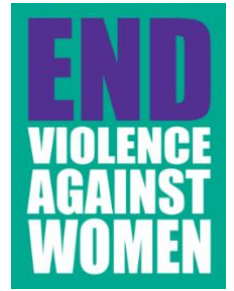


End Violence Against Women Coalition

Submission to Government Consultation on the proposed Relationships Education (RE), Relationships & Sex Education (RSE) & Health Education (HE) Guidance for Schools in England

DRAFT, October 2018; in advance of consultation deadline: 7 November 2018



About the End Violence Against Women Coalition

The End Violence Against Women Coalition is a UK-wide coalition of more than 80 women's organisations and others working to end violence against women and girls (VAWG) in all its forms, including: sexual violence, domestic violence, forced marriage, sexual exploitation, FGM, stalking and harassment. We campaign for improved national and local government policy and practice in response to all forms of violence against women and girls, and we challenge the wider cultural attitudes that tolerate violence against women and girls and make excuses for it. Our members and trustees include women who are globally renowned for their pioneering work in setting up the first domestic and sexual violence crisis services, for their academic research in this area, and for having successfully campaigned for considerable legislative and policy change in the UK to end and prevent abuse over the last four decades.

How to respond to the consultation [note to selves: remove ALL instructions before submission]**

The consultation closes on 7 November 2018.

About this consultation and key links and documents:

You can read more about the consultation on the Government website [here](#) where you can click through to an online version of the consultation survey, and where the formal consultation documents are available (the questions you're asked in the online survey relate to these).

Background - The consultation follows concerted campaigning by many women's groups and other civil society organisations, for 'sex and relationships education' to be made compulsory in all schools. After many years of Government resistance to this, in early 2017 after a lot of public campaigning and petitions, a cross-party group of MPs amended the law so that it will now be compulsory for ALL schools in England to do this teaching. The key caveat or compromise in 2017 was that what was made compulsory was: Relationships and Sex Education ('RSE') to be taught in all secondary schools, and Relationships Education ('RE') to be taught in all primary schools. There's more on the background to all this on our [website](#).

The key consultation document is: the 'Draft statutory guidance on RSE', which is a 40pp document which the Government is proposing would become the single, compulsory 'statutory' guidance which all schools would have to use and comply with when teaching relationships and sex education ('RSE'). There is also a 'Consultation and Government response...' document, which describes the Government's key principles in developing the draft guidance - this document can be a bit distracting and is less important than the main draft guidance document, but it does usefully contain the list of questions you will be asked in the online consultation.

The other two consultation documents are: (1) the 5pp suggested amendments to the law which Parliament will need to vote on (planned to be early 2019), to finally seal and deliver the new compulsory subject and accompanying school obligations (we think these are very significant draft regulations and we criticise them in the relevant questions 28-30 below). (2) The government's estimate of whether the new law and guidance will cost money and meet equality obligations (you do not have to comment on these; but we do make some comments below which you might find useful).

How to answer the consultation questions

The Government much prefers you to fill in the online survey. This involves ticking boxes and writing text into boxes, and you can use part or all of our suggested text below to do this. There is a possibility of emailing a submission in your own format if you prefer to do that than the online survey (this is what we will do), BUT the Government ask you to contact them in advance and seek permission to do this: PSHE-RSE.consultation@education.gov.uk

You do not have to answer all the questions!

The really key questions in the consultation are 10-15, where you're asked whether what is proposed is good enough for giving young people the skills and knowledge they need in relation to sex and relationships; and possibly also 21, 24, and 30 which are fairly open question opportunities to make criticism of key aspects of the draft. The format for most questions is a do you agree/disagree and then a text box for further comments.

How to fill it in quickly if you have very little time (say 10-15 minutes) - Scroll quickly through and answer only the following questions:

- You can scroll through the 'who are you' questions (1-9) quickly; you do not have to fill in all your personal details, and can also choose your answers to be kept confidential
- Questions 11 and 14 are probably the most important; we recommend ticking "strongly disagree", and if you have time adding any short text in the box saying that the suggested guidance is not good enough for ensuring primary and secondary children will receive the knowledge and information they need. You will see below that EAW is saying that the suggested teaching lacks critical teaching on the law and on equality; it lacks teaching on gender equality and how power and control are part of abuse.
- Questions 17 and 19 are an opportunity to "strongly disagree" and particularly say that clear teaching about menstruation, human reproduction and intimate relationships and equality cannot wait until secondary school

