

Government consultation on relationships education, relationships and sex education, and health education in England

Response of the Association of School and College Leaders

1. The Association of School and College Leaders (ASCL) represents nearly 19,000 education system leaders, heads, principals, deputies, vice-principals, assistant heads, business managers and other senior staff of state-funded and independent schools and colleges throughout the UK. ASCL members are responsible for the education of more than four million young people in more than 90 per cent of the secondary and tertiary phases, and in an increasing proportion of the primary phase. This places the association in a strong position to consider this issue from the viewpoint of the leaders of schools and colleges of all types.
2. ASCL welcomes the opportunity to respond on this important issue.

Executive summary

3. We welcome the historic decision to make relationships education in primary schools, RSE in secondary schools, and health education in both phases statutory. We also welcome schools being given the flexibility to shape their curriculum in these areas according to needs of their pupils and communities.
4. We agree with the principle that these subjects must be taught in an age-appropriate way, and would like to see the word 'timely' added to this principle. Schools are best placed to make decisions about what is age appropriate and timely.
5. The ASCL view is that all children, including primary age children, should have an entitlement to receive high quality, timely and age appropriate sex education.
6. We do not support the right of withdrawal (parental or older child) for RSE in secondary schools. We prefer the word withdrawal to 'excuse' which is commonly used in schools for many more everyday occurrences. We are concerned that the guidance for older children to withdraw is counter to the understanding and application of Gillick competence. Further, we are concerned that if older children who have been withdrawn by their parents want to receive sex education once they reach three terms before their 16th birthday, they will be required to opt back in, thus actively going against their parents' wishes. If this provision remains, it should be an automatic opt-in, with a right at that stage for the child to withdraw, so that children are spared from the need to actively go against parental wishes.
7. Our position on PSHE in its entirety is that it should be a statutory, but not prescriptive, part of all pupils' education. To allow schools the flexibility to deliver high-quality PSHE, including relationships and sex education, which meets the needs of their communities, we consider it unnecessary for the government to provide standardised frameworks or programmes of study. We welcome the DfE's statement in their response to the call for evidence that 'All elements of PSHE are important and the government continues to recommend PSHE be taught in schools'. For clarity, we would like to see this statement repeated in the guidance.

8. High quality relationships, sex and health education must give children the language, knowledge and skills to identify and report abusive behaviour, as well as supporting them to challenge and reject attitudes and beliefs which support or condone abuse. Effective programmes will help to create safe school environments where children and young people can disclose any abuse they may have suffered or witnessed. We are concerned that some of the language around 'virtues', particularly that around respect for people in positions of authority, may be unhelpful.
9. We very much welcomed the government's 2017 guidance on sexual violence and sexual harassment between children and young people in schools and colleges, on which we worked closely with the DfE. We are aware of the importance of relationships and sex education alongside this guidance, and the need for all schools to create a sustainable, properly embedded whole-school approach to ending sexual harassment and sexual abuse. We are disappointed that the role that gender, power and sexism play in creating the conditions for sexual violence and sexual harassment are missing from the guidance.
10. Quality training for teachers will be critical to the successful implementation of these subjects. Relationships, sex and health education curricula will require schools to consider both pedagogy and content. It is essential that there is additional funding made available to train teachers to deliver these programmes with confidence. Training will need to include how to design curricula that will work best in the context of their school and community, and which can be tailored to meet new and emerging challenges.
11. Effective provision and delivery will require a range of high-quality, evidence-based, quality-assured resources so that teachers can select the most appropriate and relevant materials to meet the needs of their pupils. The development, curation and quality assurance of these materials will also require additional funding.
12. We welcome the guidance around assessment. We agree that schools should have the same high expectations of the quality of pupils' work in these subjects as they do in others, but that this will not be achieved through formal assessment of their delivery.
13. These plans must be seen in the context of significant real terms reductions to school funding over several years. We know that real terms reduction in school funding since 2015 has led to a significant decrease in the number of secondary teachers, teaching assistants and support staff in England. Schools have been doing all they can to shield their pupils from the damage caused by £2.8 billion being cut from school budgets since 2015. However, this lack of investment has already undeniably affected front-line teaching. The delivery of relationships education, RSE and PSHE will not have been exempt from the effects of financial constraint. Additional funding is required to deliver these changes.

