for the Office of the Children's Commissioner, as part of its national Inquiry into Child Sexual Exploitation in Gangs and Groups (CSEGG). The CSEGG Inquiry was launched in October 2011 to develop a better understanding of the scale, scope, extent and nature of child sexual exploitation in gangs and groups, and the most effective ways of tackling it. During the first year of the Inquiry, a key issue of concern that emerged was whether and how young people understand sexual consent.

The Office of the Children's Commissioner's tender specified that it wished to explore the ways in which consent is understood in children and young people's worlds, and how these understandings shape their choices and experiences. How young people understand the legislative framework and how the social environments that children and young people navigate inform their understanding of consent and their expectations of relationships were also specified, as was whether understandings change over time.

In this brief introduction we outline the context for the study: current law and policy and the existing knowledge base. A longer discussion of the law can be found in Appendix 1 and review of literature on young people and sexual consent in Appendix 2.

The Sexual Offences Act (SOA) 2003 defined consent, for the first time in statute, as '*if he or she agrees by choice and has the freedom and capacity to make that choice*'. A consent defence cannot be used in cases involving a child under 13; here the principle of strict liability applies – if the acts required for the offence are proven to have taken place, there is no defence. Where the young person is aged 13, 14 or 15 the SOA still provides this additional protection, unless the defendant can show that he reasonably believed the young person to be aged 16 or over. The reasons why, in practice, the law is less clear than it appears on the surface are addressed in more detail in Appendix 1, but what matters most for this study is to note that the emphasis is on giving consent, with the responsibility to obtain it implicit in the definition and only in play in a legal case if a consent defence is used in court.

Sexual consent is an important and current policy issue, evident in recent Violence Against Women and Girls (VAWG) action plans (HM Government, 2010; 2011), although the commitment to addressing it in schools is yet to be implemented. The Home Office has invested in awareness raising through its *This is Abuse* campaign<sup>3</sup>, aimed at young people. Sex and relationships education has, however, yet to meet the requests of young people for a reflective space in which they can discuss feelings and confusions.

---

<sup>3</sup> See <http://thisisabuse.direct.gov.uk>.

Previous research suggests that not only are young women subject to a range of forms of emotional pressure/manipulation but that they also experience high levels of sexual violence (Barter et al, 2009; Hoggart & Phillips, 2009; Firmin, 2010; Maxwell & Aggleton, 2010; Berelowitz et al, 2012). Less prominence has been given to the pressures that some young men report in meeting the expectations of masculinity in their peer groups, an issue that has particular significance for gang associated young people (Beckett et al, 2013; Firmin, 2010; 2011). The boundaries between consent, pressure and coercion are not easily drawn, and this is even more the case for those who are sexually inexperienced.

Young people are negotiating not only with each other, but also with a complicated mix of uncertainties, insecurities and possibilities. They encounter contradictory sexual scripts, beliefs and values in the wider society and more specific communities of which they are part. Within these ideas and practices the penalties and rewards for being sexually active are distributed unequally: enhancing the reputation of young men while detracting from that of young women.

A frequently cited idea is that non-consensual sex is the result of 'miscommunication'. This creates expectations for sex to be rejected with a clear verbal 'no', unlike other forms of human interaction where refusals is typically much less direct. In fact, evidence supporting 'sexual miscommunication theory' is weak (Burkett & Hamilton, 2012). One study found that young men understood non-verbal signals of refusal, yet claimed 'sexual miscommunication' to justify using pressure, suggesting that this idea operates as a new rape myth (O'Byrne et al, 2008). Recent research on consent from both the US (Powers-Albanesi, 2009) and Australia (Powell, 2010) highlights the critical importance of gender in understandings of how agreement to have sex is negotiated: young women feel under pressure to submit to unwanted sex, while only young men are perceived to be the 'initiators'. This is some way from a positive model of consent which involves active communication and mutual pleasure.

There is little UK research that has focused explicitly on sexual consent with young people. It is especially topical to do so when there is growing concern about the impacts of pornography, sexualised popular culture and technology on young people's social and sexual landscapes.

The next section of this report turns briefly to the methods we used to explore sexual consent with young people, and subsequent sections present the findings.

# Methodology

In line with the principles underpinning the Office of the Children's Commissioner, young people's voices, experiences and understandings were placed at the centre of the study and their perspectives form the core of this report.

In our proposal we argued that we should seek wide participation of young people, not just those deemed at risk of sexual exploitation: this enables us to locate the latter within the wider context they share with all young people.

To explore understandings of sexual consent through both breadth and depth, an online survey was combined with focus groups and individual interviews. What linked these three modes of data collection was a set of films, in which young actors described contexts in which non-consensual sex took place. A two-fold rationale informed the use of films: an ethical dimension as we did not want to ask young people to discuss their own experiences, especially since some were below the legal age of consent; an engagement dimension in that we hoped videos would hold interest more than the usual use of 'vignettes' (written descriptions of scenarios). The online survey was open to any young person living in England aged 13–18; the in-depth work was undertaken in three contrasting sites with young people aged 14–20. Full details of the methodological approach and processes can be found in Appendix 3.

A research website was created, which remained live throughout the life of the project. It was the main route through which the online survey could be accessed, but also hosted support materials for schools and information on support agencies for young people.

## Research sites

Sites for the in depth work were chosen on several criteria: that they were not those where the research by the team from University of Bedfordshire<sup>4</sup> were collecting data; that they reflected urban, rural and regions of England; that the research team and/or the Office of Children's Commissioner had existing links with services and schools. One site was in the South West, one a medium sized city in the North West and two boroughs in London.

## The films

The 'digital stories' for the films were refined and adapted by the young people who applied to act in the films. Five were told from the perspectives of young women and three from that of young men; two were from the perspective of someone who had used coercion/presumed consent and five from someone who was pressured. One depicted a same sex scenario. Another was told from two perspectives: a young woman who is pressured to have sex by three of her male friends and one of the young men. The latter explored both peer pressure for young men in 'group sex'

---

<sup>4</sup> The research being undertaken on behalf of the Office of the Children's Commissioner by a team from the University of Bedfordshire on gang-associated sexual exploitation and violence (see Beckett et al, 2013).



contexts, and whether hearing his account changed how participants responded to that of the young woman. The final scenario was created to illustrate Lois Pineau's (1996) positive communicative consent: in this instance the young woman and man choose not to have sex. This film was used at the end of the survey, focus groups and interviews to act as a 'debrief' through depicting a negotiation between two young people. None of the scenarios fitted the stereotype of a 'real rape' – by a stranger, outside, involving weapons (Estrich, 1987): all involved people known in some ways, although several were recent acquaintances, and took place in familiar locations. That all technically amounted to rape enabled consistency in our analysis – what we were investigating was how context affects whether young people define sex as OK, as consensual, as rape (as we will see, these proved to not always be mutually exclusive categories).

All eight films were embedded in the online survey, which served to elicit base line data. Within the focus groups and individual interviews we used the films to explore the broader contexts of young people's lives, and how these may underpin and influence their understandings. Here they offered us entry points to ask young people 'what do you think is going on here?' (see Appendix 3 for more details). Table 1 presents an overview of the characters, ages and outlines the core narrative in each of the films.

**Table 1: Basic elements in each of the films**

Young person	Age	Core narrative
Josh	15	Young man has sex with his girlfriend at a party whilst she is passed out/sleeping upstairs
Chelsea	16	A homeless young woman who accepts the offer of a sofa to sleep on, but then is later expected to have sex as 'payment'
Monique	17	Young woman at a club, cannot remember what happened, thinks her drink was spiked and knows someone has had sex with her
Sabrina	13	Young woman sends a young man whom she fancies sexual photos and he later has oral sex with her
Kate	14	Young woman meets young man who she fancies, two of his friends arrive, they tease and play games and all have sex with her
Gavin	15	The above scenario from the perspective of one of the friends who regrets his involvement
Joey	16	Young man exploring his sexuality who goes to a gay club, and an older man has oral sex with him in a toilet
Kelly	14	Young woman and man 'getting hot' with each other, they decide not to have sex

### **The online survey**

The online survey was intended to enable wide participation across England. It provided anonymity and confidentiality, both through not asking for any identifying information and responses not being seen by anyone other than the participant and researchers. Young people were thus able to take their own decisions as whether to take part, not mediated by adult gatekeepers.

Following each of the embedded films was a set of three standardised questions: I feel OK about the sex that X is describing; X made sure that Y was OK with what was

happening; Y was able to say yes or no. Four response categories were used: 'yes'; 'no'; 'maybe'; and 'don't know'. A text box offered the possibility for comment headed by 'Anything else you would like to say about this story?' At the end of the survey a final page was headed 'Having watched all of the films which of the stories do you think count as rape?' followed by screen shots, names of the characters and a closed yes/no option. The survey ended with an accurate but accessible summary of the legal definition of sexual consent.<sup>5</sup> The last page thanked everyone for taking part and offered a series of options if they wanted to talk with anyone about issues it had raised. Whilst the films last between 90 seconds and two minutes, limiting the questions meant that the survey could be completed in 20 minutes. The formatting was checked for both computers and smartphones.

Given the focus of the CSEGG Inquiry, a request was made that we created a version of the survey specific to young people recruited through projects working with gang-affected young people. However, only 28 completed this version of the survey, too small to make comparisons from; their responses have been added to the overall sample which consisted of 497 young people. The group was not proportionate by gender, with 323 young women, 120 young men and three identifying as transgender. Considerable efforts were made to recruit more young men but we were not able to achieve parity, suggesting a gendered interest in the topic. The age spread was more proportional, with 103 aged 13–14, 127 aged 15, and 216 aged 16–18.

### **Focus groups**

Single sex focus groups were conducted in both mainstream and alternative educational settings. Recruitment was conducted through education and support providers across three research sites, with sessions having to be fitted around school years, exams and other local priorities. The inclusion of mainstream settings steered attention away from a deficit model where only the most marginalised young people are assumed to engage in sexually abusive behaviours or experience sexual coercion.

In terms of student demographic profile, the schools varied. Information from OFSTED reports on each give some indications of the populations of young people from which our focus groups were drawn (see Appendix 3). We make no claims here about representativeness; however our sample comprised a large group of young people from diverse backgrounds.

Education providers across the sites appeared to welcome the opportunity to have young people meet with external specialists who were well versed in issues around sexual consent, and recruitment targets for this strand were particularly easy to achieve, although the NW site was more difficult in this respect (see Table 2).

The number of young people in each group ranged from four to 10, with a total of 87 taking part in focus groups: 49 young women and 38 young men. Of these, 69 were white British, one white European and 17 from diverse minority groups.

---

<sup>5</sup> The questions we've asked you have to do with consent. Consent to sex means doing it because you want to, and being both able and free to say no if you don't want to. Everyone is responsible for getting consent from a sexual partner, every time they have sex. If someone does not get consent or the other person is unable to give consent, what's happening could be rape.

**Table 2: Number of focus groups across research sites**

Research site	Young men	Young women	Total
London	4	3	7
NW	1	1	2
SW	3	3	6
TOTAL	8	7	15

Focus groups were conducted by two researchers and audio recorded with the consent of the young people involved. Initial discussions explore the landscapes in which young people are making decisions about sex, before moving onto discussing the films.

### Individual interviews

For individual interviews, only young people already linked into support services were recruited for participation. This ensured that the voices of young people who were survivors or considered to be ‘at risk’ or ‘vulnerable’ to sexual exploitation and abuse were included in the research, but with the safety net of them already being in receipt of support.

These interviews were conducted across the three research sites with young women and men aged between 16 and 18, recruited via youth support services and settings (see Table 3). Half (n=12) were young men; of the total, 19 were white British and 4 from diverse minority groups.

**Table 3: Young people who participated in interviews by research sites and gender**

Research site	Young men	Young women	Total
London	1	6	3
NW	3	3	6
SW	8	2	10
TOTAL	12	11	23

Interviews followed the same format as the focus groups, with an opening discussion followed by the films.

### Analysis

The survey was created using Bristol Online Surveys, and data imported into SPSS for ease of analysis. Basic descriptive statistics were produced on how respondents rated the questions for each video, and whether they defined the sex described as rape. We then explored whether there were differences in responses by gender and age. Where strong differences emerged, these were tested for statistical significance and results are given in relevant sections of this report. The audio files from focus groups and interviews were transcribed and imported into NVivo for analysis. Quotes from young people who participated in the focus groups and interviews are coded and numbered throughout the report by region (LON/NW/SW), ‘FG’ (focus group) or ‘I’ (individual interview).

### Ethics

While the research aimed to explore what shapes young people’s space for action to consent, it was made clear to the young people that the researchers were not asking about their personal experiences, but rather to base discussions around the wider

context of young peoples' lives. Thus we did not ask young people about their own experiences of abuse. Nevertheless, it was possible, particularly as some of the young people that we interviewed were victim-survivors<sup>6</sup>, that they would choose to disclose, or be distressed by aspects of the research. Ethical considerations were central to the project, and full approval was given by London Metropolitan University ethics committee. Separate NHS ethics approval was also in place for some of the research sites. Appendix 3 describes the ethical principles and practices in more detail. Data about all young people's experiences and views is anonymised throughout this report.

## **Reflections**

Any claims about whether young people's understandings of consent vary in relation to, or are influenced by geographical region, or type of educational/youth setting would be tenuous, given the numbers taking part. There were minimal differences across the regions in the themes and perspectives that emerged through analysis, although language use varied. The research has offered valuable insights for working with young people, particularly around the use of creative methods which proved extremely successful. In some of the most behaviourally challenging settings, the films were very effective in engaging and 'speaking to' troubled young people in a way that did not problematise their lives.

---

<sup>6</sup> We use this term to recognise both the victimisation that young people experienced and their agency in seeking to end violence, seek redress and/or deal with its impacts and consequences.

# How young people understand consent

In this section we link findings from the survey, focus groups and interviews to explore how young people understand sexual consent. As the research was centred around the seven digital stories, we present findings from each of them in turn, followed by an overall discussion. For each of the stories we present a short summary of the content and then the findings across the three questions which were asked immediately after viewing it, combined with the later question about whether this counts as rape. Our findings are differentiated by the gender and age of the participants.

What we pay particular attention to is the lack of coherence in young people’s understandings. One might expect there to be a correspondence between not thinking the sex described is OK, that consent was not sought, that someone was not able to say yes or no and defining a scenario as rape. The survey data, however, reveal that responses do not follow this logic, and we draw on findings from the focus groups and interviews to explore why this might be the case.

## Story 1: Josh and Tashi – ‘it was and it wasn’t rape’

Josh is 15 and has been going out with Tashi, his ‘gorgeous, smart’ girlfriend for four months. They do ‘all the bedroom stuff’ but he describes their relationship as ‘more than that’. Since they attended a party together a few days ago, Tashi has been ‘off’ with him. Both were drunk at the party, and Tashi went to lie down as her head was spinning. When Josh went to check on her later, he found Tashi ‘passed out’. He lay down next to her and she cuddled into him. Josh rubbed her leg and underneath her dress, and he says that they had sex ‘like we always had sex’. Tashi left the party early, has not made contact with Josh since and he does not know what he has ‘done wrong’.

**Table 4: Survey responses to the Josh and Tashi story**

	Overall (n=497)	Young women (n=365)	Young men (n=129)	13–14 (n=111)	15 (n=136)	16–18 (n=250)
Not OK with the sex described	58.6%	59.5%	55%	50.5%	42.6%	70.8%
Josh did not ensure Tashi was consenting	75.9%	77.5%	71.3%	67.6%	76.5%	79.2%
Tashi was not able to consent	72.2%	75.1%	63.3%	64%	70.6%	76.8%
This is rape	72.6%	75.1%	65.1%	62.2%	64.7%	81.4%

The non-alignment of young people’s answers is immediately evident here, with higher percentages across all the analysis categories thinking that this account constituted rape than said they were not OK with the sex depicted. Other key

findings we highlight here are:

- even though Tashi is described as ‘passed out’ and there is no evidence of consent being sought or given, at least a quarter do not recognise this
- just under half of the young men and young women were ‘ok’ with Josh having sex with Tashi while she was ‘passed out’
- three quarters of young women, but only two thirds of young men, defined Josh’s actions as rape
- younger age groups were considerably less likely to name this scenario as rape
- 16–18 year olds were the least ‘OK with the sex’, and most likely to define this as rape.

### ***From the interviews and focus groups***

Overall, young people found this scenario ‘confusing’. Whilst some were unequivocally clear that Josh having sex with Tashi while she was asleep was rape, more thought that he had ‘taken advantage’, a situation they were reluctant to name as rape.

*‘I wouldn’t call it rape as such, but it’s not an ideal situation’* (Young man, 16, SW-I9).

There was widespread awareness that alcohol could acts as a barrier to making a decision to have sex.

*‘I think that they should be in the right frame of mind because she didn’t, she wasn’t in the right frame of mind, and she didn’t, she couldn’t really decide if she was ok with it or not because she’d been drinking and he didn’t really check or anything, he just done what he thought was OK’* (Young man, 18, LON-I4).

Yet for many the relationship context in this scenario was drawn on to suggest that there was some kind of ongoing, taken for granted, consent on which Josh could draw. This was even seen to preclude the label of ‘taking advantage’.

*‘He said we do it all the time anyway, so he wouldn’t really be taking advantage of her would he’* (Young women, year 10, NW-FG2).

This suggests that some young people do not think that consent is something which needs to be sought and given when in a relationship, drawing on stereotypes of rape as committed by strangers.

The focus groups provided a context in which young people explored their confusions with each other, illustrated in the boxes below.

### **Young women year 9**

*Tashi didn't say yes...*

*But she didn't say she didn't want it*

*But she didn't say she wanted it*

*But then if she didn't want him to do it, she could have said no (SW-FG4)*

### **Young men year 10**

*She never said yes*

*She never said no...*

*He never asked for consent*

*Never give it a thought*

*He thinks he can have sex when he wants...*

*But he raped her (NW-FG1)*

Interestingly here it is the young men who hone in on the lack of thought Josh gives to seeking consent, whilst the young women get caught up in Tashi's obligation to say no, even when she is described as 'passed out'.

### **Story 2: Chelsea – 'in a way, what's happening is her fault'**

In the next story there are two parts, one taking place some days after the other, we used this to explore the issue that is often raised about sexual exploitation – why do young people continue to meet adults who are sexually exploiting them. In this instance the context is that of homelessness, but there can be many other material and emotional factors which create conditions that can be used to suggest that young people are making choices, and are thus implicated in any sex that takes place (see also Beckett et al, 2013). In the survey and in the qualitative work we asked about the initial (Time 1) and subsequent events (Time 2) to explore whether Chelsea is held more responsible the second time she meets Steve.

Chelsea is 16 and ran away from home at 14; she says she had 'no choice' she just 'could not stay there anymore'. She has been living on the streets for almost two years, but does not feel safe and knows it is not how a 16 year old should live. She met Steve, who was 23, and he offered her a place to stay on his sofa. Chelsea asks about the 'catch' but he assures her there is none. She goes back to his flat, drinks and smokes with him to the point where she is 'absolutely out of my head'. She tells Steve she is 'knackered' and wants to go to sleep, although Steve says she should sleep in his bed, Chelsea insists that the sofa is fine. Steve then says she should show how grateful she is and give him oral sex. Tired and wanting to be left alone, Chelsea gives him oral sex. The next morning Steve offers Chelsea a place to stay whenever she wants as long as she was prepared to show her him her gratitude. She tells him 'where to go' and leaves. After a few days staying at her 'usual spot', the cold and windy weather overwhelms Chelsea and she returns to Steve's flat. He asks Chelsea if she 'remembers what the arrangement was' and although she agrees to give him oral sex every night she stays, Steve 'wanted more' – full sex. Every night Steve 'does what he wants' to Chelsea. She is scared that if she does not do what he wants, she will end up back on the streets again.

**Table 5: Survey responses to the Chelsea and Steve story (Time 1)**

	Overall (n=497)	Young women (n=365)	Young men (n=129)	13-14 (n=111)	15 (n=136)	16-18 (n=250)
Not OK with the sex described	<b>88.1%</b>	<b>90.7%</b>	<b>80.6%</b>	<b>81.1%</b>	<b>83.8%</b>	<b>93.6%</b>
Steve did not ensure Chelsea was consenting	<b>86.3%</b>	<b>87.4%</b>	<b>83.7%</b>	<b>86.5%</b>	<b>83.8%</b>	<b>87.6%</b>
Chelsea was not able to consent	<b>53.5%</b>	<b>54%</b>	<b>51.9%</b>	<b>52.3%</b>	<b>46.3%</b>	<b>58%</b>
This is rape	<b>73.8%</b>	<b>73.4%</b>	<b>75.2%</b>	<b>73.9%</b>	<b>72.8%</b>	<b>74.4%</b>

At Time 1 we see some statistically significant age and gender differences in responses. More young people are not OK with the sex across all categories than label this scenario rape. There is a notable difference between the recognition that Steve did not make sure Chelsea was consenting and whether Chelsea is viewed as being able to say yes or no: so consent was not sought, but it might have been given. Other key findings include:

- almost three quarters of young people identify Steve’s behaviour as rape
- young women and young people aged 16–18, were less comfortable with the sex described here than young men and 13–15 year olds.<sup>7</sup>

**Table 6: Survey responses to the Chelsea and Steve story (Time 2)**

	Overall (n=497)	Young women (n=365)	Young men (n=129)	13-14 (n=111)	15 (n=136)	16-18 (n=250)
Not OK with the sex described	<b>88.9%</b>	<b>90.7%</b>	<b>83.7%</b>	<b>82%</b>	<b>88.2%</b>	<b>92.4%</b>
Steve did not ensure Chelsea was consenting	<b>79.1%</b>	<b>78.4%</b>	<b>81.4%</b>	<b>74.8%</b>	<b>77.9%</b>	<b>81.6%</b>
Chelsea was not able to consent	<b>52.1%</b>	<b>51%</b>	<b>55%</b>	<b>55%</b>	<b>49.3%</b>	<b>52.4%</b>

Interestingly, the findings at Time 2 are not very different, apart from more young people thinking that Steve had sought consent, perhaps reading this implicitly through Chelsea’s agreement to stay with him knowing that he expected sex.

