



# C4M FACTSHEET: RELATIONSHIPS EDUCATION

## CHANGES THIS SCHOOL YEAR 2020/2021

This academic year all schools in England (whether in the state or independent sector) must implement the new subjects<sup>1</sup> of

- Relationships Education in **primary** schools and
- RSE (Relationships and Sex Education) in **secondary** schools

Relationships Education covers different topics to sex education, with a focus on good relationships with children and adults in the family and outside. It was partly brought in to help warn children against abusive relationships, sexting and the dangers of the internet. As with sex education, campaign groups have attempted to hijack this subject. Some of the problems have now been recognised by the Department for Education.

Because of COVID-19, schools have been given extra time to consult parents and prepare, but schools must start teaching by the beginning of the summer term 2021 at the latest.

## GOVERNMENT GUIDANCE

Sex education and relationships education are potentially two of the most controversial subjects taught in schools. Because of the problems, there are many checks and balances in legislation. There is also a lot of guidance issued by the Secretary of State for Education.

The key documents are the regulations<sup>2</sup> and the main statutory guidance<sup>3</sup> issued in 2019. This has been supplemented with guidance on

- Engaging with parents<sup>4</sup> (2019)
- Teaching<sup>5</sup> (24 September 2020)

- Curriculum planning<sup>6</sup> (24 September 2020)

The most recent guidance seeks to guide schools dealing with the most controversial matters. There is much material that is very helpful here.

## THE DUTY TO TEACH ABOUT MARRIAGE

All schools have to follow national guidance on relationships and sex education. The Education Acts require this guidance to be given:

*“with a view to ensuring that: the pupils learn about the nature of marriage and civil partnership and their importance for family life and the bringing up of children”.*<sup>7</sup>

Sex education is not mandatory in primary schools, but where it is given

*“The governing body and head teacher shall take such steps as are reasonably practicable to secure that where sex education is given to any registered pupils at a maintained school... it is given in such a manner as to encourage those pupils to have due regard to moral considerations and the value of family life.”*<sup>8</sup>

## KEY MARRIAGE EXTRACTS FROM THE GUIDANCE

By the end of primary school, pupils should know: “...that marriage represents a formal and legally recognised commitment of two people to each other which is intended to be lifelong”.<sup>9</sup>

By the end of secondary school, pupils should know:

- “what marriage is”
- “why marriage is an important relationship choice for many couples and why it must be freely entered into”.<sup>10</sup>

When marriage is mentioned in education law, same-sex marriage is included and civil partnership is usually covered also. But no school can ever claim that the redefinition of marriage bans them from telling young people about the commonly held view in the UK and across all cultures that marriage is only between one man and one woman. The rules on balance in primary legislation require no less.

Section 407 of the 1996 Education Act requires that where political issues are discussed in maintained schools, pupils are “offered a balanced presentation of opposing views”.<sup>11</sup>

Similar provisions apply to independent schools.<sup>12</sup>

Same-sex marriage **is** a political issue. A string of legal rulings confirm this.<sup>13</sup> Further new teaching guidance on relationships, sex and health points out to teachers that the legal requirement for balance applies when teaching about **equality issues**. The Department says: “You should be aware that the meaning of political issues does not refer solely to the discussion of party politics. Schools are advised to consider the range of issues on which there could be political views, which may include global affairs, **equalities** issues, religion and economics.”<sup>14</sup> [emphasis added]

In summary young people in all schools should encounter the belief that marriage is between one man and one woman.

The law requires this for many reasons:

- (1) Pupils must be taught about the importance of marriage
- (2) There has to be balance on controversial political issues like same-sex marriage
- (3) The belief that marriage is between a man and a woman is mainstream and worthy of respect in a democratic society.<sup>15</sup>
- (4) It is unlawful to compel young people to agree with same-sex marriage.<sup>16</sup>

## THE DUTY TO CONSULT

Under education law, schools have a duty to consult parents about relationships education and sex education.

In order for there to be proper consultation the new guidance reminds schools: “It is important that you set out your approach to the subjects fully and clearly.”<sup>17</sup> Meaningful consultation is only possible if parents know what a school is proposing to do. Statutory guidance states “schools should... ensure that, when they consult with parents, they provide examples of the resources that they plan to use”.<sup>18</sup>

## THE DUTY TO RESPECT PARENTAL RIGHTS

The new guidance reminds schools of the human rights framework of education in UK law, which places parents at the centre:

“When planning their curriculum, state-funded schools should be mindful of the requirement under the Human Rights Act 1998 to respect the right of parents to ensure education and teaching in conformity with their own religious and philosophical convictions, and all schools should be mindful of their duties under the Equality Act 2010.”<sup>19</sup>

Last year, the Government advised schools on “why they must engage parents on their school’s relationships education policy and tips on how to do so”.<sup>20</sup>

More recent Government guidance gives help to schools on writing their relationships and sex education policy and planning their curriculum.

