Department
for Education

Statutory guidance

Introduction to requirements

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Applies to England

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This publication is available at https://www.gov.uk/government/publications/relationships-education-relationships-and-sex-education-rse-and-health-education/introduction-to-requirements

This is a section of the statutory guidance: Relationships Education, Relationships and Sex Education (RSE) and Health Education (https://www.gov.uk/government/publications/relationships-education-relationships-and-sex-education-rse-and-health-education).

To embrace the challenges of creating a happy and successful adult life, pupils need knowledge that will enable them to make informed decisions about their wellbeing, health and relationships and to build their self-efficacy. Pupils can also put this knowledge into practice as they develop the capacity to make sound decisions when facing risks, challenges and complex contexts. Everyone faces difficult situations in their lives. These subjects can support young people to develop resilience, to know how and when to ask for help, and to know where to access support.

High quality, evidence-based and age-appropriate teaching of these subjects can help prepare pupils for the opportunities, responsibilities and experiences of adult life. They can also enable schools to promote the spiritual, moral, social, cultural, mental and physical development of pupils, at school and in society. The duties on schools in this area are set out in legislation[footnote 2].

The Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019, made under sections 34 and 35 of the Children and Social Work Act 2017, make Relationships Education compulsory for all pupils receiving primary education and Relationships and Sex Education (RSE) compulsory for all pupils receiving secondary education[footnote 3]. They also make Health Education compulsory in all schools except independent schools. Personal, Social, Health and Economic Education (PSHE) continues to be compulsory in independent schools.

This guidance also sets out both the rights of parents and carers[footnote 4] to withdraw pupils from sex education (but not Relationships or Health Education) and the process that headteachers should follow in considering a request from a parent. Parents have the right to request that their child be withdrawn from some or all of sex education delivered as part of statutory RSE.

Schools are free to determine how to deliver the content set out in this guidance, in the context of a broad and balanced curriculum. Effective teaching in these subjects will ensure that core knowledge is broken down into units of manageable size and communicated clearly to pupils, in a carefully sequenced way, within a planned programme or lessons. Teaching will include sufficient well-chosen opportunities and contexts for pupils to embed new knowledge so that it can be used confidently in real life situations.

Many schools are choosing to deliver relationships or sex education as part of a timetabled PSHE programme, with good outcomes. Where that provision meets the requirements of this high level framework of core content they are free to continue with this model. Other schools may choose different curricular models for delivery. The lead teacher will need to work closely with colleagues in related curriculum areas to ensure Relationships Education, RSE and Health Education programmes complement, and do not duplicate, content covered in national curriculum[footnote 5] subjects such as citizenship, science, computing and PE. It is important to check prior knowledge and build this into the planning process to ensure a smooth transition between primary and secondary.

Further information on links to national curriculum subjects can be found in delivery and teaching strategies (https://www.gov.uk/government/publications/relationships-education-relationships-and-sex-education-rse-and-health-education/delivery-and-teaching-strategies).

Schools should be aware that for many young people the distinction between the online world and other aspects of life is less marked than for some adults. Young people often operate very freely in the online world and by secondary school age some are likely to be spending a substantial amount of time online. Where topics and issues outlined in this guidance are likely to be encountered by pupils online, schools should take this into account when planning how to support them in distinguishing between different types of online content and making well-founded decisions.

More broadly, the internet and social media have other important characteristics which young people should be aware of in order to help them use them discriminatingly. For example, social media users are sometimes prepared to say things in more extreme, unkind or exaggerated ways than they might in face to face situations, and some users present highly exaggerated or idealised profiles of themselves online. Some platforms attract large numbers of users with similar, sometimes extreme, views, who do not welcome dissent or debate. Young people should be aware that certain websites may share personal data about their users, and information collected on their internet use, for commercial purposes (in other words, to enable targeted advertising). In addition, criminals can operate online scams, for example using fake websites or emails to extort money or valuable personal information. This information can be used to the detriment of the person or wider society. Schools should take these factors into account when planning teaching of these subjects and consider the overlap with their wider curriculum to ensure pupils know how to keep themselves and their personal information safe.

In this guidance where topics occur equally on and offline they are accommodated in the core content under the most applicable theme with the assumption that teachers will deliver them in a way that reflects that pupils will be negotiating issues and opportunities in these areas in all

contexts, including online. Where there are topics with exclusively online content or implications this is drawn out explicitly.

Summary of requirements

The subjects are part of the basic school curriculum, as previously for sex education in maintained secondary schools, which allows schools flexibility in developing their planned programme, integrated within a broad and balanced curriculum.

