



**RELATIONSHIPS AND SEX EDUCATION  
POLICY2020/2021**



**LEA MANOR HIGH SCHOOL**

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### 1. Lea Manor High School Sex & Relationships Education (SRE) Policy

At Lea Manor, all students have the opportunity to access a well-planned programme of education relating to personal relationships and sexual matters. The teaching within school is based on the core values of being responsible, reflective, resilient, rational and resourceful learners. The teaching will be inclusive by nature; non-judgemental; and include religious, non-religious, cultural and moral viewpoints.

**SAFEGUARDING STATEMENT** The Governors of Lea Manor have made safeguarding a fundamental priority and are committed to ensuring that safeguarding of children and young people remains at the core of their work. For this reason, the principles of excellent safeguarding practice are integral to the culture of Lea Manor and every aspect of the school's work. This policy supports this commitment to safeguarding and should be read in conjunction with other school policies as appropriate.

It is every person's responsibility to safeguard and promote the welfare of children and it remains a paramount concern of all who work in and who are part of the Lea Manor community.

### 2. RSE is essential for the following reasons:

- Children and young people have a right to good quality education, as set out in the United Nations Convention on the Rights of the Child.
- Children and young people want to be prepared for the physical and emotional changes they undergo at puberty, and young people want to learn about relationships. Older students frequently say that relationships and sex education was 'too little, too late and too biological'. Ofsted reinforced this in their 2013 'Not Yet Good Enough' report.
- RSE plays a vital part in meeting schools' safeguarding obligations. Ofsted is clear that schools must have a preventative programme that enables students to learn about safety and risks involved in relationships.

- Schools maintain a statutory obligation under the Children Act (2004) to promote their students' wellbeing, and under the Education Act (1996) to prepare children and young people for the challenges, opportunities and responsibilities of adult life. A comprehensive RSE programme can have a positive impact on students' health and wellbeing and their ability to achieve, and can play a crucial part in meeting these obligations.

This policy was developed in response to Sex and Relationship Education Guidance DfES 2000 and The Children and Social Work Act 2017, National Teenage Pregnancy Strategy, PSHE Association guidance and the National Healthy Schools Programme and the House of Commons Briefing Paper 'Sex and Relationships Education in Schools' (England) by Robert Long,

The Children and Social Work Act 2017 identifies that RSE should focus on:

- different types of relationships, including friendships, family relationships, dealing with strangers and intimate relationships;
- how to recognise, understand and build healthy relationships, including self-respect and respect for others, commitment, tolerance, boundaries and consent, and how to manage conflict, and also how to recognise unhealthy relationships;
- how relationships may affect health and wellbeing, including mental health;
- healthy relationships and safety online
- factual knowledge around sex, sexual health and sexuality, set firmly within the context of relationships.

#### A Definition of Relationships and Sex Education (RSE)

RSE is lifelong learning about physical, moral and emotional development. It is about the understanding of the importance of establishing and keeping happy and healthy relationships with others; the importance of family life and the acceptance of differing family structures and networks; and how to establish stable and loving partnerships based on mutual respect, love and care. It is also about the teaching of sex, sexuality, and sexual health within the context of parts of relationships.

RSE has three main elements:

#### Attitudes and Values

- Learning the importance of values and individual conscience and moral considerations
- Learning the value of commitment, family life, marriage, partnerships, civil partnerships and stable loving relationships for the nurture of children
- Learning the value of respect, love and care within a Christian framework
- Exploring, considering and understanding moral dilemmas (from a variety of faith and non-faith viewpoints)
- Developing critical thinking as part of informed decision-making
- Challenging myths, misconceptions and false assumptions about normal behaviour

#### Personal and Social Skills

- Learning to manage emotions and relationships confidently and sensitively
- Developing self-respect, respect for others 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
- Learning how to recognise and avoid exploitation and abuse
- Empower students with the skills to be able to avoid inappropriate pressures or advances (both as exploited or exploiter)

#### Knowledge and Understanding

- Learning and understanding physical development and emotional expression at appropriate stages
- Understanding human sexuality, reproduction, sexual health, emotions and relationships
- Learning the reasons for delaying sexual activity, and the benefits to be gained from such delay
- Learning about contraception and the range of local and national sexual health advice, contraception and support services
- Empowering students to make informed choices about their involvement in sexual activity. These are based on a full awareness of both knowledge and consequence of actions including the emotional aspects of sexual activity
- Learning about the law and legal responsibilities relating to sexual matters
- Understanding the moral responsibilities associated with relationships, including those that become / are intimate and the avoidance of unplanned pregnancy

