



# The Association of Directors of Public Health Consultation Response

## Review of the RSHE statutory guidance

### Objectives and Scope

This consultation seeks views on changes to the relationships, sex and health education (RSHE) statutory guidance. It aims to ensure that the guidance supports schools to provide high-quality RSHE which meets the needs of children and young people.

### About ADPH

ADPH is the representative body for Directors of Public Health (DsPH), and is a collaborative organisation, working in partnership with others to strengthen the voice for public health, with a heritage which dates back over 160 years. ADPH works closely with a range of Government departments, including UKHSA and OHID as well as the four CMOs, NHS, devolved administrations, local authorities and national organisations across all sectors to minimise the use of resources as well as maximise our voice.

ADPH aims to improve and protect the health of the population by:

- Representing the views of DsPH on public health policy.
- Advising on public health policy and legislation at a local, regional, national and international level.
- Providing a support network for DsPH to share ideas and good practice.
- Identifying and providing professional development opportunities for DsPH.

### Our Position

### Response to individual questions

#### Age limits on teaching certain subjects

The age limits were developed taking into account the advice from the independent panel, and seek to ensure that, as content is presented to prepare young people to stay safe and keep others safe, children are not introduced too early to concepts that they may not have the maturity to grasp, or which may be distressing. Age limits are focused on topics which, even when presented in a careful and well-intentioned way, may inadvertently give the message to young people that they could or should be engaging in or exploring adult activities rather than enjoying childhood.

The panel focused on five areas where they felt pupils, parents and teachers would most benefit from additional clarity: the changing adolescent body, sexual harassment and sexual violence, sexual relationships and sexual health, pornography and sexual orientation. The panel considered a range of evidence to inform their advice, including conversations with parents and faith groups.

The independent panel made a series of helpful recommendations, which have been central to our considerations. As well as making recommendations on age limits, the panel recommended that schools

take a mastery approach to teaching topics within RSHE, building knowledge sequentially, and offered some advice on how topics might be sequenced. For example, if you consider the topic of being safe, children start to learn about privacy and boundaries in primary school, and build on this throughout their education, but they are not taught about the explicit details of sexual violence until they are much older.

The tables in the guidance reflect this approach.

The age limits we are consulting on are summarised below for reference, but you have the opportunity to comment on them under each relevant topic in this document. They are also marked clearly in the curriculum tables in the draft guidance.

**Primary:**

Topic	Age limit
The risks relating to online gaming, video game monetisation, scams, fraud and other financial harms, and that gaming can become addictive. Why social media, some apps, computer games and online gaming, including gambling sites, are age restricted.	Not before year 3
Growth, change and the changing adolescent body. This topic should include the human lifecycle. Puberty should be mentioned as a stage in this process, including the key facts about the menstrual cycle, including physical and emotional changes.	Not before year 4
Sex education topics taught in primary, which should be in line with what pupils learn about conception and birth as part of the national curriculum for science.	Not before year 5

## Secondary

Topic	Age limit
<p>What constitutes harmful sexual behaviour, including sexual harassment and the concepts and laws relating to it, including revenge porn, upskirting and taking intimate sexual photos without consent, public sexual harassment, and unsolicited sexual language / attention / touching.</p> <p>The concepts and laws relating to sexual exploitation and abuse, grooming, stalking, and forced marriage.</p> <p>Circulating images and information and how to safely report to trusted adults the non-consensual creation or distribution of an intimate image.</p> <p>The risks of inappropriate online content, including pornographic content, without discussing the details of sexual acts.</p>	Not before year 7
<p>Direct references to suicide (as part of teaching about health and wellbeing).</p>	Not before year 8
<p>Discussing the details of sexually explicit materials, in the context of learning about the risks of inappropriate online content, including pornographic content.</p> <p>Discussing the explicit details of violent abuse, including the detail of topics such as rape, sexual assault, female genital mutilation (FGM), virginity testing and hymenoplasty</p> <p>Discussing the explicit details of violent abuse when discussing the concepts and laws relating to domestic abuse including coercive control, emotional, sexual, economic or physical abuse, and violent or threatening behaviour.</p>	Not before year 9
<p>Explicit discussion of the details of sexual acts, in the context of teaching about intimate and sexual relationships, including in relation to contraception and STIs.</p>	Not before year 9

Please comment on these age limits in the relevant sections below.

