

## ASSOCIATION OF TEACHERS AND LECTURERS

7 NORTHUMBERLAND STREET, LONDON WC2N 5RD TEL: 020-7930-6441 FAX: 020-7930-1359  
e-mail: info@atl.org.uk web site: http://www.atl.org.uk VAT REG NO 539 0866 17  
GENERAL SECRETARY Dr MARY BOUSTED B.A.(Hons) PhD



### ***DCSF Consultation on Sex and Relationships Education Guidance to Schools***

#### **Response from the Association of Teachers and Lecturers**

**April 2010**

ATL, as a leading education union, recognises the link between education policy and our members' conditions of employment. Our evidence-based policy making enables us to campaign and negotiate from a position of strength. We champion good practice and achieve better working lives for our members.

We support our members, as their careers develop, through first-rate research, advice, information and legal advice. Our 160,000 members – teachers, lecturers, headteachers and support staff – are empowered to get active locally and nationally. We are affiliated to the TUC, and work with government and employers by lobbying and through social partnership.

#### **ATL policy**

ATL believes that teachers as professionals must be recognised for their knowledge, expertise and judgement, at the level of the individual pupil and in articulating and implementing a shared understanding of the role of education in promoting co-operation, collaboration and community cohesion.

ATL fully supports initiatives aimed at tackling disadvantage and inequality in all their manifestations and particularly welcomes the *Every Child Matters* agenda as a vision and path towards greater equality, fairness and social justice in our society. Education is about meeting the needs of every child, supporting pupils' well-being and ensuring that all young people can achieve their potential, irrespective of their background. ATL is campaigning for education professionals to be properly supported and to be given the professional freedoms to continue to be at the centre of excellent teaching and learning for all.

#### **ATL response**

In preparation for the dissolution of Parliament due to the general election, the provisions to introduce compulsory PSHE education and to ensure that all young people will receive one year of compulsory sex and relationships education by lowering the age up to which parents or carers can withdraw their children from PSHE education from 19 to 15, have now been taken out of the Children, Schools and Families (CSF) Bill to ensure its passage through the remaining legislative stages.<sup>1</sup> ATL is extremely disappointed that the

opposition parties could not agree to these important provisions for the benefit of all our children and young people.

We welcomed the review of sex and relationships guidance for maintained schools in England and continue to believe that Personal, Social, Health and Economic (PSHE) education, which provides the framework for sex and relationships education (SRE), should be a statutory subject. We share the concerns noted by both Sir Alasdair Macdonald's independent review of PSHE and the Ofsted subject report on PSHE that the quality of PSHE education, including SRE, currently varies significantly between schools, in particular secondary schools, and that it often does not meet the needs of all children and young people.<sup>2</sup>

ATL believes that the significant variations in the quality of SRE and PSHE education are considerably due to the diversity of providers within our education system. We have argued elsewhere that the fragmentation of education opportunities for pupils does not necessarily provide a sound basis for the promotion of community cohesion, well-being, a shared understanding of our unity-in-diversity and a consensus around the importance of equality, empathy, care, acceptance of diversity, and mutual respect.<sup>3</sup>

The emphasis on the diversity of educational providers, often exhibiting a plurality of values, as a means to raise standards of pupil attainment, has led to the difficulty of providing strong and consistent guidance on contested areas of education for all educational institutions. ATL was very pleased that academies were proposed to be covered by the statutory requirements for PSHE education but we also note that these requirements, even under more favourable legislation, would not have applied to the independent sector. Equally, whilst we strongly welcome the acknowledgement of the distinctive role of the further education (FE) sector in providing sex and relationships education, we are concerned about proposals to develop separate guidance for post-16 provision. We consider this to be in stark contrast to the promotion of the 14-19 curriculum across secondary and further education.

