



## **Sex and Relationships Education Bill** **Chris Bryant MP**

**Joint NCB/SEF Briefing for Second Reading in the House  
of Commons**  
**11 February 2011**

**Contact:**

**Laura Rodrigues, Policy and Parliamentary Assistant**

tel: 020 7843 6048; email [lrodrigues@ncb.org.uk](mailto:lrodrigues@ncb.org.uk)

**Laura Wyatt-Smith, Coordinator Sex Education**

**Forum** tel: 020 7843 6315; email: [lsmith@ncb.org.uk](mailto:lsmith@ncb.org.uk)



---

### **Summary**

The Sex and Relationships Education (SRE) Bill aims to amend s.403, 405 and 579 of the Education Act 1996. Clauses 1-3 of the SRE Bill originally appeared in the Children, Schools and Families Bill, but were lost before the general election in May. The exemption clause in the SRE Bill replaces the original clause 14 in the CSF Bill; again, this part of the Bill was lost during wash-up.

Currently it is compulsory for all maintained schools to teach the biological aspects of sex education. Clauses 1-3 seek to extend that duty to include sex *and* relationships education, focussing on both the biological and social context. This would include information relating to civil partnerships and an emphasis on stable and strong relationships. Clause 3 extends the duty to city technology colleges and Academies.

The original clause 14 provided for the withdrawal of pupils from sex and relationships education. The clause allowed parents to withdraw a child under the age of 15 from all or part of SRE until the child reached the age of 15. The Bill has amended this clause under clause 4 to extend the right to withdraw from SRE to any pupil of sufficient maturity under the *Gillick* competence test. The amended clause extends no right to parents to withdraw a child from SRE.

---

## **2. Introduction**

NCB is the leading support and development body for the children and youth sector in England. We bring together agencies from the voluntary, statutory and private sector, across education, health, care, youth justice, and all other agencies meeting the needs of children, young people and families. As part of this role, NCB hosts the Sex Education Forum (SEF) and endorses their briefings for the Sex and Relationships Education Bill.

The Sex Education Forum (SEF) is the national authority on sex and relationships education (SRE). SEF believe that all children and young people are entitled to quality SRE and works with its broad range of members to ensure this entitlement<sup>1</sup>.

---

<sup>1</sup> For the SEF definition and the values and principles that underpin quality SRE visit [http://www.ncb.org.uk/sef/about\\_us/values\\_and\\_principles.aspx](http://www.ncb.org.uk/sef/about_us/values_and_principles.aspx)

Both NCB and SEF's areas of interest in relation to the Sex and Relationships Education Bill include:

- **Provision of sex and relationships education (SRE) in addition to biological sex education**
  - **Encouraging all schools to provide SRE**
  - **Considering safeguarding and wellbeing**
  - **Parental involvement**
- 

### **3. Sex and Relationships Education (SRE) provision**

Quality SRE is broader than the biology of reproduction, and should include learning about the emotional, social and physical aspects of growing up, relationships, sex, human sexuality and sexual health. It should equip children and young people with the information, skills and values to have safe relationships and to take responsibility for their sexual health and well-being throughout their lives.

There is a high level of public and professional support for quality SRE in schools<sup>2</sup> and support from the coalition government.

Secretary of State for Education, Michael Gove MP recently stated in a parliamentary debate:

'It is vital that all children have high-quality sex and relationships education, in order to ensure that they make the right decisions later in life.'<sup>3</sup>

Many consider the current provisions to be inadequate with schools only obliged to deliver the biological basics of sex education. Although this is essential, it is insufficient to equip children and young people with the information they need about relationships and sexuality and to build the values of respect for self and others.

There was concern expressed in First Reading<sup>4</sup> that this Bill would lead to sex lessons for five and six year olds in primary education. However, good quality SRE is age appropriate and early SRE is particularly important for younger children to ensure they have the information and skills to be safe. It is this education that is essential to promoting the wellbeing of all children and young people in the choices they make.

It was also stated in the First Reading debate that sex education has not had the impact on abortion and pregnancy rates that family planning specialists want. However, there is good international evidence that high quality SRE, particularly when linked to contraceptive services, can reduce teenage pregnancy, delay sexual activity and affect young people's knowledge and attitudes and help to improve their sexual health.<sup>5</sup>

---

<sup>2</sup> SRE Review Steering Group (2008) *Review of Sex and Relationship Education in Schools: A report by the External Steering Group* London

<sup>3</sup> Oral Answers to Education Questions, Monday 12 July 2010. Publications on the internet:

<http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm100712/debtext/100712-0001.htm>

<sup>4</sup> First Reading of the Sex and Relationships Education Bill, 8 September 2010 Publications on the internet:

<http://services.parliament.uk/bills/2010-11/sexandrelationshipseducation.html>

<sup>5</sup> UNESCO (2009) *International guidelines on sexuality education; an evidence informed approach to effective sex, relationships and HIV/STI education*. Paris: UNESCO.

Another argument put forward at First Reading was that SRE in schools somehow undermines the principal that parents and families 'know best'. There is however, considerable evidence of that the majority of parents are in support of the teaching of SRE in the classroom as a recent study found most parents (84%) believed that SRE should be delivered both in school and at home<sup>6</sup>.

The NCB and SEF therefore warmly welcomes clauses 1-3 of the Bill which outline the provision of sex and relationships education and extend it beyond maintained schools to Academies and city technology colleges.

---

#### 4. Exemption from SRE

Research has shown there is consistent parental support for SRE<sup>7</sup> and that parents often rely on schools to teach both the biological aspects of sex as well as the necessary life skills. Very few parents choose to withdraw their children from SRE but the original clause 14 clarified that parents could choose to withdraw their children up until the age of 15.

The amended clause 14 (clause 4) offers a substantive change to the nature and intention of the original clause. Clause 4 instead offers the possibility of children themselves choosing to withdraw from SRE, if they are deemed to possess sufficient maturity to make this decision (so-called *Gillick* competence.) It does not contain any right for parents to withdraw their children from SRE, the implication being that unless a child is considered mature enough to withdraw themselves, SRE would be compulsory for all children.

The NCB and SEF are concerned unintended consequences could result from this provision:

- The *Gillick* competence test derives from medical law and concerns the ability of minors to consent to medical treatment. In the test case, it was stated that a minor had the ability to consent once they had achieved sufficient understanding and intelligence to understand fully what is proposed.<sup>8</sup>
  - Under the *Gillick* test, it is not disputed that in the absence of sufficient understanding and intelligence, the parental right to determination remained. The application of the *Gillick* principle to education law leaves it unclear whether the parent retains that right.
  - It is not clear who in the school would be deemed competent to decide whether or not a child possessed sufficient understanding and intelligence to exempt themselves from SRE.
  - It is unclear what would happen in situations where a *Gillick* competent child and parent may disagree about the child taking part in SRE.
  - The clause is possibly naive when placed in a practical context. Pupils might seize the opportunity to withdraw from a class in order to concentrate on another subject or have that time away from the classroom. There would be no means of assessing what the motivation for withdrawal was.

The current law which allows parents to withdraw their children from SRE up until the age of 19 does need further consideration.

---

<sup>6</sup> Durex (2010) *Sex and Relationship Education Views from teachers, parents and governors*

<sup>7</sup> Department for Children, Schools and Families (2009) *Sex Education Poll* Populus/Blue Rubicon

<sup>8</sup> as per Lord Scarman *Gillick v West Norfolk and Wisbech Area Health Authority* [1985] 3 All ER 402 (HL).