PSHE

14. We note that a broader programme of PSHE education is encouraged, but not statutory. We are disappointed that the government has not taken the opportunity to make PSHE education in its entirety statutory. Our view is that PSHE education should be statutory, but not prescriptive, and without prescribed programmes of study. We also note that independent schools are required to provide PSHE education. We would like to see the language in the guidance strengthened to make clear the importance of PSHE in delivering the new statutory subjects.

Implementation

15. We support the decision that schools will not be required to teach the new subjects until September 2020, to allow for a full academic year of preparation time for those schools that need it, in line with the workload agreement. We look forward to seeing what lessons can be learnt from early adopter schools and the pilots. It will be useful to share these with schools working to a slower timetable, to help them with designing quality programmes and preparing teachers. ASCL would be happy to assist DfE regarding this.
16. In order to encourage schools to engage as early adopters, DfE needs to think about its 'offer' to those schools. We would like to see an offer that includes supported networking, free quality-assured resources and training for early adopter schools.

Teaching that is sensitive, age-appropriate and delivered with reference to the law

17. Paragraph 33 of the guidance says that 'schools should ensure that their [RSE] teaching is sensitive, age-appropriate and delivered with reference to the law.' 'Should' in this sentence should be replaced with 'must', and this statement should also be included in the section on relationships education in primary schools. We would also like to see 'timely' added to this sentence.

Sexual violence and sexual harassment; coercive control; gender, power and sex positivity

18. Relationships education and RSE clearly play a significant role in enabling schools to create cultures in which sexual violence and sexual harassment between children and young people is minimised, alongside a sustainable, properly embedded whole-school approach to ending sexual harassment and sexual violence. We also refer to the excellent work on contextual safeguarding being trialled through the University of Bedfordshire¹.
19. We note the forthcoming Domestic Abuse Bill and would also like to see the subject of coercive control covered in RSE.
20. We would also like to see included in the guidance evidence and good practice regarding the role that gender, power and sexism play in creating the conditions for sexual violence and sexual harassment. This should sit alongside an exploration of how schools can minimise sexual violence and sexual harassment through the teaching of relationships education and RSE as part of their whole-school approach. We also think this should include the impact of gender, power and sexism on relationship behaviour and sexual behaviour, on the understanding of consent and on pornography and sexual images shared online.
21. A sex positive approach alongside an exploration around male and female sexual pleasure is also missing from the RSE guidance for secondary schools.

Equalities

22. The guidance places more emphasis on faith than on the other protected characteristics. We believe that all protected characteristics should be given equal weight as per the requirements of the Equality Act 2010. We note that the Independent Schools Standards regulations and guidance explicitly reference the Equality Act 2010

¹ <https://www.beds.ac.uk/ic/current-projects/contextual-safeguarding-programme>

and respect for other people, with reference to the protected characteristics in the delivery of PSHE, and make clear the requirements on schools. We would like to see a similar requirement on all schools in the teaching of relationships education, RSE and health education.

Virtues, knowledge, skills and critical thinking

23. Paragraph 56 of the guidance states that ‘a growing ability to form strong and positive relationships with others depends on the deliberate cultivation of resilience and positive character attributes, or “virtues”, in the individual’. The term ‘virtues’ is repeated throughout the guidance. Our members have questioned the use of this word, and of ‘self-sacrifice’ in the Secretary of State’s forward. As far as we are aware, the cultivation of ‘virtues’ does not feature in research evidence on effective RSE, and we are concerned that using this term may be sending the wrong message to children and young people, particularly those who are suffering from, or are at risk of suffering from, abuse.
24. We are also concerned about the proposed requirement, in paragraph 57 of the guidance, that children should show respect for people in positions of authority. This raises alarm bells with our members regarding possible implications around safeguarding, and how this could be received by a child who is being abused and/or any impact it may have on their likelihood to disclose abuse. Our members would like to see this sentence removed from the guidance or replaced with a more neutral sentence about treating, and being treated by, all with respect.
25. Paragraph 5 of the guidance states that ‘core knowledge should be broken down into units of manageable size and communicated in a carefully sequenced way, within a planned programme or lessons. Include opportunities for pupils to practise applying and embedding new knowledge.’ We welcome this statement and would like to see greater emphasis on the importance of this principle. We would like the guidance to make clear that effective relationships education, RSE and health education will provide core knowledge and the opportunity for children to develop personal and social qualities and skills, as well as opportunities to practise applying knowledge in a range of real-life situations. We note that this approach is supported by evidence of ‘what works’ in health promotion education².
26. We would also like to see greater emphasis on the importance of critical thinking, and how we can equip children and young people to recognise harmful messages about, for example, their bodies, gender roles, sex, sexuality and relationships that they are exposed to in everyday life on and offline and in the media. See also paragraphs 18 - 21.

