

Policy Document

HEALTH & SEX EDUCATION

INTRODUCTION

- Harris Academy Falconwood's 'Sex & Relationship Education Policy' has been revised to take into account the revised National Curriculum (September 2008), the new framework for Personal, Social, Health & Economic Education (PSHEE) and the Social Exclusion Unit report on teenage pregnancy.
- Learning about sexuality and relationships is a lifelong process and Harris Academy Falconwood recognises that parents are the key figures in helping their children to cope with the emotional and physical aspects of growing up and the challenges and responsibilities which sexual maturity bring. The Academy offers units of Sex & Relationship Education (SRE) as an integral part of a broad and balanced PSHEE programme and within the Science National Curriculum. SRE is delivered in a balanced and sensitive manner, within a moral and caring framework. This is intended to complement and support the role of parents.
- The PSHEE programme will help students develop the skills and understanding they need to live confident, healthy and independent lives. It will play an important role, alongside other aspects of the curriculum and Academy life in helping students deal with difficult moral and social questions. SRE is designed to enable our students to learn to respect themselves and others and move with confidence from childhood through adolescence into adulthood.

RATIONALE

- SRE at Harris Academy Falconwood is intended to help and support our students through their physical, emotional and moral development. SRE is an important part of children's preparation for adult life. In common with all other aspects of education, SRE will be provided to ensure equality of opportunity in relation to:
 - Access for all to an appropriate programme; and
 - The provision offered in terms of learning, environment, content, methodology, learning support, where relevant, and pastoral/welfare structures and procedures.

- SRE offers a valuable vehicle for promoting equality between individuals and groups. It necessarily involves an exploration of human and social diversity, and a fostering of self esteem and self worth in a learning environment that can demonstrate recognition, acceptance and respect of difference.

WHAT IS SEX & RELATIONSHIP EDUCATION?

- It is lifelong learning about physical, moral and emotional development. It is about the understanding of the importance of stable and loving relationships for family life (both within and outside of marriage), respect and care. It is also about the teaching of sex, sexuality and sexual health. It is not about the promotion of sexual orientation or sexual activity. This would be considered inappropriate teaching.

It has three main elements:

Attitudes and Values

- Learning the importance of values and individual conscience and moral considerations;
- Learning the value of family life and stable and loving relationships for the nurture of children;
- Learning the value of respect, love and care;
- Exploring, considering and understanding moral dilemmas; and
- Developing critical thinking as part of decision-making.

Personal and Social Skills

- Learning to manage emotions and relationships confidently and sensitively;
- Developing self-respect and empathy for others;
- Learning to make choices based on an understanding of difference and with an absence of prejudice;
- Developing an appreciation of the consequences of choices made;
- Managing conflict; and
- Learning how to recognise and avoid exploitation and abuse.

Knowledge and Understanding

- Learning and understanding physical development at appropriate stages;
- Understanding human sexuality, reproduction, sexual health, emotions and relationships;
- Learning about contraception and the range of local and national sexual health advice, contraception and support services;
- Learning the reasons for delaying sexual activity and the benefits to be gained from such delay; and
- The avoidance of unplanned pregnancy.

The process of SRE is a combination of the sharing of information and the exploration of ideas and attitudes. Specific objectives of lessons, at appropriate stages, will include the following:

- To respond sensitively to the student's age, maturity and stage of development.
- To discover what students know, understand, think and feel and to identify their needs.
- To provide accurate, factual information which corrects false assumptions, myths and folklore.
- To encourage unembarrassed acceptance of sexuality by providing appropriate vocabulary and by encouraging positive attitudes to bodily functions.
- To provide reassurance that change is part of the life cycle and to give help in adjusting to these changes.
- To generate an atmosphere where questions and discussions on sexual matters can take place without embarrassment.
- To help students recognise the role of intimacy and sexual activity in a loving, caring relationship.
- To help students recognise the differences in the nature of male and female sexuality.
- To help students to appreciate the value of family life, the implications of parenthood and the needs of the very young.
- To help students to understand and respect the varied cultural and religious influences on individual sexuality;
- To develop the students' skills in personal relationships, for example, communication, respect, assertiveness.
- To develop the students' skills in decision making.
- To help young people to affirm their right to be able to resist unwanted touch or advances and to communicate about such matters.
- To develop awareness of sexual identity, to challenge sexism and prejudice in society and to promote equal opportunities.
- To be able to discuss issues such as sexual harassment and the effects on individuals.
- To develop students' understanding of the risks and responsibilities of sexual behaviour and to provide them with the information and skills to keep themselves safe.
- To provide awareness of sources of help and encourage students to seek advice on individual issues.

