
CONSULTATION: RELATIONSHIPS EDUCATION, RELATIONSHIPS AND SEX EDUCATION, AND HEALTH EDUCATION

Response from Humanists UK, November 2018

ABOUT HUMANISTS UK

At Humanists UK, we want a tolerant world where rational thinking and kindness prevail. We work to support lasting change for a better society, championing ideas for the one life we have. Our work helps people be happier and more fulfilled, and by bringing non-religious people together we help them develop their own views and an understanding of the world around them. Founded in 1896, we are trusted to promote humanism by over 70,000 members and supporters and over 100 members of the All Party Parliamentary Humanist Group. Through our ceremonies, pastoral support, education services, and campaigning work, we advance free thinking and freedom of choice so everyone can live in a fair and equal society.

We are an active member of many organisations working on education and children's rights, including the Sex Education Forum (SEF), on whose advisory group our Education Campaigns Manager until very recently sat, the PSHE Association, the Children's Rights Alliance for England (CRAE), and the Religious Education Council for England and Wales (REC).

RESPONSE TO QUESTIONS

Relationships Education (primary school) questions:

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

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Timeliness and preparedness

The Government is right to ensure that the content of Relationships Education is age-appropriate, and there is clearly content about both relationships and sex that need to be communicated carefully to children. With that said, we are concerned that the other side of that coin - i.e. timeliness and preparedness - is not emphasised enough, and that schools might feel encouraged to err on the side of withholding information from children rather than providing it.

The principal purpose of Relationships Education and Relationships and Sex Education (RSE) is to **prepare** children and young people to have healthy, happy, and safe relationships as children, as adolescents, and later as adults. If they are to be prepared, therefore, they must be introduced to concepts, issues, and information **before** they

encounter them. Failing to do so can only serve to limit the benefits of Relationships Education and RSE, and may well put children at risk.

We would therefore like to see much more of an emphasis on timeliness and preparedness in the guidance, not just on age-appropriateness. This is already the case in relation to basic information about puberty in the HE guidance, it simply needs to be dialled up in relation to other content too.

11. 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?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Whilst we are satisfied that much of the content set out in these paragraphs will help to prepare children to have positive relationships, we believe that improvements are required with respect to the following areas:

Body parts

The content specifies that primary children should understand 'that each person's body belongs to them, and the differences between appropriate and inappropriate or unsafe physical, and other, contact.' This is welcome, but would benefit from clarification. Specifically, the guidance should spell out that children in **all** schools must be taught about the main external body parts, which parts are private, and (as above) what constitutes appropriate and inappropriate touching. To ensure this is clear to schools and teachers, this should include specification in the guidance that, by the end of primary school, pupils should know the correct terms for genitalia (as recommended by, amongst others, Ofsted in its 2013 report,¹ the House of Commons Education Committee in its 2015 report,² and the Sex Education Forum in its 2016 report³).

The requirement along these lines, at paragraph 58, that schools teach about the main external body parts as part of the national curriculum for science is not quite sufficient given that a) it only applies to maintained schools, not independent schools (including academies), and b) it suggests that this content need not be incorporated in relationships education. A clarificatory amendment in the table following paragraph 57 would correct this and make it obvious to schools that relationships education is the proper place for children to learn about body parts (whether or not this is duplicated in science).

Showing due respect to authority

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<https://www.gov.uk/government/publications/not-yet-good-enough-personal-social-health-and-economic-education>

² <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmeduc/145/145.pdf>

3

<https://www.sexeducationforum.org.uk/sites/default/files/field/attachment/Head%20or%20tails%20-%20SRE%20-%202016.pdf>

The fourth bullet in the section on 'Respectful relationships' is a little clumsy in stating that pupils should be taught to 'show due respect to others, including those in positions of authority'. Clearly there are times when an emphasis on respect for those in positions in authority might negatively affect the safety and safeguarding of children, as might an over-emphasis on courtesy and manners. Indeed, this is something that the guidance appears to acknowledge when it says that 'it is not always right to keep secrets if they relate to being safe'.

We simply suggest that the words 'including those in positions of authority' are removed from the guidance. Schools and parents will no doubt be seeking to ensure that children are imbued with an appropriate level of respect for authority anyway, so we don't see that content on this is necessary in this context.

