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## **Relationships Education, Relationships and Sex Education, and Health Education Consultation Response**

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### **Relationships Education (to be taught at primary schools)**

**10. Do you agree that the content of Relationships Education in paragraphs 50-57 of the guidance is age-appropriate for primary school pupils?**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree**

We are disappointed the guidance does not stipulate kinds of different family pupils should know about. It simply states pupils should know that families sometimes 'look different' (p16). This is vague and open to very different interpretation.

It is important pupils should leave the primary stage knowing about and encouraged to have respectful attitudes towards especially single and same sex same parents. The draft guidance enables schools to avoid doing this, which we consider a serious oversight. We urge it be amended so primary schools actively seek to ensure children of single or single same sex same parents are free from stigma.

The situation regarding same sex parents is worsened by paragraph 33, which covers schools addressing LGBT content. We consider the paragraph highly deficient as it leaves schools only 'free to determine how they address LGBT specific content' and merely 'recommends' (rather than mandates) that they make it an integral part of their teaching. It further refers to school's RSE teaching needing to be 'sensitive, and age-appropriate and delivered with reference to the law' but this statement is not directly relevant because RSE (not Relationships Education) is taught at the secondary, not primary phase.

Schools should not be free to teach about LGBT content, but be required to do so, including promoting the acceptance of LGBT people. This should not be alien or controversial. Such a requirement would further the Government's stated ambition for Relationships Education and RSE to promote inclusivity on these grounds (<https://hansard.parliament.uk/commons/2018-01-29/debates/3FFE3AFE-D726-4400-9E8C-F144E9B5E1F2/LGBTAwareness>).

Furthermore, sex, sexuality and gender reassignment are protected characteristics under the Equality Act. Under the Act's Public Sector Equality Duty all state funded schools have a legal duty to

foster good relations between people who share a particular protected characteristic and those who do not. To this end we suggest that paragraph 28 in the draft's 'Equality' section be amended so that the word 'allow' (in the sentence 'Provisions within the Equality Act allow schools to take positive action, where it can be shown that it is proportionate, to deal with particular disadvantages affecting one group because of a protected characteristic.') is changed to 'encourages'.

Lastly, the content table states children should be taught about responding 'safely and appropriately to adults they may encounter who they do not know'. The greater challenge in relation to sexual abuse comes from people a child already knows, so the table should be expanded to address this.

**11. Do you agree that the content of Relationships Education as set out in paragraphs 50-57 of the guidance will provide primary school pupils with sufficient knowledge to help them have positive relationships?**

Strongly agree

Agree

Neither agree nor disagree

**Disagree**

Strongly disagree

We welcome that the guidance seeks to promote relationships that are safe, caring and respectful, and does not overlook challenges presented online. However, we question the extent to which positive relationships are promoted for some children, such as those raised by a single parent or with a LGBT parent or parents, when (as noted above) these types of family often face stigma and (thanks to the guidance) risk being ignored by some schools.

We again urge the guidance is amended to make clear all schools **must** promote the acceptance of LGBT people and families with a single parent or/and with a LGBT parent or parents. Schools are especially known to be settings where a great deal of LGBT bullying takes place (see for example Stonewall's 2017 '[SCHOOL REPORT](#)'). If more accepting attitudes towards LGBT people in society are to be achieved schools should play a more constructive and active role.

The absence of requirements for primary schools to promote the acceptance of LGBT people is especially worrying given that draft guidance for the inspection of independent primary schools currently proposes to allow such private schools to no longer have to explicitly teach about gay marriage, cohabiting couples or same-sex families. The draft Relationships Education guidance gives the appearance of the Department placing misplaced anxieties of some adults plus the ability of some groups to not have prejudicial views challenged, ahead of creating conditions where positive relationships will better flourish.

The guidance currently lacks clarity around schools using correct terms for genitalia. These should be required to ensure children have consistent knowledge of vocabulary. This would aid their future learning and ability to be safe, including if they need help regarding abuse.

