

Relationships and Sexuality Education (RSE)

Consultation on legislation which provides for a parent/carer to request to have their child excused from age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights, covering prevention of early pregnancy and access to abortion.

CONSULTATION BOOKLET

Purpose

The Department of Education is required by legislation to consult on its legal duty to provide for parents/carers to have their child excused from specific areas of the Personal Development strand of Learning for Life and Work at Key Stages 3 and 4¹. The legislation specifically requires the Department to make regulations about the circumstances in which, at the request of a parent/carer, a pupil may be excused from classes providing age-appropriate and scientifically accurate education on sexual and reproductive health and rights covering prevention of early pregnancy and access to abortion. It should be noted that this option **does not apply** to other areas of Relationships and Sexuality Education whether taught as part of Learning for Life and Work or as part of other subjects, including Religious Education, Biology, History, Drama and English.

The Department will issue guidance to schools regarding the delivery of Learning for Life and Work in relation to the Regulations made by the Secretary of State.

Background

On 5 June 2023, the Secretary of State for Northern Ireland brought forward Regulations under his powers in section 9 of the Northern Ireland (Executive Formation etc) Act 2019, the Relationships and Sexuality Education (Northern Ireland) (Amendment) Regulations 2023 ([Link Here](#)).

The Secretary of State is required to ensure that the recommendations in paragraphs 85 and 86 of the 2018 report of the UN Committee on the Ending of Discrimination Against Women (“the CEDAW Report”) are implemented in respect of Northern Ireland.

Paragraphs 85 and 86 recommended a change to the law around sexual and reproductive health, rights and services. Specifically, paragraph 86(d) requires the United Kingdom Government to “Make age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights a compulsory curriculum component for adolescents, covering early pregnancy prevention and access to abortion, and monitor its implementation”.

The Regulations amend the Education (Curriculum Minimum Content) Order (Northern Ireland) 2007 (“the 2007 Order”) in respect of Learning for Life and Work to ensure pupils at Key Stages 3 and 4 (this refers to pupils aged 11-16 in Years 8-12) receive age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights, covering prevention of early pregnancy and access to abortion to reflect the Secretary of State’s legal duties.

The Regulations also place duties on the Department of Education. Specifically, they provide that the Department must, by 1 January 2024, issue guidance on the content

¹ [The Relationships and Sexuality Education \(Northern Ireland\) \(Amendment\) Regulations 2023 \(legislation.gov.uk\)](#), regulation 2(3)

and delivery of the education required, to be compliant with the CEDAW recommendations. The guidance must be issued with a view to ensuring that pupils receive education on sexual and reproductive health and rights, covering prevention of early pregnancy and access to abortion; and that the education received by pupils is age-appropriate, comprehensive and scientifically accurate.

In exercising their functions, the Board of Governors and principal of each school must have regard to any guidance issued by the Department.

About you:

Please select the box that best describes you:

- | | | | |
|-----------------|--------------------------|----------------------|--------------------------|
| Pupil | <input type="checkbox"/> | Member of the public | <input type="checkbox"/> |
| School Leader | <input type="checkbox"/> | Parent / Carer | <input type="checkbox"/> |
| Education Body | <input type="checkbox"/> | Teacher | <input type="checkbox"/> |
| School Governor | <input type="checkbox"/> | Trade Union rep | <input type="checkbox"/> |
| Other | <input type="checkbox"/> | | |

If Other, please specify:

Name: (optional)

Name of School (if applicable/optional):

The Department may make responses available in summary form on its website www.education-ni.gov.uk, although contact names and addresses would be removed.

Please note that under the Freedom of Information Act 2000 (Annex A) your response may be made available, on request, to the public.

If you would prefer your response to remain confidential, please tick this box

Timescales and Submission of Responses

This booklet can be completed online until 24 November 2023. If you prefer, you can email or post responses by that date to:

rseresponses@education-ni.gov.uk

or

Curriculum Team
Department of Education
Rathgael House
43 Balloo Road
Rathgill
BANGOR
BT19 7PR

Completing this Booklet

This consultation contains a number of Statements. You are asked to indicate if you agree, disagree or neither agree nor disagree with the Statements. There are two Sections and four Statements for you to consider. There is an opportunity at the end of each Statement to provide additional comments.

