



Department  
for Education

# **Relationships Education and Relationships and Sex Education**

**Impact Assessment**

**February 2019**

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|--|---|--|--|--|
| <b>Title:</b> Relationships Education and Relationships and Sex Education<br><b>IA No:</b> DfE105<br><b>RPC Reference No:</b><br><b>Lead department or agency:</b> Department for Education<br><b>Other departments or agencies:</b> N/A | <b>Impact Assessment (IA)</b>                 |  |  |  |
|  | <b>Date:</b> January 2019                     |  |  |  |
|  | <b>Stage:</b> Final                           |  |  |  |
|  | <b>Source of intervention:</b> Domestic       |  |  |  |
|  | <b>Type of measure:</b> Secondary legislation |  |  |  |
|  | <b>Contact for enquiries:</b>                 |  |  |  |

|  |  |
|--|--|
| <b>Summary: Intervention and Options</b> | <b>RPC Opinion:</b> RPC Opinion Status |
|--|--|

| Cost of Preferred (or more likely) Option |                            |   |                               |
|---|----------------------------|---|-------------------------------|
| Total Net Present Value                   | Business Net Present Value | Net cost to business per year (EANDCB in 2018 prices) | Business Impact Target Status |
| £-33.65m                                  | £-4.59m                    | £4.59m  | NQRP                          |

**What is the problem under consideration? Why is government intervention necessary?**

Sex education is currently compulsory in maintained secondary schools only. Government intervention is necessary to improve the quality of existing Sex and Relationship Education (SRE) by putting Relationships Education and Relationships and Sex Education (RSE) on a statutory footing across all types of schools, including free schools, academies and independent schools. We are also making Health Education mandatory in all state-funded schools. Personal, Social, Health and Economic Education (PSHE) is currently mandatory in independent schools and so the Health Education aspect of the reforms will not affect these schools; and we are not considering it further in this document. The current SRE guidance (published 2000) also requires updating.

**What are the policy objectives and the intended effects?**

The objective of the policy is to support schools to deliver high-quality Relationships Education, and RSE to ensure that all young people are taught to stay safe and are prepared for life in modern Britain. The policy will enable schools to effectively address issues such as internet safety and unhealthy relationships and ensure pupils are taught in an age-appropriate way about respectful and healthy relationships, including friendships and family relationships. As a result, we expect pupils at primary and secondary schools to have the necessary knowledge to help build healthy relationships, stay safe and become successful adults.

**What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**

**Policy Option 1)** Do nothing

**Policy Option 2)** As required under section 34 of the Children and Social Work Act 2017, make RSE mandatory for all secondary pupils and Relationships Education mandatory for all primary pupils via regulations; as well as publishing statutory guidance. This option will put the provision of Relationships Education and RSE on a statutory footing in all types of school and help promote greater access and quality of provision for all young people.

|  |  |                       |                     |                           |
|--|--|-----------------------|---------------------|---------------------------|
| <b>Will the policy be reviewed? It will be reviewed. If applicable, set review date: September/2024</b>                |  |                       |                     |                           |
| Does implementation go beyond minimum EU requirements?   |  | N/A                   |                     |                           |
| Are any of these organisations in scope?   |  | <b>Micro</b><br>Yes   | <b>Small</b><br>Yes | <b>Medium</b><br>Yes      |
| What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent) |  | <b>Traded:</b><br>N/A |                     | <b>Non-traded:</b><br>N/A |

*I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.*

Signed by the Senior Responsible Officer: Richard Vaughan,  
Deputy Director Date: 22/02/2019

# Summary: Analysis & Evidence

# Policy Option 2

## Description:

### FULL ECONOMIC ASSESSMENT

| Price Base<br>Year 2017 | PV Base<br>Year 2018 | Time Period<br>Years 1 | Net Benefit (Present Value (PV)) (£m) |                |                         |
|-------------------------|----------------------|------------------------|---------------------------------------|----------------|-------------------------|
|                         |                      |                        | Low: £-17.63m                         | High: £-58.83m | Best Estimate: £-33.65m |

| COSTS (£m)    | Total Transition<br>(Constant Price) Years | Average Annual<br>(excl. Transition) (Constant Price) | Total Cost<br>(Present Value) |
|---------------|--|---|-------------------------------|
| Low           | £17.63m                                    | £0  | £17.63m                       |
| High          | £58.83m                                    | £0  | £58.83m                       |
| Best Estimate | £33.65m                                    | £0  | £33.65m                       |

#### Description and scale of key monetised costs by 'main affected groups'

Staff resources required for schools to familiarise themselves with the new requirements and comply with them, as well as costs of training. Staff time will predominantly be spent on adapting the curriculum, planning lessons and training (e.g. attending a training course, or in-school training). It is worth noting that the Department will be scoping a package of support for schools to help them adjust to the new requirements. The costs have been monetised for one year, and we have assumed that there will be no annual recurring costs as a result of this policy.

#### Other key non-monetised costs by 'main affected groups'

For those schools that do not currently teach Relationships Education or RSE, schools will need to balance time spent on these subjects as part of a broad and balanced curriculum. This would bring these schools into line with schools that currently teach RSE, with no evidence to suggest that this would be damaging to educational attainment.

| BENEFITS (£m) | Total Transition<br>(Constant Price) Years | Average Annual<br>(excl. Transition) (Constant Price) | Total Benefit<br>(Present Value) |
|---------------|--|---|----------------------------------|
| Low           | £0   | £0  | £0                               |
| High          | £0   | £0  | £0                               |
| Best Estimate | £0   | £0  | £0                               |

#### Description and scale of key monetised benefits by 'main affected groups'

The benefits of the policy options have not been monetised, as it is particularly difficult to quantify a direct impact of this policy intervention on society. Given the size of the intervention proposed, we do not feel that it would be proportionate to monetise the benefits directly relating to the policy due to the complex relationship between the policy implementation and any subsequent monetary benefits.

#### Other key non-monetised benefits by 'main affected groups'

Young people at primary and secondary level will, respectively, be taught about Relationships Education and RSE. This will equip them with the necessary knowledge to both face the challenges of growing up in an online world and to develop respectful relationships with others. It will contribute to improved mental health of young people and to their understanding of healthy relationships.

#### Key assumptions/sensitivities/risks (%)

Assumptions relate to: the current level of SRE provision in schools; the extent of changes required by the regulation; the number of resource hours required to plan and deliver a new Relationships Education or RSE programme in line with the guidance; who in the school will lead the curriculum in this area e.g. a classroom teacher or a head of SRE/PSHE; and the cost and time commitment relating to training programmes.

#### Discount rate

3.5%

### BUSINESS ASSESSMENT (Option 2)

|   |                 |                 |   |
|---|-----------------|-----------------|---|
| Direct impact on business (Equivalent Annual) £m: |                 |                 | Score for Business Impact Target (qualifying provisions only) £m: |
| Costs:<br>£4.59m                                  | Benefits:<br>£0 | Net:<br>£-4.59m |   |

## Evidence Base

1. The sections below outline the background to the current position and the benefits of this area of education to young people, analyse the key challenges, and present the rationale for intervention and the considered options for addressing them.
2. This analysis has been finalised following consultation and reflects responses and views from respondents to the consultation on the draft regulations and associated guidance, and the impact assessment. The consultation specifically sought views on our set of assumptions set out in section E, including on how the proposed guidance as well as other resources can help support schools implement high quality of teaching of the new subjects.
3. The evidence base of this impact assessment is structured as follows:
  - A. Policy Background
  - B. Problem under consideration
  - C. Rationale for intervention
  - D. Policy objectives
  - E. Description of the options considered
  - F. Monetised and non-monetised costs and benefits
  - G. Small and Micro Business Assessment (SaMBA)

### A. Policy Background

#### ***Current position***

- The subject of sex education has been compulsory in all maintained secondary schools since 1993.
- Some aspects of sex education also form part of the national curriculum for science for 5-16 year olds. For example, pupils in primary schools are taught about the main external body parts and changes to the human body as it grows from birth to old age, including puberty. Pupils in secondary schools are taught about reproduction in humans, for example the structure and function of the male and female reproductive systems, menstrual cycle, gametes, fertilisation, gestation and birth; and about HIV/AIDS.
- Maintained schools must have an up-to-date policy that sets out the school's approach to sex education. Schools should consult their pupils' parents on this and must make the policy available to parents. Parents have the right to withdraw their children from all or parts of sex education, except those aspects that are part of the national curriculum for science in maintained schools.
- Academies and free schools are not required to teach the subject of sex education but they are encouraged to do so.
- When teaching sex education, including where academies and primary maintained schools choose to do so, schools are required to have regard to the statutory Sex and Relationship Education guidance. The guidance was last updated in 2000.
- PSHE is compulsory in independent schools. PSHE teaching should reflect the school's aims and ethos, and encourage respect for other people having regard to their protected characteristics.
- PSHE is not a statutory subject in maintained schools or academies, but they are encouraged to teach it. PSHE can encompass many areas of study. In some primary and secondary schools, sex education is taught as part of PSHE.
- Teachers have the freedom to design lessons in sex education and PSHE that meet their pupils' needs, taking account of pupil and parent views. Teachers are encouraged to develop their practice with the support of specialist organisations, such as the Sex Education Forum and the PSHE Association.

