

# Relationships and Sex Education in England (Secondary): A Summary for Parents and Schools

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Relationships lie at the very heart of what it means to be human. Who we are is intrinsically linked to how we relate to others. Foundational to Christians is the belief that all people are created in the image of God, male and female, which bestows an inalienable dignity and respect on all people (Genesis 1:27). For Christians who worship the Triune God who is love, and are created in His image, loving relationships are core to what it means to be human.

Given the new Relationship and Sex Education subject explores what it means to be human and what it means to be a person in community, parents have an opportunity, whichever type of school their child attends, to show through their engagement with these issues that “we love because He first loved us” (1 John 4:19).

All parents<sup>1</sup> have an important role to play when it comes to working with schools as they develop their Relationships and Sex Education policy and in equipping their children to deal with the issues it presents. Even if your child does not attend a religious-character school, you should still have the opportunity to engage in the process and are entitled and encouraged to do so. Remember, there will be no opt-out provision from Relationships Education in secondary school and there will be a diluted opt-out from Sex Education. As the Evangelical Alliance’s guide for Christian families in education, *You’re Not Alone*, notes:

“The Bible teaches that parents are above all responsible for their children’s education. Parents are the primary nurturers, role models, socialisers and source of morals for their children. It is parents whom God has invested with the highest authority for the wellbeing and education of their children.”<sup>2</sup>

The relationship between schools and parents is vitally important. Parents are the most important relationship in a child’s life. But we typically delegate responsibility for our children’s education to the school. Therefore, we each have an opportunity as parents to build positive, supportive and encouraging relationships with our children’s schools.

Many parents have expressed worry or concern to us regarding changes introduced by the new subjects Relationships Education and Relationships and Sex Education in England which will affect all children in both primary and secondary education. This briefing paper has been produced to help you understand the requirements now being placed on schools and how parents can engage positively and effectively.

[On the following pages, paragraphs in brackets refer to the Government’s Relationships Education, Relationships and Sex Education (RSE), and Health Education guidance, July 2019. This guidance is available from the Department for Education’s website.]

## In brief

- From September 2020 there will be a new requirement to teach Relationships and Sex Education in every secondary school in England (including academies and independent schools). Schools have been encouraged to teach the subject from September 2019.
- Schools are required to have a written policy on which parents must be consulted (though the school has the final say on the actual content). (Paragraph 13)
- There is no opt-out from Relationships Education and a conditional opt-out from Sex Education (as now the head teacher not parents have the final say on whether the child receives sex education. (Paragraph 4)
- All schools must take into account the religious background of pupils. (Paragraph 20)
- Religious-character schools may teach their faith perspective on topics and all schools may teach faith perspectives on these topics. (Paragraph 21)
- According to the guidance, when schools “consider it appropriate to teach their pupils about LGBT” it should be “fully integrated” into the curriculum and the DfE expects that “all pupils have been taught LGBT content at a timely point” (Paragraph 37). This includes “sexual orientation” and “gender identity” being explored at a “timely” point as well. (Paragraph 75)
- Schools may use external agencies to deliver parts of the subject, but this teaching must fit with their planned programme and their published policy. (Paragraph 52)
- Pupils must be taught the law on topics including “marriage,” “abortion,” “sexuality,” and “gender identity”. (Paragraph 82)

### What

A new subject for all schools in England created by Parliament<sup>3</sup> with topics defined by the DfE via statutory guidance.<sup>4</sup> RSE replaces what was formally Sex and Relationships Education, though there are significant changes to both what the subject will cover and how the curriculum will be delivered.

The Government’s guidance is “statutory”, which means “schools must have regard to the guidance, and where they depart from those parts of the guidance which state that they should (or should not) do something they will need to have good reasons for doing so”. The guidance goes on to distinguish between “what schools should do and sets out the legal duties with which schools must comply when teaching Relationships Education, Relationships and Sex Education (RSE), and Health Education”. (Page 6)

## Who

RSE will be mandatory in every secondary school in England (from September 2020), including all academies, free schools and independent schools.

