

Government consultation on the Relationships Education, Relationships and Sex Education (RSE) and Health Education statutory guidance

Response of the Association of School and College Leaders

A. Introduction

1. The Association of School and College Leaders (ASCL) represents around 25,000 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 and further education and skills phases. 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 to this consultation.
3. When considering the impact of any proposals on different groups, it is ASCL's policy to consider not only the nine protected characteristics included in the Equality Act 2010, but also other groups which might be disproportionately affected, particularly those who are socio-economically disadvantaged. We have therefore answered any equality impact questions on this basis.

B. Key points

4. It is right that the RSHE guidance, updated five years ago, should now be reviewed again. This was always the government's intention, and is appropriate and necessary given the changing context in which children and young people are having to navigate these issues.
5. However, we have significant concerns about elements of the new draft guidance. This consultation was rushed through ahead of the general election, on a very short timeframe. This meant that key stakeholders, including young people and their families, were not able to engage with the consultation to the extent that we would wish.
6. The responses to the consultation will now need to be considered by the new government. While these responses will no doubt be helpful in enabling incoming ministers to gauge public opinion, ASCL's view is that a flawed and rushed consultation process is not the right basis on which to undertake an important and sensitive review of this nature.

7. We would therefore strongly advise the new government to reconsider the current draft guidance, and to re-consult on a revised version which takes into account some of the concerns likely to be raised by stakeholders around the current draft.
8. The rest of the points in our response are therefore made on this basis, i.e. as advice to the new government on how they might re-draft and re-consult on this guidance.
9. There are some positive proposed changes in the current draft. ASCL welcomes the opportunity to ensure parents, carers and families are involved in those updates and in the ongoing curriculum development in schools and colleges.
10. We also welcome the proposed new topics to be included in RSHE. However, we would like to see more training provided for teachers, many of whom lack confidence in teaching existing topics, and would certainly need support to develop the relevant knowledge to teach new and complex themes such as suicide prevention.
11. There are a number of proposed changes which concern our members. We are particularly concerned by the proposed introduction of age limits on educational content. In some cases this risks making children more vulnerable to abuse and harm. Evidence from recent research tells us teaching information at an appropriate age can equip young people to stay safe. We support the ambition for an age-appropriate and preventative RSHE curriculum, but would encourage the government to go further on the flexibilities permitted in the draft guidance, to ensure that education can be genuinely preventative.
12. We are concerned that the new proposals introduce a more optional approach to covering LGBT topics. This is a shift from 2019, which would lead to difficult decisions for school leaders, and risks inconsistent approaches to providing an inclusive curriculum.
13. We would encourage the new government to undertake a review of international evidence on the knowledge and skills development required for the teaching of RSHE, and to use this to inform the updated guidance and how best to support the rollout of new and sensitive topics to schools.

C. Answers to consultation questions

Question 11: Do you agree that we move away from a rigid commitment to review the guidance every three years?

14. No.

Question 12: Do you agree that the changes to length and style of the guide make the guidance easier to understand and follow?

15. No.

Question 13: Do you agree that these changes will do enough to ensure that schools are transparent with parents and that parents have sufficient control regarding what their child is learning?

16. Yes.

Question 14: If you would like to explain your answer, please do so here.

17. ASCL believes that regular review of the RSHE curriculum is important as society is changing rapidly, and the curriculum needs to be responsive to this change. This is particularly important with regard to technology and the access it can provide to inappropriate content. We also believe each iteration requires new training opportunities for teachers.
18. We agree that the RSHE curriculum should be transparent. The majority of schools already actively share their curriculum and their learning with their community of parents.

Question 15: Do you agree with our proposed approach to increased transparency on RSHE material?

19. Yes.

Question 16: If you would like to offer any comments to explain your answer, please do so here.

20. See our response to Question 14 above.
21. Parents can already request to see all materials used to teach RSHE. The draft guidance does little to change this. We are concerned, however, that it uses a tone which implies that parents and schools often disagree with each other on this issue, which we do not believe to be the case.

Question 17: Do you think this flexibility will help to ensure that pupils are adequately safeguarded?

22. No.

Question 18: Do you think this flexibility is warranted?