- Question 15 and 20 are where you can voice disagreement with parents withdrawing their children; and point out that if current guidelines already say withdrawing children from sex education can be an FGM ‘risk indicator’, then this should also be the case for all forms of abuse, so any withdrawal from sex education at any age should be recorded by the school and considered alongside any other concerns about a child
- Question 21 is critical, it is where EVAW “strongly disagrees” and is where we say that the proposed approach is a green light to schools picking and choosing what they actually cover in RE/RSE and undermines the very commitment to compulsory status of a core area of learning which every child must receive.
- Question 24 is a kind of open “any other comments” question which is an opportunity to make any generalized criticism of the proposed guidance: we suggest a longer answer below, but the gist is that the proposed guidance is very weak on equality including gender inequality as the driver of abuse, and there is too much power given to schools to pick and choose what they teach, which may well be used especially by faith schools for example who are seeking to teach one perspective only, usually marriage and chastity, on what is morally acceptable in intimate relationships, and that this commonly leads to judgement and stereotyping of girls and of LGBT people. We also say there is not enough prominence given to the different forms of abuse of women and girls in general.
- Question 28 concerns the technical amendment to the law but is critical, because they are actually proposing to write the teaching of marriage in schools as a priority into law, while not teaching about equality and the law as such; we “strongly disagree” with this.

Finally, EVAW member organisations may make their own submissions and many of these have specialist knowledge of different forms violence against women and inequalities. We will try to keep track of these and share them on our website alongside this document until 7 November. Please keep checking.

EVAW may make updates to this document before the 7 November deadline, as we receive advice from our members.

Please do not hesitate to get in touch with us if you have questions or suggestions for our submission: End Violence Against Women Coalition Policy and Membership Manager, Beccy Shortt: beccy.shortt@evaw.org.uk / 07903 265 643 / www.evaw.org.uk

EVAW Coalition RSE/RE consultation response

Executive Summary

The EVAW Coalition welcomes the opportunity to contribute to this consultation on the proposed RSE, RE and HE Guidance for all schools in England, and has made a considered response to most of the questions asked below. We also wish to share this summary of our views on the proposals.

We welcome parts of the introduction and content of the Guidance which represent considerable progress on the current 2000 Guidance which they will replace. It is good for example to see the explicit inclusion of teaching about consent, privacy, boundaries and respect, as well as attention to abuse which happens online.

However, we are concerned that as currently drafted, the Guidance lacks proper clarity on equality obligations and on the law, and pays inadequate attention to the different forms of violence against women and girls. As such we believe this Guidance 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, unless it is significantly amended. The Guidance as drafted would likely **take us no further forward** in particular because of its deference to local school decision-making. It has useful information and suggested structures for schools that choose to take a 'whole school approach' to understanding and preventing gender-based violence for example, but it also gives a **green light** to schools whose leaders choose to teach only very traditional notions of sexuality, relationships and gender norms - a perspective which tends to reinforce sex and gender stereotypes and which has commonly led to harmful outcomes for women and girls, and for LGBT people.

Key criticisms of the draft Guidance:

1. Lack of clarity on equality obligations and unhelpful deference to local school decision-making, especially with regards to faith schools

We believe that read as a whole the 'Developing a Policy' section of the draft Guidance (para 12-35, as well as 108-109) is contradictory and likely to lead to challenge, including legal challenge, if made statutory. We are therefore disappointed that your consultation questions do not ask for specific comment on this first long section, which we comment on here.

We object in strong terms to para 18-21, which go much further than what was put into legislation last year, giving extensive licence to local faith communities and faith leaders (para 18) to dictate what and how children should learn, when these people may well form no formal part of school governance and accountability. This is problematic not because faith is inherently problematic, but because the teaching of one faith perspective in relation to intimate relationships, sex and sexuality usually tends to the teaching of the primacy of marriage, the greater scrutiny of women who have sex outside of marriage (as well as men sometimes), and moral judgement which is critical of LGBT people. Such teaching can lead to actual discrimination in the classroom and beyond.

Para 20 is extremely concerning as could be read as permitting the exclusive teaching of a single "faith perspective on relationships" in RE/RSE, which goes against the spirit and content of many other sections of the Guidance (eg para 72-73, which says the law must be prioritised). The teaching of marriage and chastity as the only proper moral choice, for example, has always led to greater scrutiny and judgement of women's and girls' sexual behaviour, and has fed misogynistic and victim-blaming attitudes to women and girls in relation to sexual assault. The same teaching tends to homophobic attitudes and intolerance of gender diversity. It is not

possible to square exclusive teaching from one faith perspective on the morality, acceptability and equality of sexual behaviour with equality and human rights law, and it is very likely if left as is to lead to actual discrimination in the classroom.

