

Young people's perceptions of sexual consent: implications for policy and practice?

Briefing paper 2: moving the agenda forward

Professor David Gurnham, Dr Harry Annison and Mark Telford¹

INTRODUCTION

Our project has sought to investigate young people's perceptions of coercive sexual behavior: how people identify consent and its lack and the propensity for people to blame victims. In this second briefing paper, we summarise responses from participants of the December 13th stakeholder roundtable to the questions posed before and at that event, as regards potential implications of our research findings for policies and practices of criminal justice actors and of young people's and sexual assault victims' service providers. This part also proposes a plan for further research and collaboration between the research team and stakeholders.

RESPONSES TO QUESTIONS POSED PRE-ROUNDTABLE

As we reported in our previous briefing paper and at the roundtable, our research found that traditional gender and sexual stereotypes do not appear to be particularly significant in predicting young people's perceptions of sexual consent. We suggested that young people's understandings about consent, and their ability to distinguish questions about consent from broader societal issues, may therefore be somewhat more nuanced than is often given credit. We asked participants of that event to consider and respond to this finding, and we summarise those responses below:

1(a) Are the findings consistent with young people's own perspective and life experiences?

We heard from the young people in attendance that although *they* have a sophisticated understanding of consent, it is possible that this is not reflected in the demographic at large in the UK; also that for young people growing up in a sex-saturated culture, consent as an issue tends to be marginalised in favour of responding to pressures to have sex and engage in sexualised social media.

1(b) Are the findings consistent with the experiences of charities that work with young people and sexual assault victims who approach those charities for help?

Young people's and sexual assault charities present suggested that the young people that they help do *not* have a sophisticated understanding of consent. We heard that those young people often blame themselves for their experiences, that traditional views about sex role *do* inform understandings of consent and that juries are probably affected by such views also. However, owing to their role as support charities *rather than organs of criminal justice*, they do not investigate what actually happened to the people who use their services. It is not part of their charitable and

¹ All three are academic members of staff at the School of Law, University of Southampton. Contact details: d.gurnham@soton.ac.uk ; h.annison@soton.ac.uk ; m.j.telfor@soton.ac.uk

supportive role to conduct a probing of the facts, and thus no attempt is made by them to distinguish between non-consensual and consensual behaviours.

2(a) Do the policies and practices of criminal justice organisations and professions adequately recognise young people’s nuanced understandings of consent, and do they strike the right balance between the need to encourage safe, consensual sexual activity and a concern for offending?

Representatives of Hampshire police (DCI David Nealon and Sarah Cohen) suggested that assessing the balance struck in policing must take in account a number of inter-connected difficulties: that police deal with increasing numbers of cases (including a large number of non-recent cases and cases involving domestic relationships) which suggests that people are gaining a stronger understanding of rape and sexual assault; however that on the other hand many victims of domestic abuse don’t recognise that they are also victims of rape, suggesting widespread *mis*understanding of consent; that police often deal with complex issues around mental health, behavioural issues and generally chaotic, drink/drug-affected and otherwise vulnerable lives (which means that the situation is more complex than one simply as *understanding* notions of consent); that cases are increasingly complex in terms of involving multiple suspects and nuances around what was actually consented to (e.g. consent to vaginal but not anal sex); that many cases involve ‘unrealistic expectations’ of sexual compliance by dominant partners, often involving digital media (sexting and ‘revenge porn’). In addition to traditional policing, Hampshire police also engage in consent awareness campaigning. These campaigns tend to be focused on young women and on the night-time economy, involving warnings about how being intoxicated and/or separated from friends increases vulnerability to sexual assault and rape.

Representatives of the criminal bar (Sophie Stevens, Senior Counsel, Crown Prosecution Service, and Mary Aspinall-Miles, barrister) spoke of continued importance of stereotyping (e.g. differential sentencing for women and men) by criminal justice actors, the importance of parties’ age and familiarity with social media technologies, but also of the difficulties for prosecutors of taking young people’s views about consent into account in practical ways.

3) Future research and knowledge exchange: would there be value in seeking to explore other factors such as age, class, etc. as other potentially greater determinants of perceptions regarding consent? How might we most beneficially capitalise on this opportunity for better understanding sexual consent?

Led by Dr Tanya Palmer, Dr Candida Saunders, discussion focused on the importance of context in interpreting young people’s responses to questioning on consent; on the point that age and age/power differentials between parties is important, and that these potentially place limitations on ‘freedom’ as well as ‘capacity’ to consent. It was generally agreed that sampling young people below the age of 16 and of a more diverse socio-economic class would be beneficial for gaining a more representative impression. We heard also from a number of quarters that differences between ethical and legal wrongs should be explored, that we might think about using methods other than focus groups for collecting our data. Finally, we heard arguments to the effect that changes in technology and peer-group cultural expectations for young people is an important influence on perceptions of consent and coercion.

OUR PROPOSALS FOR FURTHER COLLABORATION

Based on our experience of doing the research and reflecting on our findings in light of discussions at the stakeholder roundtable, we propose that the most urgent and useful issues for further knowledge exchange are as follows:

- 1) To work with Hampshire police, young people's and victims' service providers and other relevant bodies on developing effective ways to engage with young people as a demographic as regards public messages and advice about sexual assault and consent awareness;
- 2) To work with young people's and sexual assault service providers to generate research findings on a wider and more usefully representative demographic of young people than those sampled to date, and to focus on variables other than gender (such as age, socio-economic status, intoxication and exposure to domestic violence);

In more detail then, we propose to develop these three aspects in two ways:

- 1) To agree with one or more sexual assault and domestic violence service providers on a plan for a female researcher to be placed part time to collect data on the perceptions and understanding of the young people using that service regarding consent. We would plan for this to take place between mid June and mid September of 2018, and for data would be collected either by sitting in on interviews conducted by the service provider(s) with their users, or by interviewing the latter. In either case, we would ensure that as far as possible: a) the appropriate ethical standards of participant anonymity, confidentiality and rights to leave are guaranteed as required by the University of Southampton Research Ethics Committee, and b) no additional burden would fall on the service providers involved.
- 2) A stakeholder roundtable with police, Crown Prosecutors and representatives of education, sexual assault victims' charities and young people to explore the effectiveness and principled basis for engaging with young people on the issue of consent, e.g. through consent awareness campaigns, to take place in December 2018. This event would draw on dialogue already established with relevant organisation, and also on the new data to be collected in June – September 2018 (described above).

CONCLUSION – COMMENTS AND SUGGESTIONS WELCOME

We invite comments and feedback on any of our reflections on the roundtable event in Southampton on December 13th and any implications arising from it, and also on our proposed course of action for moving the project on, and capitalising on what we feel has been a productive dialogue so far. Following the dissemination of this paper, we will be reaching out to young people's and sexual assault and domestic violence service providers in the first instance, and then more widely to invite participants to the December 2018 roundtable event.

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