



Submission to Consultation on the proposed Relationships Education, Relationships and Sex Education and Health Education Guidance for Schools in England

Date: November 2018

Relevant documents to the consultation

- [Draft Regulations](#)
- [Draft Regulatory Impact Assessment](#)
- [Draft statutory guidance on RSE and health education](#)
- [Consultation and Government response to call for evidence](#)

Full Consultation Response

We set out below our answers to specific questions put forward in the consultation. Please refer to the documents at the start of this submission for further context and information.

Relationships Education

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 or disagree**
- disagree
- strongly disagree

Answer: We view the content as age appropriate but insufficient. This is further explained in our response to Q11

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 or disagree
- **disagree**
- strongly disagree

Answer: If taught well, the content could be a significant step forward in supporting young people to have positive relationships.

However, the framing of this subject and some of the current content – including repeated references to delay of sexual activity, resisting pressure, self-control and self-respect – make it vulnerable to morally-laden, negatively gendered delivery. Such delivery would wrongly focus on girls being told they are ‘able to just say “no”’, instead of emphasising their ability to:

- make informed, healthy choices with which they are comfortable;
- ability to seek the support they need, having made those choices. The framing should make greater use of the principle of equality. The correct initial framing is more important when no additional resources are being proposed for continuing professional development.

We also suggest that ‘resisting pressure’ is changed to ‘understanding how to cope with pressure and to recognise that such pressure is unacceptable’. We agree that it is important to teach children not to apply pressure. ‘Resisting’ puts the onus on the recipient of pressure and may be associated with victim shaming.

These lessons are a vital opportunity to help young people talk about their own behaviours, about which they might be concerned, opening up non-judgmental conversations about the way boys behave towards girls and each other, just as much as setting high expectations for girls about what they can expect in relationships.

These lessons will require careful teaching, not least because many young people will have already seen a model for relationships at home that runs contrary to what they hear. Whoever is delivering these messages needs to help them overcome that likely incongruence. This one of many reasons why we regard the assumptions relating to training (answers to Q31) as inadequate.

The section on ‘respectful relationships’ needs to explore power and the misuse of different types of power (economic, physical etc). Whilst DfE says that it is ‘confident that the maths and citizenship curricula ensure pupils up to 16 can be taught the building blocks of financial education,’ these subjects are not an appropriate context in which to teach about economic abuse – this should be a part of RSE.

We support paragraphs 71 and 72 on the primacy of law over opinion. It should be stated in paragraph 73 that the primacy of law (particularly equalities law) applies to Religious Education too, in case this paragraph is read as a ‘get-out’ option for those who want to teach views that are antithetical to equalities and human rights law, but feel they cannot do so in RSE.

14. 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 or disagree
 - **disagree**
 - strongly disagree

Answer: SafeLives does not support the right of parents to withdraw their children from age appropriate sex education. We believe such a provision leaves those who are most vulnerable to domestic abuse (DA) and other forms of violence against women and girls (VAWG) even more vulnerable and is a breach of their rights.

UNCRC Article 28 states that educational and vocational information and guidance should be available and accessible to all children; removal from RSE does not facilitate this. The United Nations Special Rapporteur on the right to education, has stated that “the right to education includes the right to sexual education”.

If this provision is retained, its exercise should raise a flag for school authorities. In the same way that FGM guidelines for health workers and schools include withdrawal from sex education as an indicator of risk (something which also should be referred to more prominently in the guidance), schools should note any withdrawal from RSE and consider it alongside any other matter of safeguarding concern about any child.

We propose that schools are required to keep a register of children that have been withdrawn and that this data is available to Local Authorities (regarding their safeguarding role) and OFSTED. Government should publish this anonymised data on withdrawals – broken down by gender, region and school type – on an annual basis.

We do not support the principle of the right to be excused from RSE, however if this is upheld then we agree with the current guidance that any request for such a withdrawal should trigger an in-person meeting with the headteacher.

Physical Health and Wellbeing

15. 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 or disagree
- **disagree**
- strongly disagree

Answer: We believe the content should go further and be clearer.