ATL notes with great concern that the tensions arising from the value plurality among different providers are not resolved within the proposed guidance document. These tensions are most evident in the declaration of values said to underpin SRE. For example, the guidance document makes reference to SRE being factually accurate and evidence-based. This implies a distinction between information, generally in the form of data, medical facts and laws, and personal or cultural views and beliefs. However, the use of data invariably involves interpretation which cannot be divorced from perspectives and principles, and legislation itself, though appearing to be 'neutral', often reflects the dominant norms and values within a society. Similarly, the requirement to be sensitive to faith and cultural perspectives and the responsibility to promote equality, inclusion and acceptance of diversity may lead to a variety of interpretations and emphases and thus to a divergence of SRE practice among different providers.

Young people, parents, health practitioners and education professionals have long argued for an urgent review of SRE and PSHE education. The recommendations of both reviews have subsequently informed some of the

provisions within the Children, Schools and Families Bill. To have lost even the most tentative provisions for a broader, more balanced and more effective PSHE education, including SRE, is genuinely devastating and nothing less than a betrayal of the aspirations and life chances of our children and young people.

Within this context, ATL will limit its comments on the proposed SRE guidance to a few observations regarding the:

- importance of statutory PSHE education and better quality SRE;
- status of the proposed SRE guidance; and
- tension between facts and values within SRE and the views of young people on the subject.

We had originally intended to comment more widely and respond in far greater detail to a number of proposals within the guidance but feel that the radically altered nature of the CSF Bill now requires a return to the 'drawing board' on a range of key issues in relation to PSHE and SRE provision in schools. ATL is extremely dissatisfied with and saddened by this retrograde step.

### ***The Importance of PSHE Education and the need for better quality SRE***

ATL has already submitted a detailed response on the need to make PSHE education statutory and to improve the quality of SRE.<sup>4</sup> Before we offer our brief comments on the SRE guidance document, and in light of the changed legislative landscape, it is worth restating some of our earlier arguments.

ATL believes that PSHE education deals with a range of issues central to children and young people's well-being and is in many ways very closely related to the five outcomes of the *Every Child Matters* agenda. Making PSHE education statutory not only confirms the importance of *Every Child Matters* but may also be taken as a long overdue indication of a shift of emphasis within education policy-making away from the narrow confines and limitations of an emphasis on raising achievement and school league tables towards greater collaboration and a broader and more balanced education.

We have also argued that PSHE education is not simply an 'extra' subject, but that it is fundamentally about the central purpose of education and should be implemented as part of a whole-school approach with clear links to all pupils' well-being. A genuinely broad and balanced education helps children and young people to develop a nuanced and multi-faceted understanding of the world in which they live. It is not merely about pupils achieving individually but also about serving a profoundly social and moral purpose by developing and expressing a vision as well as a set of practices that define a free, equal and just society.<sup>5</sup> The status of PSHE education is an important reflection of our common perception of the central purpose of education.

Apart from the need for compulsory PSHE education, ATL continues to believe that there should be a purpose clause for PSHE education which acknowledges the central role of values. Effective SRE and PSHE education, in our view, is firmly embedded within a universal human rights framework, including the UN Convention of the Rights of the Child, and emphasises empathy, tolerance,

care and understanding, conflict resolution, collaborative and community working and mutual respect.<sup>6</sup> We also agree with the findings of the External Steering Group's review of SRE education that SRE should be taught within "a clear and explicit values framework of mutual respect, rights and responsibilities, gender equality and acceptance of diversity".<sup>7</sup> These values should form the core of a statement of purpose for PSHE education which includes SRE.

