Sex and Relationship Education in Schools

This note provides an overview of the legislation and guidance currently in place regarding sex and relationship education (SRE) in schools, and also outlines related reviews and proposals in Parliament.

This note relates to England only.
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1 Requirements on Sex and Relationship Education in Schools

1.1 Sex and Relationship Education: what must be taught in maintained schools

All maintained secondary schools must provide sex and relationship education as part of the basic curriculum, and must meet the requirements of National Curriculum Science. Governing bodies and head teachers of maintained primary schools must decide whether sex and relationship education, beyond that set out in National Curriculum Science, should be include in the school’s curriculum, and if so what it should consist of and how it should be organised.

The Department for Education (DFE)’s popular questions website provides the following information on the current position relating to sex and relationship education (SRE) in schools (dated 19 July 2013):

When will my child receive sex education in school?

Governing bodies of maintained primary schools must decide whether sex and relationship education should be included in their school’s curriculum and, if so, what
the educational provision should consist of and how it should be organised. They must
keep a written record of their decisions.

All maintained secondary schools must provide sex and relationship education
(including education about HIV and AIDS and other sexually transmitted diseases),
and must teach human growth and reproduction as set out in the national curriculum.

All governing bodies must have a written statement of whatever policy they adopt on
sex education and make it available free to parents. The statement must be drawn up
in consultation with the headteacher. The headteacher must ensure any sex education
is provided in a way that encourages pupils to consider morals and the value of family
life.

Parents have the right to withdraw their children from all or part of any sex education
provided, but not from teaching the biological aspects of human growth and
reproduction necessary under national curriculum science.

When providing sex and relationship education all schools must have regard to the
Secretary of State’s guidance.

As indicated above, schools are currently required to have regard to the Sex and
Relationship Education Guidance, published in 2000. The current statutory provisions on
sex education are contained in sections 403 and 405 of the Education Act 1996 as
amended.

The Government’s Education White Paper, The Importance of Teaching, published in
November 2010, stated:

Children need high-quality sex and relationships education so they can make wise and
informed choices. We will work with teachers, parents, faith groups and campaign
groups, such as Stonewall to make sure sex and relationships education encompasses
an understanding of the ways in which humans love each other and stresses the
importance of respecting individual autonomy.

**Parents’ rights to withdraw a child from SRE**

Section 405 of the Education Act 1996 enables parents to withdraw their children from sex
education other than the sex education that is in the National Curriculum (such as the
biological aspects of human growth and reproduction that are essential elements of National
Curriculum Science).

All schools must have an up-to-date policy on SRE which is made available for inspection
and to parents. It must include information about parents’ right to withdrawal. The SRE
guidance states:

5.7 Parents have the right to withdraw their children from all or part of the sex and
relationship education provided at school except for those parts included in the
statutory National Curriculum...Schools should make alternative arrangements in such
cases. The DfEE will offer schools a standard pack of information for parents who
withdraw their children from sex and relationship education.

1.2 **Sex and Relationship Education Guidance**

As stated in the previous section, schools are currently required to have regard to the Sex
and Relationship Education Guidance, published in 2000. For quick reference, some key
guidance included within it is reproduced below. This information is not meant to be
comprehensive, but instead to give a brief introduction to what the guidance recommends.
**Primary Schools**

1.12 The Department recommends that all primary schools should have a sex and relationship education programme tailored to the age and the physical and emotional maturity of the children. It should ensure that both boys and girls know about puberty and how a baby is born – as set out in Key Stages 1 and 2 of the National Science Curriculum. Section 3 gives further information on what should be taught at these stages and how this should be rooted in the PSHE framework.

1.13 All children, including those who develop earlier than the average, need to know about puberty before they experience the onset of physical changes. In the early primary school years, education about relationships needs to focus on friendship, bullying and the building of self-esteem.

**Secondary schools**

1.17 Secondary schools should include in their policy details on how they provide a programme as part of the PSHE framework in addition to the National Science Curriculum topics. Schools should set sex education within a broader base of self-esteem and responsibility for the consequences of one’s actions.