*‘She could say yes or no but she would be back on the streets again so easier just to do it’ (Young woman, 17 years old, survey respondent).*

<sup>7</sup> Gender differences are statistically significant (p=.001). Those between 13–14 year olds and 16-18 year olds are also statistically significant (p=.000) as are those between 15 year olds and 16–18 year olds (p=.002).



### ***From the interviews and focus groups***

Survey responses reveal a contradiction in that the majority of young people named this as rape yet almost half thought that Chelsea had the possibility to say yes or no. This inconsistency was evident in the face to face discussions with young people, particularly with young men.

*'She's given him consent but she doesn't really want to, but she's sort of decided that's better than staying on the streets... even though she doesn't want to do it, she picks that option. Even though she's given consent she still doesn't want to [have sex]' (Young man, 18, LON-I4).*

*'She did have a choice, she could have gone back out on the streets but she was drunk, she didn't want to be cold on the street, so she done it, so she had no choice in a sense' (Young man, 16, NW-I2).*

*'She had a choice, she didn't have to stay there... she stays there for two nights, and then she left. And then because it was getting colder and windier, she went back to him, knowing that's what she going to have to do, so she must have thought in some ways that it must have been alright' (Young man, 16, SW-I10).*

Here young people identified Chelsea's decision as a choice or option within her limited 'space for action' (Jeffner, 2000; Kelly, 2003). Most young people thus recognised the coercive circumstances in which Steve persuaded Chelsea to have sex, but some struggled to think of this as legally constituting rape.

*'You can't really call that rape because she's consenting to it, she's saying she will because she wants to live' (Young man, 16, SW-I9).*

Some young women made judgements about Chelsea having made the 'wrong decision' – that sleeping on the streets was preferable to trading sex for a warm dry bed. Other young people also thought that Chelsea had a third choice, to seek help to avoid sleeping rough or being sexually abused.

*'This is silly because there are organisations around to help people like Chelsea, she doesn't need to be stuck in this awkward situation and to be honest I believe she was stupid to go back to his in the first place' (Young woman, 16 years old survey respondent).*

*'She should really go to homeless shelter or go somewhere safe. She doesn't have to do that. I just think she's unaware of her choices' (Young woman, 15, LON-16).*

Perhaps here young people are overestimating the extent of support for homeless young women, and/or how easy it might be for a 16 year old girl to secure a safe bed at short notice. Overall, whether young people believed that Chelsea should have stayed on the street or sought help, a significant proportion clearly think that Chelsea made a choice to be sexually exploited. While Chelsea's actions might be described as both 'coerced' and 'survival' consent in Jenny Pearce's (forthcoming) continuum of giving consent, for most young people she was perceived to be acting voluntarily. Steve's abusive actions and her lack of options become invisible when the focus is on her 'choice'.

### Story 3: Monique – ‘she didn’t have a say’

Monique is 17 and recently had a night out with a friend from college. After going to a couple of bars, they moved onto a club. She remembers dancing with a ‘good-looking’ man on the dance floor, who made her laugh. He bought her a drink at the bar, and shortly afterwards when she went to the toilet, he followed. From this point her memory is completely blank until she woke up at a friend’s house, disorientated, confused and achy, without her handbag or mobile phone. Monique’s friend found her in the toilets ‘in a mess’ and took her home in a taxi. She felt ‘horrible and just knew something wasn’t right’, but could not remember anything. However, she was ‘sore down there’ and there was evidence of sexual intercourse in her underwear. She was sure ‘something happened to me’.

**Table 7: Survey responses to the Monique story**

	Overall (n=497)	Young women (n=365)	Young men (n=129)	13-14 (n=111)	15 (n=136)	16-18 (n=250)
Not OK with the sex described	<b>88.9%</b>	<b>91.2%</b>	<b>82.2%</b>	<b>82%</b>	<b>86%</b>	<b>93.9%</b>
The man ensured Monique was consenting	<b>89.9%</b>	<b>90.4%</b>	<b>89.1%</b>	<b>91%</b>	<b>91.9%</b>	<b>88.4</b>
Monique was not able to consent	<b>85.9%</b>	<b>87.7%</b>	<b>80.6%</b>	<b>84.7%</b>	<b>85.3%</b>	<b>86.8%</b>
This is rape	<b>93.2%</b>	<b>93.7%</b>	<b>91.5%</b>	<b>93.7%</b>	<b>91.9%</b>	<b>93.6%</b>

This story evoked some of the most consistent responses, with less difference between not finding the sex and labelling it rape, undoubtedly due to in part to the limited relationship between the parties; this scenario is closer to the stereotype of ‘real rape’ than most of the others. Other key findings include:

- nine out of ten all young people named the circumstances described by Monique as rape
- nine out of ten young people perceived that consent had not been sought, with slightly less thinking that Monique was unable to consent
- more young women than young men thought Monique did not have the capacity to consent
- 16–18 year olds were most uncomfortable with the sex in this scenario.

In terms of understandings of consent we can see that more young people label this rape than think consent was sought or given, across both age groups and gender.

#### ***From the interviews and focus groups***

As with the survey respondents, young people that we interviewed were clear that Monique was so drunk she did not have the capacity to consent.

*'I think that's just rape really, because she can't even remember what happened, which shows she couldn't say yes or no' (Young man, 18, LON-14).*

*'Well to me that's clearly rape because she has no choice, she can't say yes, she can't say no. She can't say anything and plus, she's not OK with it. You can tell that by when she wakes up and he hasn't like asked her if she is OK with it so she hasn't got a chance to answer' (Young man, 14, SW-16).*

Nevertheless some blamed Monique for 'bringing it on herself'.

*'She obviously got raped in the toilet. But, do you know what I put that down to? Girl went out at a young age out to a place she's not meant to be. Obviously getting drunk, can't even remember what happened. To be honest I think that's her own fault. But still it's wrong though, obviously it's wrong' (Young man, 19, NW-13).*

Here we encounter the idea that young women can be held responsible for 'being there', with their behaviour subjected to levels of scrutiny which are rarely applied to the men in the stories.

#### **Story 4: Kate and Gavin – 'he knew she didn't want to do it and she couldn't stop them'**

This is the only story which is told from two points of view: that of a young woman (Kate) who has sex with three young men and of one of the young men (Gavin). What we sought to explore here was the extent to which being under pressure to take part in sex with others was understood as diminishing the responsibility of young men.

Kate, 14, has been 'hanging out' with Carl recently and really 'fancied him'. He invited her to his house one night; she wore skinny jeans and a stripy top that made her 'boobs look good'. They chatted, just the two of them, but Carl was 'acting weird' and received lots of messages on his phone. Gavin and Shane, two of Carl's friends, turned up and 'annoyed' Kate by 'going on' about her good her breasts look. Carl 'plays up' to them. She went to the kitchen to text her friend, but is followed by the boys. Shane snatched Kate's mobile phone and although she tried to get it back, Carl told her she could only have it if she kissed them. Kate did this as she wanted her phone back; Carl said to her 'Come on Kate, show some effort'. They all go to the living room, where things go 'too far, just too much' while Carl told all of them to 'do stuff'. The three boys took in turns to have sex with Kate and filmed it all.

Gavin is 15 and was invited to Carl's house with Shane. Kate was there and 'looked fit'. He asks 'You think I liked it? It got way out of hand.' Gavin knew that Kate did not want to 'do it', but felt that the boys would think he was a 'pussy', so he felt compelled to take part. He knows it was wrong, it felt wrong, and now he feels weird about what 'he's done'.

**Table 8: Survey responses to the Kate story**

	Overall (n=497)	Young women (n=365)	Young men (n=129)	13-14 (n=111)	15 (n=136)	16-18 (n=250)
Not OK with the sex described	91.5%	93.4%	86%	86.5%	90.4%	94.4%
Boys did not ensure Kate was consenting	94.8%	95.3%	90.7%	94.6%	84.9%	93.6%
Kate was not able to consent	63.8%	63.6%	64.3%	65.8%	57.4%	66.4%
This is rape	90.5%	91%	89.9%	90.1%	91.2%	90.4%

Here we again see a closer equivalence between the sex not being OK and naming it rape, and the repeated pattern of more young people thinking that consent was not sought than seeing the young woman as not able to give consent. Despite a third thinking Kate was able to give consent, 90 per cent view this scenario as rape. Other key findings include:

- more young women than young men thought the boys had not ensured that she had consented
- young women were less likely than young men to be 'OK' with the sex described<sup>8</sup>
- there are statistically significant age differences with respect to finding the sex described as OK<sup>9</sup> but these disappear in whether it is labelled rape.

**Table 9: Survey responses to the Gavin story**

	Overall (n=497)	Young women (n=365)	Young men (n=129)	13-14 (n=111)	15 (n=136)	16-18 (n=250)
Not OK with the sex described	<b>88.5%</b>	<b>89.9%</b>	<b>84.5%</b>	<b>79.3%</b>	<b>86%</b>	<b>94%</b>
Gavin did not ensure Kate was consenting	<b>90.3%</b>	<b>92.6%</b>	<b>83.7%</b>	<b>85.6%</b>	<b>87.5%</b>	<b>94%</b>
Gavin was not able to choose	<b>29.2%</b> <b>(49.1% y)**</b>	<b>29.3%</b> <b>(47.7% y)</b>	<b>28.7%</b> <b>(53.5% y)</b>	<b>37.8%</b> <b>(42.3% y)</b>	<b>28.7%</b> <b>(51.5% y)</b>	<b>21.2%</b> <b>(50.8% y)</b>

\*\* Responses in brackets refer to the proportions of responses as 'yes' i.e. that Gavin was able to choose.

Gavin's account lowers somewhat the proportions saying they are not OK with the sex described, especially in the younger age groups, and fewer young people thought Gavin (compared to 'the boys') did not ensure Kate was consenting. Less

<sup>8</sup> This difference is statistically significant (p=.006).

<sup>9</sup> The difference between responses of 13-14 year olds and 16-18 year olds is statistically significant (p=.011).

than a third thought that Gavin was not able to choose to take part, albeit that this is more than a third for the 13–14 year olds. This account did not substantially change young people’s assessments, but in response to a direct question a third said that it had influenced what they thought (see Table 10), with the youngest most affected.

**Table 10: Survey responses to Gavin's account**

	Overall (n=497)	Young women (n=365)	Young men (n=129)	13-14 (n=111)	15 (n=136)	16-18 (n=250)
Hearing from Gavin changed what I thought	<b>33%</b>	<b>32.9%</b>	<b>32.6%</b>	<b>39.6%</b>	<b>39%</b>	<b>26.8%</b>

***From the interviews and focus groups***

Kate’s actions were scrutinised by young people, particularly her comment that she chose clothing to make her body attractive, leading some to hold her partly responsible for ‘getting herself in a situation’.

*‘It was a bit her fault for wearing that top. It is a bit her fault’* (Young woman, year 11, SW-FG3).

*‘You can also take into consideration she wore a certain top to make her boobs look bigger. So ... maybe because she dressed like that, maybe she wants it in a way’* (Young man, year 11, LON-FG3).

That sexual willingness could be inferred from clothing is was very explicit in one of the focus groups with young men.

*‘I think she [Kate] would be more responsible because she had that top on, and it wasn’t for that top. Because it started off with that top saying...’*

*‘It’s like a door saying Fire Exit, you’re going to go through that if there’s a fire.’*

*‘Yes, big flashing sign saying come to me. It’s like a sign on your head saying shag me...’*

*‘It gives out the wrong idea the way you’re dressed...’*

(Young men, year 11, SW-FG1).

Choosing clothing that sexualised her body was taken as an invitation to have sex, overriding the fact that this was a 14 year old. Her age also became a route to question her actions.

*‘She didn’t open her mouth, she can talk herself can’t she? She’s got her own mouth, if she didn’t want to she didn’t have to do it... if you don’t say no, it’s like you’re leading them on. She’s 14, she shouldn’t be going around to that lad’s house in the first place, if he’s got his own house, therefore she’s in the wrong as well’* (Young woman, 16, NW-I4).

For others, the fact that she failed to communicate a clear ‘no’ or chose not to leave the house was taken as evidence that she was free to consent.

Office of the Children’s Commissioner: “Sex without consent, I suppose that is rape”: How young people in England understand sexual consent

*'I don't know if the girl wanted it or not. It seemed like she did. Why would you bang them just to get your phone back, when if you just walk away and just, if it's such a horrible thing, why didn't she just go "well you can have my phone then, I'm not screwing all three of you"? So she's either a proper slut or just didn't think clearly because of the situation or something. Maybe she felt intimidated or something like that... three guys is a bit, y'know, unless she wants to... they never said they made her, they never said they held her down or sort of this, that and the other... she never said that she really didn't want to' (Young man, 17, SW-14).*

Kate was, therefore, implicated in what happened in a range of ways – those noted above, her focus on her phone, and there was no explicit force in her account. These factors were only mildly mitigated by reflections on the possibility that she may have been intimidated.

*'There's three of them and only one of her, she can seem under quite a lot of, maybe not pressure as such, but she's in a little bit of an awkward situation' (Young man, 18, LON-14).*

*'She got forced in to things she didn't want to do... she was by herself, nothing she could've done' (Young woman, 16, NW-11).*

*'There were three of them so even if she'd wanted to fight back, she couldn't could she. So she couldn't exactly say no... obviously if you're kicking and screaming, they're going to know that you don't want to do it but she didn't sound like she tried to fight back or anything. But you could tell that she didn't want to do it' (Young woman, 17, LON-17).*

With respect to Gavin most young people in the focus groups and interviews recognised that he would have been teased and ridiculed if he had refused to participate. However, the extent to which this was viewed as making him less responsible varied; some young people thought pressure from his friends was powerful enough to excuse his actions.

*'Seeing it from his perspective, it was a bit like there was a ringleader and he felt he couldn't say he didn't want to because they would think he was a wimp... so he did it but he didn't say no... he didn't really make it clear that he thought it was wrong... he didn't say he didn't want to or didn't not do it' (Young woman, 17, LON-17).*

Others explicitly rejected that the notion that this made him less culpable.

*'That's stupid and it's an excuse, even if my friend called me a pussy, I'm like that's wrong, you're raping someone' (Young man, year 10, LON-FG6).*

*'He is partly [responsible] as well, he reckons he didn't want to do it, so why did he do it then? He could have said no. If you don't say no, it's just going to happen...' (Young woman, 16, NW-14).*

Some young men we interviewed suggested that perhaps he had wanted to participate in the rape, as he could have chosen not to and even to have challenged the behaviour of his friends.

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

*'I don't think there would be much stopping him from walking away. I think to some degree you would have to want to do it'* (Young man, year 11, LON-FG3).

*'If he thought it was wrong, then he would just pull out, well he wouldn't just do it, and he would stop them from doing it'* (Young man, 14, SW-17).

The emphasis for many young people, then, was expecting Kate to demonstrably resist Gavin and his friends. While one young woman observed that *'when you are a girl you feel vulnerable to say no'*, there was nevertheless a clear expectation that Kate do precisely this. Whilst almost all young people named what happened to Kate as rape, it was at the same time a rape that she invited or at least was implicated in.

### Story 5: Sabrina – ‘she shouldn’t have done that’

Sabrina is 13 years old and likes Amir, a boy in the year above her at school. They have been flirting recently and she has sent him a couple of photos. She thought he liked her too, so went to his house. Once there Amir showed her a pornographic video on his mobile phone, which Sabrina thought was ‘kind of nasty, but a bit funny’. She had never seen anything like that before. Afterwards they started kissing and Amir put his hand up Sabrina’s top, which she liked, but when he started to put his hand into her underwear she was unsure. Amir asked if Sabrina gave head – she says no and they both laughed. He told Sabrina he really liked her and that he thought she liked him too. When they kissed again Amir told Sabrina she made him ‘hard’ and that there was somewhere else he wanted her to kiss. As she did not want him to think she was frigid, Sabrina agreed, at which point Amir showed her his penis. She kissed his penis and Amir held her head down. She ‘didn’t know what to do’ as she had ‘never done anything like that before’. When he was finished Amir asked Sabrina if she liked it, and she said yes, but just wanted to ‘go home’.

**Table 11: Survey responses to the Sabrina story**

	Overall (n=497)	Young women (n=365)	Young men (n=129)	13-14 (n=111)	15 (n=136)	16-18 (n=250)
Not OK with the sex described	<b>77.9%</b>	<b>82.2%</b>	<b>65.1%</b>	<b>70.3%</b>	<b>67.6%</b>	<b>86.8%</b>
Amir did not ensure Sabrina was consenting	<b>77.1%</b>	<b>79.7%</b>	<b>69%</b>	<b>70.3%</b>	<b>72.1%</b>	<b>82.8%</b>
Sabrina was not able to consent	<b>37.4%</b>	<b>39.5%</b>	<b>31%</b>	<b>31.5%</b>	<b>27.2%</b>	<b>45.6%</b>
This is rape	<b>68.4%</b>	<b>71.5%</b>	<b>59.7%</b>	<b>59.5%</b>	<b>61%</b>	<b>76.4%</b>

This story evoked some of the strongest contradictions and gender differences. There was far less agreement as to whether it constituted rape.

- A third of young people did not recognise Amir’s manipulation and coercion as constituting rape.

Office of the Children’s Commissioner: “Sex without consent, I suppose that is rape”: How young people in England understand sexual consent

- The majority thought that Sabrina had freedom to consent.
- Compared to young women and older age groups, young men and the youngest groups (13–15) were more likely to be ‘OK with the sex’ and considerably fewer in these groups identified this as rape.<sup>10</sup>
- At the same time close to three quarters thought that Amir had not sought consent.

*He didn't make her do anything and she came on to him sending him photos then said yes to doing stuff and said she liked it (Young man, 16 years old, survey respondent).*

### **From the interviews and focus groups**

As with the survey respondents, many young people in the focus groups and interviews identified Amir's behaviour as rape.

*'She said no but he made her do it anyway which he shouldn't have' (Young woman, year 10, SW-FG5).*

*'I don't think he's really asked if she's ok with that, he's decided for her' (Young man, 18, LON-I4)*

*'She's told him she didn't want to but he still kept her head there knowing that she didn't want to' (Young man, 19, NW-I6).*

However, there was also much discussion about Sabrina's responsibility. Most said that at least one of her actions – going to his house, sending sexualised photographs, kissing his penis – justified Amir's actions, describing her as ultimately culpable ‘in a way’, having ‘led him on’ or ‘gone wrong’, and failing to make her refusal ‘clear’. Here the gender difference was apparent, in that young men were more likely to suggest that Sabrina ‘could have said no’.

*'She could have refused to do it... I don't think it would have been hard' (Young man, year 10, LON-FG7).*

At the same time, young people recognised the manipulation – ‘smooth talking’ as one termed it – used by Amir. The extent to which this constrained Sabrina's ‘freedom to consent’ was identified by only a small number. Indeed, of all the film scenarios, this was the one where the highest proportion of young people thought that Sabrina was able to consent. One young woman eloquently summarised this ambiguity.

*'It's like he forced her to do it but then she still carried on. It was like she wanted to but she didn't want to. She didn't know what to do. She didn't him to think she was frigid... I think she was convinced that that was the only way*

---

<sup>10</sup> In response to being ‘OK with the sex’, the gender difference is statistically significant ( $p=.000$ ). The differences between 13–14 year olds and 16–18 year olds are also statistically significant ( $p=.000$ ) as are those between 15 year olds and 16–18 year olds ( $p=.000$ ). With respect to whether this was rape, the gender difference is again statistically significant ( $p=.006$ ) as are differences between 13–14 year olds and 16–18 year olds ( $p=.001$ ) and between 15 year olds and 16–18 year olds ( $p=.001$ ).



*that he would still like her. [She did consent] because he asked if she liked it and she said yeah. Even though in her head she didn't, she should have said no' (Young woman, 18, LON-I3).*

The moral responsibility is on young women to police and maintain boundaries, to anticipate – and avoid – the possibility of pressure and coercion. This is evident from previous studies as we note in the literature review (see Appendix 2) and strongly articulated here by young people.

### **Story 6: Joey – ‘he didn’t have a choice’**

This story was included to illustrate that sexual coercion can be experienced by young men and be present in same sex interactions.

Joey is 16 and all his friends are ‘hooking up’ with girls. He had wondered ‘for a while’ if he is gay, and wanting to find out, he bunked off school and went to street of gay bars he had read about. He was ‘proper nervous’ walking up and down this street. A man in his 20s approached Joey and offered to buy him a drink. He seemed ‘cool’ so Joey went into one of the bars with him, where the man told him to go and sit in a corner while he bought him a pint of lager. Joey had to lean close to him to talk over the music, and told him that while his friends were hooking up with girls, he thought he was a different. The man ‘seemed to understand’ – said he went through the same thing at his age and that it ‘was hard’. Then the man put his hand on Joey’s leg. Unsure what to do, Joey sipped his drink and went to the toilet. As he headed towards a cubicle, he realised that the man had followed him and had shut the door behind them. Joey asked what he was doing; the man replied ‘trying to help you find out’, dropped his trousers and before Joey knew what had happened he had put his penis in Joey’s mouth. Joey froze. When the man had ‘finished’, he kissed Joey and offered to buy him another drink. Joey says he ran out of the bar.