MORALITY AND VALUES

- Morals and values are essential dimensions of sexuality and relationships. Indeed there is a moral dimension to every aspect of human life.
- Caring adults, whether parents, governors or teachers are naturally concerned about the moral values of the young. How, then, do we best influence the morality of the next generation?
 - By example, not by exhortation.
 - By reasoned discussion and values clarification, not by instruction.

- We cannot force or oblige people to ‘be good’. People develop their own morality; they test their core values and beliefs against their experience. By this, they develop, own and implement their personal moral code.
- The Handbook for Inspecting Secondary Academies (OFSTED) January 2000 states:
 - *“Academies must promote the spiritual, moral, social, cultural, mental and physical development of students at the Academy and prepare them for the opportunities, responsibilities and experiences of adult life.”*
- Harris Academy Falconwood benefits from having a richness of cultures and faiths and a positive Academy ethos where value and respect for the individual, the development of self-esteem and the validation of cultural and religious diversity are paramount. As such, the delivery of SRE will be set within this context where students are encouraged to make responsible and reasoned judgements and show concern for how their actions may affect others. This broad and balanced programme for SRE will respect individual differences – inspired by cultural, religious and familial background – and it will seek to promote those values which are common to all faiths and societies with a respect for human life and dignity.

ORGANISATION OF SEX & RELATIONSHIPS EDUCATION

- SRE is an important area of the curriculum at Harris Academy Falconwood. It forms a discrete element of the Science and PSHEE curriculum.
- **KS3**
- The factual information will be covered predominantly in Science and PSHEE. This will be done with regard to the moral and emotional context.
- **KS4**
- The focus of SRE is targeted upon increasing student awareness of attitudes and values, personal and social skills and knowledge and understanding in relation to this part of the curriculum in order to prepare them for making informed decisions about relationships and the place of sexual activity within these. SRE is delivered via the Science and R&P curriculum, with weekly sessions also delivered by form tutors. Specialist external agencies are also involved in delivering sessions at the Academy, for example: Sexual Health talks and discussions for Year 10 students.
- **KS5**
- SRE will be covered at KS5 throughout the Tutorial PSHEE programme. Students will be given issues to discuss in relation to their every day life. They also look to future issues that may arise in the world of Higher Education or work.

ROLES & RESPONSIBILITIES

- **The Governing Body and the Principal & Chief Executive** are obliged to ensure that sex education is given in such a manner that students will be encouraged to be guided by moral principles and recognise the value of family life.
- **The Governing Body** has specific responsibility for drawing up a written policy for the provision of sex education and ensuring that it is monitored and reviewed regularly.
- **The Head of PSHEE/Citizenship Department** has the overall responsibility for the organisation and management of the SRE component in the PSHEE/Citizenship programme for Key Stages 3 and 4. The Teacher in Charge of PSHEE/Citizenship has responsibility for Schemes of Work, inviting visiting speakers, monitoring materials used for SRE, worksheets, videos and other publications and resources and liaise with Head of Biology.
- **The Head of PSHEE/Citizenship Department** along with the **Heads of Faculties** monitor the delivery of the programme.
- **Health Professionals** who are involved in delivering programmes are expected to work within the Academy's Sex & Relationship Policy and on the instructions of the Principal & Chief Executive. However, when they are in their professional role, such as an Academy nurse in a consultation with an individual student, they should follow their own professional codes of conduct (this is the case irrespective of who is paying them). Visiting speakers should complement but never substitute or replace planned provision. It is the Head of PSHEE/Citizenship Department and teachers responsibility to plan the curriculum and lessons.