**12. Do you agree that paragraphs 61-64 clearly set out the requirements on primary schools who choose to teach sex education?**

Strongly agree

Agree

**Neither agree nor disagree**

Disagree  
Strongly disagree

The stated requirements are accurate, although we would wish they were more enthusiastic about primary schools providing sex education. Sentence 2 of paragraph 63 can be read as stating that the Department merely thinks schools that do provide sex education must make sure it is well tailored to their pupils, rather than it positively recommending all primary schools provide sex education and that the sex education should also be appropriately tailored. This is a backwards move on the current and dated 2000 statutory guidance, which clearly states the Department thinks primaries should provide a sex and relationships programme. We urge at the very least that paragraph 63 be reworded to provide an unambiguously positive emphasis on primaries providing sex education.

Paragraph 61 also emphasises primaries do not need to provide sex education, with the word 'not' of 'not compulsory' highlighted in bold. This sends a contradictory message about the importance of the subject. At the very least 'not' should be unbolded.

The reference to 'boys and girls' in sentence 3 of paragraph 63 does not reflect the full range of gender and so should be amended. It could simply be changed to 'pupils'.

We are disappointed the opportunity has so far not been taken to make the sex education of the national science curriculum at the primary stage compulsory. The national curriculum is not compulsory because the growing number of non-maintained schools do not have to follow it. Statutory Relationships Education guidance provides a rare chance to close this loophole and we urge the opportunity be taken.

### **Relationships and Sex Education (taught at secondary schools)**

**13. Do you agree that the content of RSE in paragraphs 65-77 of the guidance is age-appropriate for secondary school pupils?**

Strongly agree  
**Agree**  
Neither agree nor disagree  
Disagree  
Strongly disagree

We are concerned that schools may provide some of the required teaching too late (e.g. at Key Stage 4 rather than 3) but we broadly welcome the age-appropriateness and, in particular, welcome the emphasis on respect, consent and on online challenges people may face. Had the guidance ignored issues such as accessing contraception and other health services then it would have been seriously deficient and we welcome it does not.

We appreciate schools are advised to challenge stereotypes (such as highlighting how stereotypes may encourage discrimination in the content table on p 22) on a variety of grounds, but we wish that schools be given more pro-active encouragement to promote acceptance on these grounds. This is especially the case in regards to sex, sexuality and gender reassignment, which appear especially relevant in RSE. We welcome paragraph 106 suggests school's curriculum on relationships and on sex should complement its policies 'on behaviour, inclusion, respect for equality and diversity, bullying and safeguarding' and that paragraph 71 states sexual orientation and gender identify should be explored 'at a timely point and in a clear, sensitive and respectful manner.' However,

overall, the guidance still does not do enough to support schools in actively promoting acceptance of and tackling prejudice towards people of different and relevant protected characteristics.

**14. Do you agree that the content of RSE as set out in paragraphs 65-77 of the guidance will provide secondary school pupils with sufficient knowledge to help them have positive relationships?**

Strongly agree

**Agree**

Neither agree nor disagree

Disagree

Strongly disagree

Broadly yes although we are surprised that adoption is being advocated as a mainstream solution to unwanted pregnancy (p23). Experience during the twentieth century reveals demonstrable and long term psychological damage and trauma is experienced by mothers and children separated at birth. Adoption remains an option, but is generally only now put forward by social workers with expert knowledge of adoption in cases where mother or infant are at risk in staying together. There is a broad professional consensus that the long term interests of mother and child are usually better served by keeping them together. If in doubt please consult with government colleagues who specialise in this area.

We appreciate the guidance directs schools to tell pupils where they can find out from other sources more information about adoption. However, it does not clarify what these sources should be. Adoption services are provided by a broad range of groups. If schools are to make pupils aware of giving infants away in the context of being a solution to unwanted pregnancy then long term consequences of this option need to eventually and properly be explored. At the very least schools must be encouraged to direct pupils to places where balanced advice in this area can be sought, and so the guidance must be amended to achieve this. Otherwise given the time schools have available, the current expertise in this area among teachers of RSE and the value society now places on supporting and keeping families together, it may be wiser for the reference to adoption to simply be removed.

In permitting schools to explore 'faith, or other perspectives' we are concerned paragraph 73 facilitates religious bias or conformity. As a check the guidance should caution against such bias and invite schools to, where appropriate, consider exploring a balanced range of competing views.

**15. Do you agree that paragraphs 36-46 on the right to withdraw provide sufficient clarity and advice to schools in order for them to meet the legal requirements?**

Strongly agree

Agree

**Neither agree nor disagree**

Disagree

Strongly disagree

Currently the guidance states in paragraph 37 that schools should 'clearly communicate' parents can withdraw their children from sex education delivered as part of statutory RSE. It also observes in paragraph 43 that three terms before a child turns 16 the child can choose to opt into receiving sex

education, but it does not require schools to communicate this right to such children. We think it should and do not see why there should not be an equivalence here.

