

**CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE
15 APRIL 2024**

RELATIONSHIPS AND SEX EDUCATION AND HEALTH EDUCATION

SUMMARY REPORT

Purpose of the Report

1. To summarise the current and future guidance from the Department for Education on relationships and sex education

Summary

2. The report gives an overview on statutory guidance relating to relationships and sex education which schools are obliged to implement and also covers the recently issued draft non statutory guidance relating to gender questioning children.

Recommendation

3. It is recommended that :-
 - (a) Scrutiny Committee note the arrangements currently in place
 - (b) Scrutiny Committee note the proposed changes to non- statutory guidance

Tony Murphy
Assistant Director Education and Inclusion

Background Papers

No background papers were used in the preparation of this report

Authors: Tony Murphy - Extension 5637
Ken Ross - Extension 6200

S17 Crime and Disorder	The report supports the Council’s crime and disorder responsibilities, young people engaged in learning are less likely to engage in anti-social behaviour
Health and Wellbeing	The report actively promotes health and wellbeing
Carbon Impact and Climate Change	The report promotes sustainability
Diversity	The report actively supports the diversity agenda
Wards Affected	All wards will be affected
Groups Affected	All families of school age children
Budget and Policy Framework	N/A
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
Council Plan	N/A
Efficiency	N/A
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

MAIN REPORT

Information and Analysis

4. The document Statutory guidance **Relationships and Sex Education (RSE) (Secondary)** which was updated 13 September 2021 sets out the statutory guidance that schools and teachers are required to follow and take note of when designing their PHSE and SRE curriculum.
5. Gender identity is highlighted as a subject that needs to be included within the curriculum as part of age appropriate and inclusive approach.
6. The guidance document sets out the detailed statutory guidance that schools and teachers are required to follow and take note of when designing their PHSE and SRE curriculum.

Background

7. The current guidance states that by the end of primary and secondary school the PHSE and SRE curriculum should cover:
 - Mental wellbeing
 - Internet safety and harms
 - Physical health and fitness
 - Healthy eating
 - Drugs, alcohol and tobacco
 - Health and prevention
 - Basic First Aid

- The changing adolescent body including puberty

Relationship Education by the end of Primary	Relationship Education by the end of Secondary
Families and people who care for me	Families
Caring friendships	Respectful relationships including friendships
Respectful relationships	Online and media
Online relationships	Being safe
Being Safe	Intimate and sexual relationships including sexual health

8. The DfE’s 2019 RSHE guidance sets out expectations that:

“By the end of Primary pupils should know- how to report concerns or abuse, and the vocabulary and confidence needed to do so.”

“By the end of Primary pupils should know – that each person’s body belongs to them and the differences between appropriate and inappropriate or unsafe physical, and other, contact.

“Families can include for example, single parents families, LGBT parents, families headed by grandparents, adoptive parents, foster parents/carers amongst other structures.”

9. The statement below from the guidance highlights that the subject of gender identity is covered throughout the guidance:

*“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.”*

10. The subjects of gender, gender reassignment and gender identity are also covered throughout the detailed DfE guidance document *Relationships Education, Relationships and Sex Education (RSE) and Health Education Statutory guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teachers* in specific chapters and paragraphs detailed below. I have highlighted these terms relating to gender in bold so that it can be clearly identified where it appears in the text :-

- a) *Under the provisions of the Equality Act, schools must not unlawfully discriminate against pupils because of their age, sex, race, disability, religion or belief, **gender reassignment**, pregnancy or maternity, marriage or civil partnership, or sexual orientation (collectively known as the protected characteristics) P13 para 28 (Equality)*
- b) *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. P 25 para 75. (Relationships and Sex Education (RSE): Secondary)*

- c) *Pupils should be made aware of the relevant legal provisions when relevant topics are being taught, including for example: **gender identity** P 30 Para 82 (The Law)*
- d) *In teaching Relationships Education and RSE, schools should ensure that the needs of all pupils are appropriately met, and that all pupils understand the importance of equality and respect. Schools must ensure that they comply with the relevant provisions of the Equality Act 2010, (please see *The Equality Act 2010 and schools: Departmental advice*), under which sexual orientation and **gender reassignment** are amongst the protected characteristics. Page 15 para 36 (Lesbian, Gay, Bisexual and Transgender (LGBT))*
- e) *Under the provisions of the Equality Act, schools must not unlawfully discriminate against pupils because of their age, sex, race, disability, religion or belief, **gender reassignment**, pregnancy or maternity, marriage or civil partnership, or sexual orientation (collectively known as the protected characteristics) P13 para 28 (Equality)*
11. These statements have been taken directly from different paragraphs and sections of the guidance document with some being abridged from longer statements or paragraphs.
12. In December 2023, the Department for Education (DfE) published its draft non-statutory guidance for Schools and Colleges on Gender Questioning Children. They subsequently sought views, as part of a 12 week consultation for organisations such as schools/colleges and individuals such as governors, parents and students. The consultation closed on 12 March 2024.
13. The draft non statutory guidance on Gender Questioning Children subject to consultation contained the following statements.
- “There is no general duty to allow a child to ‘social transition’”,
 - “Some forms of social transition will not be compatible with schools and colleges’ statutory responsibilities.”
 - “Requests from younger children in primary schools should be treated with greater caution”.
 - “If a child requests a change, schools and colleges should make parents aware of the situation and can point them to support outside the school environment (for example, pastoral or medical support) if they require more information”.
 - “Parents should not be excluded from decisions taken by a school or college relating to requests for a child to ‘socially transition’”, ...Other than in the exceptionally rare

circumstances where involving parents would constitute a significant risk of harm to the child.

14. The subjects of gender, gender identity and gender reassignment are also reflected in the support materials provided by the DfE for schools and teachers to guide and inform the design of lessons plans and curriculum in individual schools reflecting the different elements of the curriculum.
15. The statutory guidance directs teachers and schools to teach pupils the topics of gender and gender identity, including gender reassignment, within the curriculum in an age appropriate and inclusive way.
16. This is included across all elements of the PHSE and SRE curriculum including the law, equality and diversity, healthy relationships and in the context of supporting young people who are discovering and understanding the issues of gender identity.

Link to statutory guidance

<https://www.gov.uk/government/publications/relationships-education-relationships-and-sex-education-rse-and-health-education/relationships-and-sex-education-rse-secondary>

[Gender Questioning Children - non-statutory guidance \(education.gov.uk\)](#)