COURSE CONTENT

KEY STAGE 3 (YEARS 7 – 9)

YEAR 7

The contents outline is as follows:

- | | |
|---|---|
| ▪ Growth & Reproduction | Science |
| ▪ The Physical & Emotional Changes in Puberty | PSHEE |
| ▪ Menstruation | Science
PE
(<i>single sex sessions</i>) |
| ▪ Changing Relationships | PSHEE |
| ▪ Self Esteem/Body Image | PSHEE |
| ▪ Personal Hygiene | PE |
| ▪ Stereotyping, Peer Pressure & Assertiveness | PSHEE |
| ▪ Interpersonal Skills | PSHEE |

YEAR 8

The biological aspects of human reproduction form part of the Year 8 Science National Curriculum. The sex education content of the PSHE course is integrated with other topics throughout the year.

- | | |
|---------------------------------------|-------|
| ▪ Sexual Language | PSHEE |
| ▪ Contraception | PSHEE |
| ▪ Sexually Transmitted Infections | PSHEE |
| ▪ Sexually Responsibility and the Law | PSHEE |
| ▪ Sexual Health | PSHEE |

YEAR 9

Year 9 has to be considered a very important year in the SRE programme. Although students develop at different rates, this is a period of marked physical and emotional development.

- | | |
|--|-------|
| ▪ Emotional Development/Changing Relationships | PSHEE |
| ▪ Behaviour/Interpersonal Skills | PSHEE |
| ▪ Self Awareness/Awareness of Others | PSHEE |
| ▪ Friends and Family Relationships | PSHEE |
| ▪ Rights and Responsibilities | PSHEE |

KEY STAGE 4 (YEARS 10 & 11)

The content outline is as follows:

YEAR 10

- | | |
|---|---------|
| ▪ Different Attitudes to Sexual Health Issues | PSHEE |
| ▪ Moral Choices about Sexual Relationships | R&P |
| ▪ Sexual Responsibility | PSHEE |
| ▪ Parenting | PSHEE |
| ▪ Relationship Responsibility | PSHEE |
| ▪ Family Life | PSHEE |
| ▪ Genetics, Cloning etc | Science |

YEAR 11

- | | |
|----------------------------------|-------|
| ▪ Love and Marriage | PSHEE |
| ▪ Prejudice and Stereotyping | PSHEE |
| ▪ Sexually Transmitted Infection | PSHEE |
| ▪ Finding sources and Advice | PSHEE |

CROSS-CURRICULAR IMPLICATIONS

- Health Education is a cross-curricular theme and matters relating to sex education may occur in other area of the curriculum. It is inevitable in secondary Academies that the teaching of apparently unrelated in other

subjects (eg English, Religion & Philosophy) will occasionally lead to a discussion of aspects of sexual behaviour, family life, relationships and abortion. Such discussion will not formally constitute part of the Sex & Relationships Education Programme. However, all teachers at Harris Academy Falconwood will follow the guidelines provided for staff contained in this Policy for dealing with such issues as and when they arise. The Academy is confident that staff will draw upon their professional judgement and common sense in these circumstances.

THE TEACHING OF SEX EDUCATION – METHODOLOGY AND APPROACHES

- Teachers delivering sex education should aim to present facts in an objective, balanced and sensitive manner. They should provide students with opportunities to explore values, make judgements and be better prepared to make informed and principled choices. All sex and relationship education should be set within a clear framework based upon the PSHEE and Citizenship guidelines. Students must also be made aware of the law on sexual behaviour.
- Young people should be encouraged to appreciate the value of a stable family life, marriage/stable long term partnerships and the responsibilities of parenthood. They should be helped to consider the importance of self-restraint, respect for themselves and others, acceptance of responsibility, loyalty and fidelity. They should be able to recognise the physical, emotional and moral implications and risks of certain types of behaviour and to accept that both sexes must have responsibility in sexual matters.
- This can only be achieved via reasoned discussion and the provision of accurate information. It cannot be done by instruction alone. Young people need to be warned of the risks of sexual behaviour, but emphasis should not solely be on the negative aspects of sexual activity. This can be counter-productive. Students should not be forced to follow a defined moral code. Our job is to promote the spiritual, moral, social, cultural, mental and physical development of students within our Academy and help to prepare our students for the opportunities, responsibilities and experiences of their adult life.
- The PSHEE Curriculum is based on a spiral model in which key aspects, such as SRE, are revisited at different stages. This offers progression, increasing in depth of concept and content as the students mature physically, intellectually, emotionally and socially.
- PSHEE lessons at KS4 should provide a supportive climate for discussion. ‘Ground Rules’ are set for discussion and the groups are encouraged to demonstrate trust, care and compassion. They are required to listen to the opinions of others, respect confidentiality, privacy and the ‘right to pass’ without embarrassment.

