

DISCUSSION DOCUMENT MANCHESTER BOARD OF EDUCATION – NOVEMBER 2019

Manchester Diocese

Relationships Education, Relationships and Sex Education, and Health Education including LGBT issues – guidance note for governing boards and headteachers of Church of England Primary Schools

Background

The Children and Social Work Act 2017 placed a duty on the Secretary of State for Education to make Relationships Education compulsory for all pupils receiving primary education and to make Relationships and Sex Education (RSE) compulsory for all pupils receiving secondary education. It also gave the Secretary of State the power to make personal, social, health and economic education (PSHE) mandatory in the future. The subjects of Relationships Education, Relationships and Sex Education (RSE) and Health Education aim to aid schools to act in the best interests of all pupils in preparing them for life as an adult.

In 2018 DfE consulted on Relationships Education, Relationships and Sex Education and Health Education. In February 2019 DfE published the government's response to the comments received during the consultation. The government also published a draft of "The Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019". The draft regulations were finalised and approved in May 2019. Under the regulations, schools are required to teach these subjects from September 2020, and to have regard to statutory guidance.

Together with the government's response and the draft regulations, in February 2019 DfE also published draft statutory guidance on Relationships Education, RSE and Health Education, and an Equality Impact Assessment. The draft statutory guidance was finalised in June 2019. The regulations and statutory guidance are available on the DfE website.

Currently, Section 80 of the Education Act 2002 provides that the curriculum for every maintained school in England shall comprise a basic curriculum which includes:

- a) Provision for religious education
- b) The National Curriculum
- c) Provision for sex education (in a secondary school)

Under the Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019, the government has made Relationships Education part of the basic curriculum for primary pupils and therefore compulsory at primary schools (including maintained schools and academies).

DfE advise that under the Education Act 2002, responsibility for the curriculum in a maintained school is shared between the Head and the board, and that the governing board and headteacher are required to exercise their functions with a view to securing that the curriculum for the school satisfies statutory requirements.

These guidance notes seek to assist headteachers and governing boards of CE primary schools in carrying out their responsibilities and preparing for the introduction of Relationships Education, RSE and Health Education from September 2020 (particularly for compulsory Relationships Education in primary schools).

Requirements (Based on May 2019 regulations and June 2019 statutory guidance)

As noted above, government has made Relationships Education part of the basic curriculum for primary children and therefore compulsory at primary schools.

Under the regulations, the Secretary of State is required to give guidance to schools about the provision of Relationships Education and RSE. Schools must have regard to this statutory guidance, and where they depart from those parts of the guidance which state that they should (or should not) do something they will need to have good reasons for doing so.

Under the statutory guidance, primary schools will be required to have an up-to-date policy which will define Relationships Education, set out the subject content, how it is taught and who will be responsible for teaching it. The policy will also describe how the subject will be monitored and evaluated. There will not be a parental right to withdraw their child from Relationships Education

(In so far as Relationships and Sex Education (RSE) is concerned, primary schools are not required to teach sex education beyond the requirements of the national curriculum for science. However, DfE recommend that primary schools should have a sex education programme tailored to the age and the physical and emotional maturity of the pupils. Primary schools that choose to teach sex education beyond the requirements of the national curriculum for science must decide what it should consist of and how it should be organised, consult parents, keep a record of the board's decisions and allow parents who wish to do so to withdraw their child from sex education lessons. Primary schools that choose not to teach sex education are advised to make this clear in a statement of policy, and to inform parents.)

The statutory guidance states that all schools must have in place a written policy for Relationships Education/RSE, and must consult parents in developing and reviewing their policy. DfE advise (pages 11 and 12 of the statutory guidance) that the policy for Relationships Education should include:

- A definition of Relationships Education
- The subject content, how it is taught and who is responsible for teaching it
- How the subject is monitored and evaluated
- Information to clarify why parents do not have a right to withdraw their child from Relationships Education
- The date by which the policy will be reviewed

The statutory guidance includes a section on Relationships Education which makes clear that in primary schools the focus should be on teaching the fundamental building blocks and characteristics of positive relationships, with particular reference to friendships, family relationships and relationships with other children and with adults. The guidance (pages 20-22) indicates what pupils should know by the end of primary school and makes clear that schools are free to determine how to deliver the content set out in the guidance, in the context of a broad and balanced curriculum.

Under the Education and Inspections Act 2006, the governing board of a maintained school, in discharging its functions relating to the conduct of the school, must have regard to any views expressed by the parents of registered pupils.

Primary schools will wish to give careful consideration to the arrangements for consultation on their statement of policy on Relationships Education (and RSE if they choose to deliver sex education).

