

Amnesty International UK's response to the [draft Relationship and Sex Education and Health Education \(RSHE\) guidance](#)

1-10 Questions about you

11. Do you agree that we move away from a rigid commitment to review the guidance every three years

NO

The RSE guidance became statutory only in 2020 following a public call for evidence that received over 23,000 responses from parents, young people, schools and experts and a public consultation where over 40,000 people contacted the Department for Education.

According to the [Young People RSE Poll 2024](#) compiled by the Sex Education Forum, young people's satisfaction with RSE has grown yearly since 2020. Today 50% of young people surveyed rate their RSE as good or very good, up ten percentage points from 2022. However, there is still progress to be made to ensure RSE is relevant to all young people's needs, teachers feel well equipped to deliver RSE and schools dedicate adequate resources to it. About 56% of young people surveyed said they want teachers to have more training to deliver RSE and over 50% want schools to have the flexibility to cover topics at the age that children need and take on board their feedback on the curriculum.

Regular revision is necessary to ensure the curriculum is relevant to the challenges children and young people face in a rapidly changing society. However, revision should not be arbitrary but based on evidence and led by a group of key expert stakeholders, including children and young people, and practitioners who can identify gaps in the curriculum and adjustments that may be needed to respond to changes in children's lives. A rigid 3-year revision cycle could be vulnerable to a politicised approach to SRE which appears to have informed this current review.

In response to an [FOI request](#), the Department for Education said that it does not collect information about what has been taught in schools but that the Secretary of State 'was made aware of the well documented concerns about externally produced resources in this area, that have been designed for use in the classroom. For example, recent reports 'Asleep at the Wheel' published by the Policy Exchange and a report from the New Social Covenant 'What is being taught in Relationships and Sex Education in our schools?' contain examples of materials that schools are encouraged to use when teaching about gender and sexual orientation'.

The New Social Covenant is an organisation founded by MPs Miriam Cates and Danny Kruger. Policy Exchange is an extremely influential think tank with an annual income of almost £4 million in 2022 that [does not disclose any of its donors](#). Policy Exchange established a 'Biology Matters' unit in 2022, to 'systematically document the development and impact of policies based on gender identity ideology and the processes by which it has been adopted'. In its briefing for the King's Speech Policy Exchange recommended the introduction of a '[Parental right to know bill](#)' 'to ensure parents have full transparency on what their children are learning at school with regards to Relationships, Sex and Health Education (RSHE) and to ensure they are made aware if their child discloses feelings of gender distress at school'.

On 8th March 2023, Miriam Cates MP [raised concerns](#) in the Commons about inappropriate materials used in SRE and the New Social Covenant published the [report](#) 'What is being taught in Relationships and Sex Education in our schools?' In response, the Prime Minister said he asked the Department for Education to bring forward the review of SRE statutory guidance 'to ensure that schools are not teaching inappropriate or contested content in relationships, sex and health education' with a

consultation to start as soon as possible. On 30th March Policy Exchange published [‘Asleep at the Wheel’](#). On 31st March the government [announced](#) that a review of the SRE guidance would be completed by the end of the year ‘in response to disturbing reports that inappropriate material is being taught in some schools’.

The government set up an expert panel to review the guidance but has not published any of the advice received. Children and young people have not been able to participate in the process that led to this proposed draft revised guidance and the consultation itself is not child-friendly and not accessible, leaving out the most important people who should shape RSE. According to the Convention on the Rights of the Child, ratified by the UK, authorities must provide the possibility for any child to fully participate in the assessment of their best interest.

Unless children can express their views and be heard, no decision can be deemed to be in their best interest. Arbitrary measures such as age restrictions cannot be in the best interest of a child. Amnesty International UK’s main recommendation is that this draft be scrapped and to develop any further proposals for revision through a rights-based, participatory, evidence-based process.

12. Do you agree that the changes to length and style of the guide make the guidance easier to understand and follow?

NO

13. Do you agree that these changes will do enough to ensure that schools are transparent with parents and that parents have sufficient control regarding what their child is learning?