Sex education in primary schools

27. We are pleased that paragraph 63 of the guidance states that DfE ‘continues to recommend ... that all primary schools should have a sex education programme tailored to the age and the physical and emotional maturity of the pupils’ and that (in paragraph 62) ‘it will be for primary schools to determine whether they need to cover any additional content on sex education to meet the needs of their pupils.’ It is, however, our view that the government should go further, and make sex education statutory in primary as well as secondary schools.

² For example, the UNODC guidance on drug prevention, is clear that effective programmes ‘develop personal and social skills and discuss social influences (social norms, expectations, normative beliefs)’ and UNESCO Good Policy and Practice Guidance on Health Education says ‘the core curriculum facilitates the development of students’ personal and social skills relevant to health-seeking behaviours’ that are key to success.

28. The guidance for RSE in secondary schools, at paragraph 16, states that there is no need 'artificially to separate sex education and relationships education'. Our concern is that this is precisely what primary schools will be required to do as a result of only relationships education being statutory at primary level. As this separation is necessary due to the different requirements on each phase, and because of the right to withdraw, we believe there is a need for greater clarity on what is, and is not, sex education.
29. ASCL members feel strongly that primary school parents should not be given the right to withdraw their children from any lessons which provide the opportunity for children to learn how to keep themselves safe. See below our concerns about the right to withdraw from sex education.

Right to be excused from sex education / right to withdraw

30. ASCL members prefer the term 'right to withdraw', and question why the guidance introduces the new term 'right to be excused'. The right to withdraw is already commonly understood by schools and, crucially, by parents. 'Excuse' is a common term in schools for a variety of less serious matters.
31. More substantively, we maintain that there should be no right to be excused / withdraw from sex education. We believe that children in both primary and secondary school should have the right to high quality, timely and age appropriate sex education. If there is to be a right of withdrawal, it is our strongly held view that schools need absolute clarity on what they need to consider when making this decision, and on their legal position against any challenge from parents. This is particularly the case with regards to any content which will support children to keep themselves safe.
32. We are concerned that the guidance specifies that the child him/herself has the right to be excused / withdraw from sex education three terms before they turn 16. This seems to contradict the well-established principle of Gillick competence. ASCL members understanding of when such competence would occur is, for most children, sooner than three terms before their 16th birthday. Indeed, the principle established in Gillick is that maturity and understanding, rather than age, are the deciding factors.
33. We are also concerned that the guidance requires children to opt back into sex education three terms before their 16th birthday. This requires them to actively go against their parents. We would prefer an automatic opt-in instead.
34. Members tell us that if there is a right to be excused / withdraw, they need more clarity, including illustrative examples, to support their decisions in this area. This should include what curriculum content the right applies to, and what head teachers need to consider when making a decision. This requires a clearer definition of what constitutes sex education (as opposed to health education or relationships education). We understand why the contents tables in the guidance integrate these subjects, but the result is that it is not clear which part is sex education. Head teachers also need greater clarity and illustrative examples of what would constitute 'exceptional circumstances' in this context.
35. We understand that there is no right to be excused / withdraw from health education, and would like this to be clearly spelt out in the guidance.

