

Text of New Clause 20

New Part 4B: Personal, social and health education in maintained schools

1. General duty to provide personal, social and health education

(1) In section 84(3) of the Education Act 2002 (curriculum foundation subjects for the first, second and third key stages), after paragraph (g) there is inserted—

“(ga) personal, social and health education”

(2) In section 85(4) of the Education Act 2002 (curriculum foundation subjects for the fourth key stage), at the end there is inserted “, and

(d) personal, social and health education.”

(3) In section 74(1) of the Education and Inspections Act 2006, which (when brought into force) will substitute a new section 85 in the Education Act 2002, in subsection (4) of that substituted section (foundation subjects for the fourth key stage), at the end there is inserted “, and

(d) personal, social and health education.”

(4) Before section 86 of the Education Act 2002 there is inserted—

“85B Personal, social and health education

(1) For the purposes of this Part, personal, social and health education (“PSHE”) shall include sex and relationship education, including information about same-sex relationships, sexual violence, domestic violence and sexual consent;

(2) The National Curriculum for England is not required to specify attainment targets or assessment arrangements for PSHE (and section 84(1) has effect accordingly).

(3) The Secretary of State for Education shall set out guidance to schools and colleges to ensure that a coherent approach to personal, social, health and economic education is developed, including between primary and secondary schools.

(4) It is the duty of the governing body and head teacher of any school in which PSHE is provided in pursuance of this Part to secure that guidance issued under subsection (3) is followed and that:

(a) information presented in the course of providing PSHE should be accurate and balanced;

(b) PSHE is taught in a way that is appropriate to the ages of the pupils concerned and to their religious and cultural backgrounds, and reflects a reasonable range of religious, cultural and other perspectives;

(c) PSHE is taught in a way that endeavours to promote equality, celebrate diversity, and emphasise the importance of both rights and responsibilities.

(5) In the exercise of their functions under this Part so far as relating to PSHE, a local authority,

governing body or head teacher shall have regard to any guidance issued from time to time by the Secretary of State.

2. Sex and relationships education: manner of provision

(1) Section 403 of the Education Act 1996 (sex education: manner of provision) is amended as set out in subsections (2) to (5).

(2) In subsection (1), for the words from the beginning to “at a maintained school” there is substituted “The governing body or other proprietor of any school to which this section applies, and its head teacher, must take such steps as are reasonably practicable to ensure that sex and relationships education is given to registered pupils at the school and that”.

(3) After that subsection there is inserted—

“(1ZA) The schools to which this section applies are—

- (a) maintained schools;
- (b) city technology colleges;
- (c) city colleges for the technology of the arts;
- (d) Academies.

A reference in this section or section 404 to the governing body of a school, in relation to a school within paragraph (b), (c) or (d), shall be read as a reference to the proprietor of the school.”

(4) In subsection (1A)—

- (a) for “when sex education is given to registered pupils at maintained schools” there is substituted “when sex and relationships education is given to registered pupils at schools to which this section applies”;
- (b) in paragraph (a), after “, and” there is inserted “learn the nature of civil partnership and the importance of strong and stable relationships.”;
- (c) paragraph (b) is omitted.

(5) In subsection (1C), for “sex education” there is substituted “sex and relationships education”.

(6) In section 579 of that Act (general interpretation), in the definition of “sex education” in subsection (1)—

- (a) for “sex education” there is substituted “sex and relationships education”;
- (b) at the end there is inserted—
“but does not include education about human reproduction provided as part of any science teaching;”.

3. Exemption from sex and relationships education

For section 405 of the Education Act 1996 there is substituted—

“405 Exemption from sex and relationships education

(1) If a pupil of sufficient maturity in attendance at a school to which section 403 applies requests to be wholly or partly excused from receiving sex and relationships education at the school, the pupil shall be so excused accordingly until the request is withdrawn.

(2) The Secretary of State must in regulations define “sufficient maturity”.

(3) A statutory instrument containing regulations under subsection (2) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(4) The Secretary of State must lay draft regulations before Parliament before the end of the period of 3 months beginning with the day on which this Act is passed.”