### **Provisions under sections 34 and 35 of the Children and Social Work Act 2017**

- The Department is required under section 34 of the Act to make regulations (and publish associated guidance) relating to Relationships Education and Relationships and Sex Education. The Department has powers under section 35 of the Act to consider making PSHE, or elements of PSHE, mandatory in state-funded schools. PSHE is already compulsory in independent Schools.
- The Department has decided to make the Health Education element of PSHE mandatory in all state-funded schools, but not independent schools. A draft of the regulations and guidance are subject to public consultation alongside this draft Assessment.
- Until the regulations are made and come into force, schools will continue to be subject to current requirements relating to the provision of sex education and PSHE.
- The new burden on independent schools is the mandatory teaching of Relationships Education and RSE – that is the burden we have assessed in this document. Independent schools will not be bound by the guidance on Health Education although they may find it helpful in planning their PSHE programme.

4. The government wants all schools to provide young people with the knowledge to become successful in modern Britain. Good quality, age-appropriate Relationships and Sex Education (RSE<sup>1</sup>) in secondary schools and Relationships Education in primary schools will help to equip young people with the knowledge to make informed decisions and safe choices about their lives. We want to ensure that all pupils have equal access to good quality provision of Relationships Education and RSE.

## **B. Problem under consideration**

### **Differences in mandatory teaching between school types**

5. Currently, all state-funded schools must teach a balanced and broadly based curriculum which promotes the spiritual, moral, cultural, mental and physical development of pupils, and prepares pupils for the opportunities, experiences and responsibilities of later life'. Independent schools must make provision for spiritual, moral, social and cultural development of pupils. The Department has therefore encouraged all schools to provide sex and relationships education (SRE) as part of their wider school curriculum. However, only maintained secondary schools have a duty to provide sex education as part of the curriculum, and Independent Schools have a duty to provide Personal, Social, Health and Economic (PSHE) education through the Independent School Standards Regulations. PSHE often covers SRE, but this is not specifically required.
6. Parents are free to withdraw their children from sex education provision in maintained schools – and from academies that choose to teach SRE - if they wish to do so. The only exceptions to this are the elements of sex education that are part of the national curriculum for Science in maintained schools. While we have no up-to-date figures on withdrawal rates, an Ofsted report from 2002 reported that only four in every 10,000 pupils are withdrawn from provision<sup>2</sup>.
7. The access to and quality of SRE provision has also been a concern for a wide range of stakeholders. In 2012, Ofsted reported on the quality of PSHE and SRE in 50 maintained schools. They found that the quality of teaching of SRE was good or better in 60% of primary and 55% of secondary maintained schools visited<sup>3</sup>. According to Ofsted, PSHE and sex

<sup>1</sup> The acronyms SRE and RSE are used interchangeably throughout this document, however they refer to the same subject area

<sup>2</sup> Ofsted (2002) Sex and Relationships

<sup>3</sup> Ofsted (2012) "Not yet good enough: personal, social, health and economic education in schools".

education provision at that point was not yet good enough, with sex and relationships education requiring improvement, in over a third of schools visited.

8. A recent survey on behalf of the Sex Education Forum found<sup>4</sup> that 46% of the young people who responded had not been taught “how to tell when a relationship is healthy” in SRE at school, a third had not been taught about sexual consent and a fifth rated their SRE provision as “bad” or “very bad”. The importance of relationships education has been highlighted by the NSPCC<sup>5</sup> and Sex Education Forum<sup>6</sup> who reported teaching children/young people about healthy relationships as an element in the approach to contributing to reducing child sexual exploitation.

### **Independent Schools and SRE**

9. There is currently no duty on independent schools to teach sex education. However, they are currently required to teach PSHE, and we understand that many independent schools cover some sex education topics within PSHE.
10. In January 2017 there were 2,297 independent schools in England, catering for 583,268 pupils<sup>7</sup> (7% of all pupils in England). 1,032 of these schools provide both primary and secondary education, though not necessarily in all key stages. A survey of 2,648 young people by the Sex Education Forum<sup>8</sup> investigated what was taught in SRE. 7% of respondents were from independent schools, and the Sex Education Forum found the breakdown of responses “very similar for independent and state schools in England”. The impact assessment uses available data from the maintained sector, because there is no strong evidence to suggest that independent school teaching would differ substantially.

### **C. Rationale for intervention**

11. At present, only maintained secondary schools are under an obligation to teach Sex and Relationship Education. The Secretary of State for Education is implementing a duty under the Children and Social Work Act 2017 by putting Relationships Education in primary schools, and Relationships and Sex Education (RSE) in secondary schools on a statutory footing through regulations. This policy intervention is intended to ensure that all pupils have access to good quality, age-appropriate Relationships Education/RSE, to provide young people with the knowledge and skills to be successful in modern Britain. The Act also provides a power for the Secretary of State to make PSHE, or elements therein, mandatory in all schools, subject to further consideration.
12. To help build our evidence base more broadly as we shape the regulations, guidance and RIA, we have completed a comprehensive stakeholder engagement process including teacher and governing body associations, faith organisations and representatives from the Independent School sector. We have also undertaken a call for evidence, which included parents and young people as well as schools and interested parties, to seek views on areas that should be covered by the new subjects. We have tested our assumptions set out in the RIA informally with select stakeholders and they have been positive about the approach taken in arriving at our conclusions on the impact on schools.

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<sup>4</sup> National Children’s Bureau (2016) “Heads or tails? What young people are telling us about SRE”

<sup>5</sup> <https://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/child-sexual-exploitation/preventing-cse/>

<sup>6</sup> [http://www.sexeducationforum.org.uk/media/3101/pshe\\_ff37.pdf](http://www.sexeducationforum.org.uk/media/3101/pshe_ff37.pdf)

<sup>7</sup> Schools, Pupils and Their Characteristics: January 2017 (<https://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2017> )

<sup>8</sup> <http://www.sexeducationforum.org.uk/media/34250/Head-or-tails-SRE-2016.pdf>

13. The DfE is committed to maintaining flexibility for all schools in their approach, enabling them to have regard to the age and religious background of their pupils. Full details of the policy can be found on GOV.UK.<sup>9</sup>

14. In terms of likely subject content for Relationships Education and Relationships and Sex Education, the DfE committed to explore:

- Different types of relationships, including friendships, family relationships, dealing with strangers and, at secondary school, intimate relationships;
- How to recognise, understand and build healthy relationships, including self-respect and respect for others, commitment, tolerance, boundaries and consent, and how to manage conflict, and also how to recognise unhealthy relationships;
- How relationships may affect health and wellbeing, including mental health;
- Healthy relationships and safety online;
- Factual knowledge, at secondary school, around sex, sexual health and sexuality, set firmly within the context of relationships.

### Importance and benefits of Relationships Education and RSE

15. The diagram below provides an overview of the potential benefits of Relationships Education/RSE and how this leads to the requirement of a high quality provision and that this could be achieved by improving both access and quality of Relationships Education/RSE received by young people in schools.

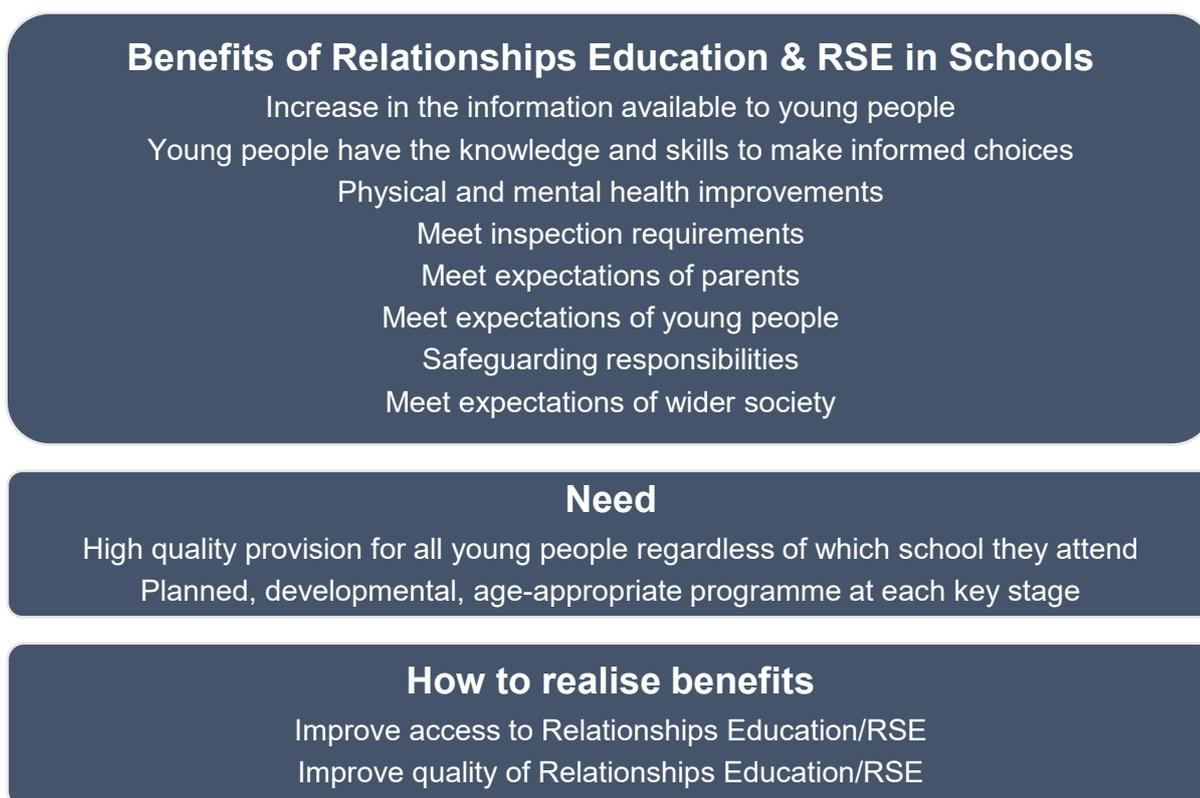


Figure 1: Benefits of Relationships Education/RSE in schools and how these benefits could be realised

16. **These benefits have not been monetised**, as it is particularly difficult to quantify the direct impact of this policy in relation to its wider benefits to society.