SEND and right to withdraw from sex education

36. In our view, paragraph 44 of the guidance is confusing. We seek clarity on what this right applies to, and the factors head teachers need to consider, with specific and illustrative examples of exceptional circumstances such as a child's vulnerability to abuse as a result of their SEND.

Different types of family and relationships

37. In the content of relationships education in primary schools, the guidance states 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.' We would like to see specific mention of different types of family relationships, including lone parents and LGBT parents, as well as other important adults in a child's life who may chose not to, or be unable to, have children.

Correctly naming body parts in primary school

38. Paragraph 57 of the guidance suggests that primary pupils should have 'the vocabulary and confidence to report concerns or abuse'. In our view this does not go far enough. We would like greater clarity on what this means for schools. ASCL members feel strongly that knowledge of the correct body part names will help children counter derogatory language, and may also help them to keep themselves safe by giving them the language to report abuse.

Menstruation

39. Menstruation is only mentioned specifically under health education for secondary pupils, in paragraph 99. We know that large numbers of girls start menstruating while at primary school and this useful paragraph should also cover primary children at KS2.

FGM

40. We understand the need to balance age appropriateness with safeguarding when teaching about FGM. We note that FGM is not mentioned in the guidance at all in respect of primary teaching. We believe that it should be. For children at risk, covering FGM at secondary school will be too late. Further, it is our view that the guidance on FGM for secondary schools is not strong enough. The guidance says, at paragraph 75, that schools 'may' 'want to address the physical and emotional damage caused' by FGM. School and community context should be the deciding factors about what teaching on FGM is appropriate and when that should occur. Members point out that children from families and communities where FGM is practiced will already be familiar with the practice. They will, for example, have seen signs in doctors' surgeries, have spoken about it or heard conversations at home and/or with peers and other community members. In such communities it is essential that teachers and schools are included in education and open discussion about FGM. This is important for individual child safeguarding but also to support broader community education.

Economic wellbeing and abuse, financial and careers education

41. We would like to see content covering gambling and the emotional side of finance education included as part of health education.

42. We would also like to see coercive control and economic abuse covered in a timely and age appropriate way in RSE, making sure that the guidance does not contradict the forthcoming Domestic Abuse Bill.
43. Statutory careers guidance suggests that schools should have a careers guidance strategy 'embedded within a clear framework linked to outcomes for pupils', considering the enterprise and entrepreneurial skills they will need in life, as well as opportunities to experience work and hear from employers. This will be difficult to achieve without discrete curriculum time for careers education. We would like this guidance to be clear on the importance of careers education (and broader economic wellbeing). We note also that the guidance says financial education is included in the maths curriculum and in the citizenship curriculum, but these requirements do not apply to sixth form colleges, 16-19 academies or FE colleges.

Other content

44. We note that content on eating disorders is included in healthy eating. Our understanding of the evidence suggests that this would be better dealt with under a separate heading.
45. We note that the guidance has nothing to say about loss, death or bereavement, which is a common occurrence in any school community. This should be covered in relationships education

Resources and training

46. Both training and resources will require sufficient additional funding.
47. Schools need support in order to more easily access and evaluate high quality resources and training that are clearly linked to the new core content set out in the statutory guidance for the new subjects, include effective curriculum planning that looks across the whole school day, and take into consideration effective practice in whole school approaches on behaviour, pupil wellbeing and safeguarding that can reinforce teaching in lessons. Pedagogy, and not just knowledge, must be an important part of the training and resources.
48. Giving schools a checklist of what to look for in terms of determining the quality of resources will not help with workload. Instead, there should be a simple, easy-to-navigate system of quality assurance, or kitemarking, of approved resources. Training also needs a similar system of quality assurance. In our view, training should not be 'top down' from DfE, but does need to be suitably quality-assured by them.
49. It is essential that any sample schemes of work are easily adaptable to context, and clearly show the links with other subject areas, as there are many ways in which this work can be distributed within a school.
50. We think that a good way forward for quality training would be to develop and deliver it through a consortium of PSHE organisations. Cost will be a central issue for all schools in deciding what training they can afford.
51. The level of funding proposed for training is, in our view, completely unrealistic. Schools will need sufficient funding to enable, as a bare minimum, the school lead to have one day face-to-face training, and funding must include expenses and cover for that staff member. Depending on the size and context of the school, it is likely that a minimum of one lead for each key stage will require training. Training should also allow for

networking and discussion opportunities, and be supported by quality-assured (online) resources. It should also include the cost of liaising with parents.

