

CURRENT status of Sex and Relationships Education

March 2011



The Current Status of Sex and Relationships Education under the Coalition Government

Under the new coalition government the status of sex and relationship education has not changed at present. The government outlined their commitment to SRE in the Schools White Paper 'The Importance of Teaching'¹ published in November 2010. The Paper states that children need high-quality sex and relationships education so they can make wise and informed choices and the government promises to work with teachers, parents, faith groups and campaign groups to improve SRE.

Therefore the most up-to-date legislation relating to sex and relationships education (SRE) are contained within the Education Act (1996) and the Learning and Skills Act (2000). The requirements are that:

- It is compulsory for all maintained schools to teach some parts of **sex education** i.e. the biological aspects of puberty, reproduction and the spread of viruses. These topics are statutory parts of the National Curriculum Science which must be taught to all pupils of primary and secondary age.
- There is also a separate requirement for secondary schools to teach about HIV and AIDS and sexually transmitted infections.
- The broader topic of **sex and relationships education** (SRE) is currently not compulsory but is contained within non statutory PSHE education within the National Curriculum and is strongly recommended within Government SRE Guidance (2000). School governors are in law expected to give 'due regard' to this guidance.
- Both primary and secondary schools are legally obliged to have an up-to-date SRE policy that describes the content and organisation of SRE taught outside the Science Curriculum. In primary schools if the decision is taken not to teach SRE outside the Science Curriculum this should also be documented in the policy.

¹ Department of Education (DfE) [2010] *The Importance of Teaching: Schools White Paper*

- It is the responsibility of the school's governing body to ensure that the policy is developed and is made available to parents. Parents have a right to withdraw their children (until the age of 19) from any school SRE taught outside the Science Curriculum.
 - To qualify for Healthy School status, there must be a planned programme of PSHEe which includes SRE, in place.
 - Schools have a legal duty to ensure the well-being of their pupils² and SRE contributes to this duty.
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The Review of the National Curriculum

On the 20th January 2011, the Secretary of State for Education announced a review of the National Curriculum in England for both primary and secondary schools. The government has stated that SRE will not be included in the remit of the review even though it is covered in National Curriculum science. However, it does state that 'the Government recognises good PSHE education supports individual young people to make safe and informed choices but that often schools need more support and help in the way they cover the important topics dealt with within PSHE education, including sex and relationships education'³. The Government will be conducting a separate internal review into PSHE to consider how to improve the quality of PSHE teaching.

The Equality Act 2010 and Sex and Relationships Education

The Equality Act 2010 covers the way the curriculum is delivered, as schools and other education providers must ensure that issues are taught in a way that does not subject pupils to discrimination. It is also a legal requirement for schools to teach a balanced view of any political issue⁴.

Schools must ensure equal opportunities in the education they provide, so it would not be lawful for schools to provide SRE only for girls or only for boys. An example of good practice given in guidance⁵ for education providers on the Equality Act is that PSHE education should cover equality and diversity based subjects including gender equality and non-violent, respectful relationships between women and men. The Act also provides new protections for pupils from

² Education and Inspections Act 2006 Section 38

³ Department for Education (DFE) [2011] *Review of the National Curriculum in England: Remit: Rationale for the National Curriculum review* p.2

⁴ Education Act 1996, Section 407

⁵ Equality and Human Rights Commission (EHRC) [2010] *What equality law means for you as an education provider: schools* <http://www.equalityhumanrights.com/advice-and-guidance/guidance-for-education-providers-schools/>

discrimination because of pregnancy and maternity in school as it is now unlawful for schools to treat a pupil less favourably because she becomes pregnant or has recently had a baby.

Academies and Sex and Relationships Education

Academies are 'independent' schools directly funded by central government and the coalition government is committed to expanding the number of academies. Academies have greater freedoms than maintained schools including not having to follow the National Curriculum. However, there are some requirements placed on academies as part of their contract known as their funding agreement. Each Academy's funding agreement varies so it can be difficult to make generalisations about requirements on academies. The coalition government released the most recent model funding agreement in 2010⁶.