### 3. Aims of RSE

- To inform and help students move towards a mature understanding of the responsibilities involved with regard to their relationships with others, including sexual behaviour
- To teach students how to respect and value each other as well as self-respect and dignity
- To enable students to take responsibility for their sexual behaviour with due regard to moral considerations and the value of family life by providing a basis for informed decision-making
- Develop positive values and a moral framework that will guide their decisions, judgements and behaviour; have the confidence and self-esteem to value themselves and others and respect for individual conscience and the skills to judge what kind of relationship they want.

- Understand the consequences of their actions and behave responsibly within sexual and pastoral relationships.
- Avoid being exploited or exploiting others or being pressured into unwanted or unprotected sex
- Communicate effectively by developing appropriate terminology for sex and relationship issues
- Develop awareness of their sexuality and understand human sexuality; challenge sexism, homophobia, transphobia, biphobia and prejudice, and promote equality and diversity
- Understand the arguments for delaying sexual activity
- Have sufficient information and skills to protect themselves and, where they have a sexual relationship, their partner from uninvited/unwanted conceptions and sexually transmitted infections including HIV
- Be aware of sources of advice and support the skills and confidence to access confidential health advice, support and treatment if necessary
- Know how the law applies to sexual relationships inclusive of sexual assault, rape and child sexual exploitation (CSE) legislation

Effective relationships and sex education does not encourage early sexual experimentation. It should teach young people to understand what constitutes a healthy relationship and how to look after their mental health and well-being when involved in relationships whether at home, school or intimate so that they respect themselves and others. RSE encourages self-esteem and self-respect. It enables young people to mature, build up their confidence and understand the reasons for delaying sexual activity and avoiding unplanned pregnancies and undue risks to sexual health. It builds up knowledge and skills, which are particularly important today because of the many different and conflicting pressures on young people.

#### **4. Teaching and Learning**

##### **4.1 Where RSE is taught**

Much of the Relationship and Sex Education at Lea Manor takes place within PSHCE, Science and Religious Education lessons. PSHCE staff will be trained by the Schools Nurse and Courses run by the local authority to deliver the PSHCE Curriculum. There are occasions where PSHCE teachers seek support from professionals and outside agencies including the school nurses, Children's Centre and Family Support Workers where appropriate.

RSE lessons are set within the wider context of the PSHCE curriculum and focus more on the emotional aspects of development and relationships, although the physical aspects of puberty and reproduction are also included.

The Science national curriculum is delivered by staff in Science lessons. These lessons are more concerned with the physical aspects of development and reproduction, although the importance of relationships is not forgotten.

The PSHCE Programme, Religious Studies and Science national curriculum is taught in every year group in each of years 7-11.

#### **4.2 How RSE is taught**

RSE may consider questions or issues that some students will find sensitive. PSHCE teachers will have received training, resources and support in delivering RSE and they will establish clear parameters of what is appropriate and inappropriate in a whole class setting.

It will be a matter of common practice that:

- No-one (teacher or student) will have to answer a personal question
- No-one will be forced to take part in a discussion
- The correct names for body parts will be used all of the time
- Sensitivity will be shown towards those of particular faith backgrounds and who are LGBT
- Nothing should be said that could be construed as embarrassing or offensive to other students

If a question is too personal, the student will be reminded of the ground rules. The student will be sanctioned if the behaviour is deemed to be intentionally disrespectful. If a question is too explicit, seems too old for the student, is inappropriate for the whole class or raises concerns about sexual abuse, it will not be answered in front of the whole class. The member of staff will discuss their concerns with a DSP, as appropriate. In cases of concern over sexual abuse, the school child protection procedures will be followed.

It is natural for caring adults to want to protect children and young people from information, attitudes and lifestyles which they themselves find distasteful. It is important however, to recognise the power and confusion of informal learning from, for example, television, magazines, newspapers, gossip, jokes and the wider community. Teachers can do much to dispel myths, reduce fear and anxiety, clarify understanding and counteract prejudice.