**Table 12: Survey responses to the Joey story**

	Overall (n=497)	Young women (n=365)	Young men (n=129)	13--14 (n=111)	15 (n=136)	16--18 (n=250)
Not OK with the sex described	<b>90.1%</b>	<b>91%</b>	<b>87.6%</b>	<b>86.5%</b>	<b>88.2%</b>	<b>92.8%</b>
Man did not ensure Joey was consenting	<b>91.3%</b>	<b>93.4%</b>	<b>85.3%</b>	<b>85.6%</b>	<b>91.2%</b>	<b>94%</b>
Joey was not able to consent	<b>74.4%</b>	<b>74.5%</b>	<b>73.6%</b>	<b>72.1%</b>	<b>71.3%</b>	<b>77.2%</b>
This is rape	<b>85.9%</b>	<b>85.8%</b>	<b>86.8%</b>	<b>82.9%</b>	<b>87.5%</b>	<b>86.4%</b>

Table 12 shows there was a higher perception of the sex described as ‘not OK’ – compared to the other scenarios – and it is unclear whether it is the same sex context, or the particulars of the story which account for this. Other key findings are:

- the majority identified Joey’s experience as rape, spread across age and gender, the percentages are, however, lower than for some of the scenarios

in which women are victimised

- only one in ten thought the Joey's consent was sought, with young women surer about this
- three quarters of young people perceived that Joey did not have freedom to consent.

### ***From the interviews and focus groups***

Young people's discussions about the scenario featuring Joey were mired in unease about same sex relationships, which for a minority extended to explicit prejudice (see also the methodology section in Appendix 3).

Awareness of how difficult it is for young people to come out as gay meant that there was an acceptance of Joey's exploratory foray to a gay bar. In contrast to the scenarios where young women were coerced into sex, Joey's actions were rarely seen as contributory or implicating him in what happened.

*'That's rape even though he didn't have sex as such but it's something he didn't consent to and obviously didn't want to do'* (Young man, 17, SW-I4).

*'I don't think Joey did anything wrong because the man assumed he wanted to find out there and then and probably was acting nice and buying him a drink and stuff and then followed him to the toilets when he wanted to go to the toilet. And took it as an opportunity to something to him that he didn't want'* (Young woman, 17, LON-I7).

Joey was not seen as responsible for 'being there' or for accepting a drink, suggesting that that victim blame is associated with gender.

### **Story 7: Kelly – 'that's what it should be like'**

This story was intended as a 'debrief' at the end of the survey, written to depict both communicative consent, and the possibility of deciding jointly not to have sex.

Kelly, 14, describes Eli, her boyfriend of four months, as her best friend and 'more'. She has not had 'full sex' with him although her friends think she is 'crazy' as 'guys don't hang around for long'. They have decided to have sex when the time is right. Recently they were revising together at his house when 'things started heating up'. They started kissing and touching each other and went to his bedroom, undressing down to their underwear on the way. Kelly remembered Eli moving her hand towards his penis, when she flinched. Eli looked at Kelly and said 'babe, best leave it for now'. They carried on with 'everything else' and had a 'hot night'.

**Table 13: Survey responses to the Kelly story**

	Overall (n=497)	Young women (n=365)	Young men (n=129)	13-14 (n=111)	15 (n=136)	16-18 (n=250)
Not OK with the sex described	11.1% (72.2% y)*	9.3% (74% y)	16.3% (67.4% y)	18.9% (65.8% y)	9.6% (69.1% y)	8.4% (76.8% y)
Eli did not ensure Kelly was consenting	6 % (79.9% y)**	4.9% (81.1% y)	9.3% (76.7% y)	10.8% (76.6% y)	4.4% (80.9% y)	4.8% (80.8% y)
Kelly was not able to consent	4.8% (86.5% y)***	4.4% (86.8% y)	6.2% (85.3% y)	7.2% (84.7% y)	3.7% (86.8% y)	4.4% (87.2% y)
This is rape	7%	6%	10%	9%	8.1%	5.6%

\* Responses in brackets refer to the proportions of responses as 'yes' i.e. that participants were 'OK' with the sex.

\*\* Responses in brackets refer to the proportions of responses as 'yes' i.e. that Eli ensured that Kelly was consenting.

\*\*\* Responses in brackets refer to the proportions of responses as 'yes' i.e. that Kelly was able to consent.

Table 13 shows a reverse pattern to all the stories, with the vast majority reporting that they are OK with the sex described, that consent was sought by Eli, and that Kelly was able to say no. Confusingly, however, seven per cent define this scenario as rape, with more young men and younger groups doing so. It is unclear to us whether this suggests that some were completing the survey in 'bad faith', or that it indicates real confusion. Given that the story involves the decision not to have sex, some are likely to be the former.

### ***From the interviews and focus groups***

Young people we talked with were in agreement that this situation was not rape, as Eli recognised that Kelly was uncertain, and 'respected her decision' to wait to have sex.

*'In this one they both agreed on having sex but when they were ready'*  
(Young woman, 18, LON-I3).

*'I think that was the best way of doing it. Having the consent where you are actually talking about it to each other'* (Young man, 17, SW-I4).

It is telling that in four focus groups (two each with young men and women) this scenario was perceived to be 'just not real', in that 'most boys wouldn't stop'. Perhaps the most revealing comment was from one young man who suggested that Eli had acted outside of 'the rules' which govern expectations of young men's behaviours.

*'I think the reason that guy was different was because he goes by his own rules... whoever that guy was, sounded like actually he had respect for girls'*  
(Young man, 16, SW-I10).

The clear implication here is that to play by the rules of masculinity is to *not* respect Kelly's uncertainty, and that Eli's decision-making places him outside of normative constructions of being a young man. One young woman suggested *'that's what boys*

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

*need more of*, and one young man, himself a survivor of sexual violence, saw himself in this depiction.

### **Conclusions and reflections**

These findings reveal a number of important issues about young people's understandings of consent.

- In general most young people do understand consent, albeit in a limited theoretical way – with the focus almost entirely on it being given rather than sought.
- In deciding whether our stories constituted rape, the majority thought they did, but within this there was more agreement that consent had not been sought than as to whether the other party was able to say yes or no.
- Additionally, young people frequently viewed female victims as implicated, and even responsible for what happened to them; revealingly they did not do this to anything like the same extent in the same sex scenario.
- Young women's views and opinions in the survey were clearer and more consistent than those of young men.
- The younger age groups were most likely to express confused and contradictory views.

Theoretical understandings of consent as permission and mutuality are stretched to breaking point when contexts of 'real life' scenarios come into play. We see this in the consistency of responses across the categories in the Kelly and Eli story, where all we have is their relationship. In all the other scenarios, we introduced additional contextual information – alcohol, dress, homelessness, sexting. Consent is not, therefore, an abstract legal concept in young peoples' lives, but an issue which connects gender and victim blame in many and complex ways. We explore these wider landscapes in the next section.

# Learning, talking and knowing: Findings from the focus groups and interviews

In this section we present findings from discussions with young people about the landscapes in which they negotiate sexual consent. We start here with sources of information about sex, including parents, school-based sex education and pornography. We move onto explore key themes: sexualised popular culture; 'sexting'; the sexual double standard and constructions of masculinity that young people refer to as '*man points*'; peer norms about sexual encounters and relationships; expectations about sex and decision-making; how young people tell and know that partners are willing; perceptions of non-consensual sex.

## Information about sex

Exploring young people's knowledge of sexual consent and how their views and values develop means asking about where they learn about sex; where they seek information, where they turn if they have questions, and with whom they have conversations.

Magazines that carry articles about 'sex tips' and real life dilemmas (e.g. glossy women's magazines) were cited by both boys and girls as useful sources of 'facts'. Television programmes including those that aspire to educate such as Channel 4's *Embarrassing Bodies* and soap operas featuring stories on how young people negotiate sex and relationships (e.g. *Waterloo Road*) also offered information. Many turned to the internet, preferring the anonymity of search engines, but for some the 'internet' was a euphemism for pornography (discussed in depth later).

Young people in all three regions mentioned Brook as an organisation where they would go '*if you're not sure about something*'. We also specifically explored with young people the extent to which they discussed sex with their parents, and their experiences of sex education in school.

## **Talking to parents about sex: 'Awkward and embarrassing'**

Opponents of compulsory sex education argue that having conversations with young people about sex is the responsibility of parents. While this might work for some, there are at least two logical flaws here: first, that some parents might be unable or unwilling to discuss sexual matters with their children; second, that not all young people live with their parents. There is also a third consideration: the palpable reluctance of young people. Most young people we talked with were deeply uncomfortable with the idea of exploring their questions and uncertainties about sex with their parents. 'Awkward' and 'embarrassing' were frequent descriptions here.

*'For kids my age, that's the scariest thing, telling your parents. But apart from that yeah, I find it quite easy to talk about it'* (Young man, 16, SW-110).

*'You talk to your mates, you don't talk to your mum do you? Don't want to say 'oh mum, I'm going to have sex', do you?'* (Young woman, 16, NW-14).

*'In all the films the parents always sit the child down and have the talk with the kids. I don't know anyone in real life that has actually had the conversation'* (Young man, year 9, SW-FG2).

Fear of parents' anxieties was a common reason for young people to avoid discussing sex with them; *'you're scared because your parents are scared'*. Older siblings were cited by many as a resource, as they felt freer to talk honestly with them. One group of young women also reported that talking to strangers was their preferred option.

*'I don't even talk to my mum about this stuff, like in this depth at all. It's easier to talk to strangers about this sort of stuff than it is to people that you know because you don't want them to worry or anything.'*

*'Yes, because if you tell your parents you know they are going worry about it, but if you tell a stranger you don't know if they're worrying or not...'*

*'And you'll probably never see them again so it's fine.'*

(Young women, year 11, SW-FG3).

Those that were able to have such conversations acknowledged that they were lucky, compared to their peers.

*'I can talk to mine quite a bit about stuff, really'* (Young women, year 11, SW-FG3).

*'I think I have quite an open relationship with my parents about that, which is I guess quite lucky'* (Young man, 16, SW-19).

While equipping parents with the confidence and knowledge to openly discuss sex should be a long term goal, in the here and now it was clear that young people needed other adults that they felt comfortable approaching and with whom they could have open conversations. Sex education in schools is one such route to create these spaces.

*Sex education: 'They don't really talk about anything that actually matters in real life situations'*

Young people that we interviewed reported gaps in school-based sex education that mirror those from previous research discussed earlier.

*'They just tell you how to make a baby basically, and how to put a condom on'* (Young man, year 11, LON-FG3).

*'That [SRE] doesn't say nothing about having sex, it just says protect yourself and that's it'* (Young man, 15, NW-11).

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

*'I was taught mostly on the different types of protection and STIs and all of that. But we weren't educated that you don't need to do it...'*

*'From year 7 they have taught us sex education but it was straight facts. It was "if you don't use a condom you will get pregnant"... and they need to talk about the impact it has on you as well.'*

*'It's not the pros or cons or how you feel, or should I, shouldn't I'*  
(Young women, year 10, LON-FG1).

A frequent account of sex education was it was 'only all the bad stuff', that 'they just literally focus on the negatives'.

*'We only learn about the bad things about sex, like STI's and things like that. We don't learn about the good about sex. But then I guess they don't want to make everyone want sex'* (Young woman, year 11, SW-FG2).

Not one young person could identify being taught about consent in terms of deciding to have sex or the circumstances in which agreement to have sex is sought or granted.

*'They aren't taught that it's okay to say no and that you don't have to do it'* (Young woman, year 10, LON-FG1).

A minority referred to discussions about coercion – 'the pressure from boyfriends or sexual assault and rape and stuff like that' (Young woman, year 10, LON-FG2) or 'what would you do if someone is forcing you' (Young man, year 11, SW-FG1).

However, it was clear from the accounts of both boys and girls that the focus here was for young women to *resist* pressure, entirely based on the notion that consent is *given* rather than *got*.

*'They make it out that it's a huge thing like a scary thing'*

*'Especially for girls, they're always like, boys will try and pressure you into it, like completely saying it's all the boys straight away...'*

*'It's like everyone expects the boy to be the one who's the most keen for it and the one who wants it the most. But then sometimes it's the girl who wants it more'* (Young men, year 11, SW-FG6).

Presenting young men as the seekers of sex left little space for them to voice uncertainty at the same time as reinforcing a sense that sexual pleasure belonged entirely to young men, which left young women in a trap: either they identified with a stereotype of victimhood or they embraced an invisible agency which required seeing pressure as applying to others, not to them.

*'They [teachers] repeat the same thing every year and it's always women are made to be vulnerable but I don't think of myself as vulnerable'* (Young woman, year 10, LON-FG2).

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

In addition to the limited content, how sex education is delivered has the potential to significantly influence the extent to which young people find the information and discussions useful and relevant. For instance, young people in London and the South West referred to lessons where they were able to submit questions anonymously before the class, and the teachers read out the questions and answered them. This has the advantage of enabling young people who have curiosities and doubts to hide behind laughter, while receiving the information that they seek. As one young man noted 'there's some people in the class that think exactly the same thing. So it's by someone asking that they find it funny but then they get the answer of what they originally wanted to know about'. In the South West, young people had participated in drama sessions run by a specialist theatre group, addressing 'awareness' (of sexual relationships) that 'emotionally touched me'.

This lack of emotion and meaning in much sex education teaching is why the Office of the Children's Commissioner calls for 'sex and relationships education' to be redefined as 'relationships and sex education'.

In summary, findings here support previous research which concluded that sex education is failing to address the contexts in which young people are having sex, particularly constructions of gender and 'values which in part militate against young people using ... information in their sexual behaviours and relationships' (Forrest et al, 2004: 349). This is of concern as a study in New Zealand revealed that when young people did not receive information that they require they seek it from other sources (Allen, 2008). One young man that we interviewed described his learning in similar terms: '*I've had to learn meself really*' (Young man, year 11, NW-11); another that '*if they don't have that opportunity to learn it in school than it's almost like they won't know. Or they will just guess*' (Young man, year 11, SW-16).

Echoing findings from previous studies (see Horvath et al, 2013 for an overview), young people reported using pornography as a source of information about sex, even where this had not been their motivation in seeking or accessing pornography.

### **Pornography: 'It's where most people learn'**

*'Most of the people I know, they use it.'* 99% of boys (Young man, 16, SW-110).

The recent Office of the Children's Commissioner review of research on children and young people's access and exposure to pornography highlighted that young people's own perceptions are 'largely untapped' (Horvath et al, 2013). Here we present findings from discussions with young people about their engagement with pornography, building an evidence base about its presence and impact in their lives. Our topic guide explored whether or not young people had accessed or used pornography and their views on it as a source of information about sex; it was therefore discussed in all focus groups and interviews. This was a subject about which young people were possibly the most animated, and had the most to say to us and each other.



There are complex and contested academic debates about definitions of pornography (see Boyle, 2010; Horvath et al, 2013). We asked young people about what they defined and understood as pornography; mostly their responses indicated that for them pornography involves staged images – filmic and photographic – of people having sex, with women’s bodies the main visual feature. Some also defined ‘sexting’ as pornography.

Karen Boyle (2010), writing of the ‘mainstreaming’ of pornography into popular culture, refers to it as ‘everyday’, in order to capture the ‘representation of something which is recognised as pornographic in a context which is not itself pornographic’ (p2). Young people’s accounts confirmed the sheer ubiquity of pornography in their everyday lives, increasingly available through instant access on smartphones, literally in their palms of their hands. In some focus groups the term ‘internet’ was used by young people as a euphemism for pornography, such was the extent to which it dominated online content.

*‘[Porn] is about the most common thing I would say’ (Young woman, 17, SW-17).*

*‘It’s more out there and it’s not even as closed as it was before, it’s more in your face’ (Young woman, 20, LON-I1).*

*‘It’s so easy to get, you can watch it on your phone, you can do whatever, so there’s no stopping them [boys] really’ (Young woman, 18, LON-I3).*

That pornography is disguised under websites marketed as games or entertainment was also noted, meaning that accidental exposure was common (see also Horvath et al, 2013).

*‘You can type in anything you’ll see a porn thing there... it’s like a lot of the internet is just that. You type in something and it will come up with some sort of, a pornographic picture or a video or link or something’ (Young man, 18, SW-I3).*

*‘You go on a computer, you click on games then it comes up with this folder in games. And then you click on it and it comes up with about a thousand, every single porn video you could ever think of’ (Young man, year 9, SW-FG2).*

For many this also meant that differences between seeking pornography and being accidentally exposed to it were becoming ever more blurred. Website age restrictions as barriers to access were shrugged off; *‘if you’re old enough to work the internet then anyone can go on there [pornography websites]’*. Social networking sites were also frequently mentioned as one means by which pornography was intruding into young people’s lives, leading one to quip that *‘Facebook at the minute is porn, ‘Pornbook’*.

*‘Most of it they [boys] get off Facebook – you could be scrolling down your news feed and there will be a girl like – fingering herself on there. And then you didn’t know what it was and you click it and it’s like there in your face’ (Young woman, year 10, SW-FG5).*

Office of the Children’s Commissioner: “Sex without consent, I suppose that is rape”: How young people in England understand sexual consent

Again chiming with previous studies, young women were far more likely to report being distressed by pornography (Flood, 2009).

*'He just typed it in, and I clicked on the first thing and it came up. It was disgusting'* (Young woman, year 11, SW-FG3).

That men and boys are the primary users of pornography is well documented (Flood, 2009; Boyle, 2010; Horvath et al, 2013). This is unsurprising since the vast majority of pornographic material revolves around maximum exposure of women's bodies (Boyle, 2010), to which young people alluded when discussing how its use is profoundly gendered.

*'Lads just watch it all the time'* (Young woman, 16, NW-I1).

*'I don't see why a boy would show a girl. I know a boy would show a boy but I don't know about a boy showing a girl'* (Young man, year 9, SW-FG2).

Several young men referred to a shared use of pornography within their peer groups; what has been termed the 'collective consumption of women's bodies' (Funnell, 2011: 38) as a means of building up stocks of 'man points' (see glossary and pages 51 and 52). Similar observations have been made about other forms of the sex industry that afford men an opportunity to reaffirm their masculinity with each other (Jyrkinen, 2012). Yet some young men acknowledged ambivalence.

*'I think boys just like porn and they have all their friends round, look at this... they want to look cool in front of their mates and stuff, so it makes them look big that they've got pictures of naked women. I think most people say "oh wow" just to please their mate, because you don't want their mate to feel less of them. But some people are like "I really don't care"'* (Young man, year 11, SW-FG1).

A small number of young men rejected pornography as a template for their own relationships, a finding that has been noted in prevention programmes (see also EVAW, 2011), and expressed frustration at the assumption that they would find it enjoyable.

*'I don't see why there is porn, why is it there? Everyone thinks oh yes you're a guy you can watch it. No. Sometimes I just think it's actual pure pointless, like a waste of time, completely'* (Young man, year 11, SW-FG1).

Whilst it was mostly taken for granted that young men view pornography, questions about whether or not young women also do were greeted with derision. Many instantly rejected the idea. However, some young people voiced their sense – or experience – that young women do watch pornography, albeit to a lesser degree, but are not able to admit it.

*'Girls I think do watch it, they're just not as open about it'* (Young woman, year 10, SW-FG5).

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

*'I don't know many girls that watch. Because it seems disgusting if girls were to watch porn. Whereas boys, it's almost frowned upon but accepted, but for girls, "yuck", why would that happen?'*  
(Young woman, 17, LON-I7).

*'Some girls, they probably do, but not like boys. [It's] a bit weird for them to do it. I think it's more common with boys'*

*'It's more common for the boys to watch it than the girls to watch it'*

*'It's aimed at boys more than girls'*

(Young men, year 10, SW-FG6).

These adjectives used to describe young women who might use pornography ('dirty', 'weird' 'disgusting') tell a powerful story about how young women are rarely expected or allowed to seek out sources of sexual entertainment (or instruction), especially when this particular source is regarded as belonging to men and privileging male pleasure. What young people perceive as odd about the idea that girls watch pornography is its incompatibility with codes of femininity. One young man captured this eloquently.

*'I think they think it makes them look a bit dirty, because they want to be all girlie and all proper and they wouldn't want to be thought of as like that'* (Young man, 18, LON-I4).

An interesting incongruity emerged when we explored what young people used pornography for. A common answer was that it is 'entertaining'; one young man likened it to watching 'The Simpsons' cartoon. Many rebuffed the notion that it served as an instruction manual for sex, but when we asked what they did seek from pornography, young men immediately gave responses which indicated this was in fact precisely its function; '*seeing how to have sex*'. Again this reveals a gap in current sex education.

*'You learn how to have sex, you're learning new moves'* (Young man, year 10, NW-FG1).

*'You get to see the way it's done, and the way people do it. It's not like it trains you in a way but you have a kind of idea of how you might be able to do it'* (Young man, year 11, LON-FG3).

*'I suppose it shows you the actual motion of it. You go on there for obviously entertainment but as you're watching you pick up different things, things you don't really know about. You just pick up things and you learn more things'* (Young man, year 10, LON-FG4).

*'The main reason I think people look at pornography is for information, what's doing, how to do stuff'* (Young man, 17, SW-14).

Another illustration of this is that several young people said once they had started having sex, pornography lost its appeal; not that a regular sexual partner negated their desire for pornography, but once they had mastered having sex, it became redundant. It is possible that having 'real sex' illustrated the artifice of pornography, as some young people acknowledged the unreality of such material.

*'You know it's not realistic.'*

*'There's things in pornography that you can't actually do in real life.'*

(Young men, year 10, SW-FG6).

*'They're like with sex, it's normally associated with people loving each other and ... but with porn they're getting paid to do it, it doesn't actually mean anything, they're just doing it for the money.'*

*'And you could tell by the videos and things that it's all set up.'*

*'It's always in the back of your head but when you're watching it you don't really think about it.'*

(Young men, year 10, LON-FG4).

Nevertheless for many the sex of pornography acted – and crucially, was perceived to act – as an aspiration.

*'I think young people expect sex to be like porn. There's that standard where if it's not like that, then sex isn't good'* (Young woman, 18, LON-I3).

Despite some academic scepticism, there is now a weight of evidence showing that pornography has significant impacts on young people's attitudes and behaviours (Flood, 2009; Boyle, 2010; Malamuth et al, 2012; Hald et al, 2010; Horvath et al, 2013). In addition, practice-based evidence of those working directly with young people confirms that the dynamics of the sex of pornography mirror those of sexual abuse more generally: the notion that men are entitled to sexual gratification in/through a woman's body; the privileging of men's sexual pleasure whilst women's is absent; a disconnection of sex from contexts of intimacy, respect and trust (EVAW, 2011; Coy & Garner, 2012). It was not surprising that many young people – both girls and boys – were concerned about what messages pornography conveys about girls and women.