## When

Some secondary schools started teaching the subject from September 2019 but it will be mandatory for all secondary schools from September 2020.

# The central role and opportunity of parents

## Diluted opt-out from Sex Education

There is no opt-out from Relationships Education in secondary school. Further, the government recently changed the law so now there is also no “right” of an opt-out from Sex Education in secondary school. Parents can still “request” an opt-out, though this is now at the discretion of the head teacher.

Concerning this diluted opt-out:

- The guidance says it should normally be granted except in “exceptional circumstances”; however, exceptional circumstances are not defined in the Guidance.
  - Also, the guidance does not provide any sort of specific appeals process to a head teacher’s decision to refuse the request, though the school’s standard complaints procedure should apply. Schools are, however, also required to document this process and decision. (Paragraph 47)
- If a parent requests an opt-out but the pupil wishes to have RSE, and the pupil is 15 or over, the school is directed to make arrangement for the child to receive sex education against the wishes of the parent. (Paragraph 47)
- The guidance does not specify what happens if a student 15 or over wishes to opt-out themselves and the parents have not indicated their preference or would rather the child receives the teaching.
- The opt-out only applies to Sex Education and not to Relationships Education. Given the guidance also advises that schools “do not need artificially to separate Sex Education and Relationships Education” it is difficult to see how this will operate in practice. (Paragraph 17)

## Consultation on a school's RSE policy

According to the guidance:

“All schools must have in place a written policy for Relationships Education and RSE. Schools must consult parents in developing and reviewing their policy. Schools should ensure that the policy meets the needs of pupils and parents and reflects the community they serve.” (Paragraph 13)

These policies **must**:

- Define Relationships and Sex Education.
- Set out the subject content, how it is taught and who is responsible for teaching it.
- Describe how the subject is monitored and evaluated.
- Include information to clarify the “request” to withdraw from the sex education part only. (Paragraph 16)

They will **typically** also cover:

- details of content/scheme of work and when each topic is taught, taking account of the age of pupils.
  - This is particularly important to see how the school divides “relationships” and “sex” education as the opt-out only applies to the “sex” education part.
- examples of the resources the school proposes to use. (Paragraph 24)
- who delivers RSE, including how/if external providers are involved.
- how the policy has been produced, and how it will be kept under review, in both cases working with parents.
- how delivery of the content will be made accessible to all pupils, including those with special educational needs and disability (SEND).
- requirements on schools in law e.g. the Equality Act<sup>5</sup>. (Paragraph 16)

While parents can have input into the policy, it is important to note that, according to the Minister for Schools, “ultimately, it is matter for the school itself to decide on the curriculum”.<sup>6</sup>

[TIP: Please see the ‘Parental Checklist’ for things to look for or ask to be included in your school’s policy.]

## Religious families and children

Alongside the requirements of the Equality Act for schools, the guidance notes that:

“In all schools, when teaching these subjects, the religious background of all pupils must be taken into account when planning teaching, so that the topics that are included in the core content in this guidance are appropriately handled. Schools must ensure they comply with the relevant provisions of the Equality Act 2010, under which religion or belief are amongst the protected characteristics.” (Paragraph 20)

This means parents can take the opportunity of the policy consultation to explore with the school how they plan to “take into account” the religious background of all pupils, whether the school has a religious character or not.

In addition to the requirements concerning the school’s policy, the guidance notes, regarding Relationships Education and Sex Education, that “all schools may teach about faith perspectives.” (Paragraph 21)

Therefore, all schools, including non-religious schools, can teach diverse and different perspectives on these issues in Relationships Education, including religious perspectives. Subsequently, it may be helpful for parents who are encouraging the schools to take their child’s religious background into account to draw attention to the opportunity all schools have to teach a faith perspective and so promote religious diversity.