The guidance applies to:

Relationships education

All schools providing primary education, including all-through schools and middle schools, includes schools as set out in the Summary section.

Relationships and sex education

All schools providing secondary education, including all-through schools and middle schools, includes schools as set out in the Summary section.

Health education

All maintained schools including schools with a sixth form, academies, free schools, non-maintained special schools and alternative provision, including pupil referral units.

The statutory requirement to provide Health Education does not apply to independent schools. PSHE is already compulsory as independent schools must meet the Independent School Standards as set out in the Education (Independent School Standards) Regulations 2014. Independent schools, however, may find the principles in the guidance on Health Education helpful in planning an age-appropriate curriculum.

The statutory requirements do not apply to sixth form colleges, 16-19 academies or Further Education (FE) colleges[footnote 6], although we would encourage them to support students by offering these subjects. These settings may find the principles helpful, especially in supporting pupils in the transition to FE.

Developing a policy

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.

There are many excellent examples in which schools have established clear sex education policies in consultation with parents, governors and the wider community, and where they are already delivering effective programmes. Schools should build on that good work in adapting to these new requirements.

What is required?

All schools must have an up-to-date policy, which is made available to parents and others. Schools must provide a copy of the policy free of charge to anyone who asks for one and should publish the policy on the school website[footnote 7].

Policies for mandatory subjects

The policy for education[footnote 8] should:

- define relationships 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 why parents do not have a right to withdraw their child
- confirm the date by which the policy will be reviewed

The policy for secondary education should:

- 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 about a parent's right to request that their child be excused from sex education within RSE only
- confirm the date by which the policy will be reviewed

Policies for non-mandatory subjects

For primary schools that choose to teach sex education, the policy should:

- define any sex education they choose to teach other than that covered in the science curriculum
- 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 about a parent's right to request that their child be excused
- confirm the date by which the policy will be reviewed

Typical policies

Policies are likely to include sections covering:

- details of content and scheme of work and when each topic is taught, taking account of the age of pupils
- who delivers either Relationships Education or RSE
- 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 SEND
- explanation of the right to withdraw
- requirements on schools in law, such as The Equality Act 2010: advice for schools (https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools)
- how often the policy is updated

- who approves the policy

In secondary schools, RSE will often address aspects of relationships and sex education in an integrated way within a single topic. Schools should develop programmes of teaching which prioritise effective delivery of the content, and do not need artificially to separate sex education and Relationships Education.

The policy should also reflect the views of teachers and pupils. Listening and responding to the views of young people will strengthen the policy, ensuring that it meets the needs of all pupils.

Religion and belief, including teaching in schools with a religious character

A good understanding of pupils' faith backgrounds and positive relationships between the school and local faith communities help to create a constructive context for the teaching of these subjects.

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 (https://www.gov.uk/guidance/equality-act-2010-guidance), under which religion or belief are amongst the protected characteristics.

All schools may teach about faith perspectives. In particular, schools with a religious character may teach the distinctive faith perspective on relationships, and balanced debate may take place about issues that are seen as contentious. For example, the school may wish to reflect on faith teachings about certain topics as well as how their faith institutions may support people in matters of relationships and sex.

In all schools, teaching should reflect the law, including the Equality Act 2010, 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.

Use of materials

There are a lot of excellent resources available, free-of-charge, which schools can draw on when delivering these subjects. Schools should assess each resource that they propose to use to ensure that it is appropriate for the age and maturity of pupils, and sensitive to their needs.

Schools should also ensure that, when they consult with parents, they provide examples of the resources that they plan to use as this can be reassuring for parents and enables them to continue the conversations started in class at home.

In addition, there are varieties of resources targeted at young people that can be helpful to use to complement teaching in the classroom. Public Health England, for example, have produced a website for young people which covers a broad range of health issues in a format which is accessible for young people, targeted at secondary-age pupils.

This includes Rise Above resources (https://campaignresources.phe.gov.uk/schools/topics/rise-above/overview?WT.mc_id=RiseAboveforSchools_PSHEA_EdComs_Resource_listing_Sep17) for lessons linked from the PSHE Association website (https://www.pshe-association.org.uk/curriculum-and-resources/resources/rise-above-schools-teaching-resources).

A list of some of the resources, which are available free-of-charge, can be found in Annex B (/government/publications/relationships-education-relationships-and-sex-education-rse-and-health-education/annex-b-resources-for-relationships-education-relationships-and-sex-education-rse-and-health-education).

Equality

Schools are required to comply with relevant requirements of the Equality Act 2010. Further guidance is available for schools in The Equality Act 2010 (https://www.gov.uk/guidance/equality-act-2010-guidance) and The Equality Act 2010: advice for schools (https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools). Schools[footnote 9] should pay particular attention to the Public sector equality duty (PSED) (s.149 of the Equality Act).