The statutory guidance on Relationships Education and RSE contains a section on working with parents/carers and the wider community, which includes the following:

- All schools should work closely with parents when planning and delivering these subjects. Schools should ensure that parents know what will be taught and when (and that parents have the right to withdraw their child from sex education delivered as part of RSE)
- 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 help increase confidence in the curriculum
- Many schools build good relationships by inviting parents into school to discuss what will be taught, address any concerns and help support parents in managing conversations with their children on these issues. This can be an important opportunity to talk about how these subjects contribute to wider support in terms of pupil wellbeing and keeping children safe. It is important through such processes to reach out to all parents, recognising that a range of approaches may be needed for doing so.
- 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.

DfE advise that the statement of policy should also reflect the views of teachers and pupils. Listening and responding to the views of young people will strengthen the policy, ensuring that it meets the needs of all pupils.

Further DfE guidance on "Parental engagement and community leadership" was published in March 2019, in the updated version of the Governance Handbook.

LGBT and the Public Sector Equality Duty (PSED)

DfE acknowledge that Relationships Education, RSE and Health Education, by nature of their content, have attracted high levels of interest. The depth and breadth of views are clear, and there are understandable and legitimate areas of concern. DfE have followed their guiding principles that compulsory subjects should keep children safe, help prepare children for the world in which they are growing up, including its laws in relation to relationships and health; and help foster respect for others and for difference. The content must be age and developmentally appropriate; provide schools with the flexibility to deliver the subjects in a way that will be most beneficial to their particular pupils; and be delivered in schools in a way that engages parents and recognises that they are the primary teachers of their children.

A large proportion of respondents to the DfE consultation in 2018 disagreed with the position on teaching about LGBT in the 2018 version of DfE draft guidance. DfE advise that schools should make decisions about what is appropriate to teach on this

subject, and when, based on the age and development of their pupils and should involve the parent body in these decisions, informing them clearly and in a timely manner about what and how their pupils will be taught. The government believe this is the right approach to teaching about LGBT, and as such, this is set out in the statutory guidance and will be made clear to schools through communications and further support they receive from DfE to deliver these subjects.

The governing board has responsibility for making sure that the school complies with the equality duties set out in the [Equality Act 2010](#). The Department for Education has provided advice to help schools understand how the Equality Act affects them and how to fulfil their duties under the Act. The general duty on schools is to have due regard to the need to eliminate unlawful discrimination, promote equality of opportunity and foster good relations in the area of race, disability, gender, religion or belief, sexual orientation and gender reassignment. Specific duties require schools to publish information demonstrating compliance with the general duty and to publish equality objectives.

Section 149 of the Equality Act 2010 sets out that any public authority must in the exercise of its functions have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Act.
- b) Advance equality of opportunity between persons who share a relevant protected characteristic* and persons who do not share it.
- c) Foster good relations between persons who share a relevant protected characteristic* and persons who do not share it.

(*The relevant protected characteristics are: sex, race, disability, religion or belief, sexual orientation, pregnancy and maternity, gender reassignment and age.)

The statutory guidance from DfE notes that this means that, 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. Schools should ensure that all their teaching is sensitive and age appropriate in approach and content. At the point at which schools consider it appropriate to teach their pupils about LGBT, they should ensure that this content is fully integrated into their programmes of study for this area of the curriculum rather than delivered as a standalone unit or lesson. DfE advise that schools are free to determine how they do this, and DfE expect all pupils to have been taught about LGBT content at a timely point as part of this area of the curriculum.

Schools with a religious character

The statutory guidance provides that schools with a religious character may teach the distinctive faith perspective on relationships, and balanced debate may take place about issues that are seen as contentious. In all schools, teaching should reflect the law, including the Equality Act 2010, as it applies to relationships, so that young people clearly understand what the law allows and does not allow, and the wider legal implications of decisions they may make.

Guidance for Church of England Schools from the Church of England Education Office

The Church of England's vision for education, published in 2016, is deeply Christian, with Jesus' promise of "life in all its fullness" at its heart. The vision is for the common good of the whole community. The vision has four elements, including:

- educating for dignity and respect: the basic principle of respect for the value and preciousness of each person, treating each person as a unique individual of inherent worth; and
- educating for community and living well together: a core focus on relationships, participation in communities and the qualities of character that enable people to flourish together.

Valuing All God's Children (2014 – updated Autumn 2017)

In 2014, the Church of England published "Valuing All God's Children". This document provides CE guidance on the action and commitment the CE is taking to eradicate any homophobic, biphobic and transphobic stereotyping and bullying that takes place in CE schools, and offers guidance for CE schools on challenging homophobic, biphobic and transphobic bullying. The updated document seeks to offer further guidance to schools and places it within the vision for education. In the Foreword, the Archbishop of Canterbury writes: "Central to Christian theology is the truth that every single one of us is made in the image of God. Every one of us is loved unconditionally by God. We must avoid, at all costs, diminishing the dignity of any individual to a stereotype or a problem. Church of England schools offer a community where everyone is a person known and loved by God, supported to know their intrinsic value. This guidance helps schools to offer the Christian message of love, joy and celebration of our humanity without exception or exclusion."

