

Relationships, Health and Sex Education
Some clarification on the draft statutory guidance
19TH June 2019

Status of the guidance

The guidance was developed following a thorough engagement process which included 23,000 responses from parents, young people, schools and experts and a public consultation where over 40,000 people contacted the Department for Education.

This guidance contains information on what schools should do and sets out the legal duties with which schools must comply when teaching Relationships Education, Relationships and Sex Education (RSE) and Health Education. It recognises that many schools are choosing to deliver relationships or sex education as part of a timetabled PSHE programme, with good outcomes. Where that provision meets the requirements of this high level framework of core content they are free to continue with this model. Other schools may choose different curricular models for delivery.

Schools “must have regard” to it, and if schools depart from those parts of the guidance which state that they should (or should not) do something you will need to have good reasons for doing so. The document includes detailed lists of things pupils should know by the end of certain key stages.

The guidance **confirms that schools will retain freedom to determine an age-appropriate, developmental curriculum** which meets the needs of young people and is developed in consultation with parents and the local community.

What schools must do

- Pupils receiving primary education must be taught Relationships Education.
- Pupils receiving secondary education must be taught RSE.
- All primary and secondary pupils must be taught health education.
- Schools are actively encouraged to do so from 2019 although they are **not required** to do so until September 2020.
- You must have a curriculum on Relationships Education and RSE Sex that should complement, and be supported by, the school’s wider policies on behaviour, bullying and safeguarding. This is also the case for teaching about mental health within Health Education.
- Have a written policy on how you plan to teach relationships and sex education and consult parents when developing and reviewing that policy.
- Make copies of the policy available to all who request it and put it on your website.
- Consider the religious background of all pupils when planning their teaching.
- Ensure you comply with equalities legislation, make the subjects accessible for all pupils and you must not discriminate against anyone based on age, sex, race, disability, religion or belief, gender reassignment, pregnancy or maternity, marriage or civil partnership, or sexual orientation.

- Ensure teaching and materials are “appropriate to age and reflect the background of their pupils”, and that while teaching about sex, sexuality, sexual health and gender identity, they recognise that young people “may be discovering or understanding their sexual orientation or gender identity”.

The right to withdraw

- There is **no right** for parents to withdraw their pupils or for pupils to withdraw themselves **from any part of the relationships or health education curriculum**.
- Many schools will have existing mechanisms in place **to engage parents and should continue to draw on these as they respond to the new legal framework**.
- Schools should work closely with parents when planning and delivering this subject.
- Parents should be given every opportunity to understand the purpose and content of Relationships Education and RSE. Good communication and opportunities for parents to understand and ask questions about the school’s approach will help increase confidence in the curriculum.
- Schools should ensure that parents know what will be taught and when, and clearly communicate the fact that parents **have the right to request** that their child be withdrawn from some or all of sex education delivered as part of statutory RSE.
- Primary schools are not required to teach sex education however the DfE continues to recommend that primary schools should have a sex education programme tailored to the age and the physical and emotional maturity of the pupils. Many primary schools already choose to teach some aspects of sex education and can continue to do so.
- It is for primary schools to determine whether they need to cover any additional content on sex education, which isn’t included in the national curriculum for science, to meet the needs of their pupils.
- As sex education is entirely optional **at Primary school, Headteachers are expected to “automatically grant a request to withdraw a pupil from any sex education delivered other than as part of the science curriculum”**.
- At key stages 1 and 2, the national curriculum for science includes teaching about the main external parts of the body and changes to the human body as it grows from birth to old age, including puberty.
- **Parents will have the right to request that their child is withdrawn from “some or all” of their sex education at secondary school under the new guidance, but the final decision will lay with Headteachers**.
- The DfE guidance indicates that **Headteachers are encouraged to grant such requests “except in exceptional circumstances”** and should discuss parents’ wishes with them before making a decision.
- Once a child is three terms away from their 16th birthday, they can choose to opt back in to sex education.

What pupils should learn at primary school

- Learn about things like the “characteristics of healthy family life” and that other people’s families “sometimes look different” from theirs.