#### **4.3 Learning Outcomes for RSE taught in Religious Studies**

Religious Studies contributes to RSE by explicitly teaching about the beliefs of different faiths in relation to:

- The value of marriage
- Sexuality including homosexuality and bi-sexuality · Prejudice and discrimination · Abortion and contraception.
- Issues such as arranged marriages
- Other religious attitudes to sex, marriage, relationships and contraception

Other subjects have a contribution as topics may arise naturally.

All teachers are expected to deal with questions relating to RSE objectively and in the context of the beliefs of different faiths where questions arise in the context of any subject lesson, and to offer factual, balanced information acknowledging any ethical issues involved. Further guidance is available to staff involved in teaching RSE (see Appendix 1). The content of RSE, resources and the stage at which topics are taught are reviewed regularly, and are subject to the statutory requirements of the National Curriculum.

All topics are approached in order to take account of the needs, ages, physical and emotional development of the students as well as to ensure that students have the knowledge and understanding in which to answer GCSE and A-Level questions.

#### **4.4 Learning Outcomes for RSE taught within PSHCE, RS and Science**

The following statements are offered as illustration of learning outcomes for RSE for each key stage. They give a basis for planning work to develop knowledge and understanding, values and attitudes and personal skills in RSE. They draw on DfE and other guidance on RSE and they reflect elements of the statutory framework for PSHEE. Those statements marked with an asterisk are part of the National Curriculum Science requirements.

### **5. Key Stage Development**

#### **5.1 By the end of Key Stage 3**

Students will be able to:

- Manage changing relationships
- Recognise risk of personal safety in sexual behaviour and be able to make safe decisions
- Identify what CSE is and signs of exploitation
- Ask for help and support
- Explain the relationship between their self-esteem and how they see themselves as well as self-respect and personal dignity

- Develop skills of assertiveness in order to resist peer pressure and stereotyping
- See the complexity of moral, social and cultural issues and be able to form a view of their own
- Develop good interpersonal skills to sustain existing relationships as they grow and change, and to help them make new relationships
- Be tolerant and respectful of the diversity of personal, social and sexual preference in relationships
- Develop sympathy with the core values of family life in all its variety of forms
- Recognise the need for commitment, trust and love in meaningful relationships which may manifest themselves in a variety of forms, including marriage or civil partnerships
- Recognise the stages of emotions in relation to loss and change caused by divorce, separation and new family members and how to manage their feelings positively
- Recognise adult and teen domestic violence

Students will know and understand:

- That fertilisation in humans is the fusion of a male and female cell\*
- The physical and emotional changes that take place during puberty\*
- About the human reproductive system, including the menstrual cycle and fertilisation\*
- How the foetus develops in the uterus\*
- How the media influence understanding and attitude toward sexual health
- How good relationships can promote mental well being
- The law relating to the sexual behaviour of young people inclusive of sexual assault, rape, CSE including treatment of girls in some gang cultures
- The different types of contraception and the advantages and disadvantages of each
- Consequences of unprotected sex and the impact this can have on the body and wellbeing
- Where to go for help and advice
- The different types of domestic violence, where to go for help and the impact it has on relationships
- The different forms of CSE and where to go for help and the impact this has on relationships

Students will have considered:

- The benefits of sexual behaviour within a committed relationship
- How they see themselves affects their self-confidence and behaviour
- The importance of respecting differences in relation to gender and sexuality
- How it feels to be discriminated against
- The issues relating to early sexual activity

- The unacceptability of prejudice and homophobic bullying
- What rights and responsibilities mean in a relationship
- The unacceptability of sexism and objectification of different sexes

## **5.2 By the end of Key Stage 4**

Students will be able to:

- Recognise the influences and pressures around sexual behaviour and respond appropriately and confidently seek medical advice
- Manage emotions associated with changing relationships with parents/carers and friends
- See both sides of an arguments and express and justify personal opinion
- Have the determination to stand up for their beliefs and values
- Make informed choices about their lifestyle which promotes personal well-being
- Have the confidence to assert themselves and challenge inappropriate behaviour
- Develop qualities of empathy and sympathy and the ability to respond emotionally to the range and depth of feelings within close relationships
- Work cooperatively with a range of people who are different from themselves ·  
Recognise adult and teen domestic violence

Students will know and understand:

