

The introduction of relationships and sex education in schools - September 2020

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15 June 2020

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All primary schools will have to teach 'relationships education' and all secondary schools will have to teach 'relationships and sex education.' 'Health education' will be required in all maintained schools. Due to the existing, compulsory, inclusion of health education in the broader independent schools PSHE curriculum (overseen by the Independent School Standards), this element of the new legislation is not applicable to such schools.

Relationships Education and RSE policy

The regulations include a requirement for the Secretary of State to publish guidance on Relationships Education, RSE and Health Education.

The guidance is statutory and so all schools are required to add these topics to their curriculum and publish a formal statement of policy outlining their approach to the provision of the related contents. Under the guidance, schools must consult parents when developing and reviewing their policy. Schools should ensure that it meets the needs of their pupils (and their parents/carers) and reflects the community they serve. Further, schools must ensure that their new or updated policy is in place by September, for when the teaching becomes compulsory.

Public consultation

Whilst some schools had completed their consultation before lockdown, others had theirs cut short. It is also likely that many others had not started the consultation at all, having planned to undertake it during the summer term.

Given that the Covid-19 pandemic has cut through the normal approach to consultation which would, as standard, usually involve face to face public meetings, there has been no further guidance issued by the Department for Education (DfE) to date on what is the schools position, given that there does not appear, at this stage, to be any intention to delay implementation of the regulations.

The guidance is also not prescriptive in its requirements on consultation. It states that schools should:

- work closely with parents when planning and delivering these subjects,
- ensure that parents know what will be taught and when; and
- clearly communicate the fact that parents have the right to withdraw their child from some, or all of the sex education delivered as part of statutory RSE.

The guidance also states that parents should be given every opportunity to understand the purpose and content of Relationships Education and RSE.

Good communication and opportunities for parents to understand and ask questions about the school's approach are recommended. The guidance also references inviting parents into school to discuss what will be taught and to provide an opportunity for them to address any concerns that they might have. The meeting is given as an example of engagement with parents but it recognises that a range of approaches will be needed to reach out to all parents.

On the basis of the above, we have been asked whether an on-line consultation is acceptable. Certainly there are schools who are initiating online consultation during lockdown. Examples of the materials being shared include:

- The draft policy
- Examples of the materials that might be used including slide decks that would have been delivered in person
- The government guidance
- A consultation letter setting out timings and ways of communicating concerns or questions.

The main requirement is that parents need to be clear on what resources the school may use and examples of how the subject will be taught. With the continuing restrictions on gatherings of people in public spaces and limited interaction the timing of a consultation period means that a decision needs to be made as quickly as possible as to how schools are going to proceed. However it is decided to proceed, a clear record of the rationale should be kept so that any objections can be managed as best as possible.

Curriculum delivery

There is then the question of how the content might be delivered. With September fast approaching and schools trying to get back to some form of face-to-face teaching, planning the curriculum for next year and working out how subjects will be taught is a hot topic. When one of the new elements to the curriculum is RSE, that makes things a little more complicated. While the plans for schooling are still rather up in the air; trying to work out how to give the content of this curriculum topic the time and sensitivity it deserves in an educational world where some of the teaching may have to be done via online platforms, one of the very areas the subject is going to cover, and potentially some level of 'home schooling' schools are in for a challenge. Additional thought may be needed as to how to reassure parents how this might be done. This is because schools, although hoping to be back by September, are still unclear given the phased return and the impact of any potential new outbreaks which may cause short notice closures.

It should be remembered that the DfE has not taken a 'one size fits all' approach; the guidance gives flexibility to schools in their approach to teaching. This will allow faith schools to teach these subjects but within the tenets of their faith. Allowing these important subjects to be taught sensitively and inclusively and with respect to the backgrounds and beliefs of pupils and parents whilst giving pupils the knowledge they need to live safe, fulfilled, healthy lives.

Once curriculums are planned they need to be regularly reviewed and updated to ensure that the programme remains inclusive and has engaging information which reflects real life issues. Consideration should be given to the increasing importance of the digital world, particularly when pupils will be spending more time online; whether it be messaging their friends to watching and creating videos on TikTok.

Identifying staff needs and CPD will also be important to ensure that any specialist training is sought and staff are ready to take on the challenges this subject will bring - especially if some learning has to be delivered remotely. To ensure it is effective, making sure the teaching is carried out by the right people, at the right level, Schools will need to be committed to delivering these subjects. Content will need to be age-appropriate, well delivered via various means, inclusive and clearly embedded into other school policies which will require the input of young people and their families through open discussion.

Opting out

Schools will also need to consider issues such as the parent's rights of withdrawal from sex education (save for biological aspects of human growth and reproduction that form part of the National Science Curriculum) and the right of children to 'opt-in' as they approach 16 years old. This will give pupils more autonomy regarding their own education in this area. These issues will have to be carefully monitored and any consents/changes recorded as different year groups return to school and transition takes place.

We do not know what the landscape will look like in September but what we do know is that schools should start preparing and be ready for the start of term. This can be done with a planned, adaptable and inclusive curriculum that is delivered by whatever means needed

and most importantly fits with the requirements of the guidance and legislation and the expectations of those it serves.

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