

**COMMITTEE ON EQUALITY OF OPPORTUNITY**

**Date:** Wednesday, 25 October 2000  
**Time:** 2.00pm  
**Venue:** Committee Room 2, National Assembly

**TITLE: TESTUN LLYTHYR GAN YSGRIFENNYD Y CYNULLIAD DROS ADDYSG A  
PHLANT MEWN PERTHYNAS A BWLIAN HOMOFFOBIG, 5 HYDFREF 2000**

**Anfonwyd y llythyr hwn at ddibenion mewnol yn unig ac felly nid oes  
cyfieithiad Cymraeg ohono.**

Thank you for your letter of 18 August about actions to tackle homophobic bullying in schools.

The School Standards and Framework Act 1998 places a legal obligation on head teachers to prevent all forms of bullying in their schools. National Assembly circular 3/99, "Pupil Support and Social Inclusion", drew together a range of practical actions that schools, governing bodies and local education authorities might adopt to sustain good behaviour and discipline in schools, including anti-bullying strategies. This covered specific mention of racial and sexual harassment although homophobic bullying was not mentioned in an explicit way.

From literature available from Stonewall, young lesbians and gay men, or those perceived to be lesbian or gay can experience difficulties within the school environment. Verbal abuse and actual violence are highlighted by studies into homophobic bullying as well as young lesbians and gay men truanting and feigning illness to avoid bullying at school.

According to "Playing It Safe", a 1997 study by the Institute of Education (IoE), 6 per cent of schools surveyed had bullying policies that specifically mentioned homophobic bullying. This was the figure quoted by Stonewall during the presentation to the Committee on 29 June. Other findings of the study revealed that 51 per cent of the schools had reported at least one incidence of homophobic bullying occurring in the last term with 61 per cent of the schools aware of lesbian, gay or bisexual pupils and that 42 per cent of teachers had been asked for personal advice on lesbian, gay or bisexual issues. The study indicated also that many teachers were concerned about the legal status of any action they might take against homophobic bullying. They saw section 2A of the Local Government Act 1986, as inserted

by section 28 of the Local Government Act 1988 (often referred to as "Section 28") as a constraint.

This suggests that schools have an awareness of the difficulties facing young lesbians and gay men in school. What is not acceptable is for schools to ignore homophobic bullying or deny its existence in the same manner that any form of bullying cannot be tolerated. Bullying damages self-confidence and can result in pupils failing to realise their full potential. With teenagers who are worried or unsure about their emerging sexuality, there can be difficulties with their emotional health and development.

Looking ahead, the Government accepts that "Section 28" can be confusing, creates a climate that may encourage discrimination and discourages schools from developing sensible policies to tackle homophobic bullying. The House of Lords takes a different view on the repeal of "Section 28" and the Government has decided not to pursue this issue in the current Parliamentary Session.

Bullying, in whatever form this might take, should not be viewed in isolation of a school's overall ethos that offers pupils and staff a clear and defensible set of values and clear boundaries of acceptable behaviour that reflect a moral code of positive and constructive rules of conduct. Effective strategies against bullying should form a central part of a school's behaviour policy and put into effect by everyone in school, including the pupils.

We will be consulting shortly on revised guidance to address specific issues relating to the teaching of sex education in schools. Section 403 of the Education Act 1996, as amended by section 148 of the Learning and Skills Act 2000, requires the National Assembly, in respect of Wales, to issue such guidance that will replace that provided in a 1994 circular.

The background to the intended guidance was considered by the Pre-16 Education, Schools and Early Learning Committee on 14 September. I enclose a copy of the Committee paper. From this you will see how the revised guidance is to be viewed within the broader agenda of improved sexual health for young people and within the national Curriculum for all maintained schools. The guidance will cover sexual orientation and I have asked that the consultation document include specific reference to schools dealing with homophobic bullying.

In the light of comment to the consultative exercise, I will ask officials to consider what further advice might be issued to schools to supplement that on bullying already set out in circular 3/99. This would take account also of the work being undertaken by the Department for Education and Employment to update the 1994 information pack "Don't Suffer in Silence: An Anti-bullying Pack for Schools" that was available to schools across England and Wales.