Menstruation itself (as opposed to puberty) is only referred to in the secondary section of this guidance. Given that it is not uncommon for girls to start menstruation at age 10 or 11 (in other words for some, before secondary school) this is highly problematic.

Menstruation should be taught to both girls and boys. A secretive attitude towards what is an inevitable part of girls’ lives does not encourage their confidence or support their equal status – both factors that can make them more vulnerable to VAWG later.

Section 85 says: “Puberty should be covered in Health Education and should be addressed before onset” and yet even puberty is not included in the table of what should be covered at primary level in RE.

Given that teaching about puberty is in any case required by the national curriculum for science at primary level, the guidance is unhelpfully forcing the teacher to cross reference with other guidance to teach the correct content.

16. 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 or disagree
- **disagree**
- strongly disagree

Answer: Please see our answer to Question 15 (above)

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

- strongly agree
- agree
- neither agree or disagree
- disagree
- strongly disagree

Answer: The content is appropriate but insufficient

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 or disagree
- **disagree**
- strongly disagree

Answer: Menstruation should be taught to both boys and girls - this should be specified rather than just 'all pupils', which coming after multiple references to girls, could be misconstrued.

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 or disagree**
- disagree
- strongly disagree

Answer: We are content with sections 34-40 however, as per our answer to question 14 SafeLives does not support the right of parents to withdraw their children from age appropriate sex education. We believe such a provision leaves those who are most vulnerable to DA and other forms of VAWG, even more vulnerable, and is a breach of their rights.

In the event that this provision is retained, use of it should raise a flag for school authorities. In the same way as FGM guidelines for health workers and schools include withdrawal from sex education as an indicator of risk (something which should be referred to more prominently in the guidance), schools should note any withdrawal and consider it alongside any other matter of safeguarding concern about any child.

We propose that schools are required to keep a register of children that have been withdrawn and that this data is available to Local Authorities (with regard to their safeguarding role) and OFSTED and that the government published anonymised data – broken down by gender, region and school type - on withdrawals on an annual basis.

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 or disagree
- disagree
- **strongly disagree**

Answer: Paragraph 108 is confusing and could render the guidance and therefore the legislation completely ineffective. It appears to be saying that schools are free to determine whether they deliver all content recommended at each age level, and how, depending on whether they agree with it or not. The guidance does not set any kind of threshold for minimum provision. This goes against the spirit of the legislation as agreed by cross-party consensus.

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 or disagree
- **disagree**
- strongly disagree

Answer: Students with SEND are disproportionately likely to be affected by DA. Paragraph 44 should explicitly reference this and make it clear that this should prompt headteachers to consider that RSE for pupils with SEND might be particularly important for them. Adequate training of teachers and support with resources will be key to delivering RSE well to SEND pupils, and headteachers must be in a position to reassure parents that teaching will be accessible and tailored to children with SEND.

Sullivan and Knutson (2000)

(<https://www.nspcc.org.uk/globalassets/documents/research-reports/right-safe-disabled-children-abuse-report.pdf>) found that:

- Children with behaviour disorders were approximately 7 times more likely to experience neglect, physical and emotional abuse and 5.5 times more likely to experience sexual abuse.
- Children with speech and language difficulties were found to be nearly 5 times more at risk of neglect and physical abuse, almost 3 times more at risk of sexual abuse and almost 7 times more at risk of emotional abuse.
- Children with learning disabilities were approximately 4 times more at risk of all forms of abuse.
- Children with health-related conditions and deaf children were also amongst the higher-risk groups.

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 subjects to make them accessible for those with SEND?

- strongly agree
- agree
- neither agree or disagree
- **disagree**
- strongly disagree

Answer: There is very little detail about how teachers can adapt subjects for SEND pupils, only that is sensible to do so. Teachers will need further support with this through training and materials.

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?

Answer: As with our comments on the Statutory Instruments (our response to Q28), we believe teaching of the laws pertaining to RSE matters should have a higher status. Section 21 of the guidance is inadequate in this respect.