23. Yes. However, for the reasons outlined below, we do not think this form of 'exceptionality of response' provides the level of flexibility needed by schools to ensure they can address the very varied experiences of young people in their care.

Question 19: If you would like to explain your answer to questions 17 or 18, please do so here.

24. Our understanding is this flexibility refers to the use of the guidance rather than the age limitations themselves.
25. On this basis, our response to question 17 is 'No'. The age limitations are rigid, and the flex is to be the exception. This makes the act of adjustment very difficult for teachers to use with confidence.

Question 20: Do you agree with changes to the lesbian, gay and bisexual content in the LGBT section (note that the next section provides an opportunity to comment on text about gender identity and gender reassignment)?

26. No.

Question 21: If you have any comments to explain your answer, please do so here.

27. There is less integration of lesbian, gay and bisexual topics within the new draft proposals compared with the 2019 guidance, and introduction of a more optional approach to teaching this content. We do not believe this is the right approach.

Question 22: Do you agree with the proposed changes related to gender identity and gender reassignment in the guidance?

28. No.

Question 23: If you have any comments to explain your answer, please do so here.

29. This section is confused and confusing. It appears that teaching about gender identity is actively excluded from the draft guidance, but gender reassignment is not. This confusion needs to be addressed, and clear training for staff in delivering this aspect of the guidance would be required.

Question 24: Do you agree that the revised content on addressing prejudice, harassment and sexual violence is a helpful response to evidence of the prevalence of sexual abuse in schools?

30. No.

Question 25: If you would like to explain your answer, please do so here.

31. This is a difficult and rapidly changing space.

32. The revised guidance is not sufficient to address the widespread nature of sexual harassment and sexual violence in schools, including primary schools. This was clearly documented by Ofsted in its 2021 report on sexual violence and sexual abuse in schools and colleges.

Question 26: Do you agree with the restriction on teaching sex education only in years 5 or 6?

33. Yes.

Question 27: If you would like to make any comments to explain your answer, please do so here.

34. The vast majority of schools already wait until at least Year 5 to teach sex education, so we are broadly comfortable with this proposal. However, it is important to recognise that younger children are increasingly asking questions about sex, some of which are prompted by having accessed inappropriate content online. It is important that the guidance and any accompanying training leaves teachers able to confidently address pupil misconceptions.

35. Research from the Children's Commissioner tells us that 10% of children have accessed pornography which normalises sexual violence by the age of nine. The guidance must be sufficiently flexible to enable teachers to make decisions on when exceptions that include referencing sexual intercourse may need to be made.

36. This research also highlights the need for the government to do everything in its power to prevent young children from accessing age-inappropriate and potentially damaging material online.

Question 28: We have placed an age limit on the following content in the secondary Respectful Relationships, including Friendships topic: What constitutes harmful sexual behaviour and why, and that such behaviour is unacceptable, emphasising that it is never the fault of the person experiencing it. This should not be taught before year 7. Do you agree with this age limit?

37. No.

Question 29: We have placed an age limit on the following content in the secondary Respectful Relationships, including Friendships topic: That some types of behaviour, including within relationships, are criminal, including violent behaviour and emotional abuse, such as controlling or coercive behaviour. Schools should not, however, teach about the details of violent abuse before Y9 as it is important that pupils are not introduced to distressing concepts when they are too young to understand them. Do you agree with this age limit?

38. No.

39. This age limit specification is intended to support schools make appropriate decisions about when to teach and age appropriateness which can be helpful, but some members are telling us they believe this leaves many children ill-equipped to understand experiences they are already subjected to. Research by the Children's Commissioner has been helpful in highlighting this.

Question 30: We have placed an age limit on the following content in the secondary Online and Media topic: About circulating images and information and how to safely report to trusted adults the non-consensual creation or distribution of an intimate image. Pupils should understand that making, keeping or sending naked or sexual images of someone under 18 is a crime, even if the photo is of themselves or of someone who has consented, and even if the image was created by the child and/or using AI generated imagery. Pupils should understand the potentially serious consequences of asking for naked, semi-naked or sexual images, including the potential for criminal charges and severe penalties including imprisonment. This topic should not be taught before year 7. Do you agree with this age limit?