ATL wants the best SRE and PSHE education that meets the needs of all our children and young people. To improve the quality of SRE does not only require listening to the views of children and young people, many of whom consider SRE provision in their schools to be 'poor' or 'very poor', but it also requires sustained and long-term commitment, working with parents and the community, training and investment.<sup>8</sup>

We welcome the recommendations from review of SRE in schools that "new SRE guidance should be developed to focus more on relationships, take account of young people's views on what content they need and at what key stage; help schools to deliver SRE that is inclusive and relevant to all young people, including young people with disabilities, lesbian, gay, bisexual and transgender (LGBT) young people and which take account of young people's ethnic and faith backgrounds."<sup>9</sup>

It is vital, therefore, that apart from a commitment to the universal human rights framework, including the UN Convention on the Rights of the Child which would lend support to comprehensive sex education, there should be no dominance of any particular set of cultural values or beliefs in pupils' statutory entitlement to SRE and PSHE education. In recognition of this requirement, ATL has proposed that Local Authorities (LAs) should assume a central function in overseeing and guiding the implementation of pupils' core curricular entitlement to SRE and PSHE education. This would naturally include the strategic role of LAs in providing guidance and co-ordinated support for schools with SRE, including through dedicated SRE and PSHE advisors.<sup>10</sup>

ATL agrees that school's governing bodies should retain the duty to publish school's policies on sex and relationships education, but this duty, in our view, should only extend to determining *how* not whether a school delivers SRE, and we would expect governing bodies to consult fully with education professionals as well as with LAs, pupils, parents/carers, and, where appropriate, with accredited external professionals and agencies who can support schools' delivery of SRE.<sup>11</sup>

ATL has expressed concerns over the comprehensive devolution of responsibility for SRE towards individual schools and the fact that LAs have currently no duties with regard to SRE. Whilst this may support arguments in favour of respect for parental wishes and the recognition of diversity, it detracts from the de facto increase in centralised control over education policy and practice.<sup>12</sup>

### ***The status of the proposed SRE guidance***

Following the reviews of SRE and PSHE education, the Government committed itself to producing SRE guidance for schools in order to improve the delivery of SRE. Such guidance is closely related to the legal requirements on schools in respect of SRE. With the scrapping of legal provisions to introduce PSHE as a compulsory subject, the proposed guidance will be even less effective than if it had been published as 'good practice' guidance to support more favourable legislation around the status of SRE and PSHE education.

As it now stands, the legislative context of this guidance document remains unchanged, and we will therefore restrict ourselves to making some observations about the difficulties with the existing legal position on SRE. Amongst these are a disproportionate emphasis on health (Education Act 2002) and on the protection of pupils from "teaching and materials which are inappropriate having regard to the age and the religious and cultural background of pupils concerned" (Learning and Skills Act 2000).

ATL agrees that there are important links between health, well-being and achievement, and we fully support any initiatives that can achieve positive health and education outcomes for all children and young people. Whilst an emphasis on health is a vital ingredient of any effective delivery of SRE and PSHE education, ATL also believes that the range of challenges to be addressed through these subjects requires a more extensive and differentiated understanding of well-being which is not exclusively defined through health only.<sup>13</sup>

A disproportionate emphasis on health in SRE and PSHE education encourages a weighting of these areas of learning towards information-giving rather than enabling pupils to take an overview of, discuss and reflect on the whole range of views and values that may directly or indirectly affect their lives.<sup>14</sup>

At the same time, the legal requirement on schools to provide information about HIV/AIDS and other sexually transmitted infections (STIs), for example, encourages a dominant notion of young people's sexuality that is risky and should be delayed or discouraged until a later time. When taken together with the legal provision of the right to parental withdrawal, which suggests that SRE might be encouraging children to become (inappropriately) sexually active, the legislation is neither morally neutral in its approach to SRE, nor does it respect young people as individuals or prepare them for the responsible exercise of their right to sexual decision-making.<sup>15</sup>

Furthermore, the existing legal requirement on headteachers and governing bodies to ensure "that pupils learn of the nature of marriage and its importance for family life and the bringing up of children", and that they are protected from unsuitable teaching and materials has echoes of the infamous Section 28 of the Local Government Act 1988 which prohibited the promotion of the "teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship".<sup>16</sup> Without a legal revision, as originally proposed by the CSF Bill, this legal requirement conflicts with the school's duty to prevent all forms of bullying, ensure the safety and to promote the well-being of all pupils, including lesbian, gay, bisexual and trans (LGBT) pupils.

