

Statutory RSE

Support for schools

The advent of a Statutory RSE curriculum appears to be causing some anxiety amongst parents' groups and education professionals. This briefing seeks to address some of the concerns that have been raised, clarify the DfE's intentions and answer some frequently asked questions. The information is from the DfE's draft statutory guidance on Relationships Education, Relationships and Sex Education (RSE) and Health Education, available in full on the DfE website.

What does the law say about teaching RSE in the future?

The Relationships Education, Relationships and Sex Education, and Health Education (England) Regulations 2019 are made under sections 34 and 35 of the Children and Social Work Act 2017.

Primary pupils must be taught Relationships Education, secondary pupils must be taught Relationships and Sex Education. This applies to every school whether maintained, academy or independent including free schools, pupil referral units, maintained special schools, special academies, and non-maintained special schools.

All schools, except independent schools, must make provision for Health Education.

The Department for Education published draft statutory guidance for consultation in July 2018. The consultation is now closed and the DfE intends to finalise the guidance in the coming months. It will be statutory in schools from 2020.

Concerns

Some community and faith organisations have expressed concerns about the content of the statutory curriculum, particularly relating to LGBT issues and the sex education component.

A petition to 'Give parents the right to opt their child out of Relationship and Sex Education' was debated in Westminster Hall on 25 February, having been signed by 109,252 people which is just over the number required for a petition to be debated. This however is not a decision-making body and therefore has no real power to change the guidance which has already been passed.

What is the purpose and content of the statutory RSE curriculum?

The DfE believes children and young people need to know how to be safe and healthy, and how to manage their academic, personal and social lives in a positive way. These skills and knowledge form the basis of RSE, which must be taught sensitively and inclusively, with respect for the backgrounds and beliefs of pupils and parents while providing pupils with the knowledge they need.

In primary schools, RSE teaches the building blocks of healthy, respectful relationships, focusing on family and friendships, both on and off line.

At secondary, teaching will develop further pupils' understanding of health including mental health, with an increased focus on risk areas such as drugs and alcohol, as well as introducing knowledge about intimate relationships and sex.

Will primary pupils be taught about sex?

Sex education in primary schools will not be compulsory. Many primary schools already teach some aspects of sex education, in a way that is appropriate to the age and understating of their pupils, and the DfE recommends they continue to do so. This teaching should meet the needs of the pupils, as assessed during the development of the school's RSE policy in consultation with parents.

Will parents have the right to withdraw their children from Relationships Education (primary) and Relationships and Sex Education (secondary)?

Parents have the right to request that their child be withdrawn from some or all of sex education delivered as part of statutory RSE. This does not apply to other aspects of the RSE curriculum in secondary, to Relationships Education in primary, or to aspects of the science curriculum that deal with puberty and reproduction.

Do schools have to agree to parental requests to withdraw children from sex education lessons?

In primary schools you should automatically grant a request to withdraw a pupil from any sex education other than as part of the science curriculum.

In secondary you should discuss the request with the parent to hear their views and to ensure they understand the nature and purpose of RSE. You could also discuss the benefits of RSE and any detrimental effects that withdrawal might have, such as the child hearing their peers' version of what was said in the classes, rather than what was directly said by the teacher. If a parent still wishes to withdraw after these discussions, you should respect their wishes.

Can a young person make their own decision about attending sex education lessons?

If a child wishes to receive sex education rather than be withdrawn, they can decide that for themselves up to three terms before they turn 16 and the school should make arrangements to provide them with sex education during one of those terms.

Do parents still have to be consulted on the policy after RSE becomes statutory?

You must have in place a written policy for RSE. You must consult parents in developing and reviewing the policy. It should meet the needs of pupils and parents and reflect your community.

Do the regulations apply to faith schools?

The distinctive faith perspective on relationships may be taught, and debate may take place about issues that are seen as contentious. You may wish to reflect on faith teachings about certain topics as well as how faith institutions may support people in matters of relationships and sex.

In all schools, teaching should reflect the law as it applies to relationships, so that young people understand what the law allows and does not allow.

Is religion a reason not to teach the full RSE curriculum?

You must take into account the religious background of all pupils, so that sensitive topics are handled appropriately. You must comply with the relevant provisions of the Equality Act (2010), under which religion or belief are protected characteristics, but must still deliver the statutory curriculum to all pupils.

How do I respond if parents object to the teaching of RSE due to personal or religious beliefs?

Objections are often founded in misunderstanding; effective communication with parents is key. Talk to parents about what will be taught, by whom, and show them examples of resources you will use. Try to allay their misgivings by listening to them and keeping them fully informed.

Will homosexuality be 'promoted' by the RSE curriculum?

Schools are free to determine how they address LGBT specific content, and this should be detailed in the school's RSE policy. Homosexuality, like all other aspects of the RSE curriculum, can be looked at from the perspective of the pupils' religions where relevant.

The statutory primary curriculum makes one specific mention of homosexuality, by naming civil partnership as a legally recognised commitment. There may also be references to homosexual relationships when looking at the characteristics of family life and the importance of respecting others regardless of differences.

At secondary, it is probable that homosexuality would be discussed when looking at different types of families, stereotypes, and tolerance and respect for others regardless of differences.

Where there is a conflict between religious belief and the rights of the LGBT community, also protected under the Equality Act, a balanced debate is appropriate. Schools could teach pupils that whilst the law and many people have a particular perspective on an issue, their religion has a particular view. The RSE curriculum should promote inclusion, respect and tolerance.

What about pupils with SEND?

The RSE curriculum should be differentiated and personalised for pupils with SEND. You should also be mindful of the preparing for adulthood outcomes, as set out in the SEND code of practice. Some pupils are more vulnerable to exploitation and bullying issues due to the nature of their SEND – RSE is a priority for this group of vulnerable pupils.

Next Steps

Training will be offered to schools prior to the statutory implementation date for Relationships and Sex Education. It will include support around planning, consultation and choosing appropriate resources. This will take place in the summer term 2019 and again in spring 2020.