SETTING GROUND RULES

- A set of ground rules at the beginning of each lesson will help teachers create a safe environment in which they do not feel embarrassed or anxious about unintended or unexpected questions or comments from students. It can be beneficial for a class to work out the set of ground rules together. Possible ground rules might include:
 - No one (teacher or student) will have to answer a personal question;
 - No one will be forced to take part in a discussion;
 - Only the correct names for body parts will be used; and
 - Meanings of words will be explained in a factual way.

DEALING WITH QUESTIONS

- Teachers will need to establish clear parameters of what is appropriate and inappropriate in a whole class setting. Having a set of ground rules should reduce the chances of unexpected questions or comments from students. The following points offer further guidance on dealing with students' questions.
 - If the question is too personal, the teacher should remind the student of the ground rules. If the student needs further support, the teacher can refer her or him to the appropriate person, such as a counsellor, Academy nurse, helpline or an outside agency or service.
 - If the teacher doesn't know the answer to a question, it is important to acknowledge this, and to suggest that the student or teacher or both together research the question later.
 - If a question is too explicit, feels too old for a student, is inappropriate for the whole class, or raises concerns about sexual abuse, the teacher should acknowledge it and promise to attend to it later on an individual basis. In this way, the student will feel they have been treated with respect, but the rest of the class will not have to listen to personal experience or inappropriate information. To maintain trust and respect, the teacher must remember to talk with the student later.
 - If a teacher is concerned that a student is at risk of sexual abuse, they should follow the Academy's Child Protection Procedures.
- Students will be encouraged to be involved in their own learning and clear guidelines will operate regarding language usage and gender and sexual stereotyping.
- A range of teaching and learning strategies will be used when dealing with issues that can be difficult to discuss in a large group or for working with students who find SRE embarrassing.
 - Care with male/female group dynamics
 - Use of pairs and small groups
 - Use of the anonymous 'question box technique'
 - Distancing techniques, such as case studies, role plays etc.
- Students will be encouraged to evaluate how well the lessons are going and what changes may need to be made.

- Harris Academy Falconwood has students from diverse cultural and religious backgrounds. As such, we aim to promote a familiarity with the beliefs and value systems that these different religious and cultures have. Where appropriate, on some sensitive issues, we will co-ordinate sessions for single-sexed groups.

ADVICE AND INDIVIDUAL STUDENTS

- It is important to distinguish between, on the one hand, the Academy 's function of providing education generally about SRE on the basis described above and, on the other, counselling and advice to individual students on these issues, particularly if this relates to their own sexual behaviour. Teachers delivering sex education have to exercise their discretion and professional judgement about how to deal with issues raised by individual students. Teachers should be confident in continuing to take a pastoral interest in the welfare and well being of students, but this function should never trespass on the proper exercise of parental rights and responsibilities.
- Particular care must be exercised in relation to contraceptive advice to students under 16, for whom sexual intercourse is unlawful. DCSF guidance states that *“The general rule must be that giving an individual student advice on such matters, without parental knowledge or consent, could be an inappropriate exercise of a teacher’s professional responsibilities.”*
- Students should be encouraged to seek advice from their parents and their medical practitioner. Where a student raises specific personal concerns or raises unduly explicit issues, it may well be inappropriate to deal with these in front of the whole class.
- If a teacher has reason to believe that a child is distressed or in danger, they should follow the procedures in the Academy 's ‘Child Protection Policy’ and report their concerns to the Vice Principal who is the designated Child Protection Co-ordinator as soon as is practical. Staff are not in a position to offer students total confidentiality in this respect. Teachers should advise students that they may have to pass on information that they are given.
- Where the circumstances are such as to lead the member of staff to believe that the student has embarked upon, or is contemplating, a course of conduct which is likely to place him or her at moral or physical risk or in breach of the law, the member of staff has a general responsibility to ensure that the student is aware of the implications and is urged to seek advice as above. In such circumstances, the member of staff should inform the Vice Principal, who should arrange for the student to be counselled if appropriate and, where the student is under age, for the parent to be made aware, preferably by the student himself or herself (and in that case, checking that it has been done) or by direct contact by the Vice Principal of SIC.
- For Post 16 aged students, the above information still applies.