In terms of sex and relationships education, this draft model funding agreement states that Academies must: '*Have regard to any guidance⁷ issued by the Secretary of State on Sex and Relationships Education to ensure that children are protected from inappropriate teaching materials and they learn the nature of marriage and its importance for family life and for bringing up children*'. The only other curriculum requirements in the draft model funding agreement are that academies must teach English, Mathematics and Science and must make provision for the teaching of religious education.

The difference between the current legal status of SRE in maintained schools and academies:

<i>Maintained Schools</i>	<i>Academies</i>
Required to have a broad and balanced curriculum	Required to have a broad and balanced curriculum
Must have regard to SRE Guidance 2000	Must have regard to SRE Guidance 2000
Sex education is compulsory as part of the statutory Science Curriculum	Sex education is not compulsory
Requirement to have up-to-date policy on SRE	There is no requirement

⁶ Available here: <http://www.education.gov.uk/b0061866/supporting-documents/draft-model-funding-agreement-single-model-documents>

⁷ Currently the Department for Education and Skills (DfES) [2000] *Sex and relationships Education Guidance*

Appendix 1 – Sex and Relationships Education in the Curriculum

Primary school SRE can be found within the statutory science curriculum and the non-statutory framework for PSHE for Key Stages 1 and 2 within the 1999 National Curriculum <http://curriculum.qca.org.uk/key-stages-1-and-2/> (see below)

Secondary school SRE can be found within the statutory science curriculum and the non-statutory programmes of study on Personal Well-being, within the revised 2007 National Curriculum <http://curriculum.qca.org.uk/key-stages-3-and-4/> (see below)

Schools teaching PSHE education remain free to adopt the QCA curriculum, adapt it or devise their own. For more information on guidance and practice visit www.sexeducationforum.org.uk

Key Stage 1 – Sex and Relationships Education in the Curriculum	
Science: Statutory Programme of study: (NC, 1999)	PSHE: Non-statutory Framework (NC, 1999)
<p>Pupils should be taught:</p> <p>Life processes</p> <ul style="list-style-type: none"> • That animals, including humans, move, feed, grow, use their senses and reproduce <p>Humans and other animals</p> <ul style="list-style-type: none"> • To recognize and compare the main external parts of the bodies of humans and other animals <p>That humans and other animals can produce offspring and that these offspring grow into adults</p>	<p>Pupils should be taught:</p> <p>Developing a healthy, safer lifestyle</p> <ul style="list-style-type: none"> • About the process of growing from young to old and how people’s needs change • The names of the main parts of the body • Rules for, and ways of, keeping safe...and about people who can help them to stay safe <p>Developing good relationships and respecting the differences between people</p> <ul style="list-style-type: none"> • To recognise how their behaviour affects other people • To listen to other people, and play and work cooperatively • To identify and respect the differences and similarities between people • That families and friends should care for each other • That there are different types of teasing and bullying, that bullying is wrong, and how to get help to deal with bullying

Key Stage 2 – Sex and Relationships Education in the Curriculum

Science: Statutory Programme of study: (NC, 1999)	PSHE: Non-statutory Framework (NC, 1999)
<p>Pupils should be taught:</p> <p>Life processes</p> <ul style="list-style-type: none"> • That the life processes common to humans and other animals include nutrition, movement, growth and reproduction <p>Humans and other animals</p> <ul style="list-style-type: none"> • About the main stages of the human lifecycle 	<p>Pupils should be taught:</p> <p>Developing confidence and responsibility and making the most of their abilities</p> <ul style="list-style-type: none"> • To recognise as they approach puberty, how people’s emotions change at that time and how to deal with their feelings towards themselves, their family and others in a positive way <p>Developing a healthy, safer lifestyle</p> <ul style="list-style-type: none"> • About how the body changes as they approach puberty • To recognise the different risks in different situations and then decide how to behave responsibly, including....judging what kind of physical contact is acceptable and unacceptable • That pressure to behave in an unacceptable or risky way can come from a variety of sources, including people they know, and how to ask for help and use basic techniques for resisting pressure to do wrong <p>Developing good relationships and respecting the differences between people</p> <ul style="list-style-type: none"> • That their actions affect themselves and others, to care about other people’s feelings and to try to see things from their point of view • To be aware of different types of relationship, including marriage and those between friends and families, and to develop the skills to be effective in relationships • To recognise and challenge stereotypes • That differences and similarities between people arise from a number of factors, including cultural, ethnic, racial and religious diversity, gender and disability • Where individuals, families and groups can get help and support