*'It might give people the wrong idea, because if you watch porn it gives you the idea that girls are easy'* (Young man, year 11, SW-FG1).

*'It sort of makes boys fantasies become like real because it's real people. And then they will assume what it's what it's always like... and it can be a bit aggressive, a bit forceful'* (Young woman, year 11, SW-FG3).

*'It gives them [boys] a worse opinion, like image of a girl. Like all girls should be like that, all girls want to have sex' (Young woman, year 10, SW-FG5).*

*'We're just like 15 year olds and they expect everyone to be in that criteria and it's really not like that...'*

*'I think at this age boys are really quite naive and it's about who can trust and you know if they're watching this kind of stuff, you're not really sure how they will treat you' (Young woman, year 10, LON-FG2).*

*'It's not realistic, they have very high expectations of what people should look like and what their experiences should be like, and it's very degrading towards women, so it can make people a little bit sexist towards women' (Young man, 18, LON-14).*

Both young women and young men concluded that pornography not only eroticises men's dominance over women, sexualising sexism, but also that this influences their perceptions of their young female peers.

There is an important backdrop here too, of the 'pornification' of popular culture and public space; the mainstreaming of sexualised imagery. As one young man commented it is *'not just pornography, its general media'*.

### **Sexualised popular culture: 'It's all about sex now, it's just everywhere'**

Sexualisation of popular culture has exploded into public awareness and onto policy and academic agendas. The debates over possible implications have become complex, with definitions of sexualisation and what constitutes evidence of its impact often contested (see Gill, 2011 and Coy & Garner, 2012 for overviews). Most discussion focuses on 'early' and 'premature' sexualisation for children and young people. From this vantage point, sexualised popular culture is itself not problematic, only the age at which children and young people engage with it. Space for a critical perspective on gender in which to ask questions about how being a young woman/man is influenced by sexualised popular culture frequently overshadowed (Coy, 2009; 2013).

Perhaps the most useful definition of 'sexualisation' is that by Rosalind Gill (2007) who suggests it comprises 'the extraordinary proliferation of discourses about sex and sexuality across all media forms... as well the increasingly frequent erotic presentation of girls', women's and (to a lesser extent) men's bodies in public spaces (p151).

In discussions about contemporary popular culture, such sexual presentations are often elided with celebrities and their status as role models. Young people here made similar connections. Most young people that we talked with described celebrity lifestyles as powerful influences on their aspirations: young men cited footballers as role models and young women expressed desires to be thin and have bodies resembling those of female pop stars.

*'When you hear about celebrities or something that's happened to them, then they might think it's a good thing. Not a good thing, but it feels good to have experience like that' (Young man, 16, NW-I2).*

It was clear, however, that the appeal was, at its core, about being sexually successful in a profoundly heteronormative sense – attracting attention from the opposite sex.

*'People like Chris Brown and Mark Wright, lads want to be like them because you hear the girls talking about them like "oh yeah, I want to have sex with them any day" and all this. So lads are like "oh yeah, I want to have these lifestyles"' (Young man, 16, SW-I10).*

*'[An influence] might be because most of the famous people got pornos out now' (Young woman, 16, NW-I1).*

*'They're obsessed with that person, and they'll act like him...and they're [e.g. Rihanna] getting all the attention from guys and the girls are like maybe I should wear something like that' (Young man, 18, SW-I3).*

The mainstreaming of sexualised imagery was also commented on, with young women in particular talking about magazines and television putting pressure on young women to present in sexualised ways.

*'I think it's society... it's just like advertising, I was watching TV and they were advertising chocolate and the girl was eating it in a sexual way.'*

*'There is so much pressure on the media and music videos and then just people talking about it. It's [sex] become more socially acceptable...'*

*'I think that now people of a young age it's become the social norm. They don't realise the impact it has on your head.'*

(Young women, year 11, LON-FG1).

Organisations working with young people consistently identify sexualised popular culture as a significant landscape in which young people navigate their understandings of 'doing gender' and sexual relationships (Coy et al, 2010). The practice-based evidence of specialist organisations that work young people as victim-survivors of abuse, and deliver violence prevention programmes in schools and youth settings, is particularly telling. They have multiple examples of young women linking their experiences of sexual violence/harassment/exploitation to messages from sexualised popular culture. These include specific forms of sexual invasion of young women's bodies that reflect recent music videos, and notions of women and girls as possessions/commodities expressed through language of 'pimping' (Coy & Garner, 2012). Such behaviours have been reported in this body of practice-based evidence as appearing normal to young people through their very saturation in sexualised popular culture.

In interviews and focus groups, young people talked about sexualised popular culture as an influence on behaviour and action.

*'When you see like, naked people you look up to or celebrities in these videos, like how they dress or how they react, they [young people] kind of duplicate it themselves and copy it' (Young man, 17, SW-I4).*

*'Music videos and stuff, it really is raunchy and then you look at it and think because they look good I want to be like that' (Young woman, year 11, SW-FG3).*

One phenomenon which has been connected to broader social sexualisation is that of 'sexting' (Ringrose et al, 2012). As one of the film scenarios featured a young woman who sent a sexually explicit photograph of herself to a boy at school, sexting was an issue we explored with young people.

### **Sexting: 'The boys will keep nagging and nagging for pictures'**

The creation and transmission of sexual images by young people, popularly known as 'sexting', is a practice that has developed through the rapid increase in mobile information technology. While it has captured considerable media attention, the current knowledge base about prevalence and the meaning of sexting in young people's lives is limited.

Many young people that we talked with made spontaneous connections between sexting, pornography, and communication on social media websites. Four interlinked themes emerged.

- Sexting was widespread amongst young people.
- Young men 'pester' young women to send photographs.
- Photographs are distributed around peer networks and on social media websites without young women's knowledge or consent.
- Those who send photographs of themselves are perceived to invite any subsequent sexual harassment or coercion.

Some have questioned whether sexting has been exaggerated by the media (see Walker et al, 2011.). US researchers suggest that only a small minority of young people engage in sexting, an important point for developing norms-based prevention approaches (Mitchell et al, 2012). However, new research in England has concluded the opposite: that sexting is part of young people's lives and is neither shocking nor surprising to them (Phippen, 2012). Young people that we spoke with unequivocally confirmed this, describing sexting as 'really common' and 'always happening'. This was linked to ubiquitous use of mobile technologies, which have changed the ways young people communicate and socialise (Walker et al, 2011; Phippen, 2012; Ringrose et al, 2012).

*'Phones are being used for sexting and images and all of that is now is the new norm. That is if you are getting to know someone... That's just what you do, that's how you communicate' (Young woman, year 11, LON-FG1).*

A recent exploratory study with young people in London has suggested that sexting is linked to patterns of sexual harassment that involve boys 'demanding' that girls

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

send photographs of themselves in their underwear, or naked. Girls are judged as 'sluts' while boys gain 'ratings' for the number of photographs that they receive (Ringrose et al, 2012). Again this was mirrored by the young people that we interviewed.

*'They're [boys] constantly asking. Send me one, send me one. No No.'*

*'They ask for what they want. Send me a picture of this, send me a picture of that. Do this, do that'*

(Young women, year 11, SW-FG3).

One group of young women interpreted these requests as an indicator of their sexual desirability.

*'If you're a girl and you're not getting all those messages from random boys then you sort of feel "oh what's wrong with me, am I not attractive?"'* (Young woman, year 11, SW-FG3).

Others, however, understood this as a process of manipulation, exploiting the notion that young women should be flattered by such requests.

*'They make you really like them, they will talk to you for a couple of weeks before and make you feel really sweet and they're really nice'*

*'Like they're the right person and you should'*

*'You're so beautiful, send me a picture'*

*'And after that they really see what else they can get out of you, and if they don't get anything else then it's just cheerio'*

(Young women, year 11, SW-FG3).

One young man was clear and succinct about what was going on, including knowing that young women were reluctant and thus needed 'persuading' to send images.

*'They manipulate them into doing it because a lot of the time I don't think anyone wants to send them... but they do because they like the person'* (Young man, 18, LON-I4).

Refusing to send images ran the risk of being ostracised by groups of popular boys; *'if you don't do it, they won't talk to you anymore'* (Young woman, year 11, SW-FG3). These responses chime with a conclusion from the NSPCC research that although young women's decision to send sexualised photographs is often framed as voluntary, 'they choose to participate but they cannot choose to say 'no'' (Ringrose et al, 2012: 7).

Young people described three patterns of how photographs were distributed. The most common appeared to be boys showing the images on their smartphones to friends and classmates.

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent



*'Most of us in our group, if they get a picture, they'll probably show us' (Young man, year 11, SW-FG6).*

Forwarding images onto to others – friends, acquaintances and 'randoms' – was an extension of this sharing.

*'I think they sometimes just send it to it to their mate, and then mate sends it to a different mate, and then it just goes round' (Young man, 14, SW-17).*

*'I think it starts off with a bit of showing, then they're like 'send it to me, send it to me' and then they'll send it to them. Then someone else will say "send it to me, send it to me" and then they just think it's funny' (Young woman, 17, SW-12).*

*'The girl sends the lad a picture, the lad will take advantage and send it round to everyone and then the picture gets out there. He puts it on Facebook and all that' (Young man, 19, NW-16).*

*'If a girl sent somebody a picture or she sent it to me without even asking for it, so why would she mind if I send it to my friends and I sent it somebody else' (Young man, year 11, LON-FG3).*

This sharing of sexual images of young women is strongly connected to how masculinity can be based around through the 'collective consumption of women's bodies' (Funnell, 2011: 38); young women are instrumentalised in some young men's hunt to be respected by peers. A collection of sexual images that young women had sent to them confirmed young men's position, and gave them a currency through which they could claim status and success.

*'It can circulate, they can show their mates, and they send it to their mates and then it goes on and on and on. It's a power trip really. Look what I've got!' (Young man, 18, SW-13).*

These young men were in no doubt that pictures of young women were deliberately used to enhance power between young men. Some had conversations between themselves in the focus groups about how sending pictures on to others betrayed the trust of the young woman who had sent it, and were clear that this was 'wrong' and 'taking advantage'. Here is an explicit awareness of a lack of consent. At the same time, there was an acceptance that young women should expect this and not be 'stupid enough' to send photos in the first place.

*'If you sent it round, you'd be like "oh, you're such a slut"'*

*'Most girls know it's coming if they get sent round, so it's their choice.'*

(Young men, year 11, SW-FG6).

So whilst the behaviour of young men who circulate photographs without consent was recognised as unethical, responsibility returned to young women for 'putting themselves' in that position in the first place. Finally, several young people referred to

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

photographs of young women being distributed as ‘revenge’ in the aftermath of a relationship breakup. Deliberate humiliation appeared to be the intention here.<sup>11</sup>

*‘If a girl’s going out with a boy and then sends it and then they break up, it’s kind of natural for a boy to be quite upset and then show one of his mates. Then the rumour spreads and they all want to see it...’* (Young man, year 10, LON-FG4).

*‘It’s like you fall out with a girl and some boys put it on Facebook or Twitter or something like that just to get back at them. And sometimes show their mates and send them around’* (Young man, year 11, SW-FG6).

To be successful as a humiliation tactic, this relies on the double standard that labels sexually active young women ‘sluts’ and ‘slags’. Indeed, there was a consensus among the young people that as young women must know that images would be shared, they have done it ‘for attention’, and were therefore affirming that they were sexually available.

*‘If someone’s sending you pictures like that you’re going to think f\*\*\*ing hell, is she a slag or something’* (Young woman, 16, NW-I4).

*‘She is a slag for sending them’* (Young man, year 10, NW-FG1).

The belief that young women who send naked images of themselves are ‘sluts’ then serves to justify any subsequent sexual abuse, as by offering their sexualised body publicly, they are perceived to surrender any rights to protect its boundaries.

*‘[If] she’s taking pictures of herself and then sending them to people, she has to expect the worst really’* (Young man, year 10, LON-FG4)

*‘She’s giving him an open invitation – if she’s going to send me photos, why can’t I do it in person’* (Young woman, 17, LON-I7).

These perceptions reflect that sexting is a group-based, networked practice (Ringrose et al, 2012) which builds on and reinforces ideas about gender and sexual behaviours. The pressure that some young men use to get sexts sent in the first place becomes rapidly invisible, along with their awareness of young women’s reluctance. Young women seeking the approval and attention of young men are in an invidious catch-22, rejected if they don’t and labelled if they do.

---

<sup>11</sup> This has been named ‘revenge porn’, and an awareness-raising campaign was launched in Scotland in July 2013. See <http://www.scottishwomensaid.org.uk/sites/default/files/Briefing%20stop%20revenge%20porn.pdf> and <http://stoprevengepornscotland.wordpress.com/>

## Sexual double standard: she's known as a 'slut' but he is a 'legend'

*If a guy sleeps with ten women, he's considered to be a lad. But if a woman was to sleep with ten guys, like on the same night, she's considered a slut (Young man, year 10, SW-FG6).*

*If a girl had a number of sexual partners, it would be viewed quite differently than if a boy had different sexual partners (Young man, year 11, LON-FG3).*

*With boys, if you do have a sexual activity, then everyone looks up to you and you think you're cool. But with a girl, if you have sexual activity then no-one wants to be your friend at that time. Everyone thinks that you're not a good person (Young man, year 10, LON-FG4).*

*If a boy goes round having sex with girls, his mates will call him a legend, a player, and all of that. But as soon as you find out about another girl having sex with quite a few lads, it's slag, sket or another slur (Young man, 16, SW-I10).*

*The girl would probably get called names like a slag, but the boys would probably get praised from other boys (Young man, 14, SWI7).*

*If they do talk about it, they're considered like sluts or whores and that's something I've never understood how a guy can go, yeah, I did that. And then a girl does it and she's known as a whore but he's a legend (Young man, 18, SW-I3).*

*Girls always get called a slag and the boys always get called a lad (Young man, 16, SW-I9).*

*A girl often gets called a slag or something and the boy gets sort of cheered on (Young man, 18, LON-I4).*

The age old sexual double standard – that young men are entitled and expected to have multiple sexual partners and relationships, but young women are judged and ostracised for doing so – was relentlessly present in young people's talk. As the quotes here illustrate, the most explicit articulations were those from young men, some of whom also expressed confusion and disappointment at what they saw as a stark manifestation of injustice.

Over and over again, young people told us about labels for sexually active young women: 'sluts'; 'slags'; 'whores'; 'hoes'; 'skets'. In contrast, young men got to be 'players', 'heroes', 'lads', 'dons', 'legends'. Several young people linked this to a biological imperative for men to have sex – the notion of a 'male sexual drive' (Hollway, 1984) – reporting that it was 'natural' for men to be 'alpha males'. This undoubtedly places pressure on young men to sustain their '*man points*' (see glossary) by being interested in sex, as we explore in detail later.

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

At the same time, young women were wearily aware of how the double standard constrained their possibilities to seek and enjoy sex. One young woman reflected on the connections between social norms, the extent to which many young men absorbed these powerful ideas, and the compulsion to act in accordance with these social and individual expectations.

*'We're not allowed to have wants, they are, and then we have to live up to the standard, that's how it's going...it's like women don't get pleasure out of sex, we just have to do it because somebody else wants it... I think in the back of their minds they [boys] have this idea of what a proper woman should be. Again you can say it's society that's made it like we can't talk about sex' (Young woman, year 10, LON-FG2).*

Overall, however, young women were concerned with a different, but linked, dichotomy of appropriate sexual behaviours: with what Sue Lees (1993) termed the difference between 'slags and drags'. When negotiating sexual encounters, young women are embroiled in these contradictions.

*'If you don't do it, you're frigid, but then if you have sex you're then a slag. You can't win' (Young woman, year 11, SW-FG3).*

This conundrum narrows spaces for young women to explore questions and uncertainties, as one young woman articulated.

*'Society is like if you don't have sex you are frigid as somebody just said. If you do have sex you are a ho so you can't win anyway. I think that's why girls don't talk about their problems' (Young woman, year 11, LON-FG1).*

Alongside this excoriation of sexually active young women is the 'legend' status awarded to young men, based on a notion of masculinity which is sustained by (hetero)sexual prowess. Young people referred to this as 'man points', discussed in detail below.

Contemporary socio-cultural landscapes emerged as key to how young people negotiate their understandings, knowledge and expectations of sex. Pornography was described as '*more out there*' and the '*most common thing*', albeit with clearly gendered patterns: used by many (although by no means all) young men as a source of information about sex – '*how to do stuff*'. Both young women and young men were concerned about sexism, perceiving pornography to be '*very degrading to women*'. The ubiquity of sexualised imagery in popular culture was also discussed by young people as an influence on perceptions and aspirations.

Similarly, sexting was described by young people as '*the new norm*'. Young women reported a range of pressures – social, peer and from individuals – to send sexualised photographs of themselves. The sharing of such images without consent was perceived as inevitable. For young men, accumulating sexts from young women was linked to approval from male peers, while young women who sent such images were labelled slags. This gendered double standard where sexually active men and boys are heroes and legends, and young women 'sluts' and 'hoes', was a central theme of young people's conversations.

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

**Man points: ‘you’ve got to keep up your reputation’**

A key concept that emerged from our conversations with young people was that of ‘man points’: the ‘ratings’ between boys that indicated their status within peer groups. The term has some traction in popular culture, in the form of pages on social networking sites and even a card game that offers suggestions for amassing points.

With some variation in terminology – ‘lad points’ was more common in the North West and some schools in the South West – this notion was discussed in all three regions by significant proportions of young men. ‘Man points’ were linked to popularity and status within peer groups, so being cool and making others laugh were important means to accumulation.

*‘You get man points for doing crazy stuff. Like, I’ll give you 20 man points if you jump on a roof... you shag a girl and I’ll give you 50 man points. It evolved, like credibility, respect...and you have a certain space in a group of friends. Certain space in your group with your friends and you don’t want to lose it’* (Young man, year 11, SW-FG1).

One young man reported that ‘man points’ (here referred to as ‘lad points’) acts as a license for boys to pursue hedonistic self-interest.

*‘I think lad points are just an excuse. Inside men know the lad points system, and they mean nothing, but they just keep on using them as an excuse to do stupid stuff’* (Young man, 14, SW-16).

Others described the pressure to ‘act tough and big’ which required constant vigilance and willingness to conform to peer norms. There are clear parallels here with what Ringrose et al (2012) term ‘competitive masculinity’; one young man explained that ‘it is like a competition, you feel like you should say ‘I did this’. As we discuss in relation to sexting, young women are used instrumentally to collect points.

*‘[Boys do it] mostly to brag. To say ‘ah yeah, I can get another girl to send me pics like this, you can’t’. I must be a good looking boy for girls to be doing that, and just trying to be top man out of all their mates’* (Young man, 16, SW-110).

*‘Boys will go to a party looking for girls to have sex with, and they will probably pick out five different girls that they’re going to try and have sex with that night. And guys just want to have it with as many girls as they can. It’s a sort of competition to see who can get the most girls’* (Young man, year 11, LON-FG3).

Thus ultimately ‘man points’ are collected through the core of young masculinities: (hetero)sex. They act as both incentive to have sex and reward for doing so.

*‘If you shag somebody you get points’* (Young man, year 10, NW-FG1).

*‘If you’d done something with a girl a boy would just be like ‘ah, you get lad points for that, or they’d say it before you do stuff, like “if you do it I’ll give you lad points”’* (Young man, 14, SW-17).

Office of the Children’s Commissioner: “Sex without consent, I suppose that is rape”: How young people in England understand sexual consent

*'Say if we were out with our friends and one of them went missing and then he said 'ah, I've just shagged this girl, you'd say "oh, top lad points for you". Some people take it as far as having a chart' (Young man, 17, SW-14).*

'Man points' can thus be lost for not engaging in (hetero)sex, or coming out as gay.

*'If you respected the girl's decision and just said yeah, I'm not going to do anything, then... they would probably just give up and not give you lad points' (Young man, 14, SW-17).*

*'It stops men from having emotion because their friends might laugh at them and go ha ha, you're a pussy you don't want to have sex with your girlfriend or whatever' (Young man, 14, SW-16).*

It is perhaps not surprising then that *'man points'* appear to only be used between boys: one young man told us that with a good score *'you're rated by boys but you're not rated by girls'*. Scholars writing about masculinity have suggested there is a 'homosocial enactment' (Kimmel, 2004) where acknowledgment and approval from other men is key. One example of this emerged in all three regions. Some young men told us that man points could also be accrued by having sex with young women deemed to be unattractive – 'ugly girls' and/or 'fat wrong 'uns'. Research in the US has documented the same phenomenon, there referred to as 'hogging' (Gailey & Prohaska, 2006; Prohaska & Gailey, 2010). Young men seek out a fat young woman, often ply with her alcohol to reduce her resistance, and have sex with her for the sole purpose of sharing the experience with male peers. As the US researchers conclude, 'hogging, then, is a means by which men prove to other men in social settings that they are, in fact, real men... the main goal being the entertainment of the peer group by means of humiliating a woman' (Prohaska & Gailey, 2010: 22/23). Young men that we interviewed confirmed this when they explained that while *'man points'* were awarded for having sex with an 'ugly fat girl' for a 'laugh', doing so 'seriously' would result in a loss of points. Prohaska and Gailey (2010) also note a fine line between 'hogging' and rape, since young women are deceived, manipulated and intoxicated into having sex, unaware that scoring points is the real motivation of young men who participate in this practice.

There are, then, crucial implications of *'man points'* for understanding the landscapes in which young people are negotiating sexual consent. If young men fear losing status and authority, even their position within peer groups, for 'respecting a girl's decision', then *'man points'* are implicitly equated with forms of masculinity based on a non-communicative model of sexual encounters.

In the following section, we explore how this links to young people's peer cultures surrounding sexual activities and relationships.

### **Peer group norms around sex: 'If all your friends are having sex then there is going to be some pressure'**

The long held cliché of peer pressure to have sex was dismissed by many young people, keen to assert their sense of autonomy and individuality. What emerged vividly, however, was the need to be part of a group 'mindset' about sex which nevertheless operated as a less direct compulsion to conform.