We agree with the principle in the SRE guidance document that SRE should “promote strong and stable relationships”. Within this context, children and young people should be taught about the merits of marriage, civil partnerships and other forms of strong and stable family relationships without privileging one particular form over another. ATL believes that it would be helpful if the legal context of SRE could reflect such an emphasis on strong and stable relationships.

A statutory entitlement to PSHE based on the three principles of delivery provided for by the CSF Bill, including the manner of provision of SRE, in our view, together with guidance for SRE, could have gone some way towards providing a remedy for this situation. This would have benefitted even further from the incorporation of a strong statement of values or purpose clause for PSHE education. ATL understands that an irreconcilable conflict of values has led to the abandonment of the reforms of SRE and PSHE education. This, in our view, reinforces the need to address and resolve the existing tension between ‘facts’ and values within current SRE and PSHE provision.

### ***The tension between facts and values within SRE and the view of young people***

In 2007, the UK Youth Parliament received more than 20,000 responses to a survey of young people under the age of 18 on the quality of SRE in their schools. The survey findings showed that a majority of children and young people considered their SRE as being “too little, too late, too biological” and with little, if any, information on relationships.<sup>17</sup>

With regard to teenage pregnancies, whose reduction has been a core Government target, respondents to the SRE survey stated that although they had learnt “how having a baby could impact upon their lives”, they had little understanding of the different stages of pregnancy or “the impact that pregnancy could have upon their bodies”.<sup>18</sup> This reflects a value-based decision among education policy-makers, preoccupied with raising achievement and reducing the numbers of young people not in education, employment or training (NEET), to problematise teenage pregnancies as ‘deviant’ rather than ensuring, for example, that pregnant teenagers are properly supported through their education.<sup>19</sup>

The Children’s Society recently released a report which made the pertinent observation that in order to develop a better understanding of young people’s well-being, we need to take into account the perspectives of young people themselves. The report also highlighted the “significance of a sense of freedom, choice and autonomy for young people”.<sup>20</sup>

ATL is concerned that current SRE provision is almost diametrically opposed to these findings. We believe that this is in large part due to a false dichotomy between ‘facts’ and ‘values’ which presents SRE provision as morally neutral when it is really underpinned by a clearly identifiable set of attitudes and values.

This set of values manifests itself, for example, in the notion that young people's sexuality is risky and leads to undesirable outcomes. It is also expressed in the dominance of a heterosexist discourse within SRE which assumes heterosexuality as the norm and effectively renders the needs of LGBT pupils invisible. Finally, the overriding concern with the family as the main prism through which any concept of the social good must be accessed is another indication of a set of values rather than facts determining the structure and contents of SRE provision.<sup>21</sup>

Similarly, there is a trend within current SRE provision to represent individual qualities such as empathy and the 'managing of emotions' as skills and therefore as being closer to a notion of factual rather than value-based SRE provision. However, the scope and nature of 'managing emotions' requires a value-based judgement of appropriate standards on behalf of those who deliver SRE in the absence of clear guidance that would ensure consistency of SRE provision across different settings.

ATL also believes that a disproportionate emphasis within current SRE on information-giving, together with a pastoral approach towards pupils 'in need', suggests an individuation of wider social problems. For example, pupils who are the recipients of homophobic bullying and abuse might be referred to appropriate sources of support, but this would not neither address the sources of homophobic bullying, including of pupils who do not conform to dominant gender stereotypes, nor question any social values that might be endemic within the school or community. At present, SRE provision is largely silent on the structural inequalities within our society and how these impact on the well-being of different groups of children and young people.