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[footnote 10], or sexual orientation (collectively known as the protected characteristics). Schools must also make reasonable adjustments to alleviate disadvantage and be mindful of the SEND Code of Practice when planning for these subjects.

Provisions within the Equality Act allow schools to take positive action, where it can be shown that it is proportionate, to deal with particular disadvantages affecting one group because of a protected characteristic. This should be taken into consideration in designing and teaching these subjects. A school, could, for example, consider taking positive action to support girls if there was evidence that they were being disproportionately subjected to sexual violence or sexual harassment.

Schools should consider the makeup of their own student body, including the gender and age range of their pupils, and consider whether it is appropriate or necessary to put in place additional support for pupils with particular protected characteristics (which mean that they are potentially at greater risk). Schools should consider what they can do to foster healthy and respectful peer-to-peer communication and behaviour between boys and girls, and provide an environment, which challenges perceived limits on pupils based on their gender or any other characteristic, including through these subjects and as part of a whole-school approach.

Schools should be alive to issues such as everyday sexism, misogyny, homophobia and gender stereotypes and take positive action to build a culture where these are not tolerated, and any occurrences are identified and tackled. Staff have an important role to play in modelling positive behaviours. School pastoral and behaviour policies should support all pupils.

Schools should refer to the department's advice, Sexual violence and sexual harassment between children in schools and colleges (https://www.gov.uk/government/publications/sexual-violence-and-sexual-harassment-between-children-in-schools-and-colleges).

The advice sets out what sexual violence and sexual harassment are, the current evidence on their preponderance in schools and colleges, how to minimise the risk of them occurring and what to do when they do occur or are alleged to have occurred. Schools should be aware of the importance of making clear that sexual violence and sexual harassment are not acceptable, will never be tolerated and are not an inevitable part of growing up.

Any report of sexual violence or sexual harassment should be taken seriously; staff should be aware that statistically it is more likely that females will be the victims of sexual violence and sexual harassment than males, and that it is more likely that it will be perpetrated by males. However, males can also be the victims of sexual violence and it can also happen in same-sex relationships. It is, however, essential that assumptions are not made about the behaviour of boys and young men and that they are not made to feel that this behaviour is an inevitable part of being male; most young men are respectful of young women and each other.

An understanding for all pupils of healthy relationships, acceptable behaviour and the right of everyone to equal treatment will help ensure that pupils treat each other well and go on to be respectful and kind adults.

Pupils with special educational needs

Relationships Education, RSE and Health Education must be accessible for all pupils. This is particularly important when planning teaching for pupils with special educational needs and disabilities who represent a large minority of pupils. High quality teaching that is differentiated and personalised will be the starting point to ensure accessibility. Schools should also be mindful of the preparing for adulthood outcomes[footnote 11], as set out in the SEND code of practice, when teaching these subjects to those with SEND.

Schools should be aware that some pupils are more vulnerable to exploitation, bullying and other issues due to the nature of their SEND. Relationships Education and RSE can also be particularly important subjects for some pupils; for example those with Social, Emotional and Mental Health needs or learning disabilities. Such factors should be taken into consideration in designing and teaching these subjects.

In special schools and for some SEND pupils in mainstream schools there may be a need to tailor content and teaching to meet the specific needs of pupils at different developmental stages.

As with all teaching for these subjects, schools should ensure that their teaching is sensitive, age-appropriate, developmentally appropriate and delivered with reference to the law.

Lesbian, gay bisexual and transgender (LGBT)

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 (https://www.gov.uk/guidance/equality-act-2010-guidance) and The Equality Act 2010: advice for schools (https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools), under which sexual orientation and gender reassignment are amongst the protected characteristics.

Schools should ensure that all of their teaching is sensitive and age appropriate in approach and content. 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.

Governors

As well as fulfilling their legal obligations, the governing boards or management committee should also make sure that:

- all pupils make progress in achieving the expected educational outcomes
- the subjects are well led, effectively managed and well planned
- the quality of provision is subject to regular and effective self-evaluation
- teaching is delivered in ways that are accessible to all pupils with SEND
- clear information is provided for parents on the subject content and the right to request that their child is withdrawn
- the subjects are resourced, staffed and timetabled in a way that ensures that the school can fulfil its legal obligations

Foundation governors and trustees of faith academy trusts will also have wider responsibilities in relation to maintaining and developing the religious ethos of the schools.

Working with parents and carers and the wider community

The role of parents in the development of their children’s understanding about relationships is vital. Parents are the first teachers of their children. They have the most significant influence in enabling their children to grow and mature and to form healthy relationships.