No answer

15. Do you agree with our proposed approach to increased transparency on RSHE material?

NO

16. If you would like to offer any comments to explain your answer, please do so here.

The government has not provided evidence of structural issues in the relationship between parents and schools when it comes to RSE, so it is not possible to respond to this question appropriately. From a human rights perspective, Amnesty International UK is concerned that the proposed changes reinforce the perception that children should receive RSE only if parents consent to it.

Parents already have the right to withdraw children from sex education and while parents do have the right to be involved in their children’s education, this should not reduce children’s access to education. The right to withdraw is underpinned by the belief that children will learn the equivalent of sex education at home, or that home is indeed safe for all children. Unfortunately, the evidence is to the contrary. According to the [2021 Census](#), 1 in 5 adults (or 8.5 million people) have experienced a form of abuse in the family before age 16. Persons with intersecting identities experience more abuse and more specific forms of abuse. LGBT adults experience abuse more than their heterosexual counterparts. Almost a quarter (24%) of [homeless young people are LGBT](#). Adults with disabilities are more than twice as likely to have suffered abuse before age 16. Black women and girls experience specific forms of abuse which are sexualised and racialised ([misogynoir](#)) and Black children are likely to face punishment disproportionately because of ‘adultification’ bias, the perception that they are more grown-up compared to other children. The guidance does not mention the intersectional

experience of children when it comes to the abuse and violence they may face as well as how to tackle it in the classroom.

Human rights bodies, including the Committee on the Rights of the Child, the Committee on Economic Social and Cultural Rights and the Committee on the Elimination of all forms of Discrimination against Women, have highlighted how RSE is crucial for children and young people's right to safety, to be free from violence, to access information on sexual and reproductive health and for their overall development. Young people face discrimination when accessing information on sexual and reproductive health and RSE is a way to remedy that and ensure children and young people can make informed choices about their sexual and reproductive lives.

RSE is an integral part of children's right to education and vital to keep themselves and others safe and to develop the skills for positive relationships in life. It should not be seen as different from maths or geography. As it's the case at present any request to withdraw should continue to be discussed with parents and children, whose views must be heard and considered in decision making. In addition, given the prevalence of abuse in family settings, at a minimum the guidance should include a warning that requests to withdraw children from RSE should be considered a risk factor.

Flexibility for age limits

17. Do you think this flexibility will help to ensure that pupils are adequately safeguarded?

NO

18. Do you think this flexibility is warranted?

YES

19. If you would like to explain your answer to questions 17 or 18, please do so here

Arbitrary age restrictions are not conducive to the best interest of the child, and their development and undermine the goal of RSE itself – to keep children safe and healthy and provide them with skills to navigate their daily life. Arbitrary age restrictions that can only be changed following the identification of a child/children being at risk are not helpful. No evidence has been produced on the need for arbitrary age restrictions, rather long-established evidence shows that RSE must start early to be relevant and effective.

Content needs to be age and development appropriate, not a one-size-fits-all approach. Teachers are best placed to use their professionalism to assess the level of maturity of their students and understand and respond to what students are discussing in their context. To do this effectively teachers need wider RSE training and time to develop their confidence when teaching about difficult issues. Mention of either of these things is omitted from this guidance which potentially leaves teachers unprepared and puts children at risk.

There is a misconception that RSE is not appropriate for younger children. The Convention on the Rights of the Child is clear that children have evolving capacities and age cannot be the rationale for excluding them from RSE. Equally, children have human rights at any age so restricting access to comprehensive and inclusive RSE means reducing children's access to the right to education, health and to be free from violence. RSE for younger children is necessary and appropriate as it focuses on protection from abuse and helps children recognise when their boundaries are being violated. RSE is a spectrum of information delivered at the right age to support children throughout their education.

Participation is paramount to determine what is in the best interest of a child. If children and young people are not able to acquire information on RSE issues and discuss them facilitated by teachers they will look to find information elsewhere, online and on social media.