- Students should always be encouraged to discuss the situation with their parents.

PARENTAL RIGHTS TO WITHDRAW THEIR CHILDREN FROM SEX EDUCATION

- Although the Academy hopes that all parents will allow their children to participate in sex education, those parents who are unable to give such permission should write to the Principal stating that they wish their children to be withdrawn either from all or part of the sex education which falls outside the statutory requirements of the National Curriculum Science Orders. Parents may inform the Principal of their reasons. Parents cannot withdraw their children from any part of sex education taught in the National Curriculum. A list of these students will be supplied to all teachers.

PREGNANT YOUNG WOMEN AND YOUNG MOTHERS IN THE ACADEMY

- *In the event of a student, including an under 16 year old, becoming pregnant and carrying the baby to full term, the Academy will ensure that the young woman is given every opportunity to continue with some form of educational training. As far as possible, the student will be supported so that she can continue her education within the Academy. In the event that this is not possible, the student will be offered alternative educational provision in liaison with the Local Education Authority.*

SENSITIVE ISSUES

- It is natural for caring adults to want to protect children and young people from information, attitudes and lifestyles, which they themselves find distasteful. However, it is important to recognise the power and confusion of informal learning – from, for example, TV, magazines, newspapers, gossip and jokes in the wider community. Avoiding sensitive or controversial issues does not make them go away and leave children and young people confused, often misinformed and at risk.
- All official documentation, including the Ofsted 2002 report on ‘Sex & Relationships Education’ advises the inclusion of such topics as contraception, abortion, homosexuality and HIV/AIDS within the Sex Education syllabus. The 1992 Government White Paper, ‘*The Health of the Nation*’, the June 1999 Report to Parliament on Teenage Pregnancy and the DfES Sex & Relationship (SRE) Guidance 2000 all highlight the role that Academies have to play in the reduction of unwanted pregnancies and the spread of sexually transmitted diseases.
- At Harris Academy Falconwood, these issues are presented in a broad and balanced way, free from sensationalism and personal bias. They are sensitively pitched to the level of students’ needs and maturity. Sensitivity to religious beliefs is appreciated as an important dimension, which must be respected.

MENSTRUATION

- Information about menstruation is delivered to both boys and girls in Science at Key Stage 3. This can be a sensitive issue for young girls therefore singled sexed sessions are held in Year 7 within the PE Programme. An outside speaker leads a practical workshop on this issue in the girls' Physical Education lesson. Advice is given on how to cope with the symptoms of menstruation and use of sanitary products. Furthermore we provide support to the girls on managing their periods and providing appropriate toilet facilities and accessible sanitary wear.

PUBERTY

- A sensitive issue, which is dealt with early on in Key Stage 3 for both boys and girls. Both the physical and emotional aspects of this issue are addressed. At the start of the student's introduction to the PSHEE Programme the teacher sets ground rules and negotiates a common sexual language, where appropriate, for further mixed group discussions throughout the programme. The aim of this is to foster a respectful approach with regards to the use of sexual language between genders.

CONTRACEPTION

- Teachers may give students full information on the different types of contraception, including emergency contraception and their effectiveness without parental consent. With regard to under 16s, for whom sexual intercourse is unlawful, individual advice must not be given to a student without parental knowledge or consent. However, information can still be given about contraception as part of an agreed Sex Education Programme (*Gillick ruling 1986*).
- Trained staff can give additional guidance and advice on how to discuss this issue with parents. In addition, trained staff can outline the available specialist interventions, such as advice services, counselling and, if necessary, treatment options such as access to medical practitioners.
- There is now more informal knowledge amongst young children about contraception through safer sex publicity i.e. the HIV/AIDS campaigns. Teachers must clarify students' understanding in a relevant manner relating to their age group and experience. It is recognised that students need to assimilate knowledge and understanding of contraception some time before it is needed. Young people need to learn to talk easily about contraception long before they need to use it.