- The way in which hormone control occurs, including the effects of sex hormones,\* some medical uses of hormones, including the control and promotion of fertility\*
- How sex is determined in humans\*
- Self-image and sexual identity
- The risks of early sexual activity and the links to alcohol
- Impact of alcohol on the decision making processes
- How the different forms of contraception work and where to get advice
- The law in relation to sexual activity for young people and adults
- How their own identity is influenced by their personal values and those of their family and society
- How to respond appropriately within a range of social relationships
- How to access agencies which support relationships in crisis
- The qualities of good parenting and its value to family life
- The benefits of marriage or a stable partnership in raising children
- The way different forms of relationship, including marriage and civil partnership, depend on maturity and commitment
- The different types of domestic violence, where to go for help and the impact it has on relationships

- The impact of pornography on expectations relating to body image and sexual intercourse
- The unacceptability of prejudice and homophobic bullying
- What rights and responsibilities mean in a relationship
- The unacceptability of sexism and objectification of different sexes

Students will have considered:

- Their developing sense of sexual identity and how to feel confident and comfortable with it
- How personal, family and social values influence behaviour
- The arguments around moral issues such as abortion, contraception and the age of consent
- The individual contributions made by partners in a sustained relationship and how these can be of benefit to both
- The impact of having children on their lives and the lives of others

## 6. **The RSE curriculum**

- will ensure that a programme exists that delivers effectively all aspects of health education in the (Science) National Curriculum at KS3 and KS4
- will provide students with accurate and up to date information
- will ensure that information is given in an unbiased and non-judgmental way
- will ensure that information given is appropriate to the age of the students involved, acknowledging that young people shouldn't feel pressure to engage in sexual activity
- will support students with appropriate pastoral care
- recognises the vital role and shared responsibility of parents/carers and guardians in this area of students' education
- will provide a forum in which students can discuss with each other, staff and outside agencies the different aspects of health related issues in an open and frank atmosphere
- will arrange for suitable outside speakers to address students where practicable
- will use PSHCE to address those areas of Relationships and Sex Education that are best suited to that environment
- will ensure a dialogue is open with parents/carers regarding the provision of relationships and sex education.

Activities focusing on health and sex education will be publicised to parents/carers via letters, email and other forms of home school communication as appropriate and will canvass the opinions of students regarding the effectiveness of the provision of health and sex education. Lea Manor will use a range of strategies eg., leaflets, posters, advice services, school staff to signpost students towards selected reputable agencies. Lea Manor will use external agencies to support high quality and specialist provision of RSE as required; and will monitor delivery to ensure that student entitlement is met uniformly, offering Inset to staff members to help them to achieve this

## **7. Inclusion**

### **7.1 Inclusion: Ethnic and Cultural Groups**

Governors intend our Policy to be sensitive to the needs of different ethnic groups. For some young people it is not culturally appropriate for them to be taught specific particular items in mixed groups. The School will respond to parent/carers requests and concerns.

### **7.2 Inclusion: Students with Special Needs**

In planning RSE for students with SEND, our teachers consider a range of responses. For example: Additional support given by staff; Activities may be differentiated or adapted; Programme aspects may need to be emphasised or expanded; Revisiting knowledge and skills in different contexts;

### **7.3 Inclusion: Sexual Identity and Sexual Orientation**

The School is committed to dealing sensitively and honestly with issues of sexual orientation, answering appropriate question and offering support. Young people, whatever their developing sexuality, need to feel that relationships and sex education is relevant to them.

### **7.4 The Role of Parents/Carers**

Parents/carers are key partners with the school in preparing their students for sexual maturity. The School's teaching is complementary and supportive. Parents/carers have the right to withdraw students from Sex Education (1993 Education Act - Section 24 (I)), except where it forms part of the National Curriculum Science Orders. We believe that communication with parents/carers and consultation when appropriate should take place. If parents/carers wish to invoke their right to withdraw their child from RSE this should be communicated to the Head Teacher, in writing, stating clearly the reasons for such a request.

Parents/carers are encouraged to discuss their decisions with staff at the earliest opportunity.