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

*'I don't think it's more pressure, it's just more of a sort of talking about it and the girl will just naturally feel that she's not part of the group because she hasn't done it... If your whole group of friends have done something, you feel pressured because they'll talk about it and then you'll be like the odd one out'* (Young woman, year 10, SW-FG5).

*'Where you get to that age, you hear more about it and there's more conversations about sex and you feel like left out. Not left out but you feel like you're not a part of that kind of like group. You feel like if you do it, then you feel more happy with yourself'* (Young man, year 10, LON-FG4).

*'I think that they [young people] think that they might have to have sex to be able to understand what everyone's talking about'* (Young man, 16, SW-I10).

Having sex for the sake of maintaining friendship groups was understood by most young people – but no means all – as inevitable. Thus for a significant proportion, decision-making about when to have sex, and under what circumstances, is moulded by a need to belong and be part of the conversations that are core to young people's interactions with each other. This was also understood as more significant for young men, as their status within peer groups could be shored up by adherence to a masculinity equated with sexual conquest.

*'A girl would be happy to say to their friends ... they would happily say to their friends I don't want to do it because they would understand. But with a boy, you don't have that option. Well you do but you'll just get ripped down'* (Young man, 14, SW-I6).

One young woman expressed bafflement that some young men appeared unable to think for themselves in favour of needing approval by their male friends.

*'If my friends told me to go and have sex with that guy, I'd be like "no I don't want to". I wouldn't be like yes, you think I'm cool so I'll go and do it. It's like I don't know what guys feel the need to impress their friends so much'* (Young woman, year 11, SW-FG3).

Yet for other young men, this form of influence held little sway, and they were firm that their decision-making remained their own.

*'Because people have their own mind ....if you want to follow your friends, follow your friends'* (Young man, year 9, LON-FG7).

Central to peer group norms about sex was the assumption of heterosexuality, as young people reported being 'expected' to be heterosexual because *'you don't really get another option'*. 'Proving' yourself as 'straight' was proffered by one young woman as a reason why some young men were so eager to make public demonstrations of their sexual prowess.

*'Boys especially will try and hide being gay because their friends will just make fun of them'* (Young woman, year 10, SW-FG5).

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

Many young men spoke of fearing a discovery that one of their friends was gay because they would be targeted by them as a potential sexual partner; *'as long as they don't try it on with you they're OK'* was a frequent refrain. The same censure did not apply to young women; that lesbian pornography was viewed by some as particularly titillating led one young man to claim that *'people think it's much more wrong for guys to be doing it than girls to be doing it'*. Homophobia – both explicitly expressed and implicitly implied – has been similarly noted by organisations delivering prevention work with young people in education settings (see Coy et al, 2011; EVAW, 2011) and from our experience here of using the same sex film in focus groups.

### **Talking about sex**

The way that young people talk about sex with each other revealed deeply gendered differences, where boys had space to be publicly open, whilst the sexual double standard inhibited young women.

*'Girls keep it to themselves a bit more if they've done something, but boys just say it'* (Young man, 14, SW-17).

*'Girls talk about it with their friends and boys talk more openly... they are more confident.'*

*'If a boy talks about it, it's seen as good whereas if a girl talks about it then...'*

*'Boys are less judged than girls.'*

(Young women, year 11, LON-FG1).

*'I think [girls] talk about the same things but they're more open to each other... it's just they admit it more often, they're not scared to talk about it to their mates but as soon as – they don't want any boys to know about it, because that's when rumours go around and then they get called names and things like that. So they try and keep it as much of a secret as possible'* (Young man, year 10, LON-FG4).

*'Boys will be a bit more explicit, and girls a bit more about it, but I think boys don't mind other people hearing what they say whereas girls would'* (Young man, 17, SW-14).

Here again we see how *'man points'* can be gained, and that not only is there no equivalent for young women, but the same kind of talk has opposite meanings and consequences.

Gossip about sex was experienced by young women as pressure; one young man noted that who had done what sexually and with who *'just bursts open and everyone hears about it, it goes around school and it goes around town and it's everywhere else... within minutes'* (Young man, year 9, SW-FG2). As a young woman wryly commented, *'they make the girl sound like a slut'*.



*'They're not very secretive about it, not secretive, but you don't want half your information going around the school and they're like "I boned that girl last night"...'*

*'Girls are definitely more sensitive about it so they're not going to spread stuff around the school about who they've slept with and who they haven't, whereas boys will because they think it's cool'*

(Young woman, year 11, SW-FG3).

Boys reported using humour as a medium for conversations about sex.

*'If a boy is talking to another boy about sex they will talk about it, have a good laugh and then they will forget about it'* (Young man, year 11, SW-FG1).

*'[Boys] don't really talk about it, they just skit people over it'*  
(Young man, 19, NW-I6).

It remains the case, therefore, that spaces for young people to have thoughtful discussions with each other about sex are limited and tightly circumscribed by gender norms. Boys feel unable to move much beyond jokes and admit to uncertainties or anxieties, and girls fear being exposed as interested in sex for fear of judgements and labels.

Next we discuss how these landscapes of deeply gendered norms inform young people's expectations of sex and their decision-making about when and how they have sex.

### **Expectations of sex and deciding when you're ready: 'it's just more emotional for the girl'**

In order to explore what shapes young people's understandings of consent, we paid attention to how they discussed their expectations of sex as well as how and when they decided they were ready to have sex. The overwhelming consensus across all young people was that both adhere to gendered stereotypes, as one young woman summarised.

*'Boys just think about getting their pleasure, where girls will be like it's a more intimate thing for a girl I think'* (Young woman, 20, LON-I1).

This deeply held perception that young men and women 'expect different things' in their anticipation of sex influenced how they interacted with each other; many expected young women to be more emotionally invested (see also Holland et al, 1998; Firmin, 2010).

*'Boys aren't too bothered about it being special, whereas girls are'*  
(Young woman, 19, SW-I1).

*'I think it's harder for a girl to make the decision as to whether or not they want that person to be the person they have sex with for the first time or whatever time it is. But I think it's easier for boys,*

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

*because I think for boys it's less of an emotional connection'*  
(Young man, year 11, LON-FG3).

Some also perceived that girls agree to have sex 'just so the lad will like them' rather than from their own desire.

For young women, the emotion work that preceded sexual activity was visceral. One spoke of '*constantly having to think about so much and weigh up so much stuff*: their own feelings, fears and questions; perceptions of their sexual partners; social and peer group norms and how they would be evaluated through them.

*'Emotionally as well, when is it acceptable to do it and is it the right time to do it if you think about it. You're not sure when you're right or what's acceptable... it's like women don't get pleasure out of sex, we just have to do it because someone else wants it... You definitely think about how you're going to be judged for it. And who will find out'* (Young woman, year 10, LON-FG2).

A key issue that several young women spoke of was being unable to trust young men's intentions and motives.

*'Maybe feelings have developed for someone and if you get close to them and you feel like you can trust them, then that's perhaps when you start thinking about that [having sex] when you've maybe even talked to them about it... It's hard to make the decision, because you think "are they buttering me up?" and "are they going to speak to me afterwards?"'* (Young woman, year 11, SW-FG3).

One young man suggested that young women's doubts were well grounded.

*'They expect more respect from their boyfriend... but they wouldn't get that though'* (Young man, year 9, SW-FG2).

In the focus groups, a young woman mused that it would be interesting to talk to boys and 'see what goes on in their world'. Our conversations with boys enabled us to explore 'their world'. At first glance it appears that young men's decisions to have sex involve less thinking, as they frequently refer to sex 'just happening' when an opportunity arose.

*'It's when you're in that position. It's when you're in that situation... Just when you're there and it happens and you don't particularly know when you're ready'*

*'You don't realise until it's happened.'*

(Young men, year 11, SW-FG1).

Yet to some degree young men were also investing emotional energy in planning how and when to have sex, and its possible implications, in that they were seeking to collect '*man points*' or 'just to get popular'. There is another similarity here in that one understanding expressed by several young men of how young women decided to have sex was that they hoped 'to seem more attractive'. Both these influences on

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

their decisions speak of external approvals overriding their own wishes and feelings. Yet the generality with which young people spoke about gendered norms and expectations disguises these parallels, as well as the possibilities for young people to resist and reframe them. For instance, some young men rejected a self-interested quest for instrumental sex. Others suggested that young women could act in precisely this way.

*'I'd rather wait until I was with someone for a certain amount of time'* (Young man, 19, NW-13).

*'A girl can be just like the lads, just wanting to go and have sex with a lad'* (Young man, 16, NW-12).

In short, young people are working within and then reproducing scripts that disallow ambivalence for young men and desire for young women. Both are focused on reputation, and have implications for how young people make sense of others' readiness and willingness to have sex.

### **Telling and knowing when your partner is ready to have sex: 'The obvious answer is they don't say no'**

As part of exploring young people's understandings of consent, we discussed with them how they knew when their sexual partner was agreeing to have sex. This involved probing any distinctions between being able to 'tell' and 'knowing', particularly whether different cues were relied on and how – indeed if – they gauged certainty.

Young people had mixed views about the role of verbal consent. For some, asking was of central importance.

*'You go to someone and ask are you sure you want to do this. It maybe awkward but you're going to have to...it should be guy's duty to ask and make sure... because sometimes you can come across like yes they want it but they don't'* (Young man, year 11, SW-FG1).

*'To know if someone wants to have sex with you, you have to have that conversation. You wouldn't know it without asking, otherwise you're just assuming. I wouldn't just know if a guy wanted to have sex with me, you would have to talk about it'* (Young woman, year 11, SW-FG3).

Others simply relied on verbal dissent as a signal. Several expected that their sexual partner 'would say no' (p87). As Kitinger and Frith (1999) and Carmody (2009) point out, this makes refusing sex unlike any other social or intimate situation, where we rarely give an outright 'no'. It is also far removed from the active model of consent advocated by Lois Pineau (1989) which requires communication rather than passive reliance on verbal refusal.

*'They say things, they say if they're ok with it or not'* (Young woman, year 9, SW-FG4).

*'I guess they will either tell that they want to do it or tell you'*

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

*that they don't*' (Young man, year 11, LON-FG3).

The obvious corollary is an assumption of agreement where someone does not give verbal consent or dissent - 'actually say it' (see also Burkett & Hamilton, 2012). This assumption makes invisible the responsibility to ascertain if someone is giving consent and reflects again an absence of communicative sex. Combined with gendered scripts of slags and legends, this can lead to young women being positioned as sexual gatekeepers, sentries against the inevitability of young men's advances. That young women might actively want to have sex is entirely missing here; at best there is an acceptance that 'going along with it' constitutes desire.

*'I think if a girl didn't want to she would clearly state that... if they didn't want it, that they'd say no, there and then. But if they didn't I think most people would assume it would be alright to carry on'* (Young man, 17, SW-14).

*'You can just tell really partly because you go along with it unless someone says no'* (Young woman, 15, LON-I6).

The frequency with which young people spoke of 'going along with it' is revealing as it highlights that enthusiasm is not considered a prerequisite for sex: research with young people in Scotland found that one in 14 young men considered 'forcing a partner to have sex' as '*something that just happens*' (Burman & Cartmel, 2006: 32, original emphasis).

One young woman spoke of signals that someone did not want to have sex in terms of physical resistance, which again suggests that the presence of arousal and desire was not expected.

*'If someone freezes up or pushes you away or anything, that would be assuming stop'* (Young woman, 17, LON-I7).

For many then, the notion of asking, or even talking about whether or not they wanted to have sex, was simply not part of their experience or expectation. Instead they relied on, or anticipated that they would rely on, body language and non-verbal cues. Getting undressed, touching and facial expressions were all actions that were interpreted that someone was 'going along with it'.

*'You can tell... if they're all over you, just the body language. They're presenting themselves and that's when it happens'* (Young man, 19, NW-I3).

*'You don't need to ask, you can just feel it'* (Young man, 16, NW-I5).

For some young men, consent was read where sex followed a linear progression beginning with foreplay, with reciprocated intimacy taken as evidence of agreement unless interrupted by a verbal or physical refusal.

*'When you've done other things like blow jobs and things like that, you just know it's the right time... it would just happen... young people just tend, they do the blow-job, fingering business and they gradually progress and just have sex'* (Young man, 14, SW-I8).

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

*If you move your hand somewhere and they push you away, that's a no, in body language terms* (Young man, 16, SW-I9).

Yet others recognised that this assumption of on-going consent could mask reluctance, and fear of a negative reaction.

*'Just because they might want to do other stuff doesn't mean that they want to do everything else'* (Young man, 18, LON-I4).

*'I think boys will just do what they thought was right and then they think that if the girl doesn't want to, they'll tell him. Or maybe they won't because like they're scared of his reaction...think he's get angry and mad... Say oh I thought you liked me, have a go at her and stuff'* (Young women, year 10, SW-FG5).

Linked to this, having had sex with someone before, or being in a relationship, was also perceived as a context where consent need not be actively sought, but could be presumed.

*'If they don't say no and you've done it before you think, you don't need to because it's a kind of unspoken rule or, I don't really know how to put it but it's like that really, it's, you don't have to say "yes, I want to do it this time"'* (Young man, 16, SW-I9).

*'When you're in a relationship, you don't have to ask permission... if you've been with your girl for so long, years or whatever, and they're saying no to you, that's when you'd think "what the f\*\*k's up with them?"'* (Young woman, 16, NW-I4).

Yet one young woman angrily rejected the lack of attention to the occasion and moment implied here, and the pressure placed on young women to make themselves sexually available to boyfriends.

*'OK you've been having sex with her, but it's not an excuse where you think it's going to be okay all the time. Maybe she doesn't want to all the time. Think about her... like if you're in a relationship the girl feels like she can't say no, because you're in a relationship so it's sort of like you have to, because you're going out'* (Young woman, year 11, SW-FG3).

Being drunk was also a factor that mitigated whether young people perceived that a relationship equated to an assumption of on-going consent.

*'If he does it all the time then, it's different to if you're alone and sober. But when you start drinking and things, they become a lot different, do you know what I mean?'* (Young man, 18, SW-I8).

*'Even if you're with them, if they're drunk they're not thinking properly and there's no consent. For other people it's [consent] different if they're girlfriend and boyfriend and they always do it anyway'* (Young man, 14, SW-I3).

*'I think that if they are in a relationship then it's not, not as bad if it was just him seeing a girl that he has just kissed or what not beforehand but then she's upstairs paralytic, I think that's completely different, if he didn't know her, to if he was in a relationship with her. I know it sounds like there's not much difference, but obviously there's quite a big difference between those two'* (Young man, 17, SW-I4).

Perhaps the most revealing accounts of negotiation came from two separate interviews where young people said that consent was evident where someone was 'be[ing] involved', 'be[ing] part of it'. For these young people, mutuality and partnership were at the heart of their aspirations for sex. Here is an application of consent built on reciprocity and communication, and the clearest alignment with young people's overall conceptualisation of consent.

Finally, we turn to another route to exploring young people's understandings of sexual consent: how they define and make sense of non-consensual sex.

### **Young people's perceptions of sexual coercion**

The film scenarios offered a route to have conversations with young people about their perceptions of sexual coercion, the contexts in which they thought it more likely to occur, and their knowledge of legal definitions of rape.

Young men pressurising young women into sex was described as commonplace, often through insistence phrased as 'just do it, come on'.

*'If they really liked the girl then they wouldn't because they'd want to be with them, but if they just want them for sex then they pressurise them in to it, like saying 'do it or I'm going to leave you' and stuff like that'* (Young man, 16, NW-I2).

*'If the girl feels that they're not ready it's not pressure but if he goes on and on then it is pressure'* (Young woman, 15, LON-I6).

While there was some acknowledgement that young women could place pressure on young men ('certain girls that are very full on with guys like that'), overall sexual coercion was framed in terms of gender.

*'It's usually boys that pressure girls to do it and then they [girls] get called names after they did it'* (Young man, year 10, LON-FG6).

Research on violence in teenage intimate relationships indicates that around a third experience some form of sexual violence from their partners (Barter et al, 2009). Relationships were one context here where young women consistently reported that they expected to be pressured into having sex.

*'They expect you to do everything. They don't see that you don't want to do certain things. That's what happens because they see all these things that are obviously not real... it puts pressure on you. A lot of girls don't want to get in relationships because they feel they have to have sex'* (Young woman, year 11, LON-FG1).

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

*'Because being in a relationship I think it cuts out some boundaries as well. I think girls feel pressured because they feel that they have to do it because they're in a relationship'* (Young woman, 20, LON-I1).

*'I think it's a given now that you are expected if you ever go out with a guy or whatever, it's expected that you are supposed to be having sex with him. Even when you are little [young]'* (Young woman, year 11, LON-FG1).

Conversely, for some a relationship based on trust and mutuality was perceived as protection against sexual coercion in a way not guaranteed by casual encounters.

*'If you're in a relationship and they really love them I don't think... they just wait, but if they don't really, like, love them then they probably will push them'* (Young woman, 19, SW-I1).

Pressure was also recognised to be subtle, especially where young women feared being labelled frigid or her boyfriend *'think[ing] negative of her'*.

*'Say if you was a girl and a girl's point of view and you didn't want to do it, but your boyfriend did, you'd obviously want to please them because you wouldn't want them to leave you because you never [had sex], so then you just do it'* (Young man, 16, NW-I2).

More nuances were evident where young people reported that individual attitudes as well as peer norms and gendered expectations affected how likely boys were to pressure a young woman into have sex.

*'It depends on the type of guy... it's the type of person they are... some people are taught differently how to respect women'* (Young men, year 11, SW-FG1).

Revealingly, two young men separately and spontaneously shone a light on the expectations of young men to be sexually active and to collect *'man points'* that might then lead them to coerce their partners. Here constructions of masculinity have a discernible influence on young men's understandings of their own choices and their subsequent actions.

*'They're getting the pressure from other people to have sex and that's the only way they can do it is to pressure their girlfriend into doing it'* (Young man, 18, SW-I3).

*'Probably if they're the only one in their group that hasn't then they might ask their girlfriend and if they say no they might get angry and then force her'* (Young man, 14, SW-I5).

Several young men identified that where manipulation and threats were used, where young women feared being labelled or were unable to say no, then they were not freely giving consent.

*'That situation I think when the woman senses that, the guy would*

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

*say, or her friends would say that you have to do this with the guy unless he's going to leave you. Or like he's saying if you're going to be all frigid, then I don't want to be with you'* (Young man, 18, SW-13).

However, a minority of young men spoke candidly about choosing not to consider these coercive circumstances as inhibiting young women's decision-making.

*'If a girl says yeah, then that's how you take it, you don't take 'oh I wonder what she's thinking', you don't because you're getting laid. And if someone says yeah, you're not going to say no. You're not really'* (Young man, 16, SW-19).

Young women's accounts also revealed the extent to which they found it difficult or impossible to voice their unease and dissent.

*'Sometimes you can get pressured, and you don't actually want to do it but you feel like you have to'* (Young woman, 15, LON-16).

*'You can't say to them no, at that time I didn't know or I didn't feel comfortable... you instantly get labelled that you instantly are doing that and you have no right any more'* (Young women, year 10, LON-FG2).

Some participants also suggested that young men might target younger women who are more likely to acquiesce to requests and/or pressure to have sex.

*'Boys get young girls because they find it harder to say no'* (Young woman, year 11, LON-FG1).

*'If girls go out clubbing with short skirts and looking all tarty and stuff, then it makes them look more immature. So you don't want to be with that girl because she looks immature, but the one in dresses or something like that's not so tarty, then you will think oh they're mature, to be with them. But I think most people will actually take advantage of the one that's less mature, because then they will be like oh yes she'll be easy to have sex with'* (Young man, year 11, SW-FG1).

For the most part, young people could also broadly describe that the absence of consent constitutes rape.

*'Sex without consent I suppose that is rape'* (Young man, 17, SW-14).

*'It's all about permission because you can't force someone to have sex with you, that's rape'* (Young woman, 17, LON-12).

'Being drunk' was offered as an example of when it is not possible to give consent, and any sexual activity would therefore be non-consensual. Some young people sought to identify a calculus of intoxication beyond which consent could not be given, but up to this point, did not negate voluntary agreement. How this threshold of drunkenness can be determined is so complex that whilst case law on sexual

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent



offences has sought to delineate it, there are too many variables in individual physiology and tolerance. Nevertheless several young people perceived that willing agreement to sex was possible when intoxicated.

*'If she's like properly, properly passed out, like really bad, and he's like doing stuff to her or having sex or what not then it's not an ideal situation to be in really, it's pretty terrible. But like she's agreeing to it but... she's like drunk but she's still agreeing to it, I think it's not that bad a situation to be in'* (Young man, 17, SW-14).

They were less clear about the specific acts that counted as rape, with more than one asking questions along the lines of 'is oral counted as rape if they didn't want to do that as well?' Some young men held the stereotypical view of a 'real rape' myth (Estrich, 1987); that rape involves a 'blitz' attack by a stranger and involving additional violence.

*'Dragging them by their head into a car, and stuff like that, that's rape'* (Young man, year 10, NW-FG2).

The film featuring Josh was thus viewed here as 'a different kind of rape', with the clear implication being a rape of lesser seriousness. Again relationships were a context that justified not defining sexual coercion as rape.

*'It depends though because it's his girlfriend. It wasn't, she might have been drunk and like, at least he was doing it with his girlfriend, it would be very different if he was doing it with someone else. Because if you're doing that to someone random it's rape. But if you're doing that with your girlfriend that's not rape'* (Young woman, 16, NW-14).

These justifications served to minimise young men's responsibility for violence. As responses to the film scenarios show, judgements about young women's actions also functioned to shift responsibility from seeking consent, to giving it, through signals in the form of clothing and consumption of alcohol. A strong theme from our conversations with young people was endorsement of myths about rape which apportion blame to young women on the basis that somehow 'they ask for it'.