**PRE 16 13-00(p.2)**

**PRE 16 Education, Schools and Early Learning Committee**

**The National Assembly for Wales' Sex and Relationship Education Guidance**

## **Exclusion of Public**

1. Standing Order 8.21 does not apply in relation to this item.

## **Purpose**

2. The Committee is asked to note the development of the new Sex and Relationship Education Guidance which is being produced by the National Assembly of Wales in line with Section 403 of the Education Act 1996 (as amended by Section 148 of the Learning and Skills Act 2000). The Bill statutorily requires the Secretary for State for Education and Employment in England and the National Assembly in Wales to issue guidance which addresses specific issues in the teaching of sex education. The guidance will replace Welsh Office Circular 45/94 Sex Education in Schools, in Wales.

## **Summary**

3. This paper outlines the background to the Sex and Relationship Education Guidance which, under Section 403 of the Education Act 1996 (as amended by Section 148 of the Learning and Skills Act 2000), must secure that when sex education is taught in maintained schools that pupils are protected from teaching and materials which are inappropriate having regard to their age, religion and cultural background; and learn the nature of marriage and its importance for family life and the bringing up of children. The guidance must also include guidance about any material which may be produced by NHS bodies for use in sex education in schools.

## **Timing**

4. The provisions of Section 148 of the Learning and Skills Act will be commenced on 1 November 2000. The Better Health - Better Wales Sexual Health Strategy published in 1999 included a commitment to publish revised draft sex and relationship education guidance for public consultation by the end of 2000. The consultation period will be for no less than 8 weeks, and it is anticipated that the guidance will be issued as soon as possible thereafter.

## **Background**

5. The Better Health - Better Wales Strategic Framework highlighted concerns about the high rates of teenage pregnancies and sexually transmitted infections in Wales, and suggested that more effective communication about sexual health was needed if these issues were to be addressed successfully.

6. In recognition of these concerns, the Better Health - Better Wales Strategic Framework included a commitment to drawing up a Sexual Health Strategy for Wales, co-ordinated by the Assembly's Health Promotion Division, for consultation in 1999. The aims of this strategy were to improve the sexual health of the population of Wales, to narrow sexual health inequalities, and to enhance the general health

and emotional well-being of the population by enabling and supporting fulfilling sexual relationships. This includes the delivery of appropriate and effective sex education to young people within school and in other youth settings, as well as the need to ensure access to sources of information and advice on sexual health and relationships.

7. Sex and relationship education will also be linked to a broader framework of personal and social education. ACCAC (Qualifications, Curriculum and Assessment Authority for Wales) published the new Wales Curriculum 2000 Personal and Social Education (PSE) framework and guidance this year, which sets out a non-statutory entitlement for all 5 to 16 year olds for sex and relationship education to be supported by the wider curriculum on PSE. Local authorities and schools are being encouraged to adopt the framework. The biological aspects of sex education are also covered by the National Curriculum Science Order 2000.

### **Section 28 of the Local Government Act 1988**

8. Section 28 of the Local Government Act 1988 prohibits local authorities from intentionally promoting homosexuality or ‘promoting the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship.’

9. Following the defeat of the proposed repeal of Section 28 in the House of Lords on 24 July, the Government has decided not to pursue its repeal during this current Session. However, the Government has made it clear that it still supports the repeal of Section 28 which it believes causes confusion, creates a climate that may encourage discrimination and discourages schools from developing sensible policies to tackle homophobic bullying.

10. Section 28 does not apply to schools and should not affect the delivery of sex and relationship education in schools. It does not affect the activities of school governors or of teachers. It does not prevent the objective discussion of homosexuality in the classroom, and schools can provide counselling, guidance, advice and support to pupils.

### **Proposals for the New Guidance (compared with Welsh Office Circular 45/94)**

11. The new guidance will draw on the Sexual Health Strategy for Wales/Better Health, Better Wales; The National Curriculum Science Order and PSE Framework. Given the new duties set out in the Learning and Skills Act 2000 it will also carry the same messages on the nature of marriage and family life; and inappropriate teaching and materials as recently published guidance by DfEE. Publication of the English guidance was closely linked to Parliamentary consideration of the repeal of Section 28.