<sup>9</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/595828/170301\\_Policy\\_statement\\_PSHEv2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/595828/170301_Policy_statement_PSHEv2.pdf)

17. The Education Select Committee recommended it as a step to tackle sexual harassment and bullying in schools<sup>10</sup>.
18. In many cases, it is challenging to link improvements in these areas directly to Relationships Education/RSE provision in schools, due to a number of issues which arise when collecting and analysing data on this issue:
  - Frequently the desired benefits are influenced by a variety of factors that lie outside the school environment, making it difficult to establish the direct impact of changes in provision.
  - Benefits may result indirectly and may vary greatly by individual, thus causal links can be difficult to establish<sup>11</sup>.
19. This does not reduce the positive impact that can be achieved from this intervention, but demonstrates some of the difficulties with making broad, general statements about its impact.
20. Making Relationships Education and RSE compulsory would bring England in line with the United Nations Special Rapporteur on the right to education, stating that “the right to education includes the right to sexual education”<sup>12</sup>.
21. A Cochrane Review<sup>13</sup>, found that school-based education around prevention of child sexual abuse was effective at increasing protective behaviours and knowledge of sexual abuse prevention concepts. The review also found that participation in programmes may lead to greater odds of disclosure of past or present sexual abuse; however this result is not certain.

### **Young People have the Knowledge to Make Informed Choices**

22. A study<sup>14</sup> using the Natsal-3 survey demonstrated that young people who cite school as their main source of information about sex were less likely to report a range of negative sexual health outcomes including: lower age at first intercourse, lower likelihood of safe sex and higher likelihood of STI diagnosis amongst young people of both genders. Specifically, those citing schools as their main source of sexual information reported having had first intercourse at comparatively later ages than did those who reported their main source was ‘other’. By age 20 (more clearly among women) the study reported that the proportion that has had sex seems unrelated to source of sex education.
23. There is additional evidence that Relationships Education/RSE has the potential to influence young people’s sexual behaviour<sup>15</sup>; such as delaying initiation of sex, reducing the frequency of sex or the numbers of partners and increasing the use of contraceptives<sup>16,17</sup>. Moreover, there is evidence that Relationships Education/RSE has the potential to mitigate the risk of pornography influencing children and young people’s engagement in ‘risky behaviours’<sup>18</sup>.

<sup>10</sup> <https://www.parliament.uk/business/committees/committees-a-z/commons-select/women-and-equalities-committee/news-parliament-2015/sexual-harassment-and-violence-in-schools-report-published-16-17/>

<sup>11</sup> The studies normally ask people to recall their behaviour (e.g. condom use, information received at school) making it less accurate, it is a sensitive topic (selection bias of those who will participate in studies), small number of participants.

<sup>12</sup> Report of the United Nations Special Rapporteur on the right to education (23 July 2010, 65th Session, Item 69(b)). Paragraphs 18 and 19

<sup>13</sup> <http://onlinelibrary.wiley.com/doi/10.1002/14651858.CD004380.pub3/abstract>

<sup>14</sup> Macdowall et al. (2015) Associations between source of information about sex and sexual health outcomes in Britain: findings from the third National Survey of Sexual Attitudes and Lifestyle (Natsal-3). *BMJ* 5:e007837

<sup>15</sup> Education Committee (2015) Life lessons: PSHE and SRE in schools: Fifth Report of Session 2014–15, <http://www.parliament.uk/pshe-and-sre-in-schools-inquiry>

<sup>16</sup> Kirby, D. and Laris, B. (2009) Effective curriculum-bases sex and STI/HIV education programmes for adolescents. *Child Development Perspectives*, 3, 21-29

<sup>17</sup> UNESCO (2009) International guidelines on sexuality education: an evidence informed approach to effective sex, relationships and HIV/STI education

<sup>18</sup> Allen, M., D'Alessio, D., Emmers, T.M. & Gebhardt, L. (1996). The role of educational briefings in mitigating effects of experimental exposure to violent sexually explicit materials: A meta analysis. *The Journal of Sex Research*, 33, 135–141.

24. Relationships Education/RSE can also provide young people with the knowledge to resist peer, partner and media pressure and understand issues of consent and responsibility.<sup>19</sup> This knowledge is important in establishing healthy relationships.

### **Physical Health**

25. A reduction in risky behaviour can protect young people from unwanted conception<sup>20</sup> and sexually transmitted infections (STIs). For example, young people who become sexually active before they are 16 are less likely to use contraception<sup>21</sup>. Research shows that young people who have taken part in a good quality Relationships Education/RSE programme are more likely to use condoms and other contraception when they first have sex<sup>22</sup>, thus reducing the risk of unwanted pregnancies<sup>23</sup>.

26. There is some evidence which suggests that good quality Relationships Education/RSE can have a protective function such as delaying initiation of sex, reducing frequency of sex or the number of sexual partners and increasing the use of condoms or other contraceptive measures<sup>24</sup>.

### **Expectations of parents**

27. In a survey of over 1,000 parents commissioned by NAHT<sup>25</sup> 88% of parents said that sex education and lessons on adult and peer relationships should be mandatory in schools. This is supported by a Mumsnet<sup>26</sup> survey on sex education, with 90% of respondents agreeing there should be a statutory duty on all schools, including faith schools and academies, to deliver comprehensive Relationships Education/RSE.

28. The Sex Education Forum also conducted a survey<sup>27</sup> of parental opinions on Relationships Education in primary schools which showed widespread support, including support for topics such as online safety and identifying the difference between safe and unwanted touching and how to get help.

### **Expectations of young people**

29. A wide variety of youth organisations have voiced their support for Relationships Education/RSE in schools; the 2016 Girls Attitudes Survey by Girlguiding<sup>28</sup> reported that 81% of girls and young women aged 11-21 say the government should ensure that PSHE (which includes Relationships Education/RSE) is taught in all schools.

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<sup>19</sup> TPIAG (2010) Teenage Pregnancy Independent Advisory Group Final Report. Teenage pregnancy: Past success – future challenges. 12

<sup>20</sup> Lemos, Gerald (2009) Freedom's Consequences Reducing teenage pregnancies and their negative effects in the UK, Monument Trust

<sup>21</sup> <http://www.sexeducationforum.org.uk/evidence/data-statistics.aspx>

<sup>22</sup> Sex Education Forum evidence submission to Scottish Government Teenage Pregnancy Inquiry, [http://www.sexeducationforum.org.uk/media/12755/sef\\_-\\_scottish\\_tp\\_inquiry\\_feb\\_2013.pdf](http://www.sexeducationforum.org.uk/media/12755/sef_-_scottish_tp_inquiry_feb_2013.pdf)

<sup>23</sup> Oringanje, C, Meremikwu, M.M., Eko, H., Esu, E. Meremikwu, A. and Ehiri, J.E. (2009) 'Interventions for preventing unintended pregnancies among adolescents', Cochrane Database of Systematic Reviews, Issue 4

<sup>24</sup> Kirby, D (2007) Emerging Answers 2007: Research Findings on Programs to Reduce Teen Pregnancy and Sexually Transmitted Diseases. Washington, DC: National Campaign to Prevent Teen and Unplanned Pregnancy.

<sup>25</sup> <http://www.naht.org.uk/welcome/news-and-media/key-topics/parents-and-pupils/parents-want-schools-to-manage-dangers-of-pornography-says-survey/#Parents-survey-data>

<sup>26</sup> <https://www.mumsnet.com/campaigns/mumsnet-sex-education-survey#Results>

<sup>27</sup> <http://www.sexeducationforum.org.uk/policy-campaigns/parents-want-sre.aspx>

<sup>28</sup> <https://www.girlguiding.org.uk/social-action-advocacy-and-campaigns/research/girls-attitudes-survey/>

30. An NUS study<sup>29</sup> of student opinions found that 90% of respondents agree that RSE in school should be a legal requirement and both the British Youth Council (BRC) and UK Youth Parliament have called for statutory Relationships Education/RSE<sup>30</sup>.