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

Parents should be given every opportunity to understand the purpose and content of Relationships Education and RSE. Good communication and opportunities for parents to understand and ask questions about the school's approach help increase confidence in the curriculum.

Many schools build a good relationship with parents on these subjects over time – for example by inviting parents into school to discuss what will be taught, address any concerns and help support parents in managing conversations with their children on these issues. This can be an important opportunity to talk about how these subjects contribute to wider support in terms of pupil wellbeing and keeping children safe. It is important through such processes to reach out to all parents, recognising that a range of approaches may be needed for doing so.

Many schools will have existing mechanisms in place to engage parents and should continue to draw on these as they respond to the new legal framework.

Right to be excused from sex education (commonly referred to as the right to withdraw)

Parents have the right to request that their child be withdrawn from some or all of sex education delivered as part of statutory RSE. Before granting any such request it would be good practice for the headteacher to discuss the request with parents and, as appropriate, with the child to ensure that their wishes are understood and to clarify the nature and purpose of the curriculum. Schools will want to document this process to ensure a record is kept.

Good practice is also likely to include the headteacher discussing with parents the benefits of receiving this important education and any detrimental effects that withdrawal might have on the child. This could include any social and emotional effects of being excluded, as well as the likelihood of the child hearing their peers' version of what was said in the classes, rather than what was directly said by the teacher. Although the detrimental effects may be mitigated if the parents propose to deliver sex education to their child at home instead.

Once those discussions have taken place, except in exceptional circumstances, the school should respect the parents' request to withdraw the child, up to and until three terms before the child turns 16. After that point, if the child wishes to receive sex education rather than be withdrawn,

the school should make arrangements to provide the child with sex education during one of those terms.

This process is the same for pupils with SEND. However there may be exceptional circumstances where the headteacher may want to take a pupil's specific needs arising from their SEND into account when making this decision.

The approach outlined above should be reflected in the school's policy on RSE.

Headteachers will automatically grant a request to withdraw a pupil from any sex education delivered in primary schools, other than as part of the science curriculum.

If a pupil is excused from sex education, it is the school's responsibility to ensure that the pupil receives appropriate, purposeful education during the period of withdrawal. There is no right to withdraw from Relationships Education or Health Education.

Working with external agencies

Working with external organisations can enhance delivery of these subjects, bringing in specialist knowledge and different ways of engaging with young people.

As with any visitor, schools are responsible for ensuring that they check the visitor or visiting organisation's credentials. 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 (for example, special educational needs). It is important to agree how confidentiality will work in any lesson and that the visitor understands how safeguarding reports should be dealt with in line with school policy.

Further information for teachers in handling potential safeguarding or child protection reports in the Senior leadership and whole school approach section.

Use of visitors should be to enhance teaching by an appropriate member of the teaching staff, rather than as a replacement for teaching by those staff.

1. Maintained schools and academies are required to provide a curriculum, which is broad and balanced in accordance with Section 78 of the Education Act 2002. Part I of the Schedule to the Education (Independent School Standards) Regulations 2014 requires independent schools other than academies to make provision for PSHE (paragraph 2(2)(d)), and to prepare pupils for the opportunities, responsibilities and experiences of life in British society (paragraph 2(2)(i). Part 2 of the Schedule requires independent schools (including academies) to meet the standard relating to the Spiritual, Moral, Social and Cultural development of pupils.
2. For ease of reference, this guidance refers to primary schools and secondary schools, but the statutory requirements refer to pupils receiving primary/secondary education.
3. Parents used henceforth to mean both parents and carers.
4. The national curriculum does not apply to academies or independent schools.
5. Sixth form colleges and other 16-19 institutions that provide education for 14-16-year olds under an agreement with the Department for Education or its agencies are required by that agreement to follow guidance which covers a number of areas including the curriculum. The current guidance sets out the need to include the teaching of sex and relationship education in accordance with sections 403 and 405 of the Education Act. From September 2020, these institutions will need to teach the new subjects of Relationships and Sex Education and Health Education and to follow this guidance.
6. If a school does not have a website, they should ensure that the policy is available by other means.
7. The regulations apply to the teaching of all primary and secondary pupils respectively. This includes all types of schools to which the regulations apply.
8. Equality Act provisions in relation to schools are in Part 6, Chapter 1. Independent schools are not subject to the PSED.
9. In the rest of this guidance, references to marriage should be read as marriage and civil partnership.
10. ‘Preparing for adulthood’ outcomes are set out at section 7.38 of the SEND code of practice: 0 to 25 years.

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