12. The new guidance will continue to stress the importance of developing a school policy for sex and relationship education, but will also highlight the need to consider children of different cultural backgrounds and religious affiliations, and pupils with special educational needs and learning difficulties. There is more emphasis on the role and involvement of parents including the need to consult

and support parents. The rights of parents to withdraw their children from sex education remain the same and are also explained.

13. There is a more detailed focus on specific sexual health issues relating to the teaching of sex and relationship education, including puberty; menstruation; contraception; abortion, and safer sex and sexually transmitted infections (STIs) including HIV/AIDS. However, some of the biological aspects mentioned in Circular 45/94 are now covered by the revised National Curriculum for Science in Wales.

14. The guidance will link sex and relationship education within the PSE Framework which outlines the development of attitudes and values, skills, knowledge and understanding. By supporting sex and relationship education within a school's wider curriculum for PSE, schools can ensure that pupils receive their sex education in the wider context of relationships, and are prepared for the opportunities, responsibilities and experiences of adult life. The guidance will quote the relevant specific aspects from the PSE Framework (Social, Sexual, Emotional, Spiritual and Moral Aspects).

15. Teaching strategies and advice on issues such as confidentiality are to be expanded on in the new guidance. Schools will be encouraged to consider child protection issues and procedures, and also to make sure that pupils are informed of sources of confidential help, for example, from health professionals. The guidance contains advice as to the responsibilities of school staff, head teachers and governors, and an emphasis on encouraging pupils to talk to their parents or carers.

16. The new guidance will have up-to-date information on legal aspects and the laws relating to sexual behaviour. It will also have more advice on the appropriate timing and content of sex and relationship education in primary and secondary schools, although it is clear that schools will make the ultimate judgement with regard to the circumstances of their pupils.

17. Whereas Circular 45/94 simply mentions the need to address controversial issues when determining a sex education policy, the new guidance will go some way towards dealing more openly with issues such as sexuality and sexual orientation. Teachers should be able to deal honestly and sensitively with issues of sexual orientation, answer appropriate questions and offer support; but there should be no direct promotion of sexual orientation. The guidance will recommend that schools liaise closely with parents when developing their sex and relationship education policy and programme. In this way they should be able to reassure parents of the content of the programme and the context in which it will be presented.

18. The guidance will take account of the views of young people who often complain about the focus on the physical aspects of reproduction and lack of discussion about feelings and relationships. The link with PSE will help to redress this imbalance, and there will also be an emphasis on participation and inclusion of pupils. The views of Llais Ifanc: Young Voice who discussed sex education on 7 July at the Assembly Building, will also be taken into account in the guidance. Pupils can provide a vital contribution to the development of a sex education policy, and participation of pupils in the development of programmes in schools will help to create an ethos of involvement and openness which is essential in

areas such as personal and social education and sex and relationship education.

## **Compliance**

19. Section 150 of the Learning and Skills Act states that any reference to the Secretary of State in the Act should be taken as a reference to the National Assembly. The power to issue guidance set out in Section 403 of the Education Act 1996 transferred to the National Assembly under the Transfer of Functions Order and is delegated to the Assembly Secretary for Education. The Assembly Compliance Office has been consulted and is content with the compliance aspects of this paper.

## **Financial Implications**

20. There are no cost implications for local education authorities and schools in the implementation of the proposed guidance. It will replace existing circular guidance which schools are already required to take account of. In effect it will be a statement of good practice and it is proposed that the guidance will include short case studies that reflect best practice already in operation. Financial Planning Division and Finance Local Government Divisions have been consulted and have noted that there are no financial implications for the Assembly or for local authorities.

## **Action for Committee**

21. Committee members are invited to note and comment on this paper and the proposals for the sex and relationship guidance in Wales. The draft guidance will be submitted to the Committee for consideration during the period of consultation.

## **Contact Point**

22. Further information on the Sex and Relationship Guidance can be obtained from the Pupil Support Division of the National Assembly for Wales on 029 20826088 or 20826077.

## **Pupil Support Division**

**September 2000**