This makes clear that schools should be working with parents and carers in both producing and reviewing their policy. It underlines that schools should “make sure the framing of issues is appropriate”. It adds: “Where parents and carers have complaints which cannot be resolved through informal discussion, you should ask them to follow your school’s (curriculum) complaints policy.”<sup>21</sup>

It reminds primary schools that parents have an absolute right to withdraw children from sex education, and in secondary schools parents have a right to request withdrawal from sex education and that this request should be granted “except in exceptional circumstances”.<sup>22</sup>

It advises schools: “Stating clearly exactly what aspects of sex education are covered in what terms and years is helpful to allow parents and carers to make this decision.”<sup>23</sup>

## REFERENCES

1. For state schools, mandatory health education is also being introduced at primary and secondary levels. Along with relationships and sex education these subjects are referred to collectively as RSHE.
2. The Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019, see <https://www.legislation.gov.uk/ukSI/2019/924/contents/made>
3. ‘Relationships Education, Relationships and Sex Education (RSE) and Health Education: Statutory guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teachers’, Department for Education, 2019, see [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/908013/Relationships\\_Education\\_Relationships\\_and\\_Sex\\_Education\\_RSE\\_and\\_Health\\_Education.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/908013/Relationships_Education_Relationships_and_Sex_Education_RSE_and_Health_Education.pdf) (accessed 9 October 2020)
4. ‘Parental Engagement on Relationships Education’, Department for Education, 2019, see [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/884450/Parental\\_engagement\\_on\\_relationships\\_education.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/884450/Parental_engagement_on_relationships_education.pdf) (accessed 9 October 2020)
5. ‘Teaching about relationships, sex and health’, Department for Education, 24 September 2020, see <https://www.gov.uk/guidance/teaching-about-relationships-sex-and-health> (accessed 9 October 2020)
6. ‘Plan your relationships, sex and health curriculum’, Department for Education, 24 September 2020, see <https://www.gov.uk/guidance/plan-your-relationships-sex-and-health-curriculum> (accessed 9 October 2020)
7. Education Act 2002 section 80A (2)(a)(i); See also Education Act 1996 section 403(1A)(a);
8. Education Act 1996 section 403(1)
9. ‘Relationships Education, Relationships and Sex Education (RSE) and Health Education: Statutory guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teachers’, page 21, see [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/908013/Relationships\\_Education\\_Relationships\\_and\\_Sex\\_Education\\_RSE\\_and\\_Health\\_Education.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/908013/Relationships_Education_Relationships_and_Sex_Education_RSE_and_Health_Education.pdf) as at 9 October 2020
10. ‘Relationships Education, Relationships and Sex Education (RSE) and Health Education: Statutory guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teachers’, page 27, see [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/908013/Relationships\\_Education\\_Relationships\\_and\\_Sex\\_Education\\_RSE\\_and\\_Health\\_Education.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/908013/Relationships_Education_Relationships_and_Sex_Education_RSE_and_Health_Education.pdf)
11. Education Act 1996 section 407 (1)
12. The Education (Independent School Standards) Regulations 2014, para. 5(d)
13. *Smith v Trafford Housing Trust* [2012] EWHC 3221 at para. 65; *Raabe, R (on the application of) v Secretary of State for the Home Department* [2013] EWHC 1736 at para. 221; and *Lee v Ashers Baking Company Ltd and others (Northern Ireland)* [2018] UKSC 49 at para. 41, where the United Kingdom Supreme Court held that belief in same sex marriage is a political opinion for the purposes of a claim under Northern Ireland’s Fair Employment and Treatment Order.
14. ‘Teaching about relationships, sex and health’, see <https://www.gov.uk/guidance/teaching-about-relationships-sex-and-health>

15. Eweida and Others v. The United Kingdom, HEJUD [2013] ECHR 37, 15 January 2013 see, <http://www.bailii.org/eu/cases/ECHR/2013/37.html> It was said of the third applicant Lillian Ladele, a registrar who refused to conduct same sex civil partnerships because of her belief in traditional marriage: "The majority decision does not dispute this - indeed, by acknowledging that '[t]he events in question fall within the ambit of Article 9 and Article 14 is applicable' (see § 103), the majority decision implicitly acknowledges that the third applicant's conscientious objection attained a level of cogency, seriousness, cohesion and importance (see § 81) worthy of protection" (joint partly dissenting judgment of Judges Vucinic and De Gaetano). This is also clear from other cases, such as [Ashers](#) and [Ngole](#).
16. The highest courts have asserted that people cannot be compelled to agree with same-sex marriage e.g. [Ashers](#) and [Felix Ngole](#)
17. 'Teaching about relationships, sex and health', see <https://www.gov.uk/guidance/teaching-about-relationships-sex-and-health>
18. 'Relationships Education, Relationships and Sex Education (RSE) and Health Education: Statutory guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teachers', see [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/908013/Relationships\\_Education\\_Relationships\\_and\\_Sex\\_Education\\_RSE\\_and\\_Health\\_Education.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/908013/Relationships_Education_Relationships_and_Sex_Education_RSE_and_Health_Education.pdf)
19. 'Teaching about relationships, sex and health', see <https://www.gov.uk/guidance/teaching-about-relationships-sex-and-health>
20. 'Engaging parents with relationships education policy', see <https://www.gov.uk/government/publications/engaging-parents-with-relationships-education-policy>
21. 'Plan your relationships, sex and health curriculum', see <https://www.gov.uk/guidance/plan-your-relationships-sex-and-health-curriculum>
22. If a child is three terms away from their sixteenth birthday parents can still request that their child is withdrawn, but at that age a child can opt in to sex education for one term out of the three whatever the parental objections. 'Relationships Education, Relationships and Sex Education (RSE) and Health Education: Statutory guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teachers', page 18, see [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/908013/Relationships\\_Education\\_Relationships\\_and\\_Sex\\_Education\\_RSE\\_and\\_Health\\_Education.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/908013/Relationships_Education_Relationships_and_Sex_Education_RSE_and_Health_Education.pdf)
23. 'Plan your relationships, sex and health curriculum', see <https://www.gov.uk/guidance/plan-your-relationships-sex-and-health-curriculum>