### **Safeguarding responsibilities**

31. Safeguarding and promoting the welfare of children is everyone's responsibility and all school staff have a responsibility to provide a safe environment in which children can learn.
32. It has been argued that Relationships Education/RSE promotes wider child protection, including through content on internet safety and all forms of bullying and harassment<sup>31</sup>. This is particularly important given that young people can be particularly vulnerable to intimate violence. An extract from an Office for National Statistics publication on violent crime and sexual offences in the UK, for example, states that:
- 'In addition to women being more likely than men to have experienced intimate violence in the last year, victimisation varied by other personal characteristics. The prevalence of intimate violence was higher for younger age groups. Women aged between 16 and 19 or between 20 and 24 were more likely to be victims of any domestic abuse (13.7% and 12.6% respectively) or of stalking (7.9% and 7.3% respectively). Women aged between 16 and 19 were most likely to be victims of sexual assault (9.2%)'<sup>32</sup>.

### **Meet expectations of wider society**

33. There have been multiple calls for the statutory status of Relationships Education/RSE, including from health professionals, local authorities, Office of the Children's Commissioner and National Governors' Association. The Education Committee report on PSHE and SRE in schools<sup>33</sup> (paragraph 135) supports statutory status of PSHE and, within that, SRE was shown to be wide ranging. The Society for Public Health<sup>34</sup> welcomed the recommendations within this report.
34. The PSHE Association lists 120 organisations who support "the teaching of high quality PSHE education in all schools", including Barnardo's, Samaritans, NSPCC and Royal College of General Practitioners.

### **Relationships Education/RSE and school inspection requirements**

35. Mandatory Relationships Education and RSE will fall within the scope of the legislation on school inspection. It can be considered within the context of assessing the school leadership, the quality of teaching, pupil safety and pupils' spiritual, moral, social and cultural development. Key elements are already covered in Ofsted's school inspection handbook.
36. HM Chief Inspector will take full account of the new requirements on Relationships Education/RSE and the new statutory guidance to schools, in determining future school inspection arrangements.
37. With regard to independent schools specifically, inspectors will be required to report against the independent school standards, including ensuring schools meet the requirements around providing for pupils' spiritual, moral, social and cultural development.

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<sup>29</sup> NUS (2014) 'Student Opinion Survey: November 2014', Available at: <https://www.nus.org.uk/Global/SRE%20Research%20Nov%202014.pdf>

<sup>30</sup> <http://www.ukyouthparliament.org.uk/2014/news/byc-leading-youth-organisations-call-statutory-sex-education/>

<sup>31</sup> Berelowitz, S. (2013). If only someone had listened: Office of the Children's Commissioner's inquiry into child sexual exploitation in gangs and groups. London: Office of the Children's Commissioner.

<sup>32</sup> Office for National Statistics (Feb 2013c) Focus on: violent crime and sexual offences, 2011/12

<sup>33</sup> House of Commons Education Committee. Life Lessons: PSHE and SRE in Schools. Fifth Report of Session 2014-15

<sup>34</sup> <https://www.rsph.org.uk/about-us/news/rsph-welcomes-mps--recommendations-for-statutory-pshe-and-rse-in-primary-and-secondary-schools.html>

38. As a result of the positive impact of Relationships Education/RSE, improving equal access and quality of delivery is essential to ensure all young people benefit from the positive impact of Relationships Education/RSE.

#### D. Policy objectives

39. Based on an analysis of the evidence on the benefits and current provision of SRE the Department identified its priorities for reform.

##### Provide equal access to RSE

40. Currently, the legal requirement to deliver sex education varies by school type and within these requirements the delivery varies greatly between individual schools. The table below gives an overview of the current legal requirement to teach sex education by school type including the number of schools in each category.

Table 1: Number of schools in England, January 2017

| School type                         | Number | Requirement to teach and Sex and Relationship Education at appropriate age |
|-------------------------------------|--------|--|
| <b>State-funded Primary</b>         | 16,785 |  |
| LA Maintained                       | 13,038 | No requirement   |
| Academy and free school             | 3,747  | No requirement   |
|                                     |        |  |
| <b>State-funded Secondary</b>       |        |  |
| LA Maintained                       | 1,083  | Statutory requirement  |
| Academy and free school             | 2,325  | No requirement   |
|                                     |        |  |
| <b>Special Schools (total)</b>      | 1,037  | No requirement   |
|                                     |        |  |
| <b>Pupil referral units (total)</b> | 350    | No requirement   |
|                                     |        |  |
| <b>Independent Schools</b>          |        |  |
| Of which teach primary              | 1,678  | No requirement   |
| Of which teach secondary            | 1,651  | No requirement   |
|                                     |        |  |
| <b>Total schools</b>                | 24,909 |  |
|                                     |        |  |

Source: *Schools, pupils and their characteristics: January 2017*. Independent school data is broken down by which schools teach primary, secondary and the total number through an analysis of Edubase data. Special schools and Pupil referral units are not broken down by primary and secondary phase as this data is not published.

41. All state-funded schools must teach a broad and balanced curriculum and the Department has encouraged schools to include SRE provision as part of PSHE. PSHE is mandatory in independent schools. Therefore, beyond the requirement to teach sex education, many secondary and primary schools already choose to teach this subject area.

42. In addition to this, a number of previous reviews have drawn a link between the legal requirement to teach the subject and its overall status and quality of delivery in schools<sup>35</sup>. For example, the 2016 report by the Women and Equality Committee states in its recommendations:

*“at the moment only a minority of schools are delivering good teaching in this area (SRE). The Government must take a lead in ensuring that all children have access to high quality SRE and it does not remain the privilege of a few. Making SRE a statutory subject is the first step towards achieving this”<sup>36</sup>.*

### **Improve the quality of provision**

43. Linked to improving access is ensuring high quality provision to ensure that young people are gaining accurate, age-appropriate knowledge that reflects the issues and environment they encounter.

44. According to Ofsted<sup>37</sup>, key quality concerns include:

- Weakness in the assessment of pupils’ knowledge: This was identified in 58% of schools Ofsted visited, often in the context of low teacher expectations and lack of assessment of prior knowledge.
- Issues with leadership and management: This was identified as an issue in just under half of schools with the subject leader often lacking time to monitor and evaluate provision.
- Lack of teacher training: In one third of schools the subject leader was inadequately trained. Ofsted identified that often teachers lacked the expertise to teach sensitive or controversial issues leading to their exclusion from the curriculum. In 20% of schools visited teachers have had no training in providing PSHE.
- Curriculum: This was good or better in two thirds of schools. Weaknesses were in the coherence of the curriculum and that the level of provision was influenced by GCSE choices.
- Not enough focus on skills and applying knowledge: Ofsted identified that many topics which pupils had covered e.g. staying safe did not always lead to pupils developing the skills to apply that knowledge.

45. Addressing contemporary safety concerns is also key to improving quality. One example is online safety, which includes among other issues cyber bullying and online grooming. According to Ofcom, children between 5 and 15 use the internet on average 12.5 hours per week, 1 in 5 children aged 8-11 has a social media profile, as do 7 in 10 children aged 12-15.<sup>38</sup> 28% of children aged 11-16 (23% of children aged 11-12) who have a profile on a social networking site, have experienced something upsetting on social media in the last year<sup>39</sup>.

46. A 2014 poll of 11- to 17-year-olds undertaken by internet security firm McAfee showed that 35% of respondents reported that they have experienced cyberbullying – compared with 16% the previous year<sup>40</sup>. The Department’s Longitudinal Study of Young People in England also found that 10% of year 10 pupils reported cyberbullying in 2014<sup>41</sup>. Moreover, the

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<sup>35</sup> Education Committee (2015) Life lessons: PSHE and SRE in schools: Fifth Report of Session 2014–15, <http://www.parliament.uk/pshe-and-sre-in-schools-inquiry>

<sup>36</sup> Women and Equalities Committee (2016) Sexual harassment and sexual violence in schools: Third Report of Session 2016–17, <https://www.parliament.uk/business/committees/committees-a-z/commons-select/women-and-equalities-committee/inquiries/parliament-2015/inquiry1/>

<sup>37</sup> Ofsted (2012) “Not yet good enough: personal, social, health and economic education in schools”.

<sup>38</sup> Ofcom (2014) Children and Parents: Media Use and Attitudes Report

<sup>39</sup> Lilley, C., Ball, R. and Vernon, H. (2014) The experiences of 11-16 year olds on social networking sites.

<sup>40</sup> McAfee survey of children and parents as reported in the Guardian (14 November 2014) “Number of children who are victims of cyberbullying doubles in a year”

<sup>41</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/570241/Bullying\\_evidence\\_from\\_the\\_longitudinal\\_study\\_of\\_young\\_people\\_in\\_England\\_2\\_wave\\_2\\_brief.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/570241/Bullying_evidence_from_the_longitudinal_study_of_young_people_in_England_2_wave_2_brief.pdf)

number of reported cases of child grooming online is rising although precise data on the extent of grooming is unavailable<sup>42</sup>.

47. The current SRE guidance 2000 does not address some of the issues which are now essential to young people's safety. A recent Barnardo's<sup>43</sup> poll of 11-15 year olds showed that 74% believed that children would be safer if they had age appropriate classes on RSE. A recent YouGov poll for the PSHE association shows that 91% of parents believe all pupils should receive PSHE lessons to teach about the risks of sexting<sup>44</sup>, as well as other issues such as contact from strangers online.

## E. Description of the options considered

48. Based on the policy objectives above two options have been considered:

**Policy Option 1:** Do nothing.

**Policy Option 2:** Make Relationships and Sex Education (RSE) for secondary pupils and Relationships Education for primary pupils mandatory via regulations in academies, maintained schools, independent schools, pupil referral units and non-maintained special schools; as well as publishing statutory guidance for all schools. And make Health Education mandatory for all pupils in schools other than independent school and publish statutory guidance (PSHE is already mandatory in independent schools; the new Health Education requirement including the guidance will not apply to them).