SAFER SEX, HIV/AIDS AND SEXUALLY TRANSMITTED INFECTIONS (STIs)

- The teaching of safer sex is an important element in trying to reduce the incidence of HIV/AIDS and Sexually Transmitted Infections (STIs). Students need to know STIs are a major cause of ill health, which can result in long term physical and psychological effects. Inaccurate interpretation of both areas can lead to misunderstanding and extreme prejudice. Thus students need clarification on the facts and knowledge of HIV/AIDS and STIs. Teachers can do much to counter-act the negative effects of informal learning.
- Teaching students to be assertive in forming and negotiating relationships and enabling students to become effective users of contraceptive services, which help prevent STIs and HIV/AIDS, is a positive approach. Students of all ages need to know the facts of STIs and the differences between HIV and AIDS. The importance of prevention is recognised by Government inclusion of specific mention of teaching about HIV/AIDS in its regulations for sex education.
 - *“Whatever the overall policy on sex education adopted by the governing body, particular attention should be given to the forms of sexual and other behaviour which carry a risk of infection with HIV and about the ways in which risks may be avoided or lessened.”*
- Students are therefore taught about the different types of STIs, modes of transmission and basic hygiene. High risk behaviours with regard to sexual activity are identified. It is stressed that it is high risk sexual behaviour that causes infection, regardless of sexual inclination. Safer sex is taught in Key Stages 3 and 4 with more detailed discussions in Key Stage 4 and Post 16.

ABORTION

- The debate is often polarised on this emotive issue. Students are offered a balanced view with regard to respect for religious beliefs. They have the opportunities to explore dilemmas, which enable them to learn and understand about issues involving and surrounding abortion. It provides the knowledge to distinguish between fact and opinion eg the stage at which human life commences and encourages the development of individual values eg in what circumstances is abortion a positive choice. Overall the task is to reduce the incidence of unwanted pregnancies, by providing information, effective advice on contraception and raising awareness of the right to refuse sex.

SEXUAL ABUSE

- Increasing public concern about the widespread occurrence and long-term damaging effects of sexual abuse has been expressed in recent years. To ignore it would neglect the needs of children and young people.

For teachers, there are two dimensions:

1. Teaching for prevention i.e. the promotion of self-esteem, the skills of assertiveness (e.g. the ability to say “No”), lack of guilt or embarrassment about sexual matters and skills of self-expression, including appropriate language and understanding.
2. Recognising the various signs of abuse (physical, emotional and social). The class teacher or form tutor may be more likely than others to play a significant part in the early detection of abuse and should refer to the Academy’s Child Protection Policy and report any concerns directly to the Vice Principal as soon as practical.

MONITORING THE EFFECTIVENESS OF THE POLICY

- Monitoring will take place in line with the Academy’s Monitoring Policy. Review and revision of the Policy will take place in consultation with the Head of PSHEE/Citizenship Department, Head of Faculty, the Leadership Group, the Governing Body, all teaching staff, parents, students and relevant outside agencies.
- The Policy will take account of local and national guidelines.

Health & Sex Education Policy
Revised July 2009 by A Milford
Revision due July 2011

HEATH & SEX EDUCATION

Appendices

- Appendix 1 A Summary of the Law on Sexual Behaviour
- Appendix 2 Sex & Relationships Education – The Legal Framework
- Appendix 3 Sample Letter

APPENDIX 1 – A SUMMARY OF THE LAW ON SEXUAL BEHAVIOUR

- **The Government regulations related to Sex & Relationships Education require teachers to be aware of and have regard to the law on sexual behaviour. The following is a summary of the main sexual offences in England taken from the Sexual Offences Act 2003.**

Incest

- It is an offence for a man to have sexual intercourse with a woman whom he knows to be his grand daughter, daughter, sister or mother. It is an offence for a woman of the age of 16 or over to permit a man whom she know to be her grandfather, father, brother or son to have sexual intercourse with her consent.

