

# GWYNEDD COUNCIL



## Report to a meeting of Gwynedd Council

<b>Date of meeting:</b>	<b>25 August 2022</b>
<b>Title of Item:</b>	<b>Relationships and Sexuality Education Curriculum</b>
<b>Member:</b>	<b>Councillor Beca Brown</b>
<b>Contact Officer:</b>	<b>Garem Jackson, Head of Education / Iwan Evans, Head of Legal Services</b>

### BACKGROUND AND RATIONALE

- 1.1 The Relationships and Sexuality Education (RSE) curriculum will be implemented in Wales from September onwards.
- 1.2 Sex and Relationships Education' (SRE) will change to 'Relationships and Sexuality Education' (RSE) in the new curriculum. The change of title is deliberate – with a renewed focus on Relationships.
- 1.3 Parents have a central role to play in supporting their children. There is also a crucial role for schools - especially in a world where there is so much incorrect and misleading information and harmful materials, circulating online. RSE plays an important role for the safeguarding and protection of all learners in Wales.
- 1.4 The proposals have been consulted on extensively with the RSE draft Code subject to public consultation between the 21<sup>st</sup> May 2021 and the 12<sup>th</sup> July 2021. Details of the consultation and its findings can be found [here](#).
- 1.5 The Code has been developed by practitioners and is based on research and evidence. The Code and statutory guidance was published in January 2022 after the Senedd passed the RSE Code in December 2021.
- 1.6 RSE is a mandatory element of the Curriculum for Wales Framework and a curriculum must accord with the [RSE Code](#). This is statutory guidance for headteachers, governing bodies and LEA's. As such there is a legal expectation that it will be applied and implemented and anybody would need to have good and cogent reasons not to follow the guidance. Schools have a direct individual responsibility for implementation as corporate bodies in their own right.
- 1.7 The Act requires that the RSE schools provide must be developmentally appropriate for learners. This means schools must take account of a range of factors including the learner's age; knowledge and maturity; any additional learning needs and anticipating their physiological and emotional development. RSE must be developmentally appropriate for each learner, meaning that learners' needs of similar ages may differ.

- 1.8 There are legal requirements for Relationship and Sexuality Education to be developmentally appropriate, including the resources that schools will use to implement it.

Subjects such as online safety, consent and sexual health are all included in the Code, but at appropriate stages of development so that learners are not exposed to things that are not appropriate for their age and development.

- 1.9 Care has been taken to ensure that all learning within Relationship and Sexuality Education will be developmentally appropriate, and the teachers, stakeholders and professionals involved in its development have ensured that this is reflected in the Code.

- 1.8 Education about relationships in early development will focus on the building of self-esteem by encouraging learners to value themselves; recognise and communicate their feelings and form friendships.

- 1.9 For example, at age 5, children currently in the Foundation Phase learn about relationships with parents, family and friends - not romantic relationships. This will be mirrored in the new curriculum. The concept of general 'consent' will be introduced in early development and the learning is outlined in the RSE Code – 'an awareness of the need to seek agreement in order to share, for example toys. An awareness of everyone's right to privacy, personal boundaries'.

- 1.10 Up until the end of primary school children will learn about the following as set out in the RSE Code:

- Developing empathy and kindness through positive interactions.
- Promoting awareness that there are different types of families and relationships – and everyone is unique.
- Learning how human beings change as they grow.
- Recognising the importance of looking after yourself and personal hygiene.
- Learning the right words for all body parts.
- Knowing the benefits of asking for help and who to ask for help.
- Realising that everyone has a right to privacy and to understand the general idea of consent in everyday dealings with others.
- Being able to interact with others in a way that is fair and respectful to all.

- 1.11 The Children's Commissioner for Wales "strongly supports" the RSE proposals, stating that it will "give children and young people the understanding they need to make safe, informed choices". <https://www.childcomwales.org.uk/our-work/policy-positions/relationships-and-sexuality-education-rse/>

The NSPCC have described the new curriculum as a "game-changer" in helping to keep children safe. They also campaigned for the removal of the parental 'Right to withdrawal' because they believe all children should have access to information which keeps them safe and the NSPCC responded broadly positively to the consultation on this matter.

- 1.12 Support will be provided to Gwynedd schools in order for them to deliver the Relationships and Sexuality Education as stated in the Act and Code.

## LEGAL CONTEXT

- 2.1 In accordance with the Curriculum and Assessment (Wales) Act 2021 the requirement to present a Relationship and Sexuality Education Curriculum is a Statutory duty which falls on schools starting 1st September 2022 as the provisions come into force. The Relationship and Sexuality Education Code represents statutory guidance for schools regarding the implementation of the Curriculum as set out in part 1 of this report. In your role as a Local Education Authority one of your main responsibilities is to ensure that Gwynedd schools operate in accordance with their legal duties.
- 2.2 There are references to the Judicial Review case which has been taken by a group of parents against the Welsh Ministers regarding the RSE curriculum. Gwynedd Council is not a party to this case and we have no part to play in it. It will be up to the Welsh Government to deal with the outcome of the case whenever that may be and whatever the outcome. At the moment the claimants have received permission to make the application. That doesn't really predict the outcome of a full hearing. **In the meantime, the statutory requirements on our schools remain in force.** It is therefore not practical in a meaningful way to try to assess the risk associated with the possible outcomes of the case or possible steps to respond.
- 2.3 Part 1 of the report explains the nature and context of the curriculum and how it will be implemented in our schools. If the curriculum were to be modified or changed in the future, say due to the outcome of a court case, our schools would have to operate in accordance with the new requirements. However, our schools also have various wider duties in terms of the welfare and protection of children. Therefore, it is difficult to understand how it would be possible for a school which is being operated appropriately and in accordance with its legal duties could lead to the creation of a claim for compensation due to the content of their lessons

## APPENDIX:

- [RSE Code](#)

## ANY CONSULTATIONS UNDERTAKEN PRIOR TO RECOMMENDING THE DECISION

The RSE draft Code has been subject to public consultation between the 21<sup>st</sup> May 2021 and the 12<sup>th</sup> July 2021. Details of the consultation and its findings can be found [here](#).

## THE STATUTORY OFFICERS' OBSERVATIONS

### Monitoring Officer:

I have contributed to the report, no observations to add in relation to propriety.

**Chief Finance Officer**

Nothing to add from the perspective of financial propriety.