### Flexibility for age limits

While setting out age restrictions on when sensitive topics should be taught, we have also allowed schools a degree of flexibility to allow schools to respond promptly to issues which pose an imminent safeguarding risk to their pupils. This means that in certain circumstances, schools may decide to teach age-limited topics earlier, provided it is necessary to do so in order to safeguard pupils and provided that teaching is limited to the essential facts, without going into unnecessary details. For example, if a primary school becomes aware that pupils are sharing pornographic materials, the guidance allows schools to address this appropriately with younger pupils without going into details of the sexual acts viewed. Note this question is not about the age limits themselves.

Q17: Do you think this flexibility will help to ensure that pupils are adequately safeguarded?

- Yes
- No

Q18: Do you think this flexibility is warranted?

- Yes
- No

Q19: If you would like to explain your answer to questions 17 or 18, 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.

While the flexibility will help ensure pupils are adequately safeguarded, it does not address the fact that children do not always inform their teachers or parents about what is happening.

## Sexual orientation

We have streamlined the section on teaching Lesbian, Gay, Bisexual and Transgender topics, so that relevant content is in one place. This includes additional content on gender reassignment and gender identity, which is discussed in the section below. We have also clarified that primary schools have discretion over whether to discuss sexual orientation or families with same-sex parents.

Q20: 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)?

- Yes
- No

Q21: 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.

Giving primary schools discretion over whether to discuss sexual orientation or families with same-sex parents may allow some primary schools to not discuss the matter at all. Children should understand and recognise that families may consist of transgender or same-sex partners. Additionally, pupils should understand the importance of equality and respect and should learn about the protected characteristics, including sexual orientation and gender reassignment before the end of their secondary education, preferably during primary education at an age-appropriate level.

## Gender reassignment

The new guidance states that pupils should know the world around them, and understand the law on equality and the protected characteristics, including gender reassignment. However, the guidance is clear that schools should not teach pupils about the contested concept of gender identity. Along with other factors, discussing such theories with pupils could prompt some pupils to start to question their gender.

The new content is informed by the outcome of the Cass Review and the principles that underpin the draft guidance for schools and colleges on gender questioning pupils (gender questioning guidance), both of which advocate for a cautious approach. We consulted on the draft gender questioning guidance separately, from 19 December to 12 March, and are currently considering the outcomes, so the content of that guidance is not within the scope of this consultation.

The new guidance states that:

- Schools should teach about the protected characteristics, including gender reassignment.
- Schools should be clear that an individual must be over 18 before they can legally reassign their gender. This means that a child’s legal sex will always be the same as their biological sex and that, at school, boys cannot be legally classified as girls or vice versa.
- Schools should not teach about the concept of “gender identity” which is a highly contested and complex concept.
- If asked about the topic of gender identity, schools should teach the facts about biological sex and not use any materials that present contested views as fact, including the view that gender is a spectrum.
- Schools should not use materials that use cartoons or diagrams that oversimplify this complex concept or that could be interpreted as aimed at younger children.
- Schools should consult parents on the content of external resources on this topic in advance and make all materials available to them on request.

Q22: Do you agree with the proposed changes related to gender identity and gender reassignment in the guidance?

- Yes
- No

Q23: 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.

RSHE should help children to feel confident about the type of intimacy they want and to have autonomy over their identity and its relation to others. Teaching gender identity is crucial, as it describes a person’s innate sense of their own gender. If children are not educated about gender identity, they may seek information elsewhere and potentially feel misunderstood. Furthermore, the lack of education on this topic can contribute to it being perceived as taboo, which can be detrimental to the mental health of children who are questioning their own gender identity ([NHS England, N.D.](#)).

### **Addressing prejudice, harassment and sexual violence**

We have included a new section in the guidance specifically on addressing prejudice, harassment and sexual violence and harmful sexual behaviours, in light of evidence of the prevalence of sexual harassment in some schools. The section includes new content on addressing the harmful behaviours that pupils may be exposed to, including online, which may normalise harmful or violent sexual behaviours - for example, by giving pupils the opportunity to identify positive male role models. This new section also highlights the role of staff in avoiding language that might perpetuate harmful stereotypes or suggest that victims are to

blame for abusive behaviour.

We have also included new content relating to sexual harassment and sexual violence in the curriculum, including by adding fixated and obsessive behaviours, such as stalking, to the secondary Respectful Relationships topic, and offering clearer guidance on teaching about image-based sexual abuse in the secondary Online and Media topic.

The secondary Being Safe topic has been strengthened to include more of the detail on communicating and recognising consent, to be clear that this is a key plank in pupils' learning to keep others safe. The Being Safe topic also now lists specific forms of sexual harassment that may otherwise be neglected, including revenge porn, upskirting, public sexual harassment, and unsolicited sexual language / attention / touching.

Q24: 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?