### **Policy Option 1: Do nothing**

49. No intervention would at best maintain the status quo whereby only maintained secondary schools will be required to teach sex education under guidance which is out of date in a number of areas. It would not achieve the government's objectives to ensure universal coverage and improve the provision. In addition, the Secretary of State would be in breach of a statutory duty if he fails to exercise the duty under section 34 of the Children and Social Work Act 2017 to make Relationships Education and RSE mandatory.

### **Policy Option 2: Make Relationships and Sex Education (RSE) for secondary pupils, Relationships Education for primary pupils and Health Education mandatory via regulations and publish new statutory guidance (as provided under sections 34 and 35 of the Children and Social Work Act 2017)**

50. This option creates new compulsory subjects: Relationships Education for all primary pupils and Relationships and Sex Education (RSE) for all secondary pupils. In addition, Health Education will be mandatory for all primary and secondary pupils in state-funded schools. In teaching these subjects, schools will have to have regard to new statutory guidance, which has been drafted and is subject to consultation alongside the draft regulations and this draft Assessment.
51. These subjects will be made mandatory for all types of schools including academies and free schools. However, Health Education will not be mandatory in independent schools where PSHE is already mandatory. For maintained schools, the new subjects will be included to the basic school curriculum provision in the Education Act 2002 (as now for sex education in maintained secondary schools). The Basic Curriculum sets out the curriculum that maintained schools must teach. It includes the national curriculum, religious education and (for secondary schools) sex education. For academies and other independent schools, provisions in the Independent School Standards Regulations 2014 will be amended to require the relevant new subjects to be taught. The Pupil Referral Units Application of Enactment Regulations 2007

<sup>42</sup> NSPCC (2015) <https://www.nspcc.org.uk/what-we-do/news-opinion/online-grooming-cases-increase-50/>

<sup>43</sup> <https://www.barnardos.org.uk/news/Sex-and-relationships-education-will-be-compulsory-in-England-Government-announces-press-releases.htm?ref=122116>

<sup>44</sup> <http://www.telegraph.co.uk/education/2016/07/20/sexting-now-a-bigger-concern-to-parents-than-smoking-or-alcohol/>

and the Non-Maintained Special Schools Regulations 2015 will be amended to apply the new provisions in pupil referral units and non-maintained special schools respectively.

52. All primary schools (maintained, academies and independent) will be required to provide Relationships Education (and will retain their current choice to teach age-appropriate sex education). All secondary schools (maintained, academies and independent) will be required to provide RSE. In addition, all primary and secondary state-funded schools will be required to teach compulsory content of Health Education; and PSHE continues to be recommended for state-funded schools as set out in the introduction to the National Curriculum.
53. This approach will put the provision of Relationships Education, RSE and Health Education on a statutory footing in all types of schools, and secure access to provision for all young people. Statutory status will likely increase attention and resources schools devote to this area of teaching, for example stimulating CPD demand. This is likely to trigger improvements in the quality of provision.
54. This approach allows schools flexibility in developing their detailed schemes of work, integrated within the wider school's curriculum. Moreover, this approach includes the issuing of new statutory guidance for Relationships Education, RSE and Health Education with the benefits outlined above of ensuring existing provision considers the contemporary issues, including online safety concerns.
55. These benefits, however, come at the cost of placing a burden on schools that do not currently teach sex education, including independent schools. While schools that currently offer an excellent provision will not experience a larger burden than the 'do nothing' option, schools with lower quality or no current provision in this area will experience a larger burden.
56. Proposals to make Relationships Education and RSE mandatory have received broad, cross-party support in both Houses of Parliament in March/April 2017, when the Children and Social Work Bill was going through Parliament. There have also been many calls for statutory RSE from leading parent representative bodies such as Mumsnet and PTA UK as well as teachers, some faith groups, health professionals, and local authorities, alongside the Office of the Children's Commissioner, the National Governors' Association and others<sup>45</sup>. This suggests that parents and schools agree that the benefits of statutory status outweigh the burdens, but the Department has also conducted a wide engagement process and call for evidence to invite the views of stakeholders.
57. The Department discounted alternative options because they did not sufficiently support the improvement of quality and delivery of Relationships Education and RSE in all types of schools, and they would be seeking to amend the national curriculum, which is only compulsory for maintained schools:
  - Solely updating the SRE Guidance 2000 would retain the current legal position where sex education is mandatory in secondary maintained schools only. Updating the guidance would ensure teaching about modern issues, including safety concerns. However, this option would not improve provision in all types of school.
  - Including the Relationships Education and RSE in the national curriculum would create a significant burden for maintained schools due to the greater level of prescription and would not apply to academies and independent schools. The preferred option, set out below, provided for the best outcome for all pupils and allows schools an important degree of flexibility in shaping Relationships Education and RSE to meet the needs of their pupils effectively, working with parents and the wider community.

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<sup>45</sup> Education Committee (2015) Life lessons: PSHE and SRE in schools: Fifth Report of Session 2014–15, <http://www.parliament.uk/pshe-and-sre-in-schools-inquiry>

## F. Monetised and non-monetised costs and benefits

### Summary of the costs

58. Below is a summary of the estimated costs of the two options to independent schools, to state funded schools and to all schools (the combination of independent and state). The costs presented in this section are in 2017 prices.

#### Independent schools

Table 2: Estimated costs of policy options to independent schools

| Option | Low Estimate | Best Estimate | High Estimate |
|--------|--------------|---------------|---------------|
| 1      | £0           | £0            | £0            |
| 2      | £2,408,962   | £4,587,993    | £8,022,502    |
|        |              |               |               |

#### State schools

Table 3: Estimated costs of policy options to state funded schools

| Option | Low Estimate | Best Estimate | High Estimate |
|--------|--------------|---------------|---------------|
| 1      | £0           | £0            | £0            |
| 2      | £15,226,018  | £29,060,268   | £50,808,284   |
|        |              |               |               |

#### Total cost to all schools

Table 4: Estimated costs of policy options to state funded and independent schools

| Option | Low Estimate | Best Estimate | High Estimate |
|--------|--------------|---------------|---------------|
| 1      | £0           | £0            | £0            |
| 2      | £17,634,980  | £33,648,261   | £58,830,786   |
|        |              |               |               |

Tables 2, 3 and 4: Summary of monetised costs associated with each policy option by estimate type.

59. The monetary costs associated with these options include staff time (e.g. planning, delivering and familiarisation with the material) as well as training costs.

#### Policy Option 1: Do nothing to amend the currently regulatory framework

60. The costs and benefits of policy option 2 are expressed relative to this do-nothing policy option. There are no monetary costs associated with policy option 1 to do nothing.

#### Policy Option 2: Make Relationships and Sex Education (RSE) for secondary pupils, Relationships Education for primary pupils and Health Education mandatory via regulations and publish new statutory guidance

#### Impact of policy on schools

Table 5: Impact of Relationships Education and RSE policy option 2 by school type

| School type                       | Number | Requirement to teach Sex and Relationship Education at appropriate age | Required to teach Relationships Education or RSE after implementation of policy option 2 |
|-----------------------------------|--------|--|--|
| State-funded Primary              | 16,785 | No requirement   | Yes  |
| State-funded Secondary            |        |  |  |
| LA Maintained                     | 1,083  | Statutory requirement  | Yes  |
| Academy and free school           | 2,325  | No requirement   | Yes  |
|                                   |        |  |  |
| Special Schools and PRU           | 1,387  | No requirement   | Yes  |
| Independent Schools <sup>46</sup> |        |  |  |
| Of which teach primary            | 1,678  | No requirement   | Yes  |
| Of which teach secondary          | 1,651  | No requirement   | Yes  |
| <b>Total schools</b>              | 24,909 |  |  |
|                                   |        |  |  |

Source: *Schools, pupils and their characteristics: January 2017*. Independent school data is broken down by which schools teach primary, secondary and the total number through an analysis of Get Information About Schools data. Special schools and pupil referral units are not broken down by primary and secondary phase as this data is not published.

61. The main groups affected (for the purposes of the impact assessment) are teachers, management and administration staff. As a result, it is estimated that 24,909 schools would be affected.
62. We consider five routes through which costs will be incurred by schools: the new statutory guidance will need to be read; lessons will need to be planned; the policy of schools will need to be created or adapted, both on an administration and a management side; parents will need to be consulted on the policy; and we expect that, in a proportion of schools, teachers will need to update any training and development needs to enable high standards of teaching.
63. It is assumed that reading the new statutory guidance will be undertaken by one teacher per key stage, the equivalent of two teachers per school. We have assumed that the time that this will take to be between 2 and 7 hours per school, and the cost is derived using a classroom teacher's average hourly wage (£28.76)<sup>47 48</sup>. For all schools affected, the best estimate cost of reading the new guidance is £3.2m (10% of the total).
64. Lesson planning would represent a significant additional burden to all except state-maintained secondary schools, which are already required to teach SRE. For those schools affected it is assumed that one teacher per key stage will undertake this, with the extent of the time burden

<sup>46</sup> These figures include those independent schools that identify as teaching primary and/or secondary pupils. To the extent that 'all through' schools teach both cohorts, the number of schools teaching primary pupils plus the number of schools teaching secondary pupils exceeds the total number of independent schools. This is not the case for state-funded schools.