SECTION A: CONSULTATION ON DEPARTMENT OF EDUCATION'S GUIDANCE ON THE CHANGE TO LEGISLATION – CURRICULAR CONTENT AT KEY STAGES 3 AND 4

In this section, we have provided background information to help inform your response to Statement 1.

The Secretary of State for Northern Ireland has made Regulations which came into force on 1 July and will apply from the 2023-24 school year onwards.

The Regulations amend the Education (Northern Ireland) Order 2006 by requiring that **“The curriculum for every grant-aided school shall, in relation to key stages 3 and 4, include age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights, covering prevention of early pregnancy and access to abortion”**. Your school may already be addressing these elements through your taught RSE programme; however, there is no expectation that you would do so ahead of the Department issuing guidance accompanied by support materials by 1 January 2024, required to be provided by virtue of this legislative change.

The Regulations also amend the Education (Curriculum Minimum Content) Order (Northern Ireland) 2007 by adding the requirement that pupils at Key Stages 3 and 4 should **“Receive age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights covering prevention of early pregnancy and access to abortion”** as part of Learning for Life and Work.

Under Circular 2013/16², the Department requires all grant-aided schools to have an RSE policy and taught RSE programme.

In keeping with the design principles of the Northern Ireland Curriculum, schools have flexibility to decide on the content of their taught RSE programme and how to deliver it. Typically, schools will deliver their RSE programme through stand-alone Personal Development as part of Learning for Life and Work lessons, through other lessons across the curriculum or through a combination of both. Some schools also choose to use external providers to help support the delivery of aspects of their RSE programme.

In post-primary schools, RSE forms a statutory component of Learning for Life and Work. Specifically, it is covered in:

- Personal Development and Home Economics Statements of requirement for Key Stage 3; and
- Personal Development strand of Learning for Life and Work at Key Stage 4.

Issues relating to RSE may also be taught as part of other subjects including Religious Education, Biology, History, Drama and English.

² [Circular 2013/16 - Relationships and sexuality education policy | Department of Education \(education-ni.gov.uk\)](https://www.education-ni.gov.uk)

Trusting the professionalism of teachers, schools have autonomy in designing a flexible curriculum that is tailored and responsive to the needs of their children and young people, the local community and wider society, and the local and global economy. It is a matter for teachers to decide how the curriculum should be delivered, which resources to use, and which specific topics should be covered.

The Council for the Curriculum, Examinations and Assessment (CCEA) provides curricular content and resources to support the teaching and learning of RSE through the [RSE Hub](#) and an [RSE Progression Framework](#) for Years 1 to 14.

To support the change to legislation brought forward by the Secretary of State, the Department has asked CCEA to develop teaching and learning resources for Key Stages 3 and 4 that include age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights, covering prevention of early pregnancy and access to abortion. CCEA has engaged with a range of stakeholders who generally have expressed interest in or have a remit to support schools and young people in relation to RSE. These include representatives from external providers, churches, health trusts, interest groups, equality and human rights organisations and children's welfare and rights organisations.

Part 1 of Schedule 2 to the Education (Curriculum Minimum Content) Order (Northern Ireland) 2007, sets out statutory requirements relating to the curriculum. Specifically, it provides that the statutory curriculum is a balanced and broadly based curriculum which:

- promotes the spiritual, emotional, moral, cultural, intellectual and physical development of pupils at the school and thereby of society; and
- prepares such pupils for the opportunities, responsibilities and experiences of life by equipping them with appropriate knowledge, understanding and skills.

It should, therefore, be noted that the change in the legislation made by the Secretary of State does not prevent teachers and pupils being able to continue to discuss and comment on moral and ethical issues which may arise in relation to the content of teaching and learning resources developed by CCEA. Specifically, teachers and pupils should be able to discuss and consider moral, ethical and religious issues that arise during the Personal Development and Home Economics elements of Learning for Life and Work or in other areas of the curriculum including Religious Education, Drama, English, Biology and History.

Relationships and Sexuality Education: Consultation Booklet

The Statement below is seeking your views about how the legislation at Key Stages 3 and 4 affecting the curriculum, as outlined by the Secretary of State, should be implemented in schools.

