



This reference sheet is intended to support teachers to manage and clarify points raised in discussion. The information below refers directly to the points given for pupils to consider in **Part 1** of the scenario; pupils may express points/views of their own which are not listed. Handouts for this session can be accessed via the links at the end of this document. **Focus is on communication, choices, actions and consequences: factors which influence outcomes**

Discussion Points	Considerations
<p><b>Alcohol:</b> How drinking alcohol affects their thinking, actions &amp; choices</p>	<p><b>This is a significant point:</b> Would Stu and Carrie act in the same way if they were sober and meeting for the first time? Maybe, maybe not!</p> <p><b>Note:</b> It is scientifically proven that the first faculty lost when intoxicated is the <u>ability to think clearly</u>; this then affects, decision making, risk assessment, communication and body language.</p> <p>It can certainly be said that the effects of excessive alcohol may have contributed to the choices, actions and outcome for both Stu and Carrie; below are some examples of how they may be thinking:</p> <ul style="list-style-type: none"> <li>➤ <b>I'm in safe place:</b> Carrie may have assumed that a public place is a safe place and therefore she is safe from harm. Would she act the same if she was sober?</li> <li>➤ <b>He's looking out for me:</b> Carrie trusts Stu to look after her even though she has never met him before; quickly accepting his word to look after her and get her home. She also interprets him buying her more drinks as being 'generous'. Would she have the same trust for a stranger if she was sober?</li> <li>➤ <b>It's ok to keep drinking:</b> Drinking excessive amounts of alcohol may well be accepted in social environments such as bars and clubs; but knowing your limit and staying below it is the best approach to a safe night out. It could be the next drink or shot that takes you over the limit and leads to loss of awareness, control and the ability to assess risk.</li> <li>➤ <b>She wants sex:</b> It may be that Stu has interpreted Carrie's physical behaviour and choice to be with him over her friends as a sign she is may want to have sex with him; the alcohol he has consumed may well be affecting the way he is reading this. Would he think the same if he was sober?</li> <li>➤ <b>She's not resisting:</b> It seems that Stu has interpreted Carrie's lack of resistance or verbal communication when initiating sex with her as willingness or consent. The lack of either <u>does not</u> mean she is agreeing to have sex with him; she is clearly incapable of either agreeing or resisting. Would he have interpreted this or acted in the same way had he been sober?</li> </ul> <p><b>! Not a defence:</b> being intoxicated and out of control is not a lawful defence for the accused in a rape case or other crime; as such, it is crucially important that people understand why they need to stay within their limits and in control to enable them to retain the ability to respond safely and lawfully to risk and danger.</p>
<p><b>Risk:</b> Carrie stays with Stu without knowing him</p>	<p>Carrie has made the decision to stay with Stu over her friends; a decision likely to be influenced by the amount of alcohol she has drunk - would she have made the same decision if she was sober?</p> <p><b>! This is a risky decision:</b> Carrie has made herself vulnerable without anyone she can trust to look out for her safety, doing so at a time when she is unable to look after herself; she has no knowledge of Stu's character, history, intention or capability to cause her harm.</p>

## POST 16 Consent & Sexual Offences



Discussion Points	Considerations
<p><b>Risk:</b> Should Carrie trust Stu?</p>	<p><b>! In addition to the considerations above...</b> It is not wise to be so quick to trust someone you have never met before, no matter how genuine they seem; especially in a situation where your ability to assess risk and make safe decisions is hindered by excessive alcohol intake.</p>
<p><b>Responsibility:</b> Stu is responsible for Carrie's welfare by agreeing to look after her</p>	<p>It can be argued that having agreed to take responsibility for Carrie's welfare, Stu is responsible for her wellbeing; however, he too has consumed excessive amounts of alcohol which is likely to affect his ability to do so. On the other side, it can be said that Carrie should be responsible for her own wellbeing and not depend on another to be responsible; especially someone she doesn't know.</p> <p><b>! You are responsible for you; never depend on another person to keep you safe; especially someone you do not know.</b></p>
<p><b>Risk:</b> Stu provides Carrie with more alcohol knowing she is already drunk</p>	<ul style="list-style-type: none"> <li>➤ Stu is clearly contributing to Carrie's alcohol intake; by doing so he is increasing the risk to her and her ability to stay in control to make safe decisions</li> <li>➤ It may be that Stu is aware of the effect this has on Carrie and it is his intention for her to lose control in order for him to exploit her</li> <li>➤ It could be said that Stu is also not able to think of or assess the risks this can cause to him and Carrie; a result of his own alcohol intake affecting his ability to think clearly</li> <li>➤ It could be argued that it is Carrie's own responsibility to control the situation and how much alcohol she has to drink to ensure she is in control and able to prevent others exploiting her.</li> </ul>
<p><b>Communication:</b> Carrie is giving Stu the wrong messages</p>	<p>It may be argued that Carrie's actions, behaviour, body language and decisions could be interpreted by Stu as a sign that she wants to have sex; however, Stu should <u>never assume</u> that flirtatious or promiscuous behaviour shows a willingness or consent to have sex.</p> <p><b>! It is an individual's personal responsibility to make sure they stay within their limits and in control; this is important to ensure they remain safe from risk and harm and able to communicate with others.</b></p>
<p><b>Risk:</b> Carrie separates herself from her friends</p>	<p><b>In addition to considerations already made...</b> By separating from her friends, Carrie made herself vulnerable to risk and harm; having no-one to look out for her in a situation where she is unable to look out for herself.</p> <p><b>! It is not wise to separate yourself from your friends when out in a social environment. You are safer in numbers than alone, especially in a situation where your ability to assess risk and make safe decisions is hindered by excessive alcohol intake.</b></p>
<p><b>Risk:</b> What are the risks to Carrie?</p>	<p><b>In addition to considerations already made...</b> It is not always possible to assess if a person is a direct risk to you or not; however, <u>any situation</u> where your ability to assess risk and make safe decisions is hindered by excessive alcohol intake, is a risk!!</p> <ul style="list-style-type: none"> <li>➤ It is risky to separate yourself from your friends to be alone with someone you have never met before, no matter how genuine they seem.</li> <li>➤ It is risky to instantly trust a person you have never before</li> </ul>