1.18 Schools should set a framework for establishing what is appropriate and inappropriate in a whole-class setting and how to deal with individual questions.

**Relationships**

1.21 Young people, when asked about their experiences of sex education at school, often complain about the focus on the physical aspects of reproduction and the lack of any meaningful discussion about feelings, relationships and values. Sex and relationship education set within the framework for PSHE across the four key stages will significantly redress that balance. It will help young people to respect themselves and others, and understand difference. Within the context of talking about relationships, children should be taught about the nature of marriage and its importance for family life and for bringing up children. The Government recognises that there are strong and mutually supportive relationships outside marriage. Therefore, children should learn the significance of marriage and stable relationships as key building blocks of community and society. Teaching in this area needs to be sensitive so as not to stigmatise children on the basis of their home circumstances.

**Sexual identity and sexual orientation**

1.30 It is up to schools to make sure that the needs of all pupils are met in their programmes. Young people, whatever their developing sexuality, need to feel that sex and relationship education is relevant to them and sensitive to their needs. The Secretary of State for Education and Employment is clear that teachers should be able to deal honestly and sensitively with sexual orientation, answer appropriate questions and offer support. There should be no direct promotion of sexual orientation.

1.31 Sexual orientation and what is taught in schools is an area of concern for some parents. Schools that liaise closely with parents when developing their sex and relationship education policy and programme should be able to reassure parents of the content of the programme and the context in which it will be presented.

1.32 Schools need to be able to deal with homophobic bullying. Guidance issued by the Department (Social Inclusion: Pupil Support Circular 10/99) dealt with the unacceptability of and emotional distress and harm caused by bullying in whatever form – be it racial, as a result of a pupil’s appearance, related to sexual orientation or for any other reason.
Puberty
2.5 Boys and girls need to be prepared for puberty. Schools will need to plan the appropriate age to do so, in consultation with parents.

Menstruation
2.7 The onset of menstruation can be alarming for girls if they are not prepared. Research shows that about a third of girls are not told about periods by their parents and 10% receive no preparation at all before their first period. As with education about puberty, programmes should include preparation for menstruation.

2.8 Schools should also make adequate and sensitive arrangements to help girls cope with menstruation and with requests for sanitary protection.

Contraception
2.10 Knowledge of the different types of contraception, and of access to, and availability of contraception is a major part of the Government's strategy to reduce teenage pregnancy. Effective sex and relationship education in secondary schools has an important role to play in achieving this.

2.11 Trained staff in secondary schools should be able to give young people full information about different types of contraception, including emergency contraception and their effectiveness. Pupils may wish to raise further issues with staff arising from discussion in the classroom. Trained teachers can also give pupils – individually and as a class – additional information and guidance on where they can obtain confidential advice, counselling and, where necessary, treatment.

Abortion
2.14 38% of teenage pregnancies ended in abortion in 1998 – almost 39,000 abortions. There are strongly held views and religious beliefs about abortion and some schools will apply a particular religious ethos through their sex and relationship education policy to the issue which will enable pupils to consider the moral and personal dilemmas involved. The religious convictions of pupils and their parents should be respected.

2.15 It is all too easy to create a classroom debate in which pupils' views become polarised and miss the purpose of sex and relationship education in preparing pupils for the responsibilities and challenges of adult life. When abortion is covered within a programme, the challenge is to offer young people the opportunity to explore the dilemmas, enable them to know and understand about abortion, and develop the communication skills to discuss it with parents and health professionals.

2.16 However, the key task for schools is, through appropriate information and effective advice on contraception and on delaying sexual activity, to reduce the incidence of unwanted pregnancies.