Virtues

Paragraph 56 sets out a number of 'virtues' that the guidance suggests children should be taught as part of relationships education and RSE. These include 'honesty, integrity, self-control, courage, humility, kindness, forgiveness, generosity and a sense of justice.' While there is nothing intrinsically problematic with most of these 'virtues', care needs to be taken in their interpretation. For instance, while self-control may be considered a virtue in a variety of contexts, including in relationships, it is easy to see how it might encourage secrecy, blur consent, or lead to an imbalanced relationship. The same can be said of self-sacrifice which is listed as a virtue in the Secretary of State's foreword to the guidance.

In our view, it would be better to omit these two terms in particular from the guidance. More generally, however, even terms like forgiveness and generosity have implications in the context of relationships that could carry risk. If content on 'virtues' (and related terms such as resilience) is to be included, it would therefore be worth clarifying that teachers must take care to ensure it is not misconstrued.

Same-sex relationships/different families

The current wording in the section on 'families and people who care for me' at primary is far too unclear about the need for schools to be inclusive in their teaching of Relationships Education. With the exception of a footnote that references same-sex marriage and the law, the only nod to the inclusion of different kinds of families is this bullet point:

'Pupils should know... 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.'

Teachers have long complained that they feel unsure about what they can and can't teach in relation to same-sex relationships at primary school, and this does very little in the way of clarifying it. If by 'different' the guidance means (among other things) that in some families parents are of the opposite sex and in others of the same, and if the guidance intends to direct schools to make sure pupils are aware of and respect this, then it should spell it out. Tip-toeing around what should not be a controversial or sensitive issue is not necessary and neither schools nor their pupils will benefit.

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

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

In our view, the decision to maintain the option for primary schools to opt out of teaching sex education is problematic and risks undermining the rationale behind teaching the subject in the first place; namely, to 'support pupils' ongoing emotional and physical development' and enable them to live safe, happy, flourishing lives from childhood onwards.

Government support for sex education

Setting the soundness of this decision to one side, the Government clearly recognises the benefits of sex education for younger pupils and explicitly recommends that primary schools 'should have a sex education programme tailored to the age and the physical and emotional maturity of the pupils'. Since this is the case, it strikes us as peculiar that this section of the guidance prioritises a paragraph on the non-compulsory nature of sex education (p.61) over the recommendation the subject ought nevertheless to be taught at this stage (p.63). In the (regrettable) event that sex education remains optional at primary level, we suggest that paragraphs 61-64 are re-ordered to ensure that the Government's position sits in the foreground and is sufficiently clear to all readers.

In addition, the guidance is not clear enough in directing schools to teach about content that may or may not be considered 'sex education' as and when it becomes apparent that pupils have reached a point at which they need it. This problem is somewhat exacerbated by the fact that, in addition to the science curriculum, schools and teachers will need to draw on information from (and jump between) three separate areas of the guidance (i.e. Relationships Education, Sex Education and Health Education) to fully understand their duties.

Relationships and Sex Education (secondary school) questions:

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

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Sexual orientation and gender identity

We welcome the Government's statement at paragraph 71, namely that:

'There should be an equal opportunity to explore the features of stable and healthy same-sex relationships. This should be integrated appropriately into the RSE programme, rather than addressed separately or in only one lesson.'

Government backing for fully LGBT-inclusive RSE is long-overdue, so we commend the Government for emphasising it here.

With that said, we do have concerns about **when** LGBT content will be included. Paragraph 71 states: 'Sexual orientation and gender identity should be explored at a timely point and in a clear, sensitive and respectful manner.'

We agree that sexual orientation and gender identity must be introduced 'at a timely point', but we worry that the way this is phrased in the guidance undermines and contradicts the insistence (at paragraph 33) that such content be 'integral throughout the programmes of study'.

Contrary to what the detractors of LGBT-inclusive Relationships Education and RSE might say, this insistence is absolutely correct and children can be introduced to sexual orientation and gender identity in a way that is age-appropriate, simple, and easy to understand. This includes using images of different kinds of family, including LGBT people in examples and stories, and drawing on or acknowledging the diversity of children's own home circumstances as and when that's possible. All of this can be done from a young age so that such relationships and identities are de-stigmatised and accepted by children from the outset, and even before they are taught about sex. See Stonewall's guidance *Including Different Families*⁴ for more detail.