52. We are willing to support the government in working with groups of schools in all phases to help them to share good practice. Creating and sustaining such groups also needs to be adequately funded, particularly given the parlous state of school finances and because many local authorities no longer have expertise in this area.
53. It is essential that all guidance and resources are evidence based. Schools and colleges need to be provided with relevant research to support their planning and delivery.
54. All training and resources must support initial implementation, but also support and enable ongoing development of teachers leading and teaching the new subjects. They will also need to be regularly updated with simple, easy-to-use systems to make schools aware of when changes are made.

Responses to specific consultation questions

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

55. Yes, but we would also like the following content to be covered:
- explicit reference to the Equality Act 2010 and respect for other people (see paragraph 22 of this response)
 - specific reference to different types of families including LGBT parents and lone parents (see paragraph 37 of this response)
 - correct naming of private body parts (see paragraph 38 of this response)
 - menstruation in KS2 (see paragraph 39 of this response)
 - FGM where appropriate to context (see paragraph 40 of this response).

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?

56. See answer to the previous question. Further, we would like to see a statement in the guidance that relationships education should also provide children with the opportunity to develop personal and social qualities and skills, and opportunities to practise applying knowledge in a range of real-life situations, as supported by evidence of 'what works' in health promotion education (see paragraph 25 and 26 of this response).

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

57. No. We believe that children in both primary and secondary school should have the right to high quality, timely and age appropriate sex education. If there is a right of withdrawal it is our strongly held view that schools need absolute clarity on what they need to consider when making the decision, and their legal position against any challenge from parents. This is particularly the case for any content which will support children to keep themselves safe (see paragraph 60 of this response)

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

58. Yes, but we think the following content should also be covered:

- explicit reference to the Equality Act 2010 and respect for other people (see paragraph 22 of this response)
- specific reference to different types of families including LGBT parents and lone parents (see paragraph 37 of this response)
- an understanding of coercive control in relationships
- an understanding of the role that gender, power and sexism play in creating the conditions for sexual violence and sexual harassment (see paragraph 18 - 20 of this response).
- an understanding of the impact that gender, power and sexism have on relationship behaviour, sexual behaviour, consent and pornography (see paragraph 18 - 20 of this response).
- male and female sexual pleasure (see paragraph 21 of this response).

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?

59. See answer to the previous question.

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?

60. No. If there is a right of withdrawal it is our strongly held view that schools need absolute clarity on what they need to consider when making the decision, and their legal position against any challenge from parents. This is particularly the case for any content which will support children to keep themselves safe. We are also concerned that the guidance specifies that the child him/herself has the right to be excused / withdraw from sex education three terms before they turn 16. This seems to contradict the well-established principle of Gillick competence. Also, the guidance requires children to opt back into sex education three terms before their 16th birthday. This requires them to actively go against their parents. We would prefer an automatic opt-in instead (see paragraphs 30 - 36 of this response).

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?

61. Yes, except that we think paragraph 99 should also be reproduced for primary children.

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?

62. See answer to previous question.

Do you agree that the content of physical health and wellbeing education in paragraphs 93-99 of the guidance is age-appropriate for secondary school pupils?

63. Yes. However, content on eating disorders is included in healthy eating, and our understanding of the evidence suggests that this would be better dealt with under a separate heading.

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?

64. See answer to previous question.

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

65. We maintain that there should be no right to be excused / withdraw from sex education. We believe that children in both primary and secondary school should have the right to high quality, timely and age appropriate sex education. See also the points made in paragraph 60 above.

66. If the right to be excused / withdrawn remains, school leaders need more clarity, including illustrative examples, to support their decisions in this area. This should include what curriculum content the right applies to, and what head teachers need to consider when making a decision. This requires a clearer definition of what constitutes sex education (as opposed to health education or relationships education). We understand why the contents tables in the guidance integrate these subjects, but the result is that it is not clear which part is sex education. Head teachers also need greater clarity and illustrative examples of what would constitute 'exceptional circumstances' in this context. See also paragraphs 30 - 36 of this response.

