

Government Guidance on RHE/RSHE

Guidance

Plan your relationships, sex and health curriculum

<https://www.gov.uk/guidance/plan-your-relationships-sex-and-health-curriculum>

Information to help school leaders plan, develop and implement the new statutory curriculum.

The Department for Education has recently published some guidance for schools in order to support schools to implement statutory Relationships Education in primary schools and statutory Relationships and Sex Education in secondary schools.

Although this is a welcome contribution in some ways it is also a tacit acknowledgement that this massive change has not been well thought through. The statutory guidance is confusing, and leaves a lot of ambiguous and contradictory messages, which schools have had to interpret. The government has had to publish multiple supplementary guidance documents to deal with these contradictions.

What is clear is that sustained pressure on the government by parents has had some effect.

We will go through the most important clarifications in order to support parents with their interactions with schools.

Status of LGBT teaching in primary schools

All pupils should receive teaching on lesbian, gay, bisexual and transgender (LGBT) relationships during their school years. Secondary schools should include LGBT content in their teaching. Primary schools are strongly encouraged, and enabled, when teaching about different types of family, to include families with same sex parents.

Comment: Teaching about LGBT families is a requirement in secondary schools and although encouraged in primary schools, there is no requirement to cover LGBT families in primary schools.

The guidance re-states something that has been clarified in ministerial statements but something which parents have reported schools are unclear about. When parents engage with schools about the teaching of LGBT families, they should be clear that primary schools have the choice to either cover LGBT families or not.

Statutory consultation before the RE/RSE policy has been finalised

All schools must have a written policy in place for the new relationships education and relationships and sex education curriculum.

Policies are typically approved by the governing body, or the appropriate body if that is not the governing body (for example, the trust board).

You will need to decide the outline of your curriculum and consult with parents and carers on the policy before finalising it.

Comment: There is a legal requirement for schools to consult parents on the outline of their curriculum and the draft policy before it is finalised.

What should be included in the policy?

The statutory guidance suggests typical sections you may wish to include in your policy such as:

- **details of the content or scheme of work and when each topic is taught, taking the age of pupils into account**
- **who delivers relationships education or relationships and sex education**
- **whether you're using any external organisations to teach part of the curriculum**
- **how the policy has been produced, and how it will be kept under review, in both cases working with parents and carers, as set out in the advice on engaging parents with relationships education**
- **how the delivery of the content will be made accessible to all pupils, including those with special educational needs and disabilities (SEND)**
- **an explanation of the right to withdraw pupils from sex education classes**
- **requirements on schools in law, for example (where relevant), the Human Rights Act 1998, the Equality Act 2010 and the Education Act 1996**
- **how often the policy is updated**
- **who approves the policy**

Comment: Historically policies covering Sex and Relationships Education in schools have been meaningless documents which did not set out what is taught and when. Parents have got to insist that this practice changes. The policy must contain details of how (which resources are used) and when (when the learning outcomes are taught) these subjects are taught. They should explain what is statutory and what is not, and which aspects of these subjects parents can withdraw from and how they can make their request. The document should reflect how the school organises and implements RE/RSE.

Delaying the implementation of Relationships Education/Relationships and Sex Education

Schools that assess that they have been unable to adequately meet the requirements because of the lost time and competing priorities should aim to commence teaching the new content no later than the start of the summer term 2021. To ensure teaching begins as soon as possible, schools are encouraged to take a phased approach (if needed) when introducing these subjects.

Comment: If a school has not meaningfully consulted with parents, they have not met the requirements for implementing these new subjects. Therefore any school in this position has to delay the implementation to later in the school year, up to the start of the summer term.

It is important that parents ask schools to provide a clear timetable for when meaningful consultation will take place as well as clarifying how the views of parents will shape the decisions school will make. It is important that schools meaningfully consult parents on how and when these subjects will be taught.

Schools have to ensure they do not signpost children to inappropriate material

The safety of children is of paramount importance in school.

Teachers should be aware of age inappropriate material on the internet. Great caution should be exercised before setting any assignment, in class or at home, that involves researching a subject where there is a high risk that a child could accidentally be exposed to age inappropriate material, such as pornography. Particularly at primary level, you should be careful not to expose children to over-sexualised content.

Comment: There have been past instances where schools have asked children to follow up on class discussions by researching on the internet. This has led primary aged children to access pornography. This paragraph has to be understood in reference to sex education in primary schools, which is a statutory subject. Whereas Relationships Education is statutory, it does not include any requirement to cover sexual content.