1. **The content of teaching and learning resources for Learning for Life and Work developed by CCEA** should be factual and contain age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights, covering prevention of early pregnancy and access to abortion and these resources should **not advocate, or oppose, a particular view on the moral and ethical considerations of abortion or contraception.**

Agree	Neither agree nor disagree	Disagree

ADDITIONAL COMMENTS (OPTIONAL)

The space below is for you to add any additional comments should you wish to provide more detail in respect of the Statement above.

SECTION B: CONSULTATION ON DEPARTMENT OF EDUCATION'S GUIDANCE TO SUPPORT THE CHANGE TO LEGISLATION – PARENTAL OPT-OUT FROM LESSON(S) ON SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS COVERING PREVENTION OF EARLY PREGNANCY AND ACCESS TO ABORTION

In this Section, we have provided background information to help inform your responses to Statements 2-4.

The Secretary of State for Northern Ireland has made Regulations which came into force on 1 July and will apply from the 2023-24 school year onwards. The Regulations amend the Education (Northern Ireland) Order 2006 by adding **“The Department must by regulations make provision about the circumstances in which, at the request of a parent, a pupil may be excused from receiving the education required to be provided by virtue of Article 5(1A), or specified elements of that education.”**. This relates only to the change in legislation that “The curriculum for every grant-aided school shall, in relation to key stages 3 and 4, include age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights, covering prevention of early pregnancy and access to abortion”. It does not apply to other areas of Relationships and Sexuality Education whether taught as part of Learning for Life and Work or as part of other subjects, including Religious Education, Drama, English, Biology and History.

The Education (Curriculum Minimum Content) Order (Northern Ireland) 2007 provides statements of statutory minimum entitlement, which all pupils **must** legally receive. In relation to RSE, it is the responsibility of the Board of Governors of each school to ensure that a comprehensive and age-appropriate programme is taught and that the standardised minimum content is covered. The curriculum is designed to help our children and young people gain the knowledge, skills and attributes needed for life in the 21st century. Topics should include, but are not limited to:

- Consent
- Violence against women and girls
- Domestic abuse
- Healthy and Respectful Sexual Relationships
- Marriage
- LGBTQ+ issues
- Abstinence
- Menstrual health and wellbeing
- Social Media and Online safety

Statements 2-4 below are seeking your views about how schools might support parents/carers to request that their child be excused from the additional requirements set out above. It is important that timely information is provided to parents/carers to ensure they can make informed decisions and can be reassured about what exactly is being taught. Not providing appropriate information may mean that parents/carers and young people are misinformed about their school's RSE programme.

2. **Parents/carers should be informed about the specific nature and content of the age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights, covering prevention of early pregnancy and access to abortion.**

Agree	Neither agree nor disagree	Disagree

ADDITIONAL COMMENTS (OPTIONAL)

The space below is for you to add any additional comments should you wish to provide more detail in respect of the Statement above.

3. **The United Nations Convention on the Rights of the Child³ includes at Articles 1-3 and 12 the rights of the child to ‘express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously’ and at Article 5 ‘the rights and responsibilities of parents and carers to provide guidance and direction to their child as they grow up so that they fully enjoy their rights. This must be done in a way that recognises the child’s increasing capacity to make their own choices.’** The Department’s guidance, when developed, should consider in such instances how schools balance the rights of both children and parents/carers in implementing the regulations.

Agree	Neither agree nor disagree	Disagree

³ [UNCRC summary-1.pdf \(unicef.org.uk\) Articles 1-3 and 12](https://www.unicef.org.uk/system/uploads/attachment_data/file/42424/uncrc_summary-1.pdf)

ADDITIONAL COMMENTS (OPTIONAL)

The space below is for you to add any additional comments should you wish to provide more detail in respect of the Statement above.

4. Pupils and parents/carers should have access to an overview of their school's RSE policy and planned RSE programme.

Agree	Neither agree nor disagree	Disagree

ADDITIONAL COMMENTS (OPTIONAL)

The space below is for you to add any additional comments should you wish to provide more detail in respect of the Statement above.

ANNEX A – FREEDOM OF INFORMATION ACT 2000 – CONFIDENTIALITY OF CONSULTATIONS

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential, information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or be treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature; and
- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses please contact the Information Commissioner's Office (or see website at: <http://www.informationcommissioner.gov.uk/>).