40. No.

Question 31: We have placed an age limit on the following content in the secondary Online and Media topic: The impact of viewing harmful content, including pornography, that presents a distorted picture of sexual behaviours, can damage the way people see themselves in relation to others, and can negatively affect how they behave towards sexual partners. This can affect pupils who see pornographic content accidentally as well as those who see it deliberately. The risks of inappropriate online content can be discussed in an age-appropriate way from year 7, however, the details of sexual acts should not be discussed before year 9. Do you agree with this age limit?

41. No

Question 32: We have placed an age limit on the following content in the secondary Being Safe topic: The concepts and laws relating to harmful sexual behaviour, including sexual harassment, revenge porn, up skirting and taking/sharing intimate sexual photographs without consent, public sexual harassment, and unsolicited

sexual language / attention / touching. This should not be taught before year 7. Do you agree with this age limit?

42. No

Question 33: We have placed an age limit on the following content in the secondary Being Safe topic: The concepts and laws relating to sexual exploitation, grooming, stalking, and forced marriage. This should not be taught before year 7. Do you agree with this age limit?

43. No

Question 34: We have placed an age limit on the following content in the secondary Being Safe topic: The concept and laws relating to sexual violence, including rape and sexual assault. Whilst it's important for pupils to understand the key principles around sexual offences and violence, for example the importance of understanding what consent means, schools should not teach about this in any sexually explicit way before year 9. Do you agree with this age limit?

44. No.

Question 35: We have placed an age limit on the following content in the secondary Being Safe topic: The physical and emotional damage which can be caused by female genital mutilation (FGM), virginity testing and hymenoplasty, where to find support, and the law around these areas. This should include that it is a criminal offence to perform or assist in the performance of FGM, virginity testing or hymenoplasty, or fail to protect a person under 16 for whom someone is responsible from FGM, or to take girls who are UK nationals 21 abroad for FGM, regardless of whether it is lawful in that country. This should not be taught before year 9, except for where schools have identified a greater risk of FGM at an earlier age or have pupils who have been affected by FGM and need support. Do you agree with this age limit?

45. No.

Question 36: We have placed an age limit on the following content in the secondary Being Safe topic: The concepts and laws relating to domestic abuse including controlling or coercive behaviour, emotional, sexual, economic or physical abuse, and violent or threatening behaviour¹. Schools should not teach about the details of violent abuse before year 9 as it is important that pupils are not introduced to distressing concepts when they are too young to understand them. Do you agree with this age limit?

46. No.

Question 37: If you would like to offer any comments about the age restrictions in the secondary Online and Media, Respectful Relationships, including Friendships, and Being Safe topics please do so here.

47. We have responded 'No' to all of the above on the basis of our concerns about the sequencing of the curriculum and the capacity of teachers to respond to need. ASCL believes that greater clarity for teachers on when and how to teach important topics, as listed above, is helpful. However, we believe the rigidity of the age limits puts young people at risk.

48. We would ask that the curriculum is reviewed by subject specialist experts and the curriculum sequenced based on national and international evidence, feedback from young people and in conjunction with school leaders.

Question 38: Do you agree with the age restriction on the secondary Intimate and sexual relationships, including sexual health topic?

49. No.

Question 39: If you would like to offer any comments about this age restriction, please do so here.

50. As explained above ASCL believes the strict age restrictions require review to ensure decisions are informed by relevant evidence and in the best interests of young people.

Question 40: We have placed an age limit on the following content in the primary Online Safety and Harms topic within health education: why social media, some apps, computer games and online gaming, including gambling sites, are age restricted. This should not be taught before year 3. Do you agree with this age limit?

51. No.

Question 41: We have placed an age limit on the following content in the primary Online Safety and Harms topic within health education: the risks relating to online gaming, video game monetisation, scams, fraud and other financial harms, and that gaming can become addictive. This should not be taught before year 3. Do you agree with this age limit?

52. No.

Question 42: We have placed an age restriction on the whole of the primary Developing Bodies topic within health education. This should not be taught before year 4. Do you agree with this age limit?

53. No. Year 4 is the time when the majority of schools address this, but we are aware of many instances when this has not been early enough and teachers need flexibility and confidence to address this topic earlier if necessary. This requires training and the clear support of the statutory guidance.