The way the document tends to give primacy to the protected characteristic of religion and belief when discussing obligations on schools under the Equality Act is disingenuous and extremely concerning. Paragraphs 18 – 21 could be read as permitting the prioritising of a single religious perspective on intimate relationships for example, which contradicts the guidance given in paragraphs 26-29 and 33 which details that all of the protected characteristics including sex, race and sexual orientation are important. It is self-evident that some religious teaching on areas covered in RE/RSE may contradict what is expected of schools under the Equality Act (such as the equality of LGBT people; the legality and equal status of gay marriage; the equality of women and girls, which is not diminished by sexual behaviour). The DFE's own 2014 Guidance on equality law states that the way the curriculum is *delivered* can constitute discrimination, but this guidance makes things a lot less clear. In this context, para 21 reads as a nod to the law but is too short and vague to support any teacher/governor/Head in understanding where the line is supposed to lie between a faith perspective and the law when there is a conflict (eg RE/RSE teaching on marriage, divorce, sex before marriage and sexual orientation).

The middle sentence of para 20, which refers to faith institutions' sex and relationships support, is extremely alarming because different faith institutions in the UK have been known, frequently, to try and encourage reconciliation classes for marriages where there is domestic and sexual violence; to preach and expect chastity from unmarried people; and to judge and condemn LGBT people, including brokering "conversion therapy". This sentence should be removed in order that connections with such practices are never encouraged.

Making a connection in this document with faith institutions who are outside the school and its accountability to parents and to the whole local community

2. Lack of clarity and depth on duty to teach the law

Despite reference to English law in relation to relationships being named as a "guiding principle" for this Guidance (SOS' Intro and para 20 of the Consultation document), actual law related to relationships features very little in the draft Guidance. The promotion of "virtues" is discussed repeatedly, but in contrast there is one clear para on the law (79) which in fact bundles vast areas of mostly criminal law into a 13-point bullet list but without mentioning the offences concerned. This long paragraph (79), and the other passing references to law, occur mostly in the secondary school section. Law should appear prominently in the RE/primary section too.

Given that knowledge and experience of the law can be fairly specialist, there needs to be more thought about how the actual users of this document are to be enabled to really understand how much content and with what priority they should address law, and then how this teaching should be delivered and scrutinised in RE/RSE teaching approaches. Content and duties relating to criminal law and relating to equality law should be made clear and specific.

Very significantly, the Draft Regulations propose to take the enormous step of writing into our law the teaching of the importance of marriage, alongside “safety” and “healthy relationships”, but do not propose to make the teaching of the law of the land on any aspect of relationships mandatory. It is arguably not appropriate to write into law the teaching of the importance of marriage, because it favours some communities, some children’s households and some perspectives over others, and because of the long association between such perspectives and harmful outcomes for women and LGBT people. We believe this should be removed, while the teaching of law related to relationships should be added into the Draft Regulations.

3. Different forms of violence against women and girls, and their connection to inequality, are not prominent enough in the guidance

It was the 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, which significantly created the public push and cross-party consensus for making ‘RSE’ compulsory in all schools last year. The Guidance must therefore feature these issues prominently such that its users understand that they are expected to cover them in detail and in connection with their safeguarding obligations.

Furthermore, the cross-government [Ending Violence Against Women and Girls Strategy](#), and the Istanbul Convention, which the Government has signed and plans shortly to ratify, both make a key feature of the critical importance of compulsory, high quality RSE as an abuse prevention measure. The Guidance should refer to these commitments in its Introduction as a key purpose of RSE. Making the connection to women’s inequality, and power and control as the basis of abuse, would then be better contextualised. 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.

While references to sexual consent, sexual harassment, sexual exploitation, domestic abuse and coercive control in the draft Guidance are welcome, we are disappointed that FGM, forced marriage and so-called ‘honour-based’ violence are referred to only once, and are made optional areas of study when in fact these forms of abuse are relevant in every police force area in England. This should be changed.

Finally, if better connection were made in the Guidance between abuse and inequality, it would help to counter the document’s tendency to reach for “safety” framings and the individual child’s responsibility to ‘keep themselves safe’, an approach which helps invisibilise perpetrators and their choices, and can be deeply counterproductive and inhibit disclosure. It is essential that users of the Guidance, including Heads, teachers and governors, are enabled to understand this critical connection to inequality because the lack of real resource behind this new compulsory subject area will see them choosing free teaching resources from a ‘free market’ which tends to include many resources by non-experts which also use this abstract, ungendered “safety framing”. The Guidance should also make stronger and

repeated connections to school safeguarding obligations, Keeping Children Safe in Education, and the supplementary guidance on sexual harassment and sexual violence.

4. The “whole school approach” needs clarifying and should include reference to sexualised bullying

A “whole school approach” is mentioned throughout the document but is not clearly defined or elaborated on. At para 106 it seems to mean simply aligning RSE/RE/HE curriculum and school policies, whereas the term as developed by specialist women’s organisations incorporates purposeful school leadership which prioritises tackling abuse; teacher training at (in-school) vocational and CPD level; making links with local, specialist abuse organisations; and peer working. Policy and curriculum alone are not sufficient, for example, for tackling the sexual harassment of girls which has been shown to be endemic in schools.