1.3 Academies and Free Schools
Academies and Free Schools do not have to follow the National Curriculum and so are not under the same statutory obligations as maintained schools. As such, academies are not obliged to teach sex and relationship education, although if they do, they must have regard to the SRE guidance issued by the Secretary of State. This issue was recently raised in the House of Lords:
Asked by **Baroness Scotland of Asthal**

To ask Her Majesty’s Government what is the current position with regard to ensuring primary and secondary school pupils receive comprehensive sex education.[HL2614]

**The Parliamentary Under-Secretary of State for Schools (Lord Nash) (Con):** Sex and relationship education (SRE) is compulsory in maintained secondary schools. When teaching sex education, it is a statutory requirement for schools (including academies through their funding agreements) to have regard to the Secretary of State’s Sex and Relationship Education Guidance. Schools should use the guidance to build on the content outlined in the national curriculum for science. Primary schools are not required to provide SRE beyond that which is outlined in the national curriculum for science, but many primary schools do so—and they must have regard to the guidance.1

The following exchange and response from Lord Nash, from a Lords debate earlier this year provides further clarification:

**Baroness Brinton:** My Lords, I am sure that the House is pleased that the Government have put more about sex and relationships into the curriculum, but surely some concerns must remain if academies can choose not to teach it. How are the Government going to ensure that academies teach young people about sex and relationships?

**Lord Nash:** My noble friend is quite right that academies are not obliged to teach sex education, although, if they do, they have to have regard to the Secretary of State’s guidance on these matters. I repeat the point that Ofsted inspects for all social, moral and cultural provision in schools, and we will be ensuring that it focuses on this point.2

The **Model Funding Agreement for Free Schools** provides an example of the arrangements set up by Academies and Free Schools regarding SRE. It states that:

The Academy Trust shall have regard to any guidance issued by the Secretary of State, further to section 403 of the Education Act 1996, on sex and relationship education to ensure that children at the Academy are protected from inappropriate teaching materials and they learn the nature of marriage and its importance for family life and for bringing up children. The Academy Trust shall also have regard to the requirements set out in section 405 of the Education Act 1996 which shall apply to the Academy as if it were a maintained school.

### 1.4 DFE Review of Personal, Social, Health and Economic Education

In July 2011, the DFE launched an internal review of personal, social, health and economic education (PSHE), including sex and relationship education.3 The review had been announced in a PQ response the previous year:

**Nick Gibb:** [holding answer 29 November 2010]: Sex and relationships education is not currently part of the national curriculum and will not be within scope of the national curriculum review. However, we intend to conduct an internal review to determine how we can support schools to improve the quality of all personal, social, health and economic (PSHE) education teaching, giving teachers the flexibility to use their

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1. [HL Deb 21 Oct 2013: Column WA124](#)
2. [HL Deb 8 July 2013 c6](#)
judgement about how best to deliver PSHE education, including sex and relationships education.4

The Government announced the outcome of this internal review in March 2013:

Elizabeth Truss: PSHE overall will remain a non-statutory subject. To allow teachers the flexibility to deliver high-quality PSHE we consider it unnecessary to provide new standardised frameworks or programmes of study. Teachers are best placed to understand the needs of their pupils and do not need additional central prescription.

However, while we believe that it is for schools to tailor their local PSHE programme to reflect the needs of their pupils, we expect schools to use their PSHE education programme to equip pupils with a sound understanding of risk and with the knowledge and skills necessary to make safe and informed decisions.

Schools should seek to use PSHE education to build, where appropriate, on the statutory content already outlined in the national curriculum, the basic school curriculum and in statutory guidance on: drug education, financial education, sex and relationship education (SRE) and the importance of physical activity and diet for a healthy lifestyle.

We will provide grant funding to the PSHE Association to work with schools to support them in developing their own PSHE curricula and improve the quality of teaching. The association will focus on signposting schools to high quality resources, and on expanding their chartered teacher of PSHE programme. We have also asked the association to promote the teaching of consent as part of SRE, in line with the statutory guidance for that subject.5

A summary report, discussing the responses the Government received to the consultation was published alongside this written statement.6

The following PQ response from September 2013 sets out the position of sex and relationship education within the teaching of PSHE:

Mr Ward: To ask the Secretary of State for Education what changes his Department intends to make to how sex and relationship education is taught under the PSHE curriculum. [168460]

Elizabeth Truss: The Department has considered the role of sex and relationship education (SRE) as part of its review of personal, social, health and economic (PSHE) education. Experts are best placed to provide schools with up-to-date materials and advice on changing technologies that fit within the framework of our sex and relationship education guidance. This means schools can always access the most current advice and guidance on every emerging issue.