In all schools, teaching should reflect the law as it applies to relationships, so that young people clearly understand what the law allows and does not allow, and the wider legal implications of decisions they may make.

Given that subsequent references to the law are specific to secondary school teaching, this section needs further elaboration.

We welcome references to teaching of the law in sections 71 and 72 and 79. However we think its needs further clarity on what a school's duties are and any key legal concepts that *should* be discussed. The areas of law listed are not a definitive list of what *should* be taught but a list of what should be referred to 'when [and presumably if] relevant topics are being taught'.

We welcome the requirement in section 75 to teach grooming, sexual exploitation and domestic abuse, including coercive and controlling behaviour 'sensitively and clearly' and believe that it takes significant teacher training to be able to do this.

We recommend that Sex/Gender and Race/Ethnicity are added to the Guidance' contents and equalities sections alongside LGBT and SEND, to help the reader perceive the equalities issues at stake.

We believe the guidance for teachers on how to respond to disclosures (section 113, copied below) is weak and presents a missed opportunity.

Good practice would be to involve the Designated Safeguarding Lead (or a deputy) in anything that is safeguarding-related in the context of these subjects. They will potentially have knowledge of trusted, high quality local resources that could be engaged, links to the police and other agencies and the knowledge of any particular local issues which it may be appropriate to address in lessons.

The use of the word 'potentially' here is very concerning, particularly in the context of a description of good practice. A well trained safe-guarding lead or RSE teacher should have knowledge of local issues and where to go for help for children. These issues are not a rarity. Data shows that in 2017/18 the most common contributing factor in children assessed by LAs as being 'in need' is Domestic Violence. High quality RE, RSE and Health education and a well-informed school workforce, is a chance to identify children at risk early. IN addition to training for safeguarding leads and RSE teachers, significant input around GBV should be delivered within general teacher

training courses (eg PGCEs) to ensure all new teachers have a solid understanding of DA etc.

The Guidance should also make stronger and more repeated connections to school safeguarding obligations, Keeping Children Safe in Education, and the supplementary guidance on sexual harassment and sexual violence.

MPs from across parties supported the introduction of RSE in recognition of the contemporary realities of child sexual exploitation, sexual harassment and assaults on girls in and out of school, the widespread exposure of children and young people to online pornography, and our society's growing understanding that abusive relationships are based on power and control that needs to be named and disrupted.

We are therefore concerned that the guidance for schools as proposed pays inadequate attention to the different forms of violence against women and girls and will be a missed opportunity to make the desperately needed step change in how our society approaches young people's right to information and learning about relationships and sex.

It is essential that violence against women and girls is named and specified as underpinning the entire approach to RSE in secondary schools. As the United Nations recognises, comprehensive relationships and sex education "is a powerful defence against violation of the human rights of girls and adolescent women."

There should be assumptions calculated about likely rates of disclosure - which should be seen as a measure of success for the work. These disclosures might and should come from people worried about harm they're experiencing, and also harm they're causing. Referral pathways need to be in place for both, into specialist services who can support them and possibly also their parents with what they've disclosed.

Financial Education

The department recognises that it is important for pupils to leave compulsory education with a strong understanding of personal finance to enable them to live independently beyond school or college. We are confident that the maths and citizenship curricula ensure pupils up to 16 can be taught the building blocks of financial education and we are doing more to support schools in delivering this education well, for example by kicking off work with organisations offering support on financial education in schools. This is why we are not making 'economic education' compulsory alongside Health Education.

We believe that there may be, however, a gap in financial education for some young people post-16 because there is no requirement for this to be taught in all post-16 settings or programmes for all young people to ensure they gain important knowledge (such as the difference between student loan debt and credit card debt; budgeting, including paying rent and bills etc).

We would welcome views on how we might address this gap for all pupils so that they are ready to thrive independently from age 18.