There are resource implications to investing in teacher training, local links and good teaching resources in this area. The “no annual recurring costs” estimate in the Impact Assessment is extremely concerning. The free teaching resources available are open to a random set of kitemarks and ‘pop up’ practitioners; there should be more statutory Guidance, as in other key subjects and areas of practice (such as Safeguarding), to enable schools to discriminate between these.

5. Parents’ ability to withdraw children from sex education is problematic, and should be seen as a warning sign in every community

While we appreciate the language in the draft Guidance which tells school leaders that they should encourage parents of secondary school children seeking to withdraw them from classes to come in and talk to the school, we believe that the permission to withdraw children of any age from sex education remains problematic and is a site of contested rights. Children and young people have a right to information and good teaching about their bodies, their rights and the law. It should be repeated clearly in this Guidance that the FGM guidelines for health workers and schools already include withdrawal from sex education as an indicator of risk. The same thinking should be applied to other forms of violence against women and girls, such as child sexual abuse, child sexual exploitation, rape, sexual assault, domestic violence and abuse online, and schools should be encouraged to note any withdrawal as very significant and to consider it alongside any other matter of concern about any child. This should then be included as sound observation and practice in school safeguarding policies.

EVAW Coalition recommendations

We urge Ministers to talk in more detail with those who have expertise on all forms of violence against women and girls, and to amend the draft guidance in line with the spirit of the cross-government strategy to end violence against women and girls, to ensure:

1. Much greater clarity on all schools' equality obligations, and duty to teach the law;
2. More prominence and depth on the different forms of violence against women and girls and their connection to inequalities;
3. The "Whole School Approach" more clearly defined so as to include leadership, teacher training and local community links (this has resource implications);
4. Schools are advised that the withdrawal of any child from any background from sex education is a matter of serious concern which should be recorded and considered alongside any other child protection concern.

Consultation Questions

The early online questions (1-9) ask for your name, email, faith, ethnicity, and whether you are a teacher / parent / interested organisation / interested person, and are mostly optional.

Relationships Education (primary school) questions:

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 nor disagree

Disagree

Strongly disagree

Please explain your answer in the text box:

The Guidance and table of proposed key content is more than suitable for these age groups, and if anything should go further on key issues to be covered in primary school. See our related longer answer to question 11 below.

11. Do you agree that the content of Relationships Education 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 nor disagree

Disagree

Strongly disagree

Please explain your answer in the text box:

While we welcome the inclusion in para's 51-52 of privacy, permission-seeking, boundaries and negotiations, we believe the proposed RE content for primary schools is inadequate. In focusing mainly on positive relationship characteristics, the Guidance will potentially have the effect of leaving younger children to infer what is "unhealthy" or "abusive" for themselves (para 53 says this, and is a completely unrealistic and unreasonable expectation to put on young children). This is in a context where this and other statutory Guidance and the curriculum still does not require the accurate naming of body parts and education about human reproduction in Key Stage 2, all of which are critical to enabling a child to potentially perceive abuse and to disclose it.

Para 55, like many sections of the document, relies almost entirely on euphemism to describe different families and households. The only specific families mentioned are looked after children and young carers, this para should be amended to refer explicitly to LGBT families and to single parents.

Para 57, the Table of content on pp16-17, and paras 58-60 are woefully inadequate if the stated aim really is "to help prevent abuse and protect children" (para 57). Para 57 should be amended to include specific teaching about body parts, including genitals. Para 57 and the Table should include learning about being hurt, being asked to keep secrets and to lie. The document is for adult readers and these sections should name different, relevant forms of abuse of women and girls, including FGM, forced marriage and sexual abuse, all of which are extremely relevant in primary settings and it's simply too late to start at secondary level. This para should also refer to the connection with the school's safeguarding policy, and it would be a good place to advise schools and teachers not to stray into positioning different forms of abuse as being the child's responsibility to keep themselves safe from; if children are told, euphemistically, that if someone is hurting them and they don't speak up then they are failing (and have failed) to keep themselves safe, they can infer agency and blame which is an inhibitor to seeking help.

In the Table on pp16-17, we are concerned at the specific inclusion of showing respect to "those in positions of authority" in the 'respectful relationships' section. An essential part of this teaching is to enable children to recognise abuse, to be able to name it and to know how to challenge it. Evidence to the ongoing IICSA enquiry, alongside revelations about endemic levels of abuse by institutions and people with 'positions of authority', should lead us all to conclude that this is a dangerous message to give children. This Guidance should focus on giving children the knowledge and skills they need to challenge abuse of power, including and especially when it is by someone in a position of authority/trust. The stereotypes section would be improved by adding 'stereotypes related to sex and how women/men/boys/girls are supposed to behave'. Sexual consent should be added to the "permission-seeking" bullet, which as drafted is too euphemistic.