- The subject will need to cover how to recognise if relationships are making them feel unhappy and unsafe, as well as how to seek help if needed.
- Include the importance of respecting others, even when they are different.
- The rules and principles for keeping safe online.
- One change to note since the draft guidance was released last year is the inclusion of content on how to “report concerns or abuse” and the “vocabulary and confidence needed to do so”.
- Health education will cover physical health content like basic first aid, diet and nutrition, drugs and alcohol, puberty and the need for exercise and good quality sleep, alongside teaching about mental health issues too.
- The impact of bullying, including cyberbullying, and schools will also be expected to teach pupils about the benefits of rationing time spent online.
- Teaching about menstruation has also been added since the draft guidance was published last year, as has a line requiring schools to teach “the facts and science relating to immunisation and vaccination”.
- The guidance states that teaching about families requires sensitive and well-judged teaching based on the knowledge of pupils and their circumstances including that families of many forms provide a nurturing environment for children. The DfE guidance references that ‘Families can include for example, single parent families, LGBT parents, families headed by grandparents, adoptive parents, foster parents/carers amongst other structures.’
- The guidance adds that care needs to be taken to ensure that there is no stigmatisation of children based on their home circumstances and needs, to reflect sensitively that some children may have a different structure of support around them; e.g. looked after children or young carers.

What pupils should learn at secondary school

- Pupils should learn about “different types” of relationships, the legal status of marriage, the roles and responsibilities of parents and how to determine whether other children, adults or sources of information are trustworthy.
- There should be content on how stereotypes can be damaging, on criminal behaviour in relationships such as violence or coercion and what constitutes sexual harassment and sexual violence and “why they are always unacceptable”.
- Pupils should be taught about their rights and responsibilities online, and how sexually explicit material like pornography presents a “distorted picture of sexual behaviours”.
- The content should also cover sexual consent, exploitation, abuse, grooming, coercion, harassment, rape and domestic abuse.
- Content on forced marriage, honour-based violence and female genital mutilation has also been added since the guidance was in draft form.
- Content on reproductive health and fertility, managing sexual pressure, the range and efficacy of contraception, STIs and facts on pregnancy, including miscarriage.
- Pupils should be taught there are “choices in relation to pregnancy”, using “medically and legally accurate, impartial information on all options, including keeping the baby, adoption, abortion and where to get further help”.

- In late secondary education, pupils should learn the “benefits of regular self-examination and screening”.
- Health education should cover common types of mental health issues, unrealistic expectations for body images shown online, science relating to blood, organ and stem cell donation and the risks associated with alcohol, drugs and tobacco.

Teaching about LGBT relationships

LGBT content was included in the draft guidance after years of lobbying by charities and campaign groups, which warned the new guidance was out-of-date and failed to prepare young people for the world around them.

- The Government has **strengthened its guidance insisting that it “expects” all pupils to have been taught LGBT content “at a timely point”** during relationships and sex education.
- It will be up to schools to decide when they teach about LGBT and such content should only be taught “at the point at which schools consider it appropriate.”
- At the point at which you consider it appropriate to teach your pupils about LGBT, you should ensure that this content is fully integrated into your study programmes for this part of the curriculum rather than delivered as a stand-alone unit or lesson. You are free to determine how you do this, and the DfE expects all pupils to have been taught LGBT content at a timely point as part of this area of the curriculum.
- In teaching Relationships Education and RSE, schools should ensure that the needs of all pupils are appropriately met, and that all pupils understand the importance of equality and respect. You should ensure that all teaching is “sensitive and age appropriate in approach and content”.
- Schools must ensure that they comply with the relevant provisions of the Equality Act 2010, under which sexual orientation and gender reassignment are amongst the protected characteristics.

Modifications for SEND pupils

- The new guidance explains that in special schools and for some SEND pupils in mainstream schools, there “may be a need” to tailor content and teaching to “meet the specific needs of pupils at different developmental stages”. “As with all teaching for these subjects, schools should ensure that their teaching is sensitive, age-appropriate, developmentally appropriate and delivered with reference to the law.”
- The government has also added to the guidance a clarification on how schools should process requests to withdrawn SEND pupils from sex education, setting out that there may be “exceptional circumstances” where the Headteacher may want to take “a pupil’s specific needs arising from their SEND” into account when ruling on such a request.
- The approach outlined above “should be reflected in the school’s policy on RSE”.