### **Victim blame**

Victim blame pervaded young people's understandings of sexual relationships and consent. The ways in which they spoke about culpability for being subject to non-consensual sex were often connected to their responses to the specific film scenarios, which led to more general discussions about why and in what circumstances someone could be blamed for inviting sexual coercion. Young women's actions were under constant scrutiny: Sabrina for going to Amir's house; Monique for flirting with, and accepting a drink from, a stranger; Kate for wearing a top that flattered her body. These seemingly innocuous interactions were read as invitations to sex, regardless of young women's intentions or perceptions.

Another way in which young women were blamed for being victimised was in their failure to show physical resistance. As we noted with respect to young people's perceptions of telling and knowing when a partner is agreeing to have sex, an absence of outright verbal refusal was taken as evidence of consent 'because she

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

didn't say anything'. For instance, after watching the film featuring Kate, many young people reported that as there were multiple perpetrators meant she could not be blamed for 'not fighting back', since she would have been overpowered and 'wasn't strong enough to push them away'. Young women who did not 'push him off' when it was an individual were implicitly agreeing to have sex.

Presentation of self in the form of sexually revealing clothing was another popular topic of discussion, with most young men perceiving that how a young woman dressed acted as an indication of her sexual availability.

*'If you wear tight tops, and tight leggings and things like that, they seem to be asking for more if you get what I mean' (Young man, year 10, LON-FG4).*

Young women accepted these as unwritten rules governing their behaviour.

*'They will grab them and you know, sometimes if a girl is like no, she will probably put her foot down and say no, and the boy will start grabbing her, forcing her, and it ends up as rape. But then again, I think it's mostly the girls' fault because they can be seducers sometimes. The way they, girls, just to impress guys, and it's the way they dress. It's like say if you see a girl with a short dress on and no tights on, obviously she's going to get wolf whistles at her, she's just drawing attention to herself... And if you're dressed up like a Katie Price or something like that, you're just going to get, you're probably bound to get raped or get wolf whistles' (Young woman, 17, LON-I2).*

Here young women had responsibility not just for avoiding sexual violence, but also for making it happen.

In the next and final section of the report we pull together these findings and make recommendations for practice and policy with respect to sexual consent

# Conclusions

*'I think if she feels that she has no choice, even if she gives consent or not it's not really consent is it? Because if she gave consent it would feel fine, or she should feel fine about it'* (Young man, 18, LON-I4).

*'It should be guy's duty to ask and make sure'* (Young man, year 11, SW-FG1).

Findings from the survey, focus groups and interviews demonstrate that young people's understandings of consent in the abstract are relatively clear, but when applied to real situations, gendered codes of behaviour and victim blame change how they make sense of sexual negotiation. For many, young women are held responsible for 'getting themselves in situations' and expected to physically or verbally demonstrate refusal, while young men are presumed to be reckless about whether or not young women want to have sex, along a spectrum that ranges from failing to seek consent, through manipulation and persuasion to pressure and coercion.

That young women are positioned as sexual gatekeepers means that they are simultaneously blamed for victimisation, yet also denied the possibility of actively desiring sex. At the same time, the notion of '*man points*' acts as a powerful influence in how many young men perceive that they are expected to behave; points are accumulated through sexual conquest. As Burkett & Hamilton (2012) suggest, preventing sexual violence and exploitation requires 'reconnecting popular understandings of sex with issues of power, gender and socio-cultural norms' (p830).

A minority of young people described consensual sexual activity in terms of mutuality and reciprocity, as a communicative model advocated by Lois Pineau (1996). We close here with what our research tells us about the original research questions set out by the Office of the Children's Commissioner.

1. *Do children and young people understand the concept of consent? How do children and young people understand 'consent to sexual activity' as a concept? How do children and young people explain consent?*

For the most part, young people understand the concept of consent. They frame it in terms of permission, approval, readiness and mutuality. However, their perception of consent is that it is to be *given*, primarily by young women, and they have minimal awareness or understanding of getting consent. The law on consent refers to both the 'freedom' and 'capacity' to consent. While young people are able to describe and explain circumstances where capacity to consent is absent or compromised, they have a limited sense of 'freedom to consent' and thus the constraints and pressures that inhibit willing and enthusiastic participation in sexual activity.

2. *What informs and shapes young people's understanding of consent? (considering ideals, attitudes, individuals, mechanisms, cultures and subcultures etc)*

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

Far and away the most significant influence on young people's understanding of consent is constructions of gender, particularly of masculinity. All young people referred to the sexual double standard which rewards young men for having sex while excoriating young women who do so. The celebrity role models of sexualised popular culture to which young people aspire are those whose achievement lies in their (hetero)sexual appeal. Pornography plays a bigger role yet, used by almost all young men who took part in the qualitative strands as a source of guidance about sex and reported by their female peers as shaping sexist attitudes and expectations.

*3. How do children and young people perceive that they have given consent?*

Giving consent is understood and described as having communicated willingness to have sex. For some young people this means having a conversation about readiness to have sex, but for the majority it involves non-verbal cues. Young people are less able to identify how they have decided for themselves that they agree to have sex. In the process of deciding to give consent, most young women report considerable emotional work to negotiate avoiding being labelled a 'slag', as well as pressure from young men.

*4. How do children and young people perceive that they have made a choice?*

The extent to which young people feel able choose to have sex is shaped by deeply gendered expectations and experiences. Young men experience pressure in the form of 'man points' that equate masculinity with sexual conquest, and young women through the age old labels of 'slags and drags'. While these social constructions are powerful within peer groups, young women are also subject to additional pressures from individual boys. Thus the entire concept needs to be relocated in contexts which shape the possibilities and constraints on choices.

*5. How do children and young people perceive that someone else has consented?*

The notion of actively seeking consent is largely alien to young people, and compounded by information from adults that focuses on the importance of 'giving' rather than 'getting' consent. Agreement to have sex is therefore read in terms of an absence of resistance; sexual partners are perceived to have consented if they do not say no or reject sexual advances. Reciprocating intimacy (e.g. kissing, removal of clothes) is understood as explicit consent, regardless of the surrounding circumstances.

*6. How do children and young people recognise and/or describe when someone has not consented?*

The majority of children and young people can identify a range of scenarios that legally constitute rape. However they are more likely to recognise non-consensual sex where it fits with a template of 'real rape'; involving strangers, alcohol and/or multiple perpetrators. For many young people, only physical resistance is evidence that someone does not want to have sex. Overall, survey responses indicate that young women are more able to recognise where consent has not been sought or given than young men. Age is also relevant here, with those aged 13-14 less likely to recognise non-consent than older age groups.

7. *Are there different contexts within which children and young people feel able or unable to give consent?*

Many young women describe relationships as a context in which they anticipate being pressured into sex, often through persuasion and manipulation. Being intoxicated is another context in which young people understand that they may not be able to give consent.

8. *How do children and young people describe their legal rights in relation to consent?*

Children and young people mainly understand the legal frameworks around consent in terms of an age threshold. Most have awareness of how capacity to consent is diminished by alcohol use or being asleep. Both young men and young women attribute culpability for rape to young women's actions: wearing revealing clothing, drinking alcohol, visiting men's houses, and sending sexualised pictures (sexting) are all seen as evidence of sexual availability and invitation. Young women are, as a consequence, subsequently blamed for exploitation and violence. These wider contexts are far more important in young peoples' lives and perspectives than legal formulations of consent.

9. *To consider whether children and young people's understanding of consent changes over time*

Survey responses indicate that young people aged 13-14 are least able to recognise circumstances that legally constitute rape, and 16-18 year olds the most able to do so. The same applies for these age groups in terms how comfortable they are with sex in coercive circumstances. Fifteen therefore appears to be a pivotal time for changing understandings of consent, perhaps because it is the time when many young people begin having sex.

10. *How does children's and young people's understanding of the law compare to their recognition or conceptualisation of consent?*

The biggest gap between their knowledge of the law and conceptualisation of consent is in relation to 'freedom to consent'. Very few young people are familiar with the legal formulation that involves capacity and freedom, and many do not recognise the range of non-consensual activity that constitutes rape.

11. *What are the implications of all of the above for children and young peoples' experiences of child sexual exploitation in gangs and groups?*

We distinguish here between 'gangs', associated primarily with neighbourhoods and young men and 'groups' which are usually adult men exploiting much younger women, and that may have a much wider reach in terms of geography.

Gangs are contexts where masculinity is often enacted through violence. These collective codes mesh with notions of young women as 'sexually available' if they dress and/or act in certain ways. The connection we found between the two is the concept of '*man points*', which can be accrued through sexual conquest. Sexually exploitative activity can be subsequently framed as the fault of young women. Young men's decisions thus appear invisible outside of the gang, whilst inside they are of central importance in establishing status and authority. For young women, pressure

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

to avoid being labelled 'frigid' and the limited roles in which they are cast gives little space for resisting expectations of sexual availability.

In terms of groups young women are targeted often before the age of 15, the point at which their understandings of consent seem to become clearer. The 'you didn't say no' version of consent functions here to legitimise the behaviours of men who are manipulating both naivety and the wish to be loved and liked among vulnerable young people.

Both inside and outside the gang/group contexts consent is therefore read as choice and willingness from young women's actions, while for young and adult men there is no requirement to actively seek agreement.

*12. What are the implications of all of the above when considering the remedial activity required to tackle child sexual exploitation in gangs and groups?*

All preventative work on sexual exploitation and violence needs to examine and unpick how young men perceive what it means to be a boy/man, and peer group norms that inflect expectations of behaviour. Different interventions will also be necessary for different young men: there will be more opportunities for conversation where young masculinities are in the process of forming. For those enacting predatory masculinity, including abusive adults operating in groups, criminal justice responses are likely to be the most appropriate.

Alongside this, the teaching of sexual consent should be fundamentally grounded in analysis of the sexual double standard. The importance of reputation and status are important for young people, but these are gendered and unequal: a sexual reputation enhances young men's status whilst diminishing young women's. Discussions of readiness and willingness to have sex need to challenge these ideas and the assumptions about gender and sexuality that underpin them.

Specific work should also target 13 and 14 year olds, where understandings of consent are less clear, and pressure and coercion can be masked as love.

## Recommendations

- Local action is required for all schools and education providers to ensure that there are opportunities for young people to explore the meaning of consent in the context of relationships and sex education.
- Five 5 aspects should be core to all discussions in educational or youth work settings:
  - that *getting* is as important as *giving*
  - applying ideas about consent to real life situations
  - the gendered double standard
  - positive and active communication that goes beyond expecting partners to 'say no'
  - challenging victim blame.
- Targeted sessions should take place with younger teenagers about the boundaries between consent and coercion to ensure they understand what it means to get and give consent.
- Relationships and sex education should address pornography as an important influence on young people's understandings about expectations of sex and attitudes to women and girls.
- Education and youth settings need to develop policies and practices that enable young people to critically explore gender – what it is to be male and female – and pressures or expectations to act in certain ways that potentially cause harm to others or oneself.
- Guidance on sexting should address not only the behaviours of those who manipulate young women into sending images, but also those that share such images without consent.

## References

- Abrahamson, M. (2004) Alcohol in courtship contexts: focus-group interviews with young Swedish women and men *Contemporary Drug Problems* 31: 3–29.
- Agbo-Quaye, S., & Robertson, T. (2010) The motorway to adulthood: Music preference as the sex and relationships roadmap *Sex Education* 10(4) 359–371.
- Barter, C., McCarry, M., Berridge, D., & Evans, K. (2009) *Partner exploitation and violence in teenage intimate relationships* London: NSPCC.
- Berelowitz, S., Firmin, C. Edwards, G., & Gulyurtlu, S. (2012) “*I thought I was the only one. The only one in the world*”: *The Office of the Children’s Commissioner’s Inquiry into Child Sexual Exploitation In Gangs and Groups* London: OCC.
- Bluett-Boyd, N., Fileborn, B., Quadara, A., & Moore, S. (2013) *The role of emerging communication technologies in experiences of sexual violence: A new legal frontier?* Melbourne: Australian Institute of Family Studies
- Boyle, K. (2010) Introduction: Everyday Pornography in K. Boyle (ed) *Everyday Pornography* London: Routledge.
- Burkett, M. & Hamilton, K. (2012) Postfeminist sexual agency: young women’s negotiations of consent *Sexualities* 15: 815–833.
- Cameron-Lewis, V., & Allen, L. (2013) Teaching pleasure and danger in sexuality education *Sex Education* 13(2) 121–132.
- Carmody, M. (2009) *Sex & Ethics: Young People and Ethical Sex* South Yarra: Palgrave MacMillan.
- Coy, M. (2009) Milkshakes, lady lumps and growing up to want boobies: how the sexualisation of popular culture limits girls’ horizons *Child Abuse Review* 18 (6) 372–383.
- Coy, M., Lee, K., Roach, C. & Kelly, L. (2010) *A Missing Link? An Exploratory Study of Connections between Teenage Pregnancy and Non-Consensual Sex* London: CWASU, London Metropolitan University.
- Coy, M., Thiara, R. & Kelly, L. (2011) *Boys think girls are toys? An evaluation of the nia project sexual exploitation prevention programme* London: CWASU, London Metropolitan University.
- Coy, M. & Garner, M. (2012) Definitions, discourses and dilemmas: policy and academic engagement with the sexualisation of popular culture *Gender & Education* 24(3) pp. 285–301.
- Coy, M. (2013) Children, Childhood and Sexualised Popular Culture in J. Wild (ed) *Exploiting Childhood: How Fast Food, Material Obsession and Porn Culture are Creating New Forms of Child Abuse* London: Jessica Kingsley Publishing.
- Office of the Children’s Commissioner: “Sex without consent, I suppose that is rape”: How young people in England understand sexual consent



Crown Prosecution Service (2012) *CPS Policy for Prosecuting Cases of Rape*  
Available at: <http://www.cps.gov.uk/publications/prosecution/rape.html> [accessed 13 April 2013].

Demant, J. & Heinskou, M.B. (2011) Taking a chance: sex, alcohol and acquaintance rape *Young* 19(4) 397–415.

Elley, S. (2011) Young Women, Class and Gendered Heterosexuality: The Implication of Educational Aspirations and Social Networks for Sex Education Messages *Sociology* (45)3 413-429.

EVAW (2011) *A Different World is Possible: Promising practices to prevent violence against women and girls* London: EVAW.

Firmin, C (2010) *Female Voice in Violence Project: A study into the impact of serious youth violence on women and girls*, London: ROTA.

Firmin, C (2011) *This is it... this is my life: The Female Voice in Violence Project Final report* London: ROTA.

Flood, M. (2008) Men, Sex, and Homosociality: How bonds between men shape their sexual relations with women *Men and Masculinities* 10(3) 339–359.

Flood, M. (2009) The Harms of Pornography Exposure Among Children and Young People *Child Abuse Review* 18(6) 384–400

Frith, H. (2009) Sexual scripts, sexual refusals and rape in: M.A.H. Horvath and J.M. Brown (eds) *Rape: challenging contemporary thinking* Cullompton: Willan Publishing.

Frosh, S., Phoenix, A. & Pattman, R. (2002) *Young masculinities: Understanding boys in contemporary society* London: Palgrave.

Funnell, N. (2011) Sexting and peer-to-peer porn in M. Tankard Reist & A. Bray (eds) *Big Porn Inc: Exposing the Harms of the Global Pornography Industry* Melbourne: Spinifex Press 34–40.

Gill, R. (2007) Critical Respect: The Difficulties and Dilemmas of Agency and 'Choice' for Feminism: A Reply to Duits and van Zoonen *European Journal of Women's Studies* 14(1) 69–80.

Griffiths, C., Prost, A., & Hart, G.J. (2010) Understanding social and cultural influences on the relationships and sexual experiences of young British Pakistanis in London: is there unmet sexual health need? *Journal of Epidemiology & Community Health* 64 September supplement pA28-A29.

Guasp, A (2012) *The School Report: The experiences of young gay people in Britain's Schools 2012*. London: Stonewall.

Hald, G., Malamuth, N., Yuen, C. (2010) Pornography and attitudes supporting violence against women: revisiting the relationship in nonexperimental studies *Aggressive Behavior* 36(1):14–20.

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

HM Government (2010) *Call to End Violence Against Women and Girls: A Strategic Vision* London: Cabinet Office.

HM Government (2011) *Call to End Violence Against Women and Girls: An Action Plan* London: Cabinet Office.

Holland, J, Ramazanoglu, C, Sharpe, S & Thomson, R (1998) *The Male in the Head: Young People, Heterosexuality and Power*, London: The Tufnell Press.

Hoggart, L., & Phillips, J. (2009) *London Teenage Abortion and Repeat Abortion Research Report* London: Policy Studies Institute.

Home Office (2000) *Setting the Boundaries: Reforming the Law on Sex Offences - Volume 1*. London: Home Office.

Horvath, M.A.H, Alys, L., Massey, K., Pina, A., Scally, M. & Adler, J. (2013) *“Basically... porn is everywhere”: A Rapid Evidence Assessment on the Effects that Access and Exposure to Pornography has on Children and Young People* London: Office of Children’s Commissioner.

Hyde, A., Drennan, D., Howlett, H., Brady, B. (2008) Heterosexual experiences of secondary school pupils in Ireland: sexual coercion in context *Culture, Health & Sexuality* 10(5) 479–493.

Jeffner, S. (2000) *Different space for action: The everyday meaning of young people’s perception of rape* Paper given at ESS Faculty Seminar, University of North London, May.

Judicial Studies Board (2010) *Crown Court Bench Book: Directing the Jury* London: JSB. Available at: [http://www.judiciary.gov.uk/Resources/JCO/Documents/Training/benchbook\\_criminal\\_2010.pdf](http://www.judiciary.gov.uk/Resources/JCO/Documents/Training/benchbook_criminal_2010.pdf) [accessed 5 July 2013].

Jyrkinen, M. (2012) McSexualisation of bodies, sex and sexualities: mainstreaming the commodification of gendered inequalities in M. Coy (ed) *Prostitution, Harm and Gender Inequality: Theory, Research and Policy* Farnham: Ashgate.

Kelly, L. (1987) *Surviving Sexual Violence* Cambridge: Policy Press.

Kelly, L. (2003) The Wrong Debate: Reflections on Why Force is Not the Key Issue with Respect to Trafficking in Women for Sexual Exploitation *Feminist Review* 73: 139–144.

Kelly, L. (2007) ‘A conducive context’: Trafficking of persons in Central Asia in M. Lee (ed) *Human Trafficking* Cullompton: Willan Publishing.

Kitzinger, C. and Frith, H. (1999) Just Say No? The Use of Conversation Analysis in Developing a Feminist Perspective on Sexual Refusal *Discourse and Society* 10(3):293–316.

Kimmel, M.S. (2004) Masculinity as Homophobia: Fear, Shame, and Silence in the Construction of Gender Identity in P. F. Murphy (ed.) *Feminism and Masculinities* Oxford: Oxford University Press pp.182–199.

Office of the Children’s Commissioner: “Sex without consent, I suppose that is rape”: How young people in England understand sexual consent

Levin, D.S., Ward, M., & Neilson, E.C. (2012) Formative Sexual Communications, Sexual Agency and Coercion, and Youth Sexual Health *Social Service Review* 86(3) 487–516.

Livingstone, S. (2008) Taking risky opportunities in youthful content creation: teenagers' use of social networking sites for intimacy, privacy and self-expression *New media & society* 10 (3) 393-411.

Lovett, J. & Horvath, M.A.H. (2009) Alcohol and drugs in rape and sexual assault in Horvath, M. A.H. & Brown, J. (2009) *Rape: Challenging Contemporary Thinking* Cullompton: Willan.

Malamuth, N.M., Hald, G.M., & Koss, M. (2012) Pornography, Individual Differences in Risk and Men's Acceptance of Violence Against Women in a Representative Sample *Sex Roles* 66: 427–439.

Marston, C., and King, E. (2006) Factors that shape young people's sexual behaviour: a systematic review *Lancet* 368(9547): 1581–6.

Maxwell, C & Aggleton, P. (2010) Agency in action – young women and their sexual relationships in a private school, *Gender and Education*, 22 (3) 327–343.

McCarry, M. (2010) Becoming a 'proper man': young people's attitudes about interpersonal violence and perceptions of gender *Gender and Education* 22(1) 17–30.

Ministry of Justice, Home Office & the Office for National Statistics (2013) *An Overview of Sexual Offending in England and Wales* London: MOJ. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/214970/sexual-offending-overview-jan-2013.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/214970/sexual-offending-overview-jan-2013.pdf) [accessed 5 March 2013].

Muñoz-Rivas, M.J., Grana, J.L., O'Leary, D., Gonzalez, M.P. (2009) Prevalence and predictors of sexual aggression in dating relationships of adolescents and young adults *Psicothema* 21(2) 234–240.

Newby, K., Wallace, L.M., Dunn, O., & Brown, K.E. (2012) A survey of English teenagers' sexual experience and preferences for school-based sex education *Sex Education* 12(2) 231–251.

O'Byrne, R., Rapley, M., & Hansen, S. (2006) 'You Couldn't Say "No", Could You?' Young Men's Understandings of Sexual Refusal *Feminism & Psychology* 16(2) 133–154.

Pascoe, C.J. (2007) *Dude, You're a Fag: Masculinity and Sexuality in High School* Berkeley: University of California Press.

Pearce, J.J. (2013) 'A Social Model of 'Abused Consent' in Melrose, M. and Pearce, J.J. (eds.) *Critical Perspectives on Child Sexual Exploitation and Related Trafficking* London: Palgrave Macmillan: 52–69.