We are very concerned at the titling of paras 59-60 as "managing tricky questions" and their content. This reads as somewhat fearful of children and their potential questions, when the aim as stated elsewhere has been to impart knowledge and skills so as to protect and teach respect. Teachers are already trained and familiar with teaching to children who are at developmentally different stages in every class and surely do not need to be told that this will be the case when teaching RE/RSE.

These paras could be revised to be more explicit about the reality of access to online pornography and even abuse in children's lives, and a reminder that these lessons need planning with reference to safeguarding and equalities policies and teachers should be ready to respond to disclosures of abuse if they are made.

12. Do you agree that paragraphs 61-64 clearly set out the requirements on primary schools who choose to teach sex education?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Please explain your answer in the text box:

We are extremely disappointed at the compromise made in the change to compulsory status of keeping sex education as optional in primary schools, and believe that this undermines the core intentions of improving education in this area for all children and young people. These paragraphs exemplify the problem of separating sex and relationships and keeping sex as 'optional material', in that they now require the reader to cross refer to the science curriculum, the compulsory RE curriculum, the compulsory HE curriculum. The recommendation only in para 63 that primary schools do have a sex education programme is a clear reminder that schools may still choose not to; but this para combined with 58 and with the Health Education sections actually adds up to considerable confusion for the reader – is teaching girls and boys about menstruation clearly required or not? Are the changes in boys' bodies required or not? Are all of these changes to be in some schools kept separate from sex itself? Are primary schools really expected to support and protect children, and to impart knowledge and skills on respectful relationships, without teaching about sex? It is notable that the deference to "religious backgrounds" appears again in this section (para 64), even though most schools should have a mixed intake of pupils from various and no faith.

This section should include the reminder that the FGM guidelines for health workers and all schools already include withdrawal from sex education as an indicator of risk, and that any request to remove a child from sex education at primary school should be recorded and considered alongside any other concern about the child.

Relationships and Sex Education (secondary school) questions:

13. Do you agree that the content of RSE in paragraphs 65-77 of the guidance is age- appropriate for secondary school pupils?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Please explain your answer in the text box:

The Guidance and table of proposed key content is more than suitable for these age groups, and if anything should go further on key issues to be covered in secondary school. See our related longer answer to question 14 below.

14. Do you agree that the content of RSE as set out in paragraphs 65-77 of the guidance will provide secondary school pupils with sufficient knowledge to help them have positive relationships?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Please explain your answer in the text box:

On the positive side, the references to the primacy of the law, the clear naming of and duty to talk about the different forms of gender-based violence, and the reminder that faith perspectives can be taught in Religious Education and not necessarily in RSE, are all welcome.

Regarding sexual “choice”, peer pressure and the context young people live in - It is notable that there are many references in these paras 65-77 and in the Table on pp21-23 to the assumed individual “choice” to resist pressure to have sex, the “choice” to delay sex, and “managing sexual pressure”. We are very worried that, cumulatively, this can tend to a reading which depicts 11-18 year olds as abstract, individual, autonomous and ungendered beings who simply need to build up resilience and say no. The moral judgement implied in such a view aside, this is potentially a huge denial of the situation thousands of girls, and some boys, are in where there is: sexual coercion from a young age, where there is no respect for their physical and sexual boundaries, and where widely accessed and shared online pornography (with its extremely dangerous narratives in relation to consent), and widespread online and real world sexual harassment and assaults (which schools have been shown not to be taking seriously, such that new DfE guidance had to be produced). The draft Guidance’ tendency to emphasise autonomous “choice” and “self-control” in the situations facing many young people, especially girls, is likely if taught to encourage self-blame for abusive behaviour, and to inhibit disclosure of abuse.

We also note that, while the “choice” statements cited above refer repeatedly to “peer pressure”, in fact very little is made of stereotypes, inequality or the broader social and cultural norms around sex and relationships, which are where so much of “peer pressure” come from. Paras 65-77 take time to list ‘virtues’ but don’t mention power and control, or stereotypes; stereotypes are mentioned once and perhaps hurriedly in the Table on p22 as something which “can cause damage” in the ‘respectful relationships’ section. The ‘intimate and sexual relationships’ section is

entirely 'individualistic' and based again on abstract rational actors making clear choices. It urgently needs to feature the requirement to discuss power and control in abuse situations. There are many, many missed opportunities here.

Regarding this over-emphasis in the draft on "choice" and "resisting pressure", and the current very brief references to stereotypes and inequality, our recommendation is a significant rewrite so that teaching about sexual and other stereotypes, power, inequality and "social norms" are used as the framework for addressing sexual consent, equal and respectful relationships, pornography narratives, online abusive behaviour including 'sexting' and harassment, and matters like 'peer pressure', sexual health, and help-seeking.