- Yes
- No

Q25: If you would like 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.

We welcome the inclusion of understanding that sexism and misogyny can be linked to violence against women and girls, however, this should also include the understanding of homophobia and transphobia.

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

We have placed an age limit on the following content in the secondary Online and Media topic: About circulating images and information and how to safely report to trusted adults the non-consensual creation or distribution of an intimate image. Pupils should understand that making, keeping or sending naked or sexual images of someone under 18 is a crime, even if the photo is of themselves or of someone who has consented, and even if the image was created by the child and/or using AI generated imagery. Pupils should understand the potentially serious consequences of asking for naked, semi-naked or sexual images, including the potential for criminal charges and severe penalties including imprisonment. This topic should not be taught before year 7.

Q30: Do you agree with this age limit?

- Yes
- No

We have placed an age limit on the following content in the secondary Online and Media topic: The impact of viewing harmful content, including pornography, that presents a distorted picture of sexual behaviours, can damage the way people see themselves in relation to others, and can negatively affect how they behave towards sexual partners. This can affect pupils who see pornographic content accidentally as well as those who see it deliberately. The risks of inappropriate online content can be discussed in an age-appropriate way from year 7, however, the details of sexual acts should not be discussed before year 9.

Q31: Do you agree with this age limit?

- Yes
- No

We have placed an age limit on the following content in the secondary Being Safe topic: The concepts and laws relating to harmful sexual behaviour, including sexual harassment, revenge porn, upskirting and taking/sharing intimate sexual photographs without consent, public sexual harassment, and unsolicited sexual language / attention / touching. This should not be taught before year 7.

Q32: Do you agree with this age limit?

- Yes
- No

We have placed an age limit on the following content in the secondary Being Safe topic: The concepts and laws relating to sexual exploitation, grooming, stalking, and forced marriage. This should not be taught before year 7.

Q33: Do you agree with this age limit?

- Yes
- No

We have placed an age limit on the following content in the secondary Being Safe topic: The concept and laws relating to sexual violence, including rape and sexual assault. Whilst it's important for pupils to understand the key principles around sexual offences and violence, for example the importance of understanding what consent means, schools should not teach about this in any sexually explicit way before year 9.

Q34: Do you agree with this age limit?

- Yes
- No

We have placed an age limit on the following content in the secondary Being Safe topic: The concepts and laws relating to domestic abuse including controlling or coercive behaviour, emotional, sexual, economic or physical abuse, and violent or threatening behaviour. Schools should not teach about the details of violent abuse before year 9 as it is important that pupils are not introduced to distressing concepts when they are too young to understand them.

Q36: Do you agree with this age limit?

- Yes
- No

Q37: 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. 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.

Research indicates that children start social media as early as age 8, exposing them to potentially harmful content. Since children do not always report these issues, schools may remain unaware of such exposures. Areas such as privacy, mobile technology, sharing and publishing sexual content should be included as well as how to be responsible and respectful online. Prescribing content in fine detail would be problematic due to the fast-paced nature of technological developments. Providing education professionals with access to high-quality resources and training will therefore be essential, especially with regard to the fluid landscape surrounding online safety ([Children's Commissioner, 2022](#)).

### **Secondary topic: Intimate and sexual relationships, including sexual health**

This topic includes information about choices around sex, including about when and whether to have sex, about sexual consent, reproductive health, strategies for resisting sexual pressure, facts about contraception, facts about pregnancy and choices around pregnancy, facts about STIs and reducing risks of transmission, facts about the impact of alcohol and drugs on sexual behaviour, and information about where to get help. Explicit discussion of the details of sexual acts should only take place in so far as it is necessary to teach these topics and should not be taught before year 9.

Q38: Do you agree with the age restriction on the secondary Intimate and sexual relationships, including sexual health topic?

- Yes
- No

Q39: 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.

Research by the Children's Commissioner for England shows that 27% of children surveyed, had seen online pornography by year 6 or 7. Teaching children information about choices around sex no earlier than year 9 is therefore too late and may lead to children finding information independently which can be harmful to their understanding of intimate and sexual relationships, including sexual health ([Children's Commissioner, 2022](#)).



## References

NHS England. N.D. Gender identity. Available at: [Gender identity - NHS England Digital](#).

Children's Commissioner. 2022. Digital childhoods: a survey of children and parents. Available at: [CC A4 HEADER \(childrenscommissioner.gov.uk\)](#)

Children's Commissioner. 2022. Young people and pornography. Available at: [CCO-Pornography-and-Young-People-1.pdf \(childrenscommissioner.gov.uk\)](#)