We believe children and young people should have a right to learn about how their bodies work and risks they may face, so we question the appropriateness of parents being able to opt their child out from sex education. However there is also risk, such as at some faith schools, that schools may encourage or even pressure families to opt out of sex education. We therefore urge the guidance is amended to advise schools not to do this.

### **Physical Health and Wellbeing**

**16. Do you agree that the content of physical health and wellbeing education in paragraphs 86-92 of the guidance is age-appropriate for primary school pupils?**

Strongly agree

Agree

Neither agree nor disagree

**Disagree**

Strongly disagree

We think health and wellbeing education is deficient if it is not provided alongside high quality RSE. We therefore do not consider the requirements for physical health and wellbeing education as able to satisfactorily overcome this oversight, hence we disagree with this question.

In all frankness however while Accord takes a keen interest in PSHE Education, our expertise regards the relationships and sex education part of PSHE. We appreciate the contribution of experts and notice with interest that the appendix of the guidance already cites materials provided by the PSHE Association. We therefore urge the Department to take seriously the answer provided to this question from the Association.

**17. Do you agree that the content of physical health and wellbeing education as set out in paragraphs 86-92 of the guidance will provide primary school pupils with sufficient knowledge to help them lead a healthy lifestyle?**

Strongly agree

Agree

Neither agree nor disagree

**Disagree**

Strongly disagree

We think physical health and wellbeing education is deficient if it is not provided alongside high quality RSE so we disagree with this question. As above though, we urge the Department to take seriously the answer provided to this question in the PSHE Association's response.

**18. Do you agree that the content of physical health and wellbeing education as set out in paragraphs 93-99 of the guidance will provide secondary school pupils with sufficient knowledge to help them lead a healthy lifestyle?**

Strongly agree  
Agree  
Neither agree nor disagree  
**Disagree**  
Strongly disagree

Please see our answer to question 17.

**19. Do you agree that the content of physical health and wellbeing education as set out in paragraphs 93-99 of the guidance will provide secondary school pupils with sufficient knowledge to help them lead a healthy lifestyle**

Strongly agree  
Agree  
Neither agree nor disagree  
**Disagree**  
Strongly disagree

Please see our answer to question 17.

### **Engaging with parents and the wider community**

**20. Do you agree with the approach outlined in paragraphs 36-46 on how schools should engage with parents on the subjects?**

Strongly agree  
Agree  
Neither agree nor disagree  
**Disagree**  
Strongly disagree

We think encouragement should be offered to parents who withdraw their children from sex education to provide it instead. Paragraph 36 currently states that 'the role of parents in the development of their children's understanding about relationships is vital'. We suggest at the very least that 'and sex' be added after the word 'relationships'.

### **Delivery and teaching strategies**

**21. Paragraphs 108-109 in the guidance describe the flexibility that schools would have to determine how they teach the content of their Relationships Education/RSE/Health Education. Do you agree with the outlined approach?**

Strongly agree  
Agree  
Neither agree nor disagree  
**Disagree**  
Strongly disagree

The curriculum requirements that the full guidance sets out are mainly presented as things schools *should* rather than *must* do. Consequently we believe the proposed autonomy being granted to schools risks denying some children the opportunity to receive an education they dearly need. The necessary balance between school flexibility and schools providing pupils with a core entitlement is currently being struck too much in school's favour.

The second sentence of paragraph 108 notes schools must comply with relevant provisions of the Equality Act. Worryingly, the content of a school's curriculum is not covered by the Act, while private schools do not have to adhere to the Public Sector Equality Duty. In reality paragraph 108's second sentence is empty and meaningless. We therefore again urge that reference be made to all schools being required to promote the acceptance of and to tackle prejudice towards people of different protected characteristics and especially (because of their relevance to Relationships Education and RSE) on the grounds of sex, sexuality and gender reassignment.