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

- Piccigallo, J. R., Lilley, T. G., & Miller, S. L. (2012) It's cool to care about sexual violence: men's experiences with sexual assault prevention *Men and Masculinities* 15(5) 507–525.
- Pineau, L. (1996) *Date Rape: A Feminist Analysis* in L. Francis (ed) *Date Rape: Feminism, Philosophy and the Law* Pennsylvania: State University Press.
- Powell, A. (2010) *Sex, Power and Consent: Youth Culture and the Unwritten Rules* Cambridge: University Press.
- Powers-Albanesi, H. (2009) *Gender and sexual agency: how young people make choices about sex* Lanham MD: Lexington Books.
- Ringrose, J., Gill, R., Livingstone, S., & Harvey, L. (2012) *A qualitative study of children, young people and 'sexting'* London: NSPCC.
- Schubotz, D. Rolston, B. and Simpson, A. (2004) Sexual behaviour of young people in Northern Ireland: First sexual experience *Critical Public Health* 14 (2) 177–190.
- Sinha, S., Curtis, K., Jayakodyc, A., Viner, R. & Roberts, H. (2007) 'People Make Assumptions about our Communities': Sexual Health Amongst Teenagers from Black and Minority Ethnic Backgrounds in East London *Ethnicity & Health* 12(5) 423–441.
- Smette, I., Stefansen, K., Mossige, S. (2009) Responsible victims? Young people's understandings of agency and responsibility in sexual situations involving underage girls *Young* 17(4): 351–373.
- Teten A.L., Ball B., Valle L.A., Noonan R., Rosenbluth B. (2009) Considerations for the definition, measurement, consequences, and prevention of dating violence victimization among adolescent girls *Journal of Women's Health* 18: 923–927.
- Temkin, J. & Ashworth, A. (2004) The sexual offences act 2003: (1) Rape, Sexual Assaults and the Problems of Consent *Criminal Law Review* 328–346.
- Temkin, J. & Krahé, B. (2008) *Sexual Assault and the Justice Gap: A Question of Attitude* Oxford: Hart Publishing.
- Thomson, R. (2004) 'An Adult Thing'? Young People's Perspectives on the Heterosexual Age of Consent *Sexualities* 7(2) 133–149.
- Totten, M. (2003) Girlfriend Abuse as a Form of Masculinity Construction among Violent, Marginal Male Youth *Men and Masculinities* 6(1) 70–92.
- Vannier, S. A., & O'Sullivan, L. F. (2010) Communicating interest in sex: Verbal and nonverbal initiation of sexual activity in young adults' romantic dating relationships *Archives of Sexual Behavior* 40: 961–969.
- Walters, M.L., Chen J., & Breiding, M.J. (2013) *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Findings on Victimization by Sexual Orientation* Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

Wight D., Parkes A., Strange V., Allen E., Bonell C., Henderson M. (2008) The quality of young people's heterosexual relationships: A longitudinal analysis of characteristics shaping subjective experience *Perspectives on Sexual and Reproductive Health* 40: 226–237.

Zhang, Y., Miller, L.E., & Harrison, K. (2008) The Relationship Between Exposure to Sexual Music Videos and Young Adults' Sexual Attitudes *Journal of Broadcasting & Electronic Media* 52(3) 368–386.

## Appendix 1: Current legal and policy context

Sexual offences law in England and Wales, before the 2003 reform, was based on ideas of sexual conquest and reluctance (Home Office, 2000).<sup>12</sup> Young women were expected to protect their honour by refusing sex and only give in with reluctance. Young men, on the other hand, were expected to ask, initiate and desire. So, within this model female sexuality was negative or responsive. The law on consent drew on this model, with 'reluctant acquiescence' (R v Olugboja [1982] QB 320) an acceptable legal concept, making some forms of coercion legally permissible. The first calls for a positive consent standard, drawing on reforms in Australia, were made in the late 1990s: here the definition of consent presumed an asking and a response, and implicitly recognised that it was possible for the woman to desire and do the asking. The Sexual Offences Act 2003 (SOA) took up this challenge, formulating it into a statutory definition of consent. In the event, the operation of the common law is such that the older ideas (including 'reluctant acquiescence') still operate in practice, within legal cases (Temkin & Krahe, 2008).

The rationale for defining consent in statute presented in *Setting the Boundaries* (Home Office, 2000) – the report underpinning the overhaul of sexual offences law in England and Wales – was to achieve simplicity and clarity. The proposal was to define consent as 'free agreement' alongside a non-exhaustive list of situations where consent could be presumed not to be present. In the actual legislation a more complex formulation appears: the Sexual Offences Act 2003 states that a person consents to sexual activity 'if he or she agrees by choice and has the freedom and capacity to make that choice'.<sup>13</sup>

The recommendation that a standard direction to juries, similar to that in the then Australian Model Criminal Code (a federal project)<sup>14</sup> was not adopted in the legislation and nor does it appear in the Benchbooks which guide judges. The 2010 Benchbook (Judicial Studies Board, 2010) does contain two examples of how judges *might* craft guidance on consent; one contains the following paragraph.

*Consent, you will realise, is a state of mind which can take many forms from willing enthusiasm to reluctant acquiescence. For the purposes of the charge of rape the Act of Parliament is very specific about the meaning of consent. The complainant consented if, and only if, (i) she had the freedom and capacity to make a choice and (ii) she exercised that choice to agree to sexual intercourse. The agreement need not, of course, be given in words provided that the woman was agreeing with her mind* (Judicial Studies Board 2010: 373)

---

<sup>12</sup> See Chapters 1 and 2 of 'Setting the Boundaries' (Home Office, 2000).

<sup>13</sup> Interestingly six years later the Scottish reforms opted to define consent as 'free agreement'.

<sup>14</sup> The Australian direction required judges in relevant cases to instruct the jury that: 'a person is not to be regarded as consenting to a sexual act just because: the person did not say or do anything to indicate they did not consent; or the person did not protest or physically resist; or the person did not sustain physical injury; or on that or an earlier occasion, the person had consented to engage in a sexual act (whether or not of the same type) with that person or a sexual act with another person' (Home Office, 2000: 20).

The phrase 'agreeing with her mind' is problematic here, since in a legal case it will be decided on whether it was reasonable for the accused to believe that she was giving consent. Arguably this sits uneasily with the active, rather than passive, consent that the law reform sought to encode. This is even clearer in the Scottish Law Commission's 2007 report, which prefigured Scots law reform in 2009. Here the intention to require active consent is discussed extensively and explicitly, with both parties deemed to be responsible: 'each is equally active in reaching agreement' (p19) and that in an investigation the focus should be on the actions of the accused 'in the process of reaching agreement' (p23). These variants in formulation raise questions about the difference(s) between being able *to tell* that someone wants to have sex, and *knowing* that they do, an issue we explored here with young people.

### **Sexual Offences Act 2003**

Consent was defined in statute, for the first time, in the Sexual Offences Act 2003 as: 'a person consents if he or she agrees by choice, and has the freedom and capacity to make that choice'. A consent defence cannot be used in cases involving a child under 13: here the principle of strict liability applies – if the acts required for the offence are proven to have taken place, there is no defence of consent. Where the young person is aged 13, 14 or 15 the SOA still provides this additional protection, unless the defendant can show that he reasonably believed the young person to be aged 16 or over (sections 9–12 of the SOA 2003). This exception is built into the legislation as there is a perceived risk that young women (in particular) may lie about their age, pretending to be older than they are. It is probably fair to comment that the statutory definition of consent, cited above, in section 74 at least sounds fairly easy to understand. However it is complicated by the addition of provisions in sections 75 and 76. Section 75 outlines six circumstances in which an evidential presumption against the existence of consent will be raised. If, for example, the complainant young person is made to fear immediate violence, then the law takes the view that consent is less likely to be present. This presumption can, however, be rebutted by the defence presenting evidence to the contrary. Section 76 deals with deception about the act or who the defendant claimed to be.

The structure and complexity of sections 75 and 76 has been the subject of some academic criticism (Temkin & Ashworth, 2004). However the provision that has provoked the most concern has been section 75(2)(f). This raises a presumption where the complainant has taken a substance which could have caused the complainant to be 'stupefied' at the time of the sexual act. The contentious aspect of this provision is that the substance has to have been 'administered' without the complainant's consent. It is not clear why self-induced intoxication should be excluded in this way, since it is presumably equally damaging to the ability to give consent.

This is clearly a key issue for young people who are known to experiment with a range of substances that can 'stupefy' and who developmentally lack experience both as to the use of these substances and in negotiating consent. In other jurisdictions there are provisions which clearly remove the ability to consent when a person is severely intoxicated, no matter how that arose (criminal law in some US states, such as New York).

Thus far, therefore, it can be argued that the SOA has not provided a clear and simple framework for accessible law that might readily be discussed with young people.

Guidance from the Crown Prosecution Service (CPS) does elaborate further on how consent is to be understood.

*The essence of this definition is the agreement by choice. The law does not require the victim to have resisted physically in order to prove a lack of consent. The question of whether the victim consented is a matter for the jury to decide, although we consider this issue very carefully throughout the life of the case. The prosecutor will take into account evidence of all the circumstances surrounding the offence.*

*The Sexual Offences Act 2003 requires the defendant to show that his belief in consent was reasonable. In deciding whether the belief of the defendant was reasonable, a jury must have regard to all the circumstances, including any steps he has taken to ascertain whether the victim consented. In certain circumstances, there is a presumption that the victim did not consent to sexual activity and the defendant did not reasonably believe that the victim consented, unless he can show otherwise. Examples of circumstances where the presumption applies are where the victim was unconscious, drugged, abducted or subject to threats or fear of serious harm.*

*People who have consumed alcohol may reach such a level of drunkenness that they no longer have the capacity to give consent. The courts recognise that this stage may be reached well before they become unconscious (CPS, 2012).*

This explanation does provide a clearer framework and stresses that the focus on consent is that there is an 'agreement by choice' with the actions of the complainant party only under scrutiny in an assessment of whether they had the freedom or capacity to agree. Whether consent was sought should be investigated by the police but only becomes an issue legally if a consent defence is used in court – in this instance the defence are expected to show the steps taken to ensure consent was obtained. Regrettably, there has been no research on the extent to which this is, in fact, examined in court, especially since defendants do not have to give evidence.

### ***Other approaches to consent or agreement***

There are a number of other areas which could be examined to look for alternative models of regulation of agreement. Indeed the concept of 'free agreement' which was used to draft the SOA provisions was originally formulated by Canadian Lois Pineau, drawing on the model in contract law (Pineau, 1996) in her 'communicative consent' concept that we discuss later.

Sexual consent also differs markedly from 'informed consent' in ethics for medical and social research – here the emphasis is on getting consent, with clear responsibilities to do this explicitly and transparently, whilst having carefully considered the potential for negative consequences. The same can be said of informed consent for medical procedures, where there is a clear expectation that the doctor will explain the positive and negative outcomes.



Whilst we are not suggesting that sex should follow this model it is worth reflecting on the difference in contexts: why in relation to medical procedures the focus is on *obtaining* consent, yet with respect to sex it is on *giving* consent.

Finally the model of 'coercive circumstances' from international criminal law can also be usefully considered as a radically different way of approaching the question of whether sexual contact was legally negotiated. Here the courts have moved away from looking only at what happened between the parties to considering the context of the sexual encounter.<sup>15</sup> In relation to young people, it can be helpful to think about the effect of such an approach to circumstances such as intoxication or multiple perpetrators, for example. It is possible to ask, where a young person is drunk, stoned or having sex with more than one other person are the circumstances surrounding the sexual acts coercive? If so, should they be legal?

---

<sup>15</sup> It was originally developed in the case of Akayesu which concerned rapes committed during the Rwandan genocide. See Prosecutor v John-Paul Akayesu ICTR 96-4-T.

## Appendix 2: What we know about young people and sexual consent

The literature on young people and sexuality is too extensive to review here. We therefore undertook a search process with the following criteria:

- recent publications, since the contexts for young people are rapidly changing
- studies undertaken in the UK
- research which addressed gender, ethnicity, sexuality and disability
- work in which the issue of consent and/or coercion are dealt with explicitly.

In this summary we discuss work where at least two of these criteria were present, but have read far more widely in the preparation of this report. To organise the material five themes are used: sex education; sexual activity; sexual coercion; sexual consent; and wider influences.

A central theme in many of the studies is how to simultaneously recognise young people's sexual agency and the risks, uncertainties and legal contexts in which they are situated. Adolescence and young adulthood are a period in which gender and sexual identities are developing and in this flux these aspects of identities and experience can be sources of both affirmation and/or insecurity. Crawford (2012), for example, explores this with respect to 'sexting', arguing that there is a need to distinguish between consensual behaviour and that which constitutes abuse and harassment. As we have seen, for young people, both consent and coercion are slippery concepts, making the drawing of such boundaries complex and even contradictory. Whilst the law constructs a clear boundary between consensual and non-consensual sex, experiential accounts are more complex; to reflect this in the accounts of adult women Liz Kelly (1987) introduced the concept of a continuum of sexual violence – that in their perceptions there was not a simple binary of rape and consent, but a more complex reality that includes pressure and coercion.

Whilst gender is a core concept in most research on young people and sexual consent, there has been less attention paid to other dimensions of inequality in young people's lives. There is undoubtedly more space than in previous generations for lesbian, gay, bisexual and transgender (LGBT) identities to emerge: here research has tended to focus on the persistence of bullying and exclusion, especially in schools (e.g. Guasp, 2012). There is some literature exploring the complexities for young people negotiating multiple value systems – across culture and religion, ethnicity – but how this affects their sexual experiences and identities remains an underdeveloped field, as does the experiences of young people with disabilities. There is a need here for more intersectional analysis, extending understanding of how what has been to date a gendered double standard to exploring multiple standards and which groups have the widest and narrowest 'space for action' (Jeffner, 2000; Kelly, 2003).

## Sex education

In this section we explore what we know about how young people gather knowledge about sexual behaviour.

Although there have been some shifts away from the ‘plumbing and prevention’ model of sex education it remains framed around risk and safety, with more of an emphasis on preventing teenage pregnancy and sexually transmitted infections than on negotiating consent (Powell, 2010: 134). Open and honest communication about what interests and troubles young people is still the exception rather than the rule.

*... that sexual consent rarely features in young peoples’ recollections of sexuality education is of concern when at the same time so much reform and effort has gone into making sure the law is clear in this regard (Powell, 2010: 147).*

With no consistent and required content for Sex and Relationships Education (SRE) in England, young people’s access to accurate information and spaces to explore the complexities of their lives and decision making remain constrained. The only mandatory requirements are to teach biological and technical aspects. Yet two decades of research shows that this ‘plumbing and prevention’ approach is not what young people want or need. A survey of over 20,000 young people by the UK Youth Parliament (UKYP) reported that 40% rated sex education as poor, and almost half had received no sessions about relationships (UKYP, 2007). Another study of 4,353 young people in schools in England found that over half requested more information and advice on how to resist sexual pressure and coercion, with girls expressing concerns about boys ‘expecting’ sex, and how to negotiate refusing to have sex (Forrest et al, 2004). Other themes where information was considered lacking included: sexual health; emotions and feelings; bodily development and same sex relationships.

The consistent request from young people for an open forum in which it is possible to ask questions and explore emotional conflicts and complex realities remains, for the majority, yet to be achieved (Powell, 2010). Fernandez et al (2008) note that friends remain the most important source of information about sex for young people, although a recent review (Horvath et al, 2013) draws attention to the increasing influence of pornography on young peoples’ sexual ‘knowledge’. Moira Carmody (2009) argues persuasively that the inadequacy of SRE decreases the ability of young people to critically engage with pornography. She argues for linking what she calls ‘sexuality education’ with prevention of sexual violence to ‘promote the negotiation of consensual, reciprocal and mutually pleasurable sex’ (cited in Powell, 2010: 140).

Newby et al (2012) report on a study of SRE delivered to 13–17 year olds in ten schools in England which revealed that there were different sexual experiences and preferences for how SRE was delivered by gender and ethnicity, which creates challenges for inclusive delivery. Several recent papers suggest that sexual health knowledge is weaker among young people from some minority communities (Griffiths et al, 2010), whilst drawing attention to the creative strategies young people use when negotiating conflicting value systems. Sinha et al (2007), however, warn against making stereotypical assumptions on the basis of ethnicity and religion. Debates on whether SRE should be adapted to cultures and faith persist, and within

Office of the Children’s Commissioner: “Sex without consent, I suppose that is rape”: How young people in England understand sexual consent

these there is limited engagement with the potential unintended consequences of groups of young people having differential information and awareness of rights.

Levin et al (2012) remind us that within broader cultural contexts young women and young men get different messages about sexual agency and sexual coercion, and that these can be reinforced within SRE if these are not named and challenged. Anastasia Powell (2010) also notes that some classes appear to offer young men an opportunity to assert status and enact male dominance, through bragging about sexual performance, sexual joking and teasing (p139). Rather than a reflective space such lessons can serve to reproduce sexist norms. Elley (2011) further emphasises the importance of normative discourses within young people's social networks, which have a class dimension, arguing that these are frequently more influential than the content of SRE. Cameron-Lewis and Allen (2013), whilst recognising that current evidence points towards single sex groups being the most effective, ask whether this denies young people an opportunity to explore consent in practice. By this they mean the possibility to negotiate meaning and complexity, in the process of creating what they term an 'ethical erotics'. Another study argues the opposite, making a strong claim that where young men were approached in a non-confrontational way, and offered the possibility by other young men to join efforts to prevent sexual violence, this opens up a space in which they can become stakeholders in creating change (Piccigallo et al, 2012).

## **Being sexual**

How young people make decisions about whether, when and with whom to be sexually active is another strand of research; one in which the role of peer and individual pressure feature strongly and are profoundly gendered. The experience of sex for young people is not simply 'good' or 'bad' but suffused with ambivalence – that they engage in it at all, alongside its meanings and consequences.

Marston and King (2006) in a systematic review, conclude that there are gendered penalties and rewards for young people in being sexual active, with male and female status and reputations at stake. The potential loss of status and gaining of a 'reputation' is a significant inhibition for young women being able to consent with a positive yes. Flood (2008), in the context of Australia, explores how young men's relationships with each other shapes both their 'sex talk' – sexual boasting and storytelling – and their practices: their standing and reputation being linked to having had sex frequently. He discusses the possibility of male bonding through coercive sexual practices (p346), what young men term 'pushing it'.

A focus group study with young people in Ireland (Hyde et al, 2008) found that both young women and young men reported considerable social pressure to be sexually active. Young men described it in terms of needing to have sex in order to establish their heterosexual masculinity. Young women, in contrast, talked about young men being 'pushy' (see also Schubotz et al, 2004). In explaining this young men invoked the notion of the male sex drive: that it is 'natural' for males want/seek sex all the time and that once aroused it is difficult to stop. Young women concurred with this account – that there is an obligation on young women to 'put out' if men were aroused. These normative expectations made it difficult to identify coercion beyond the explicit use of force, since a certain amount of pressure was normalised.

There is, surprisingly limited data from random sample surveys on young people's actual sexual behaviour, perhaps in part due to ethics concerns about such research.

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

A survey in Northern Ireland (Schubotz et al, 2004) found that over a quarter (26.7%) had had sex before they were 16, and underage sex was more likely to have been linked to alcohol. The most recent data for England is the Health Survey of England 2010, in which 27% of women aged 16–24 reported having had sex before they were 16, compared to 22% of young men. However, young men were more than twice as likely (27% vs 13%) to have had 10 or more partners (Robinson et al, 2011). Sexual behaviour also appears to have been changing, with the concept of dating having limited relevance: young people now make distinctions between casual sexual encounters – referred to as ‘hooking up’ or ‘linking’ – and ongoing relationships (Sinha et al, 2007). Whilst noted in the research on gang associated sexual violence (Firmin, 2011) these patterns appear to have wider relevance, including the status enhancement for young men of having multiple partners, whereas it continues to denote the reverse for young women (Sinha et al, 2007): the age old double standard.

The role of alcohol has been a contentious issue in research on sexual violence (Lovett and Horvath, 2009). Several studies (see for example, Abrahamson, 2004) explore its specific place in young people’s lives, in that it creates a social/sexual space in which some of the tensions with respect to capacity and confidence in deciding whether to be sexual are side-stepped. Demant and Heinskou (2011) argue that from young people’s perspectives this creates a situation not only of risk, but also of chance: being intoxicated temporarily suspends the usual norms governing behaviour. At the same time young women are not afforded the same latitude as young men, still being expected to be ‘self-monitoring’.

### **Sexual coercion**

Whilst sexual violence is recognised where there is force, that pressure and coercion may also be unlawful is less recognised, especially among young people (McCarry, 2010). Given that sexual crime is defined in law as the absence of consent – which does not require force – this is a significant gap. It is especially important, since young people, and young women in particular are the demographic group most likely to experience sexual violence. The Ministry of Justice, Home Office and Office for National Statistics (2013) published a useful summary, drawing on data from the British Crime Survey, which shows that the highest rates of sexual violence in the last 12 months were for respondents aged 16–19, and young women were disproportionately victims (p14). In terms of reported rapes in 2011–12 the police recorded 4,991 where the victim was a child, from a total of 16,000. Nonetheless, even crime survey data underestimates the scale of non-consensual sex, for two reasons. Firstly, the sampling frame excludes many groups which we know have even higher rates of victimisation: those in care contexts, homeless and those with disabilities that preclude them from completing the survey module on interpersonal violence.<sup>16</sup> Secondly, the questions are restricted to forms of sexual coercion which clearly constitute crimes. There is an emerging strand of research which seeks to extend this by exploring the range of coercion and pressure outside of legal parameters and random sample surveys. Wight et al (2008), for example, have been collecting data over time from young people aged 13–16, receiving SRE lessons in England and Scotland and the sample has now reached 12,000. 19% of young women and 10% of young men reported that they had been pressured the first time they had sex (ibid.). In a recent survey by the NSPCC, a third of girls (31%) and one

---

<sup>16</sup> This is completed by the participant on a computer, so requires sight, mobility and capacity to comprehend the written questions.

in six (16%) boys had experienced sexual violence from partners, with pressure and manipulation more common than physical force (Barter et al, 2009). Research in Scotland reported that one in ten young women had experienced attempted sexual assault and 3% had been forced to have sex by partners (Burman & Cartmel, 2006). Another survey exploring links between non-consensual sex and teenage pregnancy revealed that three quarters (76%) of girls and almost two thirds (62%) of boys reported that it is common for boys to pressure girls into sex. Two thirds of young people believed that young women 'go all the way' when they do not want to, in order to please their boyfriends (Coy et al, 2010). Similarly, Vannier and O'Sullivan (2010), reporting on a US study, state that 17% of their respondents had had 'sex without desire' within a committed relationship; what they term 'sexual compliance' (p429). A large number of US studies revealed significant levels of coercion in young people's sexual encounters with some identifying a 'persistent' group of young men with more misogynistic attitudes and engagement in other forms of criminal behaviour. For instance, Teten et al (2009) tracked 201 men over ten years and found two main coercive tactics: using drugs or alcohol to create a context in which women went further than they had intended (37% had used this at least once) and going further after the woman had said no (only 10% had never done this, and 48% had done it more than five times over the ten years). Munoz-Rivas et al (2009) offer further insight from their survey of Spanish young people (n=4052) in which they asked about verbal insistence (pressure) 'even where you know the other does not want to have sex': just under a third of young men admitted to having done this and almost a quarter of young women said it had been done to them.

