

## SCHEDULE

Regulation 2

### Amendments

#### Education Act 1996

1. The Education Act 1996<sup>(1)</sup> is amended as follows.

2.—(1) Section 403<sup>(2)</sup> (sex education: manner of provision) is amended as follows.

(2) In subsection (1), after “maintained school” insert “(whether or not as part of statutory relationships and sex education)”.

(3) After subsection (1A) insert—

“(1ZB) In subsection (1A) the reference to sex education does not include sex education given as part of statutory relationships and sex education.”.

(4) After subsection (2) insert—

“(2A) In this section “statutory relationships and sex education” means education required to be provided at a school in England under section 80(1)(d) of the Education Act 2002.”.

3.—(1) Section 404<sup>(3)</sup> (sex education: statements of policy) is amended as follows.

(2) After subsection (1A) insert—

“(1B) In subsection (1) the reference to sex education does not include sex education given as part of statutory relationships and sex education (and accordingly subsection (1) does not apply at all in relation to a school at which sex education is only given as part of statutory relationships and sex education).”.

(3) For subsection (2) substitute—

“(2) In this section—

“maintained school” includes, in relation to pupils who are provided with secondary education, a community or foundation special school established in a hospital;

“statutory relationships and sex education” means education required to be provided at a school in England under section 80(1)(d) of the Education Act 2002.”.

4.—(1) Section 405 (exemption from sex education) is amended as follows.

(2) The existing text becomes subsection (1).

(3) After that subsection insert—

“(2) In subsection (1) the reference to sex education does not include sex education provided at a maintained school in England as part of statutory relationships and sex education.

(3) If the parent of any pupil in attendance at a maintained school in England requests that the pupil may be wholly or partly excused from sex education provided as part of statutory relationships and sex education, the pupil must be so excused until the request is withdrawn, unless or to the extent that the head teacher considers that the pupil should not be so excused.

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(1) 1996 c.56.

(2) Section 403 was amended by the School Standards and Framework Act 1998 (c.31), Schedule 30, paragraph 102; the Learning and Skills Act 2000 (c.21) sections 141(1) and (3) to (5) and Schedule 11; and S.I. 2013/594.

(3) Section 404 was amended by the School Standards and Framework Act 1998 Schedule 30, paragraph 103(a) and (b) and Schedule 31; and the Learning and Skills Act 2000, section 148(1) and (6).

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(4) In this section “statutory relationships and sex education” means education required to be provided at a school in England under section 80(1)(d) of the Education Act 2002.”.

## **Education Act 2002**

5. The Education Act 2002(4) is amended as follows.

6. In section 79 (duty to implement general requirements), for subsection (6) substitute—

“(6) In exercising any function which may affect the provision of sex education in maintained schools (whether or not as part of the education required to be provided under section 80(1)(d)), every local authority in England must have regard to relevant guidance issued by the Secretary of State under section 80A of this Act or section 403(1A) of the Education Act 1996.”.

7.—(1) Section 80 (basic curriculum for maintained schools) is amended as follows.

(2) In subsection (1), for paragraphs (c) and (d) substitute—

“(c) provision for relationships education for all registered pupils at the school who are provided with primary education,

(d) provision for relationships and sex education for all registered pupils at the school who are provided with secondary education, and

(e) provision for health education for all registered pupils at the school.”.

(3) After subsection (2) insert—

“(2A) Subsection (1)(c) and (e) do not apply in relation to pupils who are under compulsory school age.”.

(4) In subsection (3)(a), for “or sex education” substitute “relationships education, relationships and sex education or health education”.

8. After section 80 insert—

### **“80A Guidance about relationships, sex and health education**

(1) The Secretary of State must give guidance about the provision of education under section 80(1)(c), (d) and (e).

(2) In relation to education provided under section 80(1)(c) and (d), the guidance must be given with a view to ensuring that—

(a) the pupils learn about—

(i) the nature of marriage and civil partnership and their importance for family life and the bringing up of children,

(ii) safety in forming and maintaining relationships,

(iii) the characteristics of healthy relationships, and

(iv) how relationships may affect physical and mental health and wellbeing, and

(b) the education is appropriate having regard to the age and the religious background of the pupils.

(3) The governing body of a maintained school must have regard to guidance under this section.

(4) The Secretary of State must review guidance under this section from time to time.

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(4) [2002 c.32](#); section 79 was amended by the [Childcare Act 2006 \(c.21\)](#), Schedule 1, paragraph 6 and Schedule 3, Part 1, and [S.I. 2010/1158](#). There are amendments to section 80 which are not relevant to these Regulations.

(5) In this section “maintained school” includes a community or foundation special school established in a hospital.