Rape

- It is an offence to commit rape against another person. Rape is committed if sexual intercourse takes place and consent is not given or the person committing the act “*does not reasonably believe that consent has been given.*”

Sexual Activity with a Child

- A person aged 18 or over (A) commits an offence if:
 - a he intentionally touches another person (B)
 - b the touching is sexual, and
 - c either:
 - (i) B is under 16 and A does not reasonably believe that B is over 16 or over, or
 - (ii) B is under 13

Child Sex Offences committed by children or young persons

- A person under 18 commits an offence if he does anything which would be an offence under any of Sections 9-12 of the Sexual Offences Act 2003 if he were aged 18:
 - 9 Sexual activity with a child
 - 10 Causing or inciting a child to engage in sexual activity
 - 11 Engaging in sexual activity in the presence of a child
 - 12 Causing a child to watch a sexual act

The Age of Consent

- The legal age for young people to consent to have sex is still 16, whether they are straight, gay or bisexual. The aim of the law is to protect the rights and interests of young people, and make it easier to prosecute people who pressure or force others into having sex they don't want.
- Although the age of consent remains 16, the law is not intended to prosecute mutually agreed teenage sexual activity between two young people of a similar age, unless it involves abuse or exploitation. Young people, including those under 13, will continue to have the right to confidential advice on contraception, condoms, pregnancy and abortion. (*Working within the Sexual Offences Act 2003 – Home Office*)

APPENDIX 2 – SEX & RELATIONSHIPS EDUCATION - THE LEGAL FRAMEWORK

Section 1(2) of the Education Reform Act 1988 requires all maintained academies to offer a curriculum which:

- “a) promotes the spiritual, moral, cultural, mental and physical development of students at the Academy and of society; and
- b) prepares such students for the opportunities, responsibilities and experiences of adult life.”

The 1986 Education Act (2) invested the responsibility for Sex Education with governing bodies and Section 241(5) of the Education Act 1993 requires them to:

- “a) Make and keep up to date a separate written statement of their policy with regard to the provision of sex education; and
- b) Make copies of the statement available for inspection (at all reasonable times) by parents of registered students at the Academy and provide a copy of the statement, free of charge, to any such parent who asks for one.”

The Education (Academy Information) Regulations 1993 require all maintained Academies to publish in their prospectus a summary of the content and organisation of any sex education they provide.

Section 46 of the 1986 Act requires that the LEA, Governing Body the Principal & Chief Executive:

“Shall take such steps as are reasonably practicable to secure that where sex education is given to any registered students at the Academy , it is given in such a manner as to encourage those students to have due regard to moral considerations and the value of family life.”

The law does not define the content of Sex Education other than Section 241(2) of the Education Act 1993 which inserts Section 114(1) of the 1944 Act a definition of ‘Sex Education’ which includes education about HIV and AIDS and other sexually transmitted diseases. The Secretary of State has no statutory power to prescribe, by subordinate legislation, the content or organisation of Sex Education.

Section 17A of the Education Reform Act 1988 (inserted by Section 241(2) of the Education Act 1993) provides that:

“If the parent of any student ... requests that he/she may be wholly or partly excused from receiving sex education at the Academy , the student shall, except in so far as such education is comprised in the National Curriculum, be so excused accordingly until the request is withdrawn.”

Other Provisions

Section 2 of the Local Government Act 1986 (as amended by Section 20 of the Local Government Act 1988) prohibits local authorities from intentionally promoting homosexuality or publishing material with that intention and from promoting the teaching in any maintained Academy of the acceptability of homosexuality as a pretended family relationship. This prohibition applies to the activities of local authorities themselves, as distinct from the activities of the governing bodies and staff of Academies on their own behalf.

The DfES SRE Guidance 2000 is supported and made statutory by the Learning & Skills Act 2000. The Act requires students to a) learn about the nature of marriage and its importance for family life and the bringing up of children, and that b) they are protected from inappropriate teaching and materials.

APPENDIX 3 – SAMPLE LETTER

Ref

Date

Dear Parent

RE: Sex Education

I am writing to inform you that your son/daughter is about to study the following topic in (subject).....

As these topics do not form part of the National Curriculum you have a right to withdraw your child from this part of the Sex Education provision at Harris.

Please complete and return the slip below, as soon as possible, should you **not** wish your child to participate.

Yours sincerely

Name

Subject Co-ordinator

cc Mr E Evans, Vice Principal

Please return slip to Subject Co-ordinator for(subject), Harris Academy Falconwood

I do not wish my child to take part in Sex Education outside of the National Curriculum

Signed _____ Parent Date _____

Student Name _____ Tutor Group _____