<sup>47</sup>

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitsoc2010asheetable14>

<sup>48</sup> All wages in this impact assessment have been uplifted to account for non-wage labour costs (employers NICs and pension contributions). The most recent estimate for the uplift for the education sector from Eurostat is 25.47% (Eurostat, 2016: <http://ec.europa.eu/eurostat/web/labour-market/labour-costs/database>).

dependent on Ofsted research into relationships and sex education teaching in schools.<sup>49</sup> In the report, “learning about sex and relationships was at least good in 55% of schools visited”, with 45% requiring improvement. Based on calculations using the Teacher Workload Survey<sup>50</sup> and School Workforce in England<sup>51</sup> data, it is estimated that those rated ‘good’ require approximately 3 hours of additional planning<sup>52</sup>. Concerning the 45% of schools requiring improvement, it is assumed that 40% require minor improvement (RI minor) and 5% require major improvement (RI major)<sup>53</sup>. We further assume that schools that are ‘RI minor’ require three times as much planning time as ‘good’ schools, with ‘RI major’ schools requiring twice as much planning time as ‘RI minor’. The best estimate cost of lesson planning is £4.4m (13% of the total).

65. For each school, adapting the Relationships Education/RSE policy would need to be done by both an administrative member of staff and a management member of staff. Combined, this is assumed to take a school approximately 6 hours, with a cost calculation similar to reading the guidance insofar as it utilises a member of staff’s hourly wage – the administration and management costs differ to the extent that an admin’s wage is lower than a member of management staff.<sup>54</sup> Adapting the school guidance incurs a best estimate cost of £3.5m (11% of the total).
66. Consulting parents on the changes is estimated to take one teacher per school approximately 4 hours to implement. Multiplying time taken by a teacher’s hourly wage and the number of schools impacted, gives a cost of £2.9m (9% of the total).
67. The costs of a teacher being trained in the delivery of Relationships Education/RSE are two-fold. Firstly, and consistent with the previous costs, there exists a cost related to teacher time that could otherwise be spent in the classroom. With day courses representing the most popular form of training and development on offer, this cost was originally estimated by assuming that one teacher per key stage spends 7.5 hours training, with their time valued as their hourly wage. Following consultation, and a steer from 15% of free-text respondents (138 individuals)<sup>55</sup> that 7.5 hours underestimated the time it will take for staff to be trained, this has been increased to 10 hours of training for one teacher per key stage. The second cost component concerns the additional cost of the price of the training programme. The best estimate of overall cost of training, which accounts for the fact that there exists a large quantity of free online resources that schools may instead choose to make use of, is £19.7m (58% of the total).
68. Analysing how these constituent cost factors contribute to the overall cost to business (independent schools), as opposed to the total, we find that: reading the guidance costs £0.4m; lesson planning costs £0.6m; adapting the school policy costs £0.5m; consulting parents costs £0.4m; and training costs £2.7m. These sum, as outlined in table 6, to give a total cost to independent schools of £4.6m.

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<sup>49</sup> <https://www.gov.uk/government/publications/not-yet-good-enough-personal-social-health-and-economic-education>

<sup>50</sup> <https://www.gov.uk/government/publications/teacher-workload-survey-2016>

<sup>51</sup> <https://www.gov.uk/government/statistics/school-workforce-in-england-november-2015>

<sup>52</sup> This calculation divides planning time per teacher by teaching time per teacher, to give an estimate of the planning time per hour of teaching. This is multiplied by the fraction of teaching time dedicated to PSHE to give an estimate of the planning time dedicated to PSHE, and scaled up to obtain a yearly estimate of 6.2 hours per teacher.

<sup>53</sup> In the absence of further evidence on the degree of improvements required by schools, we have assumed this split of 45% minor improvements and 5% major improvements. A sensitivity analysis around this split has been conducted as a measure of robustness in table 9.

<sup>54</sup>

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitsoc2010ashtable14>

<sup>55</sup> 138 individuals represents 15% of the free-text responses to question 31 of the consultation: “Tables (6-8) in section F of the draft assessment set out the assumptions we have made in estimating the cost burden for schools to implement the new requirements. Do you agree with our assumptions and the estimated additional costs to schools?”

## Assumptions made

69. The following assumptions, many of which are detailed in paragraphs 63-68, have been made for each cost component. These assumptions were tested and agreed with a school leader before the consultation stage and with the sector during the consultation:

- Reading the guidance
  - The new statutory guidance would need to be read by all schools, both those currently teaching RSE/PSHE as well as those not currently teaching RSE/PSHE, regardless of quality of teaching.
  - This will take between 2 and 7 hours per school (1 teacher per key stage), with a best estimate of 4.5 hours. The time estimate for reading the guidance is not derived from data but, when tested at consultation, was not flagged as inaccurate.
- Lesson planning
  - Lesson planning constitutes a significant additional burden to all schools except maintained secondary schools, as they are already required to teach sex education. Lesson planning is assumed to affect one teacher per key stage, with the time commitment of teachers dependent on the current level of RSE teaching at their school – it is assumed to be more time consuming for those that require major improvements than it is for those that require minor improvements or those that deliver good provision.
  - The proportion of schools providing good relationships and sex education teaching is the same as it was in 2012 (55%). The proportion of schools requiring improvement in their teaching of relationships and sex education is the same as it was in 2012 (45%).<sup>56</sup>
  - The lesson planning time estimates, ranging from approximately 1 hour to 12.5 hours across the quality of teaching bands, are derived using the Teacher Workload Survey and School Workforce in England data. We estimate that, on average, 6.2 hours per teacher over the year are spent on RSE/Relationships Education teaching. This figure represents a low estimate for those schools that require major improvements and a high estimate for those that require minor improvements, with best estimates at 3/4 and 4/3 of 6.2 hours respectively. For 'good' schools, the best estimate is taken to be 1/4 of the 6.2 hours figure.
  - A total of 42 free-text consultation responses stated that this underestimated the lesson planning time required, representing 4% of question respondents. Since this proportion is relatively low, and there is likely to be response bias against the alternative view, we have not amended the estimates as a result.
- Adapting school policy
  - School policy would need to be adapted/developed by all schools, regardless of current level of teaching. This will be undertaken by one administrative and one management member of staff, and will take between 3.5 and 8.5 hours per school (a best estimate of 6 hours). Although these figures are not derived from data, when tested at consultation they were not flagged as inaccurate.
- Consultation of parents
  - All schools will need to consult parents, which will take one member of staff between 1 and 7 hours (a best estimate of 4 hours). Although these figures are not derived from data, when tested at consultation they were not flagged as inaccurate.
- Training

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<sup>56</sup> <https://www.gov.uk/government/publications/not-yet-good-enough-personal-social-health-and-economic-education>

- We assume that training would need to be undertaken by one teacher per key stage for all schools except maintained secondary schools that are currently rated 'good' in their teaching of RSE. There exists both a cost to teacher time and the cost of attending the programme itself. Regarding teacher time, training will take each affected teacher one and a half days (10 hours). Regarding the price of the training, the cost is £87.5 (the midpoint of an evidence-based £175 programme<sup>57</sup> and accessing training resources for free). High and low estimates of the overall cost of training assume a training per person programme price of £0 and £175 respectively.
- Furthermore, it is assumed that all the costs to schools occur in the first year and that there are no annual recurring costs. This is due to schools needing to read the guidance, plan lessons, adapt policy, consult parents, and attend training only once. We have assumed that ongoing work would be part of business-as-usual curriculum planning. The consultation responses that we received were largely in agreement with this approach: in answer to whether additional cost burdens needed to be considered, only 21% stated 'yes'<sup>58</sup>. Of these, the largest steer suggested the need for specialist, external support: 137 respondents (23% of free-text responses) stated the need for professional support from outside agencies, which would constitute an annual recurring cost for schools. However, since we do not consider this to be necessary to the delivery of RSE/Relationships Education, and think it is unlikely to be undertaken by a majority of schools, we have not incorporated the use of professional support into the impact assessment as an additional cost of delivery. A further consideration supporting this decision is the likelihood that, even when utilised by schools, these agencies would provide their services for free (for example, where public sector officials such as nurses and police officers engage in community outreach as part of their role).