In our view, the Government has a responsibility to make this clearer. One of the many important purposes that this guidance should serve is to refute in no uncertain terms the idea that sexual orientation or gender identity can be 'promoted'. This, of course, was the implication of section 28, and we are concerned that the ambiguous use of the word 'timely' here is suggestive of the corollary idea that there is an age under which children should not be taught about such things lest they somehow be 'influenced' by them. That suggestion must be avoided at all costs in this guidance, and we would therefore suggest that paragraph 71 is amended as follows:

'Sexual orientation and gender identity should be **embedded throughout the curriculum and** explored ~~at a timely point and~~ in a clear, sensitive and respectful manner.'

14. 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?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

⁴ https://www.stonewall.org.uk/sites/default/files/including_different_families_lo.pdf

The guidance for secondary schools includes a range of relevant, worthwhile content – it is good that it prioritises ‘key aspects of the law relating to sex’ including consent, sexual harassment and legally permissible choices pertaining to pregnancy, and covers topics such as sexual exploitation, grooming, and domestic abuse. We particularly approve of the fact that the guidance on teaching about pregnancy choices stipulates that schools must provide ‘medically and legally accurate, impartial information on all options’. Although, given that inaccurate information on this matter is occasionally delivered by external speakers, the guidance should make clear that the guidance applies to all organisations operating in schools and not just teachers.

In its current form, there are also some other significant issues which are likely to prevent the guidance from providing pupils with the requisite tools to have positive relationships from childhood and into their adult lives.

Choice and personal responsibility

It is clearly necessary highlight the importance of safety with respect both to sexual and other types of relationship. However, when read alongside the claim that ‘teaching about positive relationships [ought to be] underpinned by a wider, deliberate cultivation and practice of resilience and positive virtues’ (paragraph 70) and a strong emphasis on ‘choices’ (Table at paragraph 77), the weight given to safety risks encouraging the view that individuals are solely responsible for keeping themselves safe. This erroneously implies that, when young people find themselves in situations in which their safety or wellbeing is compromised, they are personally to blame. Worse still, in the absence of any detailed reference to structural inequalities or stereotypes, the repeated references to ‘resisting sexual pressure’ threaten to enforce unhelpful gender norms, particularly girls as sexual gatekeepers in whom educators must simply cultivate the resilience to say no.

As noted in our response to Q.11, if content on virtues is to be included, care must be taken to ensure that it is not misconstrued. Indeed, unless the Government is able to provide specific evidence for the assertion that ‘secondary relationships education is **most** successful where... [it] is underpinned by [these] virtues,’ we suggest this content is omitted altogether.

Pleasure/sex-positive RSE

While of course it is important for pupils to be taught about the risks associated with sex, as well as about consent, pressure, and the potential benefits of delaying their first sexual experiences, RSE should also inform young people about the importance of pleasure in intimate and sexual relationships. Sex plays a vital role in adult life and in our most intimate relationships, so failing to teach pupils about sexual pleasure risks setting them up for unsatisfying, imbalanced, or even painful sex lives as adults. Unfortunately, the word ‘pleasure’ does not appear at any stage in the guidance for secondary RSE, and there is only a cursory nod (at paragraph 66) to the need for ‘fulfilling’ sexual relationships. We would like to see the guidance amended to be more ‘sex-positive’, so that pupils, when they are sufficiently mature for sexual relationships, are prepared not only to avoid risk in them, but to enjoy them too.

See also response to Q.13 on sexual orientation and gender identity.

15. 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?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

We think that all pupils are entitled to high-quality, objective Relationships and Sex Education, and therefore the Government should reconsider the decision to enable parents to withdraw their children from such lessons. We think this because it is vital that all pupils receive high-quality, comprehensive, and accurate education about relationships and sex because all the best evidence shows that this is what ensures they are healthy, happy, and safe. If a parent is abusing their child (say) then it is particularly alarming that they might simply be able to withdraw them from RSE and therefore prevent them from receiving any safeguarding education.

However, we are aware that primary legislation is not of the same view on this point. So, thinking within the confines of the law, these paragraphs are clear and should help the vast majority of schools meet their legal requirements.