## **SEND**

**22. Do you agree that paragraph 44 of the guidance provides clear advice on how headteachers in the exceptional circumstances will want to take the child's SEND into account when making this decision?**

Strongly agree

Agree

Neither agree nor disagree

Disagree

**Strongly disagree**

Much too little advice is given to head teachers about possible issues they may have to consider. Beyond linking to the SEND code of practice (which does not offer practical guidance on relationships or sex education), no SEND resources are listed in the guidance, which appears to be making big assumptions about the knowledge heads will have. We urge relevant case studies and examples of exceptional circumstances be added.

**23. Do you agree that paragraphs 30-32 of the guidance provide sufficient detail about how schools can adapt the teaching and design of the subject to make them accessible for those with SEND?**

Strongly agree

Agree

Neither agree nor disagree

**Disagree**

Strongly disagree

The guidance stresses the importance of accessibility, differentiation and personalisation, but does not provide any examples about how schools can adapt the teaching and design of the subjects to make them accessible for those with SEND. This is an expert area and we think the Department should do more to spread best practice. In addition to providing relevant case studies and examples in the guidance, this might be achieved by producing more detailed resources and training to schools.

## **Statutory Guidance**

**24. Do you have any further views on the draft statutory guidance that you would like to share with the department? Do you think that the expectations of schools are clear?**

### **Placing needs of pupil first**

The guidance continually upholds flexibility for schools and, overall, places the autonomy of schools and ahead of the evidenced interests of pupils. This is the wrong way round and is more egregious at the primary stage. We think age appropriate sex education should be taught at primary schools. At the very least we urge that primary schools' ability to ignore providing sex education is not emphasised but discouraged.

### **Promotion of LGBT inclusivity**

Although the guidance is much stronger at the secondary stage, it does not require any school to actively promote the acceptance of LGBT people and we again urge that it should. This would additionally provide some teachers and schools with welcome confidence in this area and help deal with lingering damage from Section 28.

The Government has done a lot to promote the acceptance of LGBT people and to tackle discrimination towards them. The failure of the draft guidance to require schools to actively promote the acceptance of LGBT people seems incongruent with these other measures and risks the Government falling at the last hurdle.

### **Religious inclusivity and balance**

We are concerned about the requirement for religiously balanced debate at faith schools (paragraph 20). The requirement is not clear that (in addition to teaching about the school's religious perspective on issues) a reasonable and balanced range of other views in society should be accurately reflected upon. We urge that paragraph 20 be amended to achieve this.

At the moment a faith or faith ethos school might interpret the current proposed requirement for balance narrowly. For example it might merely reflect balanced opinion from within their denomination or in keeping with the religious backgrounds of their pupils (who could be a very or relatively homogenous group). Accurately reflecting upon a reasonable and balanced range of other views should not be a threat to a school but a duty.

### **Inappropriateness of the model primary curricula**

The one example of a model primary curricula that the appendix links to is for primary Catholic schools. The model assumes, not that many pupils will be theistic, but that Catholic schools pupils are theistic. Similarly the curricula makes a number of observations which rest on Christian propositions.

A state funded faith school should not have difficulty teaching about its own perspective on various issues and not also assuming that their outlook will necessarily be shared by everyone. This seems particularly important at Catholic schools where (as the annual census of Catholic schools conducted by the Catholic Education Service of England and Wales highlights) many members of the school community are likely to not be Catholic. As such this recommended resource already disregards the guidance's requirement that 'the religious background of all pupils must be taken into account when planning teaching'. Many Catholics wish for their schools to be places that are genuinely inclusive of

those from different religious backgrounds. The curricula should be amended to achieve this before it is included in the appendix.

Furthermore, the web link provided to access the primary curricula takes users to a page with several other teaching resources provided by the Catholic Education Service, so it is not clear if all these are being endorsed by the Department too. Given that Catholic schools will presumably already be alerted to these other resources it may be simpler and surely more appropriate not to link to them (and instead to link to a revised primary curricular directly).

## **Financial Education**

**25. Do you agree that more is required on financial education for post-16 pupils?**

Strongly agree  
Agree  
Neither agree nor disagree  
Disagree  
Strongly disagree

As noted above, Accord's expertise regards relationships and sex education. We appreciate the contribution of experts and therefore again urge the Department to take seriously the answer provided to this question in the PSHE Association's response.

## **School support**

**26. The department believes that primary schools should be able to access appropriate resources and training in order to teach effectively. Do you agree that the resources and support currently available to primary schools will be sufficient to enable them to teach the new subjects?**

Strongly agree  
Agree  
Neither agree nor disagree  
Disagree  
**Strongly disagree**

Please see our answer to question 25.