### **7.5 Confidentiality, Controversial and Sensitive Issues**

Members of school staff cannot offer unconditional confidentiality to students when discussing matters related to sex and relationships education. Members of school staff however, are not legally bound to inform parents/carers if a student is having a sexual relationship under the age of 16 unless they deem the student is not Fraser Competent\*. (\*see Appendix 2 for definition)

In a case where a member of staff learns from an under 16 year old that they are having or contemplating sexual intercourse:

- The young person will be advised, wherever possible, to talk to parent/carer and if necessary to seek medical advice
- Child protection issues will be considered, and referred if necessary to the Designated Senior Person (DSP) responsible for Child Protection under the School's procedures
- The young person will be properly counselled about contraception, including precise information about where young people can access contraception and advice services

In any case where child protection procedures are followed, the member of staff will ensure that the young person understands that confidentiality cannot be promised and that they will refer immediately to the DSP.

## **8 Monitoring and Evaluation of Relationship and Sex Education**

It is the responsibility of the PSHE Lead to oversee and organise the monitoring and evaluation of PSHCE, in the context of the overall school plans for monitoring the quality of teaching and learning which will include responsibility for RSE. The PSHCE programme will be treated as a subject area in this exercise, under which all teaching and learning areas undertake self-evaluation and monitoring.

The Governors are responsible for overseeing, reviewing and organising the revision of the Relationship and Sex Education Policy.

Ofsted is required to evaluate and report on PSHCE and spiritual, moral, social and cultural (SMSC) development of students. This includes evaluating and commenting on the School's Relationship and Sex Education Policy, and on support and staff development, training and delivery.

## 9 Appendices

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This Policy should be read in conjunction with the following School policies:

- Curriculum Policy
- Safeguarding Policy
- Health & Safety Policy

## **APPENDIX 1**

RSE: Guidance for Members of Staff

General principles in RSE teaching

As professionals we believe that our teaching about RSE should be based on the following principles.

1. We dispel misinformation and myth
2. The emotional issues are identified and explored
3. Wherever and whenever it occurs, that any form of prejudice is challenged
4. Physiological and other factual information is given regarding health implications
5. We identify for students the location and availability of further advice and information, including the school nurse and other outside agencies
6. Relevant cross curricular links are identified and utilised
7. All of the above is set in the wider context of the students' moral and ethical development

How sensitive issues are dealt with, in terms of the teacher style and teaching and learning methods used are crucial. Avoiding sensitive or controversial issues does not make them go away, and leaves children and young people confused and at risk. Such issues need to be presented in a broad and balanced way, free from sensationalism and personal bias, and sensitively pitched to the level of students' needs and experience. If staff are unable to respond to particular issues it is essential that referral be made to the Inclusion Co-ordinator for further advice.

Teachers will need to establish specific 'ground rules'. These will help create a supportive climate for discussion and a group that is more willing to demonstrate trust and confidentiality, respect of privacy and the 'right to pass'. Sensitivity to religious beliefs will be an essential dimension and staff will need to maintain an awareness of the sensitivity that many issues will have for some students from different faiths.

As professionals and caring adults, we are naturally concerned about the moral values of our students. We believe that the best way to influence this is by example, not by exhortation, and by reasoned discussion and values clarification, not by instruction.

We cannot force or oblige people to 'be good'. Whilst we must acknowledge that young people will develop their own morality it is our responsibility to ensure that can do this with reference to Christian values. They will test their core values and beliefs against their experience. By this process they develop, own and implement their personal moral code. At St Mary's contentious issues are tackled with reference to Christian and other faith/non faith beliefs and practice.

A broad programme of RSE will respect individual differences - inspired by cultural, religious, and familial background - and it will see to promote those values which are common to all faiths and societies with a respect for human life and dignity

### **Confidentiality**

Teachers may not give advice to individual students on contraception issues or personal problems. However, they may give information on where such advice or factual information can be obtained - for instance the school nurse. Teachers or other members of staff must not collude with a student by agreeing not to tell parents/carers or another colleague. All staff also need to be aware of the law regarding age of consent but also be aware of Fraser Competency (see Appendix 2) in regard to issues of confidentiality, reporting and referral.

The school has trained Child Protection Officers with whom appointments can be made to seek advice or help. The child should be told that there might be a need for appropriate action (e.g., in the case of a disclosure about sexual abuse), which will necessarily involve other relevant adults/agencies being informed. Trust can be maintained by reassuring the child, explaining at each stage what if anything must be done next and that nothing will be done without his/her knowledge. Generally personal information should be passed on in the interests of the wellbeing of the child concerned, on a need to know basis (refer to the Child Protection Policy for further guidance).

### **Contraception**

Teachers and members of school staff may give information about contraception without parental/carer consent but not personal advice to individual students under 16 years, the legal age of consent. Teachers and members of staff must advise students to seek advice from parents/carers and/or medical practitioners.