The PSHE Association has recently updated its guidance for schools on developing and improving their SRE policies. The Sex Education Forum also has a range of useful resources to help schools improve their SRE programmes, as do other organisations which seek to raise standards in SRE education.7

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4 HC Deb 29 Nov 2010 vol 519 c728W
5 HC Deb 21 Mar 2013 c52 WS
6 Department for Education, Consultation on PSHE education: Summary report, 22 March 2013
7 HC Deb 12 Sep c813W
2 Further information and curriculum reviews

2.1 2008 Review of SRE and the Children, Schools and Families Act 2010

A review of sex and relationship education in schools took place in 2008. As the webpage for the report states, the external steering group that was established to take forward the commitment in the Children’s Plan to: ‘Review the delivery of Sex and Relationships Education (SRE) in schools’. It summarises how the review was organised, what evidence was considered to inform the decisions, the key challenges that were identified and the recommendations that are being made to improve SRE delivery.

The report’s recommendation that PSHE be made part of the curriculum was part of the Children, Schools and Families Bill, Session 2009-10. The Library research paper 09/95 on the Bill sets out the proposals of the then Labour Government. The PSHE provisions and sex education generally were discussed during the Public Bill Committee – pp 13 and 14 of the Library research paper 10/12 give an account of the debates. However, many of the key provisions of the Bill were removed during the consideration of Lords Amendments on 8 April 2010 immediately before the dissolution of Parliament for the general election. The provisions removed included the introduction of compulsory PSHE, and the provision that all children receive at least one year of sex and relationship education. Incidentally, the provisions in the Bill that did survive are now contained in the Children, Schools and Families Act 2010.

2.2 National Curriculum Review 2013

The Government published proposals for a new National Curriculum in February 2013 for consultation, which closed in April 2013. A framework document setting out the proposed National Curriculum for all subjects and key stages (except for key stage 4 English, maths and science) was published on 8 July 2013, and the Government consulted on the draft order to bring the changes into effect. This consultation closed on 8 August 2013.

On 11 September 2013 the Government published a Summary report of the consultation on the new programmes of study and attainment targets from September 2014 and a statutory framework for the National Curriculum from Key Stages 1 to 4, as well both primary and secondary curriculums effective from September 2014.

Concerns were raised during the consultation process about the amount of SRE included in the revised curriculum. The following exchange from a House of Lords debate in July, when the proposed Curriculum was published, provides an indication of the concerns raised and also the Government’s response:

*Asked by Baroness Gould of Potternewton*

To ask Her Majesty’s Government which organisations and individuals have challenged their proposed changes to sex education.

**The Parliamentary Under-Secretary of State for Schools (Lord Nash):** My Lords, as part of the national curriculum review, the Government received representations from organisations and individuals on the draft curriculum for science, which includes information on reproduction and the human life cycle. A number of organisations, including the Sex Education Forum, were signatories to a letter to the Times on 15

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8 Department for Education, *Government published a Summary report of the consultation on the new programmes of study and attainment targets from September 2014*, 11 September 2013

9 All documents available on gov.uk, *National Curriculum* [accessed 11 December 2013]
April outlining concerns that the science programme of study omitted detail on reproduction and growth. I assure noble Lords that we have taken their representations on board, and revised programmes for study have been published this morning.

Baroness Gould of Potternewton: I thank the Minister for his reply. I have some inkling of what is in the Statement, although I look forward to reading the document in full. Does he accept that the proposed watering down of the biological sex education content within that document means that many pupils will leave primary school with little knowledge of the human life cycle? Within that context, does the document state explicitly that the menstrual cycle shall be taught without details of hormones? Can the Minister indicate how that is going to be monitored in schools? If a teacher does in fact mention hormones, are they likely to be disciplined?