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?

67. Yes.

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?

68. No, we think this paragraph is confusing. We seek clarity on what the right applies to and the factors head teachers need to consider with specific and illustrative examples of 'exceptional circumstances', such as a child's vulnerability to abuse as a result of their SEND.

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

69. Children with SEND may have unique or different vulnerabilities and needs regarding relationships education, RSE and health education. It will be important that training and quality assured resources are available to schools to support them in delivering these subjects to children with a wide variety of different needs.

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

70. Yes. The guidance states that financial education is included in the maths curriculum and in the citizenship curriculum, but these requirements do not apply to sixth form colleges, 16-19 academies or FE colleges. This needs to be rectified.

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? / 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?

71. Resources need to be quality assured so that finding good resources does not add to teacher workload. See paragraph 46 - 54 of this response.

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?

72. We would like to see the following additions to the regulations:

- *Equalities.* The regulations state that the new subjects must be taught in 'line with the Equality Act 2010' but we note that the content of the school curriculum is explicitly exempt from the Act. The Independent Schools Standards, which make PSHE statutory in independent schools, explicitly reference the Equality Act 2010, stating that PSHE must 'encourage respect for other people, paying particular regard to the protected characteristics set out in the 2010 Act'. We would like to see the regulations put a similar requirement in respect of relationships education, RSE and health education on all schools, thus creating parity with independent schools. The Independent Schools Standards also helpfully provide examples of when the standard will not be met, which again would be useful for all schools.
- *The structure of relationships vs characteristics.* The regulations refer to marriage, but make no reference to other forms of relationship. We would like to see the regulations specifically mention civil partnership, and that strong and stable relationships that can occur without marriage or civil partnership. It is our view that children and young people should understand that it is the characteristics of a relationship that matter, rather than its structure.
- *Physical and mental health.* Currently the regulations set out the four things which the guidance must cover, all of which relate to relationships education and RSE. They should also reference health education, including mental health and well-being.
- *Regularity of review.* The regulations state that the guidance must be updated from 'time to time'. We would like greater clarity on what this means. We would like the regulations to state that the guidance will be reviewed every five years or, at the very least, 'regularly'. We do not want to see another situation where existing statutory guidance is left in place for some 18 years.

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?

73. Members tell us that if there is a right to be excused / withdraw, they need more clarity and illustrative examples of exactly how they should make decisions, including what curriculum content the right applies to and what head teachers need to consider when making a decision. This requires a clearer definition of what constitutes sex education

(as opposed to health education or relationships education). See paragraphs 30 – 36 of this response.

Conclusion

74. We very much welcome the historic decision to make relationships education in primary schools, RSE in secondary schools and health education in schools in both phases statutory. We also welcome schools being given the flexibility to shape their curriculum in these areas according to needs of their pupils and communities.

75. In our view, the successful implementation of these subjects requires the following changes to the draft guidance and regulations:

- a. The inclusion of the word 'timely' in the principles.
- b. Sufficient funding for fit-for-purpose training and quality-assured resources.
- c. All children, including primary age children, should be given an entitlement to receive high quality, timely and age appropriate sex education.
- d. If c. above is not the case, there must be greater clarity on what constitutes sex education, and on what head teachers need to consider when a request for withdrawal is made, including for children with SEND.
- e. There should be no right to withdraw from any content which will support children to keep themselves safe. This should include knowledge of the correct body part names.
- f. The section on menstruation in paragraph 99 should be reproduced for primary pupils.
- g. There should be specific mention of the different types of family relationships, including lone parents and LGBT parents.
- h. The guidance and regulations should make it clear that a carefully planned PSHE programme is the best way to deliver these new subjects.
- i. The role that gender, power and sexism play in creating the conditions for unhealthy relationships and for sexual violence and sexual harassment should be included in the guidance.

76. We hope that this response is of value to your consultation. ASCL is willing to be further consulted and to assist in any way that we can.

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