## Simplified best estimate costs to the schools of the new statutory guidance

### Independent schools

Table 6: Independent schools cost breakdown of policy option 2

| Costed activity                  | Number of schools affected | Time taken (hours, per school) | Cost per member of staff (£)** | Staff per school impacted | Total (£) |
|----------------------------------|----------------------------|--------------------------------|--------------------------------|---------------------------|-----------|
| Reading guidance                 | 3,329                      | 4.5                            | £28.76                         | 2                         | £430,839  |
| Adapt school policy (management) | 3,329                      | 2.5                            | £37.97                         | 1                         | £316,005  |
| Adapt school policy (admin)      | 3,329                      | 3.5                            | £13.56                         | 1                         | £157,994  |
| <b>Lesson planning</b>           |                            |                                |                                |                           |           |
| Good+                            | 1,831                      | 3.1                            | £28.76                         | 2                         | £163,245  |
| RI minor*                        | 1,331                      | 9.3                            | £28.76                         | 2                         | £356,000  |
| RI major*                        | 167                        | 18.6                           | £28.76                         | 2                         | £89,334   |
| <b>Consultation of parents</b>   | 3,329                      | 4                              | £28.76                         | 1                         | £382,968  |

<sup>57</sup> <https://www.sexeducationforum.org.uk/training>

<sup>58</sup> In response to "are there any other cost burdens on schools which you believe should be included in the regulatory impact assessment?", 588 (21%) stated 'yes', 308 (11% stated 'no' and 1844 (67% stated 'not sure'.

| Costed activity  | Number of schools affected | Time taken (hours, per school) | Cost per member of staff (£)** | Staff per school impacted | Total (£)  |
|--|----------------------------|--------------------------------|--------------------------------|---------------------------|------------|
| Training in teaching Relationships Education/RSE   | 3,329                      | 20                             | £40.43 <sup>59</sup>           | 2                         | £2,691,607 |
| ~Total (£)   |                            |                                |                                |                           | £4,587,993 |
| *Assumes 40% of schools require minor improvement and 5% require major improvement, **ONS Annual Survey of Hours and Earnings: 2017 Provisional data |                            |                                |                                |                           |            |

### State schools

Table 7: State schools cost breakdown of policy option 2

| Costed activity  | Number of schools affected | Time taken (hours, per school) | Per hour pay of staff required (£)** | Staff per school impacted | Total (£)      |
|--|----------------------------|--------------------------------|--------------------------------------|---------------------------|----------------|
| Reading guidance   | 21,580                     | 4.5                            | £28.76                               | 2                         | £2,792,884     |
| Adapt school policy (management)   | 21,580                     | 2.5                            | £37.97                               | 1                         | £2,048,482     |
| Adapt school policy (admin)  | 21,580                     | 3.5                            | £13.56                               | 1                         | £1,024,187     |
| <b>Lesson planning</b>   |                            |                                |                                      |                           |                |
| Good+  | 11,274                     | 3.1                            | £28.76                               | 2                         | £1,005,145     |
| RI minor*  | 8,199                      | 9.3                            | £28.76                               | 2                         | £2,192,970     |
| RI major*  | 1,024                      | 18.6                           | £28.76                               | 2                         | £547,774       |
| Consultation of parents  | 21,580                     | 4                              | £28.76                               | 1                         | £2,482,563     |
| Training in teaching Relationships Education/RSE   | 20,984                     | 20                             | £40.43                               | 2                         | £16,966,263    |
| ~Total (£)   |                            |                                |                                      |                           | £29,060,268*** |
| *Assumes 40% of schools require minor improvement and 5% require major improvement, **ONS Annual Survey of Hours and Earnings: 2017 Provisional data, ***Total may differ from constituent sum due to rounding |                            |                                |                                      |                           |                |

### Total cost to all schools

Table 8: Total schools cost breakdown of policy option 2

<sup>59</sup> This is the average hourly wage of a classroom teacher (£28.76) plus the assumed hourly rate of attending training (£11.67).

| Costed activity  | Number of schools affected | Time taken (hours, per school) | Per hour pay of staff required (£)** | Staff per school impacted | Total (£)   |
|--|----------------------------|--------------------------------|--------------------------------------|---------------------------|-------------|
| Reading guidance   | 24,909                     | 4.5                            | 28.76                                | 2                         | £3,223,723  |
| Adapt school policy (management)   | 24,909                     | 2.5                            | 37.97                                | 1                         | £2,364,487  |
| Adapt school policy (admin)  | 24,909                     | 3.5                            | 13.56                                | 1                         | £1,182,181  |
| <b>Lesson planning</b>   |                            |                                |                                      |                           |             |
| Good+  | 13,105                     | 3.1                            | £28.76                               | 2                         | £1,168,389  |
| RI minor*  | 9,530                      | 9.3                            | £28.76                               | 2                         | £2,548,970  |
| RI major*  | 1,191                      | 18.6                           | £28.76                               | 2                         | £637,109    |
| Consultation of parents  | 24,909                     | 4                              | 28.76                                | 1                         | £2,865,531  |
| Training in teaching Relationships Education/RSE   | 24,313                     | 20                             | £40.43                               | 2                         | £19,657,871 |
| <b>~Total (£)</b>  |                            |                                |                                      |                           | £33,648,261 |
| *Assumes 40% of schools require minor improvement and 5% require major improvement, **ONS Annual Survey of Hours and Earnings: 2017 Provisional data |                            |                                |                                      |                           |             |

## Sensitivity Analysis

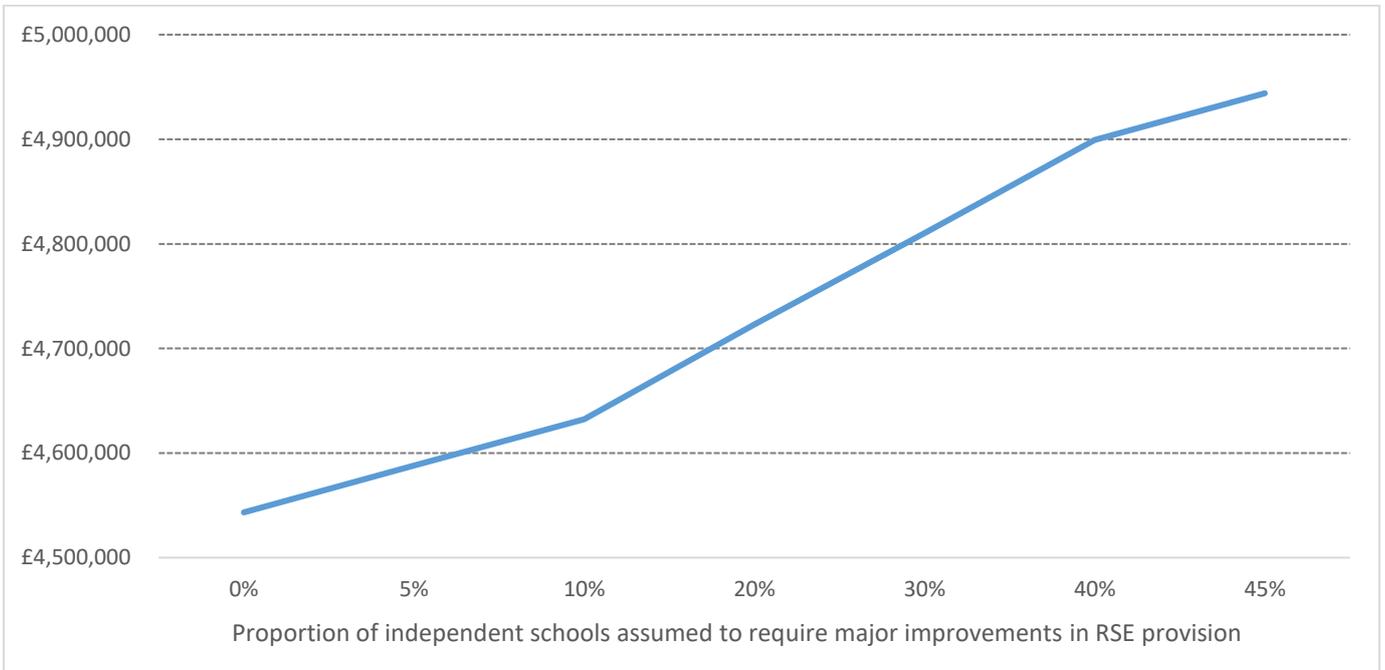
70. The monetary costing analysis up to this point for policy option 2 has assumed that the 45% of schools that require improvement comprise 40% requiring minor improvements and 5% requiring major improvements in their Relationships Education/RSE provision. Below is a sensitivity analysis to look at the impact of varying this split both for independent schools (table 9 and figure 2) and all schools (table 10 and figure 3).

Table 9: Sensitivity analysis around the assumed proportion of independent schools requiring major improvement, by low to high time-burden estimates.

| Requires Major Improvements | Requires Minor Improvements | Low        | Best Estimate | High       |
|-----------------------------|-----------------------------|------------|---------------|------------|
| 0%                          | 45%                         | £2,379,184 | £4,543,326    | £7,962,946 |
| 5%                          | 40%                         | £2,408,962 | £4,587,993    | £8,022,502 |
| 10%                         | 35%                         | £2,438,561 | £4,632,393    | £8,081,701 |
| 20%                         | 25%                         | £2,498,719 | £4,722,923    | £8,202,980 |
| 30%                         | 15%                         | £2,557,139 | £4,810,259    | £8,318,856 |

|     |    |            |            |            |
|-----|----|------------|------------|------------|
| 40% | 5% | £2,616,517 | £4,899,326 | £8,437,612 |
| 45% | 0% | £2,646,295 | £4,943,993 | £8,497,168 |

Figure 2: Line graph to show the range of best estimate costs depending on the proportion of independent schools requiring major improvements to current provision RSE.