Paras 65-77 could be revised to include a statement of how central inequality, sexual stereotypes (including those relating to ethnicity, social class and faith) and social norms are to the pressure that girls and boys face in adolescence, and for unpicking the background context to sexual consent and respectful equal relationships – this gets to the heart of who is allowed to do what to whom. The Table could set out teaching aims which specifically address sexual, gender and other stereotypes to enable young people to talk about how powerful cultural ideas about women and girls are used to pressure and blame them for sex; how most pornography is built from these stereotypes and is nowhere close to real life sexuality; and how homophobia and transphobia are related to some of these stereotypes of how 'real' men and women are supposed to behave. The Guidance at present is very notably 'ungendered' and this needs to change if the reader, and the young people who receive this education, are to be enabled to have conversations which reflect their lived reality, which is already steeped in expectations and assumptions around sex and gender. Unless the different forms of gender-based violence are related to inequality, they appear to be random and abstract, with no cause, which will not make sense to young people. Violence against girls should be taught as related to women's and girls' inequality, not least as the document refers often to equality law, and there have been equality based challenges to schools in relation to violence against girls.

Regarding FGM, forced marriage and so-called 'honour-based' violence - while the references to sexual consent, sexual harassment, sexual exploitation, domestic abuse and coercive control in these paras are welcome, we are disappointed that FGM, forced marriage and so-called 'honour-based' violence are referred to only once, and are reduced to more marginal and as such 'optional' areas of study: para 75 says that schools "should" address domestic and sexual violence but only "may want to" address FGM, forced marriage and so-called 'honour-based' violence. Research has shown that these forms of abuse are relevant in every police force area of England and we know that they are manifestations of the same inequality which causes all forms of gender-based violence. All young people growing up today, whichever community they are raised in, need to know about these forms of abuse not least as some of them will become teachers, health workers, police officers and friends and neighbours of people who are affected. We recommend that the teaching of these issues is required in all schools, and that the Guidance includes clear expectation that this teaching does not use harmful racist or cultural generalisations, but rather focuses on inequality between men and women as the driver of these forms of abuse.

Regarding pornography and online forms of abuse – Given the significance and enormous amount of research available about the widespread access of young people to online pornography, how it is shared between young people who have not sought it out, how its content is commonly extremely violent, racist and misogynistic, and how it has become a default ‘sexual educator’ for many, we do not understand why almost no explicit mention of it is made in this section. Pornography needs to be named as critical context for RSE in paras 65-77, and in the Table as a teaching aim. Young people need to have conversations with trusted adults about what they have seen, about what it means and about how to contextualise it. It is clearly missing from para 77 and from the ‘online and media’ section of the Table. It needs to feature as part of education on stereotypes and cultural norms and consent.

Intimate and sexual relationships section of the Table - it is crucial that the first bullet in this section includes the importance of teaching about mutual sexual pleasure within intimate relationships. We know that teaching boys and girls that ‘good’ and ‘healthy’ sexual relationships are pleasurable for both parties, and that sex should not be just a transaction in which one party ‘gets something’ from another, is essential to having an informed and respectful conversation about consent. Once again we’re concerned about the over-emphasis on managing peer pressure and delaying sex, this critical section is entirely individualistic and reads as too focused on saying no to pressure and to sex. It needs to refer to stereotypes, culture, respect and equality. The third bullet could be read as a potential trope about sexual activity leading to infertility, which is unevidenced and contradicts the later bullets on sexual health. The bullet on pregnancy should include making it clear that no one should pressure a woman or girl regarding her decision. The bullet on alcohol and drugs leading to “risky sexual behaviour” has serious victim-blaming implications and should be removed or rewritten neutrally.

Finally, we recommend: as in the primary school guidance, a much clearer connection should be made to schools’ safeguarding policies and the real possibility of disclosures of abuse following RSE lessons. In the ‘online and media section’, as well as warning about material being shared on, it should say that pressuring or coercing someone to share an intimate image is wrong and potentially illegal. In ‘being safe’, on sexual consent it should specifically say that the law says that sexual consent needs to be sought as well as given, which means sex is not just a matter of girls and women ‘gatekeeping’. The document as a whole never mentions sexual pleasure, and could do so in the first bullet of ‘intimate and sexual relationships’.

15. 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 nor disagree

Disagree

Strongly disagree

Please explain your answer in the text box:

While there is good advice here on proactive communication with parents and encouraging leaders to speak with any parents as part of a decision to 'withdraw', we are disappointed at the ongoing ability of parents to do this. We believe it clashes with children's right to information and education. As stated already, the FGM guidelines for health workers and schools already include withdrawal from sex education as an indicator of risk, something which should be referred to in this section. The same thinking should be applied to other forms of violence against women and girls, such as child sexual abuse, child sexual exploitation, rape, sexual assault, domestic violence and abuse online. Schools should be encouraged to note any withdrawal as very significant and to consider it alongside any other matter of concern about any child. This should then be included as sound observation and practice in school safeguarding policies.