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

- strongly agree
- agree

- **neither agree or disagree**
- disagree
- strongly disagree

Answer: Whilst DfE says that it is 'confident that the maths and citizenship curricula ensure pupils up to 16 can be taught the building blocks of financial education.' These subjects are not an appropriate context in which to teach about economic abuse, which should be a part of RSE.

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 or disagree
- **disagree**
- strongly disagree

If you disagree or strongly disagree, please rank the options below to indicate the most useful type of support we could provide to enable primary schools to teach the new subjects. Please briefly explain in the text box below if you think other support options are needed. (5 = most useful, 1 least useful).

- Provision of, or signposting to, curriculum planning resources
- Provision of, or signposting to, teacher guides or training in the new subject knowledge
- Provision of, or signposting to, teacher guides or training in pedagogy for the new subject
- Guidance or training in how to select appropriate teaching resources for Relationships Education and Health Education
- Guidance on how to select appropriate training

Answer: The most useful (5) is provision of (or signposting to FUNDED) training in the new subject knowledge. There should be standardised resource materials produced in conjunction with experts (such as NHS, Brook, Fpa, SafeLives, Women's Aid, NSPCC, Respect and AVA) that are available for every school, including lesson plans, curricula etc

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?

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- Guidance or training in how to select appropriate teaching resources for RSE and Health Education
- Guidance on how to select appropriate training

Answer: The most useful (5) is provision of (or signposting to FUNDED) training in the new subject knowledge. There should be standardised resource materials produced in conjunction with experts (such as NHS, Brook, Fpa, SafeLives, Women's Aid, NSPCC, Respect and AVA) that are available for every school, including lesson plans, curricula etc

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 or disagree
- disagree
- **strongly disagree**

Answer: We believe this section gives potentially exclusionary prominence to the status of marriage whilst neglecting a key opportunity that RSE presents – to equip children with an understanding of the laws that we are all expected to live by.

This legislation should be written in the light of the knowledge that there is a difference between what some communities regard as right and what the law says is legal. If only the former is taught, then RSE can do more harm than good. A strengthened reference to the law will enable the legislation and associated guidance to continue to refer to religious background whilst remaining clear that the law will always trump strongly held personal or community views where the two are in conflict.

To address this issue SafeLives proposes 'a basic teaching of the law with regard to RSE' as a new point (v). This requirement can be detailed in the guidance and should cover amongst others, issues such as same-sex relationships, consent, equality, forced marriage and definitions of abuse, including domestic abuse, coercive control and economic abuse.

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 or disagree
- disagree
- **strongly disagree**

ANSWER: SafeLives does not support the right of parents to withdraw their children from age appropriate sex education. UNCRC Article 28 states that educational and vocational information and guidance should be available and accessible to all children; removal from RSE does not facilitate this.

Effective provision of RSE to all pupils (including adequate mechanisms to respond to disclosures) is an opportunity to identify and address serious problems at home or elsewhere quickly.

Research from the Children's Commissioner shows that early experiences of DVA link to other problems: i) physical and mental ill-health, including sleep and eating disorders, anxiety and risk-taking behaviours ii) higher likelihood of being exploited sexually, physically or involvement in other criminal activity (CSE, trafficking, early pregnancy, gang involvement).

By denying children their right to RSE, we will reduce our chances of identifying their problems and reducing their exposure to harm or their risk of harming others. Such a missed opportunity will undoubtedly affect the life chances of some young people.

The withdrawal provision is retained, use of it should raise a flag for school authorities. In the same way that FGM guidelines for health workers and schools include withdrawal from sex education as an indicator of risk (something which should be referred to more prominently in the guidance). Schools should be required to keep a register of any such withdrawals, and anonymised versions of this data should be available to the public.

Regulatory Impact Assessment

30. 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 or disagree
- disagree
- **strongly disagree**

If you have answered 'neither agree or disagree', 'disagree' or 'strongly disagree', please state in the text box below where possible:

1. The assumption(s) you disagree with
2. The reasons for this
3. What you believe to be better estimates than the ones identified in the RIA, and the basis/source for these.