## Religious-character schools

In addition, regarding religious-character schools in particular, the guidance notes that religious-character schools are allowed to “teach the distinctive faith perspective on relationships, and balanced debate may take place about issues that are seen as contentious”. (Paragraph 21)

The guidance notes that “schools are free to determine how to deliver the content set out in this guidance, in the context of a broad and balanced curriculum.” (Paragraph 5)

[Note: While the guidance only mentions the “distinctive faith perspective on relationships, in an all-party-parliamentary group on Religious Education meeting the Minister for Schools, Nick Gibb MP, confirmed this also applies to Sex Education.<sup>7</sup>]

## External agencies

“Schools should also ensure that the teaching delivered by the visitor fits with their planned programme and their published policy. It is important that schools discuss the detail of how the visitor will deliver their sessions and ensure that the content is age-appropriate and accessible for the pupils. Schools should ask to see the materials visitors will use as well as a lesson plan in advance, so that they can ensure it meets the full range of pupils’ needs (e.g. special educational needs).” (Paragraph 52)

IMPORTANT: While there is no requirement that schools follow best practice in this area and notify parents ahead of time with details of which organisation and what they will be teaching, parents may wish to encourage the school to include this information in their policy on Relationships and Sex Education. Please see the ‘Parental Checklist’ for more information.

## RSE subject topics

[NOTE: Please see the full list of topics that are required to be taught in Relationships and Sex Education in secondary schools.]

In the RSE-specific section, the guidance notes, among other things, that:

- “The aim of RSE is to give young people the information they need to help them develop healthy, nurturing relationships of all kinds, not just intimate relationships. It should enable them to know what a healthy relationship looks like and what makes a good friend, a good colleague and a successful marriage or other type of committed relationship. It should also cover contraception, developing intimate relationships and resisting pressure to have sex (and not applying pressure).” (Paragraph 69)
- “Effective RSE does not encourage early sexual experimentation. It should teach young people to understand human sexuality and to respect themselves and others.” (Paragraph 70)
- “Knowledge about safer sex and sexual health remains important to ensure that young people are equipped to make safe, informed and healthy choices as they progress through adult life. This should be delivered in a non-judgemental, factual way and allow scope for young people to ask questions in a safe environment.” (Paragraph 71)
- “It is recognised that there will be a range of opinions regarding RSE. The starting principle when teaching each of these must be that the applicable law should be taught in a factual way so that pupils are clear on their rights and responsibilities as citizens.” (Paragraph 76)

- “Schools may choose to explore faith, or other perspectives, on some of these issues in other subjects, such as Religious Education.” (Paragraph 77)  
“Pupils should be well informed about the full range of perspectives and, within the law, should be well equipped to make decisions for themselves about how to live their own lives, whilst respecting the right of others to make their own decisions and hold their own beliefs.” (Paragraph 78)

IMPORTANT: Many new pre-packaged curriculums are being developed for Relationships and Sex Education, so it is important that during the consultation your school provides detailed information on which curriculum(s) it will be using (if any). Please see the ‘Parental Checklist’ for more detailed questions and considerations.

## Sensitive Issues

**LGBT content** – according to the guidance:

“At the point at which schools consider it appropriate to teach their pupils about LGBT, they should ensure that this content is fully integrated into their programmes of study for this area of the curriculum rather than delivered as a stand-alone unit or lesson. Schools are free to determine how they do this, and we expect all pupils to have been taught LGBT content at a timely point as part of this area of the curriculum.” (Paragraph 37)

“Pupils should be taught the facts and the law about sex, sexuality, sexual health and gender identity in an age-appropriate and inclusive way. All pupils should feel that the content is relevant to them and their developing sexuality. Sexual orientation and gender identity should be explored at a timely point and in a clear, sensitive and respectful manner. When teaching about these topics, it must be recognised that young people may be discovering or understanding their sexual orientation or gender identity. 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.” (Paragraph 75)

### Specific topics covered by the guidance

In the detailed topic list for RSE on pages 27-29 of the guidance, the following topics are addressed within a wider list of topics:

“Pupils should<sup>8</sup> know:

#### **Abortion**

- “that there are choices in relation to pregnancy (with medically and legally accurate,



impartial information on all options, including keeping the baby, adoption, abortion and where to get further help).” (p.29)

### **Contraception**

- “the facts about the full range of contraceptive choices, efficacy and options available.” (p.29)

### **Consent**

- “how people can actively communicate and recognise consent from others, including sexual consent, and how and when consent can be withdrawn (in all contexts, including online).”