Physical Health and Wellbeing

16. Do you agree that the content of physical health and wellbeing education in paragraphs 86-92 of the guidance is age-appropriate for primary schools pupils?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Please explain your answer in the text box:

The duty about how and when to teach about puberty including menstruation and human reproduction including sex, is unclear. Girls and boys have a right to this information in good time before their bodies start changing – the average age of onset for girls' periods is 10-15 years old with by definition many outliers. Girls and boys should know about each others' bodies, and have the opportunity to learn about menstruation and fertility in a way that is not shaming. The 'changing adolescent body' section here is totally inadequate and unclear in this regard. The fact that the 'menstruation paragraph' (99) appears in the Secondary section heavily implies that this subject is only to be covered comprehensively in secondary school. This is appalling and an abandonment of girls' real world needs. The squeamishness about talking to girls and boys about their bodies is ultimately connected to our society's failure to end and prevent abusive behaviour.

17. 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 nor disagree

Disagree

Strongly disagree

Please explain your answer in the text box:

As stated in answer to 16 above, the suggested quantity and content of education proposed for primary pupils in relation to their own bodies is totally inadequate.

18. 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 nor disagree

Disagree

Strongly disagree

Please explain your answer in the text box:

Similar to our answer to 16 above, we are disappointed that teaching about menstruation appears only at secondary school age. It would also be useful to mention 'period poverty' as real and critical in many girls' lives and something that should be considered in relation to any poor attendance, and which schools should have a well discussed and laid out plan of action to respond to.

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 nor disagree

Disagree

Strongly disagree

Please explain your answer in the text box:

See answer to 18.

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 nor disagree

Disagree

Strongly disagree

Please explain your answer in the text box:

See our answer to 15 above: While there is good advice here on proactive communication with parents and advice for leaders to speak with any parents as part of a decision to 'withdraw', we are disappointed at the ongoing ability of parents to do this. It clashes with children's right to information and education. As stated already, the fact that the FGM guidelines for health workers and schools already include withdrawal from sex education as an indicator of risk should be added as a specific reference to this section.

Rather than simply permitting 'parent withdrawal', schools might consider looking at whether a young person is "Gillick competent" and pursuing this matter on those grounds.

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 nor disagree

Disagree

Strongly disagree

Please explain your answer in the text box:

As described in our 'executive summary' above, we are extremely concerned and disappointed by these paragraphs and how they in effect delegate very broad decision-making about what and how to teach RE/RSE to individual schools, and in fact undermines the very commitment made last year to compulsory status of a core area of learning which every child must receive. It amounts to allowing schools to pick and choose a lot of what they actually cover in RE/RSE, and, critically, *how* they cover it. We believe this goes against the spirit of the legislation as agreed by cross-party consensus and then passed last year. It grants an opt out for all kinds of critical relationships-related teaching, leaves enormous lack of clarity and arguable conflict in relation to equality law, where we believe there may well be challenges.

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 nor disagree

Disagree

Strongly disagree

Please explain your answer in the text box:

While it is true that a pupil's SEND will usually not be relevant to their participation in RE/RSE lessons, this para is vague as to what the exceptions might ever be. It is vital that schools ensure their RSE curriculum is accessible to children with SENDs, and special attention is given to ensuring boys and girls are given as much information as possible. This is because we know that disabled people, people with learning difficulties and people with learning disabilities are very disproportionately at risk of domestic violence and of sexual violence and abuse, and that girls and boys with SEND are absolutely in need of, and have as much right to good RE/RSE as all pupils.

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 nor disagree

Disagree

Strongly disagree

Please explain your answer in the text box:

Leave blank.

Statutory Guidance

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? Please include this information in the text box below.

Please read our executive summary above in answer to this question. In summary – we believe that the draft Guidance is woefully inadequate and does not fulfil what was promised when legislation was passed last year. Expectations of schools are very unclear, and we believe that if adopted and made statutory as drafted it would soon lead to challenges by parents and others. The 'Developing a Policy' section (which you have not explicitly consulted on) is not at all clear about what is expected regarding equality law and schools' equality obligations versus schools' ability to make their own decisions about what to teach, especially if they have faith status. The Guidance talks about the importance of teaching the law, but does not provide enough instruction on this. The different forms of gender based violence, concern about which was a key driver of the legislation, are not prominent enough in the Guidance; and there is a particular missed opportunity to feature sexual harassment and sexualised bullying and assaults as requiring specific attention, despite schools recently being issued with specific new safeguarding guidance related to these. References to a "whole school approach" are never clearly defined. And, the right of parents to withdraw their children from sex education is deeply problematic.