The updated document acknowledges that in 2015 the government placed a duty on schools to promote British Values, which include challenging extremist views, understanding the importance of identifying and challenging discrimination and the acceptance of individual liberty and mutual respect. In July 2016, the government issued "Action Against Hate". This plan for tackling hate crime includes the need to challenge homophobic, biphobic and transphobic (HBT) bullying in schools. To prepare their pupils to live in modern Britain, schools need to educate pupils to understand the rights of all people to live freely within their sexual orientation or gender identity without discrimination.

Valuing All God's Children acknowledges that this is a sensitive topic. It does not offer lesson plans or materials for PSHE or RSE, but the appendices provide practical examples and templates for schools to use as they instigate anti-bullying policies and strategies.

The CE guidance notes that in collective worship the importance of inclusivity and dignity and respect for all should be explored, as well as other themes and values that play a part in challenging all forms of prejudicial bullying, including HBT bullying and language.

In connection with the curriculum, the CE guidance indicates that RSE should take LGBT people into account, and sexual orientation should be included within RSE in the secondary phase. The CE's teaching on human sexuality and a range of Christian views should be taught, as well as a range of perspectives from other faiths and world views.

Church of England response to DfE consultation

The Church of England Education Office has been actively involved in the DfE consultation on the development of the Relationships Education, RSE and Health Education framework, and responded to the original DfE consultation in 2018.

The way in which the DfE guidance is set in the context of developing character and virtues with a focus on respecting others, including different types of families, and promoting healthy resilient relationships is welcomed.

It maintains the need for schools to consult their parental community in developing the curriculum, with parents still having the right to withdraw their children from sex education if they wish. The clarity of the draft DfE guidelines will help schools and teachers to equip children and young people for life in the modern world.

DfE acknowledge that concerns have been raised that compulsory Relationships Education will lead to the 'early sexualisation of children' and that it will 'normalise' LGBT. However, in connection with Relationships Education the DfE draft statutory guidance indicates (see pages 20-22) that what primary pupils should know by the end of primary school includes, for example:

“That others’ families, either in school or in the wider world, sometimes look different from their family, but that they should respect those differences and know that other children’s families are also characterised by love and care for them.”

“Others’ families” could include LGBT but also single parents, adoptive parents, grandparent led families and so on.

Elsewhere (page 19), the DfE statutory guidance notes that *“Families of many forms provide a nurturing environment for children. (Families can include, for example, single parent families, LGBT parents, families headed by grandparents, adoptive parents foster parents/carers amongst other structures.) 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.”*

This does not do anything other than reflect the situation pupils will meet as part of a wider school community and hopefully it will reduce the instances of homophobic and other forms of bullying.

Recent developments/other issues

Following the publication of the draft regulations and draft statutory guidance in February 2019, DfE published some frequently asked questions in April 2019 which may assist further understanding of the new requirements and school's responsibilities. These are set out below.

Following finalisation of the statutory guidance in June 2019, DfE published “Understanding relationships and health education in your child’s school: primary” –

a guide to help parents know more about these subjects. The guide suggests that schools can use the guide to communicate with parents about teaching relationships and health education, and makes clear that if parents want to know more about what will be taught as part of the new subjects, the best thing to do is to speak to their child's school. (DfE also published a secondary version on RSE).

In October 2019 DfE, with support from NAHT, ASCL and NGA, published "Parental Engagement on Relationships Education". This document provides information to primary schools on what is expected of them in terms of parental engagement on the forthcoming introduction of Relationships Education and why. It also provides advice, tips and case studies on effective parental engagement. This includes where to go for help and the important role governors can play in this process.

Also in October 2019, DfE issued advice for local authorities on managing issues with LGBT teaching, following protests by parents and others at a small number of primary schools. DfE indicate that local authorities can use this advice, based on lessons learned, to support schools to understand and allay any similar concerns by engaging constructively with parents and working with the wider community.

DfE have actively encouraged and supported primary schools to start teaching Relationships Education from September 2019. They will continue to work with subject experts to ensure schools are supported to improve their practice, focusing on a supplementary guide, targeted support on materials, and training.

DfE Frequently Asked Questions (April 2019)

Relationships Education, Relationships and Sex Education (RSE) and Health Education: FAQs (April 2019 – periodically updated by DfE)

Guidance based on information on the Department for Education website about the introduction of compulsory Relationships Education and RSE from September 2020.