The [Young People RSE Poll of 2022](#) found that 30% of young people surveyed said they had learned nothing about pornography and over 25% learned nothing about sexual orientation, how to tell if a relationship is healthy and how to access local sexual health services. In 2024 the percentage of young people who stated they had learned nothing or 'some but not enough' about pornography was about 58%. According to [research](#) by the Children's Commissioner for England, on average children first see porn at 13, but 10% see it before they are 9. According to [Ofcom](#), while most children aged 9 or 10 have a smartphone, 25% already have one when they are 3 or 4. Children use phones mostly to consume media and social media on their own. To be useful, the RSE curriculum should be relevant to the real-world experiences of children and young people, not some mythical idea of 'innocent childhood'. If children are at risk of accessing explicit and abusive sexual content, they need to be provided with the knowledge and skills to understand if something is inappropriate, where they can turn for help and support and identify if they are being exposed to such content as a form of abuse.

The belief that sex education leads to children becoming sexually active at an early age is completely unevicenced. [UNESCO's](#) analysis of global evidence in 2008 (87 studies from different countries) and 2016 (22 systematic reviews and 77 randomized controlled trials in a broad range of countries and contexts) confirms that comprehensive sexuality education contributes to delayed initiation and frequency of sexual intercourse, increased use of condoms and other forms of contraception and reduced risk-taking.

RSE is necessary to facilitate the equal enjoyment of rights by all children, for example by removing gender stereotypes that underpin violence against girls and women. [Ofsted's review of sexual abuse in schools and colleges](#), dated 2021, heard from 900 children and young people and found that this is a widespread phenomenon, and girls suffer 90% of harassment and abuse, of different kinds. Both boys and girls interviewed said that sexual harassment is so prevalent that some young people consider it a normal part of school life. Sexist attitudes that underpin gender-based violence are instilled early in childhood. A [literature review](#) carried out by the Fawcett Society on gendered stereotypes in early childhood found that these start so early that even at nursery level staff reported that they unconsciously treat boys and girls differently. Gender stereotypes continue to be reinforced through play, children's literature and interactions with others.

Rather than arbitrary age restrictions the guidance should provide support for teachers to tackle challenging issues and address the intersectional needs of all children and young people. This includes keeping themselves and others safe (see response to question 16).

Lesbian gay bisexual and transgender content

Sexual orientation

20. Do you agree with changes to the lesbian, gay and bisexual content in the LGBT section (note that the next section provides an opportunity to comment on text about gender identity and gender reassignment)?

NO

21. If you have any comments to explain your answer, please do so here.

Amnesty International UK has repeatedly raised concerns about the anti-LGBT rhetoric espoused by the government and sections of the media as reminiscent of Section 28, which was repealed 20 years ago. This is extremely concerning in the context of the UK losing its good record on LGBTI rights and equality, rising hate crimes and the overall degradation of human rights protection over the past few years. The motivation for these proposed changes is ideological and matches the rhetoric of anti-gender movements in Europe and the US which seek to limit the freedoms and bodily autonomy of women and LGBT people.

While teaching about equality in the law is critical, this must be relevant to children's experiences, starting from their family life. Children of all ages, including those at primary school, may have same-sex parents. Leaving talking about LGBT families at the discretion of schools is incoherent with the Relationship Education curriculum for primary schools, which recognises the importance of teaching that families may look different, but all are characterised by love and care. Not discussing LGBT families in primary school is discriminatory and absurd, given the lived reality of children. With civil partnerships having been in place since 2004 and equal marriage since 2014, diverse families are a fact of life that should be recognised and celebrated.

Despite increased protection under the law, same-sex parents still face prejudice. In June of this year, [research from Just Like Us](#) found that more than half (56%) of same-sex parents experienced negative comments about their family and only 19% said their child's school openly discusses LGBT families. The government must ensure all children enjoy the right to education and, under Equality Act, to foster good relationships between groups with diverse protected characteristics.

Finally, the wording 'At secondary, there should be an equal opportunity to explore the features of stable and healthy same-sex relationships' seems to single out same-sex relationships as potentially unstable and unhealthy. Content about LGBT relationships should be integrated into any content covering relationships, to truly reflect the diversity of relationships children experience in their lives.

Gender reassignment

22. Do you agree with the proposed changes related to gender identity and gender reassignment in the guidance?

NO

No 23. If you have any comments to explain your answer, please do so here:

This proposed change follows the exclusionary approach informing the draft guidance on 'gender questioning children' which is still in draft form. As the government has not published the outcome of that consultation, it is misleading to suggest that the guidance has been approved. This raises concerns about due process and transparency, resulting in confusion for schools and parents and the risk of increasing discrimination and bullying against some of the most marginalised children and young people. As said in response to question 19, changes in this direction are reminiscent of Section 28, in place from 1988 to 2003, which scarred a generation of LGBT children and young people who could openly be themselves.