How schools should handle transgender discussions

We are aware that topics involving gender and biological sex can be complex and sensitive matters to navigate. You should not reinforce harmful stereotypes, for instance by suggesting that children might be a different gender based on their personality and interests or the clothes they prefer to wear. Resources used in teaching about this topic must always be age-appropriate and evidence based. Materials which suggest that non-conformity to gender stereotypes should be seen as synonymous with having a different gender identity should not be used and you should not work with external agencies or

organisations that produce such material. While teachers should not suggest to a child that their non-compliance with gender stereotypes means that either their personality or their body is wrong and in need of changing, teachers should always seek to treat individual students with sympathy and support.

Comment: Some groups have sought to interpret every child that experiments with clothes or acts in a particular way as a child ripe for the 'transgender' label. This has led to an increase in children being referred for "gender treatment" by 4000% in less than 10 years. It is important that schools are reminded they are teachers and not activists. It is not their place to promote transgender ideology to children.

In a primary school questions children ask about sex education topics should not be answered in front of the whole class

Some questions may relate to sex education which the (primary) school may not be teaching, or not yet. These should generally not be answered in front of the whole class.

Strategies to handle such questioning could include offering a word outside the lesson, referring to another more senior member of staff or offering a simple 'holding' answer and mentioning the question to parents and carers at the end of the day.

In a secondary school questions children ask about sex education topics should not be answered in front of the whole class

Questions relating to sex education may come up anytime. There might be pupils whose parents or carers do not want them to receive sex education in school, therefore particular care should be taken when answering questions in front of these pupils.

Where a pupil who is withdrawn from sex education asks a question relating to sex education content, teachers should offer a brief 'holding response', usually via a senior member of staff and draw the issue to the attention of the pupil's parents and carers, unless there is a safeguarding concern and then the school's safeguarding process should be followed in such cases.

For pupils who are not withdrawn from sex education, it may be appropriate to speak discreetly with the pupil asking the question at the end of the lesson to address their question or to ensure the answer is covered in subsequent teaching which is clearly designated as sex education.

Schools should ensure they clarify when different aspects of sex education are taught

You should be clear in your published policy when in the curriculum different aspects of sex education are taught.

Comment: There is a fear amongst parents that although they can withdraw their children from the sex education element of RSE, schools may include these topics in a cross-curricular way in order to bypass withdrawal. Sex education in a secondary school should either be taught within RSE or in science classes. These should be stand alone lessons, which ensures that withdrawn children are not taught these elements by stealth.

Withdrawing from sex education classes

The policy should state clearly that parents and carers have the right to request withdrawal from all or part of sex education. It should also tell them who to contact to make such a request - this will usually be the headteacher, in the first instance.

When a request is received, consider meeting with the parents and carers to:

- **discuss the background to their request**
- **offer assurances about your school's approach**
- **set out the benefits of pupils accessing sex education in school**

If parents and carers decline an invitation to a discussion, you must still process their request for withdrawal in the normal way.

If the parents still want withdrawal after such a discussion, unless there are exceptional circumstances, parents and carers' request should be granted until 3 terms before the pupil turns 16. For example, if the pupil's 16th birthday is in February of year 11, that point would be February in year 10.

At that point, if the pupil wishes to be taught sex education, you must ensure they receive it in one of those 3 terms and continue to be taught it while the child remains in school.

Comment: Schools should set out clearly that parents can withdraw from sex education in primary schools and the sex education element of RSE in secondary schools.

Schools may ask a parent to discuss their withdrawal request. Parents can decline such an invitation without affecting their request. This is not to say parents should not attend a meeting and make their own decision, but it is clear that attending such a meeting is not required and schools should still process the request.

When does the right to withdraw end?

If the parents still want withdrawal after such a discussion, unless there are exceptional circumstances, parents and carers' request should be granted until 3 terms before the pupil turns 16. For example, if the pupil's 16th birthday is in February of year 11, that point would be February in year 10.

At that point, if the pupil wishes to be taught sex education, you must ensure they receive it in one of those 3 terms and continue to be taught it while the child remains in school.

Comment: Parents can request withdrawal from the sex education element of Relationships and Sex Education in secondary schools. Besides exceptional cases, the request to withdraw must always be granted. This request, once granted, lasts until three terms before a child turns 16. In practice, the example given in the guidance document suggests the parental right to withdraw ends a year before a child's 16th birthday. At this point a child will be asked whether they wish to remain withdrawn or to attend a sex education class. If they do not wish to remain withdrawn they will attend a sex education class in one of those three terms.