Key Stage 3 – Sex and Relationships Education in the Curriculum	
Science: Statutory Programme of study: (QCA 2007)	PSHE: Non-statutory Programme of study: Personal Wellbeing (QCA 2007)
<p>Range and content should include:</p> <p>Organisms, behaviour and health</p> <ul style="list-style-type: none"> • The human reproductive cycle includes adolescence, fertilisation and foetal development • Conception, growth, development, behaviour and health can be affected by diet, drugs and disease <p>The curriculum should provide opportunities for pupils to:</p> <ul style="list-style-type: none"> • Consider how knowledge and understanding of science informs personal and collective decisions, including those on substance abuse and sexual health <p>Explanatory notes:</p> <p>Sexual health: includes issues related to contraception, pregnancy and disease</p> <p>Diet, drugs and disease: This includes...the effect of drugs such as alcohol, tobacco and cannabis on mental and physical health. It also includes the effects of bacteria and viruses, such as those associated with sexually transmitted infections.</p>	<p>Range and content that teachers should draw on when teaching the key concepts and processes include:</p> <ul style="list-style-type: none"> • examples of diverse values encountered in society and the clarification of personal values • physical and emotional change and puberty • sexual activity, human reproduction, contraception, pregnancy, and sexually transmitted infections and HIV and how high-risk behaviours affect the health and wellbeing of individuals, families and communities • the features of positive and stable relationships, how to deal with a breakdown in a relationship and the effects of loss and bereavement • different types of relationships, including those within families and between older and young people, boys and girls, and people of the same sex, including civil partnerships • the nature and importance of marriage and of stable relationships for family life and bringing up children • the similarities, differences and diversity among people of different race, culture, ability, disability, gender, age and sexual orientation and the impact of prejudice, bullying, discrimination and racism on individuals and communities

Key Stage 4 – Sex and Relationships Education in the Curriculum	
Science: Statutory Programme of study: (QCA 2007)	PSHE: Non-statutory Programme of study: Personal Wellbeing (QCA 2007)
<p>Pupils should be taught:</p> <p>Organisms and health</p>	<p>Range and content that teachers should draw on when teaching the key concepts and processes include:</p> <ul style="list-style-type: none"> • the effect of diverse and conflicting values on individuals, families and communities and ways of

<ul style="list-style-type: none"> • Human health is affected by a range of environmental and inherited factors, by the use of misuse of drugs and medical treatments 	<p>responding to them</p> <ul style="list-style-type: none"> • how the media portrays young people, body image and health issues • the benefits and risks of health and lifestyle choices, including choices relating to sexual activity and substance use and misuse, and the short and long-term consequences for the health and mental and emotional wellbeing of individuals, families and communities • where and how to obtain health information, how to recognise and follow health and safety procedures, ways of reducing risk and minimising harm in risky situations, how to find sources of emergency help and how to use basic and emergency first aid • characteristics of positive relationships, and awareness of exploitation in relationships and of statutory and voluntary organisations that support relationships in crisis • parenting skills and qualities and their central importance to family life • the impact of separation, divorce and bereavement on families and the need to adapt to changing circumstances • the diversity of ethnic and cultural groups, the power of prejudice, bullying, discrimination and racism, and the need to take the initiative in challenging this and other offensive behaviours and in giving support to victims of abuse.
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Appendix 2 – Extracts from Statute

Education Act 1996

351 General duties in respect of the curriculum

(1) The curriculum for a school satisfies the requirements of this section if it is a balanced and broadly based curriculum which—

(a) promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and

(b) prepares pupils at the school for the opportunities, responsibilities and experiences of adult life.

Sex education

403 Sex education: manner of provision

(1) The local education authority, governing body and head teacher shall take such steps as are reasonably practicable to secure that where sex education is given to any registered pupils at a maintained school, it is given in such a manner as to encourage those pupils to have due regard to moral considerations and the value of family life.

(2) In subsection (1) "maintained school" includes a maintained special school established in a hospital.