In addition, the whole document has a squeamishness about referring to sex and sexual matters. This is deeply concerning and the wrong tone for a document whose users are Heads/teachers/governors charged with keeping children safe as well as sound education. It has euphemisms where there should be clarity about sex and sexuality. The document mentions menstruation once and very briefly (and at too late a stage in the curriculum), when this major part of girls' lives should feature in RE and HE at primary and in RSE and HE at secondary, and never be confined to science alone. It is astounding that the document mentions pornography only once (in relation to the law) when a principle driver of the need to have better and compulsory RE/RSE has been the knowledge that children and young people are commonly exposed to pornography from an early age, whether they seek it out or not, and that they want to have conversations with trusted adults about its contents and meaning.

Financial Education

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

Answer still being considered.

School support

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 nor disagree

Disagree

Strongly disagree

The free teaching resources available are open to a random set of kitemarks and 'pop up' practitioners. There should be more statutory Guidance, as in other key subjects and areas of practice (such as Safeguarding), to enable schools to discriminate between these. The "no annual recurring costs" estimate in the Impact Assessment is extremely concerning in relation to this issue.

Select option:

Guidance or training in how to select appropriate teaching resources for Relationships Education and Health Education

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?

Strongly agree
Agree
Neither agree nor disagree
Disagree
Strongly disagree

The free teaching resources available are open to a random set of kitemarks and 'pop up' practitioners. There should be more statutory Guidance, as in other key subjects and areas of practice (such as Safeguarding), to enable schools to discriminate between these. The "no annual recurring costs" estimate in the Impact Assessment is extremely concerning in relation to this issue.

Select option:

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

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 nor disagree
Disagree
Strongly disagree

Please explain your answer in the text box:

We do not believe the Draft Regulations set out clearly the requirements on schools. In particular, Section 80A is a misleading summary of the absolutely key matters children and young people should be expected to learn about. Marriage and faith are here prioritised and set out as priorities for schools, and as core content for the Guidance, while the law and other equality characteristics are not. This is therefore unclear and will leave school leaders open to equality challenges. It is also not aligned with the SOS' earlier statement that respect for the law is a key guiding principle.

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 nor disagree
- Disagree
- Strongly disagree**

Please explain your answer in the text box:

It is extremely problematic and may in time be shown to be a violation of children's rights to permit parents this 'right to withdraw' until the age of 15. We urge the Government to reconsider and examine whether Gillick competency is in fact a more appropriate standard here.

30. Do you have any other views on the draft regulations that you would like to share with the department? Please include this information in the text box below.

We are very concerned about the draft regulations which we see as a writing into law the primacy of marriage, and deference to parental faith background, neither of which were what was committed to and promised when the law was changed in 2017 to make RE/RSE compulsory. Putting into law the teaching of "marriage and its importance for family life" in this way gives primacy to this form of relationship which is not fitting in a society as diverse as ours. To simultaneously not include the aim of having pupils learn about the law of the land (including equality law) indicates that this is less important, when the earlier guiding principles said law was of primary importance. Writing into law here that that the education must "have regard... to the religious background of the pupils" prioritises faith and may give permission for the exclusive teaching of one faith perspective on relationships and sexuality, when equality and human rights law, including children's rights, require that girls, and LGBT children and young people for example, are not discriminated against in the delivery of their education. Referring to "safety" in forming relationships carries along the ideas about the child's responsibility to keep themselves safe which is problematic, as discussed above. The draft regulations need revision.

Regulatory impact assessment

31. 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 disagree

Please state why you disagree etc:

There are resource implications to investing in teacher training, local links and good teaching resources in this area if RE/RSE/HE are to be properly supported and achieve the intended learning outcomes. The "no annual recurring costs" estimate in the Impact Assessment is extremely concerning. The free teaching resources available are open to a random set of kitemarks and 'pop up' practitioners. There

should be more statutory Guidance, as in other key subjects and areas of practice (such as Safeguarding and such as in other core curriculum areas), to enable schools to discriminate between these.

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

Yes

What do you believe are the additional cost burdens?

The cost of good quality initial vocational training and CPD in RE/RSE should not be under estimated and requires a considerable change in teachers' initial vocational training. All trainee and NQT teachers will need high quality training in this area, which includes both content and also key skills like hearing and responding to disclosures of abuse. In addition, the teaching materials currently available in this area are of varying quality and there is a need for better guidance on how to select and use these well. Finally, schools should be encouraged to reach out to local expert organisations in their communities (not simply faith institutions) who have expertise for example in gender based violence. This will often have a cost implication.

33. Please state in the text box below if you have any further comments on the regulatory impact assessment.

None.

Ends

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