In emerging research with lesbian, gay and bisexual young people, Walters et al (2013) draw on a large random sample prevalence study in New Zealand, and show that bisexual women have higher rates of sexual assault, whilst lesbians and gay men are similar to their heterosexual counterparts. For females, regardless of sexual orientation, the majority of perpetrators are male, and the age at which they are most at risk was 11–24.

This body of research indicates that significant proportions of young women and some young men experience a continuum of sexual pressure and violence, while some young men report using coercive tactics and techniques. Unpicking codes of behaviour associated with masculinity is therefore an important task.

### **Young masculinities**

Empirical studies have explored the cultural resources and social strategies young men draw on in order to construct masculine identities. Frosh et al (2002) in their study of 11–14 year old boys in London schools, note how a perceived dominant form of masculinity influenced boys' behaviours and understandings of acceptable manhood: the key components here were heterosexuality, toughness, power, competitiveness, authority and homophobia. Similarly, Pascoe (2007) in her study of American adolescent high school boys describes how 'fag' is used as an accusatory and demeaning label, passed from one boy to another in order to solidify a heterosexual self-identity. Identity work then for young boys can be shaped around 'a relentless test', (Kimmel, 2004) linked to (hetero)sex and power, and which in some contexts, may manifest as violent and harmful formations of masculinity.

Totten (2003) interviewed 30 young men aged 13–17 in gangs, here violence was considered a resource in response to masculinity threats/challenges. Where young women were the targets, acting outside the perceived boundaries of conventional

femininity was experienced as an affront to the young men's masculinity. Controlling women was one of few contexts in which these young men could achieve some form of dominant masculinity. Some have termed this 'hyper-masculinity', but it is perhaps better understood as a specific context in which young masculinities are forged.

## Consent

Research on how young people negotiate consent is still rare. Rachel Thomson (2004) is one of a very few UK researchers to explicitly address the question of sexual consent and young people. Her point of departure is that the legal framing of an 'age of consent' is a form of prohibition which has, to date, precluded a positive discussion of consensual sex. This produces a persistent tension between sexual agency and protection, which has been heightened by risk anxiety in the last decade. In Thomson's study young people questioned the authority of the law to police their decision-making, whilst simultaneously appearing to support increasing the age of consent to 18. That young people saw themselves as capable and knowledgeable (see also Smette et al, 2009) contrasted with a lack of confidence about the perceptions and behaviours of their peers.

Drawing on in-depth interviews with eight young Australian women, who revealed that they had internalised a gendered responsibility for risk avoidance, Burkett and Hamilton (2012) comment that the focus in much SRE on women 'just saying no' presumes that young women are free and autonomous – as arguably does the legal construct of consent. Rosalind Gill (2007) concurs, arguing that autonomy, choice and self-improvement jostle alongside surveillance, discipline and awareness of blame for the 'wrong choices' in young women's talk about sex. Burkett and Hamilton (2012) are critical of the empirical evidence with respect to what they term 'sexual miscommunication theory'. It is, however, frequently repeated in the media and elsewhere and the young women they interviewed drew on it in discussions of their sexual landscapes. As a result young women believe they must verbalise an explicit and incontrovertible 'no', that sexual assault involves physical force and whilst they are aware of pressure – 'being worn down' (p821) – for them this still constituted consent. Yet when discussing how they actually negotiate whether or not to have sex what emerged was that much of the communication was non-verbal: the active verbal refusal which the normative framework requires was in this context deemed 'unnatural'. These findings chime with Frith's (2009) argument that human refusals are complex and often implicit. The young women, therefore, have 'tacit knowledge' that they are expecting themselves and other young women to act outside their actual experience (Burkett & Hamilton, 2012: 821). O'Byrne et al (2008) explore how the notion of 'miscommunication' was invoked in focus groups, including in relation to 'unwanted consensual sex'. They observe that in discussion young men displayed sophisticated understandings of verbal and non-verbal sexual refusals, yet relied on the 'sexual miscommunication' trope to explain and justify using pressure. The researchers argue this was both a 'showing of knowledge' and a 'telling of ignorance' (p187); concluding that the idea of sexual miscommunication should never be a basis for prevention, rather it needs to be understood as a new rape myth (p189). The result is that young women are afforded a limited space to refuse sex, even when it is undesired.

Kitzinger and Frith (1999) have argued that the claim that young men misconstrue young women's reluctance is in one level to position them as 'cultural dopes' – incapable of reading body language and ambivalence. Yet this notion has become one of the most powerful in young people's lexicon. The parameters in which young

women can exercise sexual agency appear to have shifted very little over the last two decades, as these findings echo those from interviews conducted in the mid-1990s (Holland et al, 1998). Burkett and Hamilton (2012) regretfully conclude that too much may have been made of choice and self-determination, a position supported by Maxwell and Chase (2008) who question the usefulness of 'peer pressure' since it hides from view the range of diverse sources and forms of pressure in young peoples' lives.

Jenny Pearce (2013) has developed a continuum of giving consent, starting from 'informed' at one end where young people are able to make a positive choice to have sex, through: consent which is coerced or controlled; consent to exploitative sex which has become 'normalised'; 'survival' consent where there are no alternatives to exchanging sex. The final end of this spectrum is what she terms 'condoned' consent, where some choose to read 'choice' and voluntarism into any form of agreement to sex despite coercion or manipulation, and use this as a basis for inaction.

Two recent books also explore consent, one from the US (Powers-Albanesi, 2009) and one from Australia (Powell, 2010), both based on in depth interviews with young women and men. Powers-Albanesi stresses the 'emotional gendered meanings individuals bring to a sexual encounter' (p8), noting that men think women have more power than they do through their positioning as 'gatekeepers' whilst on the other hand young women think young men have more power through their role as the 'initiators'. Young women report submitting to unwanted and unpleasurable sex in order to secure a new, or hold onto existing, relationships.

Based on interviews with young women and young men, *Sex, Power and Consent* (Powell, 2010) explores how consent is understood and negotiated between young people, in the context of popular culture. A core concept is that there are 'unwritten rules' which are little changed from 40 years ago, which still include a gendered double standard (p52).

*...negotiating consent, that is, deciding whether sex is wanted, what practices will be engaged in, communicating these desires verbally or non-verbally with a partner and ascertaining what they want as well, can be very difficult if, as a young woman, you believe that you are not supposed to have sexual desires of your own or that you are meant to put those desires aside in order to please your partner and maintain a relationship. (p66)*

Indeed the expectations of femininity 'may actually preclude assertive refusal in many instances' (p75) with women being not expected to express sexual desire, yet to express refusal forthrightly. Powell argues further that what she terms a 'new politics of choice' rarely examine the narrowness of options (p77) and make naming of pressure and coercion more difficult for young women and young men. Neither raising awareness about sexual violence nor teaching about consent can be sufficient to address the '... complex interplay of individual agency and *embodied gendered practices*' (p87, emphasis in original)

She draws on the work of Lois Pineau, who argues that consent should be predicated on mutual pleasure/enjoyment and requires communication. This positive definition of consent means:

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent



*... it is not reasonable for individual men (or, therefore, the law) to expect that women consent to aggressive, non-communicative sex (Powell, 2010: 89).*

As noted earlier, this active model of consent underpinned law reform in Australia and was implicit in the Sexual Offences Act 2003: it presumes that both parties have responsibility to 'ascertain that consent is freely given' (Powell, 2010: 91). It implies a responsibility to be able to identify subtle and often non-verbal cues, a move away from suggestion that 'men cannot read the signs' to positioning them as knowing and capable social actors, able to engage in reflective behaviour and take active steps to negotiate and obtain consent. This communicative model of consent is also at odds with teaching young women 'refusal skills' (Carmody, 2009; Burkett & Hamilton, 2012). Powell (2010) suggests, however, that we have yet to achieve this in practice, since gendered sexual scripts have proved resistant to change – in the law and in practice. She concludes that we need to address the 'common sense' gendered knowledge and practices that normalise pressure and coercion, not just focus on sexual crime.

### **Wider influences**

There are growing concerns about the extent to which media, and especially the information and communication technologies – smart phones and the internet – may be having a negative impact on young people's psycho-sexual development and behaviour. They belong to a generation where social media offer a resource through which they explore, develop and express their social selves – and a new arena of discussion is the extent to which sexually abusive practices are 'technology driven' (Bluett Boyd et al, 2013). Here a number of issues need unpicking: does technology facilitate access for exploitation; is technology used in the abuse; is technology used after the abuse. These contexts need to be understood as a continuum, alongside recognition of how important online sociality is for young people (ibid.). That said unauthorised distribution of pictures is a violation of sexual autonomy, a form of sexual exploitation, not just an issue of privacy (Powell, 2010). Later in the report we discuss young people's knowledge and perceptions of 'sexting' (see glossary). Technology also provides access to support in new ways and gives young people access to information about sex and sexuality that they have not had in previous generations; more could be done here to provide forums where young people can explore their uncertainties in a safe online environment.

The influence of the entertainment industry, including music videos, and how they connect with other areas of life is an important area of media research. Some studies suggest that they play a part in the construction of inaccurate and inappropriate beliefs about sex and relationships (Agbo-Quaye & Robertson, 2010). Zhang et al (2008) in exploring the increased sexual content in music videos, focus less on the sexualisation of women, drawing attention to how they reinforce the sexual double standard and 'convey messages about masculinity and sexuality' (p380). Given the importance of peer norms, it is critically important to have more understanding of what influences these, especially for young men (Coy & Garner, 2012; Garner, 2012).

### **Reflections**

Young people are not only negotiating with each other, but also across contradictory sexual scripts, beliefs and values.

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

Combined, these findings suggest that young men do register the reluctance of young women and use pressure to override it: this is less miscommunication and more a gendered (hetero)sexual script. Young women find themselves within a nexus of contradictions (Thomson, 2004), trying to explore both sexual safety and agency in unequal relationships. Poor education, boys who think they need to do it to prove themselves and girls who are under pressure to 'give out'.

There is considerable new thinking and practice, especially in Australia and New Zealand, on how to explore sexual consent with young people: that we move away from encouraging 'refusal skills' in young women to the exploration of an ethics of sex and mutual pleasure (Carmody, 2009). Cameron-Lewis and Allen (2013) warn us that if our focus is on danger prevention, it becomes increasingly difficult to articulate, let alone promote, an ethics of pleasure.

## Appendix 3: Full methodology

The research team consisted of six women with diverse representation across age and ethnicity and extensive experience of working with young people and on sexual violence. We were supported by a reference group of young people, who were experienced in peer work with gang associated young people and had been trained on sexual violence. In addition there was an advisory group, which included several young people alongside adult practitioners and researchers. Both had considerable input in the design and pilot phases of the project and continued to advise the research team during implementation.

### **Making the films**

Two members of staff from London Metropolitan University media department worked with us to produce the films: each scenario was shot in 'talking heads style' with the actors speaking directly to the camera.

Early discussions within the team, and then at the first meetings of the reference and advisory groups, explored the contexts which we should include in the films. These were then worked up into scripted 'digital stories'. The first versions were then used in the interviews with young actors who applied to act in the films. Once the actors were selected they worked with the researchers to adapt the scripts, fine-tuning language and the flow of each story to ensure that they were comfortable with the content and it worked as a monologue.

We selected young actors to reflect diversity and their comfort with the material, although we were restricted to those who responded to the recruitment process. We endeavoured to not reproduce stereotypes in casting the young people: for example, one of the young black men could be seen as fitting a stereotype of 'a rapist', he was therefore allocated the scenario where the young man is worried and reflective about whether he may have done something wrong. Equally, the young man in the 'multiple perpetrator story was white. We also agreed a strategy of recognising absences in representation of diversity, and raising these in focus groups for discussion.

The final film scripts were read by Dr Kate Cook, our legal advisor, to ensure that (bar the film acting as a 'debrief') all would formally constitute rape under the Sexual Offences Act 2003. However, they also represented contexts and relationships which have historically been less likely to reach prosecution. Not all the films were used in focus groups or interviews, as we often were limited to an hour or less, and depending on how discussions went, we chose to allow a flow, rather than interrupt to show another film.

### **The project name**

One of our first conversations with the young people on the advisory group was to find a name for the project: this proved to be a challenging task as the language they had about sexual consent was limited, so thinking differently about it was not easy. Reflecting on their suggestions afterwards the research team had an important revelation: that both we and the young people had framed the issue entirely in terms of 'giving' consent and in so doing made the issue of negotiating whether to have sex invisible. We set ourselves a test that day – to find a name which avoided reproducing this framing. After rejecting at least twenty ideas, one of us proposed

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

the 'Give'n'Get project': we tested it with our reference group and the actors and reached a joint agreement that this would work. This process also meant that from that point we were attuned to ensuring that the study examined consent in terms of 'getting' and 'seeking' alongside 'giving' it: this threaded through how the film scripts were finalised and the questions asked in each of the three modes of data collection.

## **Piloting**

Once the films had been produced, two pilot focus groups were held in a secondary school with two classes of young people aged 14-15, split into single sex groups, each with a researcher and a young person from our reference group – the young man joining discussion with the all-boys group and the young woman joining the all-girls group. A detailed briefing session had been held with the peer facilitators as preparation. The pilots offered invaluable insight into how best to use the films in a research context and in considerations of the gendered and generational dynamics of the research process and settings. In the first session we screened each film followed by general discussion of the piece in order to gauge whether and how participants would pick up on the consent issues in play. Whilst this enabled identification of which films worked well in engaging young people, screening all of them precluded discussion of the broader landscapes of young people's lives. For the second round we drafted an introductory topic guide to encompass this and more specific questions for each of the films. This became the framework for all subsequent groups.

The pilots allowed us to observe the potential benefits and draw backs of both mixed and single sex groups. As each focus group entailed splitting a class into two single sex groups and working in the same room, researchers witnessed how often antagonistic and spontaneous discussion would erupt across the two groups, which whilst interesting, prevented rather than encouraged open and safe discussions. This confirmed our intent to undertake single sex groups at separate times.

The young people, in particular the young men, responded well to having peers as part of the research team, and it contributed to the flow of discussion. From this we planned to work with our reference group as co-researchers when undertaking the main data collection in our research sites. This proved to not be possible given the competing demands on their time. Focus groups and interviews were often arranged at very short notice, and two sites required overnight stays since the travel time was lengthy. In the event none of the advisory group was able to fit the research work into their schedules.

## ***The survey***

Young people were recruited to complete the survey through social networks, advertising in schools and other youth settings, as well as indirectly through the engagement of adults with access to or traction with young people such as youth workers, youth leaders and celebrities. Targeted strategies were introduced in response to an under representation of particular groups, primarily young men and young women and men from minority ethnic communities. We had anticipated that it would be relatively easy to recruit into the survey, but this proved not to be the case. Half of those who entered it chose not to complete it, and we have no way of assessing why this might be the case.

Given the number of incomplete survey responses, it may be that the difficulty here was not only about recruitment but also retention. Limiting completion time, creating

more variation in questions and keeping the survey open for longer are considerations for future attempts to engage young people in online research.

### ***The focus groups***

While education providers that we approached about hosting the focus groups were eager to participate, and welcomed the opportunity for students to engage in discussions about sexual consent, there was some caution from faith schools that we attempted to recruit from. Information from OFSTED reports about our sites indicates that young people were drawn from a wide range of backgrounds.

- A school with most students from white British backgrounds and where few had English as an additional language. Here the proportion entitled to free school meals was below the national average.
- A centre for young people who are disenfranchised from mainstream education, located in a large secondary school in an inner-city area. The proportion eligible for free school meals was three times the national average.
- A large, inner-city school where the majority of students were from diverse backgrounds.
- A setting for students with a statement of special educational needs who had been excluded from other schools and/or pupil referral units.
- A large school where almost three quarters of students spoke English as an additional language and the proportion eligible for free school meals was above the national average.

A two part topic guide was designed consisting of an opening discussion exploring the broad landscapes in which young people are making decisions about sex and a second section focusing on the films, with questions designed to extrapolate out from the specifics of each narrative. Both the opening discussion and the films engaged participants, and the group setting was particularly useful in enabling observation of how in conversation, meanings and understandings of sexual consent are negotiated between young people.

Not all the films were shown in every group, as researchers made decisions about which would be most resonant in each. The most problematic in the group context was the same sex scenario. In one focus group it evoked such homophobia that a decision was taken not to use this again. As researchers, coming into schools for a short time, we had no opportunities to work with these responses, and it was considered unethical to merely record these problematic views.

### ***The interviews***

The interviews complimented the group work by allowing more focused explorations of themes and issues which may have been lost within a group setting. Whilst the research team believe that individual interactions minimised the potential distress for participants that groups may have produced and shrouded, we were also mindful of how individual engagement may have had the counter effect of intensifying this potential. In practice however, young people appreciated being offered a safe space to speak and be heard, and contribute to the research, whilst researchers could manage careful and focused negotiations with each participant.

Office of the Children's Commissioner: "Sex without consent, I suppose that is rape": How young people in England understand sexual consent

This strand of research was the most rewarding in terms of young people feeling able to express gratitude and enthusiasm for having taken part, although some expressions of this also made in the focus groups.

The main challenges here related to recruitment and participant retention. Negotiating access to service users entailed a lot of work in building relationships with gatekeepers, and whilst many offered encouragement for the research by expressing its importance and relevance to their work, the research team detected from some a caution to facilitate participation. This challenge was compounded by the practical realities of working around the often chaotic mode of some young people's lives. Our approach here had to be flexible and adaptive, prioritising informed consent and a perceived authentic desire to participate over data targets. A number of appointments were made with potential interviewees who were at risk of sexual exploitation which the young person did not attend; after two or three 'no shows' we took this as a choice not to take part.

## **Ethics**

A safeguarding protocol was developed that prioritised young people's wellbeing while enabling their voices to be heard and shared with the Office of the Children's Commissioner and the advisory group.

Stipulating parental consent for young people's participation was not possible for the online survey; whether parental consent was needed for young people's participation in focus groups and one to one interviews was discussed and agreed with the agencies/organisations that facilitated access. Consent to take part was renegotiated throughout our discussions with young people: prior to agreement to participate; at the beginning of each stage of data collection; again during focus groups/interviews.

Young people were made aware from the outset of limits to confidentiality if they revealed situations where they or another child/young person was at risk of serious harm, and the circumstances in which information about risks to a young person or someone else would be shared, and with whom, were communicated to young people at the beginning of focus groups/individual interviews. They were also offered the opportunity to ask questions prior to beginning discussions, assured that they did not have to answer questions with which they were uncomfortable, and that they could withdraw their participation at any time. Ground rules were negotiated in each of the focus groups, asking all participants to agree that what they said as individuals was confidential. Having two facilitators meant that if a young person became distressed, one could offer to talk one to one, whilst the other continued the group. Details of specialist support services were given prominence on the project website and to all young people who participated, using our practice of stating 'you may not need it but someone you know might'.

Individual interviews were the most likely context for disclosures about experiences of non-consensual sex, so all interviewers were particularly mindful of the project safeguarding protocol here. We continued our practice of asking explicit questions about participation in research at the end of interviews, and young people spoke positively of the openness with which we approached the topic, and the space for exploring uncertainties that we created.

## Analysis

Each focus group and interview transcript was coded according to key themes that emerged from the exploratory discussions and young people's responses to the films. These codes were then organised hierarchically in order to map connections and analyse the themes in layers. For instance, in relation to consent, codes were created for how young people defined consent, their reflections on freedom, capacity, and the legal threshold, and references to giving and getting consent. A similar tree of codes was created for rape and sexual coercion that included rape within a relationship, victim blame and pressurising others into sex. Wider contextual themes were also generated, including: seeking information about sex; decision-making about having sex; how young people can tell and/or know about when someone wants to have sex; social networks and media; the influences of pornography and sexualised popular culture; and peer norms. The pervasiveness of gendered expectations and 'rules' were captured analytically under themes such as the sexual double standard, '*man points*' and homophobia. Discussions about the films were coded under a heading for each and linked to relevant analytic themes.

## Reflections

The individual interviews were useful in making comparisons across group and individual discourses and to consider findings in context to peer cultures. Whilst it is not possible to offer resolution about how the all women research team impacted the tone and direction of discussions, we can reflect on the perceived benefits and challenges therein. The latter were presented mainly within the individual interviews with young men, where researchers noted that for some the one on one format may have induced embarrassment around particular topics. Conversely however, researchers also noted that for some young men the individual setting with a woman offered a rare space to talk seriously about the issues away from peer cultures which so often entailed jokes, 'banter' and performative diversions. Young women appeared more at ease talking about the issues and offered more focussed input, which may be attributed to gender mutuality or the different peer cultures young women inhabit. Overall participants seemed comfortable and spoke openly, with many commenting on how good it was to speak about the issues with adults who were independent to the school/youth setting and their personal lives.

Office of the Children's Commissioner  
33 Greycoat Street  
London  
SW1P 2QF  
[www.childrenscommissioner.gov.uk](http://www.childrenscommissioner.gov.uk)  
[info.request@childrenscommissioner.gsi.gov.uk](mailto:info.request@childrenscommissioner.gsi.gov.uk)  
020 7783 8330