It is important that teachers are able to clarify students' understanding in a manner related to their age and experience. It is also recognised that students need to assimilate knowledge and understanding of contraception sometime before it is needed - hence the value of a 'spiral curriculum' when issues are approached each year in different ways and with increasing complexity. Young people need to learn to talk easily about contraception long before they may need to use it.

### **Sexually Transmitted Infections**

The increasing risk of sexually transmitted infections has made it more important to raise these issues with students. This will include HIV and AIDS, chlamydia and other STIs. The importance of prevention is recognised within the Key Stage 3 Science Curriculum.

Attention is given to the forms of sexual and other behaviours which carry a higher risk of infection, how to recognise STIs and advice about ways in which risks may be avoided or lessened. How to practice safer sex is therefore an essential element in teaching students about their sexual health.

### **Same Sex Partnerships**

Society is increasingly recognising the status and value of same sex partnerships. With these partnerships being recognised legally, it is important that this aspect of sex and relationships education is recognised at Lea Manor.

As caring members of staff, we must always challenge prejudice and discrimination and support the development of self-esteem and a sense of responsibility in every student. This is a challenging task but one that can lead to more widespread sexual maturity and understanding.

Section 28 of the Local Government Act 1988, which prohibits the promotion of homosexuality, does not apply to schools. It does not prevent the objective discussion of homosexuality in the classroom.

### **Abortion**

Students need to be presented with a balanced view that respects a range of religious and non-religious values and beliefs. It is, however, important that abortion is not taught as a method of contraception. Students need to be provided with the opportunity to distinguish between fact and opinion, to recognise the different views and opinions about abortion, and to establish their own views within the context of differing religious beliefs and practice.

### **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 seem to neglect the needs of children and young people.

For all staff there are two dimensions:

1. Teaching for prevention, i.e., the promotion of self-esteem, the skills of assertiveness (e.g. ability to say 'No') lack of guilt or embarrassment about sexual matters and skills of self-expression including appropriate language and understanding.
2. Recognising signs of sexual bullying and abuse - physical, emotional and social. The class teacher or form tutor is able to play a significant part in the early detection of bullying

and abuse. It is essential that correct procedures are followed as outlined in 'Working Together For Child Protection', a copy of which is with the Designated Child Protection Officers.

3. School-based staff should immediately inform the Head Teacher/designated teacher.
4. Head Teacher/designated staff must inform/consult with Social Services
5. No teachers should take on the role of Investigator. This is the responsibility of Social Services and the police.

School staff should observe the following:

- Give the child time to talk, but do not probe
- Record exactly what the child says  Do not promise to keep secrets; state you may have to talk to someone else

School staff who, with ease and comfort, engage in sex education may demonstrate to students that they are adults who can be confided in. The inability of 'victims' to discuss their anguish is well documented.

## **APPENDIX 2**

### A Summary of the Law on Sexual Behaviour

The following is a summary of the main sexual offences in England

#### Unlawful Sexual Intercourse – Fraser Competency

It is an offence for a male to have sexual intercourse with a girl under the age of 16. Under The Fraser Competency, new guidelines / laws stipulate that:

- Sexual intercourse that occurs under the age of 13, or between people of any age with severe learning difficulties, is considered a Child Protection issue and must be reported immediately to the Child Protection Officers
- Sexual intercourse that occurs between the ages of 13 – 16 can be reported at the discretion of the adult. Guidance stipulates that if a child is ‘not competent’ (e.g drunk; under the influence of alcohol or drugs) then a referral must be made to the Child Protection Officers at once

In 2003 The House of Lords has ruled that young people who are under the age of 16 are competent to give valid consent to a particular intervention if they have sufficient understanding and intelligence to enable them to understand fully what is proposed and are capable of expressing their own wishes.

Additional advice can be sought from the Child Protection Officers; Head Teacher; school nurse; or community police.

#### **Incest**

It is an offence for a man to have sexual intercourse with a woman whom he knows to be his granddaughter, daughter, sister or mother. It is an offence for a woman of the age of 16 or

over to permit a man whom she knows to be her grandfather, father, brother or son to have sexual intercourse with her by consent.