Lord Nash: My Lords, in the new curriculum there is as much, if not more, about reproduction and the life cycle as in the previous curriculum. Key stage 2 science includes changes experienced in puberty, but this Government believe that it is right that teachers should make the final decision about when and how that content is covered. Of course, Ofsted inspects to ensure that pupils receive the right cultural, moral and social experience.

Baroness Walmsley: How many young people themselves have been consulted about the content of this curriculum? If a lot of young people had been, I am sure they would have told the Government that they want to know the information in time, before the hormonal changes take place. Timeliness is related not only to puberty but to contraception, sexual health and the prevention of unwanted teenage pregnancy.

Lord Nash: My noble friend is quite right in her observations. The non-statutory notes and guidance specifically say that pupils should draw a timeline to indicate stages in the growth and development of humans, and should learn about the changes experienced in puberty.10 11

2.3 Ofsted report on PSHE and the teaching of SRE 2013

In May 2013, Ofsted published a report on PSHE in primary and secondary schools in England, Not yet good enough.12 The report raised concerns about the teaching of SRE:

Sex and relationships education required improvement in over a third of schools. In primary schools this was because too much emphasis was placed on friendships and relationships, leaving pupils ill-prepared for physical and emotional changes during puberty, which many begin to experience before they reach secondary school. In secondary schools it was because too much emphasis was placed on ‘the mechanics’ of reproduction and too little on relationships,

sexual orientation, the influence of pornography on students’ understanding of healthy sexual relationships, dealing with emotions and staying safe.13

The Ofsted report has been raised during questions in the House of Lords. The following excerpts were the most relevant to the teaching of SRE:

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10 HL Deb 8 Jul 2013 c4-5
11 Government statement on the National Curriculum available at HC Deb 8 Jul 2013 c1-2WS
12 Ofsted, Not yet good enough: personal, social, health and economic education in schools, May 2013
13 Ibid, p6-7
Asked By Baroness Massey of Darwen

To ask Her Majesty's Government what is their assessment of the report by Ofsted Not Yet Good Enough: Personal, Social, Health and Economic Education in Schools, published on 1 May.

The Parliamentary Under-Secretary of State for Schools (Lord Nash): My Lords, the Government are grateful for Ofsted's report, which provides an important and valuable analysis of the strengths and weaknesses of PSHE provision in this country. We encourage all schools to focus on the areas for improvement outlined in the report and, in doing so, to access best practice identified by Ofsted.

[...]

Baroness Howe of Idlicote: My Lords, the report says that improvement in the delivery of the sex and relationship side of PSHE is needed in as many of a third of schools; and, worse, that this means that particularly sensitive issues, such as mental health, sexuality, domestic violence and pornography, are either receiving too little attention or are frankly just being omitted completely because of teacher embarrassment. What steps are the Government proposing to ensure that teachers involved will in future have the necessary skills to teach these important subjects?

Lord Nash: The noble Baroness is quite right that we need to up our game in this regard, particularly in relation to internet pornography. As noble Lords will know, quite a lot is going on in relation to the internet at the moment. SRE in particular is a vital part of training, and we hope that the Ofsted examples will improve that. The draft science curriculum includes clear requirements for pupils to be taught about their bodies, physical development and reproduction.

[...]

Baroness Hughes of Stretford: My Lords, the worldwide campaign against violence towards women, along with recent criminal cases, has highlighted the danger that internet pornography presents to children and young people. The Children's Commissioner's inquiry shows that many young people are exposed to internet pornography through their schools and their friends. What guidance have the Government issued to schools to help protect children from exposure to internet pornography? Is this issue not a really good example of why we now urgently need statutory PSHE?