54. Some of ASCL's special school members have particular concerns about the rigidity of the guidance and their confidence to address needs while following it.

Question 43: The secondary Health and Wellbeing topic is now clear that, given the sensitivity and complexity of content on suicide prevention, direct references to suicide should not be made before year 8. Do you agree with this age limit?

55. No.

Question 44: If you would like to offer any comments about these age restrictions, please do so here.

56. ASCL recognises the sensitivity of teaching suicide and the need for expert guidance on delivery. However, according to our consultations with experts, a spiral curriculum that references suicide and loss earlier than Year 8 is important. Children younger than Year 8 experience suicide and loss and this needs to be part of a sequenced curriculum.

Question 45: Do you agree with changes to the Health and Wellbeing section of the guidance?

57. Don't know.

Question 46. If you would like to offer any comments to explain your answer, please do so here.

58. ASCL is pleased to see bereavement, loss and suicide addressed within the curriculum and would like assurances that this will be supported by the use of relevant experts to deliver in schools and to train school staff.

59. International evidence suggests that four children a week attempt suicide, some as young as ten (ONS 2022). The RSHE guidance must be evidence-informed and expert training must be provided for school staff.

Question 47. Do you agree with the proposals on suicide prevention as set out above?

60. No.

Question 48: If you would like to offer any comments to explain your answer, please do so here.

61. There are, sadly, children under the age of 14 who die by suicide, who are bereaved and who are dealing with grief. ASCL would prefer to see a spiral curriculum with age-appropriate mention from primary age for bereavement and suicide prevention.

62. We recognise the underlying worry is often that talking about suicide and bereavement somehow makes it worse or increases risk, but all the research shows it is the opposite.

Question 49: There are a number of additional areas that we propose adding to the statutory guidance following submissions from other government departments, stakeholders and experts. These include:

- **Loneliness**
- **New content on gambling**
- **Prevalence of 'deepfakes'**
- **Antimicrobial resistance**
- **Healthy behaviours during pregnancy**
- **Illegal online behaviours including drug and knife supply**
- **Personal safety, including road, railway and water safety**
- **Vaping**
- **Menstrual and gynaecological health including endometriosis, polycystic ovary syndrome (PCOS), heavy menstrual bleeding**
- **Parenting and early years brain development**
- **Virginity testing and hymenoplasty**
- **Bereavement**

Do you agree with this additional content?

63. Yes. ASCL agree these are useful additions.

Question 50: If you have any comments to explain your answer, please do so here.

64. As stated above.

Question 51: Is there anything else in the draft statutory guidance that you would like to comment on?

65. No.

D. Conclusion

66. ASCL believes the draft statutory guidance should allow schools to identify needs and meet them supportively. Setting age limits for coverage of specific RSHE content is inflexible. Advice on what should be taught at each key stage would be a more helpful approach.
67. Whilst flexibility is cited in the guidance, this is in exceptional circumstances. More advice within the guidance and a commitment to training on decisions around age appropriateness is needed. This would support responsible use of curriculum guidance and enable leaders to make decisions in the best interests of children to ensure their safety and wellbeing.
68. Examples of the concerns we have articulated stem from what our members tell us and a review of evidence. For example, the guidance says that schools should not teach about harmful sexual behaviours before Year 7, or about violent abuse before Year 9, despite ONS data that, for 55% of survivors of abuse, their abuse started before the age of 11 (and for 30% before the age of 9).
69. Another example is the proposed restriction on understanding the risks of sending and receiving sexual images before Year 7. This is contrary to the Internet Watch Foundation reporting a 65% increase in 'self-generated' child sexual abuse imagery featuring 7–10 year-olds in 2023.
70. Similarly, limitations on age-appropriate teaching on pornography is a risk, considering nearly 1 in 3 children have seen pornography by age 11, according to the Children's Commissioner.
71. DfE and statutory Keeping Children Safe in Education (KCSIE) research and guidance support RSHE/PSHE preventative education starting early, and building in complexity as a child progresses through education, via sequenced learning that is appropriate to age and developmental stage. RSHE that is 'too little, too late' places young people at further risk of exploitation.
72. We hope that the new government will take these points on board, and produce a revised draft version of the guidance for full consultation. ASCL is willing to be further consulted and to assist in any way that it can.

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