### **The law**

- “the concepts of, and laws relating to, sexual consent, sexual exploitation, abuse, grooming, coercion, harassment, rape, domestic abuse, forced marriage, honour-based violence and female genital mutilation (FGM), and how these can affect current and future relationships.” (p.29)

### **Marriage**

- “what marriage is, including its legal status.”
- “why marriage is an important relationship choice for many couples and why it must be freely entered into.” (p.27)

### **Pornography**

- “the impact of viewing harmful content.”
- “that specifically sexually explicit material, e.g. pornography, presents a distorted picture of sexual behaviours, can damage the way people see themselves in relation to others, and negatively affects how they behave towards sexual partners.” (p.28)

### **Protected characteristics (Equality Act)**

- “the legal rights and responsibilities regarding equality (particularly with reference to the protected characteristics as defined in the Equality Act 2010) and that everyone is unique and equal.” (p.28)

### **Pregnancy and fertility**

- “the facts about reproductive health, including fertility, and the potential impact of lifestyle on fertility for men and women, and menopause.” (p.29)

### **Sexually transmitted infections**

- “how the different sexually transmitted infections (STIs), including HIV/AIDS, are transmitted, how risk can be reduced through safer sex (including through condom use) and the importance of and facts about testing.”
- “about the prevalence of some STIs, the impact they can have on those who contract them and key facts about treatment.” (p.29)

## **Confidential sexual and reproductive health advice and treatment**

- “how to get further advice, including how and where to access confidential sexual and reproductive health advice and treatment.” (p.29)

There is then an additional paragraph (Paragraph 82) in the guidance entitled the law, separate to the topic lists, which includes the following:

“It is important to know what the law says about sex, relationships and young people, as well as broader safeguarding issues. [...] Pupils should be made aware of the relevant legal provisions when relevant topics are being taught, including for example:”

- marriage
- consent, including the age of consent
- violence against women and girls
- online behaviours including image and information sharing (including ‘sexting’, youth-produced sexual imagery, nudes, etc.)
- pornography
- abortion
- sexuality
- gender identity
- substance misuse
- violence and exploitation by gangs
- extremism/radicalisation
- criminal exploitation (for example, through gang involvement or ‘county lines’ drugs operations)
- hate crime
- female genital mutilation (FGM)

## **Conclusion**

Along with the challenges there are opportunities with this new subject, as all schools both have the freedom and indeed the responsibility to take pupils’ religious backgrounds into account and to engage substantively with parents both around what is taught and, importantly, when it is taught. This is also an opportunity for parents to deepen their interest and involvement with the school around these subjects.

We as Christians can take this moment to witness to the truth that God’s love shapes how we relate to God and how we relate to people. That the God who is love calls us to love Him and love our neighbours as He first loved us, supremely through the gift of His Son Jesus Christ.

## Endnotes

1. Throughout this document “parents” refers to “parents or carers”
2. You are not alone: A guide for the Christian family in education, available at <https://education.eauk.org>
3. Children and Social Work Act 2017, Section 34 & 35 and Statutory Instrument No. 2019/924
4. The Guidance is available at: <https://www.gov.uk/government/publications/relationships-education-relationships-and-sex-education-rse-and-health-education>
5. Please see The Equality Act 2010 and schools: Departmental advice and the Christian Institute’s “Equipped for Equality” resource for more.
6. Minister of State for Schools, Rt. Hon. Nick Gibb MP, HC Deb, 16 July 2019, c708
7. Minister of State for Schools Nick Gibb MP, at the APPG on Religious Education, 16 July 2019
8. Please see the guidance’s distinction between “should” and “must” quoted on page 3 of this document and on page 6 of the Government’s guidance. The RSE topics listed in the guidance on pages 27-29 are all prefaced by, “pupils should know.”