At the same time, ATL remains concerned that far too much weight is given to the views of parents and carers as opposed to children and young people when it comes to the provision of SRE. The UK Youth Parliament, for example, recommends that SRE should be an entitlement for all children and young people and that parents should not be able to withdraw their children from SRE.<sup>22</sup>

The parental right of withdrawal reinforces the unconfirmed (values-based) perception that SRE 'corrupts' children's innocence and encourages children and young people to become sexually active at an earlier age with devastating consequences for their health and well-being. However, as the guidance document itself states, effective SRE provision has been shown to be linked to better sexual health in later life.<sup>23</sup>

Despite many encouraging and very useful sections in the proposed SRE guidance, ATL notes that this document remains largely silent on how respect for cultural differences and local values should be reconciled in practice with the promotion of equality and meeting the needs of all pupils. In the absence of legislation which makes it a principle of PSHE education, and by implication of SRE, to promote equality, encourage the acceptance of diversity and emphasise the importance of both rights and responsibilities, we do not believe that the proposed SRE guidance will be in a position to even begin to address the most difficult conflict of all within SRE education; i.e. the conflict arising from the plurality of values.

ATL hopes that following the general election, the new Government will make it a priority to address and legislate appropriately for this most important area of children's and young people's education.

**Association of Teachers and Lecturers**  
**Education Policy and Research Department**  
**7 Northumberland Street**  
**London WC2N 5RD**

## **ENDNOTES:**

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<sup>1</sup> DCSF Statement on the Children, Schools and Families Bill, 7<sup>th</sup> April 2010.

<sup>2</sup> A. MacDonald, *Independent Review of the proposal to make Personal, Social, Health and Economic (PSHE) education statutory*, (2009), p.5 and Ofsted, *Time for Change- Personal, social and health education*, (2007), pp.2-3.

<sup>3</sup> ATL, *Faith Schools*, position statement, 2007.

<sup>4</sup> ATL, *Response to the DCSF/QCA Curriculum Consultation – Proposals to change PSHE education*, June 2009.

<sup>5</sup> ATL, *Sustainable Education: Review, Rethink, Reform*, position statement, 2009. Available at [www.atl.org.uk](http://www.atl.org.uk).

<sup>6</sup> ATL, *Sustainable Education: Review, Rethink, Reform*, position statement, 2009.

<sup>7</sup> Cf. External Steering Group, *Review of Sex and Relationships Education in Schools*, 2008.

<sup>8</sup> DCSF, *SRE Guidance to Schools*, consultation document, (2010), p.14.

<sup>9</sup> External Steering Group, *Review of Sex and Relationships Education in Schools*, 2008.

<sup>10</sup> DCSF, *SRE Guidance to Schools*, consultation document, (2010), p.49.

<sup>11</sup> PSHE Association, *Briefing on the Independent Review of the Proposal to make PSHE Education Statutory*.

<sup>12</sup> Cf. P. Alldred and M. David, *Get Real About Sex*, (Maidenhead: Open University Press, 2007), p. 45.

<sup>13</sup> G. Haydon, *The Importance of PSHE*, Impact No.10, Philosophy of Education Society of Great Britain, (2005), p.8.

<sup>14</sup> G. Haydon, *The Importance of PSHE*, p.31.

<sup>15</sup> P.Allred, *Get Real about Sex*, pp.39-40.

<sup>16</sup> Learning and Skills Act, (2000), Part V, para. 148 (4a-b) and Local Government Act (1988), Part IV, Section 28.

<sup>17</sup> UK Youth Parliament, *SRE: Are you Getting It?*, (2007), p.3.

<sup>18</sup> *Ibid.*, p.6.

<sup>19</sup> Barnardo's, *Not the End of the Story*, March (2010), p.4.

<sup>20</sup> The Children's Society, *Understanding children's well-being: A national survey of young people's well-being*, report summary, (2010), p. 3 and 7.

<sup>21</sup> P.Allred, *Get Real about Sex*, p.14.

<sup>22</sup> UK Youth Parliament, *SRE: Are you Getting It?*, (2007), p.8.

<sup>23</sup> DCSF, *SRE Guidance to Schools*, consultation document, (2010), p.13.