As with the guidance on 'gender questioning children', here the government again provides partial information, stating that 'an individual must be 18 before they can legally reassign their gender'. While it is true that the process of legal gender recognition is only open to people 18 and above,

people of any age are capable of being protected under gender reassignment by provision 7 of the Equality Act (2010). There is no statutory requirement for a person to possess a Gender Recognition Certificate to possess the protected characteristic of gender reassignment. Section 212.1 of the Equality Act defines man as a 'male of any age' and woman as a 'female of any age', so age does not dictate whether one person is protected or not. There is also no requirement to have undergone any medical treatment of any kind to enjoy protection. Not mentioning this leaves schools in the position of making unlawful decisions.

RSE is key for children to understand gender stereotypes and think critically about societal expectations around gender. This should include gender presentation, which is the way a person presents themselves with their choice of clothing, hairstyle etc which may or may not reflect gender stereotypes. There seems to be a circular assumption that discussing gender presentation would lead children to question their gender identity. However, there is no evidence supporting this claim. While many children will experiment with gender presentation, this does not negate the reality that some children are trans and non-binary. Excluding and even negating their life experience is discriminatory and dangerous to their safety and quality of life later as adults.

Even taking the proposed change at face value, it is difficult to see how the protection in law under gender reassignment could be explained without referring to gender identity. Asking schools not to mention gender identity creates a vacuum that young people will remedy by finding knowledge elsewhere and risks creating an environment where trans and non-binary young people face increased discrimination and bullying. At present, LGBTI children do not feel RSE speaks to them or represent their experiences. According to the latest [Young People's RSE poll 2024](#), only 38% of LGBT young people rate the RSE they receive positively, against 52% of their heterosexual counterparts.

Addressing prejudice, harassment and sexual violence

24. Do you agree that the revised content on addressing prejudice, harassment and sexual violence is a helpful response to evidence of the prevalence of sexual abuse in schools?

25. If you would like to explain your answer, please do so here.

Primary sex education

26. Do you agree with the restriction on teaching sex education only in years 5 or 6?

NO

No 27. If you would like to make any comments to explain your answer, please do so here. It would be helpful if you could share your own views on appropriate age limits for this topic, for example if you think they are too low or too high.

See response to Question 19 on age limits.

Secondary topics: Online and Media, Respectful Relationships, including friendships, and Being Safe

28 Do you agree with this age limit? • NO

29. Do you agree with this age limit? • NO

30. Do you agree with this age limit? • NO

31. Do you agree with this age limit? • NO

32. Do you agree with this age limit? • NO

33. Do you agree with this age limit? NO

34. Do you agree with this age limit? • NO

35. Do you agree with this age limit? • NO

36. Do you agree with this age limit? • NO

37. If you would like to offer any comments about the age restrictions in the secondary Online and Media, Respectful Relationships, including Friendships, and Being Safe topics please do so here.

See answer to question to Question 19 on age limits.

Secondary topic: Intimate and sexual relationships, including sexual health

38. Do you agree with the age restriction on the secondary Intimate and sexual relationships, including sexual health topic?

39. If you would like to offer any comments about this age restriction, please do so here. It would be helpful if you could share your own views on appropriate age limits for these topics, for example if you think they are too low or too high. Please try to limit your response to under 250 words. Please do not add any details which may easily identify you or your organisation.

See response to Question 19

Health and wellbeing

40. Do you agree with this age limit? • NO

41. Do you agree with this age limit? • NO

42. Do you agree with this age limit? • NO

43. Do you agree with this age limit? • NO

44. If you would like to offer any comments about these age restrictions, please do so here. It would be helpful if you could share your own views on appropriate age limits for these topics, for example if you think they are too low or too high.

See response to Question 19

45. Do you agree with changes to the Health and Wellbeing section of the guidance? If you would like to offer any comments to explain your answer, please do so here. Please try to limit your response to under 250 words. Please do not add any details which may easily identify you or your organisation.