### **Rape**

Rape is an offence. A person commits rape if i) They have unlawful sexual intercourse with another individual who at the time of the intercourse does not consent to it, and ii) At the time they know that the other person does not consent to the intercourse or they are reckless as to whether the person consents.

If a student discloses that they have been raped a referral must be made to the Child Protection Officers at once. The Designated Child Protection Officer must then initiate a Child Protection Referral, along with a Police Referral.

### **Indecent Assault**

A child under the age of 16 cannot in law give any consent which would prevent an act from being an indecent assault. Both boys and girls over 16 can give consent but, in the case of a girl, that consent can be vitiated in certain circumstances (i.e., when there is fraud as to the nature of the act). An assault need not be physical but may consist merely of conduct which causes the victim to apprehend immediate personal violence. The assault must be capable of being considered by right-minded persons as indecent.

### **Acts of Indecency**

It is an offence if a person commits an act of gross indecency with or towards a child under the age of 14. This encompasses conduct of an indecent nature which falls short of assault.

### **Homosexual Age Of Consent**

Under the 2003 Sexual Offences Act is an offence to commit buggery with any person under the age of 16. This Act sought to remove any legal distinction in the criminal law between heterosexual and homosexual activity. All sexual activity with under 16s, whether homosexual or heterosexual, is now covered by the same laws.

### APPENDIX 3

#### Sexual Offences Act 2003: Key Messages from Teenage Pregnancy Unit

In England and Wales, the law on Sexual Offences has been updated. Under this Law, the legal age for young people to consent to have sex is still 16, whether one is heterosexual /gay/lesbian or bisexual.

The aim of the law is to protect the safety and rights of young people and make it easier to prosecute people who pressure or force others into having sex they don't want. Forcing someone to have sex is a crime.

Although the age of consent remains at 16, it is not intended that the law should be used to prosecute mutually agreed teenage sexual activity between two young people of a similar age, unless it involved abuse or exploitation.

Under the Sexual Offences Act a young person still has the right to confidential advice on contraception, condoms, pregnancy and abortion, even if they are under 16.

The Sexual Offences Act 2003 received Royal Assent on Thursday 20 November and became law in May 2004.

Does the Sexual Offences Act 2003 allow health professionals and others working with young people to provide confidential sexual health advice and treatment?

Yes. Government has committed to ensure the Act will not prevent the provision of confidential advice and treatment to young people under 16, including those under 13. In light of concerns that were raised about the implications of the Act for those who provide sexual health care and advice to young people, an exception has been introduced, in statute, to make it clear that a person does not commit an offence if he acts for the purpose of:

(a) Protecting the child from sexually transmitted infection, or (b) Protecting the physical safety of the child; or (c) Preventing the child from being pregnant, or (d) Promoting the child's emotional well-being by the giving of advice as long as he does not act for the purpose of causing or encouraging the activity constituting an offence or the child's participation in it. Nor does it apply if the person is acting for the purpose of obtaining sexual gratification.

The exception covers not only health professionals, but also anyone who acts to protect a child, for example teachers, Connexions Personal Advisers, teenage magazine advice columnists, parents, other relatives and friends.

Those providing contraceptive treatment to under 16's without parental consent will continue to assess competence on a case by case basis and work within the Fraser Competency. Further guidance is available within the Child Protection Policy.

**Can young people under 16 continue to seek contraceptive or sexual health advice in confidence?**

Yes. The Act does not change the fact that young people under 16, including those under 13, have the same right to confidentiality as adults.

Confidentiality can only be breached in exceptional circumstances where the health, safety or welfare of the young person or others would otherwise be at grave risk. The decision whether to breach confidentiality depends on the degree of current or likely harm, not solely on the age of the patient.

Does the Sexual Offences Act 2003 make it illegal for teenagers to engage in normal sexual activity?

The purpose behind the offences in the Act is to enable the prosecution of abusive and exploitative sexual activity. To achieve this the Act includes a number of offences that criminalise sexual activity between under 18's and under 16's. However, this will not lead to prosecution of mutually agreed sexual activity within normal adolescent behaviour, where there is no evidence of exploitation.

Guidance issued by the Director of Public Prosecutions to custody officers under the provisions in the Criminal Justice Bill will provide that the decision whether children under 18 should be charged with sex offences will be reserved for Crown Prosecutions, rather than the police. A charge will only be brought if it is in the public interest to do so. Revised Crown Prosecution Service guidance will make this clear.