With that said, we are mindful that there are a small number of schools in England that may use their duty to engage with parents as a means of encouraging them to exercise the right of withdrawal. Indeed, we are even aware of schools having cut out this step altogether, refusing to teach RSE, and stating 'The school does not teach Sex education because in practice all parents will exercise their statutory right to withdraw their children from Sex Education'.⁵

This is not an acceptable approach and speaks more to the views of the *school* on RSE than the views of parents. In order to prevent schools from encouraging parents to withdraw from RSE, therefore, we would recommend the following additions (in bold) to paragraph 37:

'Schools should ensure that parents know what will be taught and when, and clearly communicate the fact that parents have the right to request that their child be withdrawn from some or all of sex education delivered as part of statutory RSE. **Schools should take care not to encourage parents to withdraw their children from RSE.**'

And similarly to paragraph 38:

'Parents should be given every opportunity to understand the purpose, **benefits**, and content of Relationships Education and RSE. Good communication and opportunities for parents to understand and ask questions about the school's

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<https://humanism.org.uk/2014/03/28/yesodev-hatorah-says-censoring-exam-questions-successfully-place-wihin-charedi-schools-throughout-england-many-years/>

approach help increase confidence in the curriculum **and can challenge misconceptions about the subject as a whole.**'

Physical Health and Wellbeing

16. 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?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

We have put 'Agree', above, because we do not think the content is inappropriate for its age range. However this does not mean we think the content is right for its age groups. In fact we think it is *more than* age appropriate - we do not think the guidance recommends pupils are taught things as young as they should be.

Although the table following p.92 makes explicit reference to 'key facts about puberty and the changing adolescent body', the way the guidance sets out the duties on schools to teach about these issues is not entirely clear. This is particularly the case with respect to menstruation which, bar the aforementioned reference, is entirely absent from the primary guidance on HE. Given that many girls begin menstruating while still at primary school, it is imperative that this subject is covered in detail in Key Stage 2 (if not before). Since not all schools are bound by the National Curriculum for Science, this is a worrying omission. See also response to Q.10.

17. 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?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

See comments for Q.16 and Q.18.

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

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

The guidance is more than age-appropriate (see response to Q.10 and Q16.)

19. 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?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Stress and pressure

Stress is an emotion felt by everyone at some time in their lives, and increasingly among children and young people. We know that mental health issues such as anxiety and depression are more likely to develop at times of particular stress, and that school itself can be a major source of stress for young people (83% of children in England reporting that they worry about stress at school).⁶ Disappointingly, therefore, the guidance for both primary and secondary health education does not mention stress (or pressure) at all, except in the context of physical exercise being a means of combating stress.

This is a significant omission. We recommend that the Government adds to its guidance specific content on stress, its causes, how to identify it, and how to deal with it.

Triggers

While it is never completely clear what triggers may contributed to the development of a mental health issue, and schools cannot be expected to entirely avoid triggering such issues in their pupils, schools should be aware of common trigger points. These include family problems at home, peer problems in school, difficult times of the year for individuals or whole groups (e.g. exams), and trauma or bereavement. Schools should also take steps to make sure, therefore, that those delivering health education are as aware as they can be about the particular issues and circumstances of their pupils.

Elsewhere in the guidance the Government emphasises the importance of a whole-school approach to teaching these subjects, and to flexibility in meeting the specific needs of children. However, we believe that these paragraphs would be improved by explicit mention of the need to acknowledge common triggers and respond accordingly. This is not to say that the content of health education should be purely responsive, only that it should be flexible and agile.

Connecting with others

Paragraph 96 of the guidance states:

‘They should understand that humans are social beings and that outward-facing activity, especially that with a service focus (for example, work, volunteering and participation in organisations such as the scouts or the girl guiding movements, the National Citizen Service or the Duke of Edinburgh Award) are beneficial for wellbeing. This can also contribute to the development of the attributes for a

⁶ <https://www.tes.com/news/school-main-cause-stress-children>

happy and successful adult life. Pupils should understand that self-focused or isolating lifestyle choices can lead to unhappiness and being disconnected from society.'