### **80B Relationships education and relationships and sex education: statements of policy**

- (1) The governing body of a maintained school must—
  - (a) make, and keep up to date, a separate written statement of their policy with regard to the provision of education under each of paragraphs (1)(c) and (d) of section 80, and
  - (b) publish a copy of the statement on a website and provide a copy free of charge to anyone who asks for one.
- (2) A statement under subsection (1) must include a statement of the effect of section 405(3) of the Education Act 1996 (exemption from sex education: England).
- (3) The governing body must consult parents of registered pupils at the school before making or revising a statement under subsection (1).
- (4) In this section “maintained school” includes a community or foundation special school established in a hospital.”.

### **Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007**

**9.** In Schedule 1 to the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007<sup>(5)</sup> (enactments applying, with or without modifications, in relation to units or management committees), for paragraph 19 substitute—

“**19.** Sections 80(1)(c) to (e) and (2A), 80A and 80B of that Act (curriculum to include relationships education, relationships and sex education and health education) apply in relation to units as they apply in relation to maintained schools but as if for “governing body of a maintained school”, wherever those words occur, there were substituted “management committee of the unit”.”.

### **Education (Independent School Standards) Regulations 2014**

**10.** The Education (Independent School Standards) Regulations 2014<sup>(6)</sup> are amended as follows.

**11.** In regulation 3 (independent schools standards), in paragraph (2)(a), for “Part 1” substitute “paragraphs 2, 3 and 4”.

**12.** In the Schedule (independent schools standards), after paragraph 2 insert—

- “**2A.**—(1) The standard in this paragraph is met if the proprietor—
- (a) ensures that every registered pupil who is provided with primary education at the school is provided with relationships education,
  - (b) ensures that every registered pupil who is provided with secondary education at the school is provided with relationships and sex education, except in so far as the pupil is excused as mentioned in sub-paragraph (2),
  - (c) in a case where the school is an Academy, ensures that every registered pupil is provided with health education,

<sup>(5)</sup> [S.I. 2007/2979](#). There are amendments to the S.I. which are not relevant to these Regulations.

<sup>(6)</sup> [S.I. 2014/3283](#). There are amendments to the S.I. which are not relevant to these Regulations.

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- (d) in making arrangements for the purposes of paragraphs (a), (b) or (c), has regard to any guidance under section 80A of the Education Act 2002 that applies in relation to the provision of education by maintained schools,
- (e) makes and keeps up to date a separate written statement of its policy with regard to the provision of education as required by each of paragraphs (a) and (b),
- (f) consults parents of registered pupils at the school before making or revising a statement under sub-paragraph (e), and
- (g) publishes a copy of the statement on a website and provides a copy of the statement free of charge to anyone who asks for one.

(2) Arrangements made by the proprietor for the purposes of sub-paragraph (1)(b) must ensure that where a pupil's parent requests that the pupil is wholly or partly excused from sex education provided as part of relationships and sex education, the pupil is so excused until the request is withdrawn, unless or to the extent that the head teacher considers that the pupil should not be so excused.

(3) Sub-paragraph (1)(a) and (c) do not apply to a pupil who is under compulsory school age.”.

### **Non-Maintained Special Schools (England) Regulations 2015**

**13.** In the Schedule to the Non-Maintained Special Schools (England) Regulations 2015(7) (requirements to be complied with), for paragraph 25 substitute—

#### **“Relationships, sex and health education**

**25.—**(1) The proprietor must make arrangements to ensure that—

- (a) every registered pupil who is provided with primary education at the school is provided with relationships education,
- (b) every registered pupil who is provided with secondary education at the school is provided with relationships and sex education, except in so far as the pupil is excused as mentioned in paragraph 25A, and
- (c) every registered pupil is provided with health education.

(2) Sub-paragraph (1)(a) and (c) do not apply to pupils who are under compulsory school age.

(3) In making arrangements under this paragraph the proprietor must have regard to any guidance under section 80A of the Education Act 2002 that applies in relation to the provision of education by maintained schools.

(4) The proprietor must—

- (a) make, and keep up to date, a separate written statement of its policy with regard to the provision of education under sub-paragraph (1)(a) or (b), and
- (b) publish a copy of the statement on a website and provide a copy of the statement free of charge to anyone who asks for one.

(5) The proprietor must consult parents of registered pupils at the school before making or revising a statement under sub-paragraph (4)(a).

**25A.** Arrangements under paragraph 25(1)(b) must ensure that where a pupil's parent requests that the pupil is wholly or partly excused from sex education provided as part of

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(7) [S.I. 2015/728](#). There are amendments to the S.I. which are not relevant to these Regulations.

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relationships and sex education, the pupil is so excused until the request is withdrawn, unless or to the extent that the head teacher considers that the pupil should not be so excused.”.