404 Sex education: statements of policy

(1) The governing body of a maintained school shall—

(a) make, and keep up to date, a separate written statement of their policy with regard to the provision of sex education, and

(b) make copies of the statement available for inspection (at all reasonable times) by parents of registered pupils at the school and provide a copy of the statement free of charge to any such parent who asks for one.

(2) In subsection (1) "maintained school" includes, in relation to pupils who are provided with secondary education, a maintained special school established in a hospital.

(3) In relation to—

(a) a county, or controlled, secondary school, and

(b) pupils who are provided with secondary education in a maintained special school,

section 371 shall have effect with the omission of subsection (3) of that section and of the references to the matters mentioned in that subsection, and section 372 shall have effect with the omission of subsection (4)(a) of that section.

405 Exemption from sex education

If the parent of any pupil in attendance at a maintained school requests that he may be wholly or partly excused from receiving sex education at the school, the pupil shall, except so far as such education is comprised in the National Curriculum, be so excused accordingly until the request is withdrawn.

Statutory Instrument 1999 No. 2257 EDUCATION, ENGLAND AND WALES

The Education (Non-Maintained Special Schools) (England) Regulations 1999

In exercise of the powers conferred on the Secretary of State by sections 328(6), 339, 342(2), (4), (5) and (6), 568(5) and 569(4) of the Education Act 1996^[1], the Secretary of State for Education and Employment hereby makes the following regulations:

Sex education

11. (1) Arrangements shall be made to secure that every pupil who is provided with secondary education will receive sex education, or will be wholly or partly excused from such education (except in so far as it is comprised in the National Curriculum) if his parent so requests.

(2) The governing body shall, in relation to pupils who are provided with secondary education at the school-

(a) make and keep up to date a separate written statement of their policy with regard to sex education, and

(b) make copies of the statement available for inspection, at all reasonable times, by parents of pupils at the school and provide a copy of the statement free of charge to any such parent who asks for one.

(3) In this Schedule, "sex education" includes education about-

- (a) Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus, and
- (b) any other sexually transmitted disease.

Learning and Skills Act 2000

148 Sex education

(1) The [1996 c. 56.] Education Act 1996 shall be amended as follows.

(2) In section 351 (general duties in respect of the curriculum) after subsection (5) insert—

“(6) In exercising any function which may affect the provision of sex education in maintained schools, every local education authority must have regard to the guidance issued by the Secretary of State under section 403(1A).

(7) Except to the extent provided in subsection (6), nothing in this section shall be taken to impose duties on a local education authority with regard to sex education.”

(3) In section 403 (sex education: manner of provision) in subsection (1) omit “local education authority,”.

(4) After subsection (1) of that section insert—

“(1A) The Secretary of State must issue guidance designed to secure that when sex education is given to registered pupils at maintained schools—

(a) they learn the nature of marriage and its importance for family life and the bringing up of children, and

(b) they are protected from teaching and materials which are inappropriate having regard to the age and the religious and cultural background of the pupils concerned.

(1B) In discharging their functions under subsection (1) governing bodies and head teachers must have regard to the Secretary of State's guidance.

(1C) Guidance under subsection (1A) must include guidance about any material which may be produced by NHS bodies for use for the purposes of sex education in schools.

(1D) The Secretary of State may at any time revise his guidance under subsection (1A).”

(5) In subsection (2) of that section—

(a) for “subsection (1)” substitute “this section”, and

(b) at the end insert “and “NHS body” has the same meaning as in section 22 of the National Health Service Act 1977.”

(6) In section 404 (sex education: statements of policy) after subsection (1) insert—

“(1A) A statement under subsection (1) must include a statement of the effect of section 405.”

Education Act 2002

Basic curriculum for every maintained school in England

(1) The curriculum for every maintained school in England shall comprise a basic curriculum which includes—

- (a) provision for religious education for all registered pupils at the school (in accordance with such of the provisions of Schedule 19 to the School Standards and Framework Act 1998 (c. 31) as apply in relation to the school),
- (b) a curriculum for all registered pupils at the school who have attained the age of three but are not over compulsory school age (known as “the National Curriculum for England”),
- (c) in the case of a secondary school, provision for sex education for all registered pupils at the school, and
- (d) in the case of a special school, provision for sex education for all registered pupils at the school who are provided with secondary education.

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