The guidance is right to say that connecting to and feeling valued by people, either individually or as part of a group, is important to mental wellbeing. The evidence supports this. It is also right to say that schools should help pupils to understand the negative consequences in terms of mental health that can result from isolation. We believe the guidance on this would be improved, however, by recognition of the fact that connecting does not come as easy to some as it does to others, and that such people need specific advice and support. If this is not reflected in teaching, children and young people to whom social interaction comes less naturally may not be sufficiently supported by the curriculum.

Engaging with parents and the wider community

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

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Please also see response to Q.15

Gillick competence and headteacher prerogative

It is vitally important to engage parents in their children's education and to recognise the role they will play in influencing the development of healthy relationships in this regard. Nevertheless, in the context of RSE, the rights of parents must always come second to the independent rights and needs of children. For this reason, we welcome the Government's decision to give young people the freedom to make their own decisions about what information about relationships and sex they wish to receive. We also welcome the decision to allow headteachers to come to a considered decision about whether or not to grant a parent's request for withdrawal from RSE. We simply recommend that the Government goes slightly further than this and allows headteachers to also make a decision about whether or not a pupil is mature enough to have the right of withdrawal transferred to them even if they are younger than 15. This would, in our view, be more in keeping with the law around Gillick competence that the Government is seeking to reflect.

SEND and the right to withdraw

Paragraph 44 maintains that, in all but exceptional circumstances, SEND should not be a consideration in the decision about whether to grant a parental request to withdraw from RSE. As it is currently written, the guidance appears to imply that children with SEND may be opted out of RSE lessons on the basis of these needs. However, on another reading, the guidance could be interpreted as allowing a Headteacher to override a parental request to withdraw so as to protect the educational needs of the pupil. Given that pupils with SEND are particularly vulnerable to sexual abuse and

exploitation, we would welcome the latter but not the former and suggest that the paragraph is amended with an example to make this clear.

Delivery and teaching strategies

21. 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?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

While we recognise that, in order to 'respond to local public health and community issues', it will be necessary to grant schools a degree of flexibility regarding the content and delivery of RSE and Health Education, as it is currently framed the approach outlined in paragraphs 108-109 is, particularly when combined with the guidance on religion or belief/faith schools (see response to Q.24), far too concessive. By handing over most of the power to determine what counts as an 'age-appropriate, developmental curriculum' to individual schools (albeit 'in consultation with parents and the local community') the guidance risks allowing some schools to side-step their duty to educate and inform children on matters of the utmost importance. As noted in our response to Q.10, this shortcoming could be partially ameliorated by placing a greater emphasis on timeliness and preparedness but also by introducing greater clarity with respect to non-negotiable content (e.g. LGBT rights) elsewhere in the guidance. Vague references (e.g. in paragraph 108) to a duty to 'comply with the relevant provisions of the Equality Act' are simply not sufficient.

SEND

22. 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?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

No. See response to Q.20.

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

Strongly agree

Agree

Neither agree nor disagree

Disagree
Strongly disagree

This is not our area of expertise so we are not responding to this question.

Statutory Guidance

24. Do you have any further views on the draft statutory guidance that you would like to share with the department? Do you think that the expectations of schools are clear?

Religion or belief/faith schools

Paragraphs 18-21 go well beyond the requirement in the legislation that RSE is 'appropriate having regard to the age and the religious background of the pupils.' In fact, as currently drafted, this section risks allowing teaching that would have the effect of discriminating against pupils and significantly impacting on their wellbeing. Vague and ambiguous allusions to the Equality Act 2010 do nothing to remedy this.

At the very least, therefore, we believe that the following paragraph should be added to this section:

'Any teaching about different faith perspectives in schools, both with and without a religious character, must be delivered in a non-judgemental way and must not be used to insinuate any limitations on people's individual freedom or autonomy. While it may be important for schools to teach about different perspectives, faith should not be used as a justification for omitting important facts from the curriculum.'

Non-judgemental teaching

In fact, we believe that the guidance as a whole needs to be updated to make it clearer that relationships education, RSE, and health education should be delivered in a non-judgemental way. The guidance currently recommends non-judgemental teaching only in reference to safe sex and sexual health (see paragraph 67). This is inadequate and fails to communicate with sufficient clarity what is an important message. Paragraph 33, which relates to teaching LGBT content, would particularly benefit from amendment along these lines.