Lord Nash: I entirely agree with the noble Baroness's point about the danger of internet pornography, which is a much bigger issue than just in schools. We are working with the industry, through the UK Council for Child Internet Safety, to make it easier than ever for harmful and inappropriate internet content to be filtered from home broadband and all devices. The top five ISPs have committed to having parental controls in place by the end of 2013. On 18 June, the Secretary of State for Culture, Media and Sport will meet internet businesses to see what more they can do to tackle illegal online pornography. Further work is also going on in this regard. 14

2.4 Calls to update Sex and Relationship Education Guidance

During Report Stage of the Children and Families Bill in the House of Commons in June 2013, an amendment (New Clause 20) was tabled by Lisa Nandy, Sharon Hodgson, Stella Creasy, Diana Johnson and Caroline Lucas, to ensure that sex and relationship education be

14 HL Deb 11 Jun 2013 c1512-1513
made available to all children across the country. Speaking to the new clause, Lisa Nandy said that:

When we scrutinised the Bill on Second Reading, my hon. Friend the Member for Washington and Sunderland West (Mrs Hodgson) and I said that it would come to be characterised as much by what was not in it as what was. That is the motivation behind our new clause 20, which would ensure that sex and relationship education is available to all children across the country. The nation has been shocked by child grooming scandals where young girls have been systematically exploited by older men—often men who they thought were taking care of them.

Research by the Children’s Commissioner has found that far too many young people—boys and girls—do not know what a good relationship looks like. Worryingly, it also found that many of them did not even understand the concept of consent. Our view is that we are failing to equip young people with the knowledge, skills and resilience they need to keep themselves safe. We must do much more to tackle child abuse, but more importantly we must prevent it from happening in the first place.

Young people are increasingly exposed to risks online. We think that the question is not whether we can afford to talk to them about issues as difficult as this, but whether we can afford not to. We think that all children should have the opportunity to access age-appropriate sex and relationship education. In a departmental report on personal, social, health and economic education, young people said that they valued the chance to express views safely and ask questions, and felt that that had improved their relationship with others. We believe that parents should retain the right to withdraw children aged 15 or under because they know their children best, but equally we know that the vast majority of parents would like their children to have access to sex and relationship education. For children whose parents do not talk to them about these issues, this could be critical in keeping them safe, especially given that a third of girls say that they have experienced unwanted touching. We are keen for the Government to support our proposed new clause 20.15

Responding for the Government, Edward Timpson said that

On personal, social and health education, we all recognise that this is an important issue, but we do not have unanimity on what constitutes the best approach. The expectation that all schools should teach PSHE is outlined in the introduction to the framework of the proposed new national curriculum. It is not a statutory requirement, however, as we strongly believe that teachers need the flexibility to use their professional judgment to decide when and how best to provide PSHE in their local circumstances. The Government do not believe that the right of parents to withdraw their children from sex and relationship education should be diminished in the way proposed. We see no need to amend the existing legislation, which provides a clear and workable model for schools and parents. Moreover, the new provision would place a disproportionate burden on teachers, who would have to make and defend decisions on what constitutes “sufficient maturity”—16

New clause 20 was defeated on a division by 303 votes to 219.17 An amendment to the Bill to require a review and update of SRE guidance has also been tabled during Report Stage in the House of Lords.18

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15 HC Deb 11 June 2013, col 255
16 Ibid., c267
17 Ibid., c270
18 House of Lords, Amendments tabled to the Children and Families Bill [accessed 12 December 2013]
In September 2013, there were calls reported in the press from several MPs, including the Deputy Prime Minister, for the SRE statutory guidance to be updated. The guidance has been in place since 2000 and the calls for it to be updated focused on the rise of the internet and social media since that time. See:

- More Conservative MPs back Telegraph better sex education campaign, *Telegraph*, 4 September 2013
- Update sex education guidance to schools, says Clegg, *BBC News Online*, 5 September 2013
- Dame Tessa Jowell supports The Telegraph’s Wonder Women better sex education campaign, *Telegraph*, 6 September 2013

There were also calls in December 2013 for NICE to develop modernised sex education programmes that encompassed the role of sex in a loving relationship:

- Experts call for NICE to resume work on sex education halted by the coalition government, *British Medical Journal*, 3 December 2013