Answer: The impact assessment assumes that only one teacher per key stage would need training and that they should be trained for just a single day. We believe this is inadequate on both counts.

- SafeLives' view is that at secondary level, assuming a school with a 3 or 4 form intake (ie 90-120 pupils per year), one lead teacher per year should be trained. So the number of teachers per secondary school would rise to 5 (if no year 12/13).
- This lead teacher would require at least 3 days training.

We regard this as a bare minimum and ideally – to deliver a whole school approach - these core teachers would be accompanied by another 2 per year group who would not be the key delivery mechanism for RSE but who will actively seek out to deliver RSE as part of their role.

- At primary level every class teacher should have at least a day's training, otherwise delivery will be in 'add-on' format rather than integrated into daily play and learning as envisaged in the guidance.
- These people (at primary and secondary) will also all need to read the guidance. So the guidance figure (which assumes only two people will read it) needs changing substantially.

We do not agree with the assumption that the proposed training should be a one-off. This does not reflect the rapidly changing nature of the challenges that young people face in modern Britain. However, we accept that the first year costs would be greater than subsequent top up training.

Our answer to Q32 below details additional training which we believe is necessary to begin to deliver on the whole school approach. Provision for external providers will also need to be an annual cost.

We do not agree that in 'good' or outstanding schools a total of 3.1 teacher hours is sufficient to prepare lessons for the whole school for the whole year. This is a derisory figure for a challenging subject which is supposed to be taught in an age-appropriate manner - which will require content to differ between year groups, not just between key stages. This low figure implies very limited delivery and it would be interesting to know in how many sessions the department believes the proposed curriculum can be effectively delivered.

The fact that these good or outstanding schools have taught RSE well in the past, does not mean that they have all the resources for this much more substantial, statutory curriculum at their fingertips. Indeed, it may be precisely because they have invested time in lesson preparation thus far, that they are outstanding or good, and to assume they can succeed with a different approach seems rash.

Given that we propose that at least 5 teachers should be involved with RSE delivery at secondary level, preparing appropriate content for their age group, then a highly conservative estimate of the hours required – assuming excellent resources are easily available - would be 15 for those schools most able to work quickly and adapt, potentially rising higher for RI schools.

Nor do we agree that these lesson-planning costs are one-offs, since content will need to change from year to year to adapt to the changing environment and because of staff turnover.

Finally, whilst we agree it is impossible to directly monetise the benefits of effective RSE delivery, it may be worth noting some of the research on the public costs of the harms it is designed to address, to put any proposed costs into context. The cost of domestic abuse alone, for example, is calculated at £5bn annually by Sylvia Walby (2009) – a figure which we believe imminent research will show is highly conservative.

In summary we regard the estimates as grossly inadequate for delivering a curriculum which could, if done well, tackle a range of significant social harms that represent heavy costs to the public purse.

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

- **yes**
- no
- not sure

Answer: To make real the 'whole school approach' aspirations of this policy, a further basic awareness training for all school staff should be provided, including janitorial/clerical support so they can respond appropriately to disclosures. A one-day workshop currently costs in the region of £500 for the whole group. This does not however reflect the salary costs of the staff attending the workshop.

This should be complemented by provision for other specialist external organisations 'topping up' for things such as domestic abuse, CSE, FGM either via direct delivery to children and young people, or through in-service days. Individuals will charge around £200-300 per day, so for example: if we extrapolate that for 3 specialist orgs each delivering 1-day input per school, that comes to £900. Again this cost does not reflect any existing staff time required to arrange/facilitate this.

This proposed whole school training should not be a one-off. This does not reflect the rapidly changing nature of the challenges that young people face in modern Britain. However, we accept that the first year costs would be greater than subsequent top-up training. Provision for external providers will also need to be an annual cost.

Additional Comments: There should be assumptions calculated about likely rates of disclosure - which should be seen as a measure of *success* for the work. These disclosures might and should come from people worried about harm they're experiencing, and also harm they're causing. Referral pathways need to be in place for both, into specialist services who can support them and possibly also their parents with what they've disclosed.