	<ul style="list-style-type: none"> <li>➤ It is risky to drink so much alcohol that you lose your self-control; needed to retain the ability to keep you and others safe</li> <li>➤ It is risky to assume you are safe if you lose control in a public place</li> </ul>
--	--

Discussion Points	Considerations
<p><b>Risk:</b> What are the risks to Stu?</p>	<p><b>Same as the risks for Carrie but adding....</b></p> <p>! It is risky to assume by a person's behaviour and body language that they are willing to have sex; if they are not able to consent then consent has not been given.</p>
<p><b>Responsibility:</b> Stu's friends are aware he has left with Carrie</p>	<p><b>In addition to considerations already made...</b> It could be said that Stu's mates could have done more to look out for him and intervened when he left with Carrie as a means to keep him safe. What could they have done?</p> <ul style="list-style-type: none"> <li>➤ They could have asked where he was going with Carrie, how they're getting there and what his intentions are; preventing any harm coming to them both.</li> <li>➤ It could be argued that Stu is responsible for his own actions, choices behaviour and safety; as such, he should have stayed within his limits to ensure he can think clearly and act safely.</li> </ul> <p>! As already mentioned, is not wise to separate yourself from your friends when out in a social environment, you are safer in numbers and can look out for one another; especially in a situation where your ability to assess risk and make safe decisions is hindered by excessive alcohol intake.</p>
<p><b>Intent:</b> Stu intended to have sex with Carrie</p>	<p><b>This can be argued...</b> Did Stu intend to have sex with Carrie, plying her with alcohol to carry this out? <b>Or...</b> Was he purely affected by his intake of alcohol and his actions were an effect of alcohol and the ability to think clearly?</p> <p>It is difficult to prove intent, especially in cases where the accused has also consumed excessive amounts of alcohol.</p> <p>! This is not a defence and will be a factor for a court to decide based on all the evidence in the case.</p>
<p><b>Capacity:</b> Is Carrie capable of giving consent?</p>	<p>Carrie is clearly drunk, having lost control to the point she is unable to stand, speak or be aware of what is happening to her; this clearly indicates she is <u>not capable</u> of giving consent to sex. As such:</p> <ul style="list-style-type: none"> <li>➤ Carrie did not give consent to Stu; she may not have said no but she did not say 'Yes' either.</li> <li>➤ It is likely that the amount of alcohol they have consumed has affected the outcome for them both.</li> </ul> <p>Stu was aware that Carrie was in a state of drunkenness; he makes reference to this in his story; explaining how she was unable to stand and that she was not responsive when he initiated having sex with her.</p> <p>! If a person consents whilst in a state of drunkenness, it is likely that they <u>do not have the capacity</u> to know what it is they may be consenting to.</p>



**Has a sexual offence taken place?** If so, why?

**Allow views to be expressed and shared between groups; draw to a close when appropriate and explain this question will be explored in more detail in Part 2**

**Remind pupils to be respectful of the views, values and beliefs of others.**

### Viewpoints which may divide groups at this point

#### Carrie's Choices and actions:

1. She has put herself at risk because she drank too much alcohol, trusted someone she had never met and separated herself from her friends; as such, her actions have contributed to her becoming a victim and Stu an offender.

**OR**

2. Carrie is not to blame; regardless of the choices she made, Stu had no right to take advantage of her and have sex without her consent.

#### Stu's Choices and actions:

1. He has intentionally taken advantage of Carrie by plying her with more alcohol, having a direct effect on her self control and her ability to consent to sex; also encouraging her to separate herself from her friends so no-one can intervene. Stu's actions and exploitation of Carrie has contributed to him becoming an offender and her a victim

**OR**

2. It wasn't Stu's fault if he was too drunk to know what he was doing.

### Considerations

- **Stu and Carrie both have a right to choose to consume alcohol, but they also have a responsibility to know their limits, and stay in control to keep themselves and others safe**
- **Stu has a responsibility to respect Carrie's freedom, capacity and choice to consent**
- **Both Stu and Carrie have a level of personal responsibility to be respectful of how their actions and intentions can have a positive or negative impact on others**

Carrie and Stu's  
Stories

Scenario  
Introduction Sheet

**Move on to Part 2 - Outcome**