Suicide prevention

47. Do you agree with the proposals on suicide prevention as set out above?

48. If you would like to offer any comments to explain your answer, please do so here Please try to limit your response to under 250 words. Please do not add any details which may easily identify you or your organisation.

See response to question 19 on age restrictions

Additional topics

49. Do you agree with this additional content?

50. If you have any comments to explain your answer, please do so here Please try to limit your response to under 250 words. Please do not add any details which may easily identify you or your organisation.

General comments

51. Is there anything else in the draft statutory guidance that you would like to comment on? Please try to limit your response to under 250 words. Please do not add any details which may easily identify you or your organisation.

The UK has ratified several human rights instruments that are concerned with RSE, including the Convention on the Eliminations of all forms of Discrimination against Women and the Istanbul Convention. Critically, the Convention on the Rights of the Child, provides principles to shape RSE based on participation, the best interests of the child and non-discrimination. The ‘best interest of the child’ is one of the fundamental values of the Convention. States have a legal obligation to ensure that in every action relating to a child, the child’s best interest is a primary consideration. As explained by the Committee on the Rights of Children in General Comment 14 ‘the word “action” does not only include decisions, but also all acts, conduct, proposals, services, procedures and other measures’. This means the consideration of the best interest of the child is both a principle and a rule of procedure. In this case it means that any guidelines and any process leading to it must be conducted in a way that upholds the best interest of the child.

The consideration of the best interest of the child is a holistic and dynamic concept spanning across the short, medium and long-term impact of any legislative, judicial, policy and procedural decision affecting a child. This requires children’s participation and for their views to be heard as well as for flexibility and to avoid one-size-fits all approaches.

RSE should be approached as a question of human rights and the curriculum supported by evidence and good practice. This proposed revised guidance is anything but. The government is intent on rallying against the bugbear of so-called ‘gender ideology’, at the cost of children’s safety. Age restrictions and the belief that discussing issues of sex, sexuality and reproduction should be avoided as long as possible means that children will receive information too late putting them at increased risk of both experiencing and perpetrating violence.

The government’s priority should be to ensure that all children, of any age, enjoy their human rights fully, and that they can participate and have their voices heard. There is plenty of evidence that children want better and more inclusive RSE, but their views have not been considered in the process of producing this revision proposal. Any review process must be transparent, participatory, and evidenced to instil confidence in children and young people that the government is committed to serving their best interests.

Amnesty International UK recommends that the new government scraps this proposed guidance and commits to a participatory, evidence-based process for any future review as well as increasing resources for schools to deliver the best possible RSE.

Public Sector Equality Duty [PSED]

52. Do you have any comments regarding the potential impact of the guidance on those who share a protected characteristic under the Equality Act 2010, whether negative or positive? How could any adverse impact be reduced and are there any other ways we could advance equality of opportunity or foster good relations between those who share a protected characteristic and those who do not? Please try to limit your response to under 250 words. Please do not add any details which may easily identify you or your organisation.

The proposed reviewed guidance does not provide evidence of having gone through an equality impact assessment and would have negative consequences on people protected by the Equality Act. As explained in response to question 16, children and young people have diverse life experiences which should be reflected in the RSE curriculum.

The guidance does not cater to the needs of children with special educational needs and disability (SEND), of Black children and children of colour, of children protected under the characteristic of sexual orientation and gender reassignment. Arbitrary age restrictions affect all children but in particular girls, protected under the characteristic of sex, who are disproportionately impacted by misogyny, sexual harassment and violence. The proposed ban on discussing gender identity will hinder discussion of gender stereotypes which underpin gender inequality and violence against women and girls. Removing gender stereotypes is a duty of the state under CEDAW as well as the Istanbul Convention, both ratified by the UK.

Children and young people with the protected characteristics of sexual orientation and gender reassignment are discriminated against because of the proposals to restrict discussion of LGBT families in primary school and the ban on discussing issues of gender identity, amongst others.

There is also a lack of acknowledgement that children may share two or more protected characteristics, for example, Black girls face specific forms of misogyny that the proposed guidance does not recognise.

Finally, the prohibition of discussing certain issues as 'contested' sets a concerning precedent for the potential of challenging RSE from a religious or belief perspective.