The Department for Education is introducing compulsory [Relationships Education for primary pupils and Relationships and Sex Education \(RSE\)](#) for secondary pupils from September 2020. Also, from September 2020 it will be compulsory for all schools to teach Health Education.

Through these subjects, DfE want to support all young people to be happy, healthy and safe – to equip them for adult life and to make a positive contribution to society.

Throughout their engagement process as DfE developed this curriculum, DfE have heard a number of wide ranging concerns.

Below, DfE have explained some of the common misconceptions around the subjects.

Q: Will my child's school have to consult with me before teaching these subjects?

A: Schools will be required to consult with parents when developing and reviewing their policies for Relationships Education and RSE, which will inform schools' decisions on when and how certain content is covered. Effective consultation gives the space and time for parents to input, ask questions, share concerns and for the school to decide the way forward. Schools will listen to parent's views, and then make a reasonable decision as to how they wish to proceed. What is taught, and how, is ultimately a decision for the school and consultation does not provide a parental veto on curriculum content.

A school's policies for these subjects must be published online, and must be available to any individual free of charge. Schools should also ensure that, when they consult parents, they provide examples of the resources they plan to use, for example the books they will use in lessons.

Q: Will my child be taught sex education at primary? This is too young.

A: We are not introducing compulsory sex education at primary school. We are introducing Relationships Education at primary, to put in place the building blocks needed for positive and safe relationships of all kinds. This will start with family and friends, how to treat each other with kindness, and recognising the difference between online and offline friendships.

Some primary schools choose to teach sex education (which goes beyond the existing national curriculum for science), and in those instances we recommend you discuss this with the school to understand what they propose to teach and how. If you continue to have concerns, you have an automatic right to withdraw your child from these lessons.

Q: Does the new Relationships Education and RSE curriculum take account of my faith?

A: The subjects are designed to help children from all backgrounds build positive and safe relationships, and to thrive in modern Britain.

In all schools, when teaching these subjects, the religious background of pupils must be taken into account when planning teaching, so that topics are appropriately handled. Schools with a religious character can build on the core content by reflecting their beliefs in their teaching.

In developing these subjects, we have worked with a number of representative bodies and faith organisations, representing all the major faith groups in England. Several faith organisations produce teaching materials that schools can choose to use.

Q: Do I have a right to withdraw my child from Relationships and Sex Education?

A: Parents will have a right to withdraw their child from sex education delivered as part of RSE in secondary schools which, unless there are exceptional circumstances, should be granted up to three terms before their child turns 16. At

this point, if the child themselves wishes to receive sex education rather than be withdrawn, the school should make arrangements for this to happen in one of the three terms before the child turns 16 - the legal age of sexual consent.

(As noted above, where primary schools choose to teach sex education (which goes beyond the existing national curriculum for science) parents have an automatic right to withdraw their child from these lessons if they have concerns.)

There is no right to withdraw from Relationships Education at primary or secondary as we believe the contents of these subjects – such as family, friendship, safety (including online safety) – are important for all children to be taught.

Q: Has the government listened to the views of my community in introducing these subjects?

A: A thorough engagement process, involving a public call for evidence and discussions with over 90 organisations, as well as the public consultation on the draft regulations and guidance, has informed the key decisions on these subjects. The consultation received over 11,000 responses from teachers, schools, expert organisations, young people and parents – these responses have helped finalise the statutory guidance as well as the regulations that have been laid in Parliament.

Q: Will these subjects promote LGBT relationships?

A: No, these subjects don't 'promote' anything, they educate.

Pupils should be taught about the society in which they are growing up. These subjects are designed to foster respect for others and for difference, and educate pupils about healthy relationships. RSE should meet the needs of all pupils, whatever their developing sexuality or identity – this should include age-appropriate teaching about different types of relationships in the context of the law.

Pupils should receive teaching on LGBT relationships during their school years - we expect secondary schools to include LGBT content. Primary schools are enabled and encouraged to cover LGBT content if they consider it age appropriate to do so, but there is no specific requirement for this. This would be delivered, for example, through teaching about different types of family, including those with same sex parents.

Q: Will teachers receive training before delivering these subjects?

A: The department is committed to supporting schools to deliver these subjects to a high standard. We know that training is a priority for teachers and we will be consulting with teachers, trade unions and other key stakeholders over the coming months on how we structure the training.

In addition, we are encouraging schools to act as early adopters for this curriculum and to start teaching the subjects from September 2019. To help early adopter schools, we will provide further advice on how they can improve their practice.

Lessons learned from the early adopters and best practice from schools will be shared with all schools from September 2020.

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November 2019