**27. The department believes that secondary schools should be able to access appropriate resources and training in order to teach effectively. Do you agree that the resources and support currently available to secondary schools will be sufficient to enable them to teach the new subjects?**

Strongly agree  
Agree  
Neither agree nor disagree  
Disagree  
**Strongly disagree**

Please see our answer to question 25.

### **Draft Regulations**

**28. Do you agree that the draft regulations clearly set out the requirements on schools to teach the new subjects of Relationships Education, RSE and Health Education?**

Strongly agree

Agree

Neither agree nor disagree

**Disagree**

Strongly disagree

### **Safeguard from prejudice**

In making Relationships Education and RSE compulsory there is a risk that some schools which currently avoid or largely relevant topics, such as LGBT or other content, begin to do so, but in ways that mean wider efforts to tackle prejudice are undermined. Given the importance of avoiding this we think the regulations are the best place to place a clear safeguard.

Thankfully the Education (Independent School Standards) Regulations 2014 already requires independent schools to provide PSHE which 'encourages respect for other people, paying particular regard to the protected characteristics set out in the 2010 [Equality] Act'. However the requirement is a little vague and of course does not include state funded schools. We think a stronger requirement should be added to Section 80 A (2) requiring all schools to have regard for eliminating discrimination, advancing equality of opportunity and fostering good relations between different people of different protected characteristics via their provision of Relationships Education or Relationships and Sex Education. We urge that the section be amended to this effect.

Given that the Children and Social Work Act 2017 was enacted in April 2017, we are disappointed draft regulations will not come into force (and so not make relationships and relationships & sex education compulsory in schools) until September 2020. We are surprised producing regulations has not been of greater concern but hope Section 80 A (2) can be amended with the time that is now available.

### **Illegal schools**

In recent years public awareness of unregistered schools has grown. In its 2016/2017 annual report Ofsted warned that more were being established and in July 2018 (see [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/741253/Unregistered\\_schools\\_management\\_information\\_-\\_1\\_Jan\\_2016\\_to\\_31\\_July\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/741253/Unregistered_schools_management_information_-_1_Jan_2016_to_31_July_2018.pdf)) the inspectorate revealed it had found 420 possible cases.

Unregistered schools flout the law and so new regulations risk being an irrelevance for them. We welcome that the Department is taking illegal schools more seriously and we take this opportunity to again urge it to continue to make it a priority.

**29. We are required to set out in the regulations the circumstances in which a pupil (or a pupil below a specified age) is to be excused from receiving RSE or specified elements of it. The draft regulations provide that parents have a right to request that their child be withdrawn from sex education in RSE and that this request should be granted unless, or to the extent that the headteacher considers that it should not be.**

**Taking into account the advice to schools on how headteachers should take this decision, in paragraphs 41-46 of the guidance, do you agree that this is an appropriate and workable option?**

Strongly agree

**Agree**

Neither agree nor disagree

Disagree

Strongly disagree

As per our response to question 15, we think the guidance should be amended to require schools:

- to tell children who have been withdrawn from sex education when they may personally chose to opt back in
- not to pressure or encourage parents or pupils to opt out of sex education

### **Regulatory Impact Assessment**

**31. Tables (6-8) in section F of the draft assessment set out the assumptions we have made in estimating the cost burden for schools to implement the new requirements. Do you agree with our assumptions and the estimated additional costs to schools?**

Strongly agree

Agree

Neither agree nor disagree

**Disagree**

Strongly disagree

If the policy change is to be implemented properly then we suspect the Department is underestimating the cost of teacher training and particularly at secondary schools. Its assumption that on average secondaries will only need to train one teacher per Key Stage strikes us as too low. Similarly, although reoccurring costs for schools will likely be low, we think it is implausible they will be zero as the Department is suggesting, so we urge that it review this figure too.

ENDS

### **About the Accord Coalition**

Accord is a campaign coalition of civil society organisations, launched in 2008, that includes religious groups, humanists, teachers, trade unionists, educationalists and civil rights activists. Although Accord's supporters derive inspiration for their values from different sources, they are united in working together to ensure state funded schools respect and uphold civil rights and promote social cohesion, especially on the grounds of religion and belief. More information on its work and growing list of members and supporters can be found at <http://accordcoalition.org.uk/>.