Timetabling

Like all other subjects, regular timetabling and trained teachers are fundamental to the experience of the learner in relationships, sex, and health education. The PSHE Association recommends that PSHE, which comprises all these components, 'be treated in the same way as any other subject', with one hour per week during key stages 1 - 4.⁷ Given already squeezed curriculum time and an emphasis on certain 'core' subjects in league tables and performance indicators, the Government must consider how best to facilitate and support this.

If the Government fails to ensure that statutory relationships, sex, and health education is accompanied by sufficient curriculum time, it is difficult to see how the benefits of the subject can be fully realised.

⁷ <https://www.pshe-association.org.uk/curriculum-and-resources/fag>

Financial Education

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

Strongly agree
Agree
Neither agree nor disagree
Disagree
Strongly disagree

This is not our area of expertise so we are not responding to this question.

School support

26. 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?

Strongly agree
Agree
Neither agree nor disagree
Disagree
Strongly disagree

There is very little initial teacher training available in RSE/relationships education/health education. Various reports in recent years have noted the problems associated with insufficient staff training, not least Ofsted's 2012 report into PSHE *Not yet good enough*. The report noted that many of the 'deficiencies' in the subject's outcomes 'result in part from inadequacies in subject-specific training and support for PSHE education teachers, particularly in the teaching of sensitive and controversial issues.' Nothing has significantly changed since then in what is available.

If the Government fails to ensure that statutory relationships, sex, and health education is accompanied by comparable funding for the training of teachers as is available in other subjects, it is difficult to see how the benefits of the subject can be fully realised.

27. 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?

Strongly agree
Agree
Neither agree nor disagree
Disagree
Strongly disagree

See response to Q.26.

Draft Regulations

28. 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?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

The regulations are clear in the sense that they plainly state Secretary of State's responsibilities with respect to issuing guidance about relationships, sex and health education, as well as the duties upon various types of school to teach these subjects. However, Section 80A(2) provides a distorted summary of the purpose of RSE, one which, by failing to mention individual rights, equality, and the law appears to subordinate this content to the importance of marriage (80 A(2)(a)(i)), age appropriateness, and regard to religious background (80A(2)(b)). For this reason, the draft regulations are not fit for purpose and must be amended to demonstrate that, while the subject 'must be taught sensitively and inclusively' it should nevertheless always be delivered 'with the aim of providing pupils with the knowledge they need of the law' (see the Secretary of State's foreword, p.3 of the draft guidance).

29. 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?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

As noted in our response to Q.15, we not only think that headteachers should be able to exercise the power to overrule a parental request to withdraw a child from RSE (or elements thereof) in circumstances where such a withdrawal would not be in the best interests of the child, but that they should also have the discretion to determine when pupils below a specified age are sufficiently mature to opt themselves in to such lessons (or are 'Gillick competent').

30. Do you have any other views on the draft regulations that you would like to share with the department?

No other views.

Regulatory Impact Assessment

31. Tables (6-8) in section F of the draft assessment set out the assumptions we have made in estimating the cost burden for schools to implement the new requirements. Do you agree with our assumptions and the estimated additional costs to schools?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

While we are not in a position to fully assess the cost burden the implementation of the new requirements will place on schools, we are concerned by the assumption that the needs of schools can be met by training just one teacher per key stage ('except in maintained secondary schools that are currently rated good in their teaching of RSE') and that there will be 'no annual recurring costs'. Given the depth and breadth of the subject, this seems to entirely underestimate both the necessary number of staff who will need to be fully trained in the development and delivery of the RSE curriculum and the level of training required to ensure that those staff are sufficiently competent. Moreover, taking into account the emphasis on flexibility elsewhere in the guidance, the claim that schools will, amongst other things, need to 'plan lessons, adapt policy, consult parents, and attend training only once' seems completely wrongheaded.

As noted in our response to Q.26, the efficacy of RSE is entirely contingent upon the ability of the teachers who deliver it. For this reason, it is imperative that the Government does not cut corners both with respect to the cost of initial implementation and of ongoing training and development for staff.

32. Are there any other cost burdens on schools which you believe should be included in the regulatory impact assessment?

No response.

33. Please state in the text box below if you have any further comments on the regulatory impact assessment.

No response.