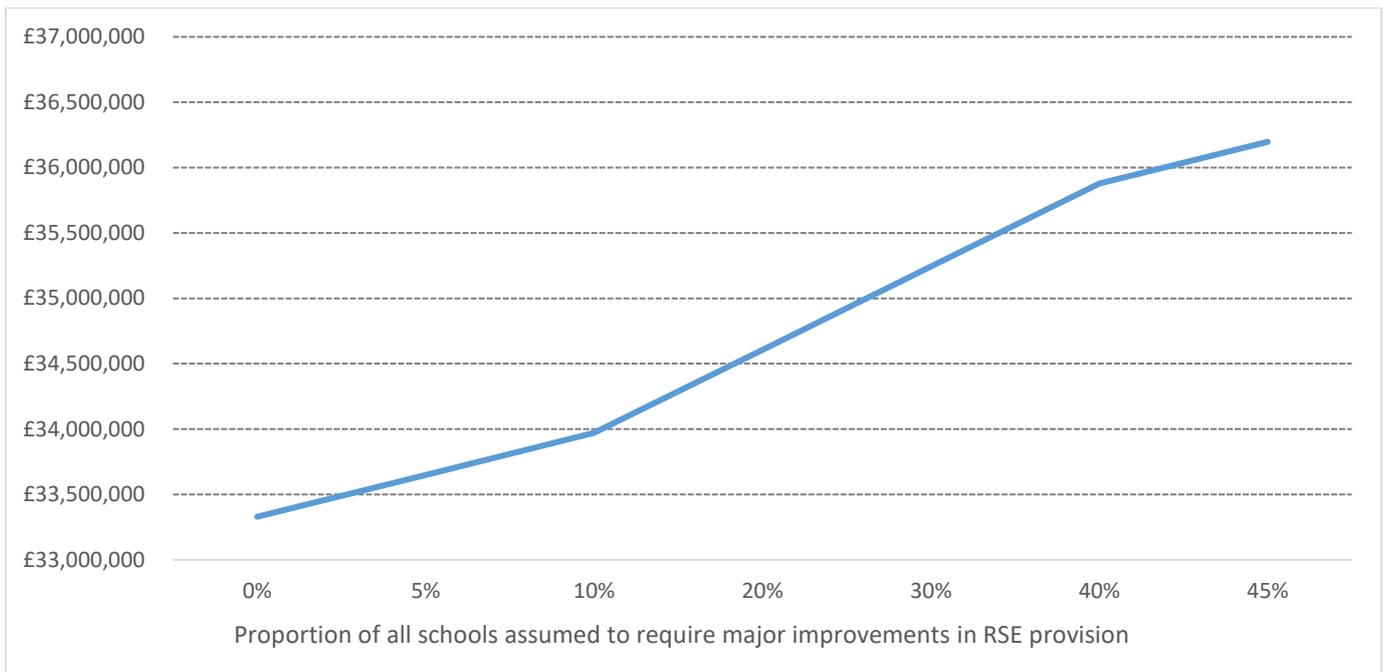


71. Our analysis shows that if we vary the proportion of independent schools that require major improvement between 0% and 45%, our best cost estimate to independent schools varies between £3.9m and £4.3m, a range of £0.4m.

Table 10: Sensitivity analysis around the assumed proportion of total schools requiring major improvement, by low to high time burden-estimates.

| Requires Major Improvements | Requires Minor Improvements | Low         | Best Estimate | High        |
|-----------------------------|-----------------------------|-------------|---------------|-------------|
| 0%                          | 45%                         | £17,422,610 | £33,329,707   | £58,406,046 |
| 5%                          | 40%                         | £17,634,980 | £33,648,261   | £58,830,786 |
| 10%                         | 35%                         | £17,849,266 | £33,970,276   | £59,261,283 |
| 20%                         | 25%                         | £18,273,649 | £34,606,850   | £60,110,049 |
| 30%                         | 15%                         | £18,698,744 | £35,244,494   | £60,960,240 |
| 40%                         | 5%                          | £19,121,923 | £35,878,677   | £61,804,673 |
| 45%                         | 0%                          | £19,334,293 | £36,197,231   | £62,229,412 |

Figure 3: Line graph to show the range of best estimate costs depending on the proportion of all schools requiring major improvements to current provision of RSE.



72. Our analysis shows that if we vary the proportion of all schools that require major improvement between 0% and 45%, our best cost estimate for all schools varies between £33.3m and £36.2m, a range of £2.9m.

### Concluding remarks

73. Policy option 2 fulfils the policy objective of delivering age appropriate sex and relationships education for every child in England and allows schools flexibility in developing their detailed schemes of work, integrated within the wider school curriculum.

### Non-monetised costs

74. Most anticipated costs for schools are monetised as part of this assessment, but there are a few potential costs which cannot be monetised.

75. **School values and ethos:** In some cases, there is the potential for tension between the values and ethos of an independent school and the future requirements to teach RSE and Relationships Education in accordance with the new guidance. We expect this to affect mainly faith schools or schools serving faith communities.

76. This is mitigated by the government's commitment to maintain the right of parents to withdraw their children from sex education within RSE (other than sex education contained within the National Curriculum as part of the science subject)<sup>60</sup>. This enables schools with a religious character to teach these subjects according to the tenets of their faith. Schools are required to meet the requirements of the Equality Act 2010, and we will also be engaging with faith communities and schools to gather their views and ensure that these are represented.

77. It is also worth noting that many faith communities, such as the Church of England, have already welcomed the Government's plans<sup>61</sup>. Archbishop Malcolm McMahon OP KC\*HS, Chairman of the Catholic Education Service said;

<sup>60</sup> The Secretary of State will engage further in order to clarify the age at which a young person may be mature and competent enough to have the right to make their own decisions.

<sup>61</sup> <http://www.telegraph.co.uk/education/2017/03/01/church-backs-sex-education-senior-bishop-says-sexualisation/>

*“Relationship and Sex Education (RSE) forms part of the mission of Catholic schools to educate the whole person. Our schools have a long track record of educating young people who are prepared for adult life as informed and engaged members of society, and high quality RSE plays an important part of this.*

*We welcome the Government’s commitment to improving Relationship and Sex Education in all schools. Catholic schools already teach age-appropriate Relationship and Sex Education in both primary and secondary schools. This is supported by a Catholic model RSE curriculum which covers the RSE curriculum from nursery all the way through to sixth form”<sup>62</sup>.*

78. **Time commitment of school governors:** School governors have a key role in setting the aims and objectives of their schools. They help to inform school policies, including those relating to the curriculum, and have influence over where school resources are being spent<sup>63</sup>. This suggests that governors could be involved in the school-level implementation of the regulations, where they may require time to read, understand and discuss the new guidance.
79. As school governors are volunteers this does not translate into a monetary cost for the school. However, their time is still a school resource and, when this is spent on implementing the new regulations, less time is available to devote to other matters.
80. **Opportunity costs:** Policy option 2 makes Relationships Education and RSE mandatory in every school in England, and Health Education mandatory in all state-funded schools, without increasing the overall time allocated to lessons. Time spent on the teaching the new subjects represents an opportunity cost in the form of less time available for the teaching of other subjects. This cost would only apply to those schools that do not currently dedicate curriculum time to the teaching of relationships and sex education, and it is not thought that it will have a significant effect on student outcomes in other subjects.
81. A further opportunity cost to consider is that of other resources that may be utilised in the teaching of Relationships Education, RSE and Health Education. For example, NHS nurses may be asked to provide demonstrations to classes. Providing community/outreach programmes do not already constitute part of a nurse’s role, these additional responsibilities will require time that could otherwise be spent on existing activities.

### **Monetised benefits**

82. Whilst attempts were initially made to monetise the benefits of policy option 2, we concluded that this would be disproportionate due to the intangible nature of both the direct and indirect effects.

### **Non-monetised benefits**

83. Since the benefits of the policy option 2 have not been monetised, all identified benefits fall under this section.
84. The implementation of such regulation would bring relationships and sex education standards in line with UN guidance<sup>64</sup> which states "the right to education includes the right to sexual education", and that "deciding not to offer sexual education at teaching centres is opting for an omissive form of sexual education".

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<sup>62</sup> <http://www.catholiceducation.org.uk/news/ces-news/item/1003621-catholic-education-service-welcomes-government-announcement-on-rse>

<sup>63</sup> <http://www.nga.org.uk/Be-a-Governor.aspx>

<sup>64</sup> The United Nations Special Rapporteur on the right to education (23 July 2010, 65th Session, Item 69(b))

85. **Safeguarding:** The Cochrane Review<sup>65</sup> found that school-based education around prevention of child sexual abuse was effective at increasing protective behaviours and knowledge of sexual abuse prevention concepts. It was suggested that children who underwent the programme were more likely to disclose abuse than children who had not.
86. **Meeting parental calls for further support for children:** In a survey of over 1,000 parents commissioned by NAHT<sup>66</sup>, 88% said sex education and lessons on adult/peer-to-peer relationships should be mandatory in school. A Mumsnet survey<sup>67</sup> also demonstrated overwhelming support for SRE in schools. The SRE Forum conducted a survey<sup>68</sup> of parental opinions showing support for SRE.
87. **Meeting expectations of young people:** In the 2016 Girls Attitudes Survey<sup>69</sup>, 81% of girls aged 11-21 agreed that the government should ensure that PSHE is taught in all schools. An NUS study<sup>70</sup> found that 90% of respondents agreed that SRE<sup>71</sup> in school should be a legal requirement. The British Youth Council have also called for statutory SRE.
88. **Addressing concerns associated with technological advancements:** An LSE report<sup>72</sup> on "sexting", which provided recommendations for schools, suggested the incorporation of material into the PSHE curriculum covering "peer exchange of sexual messages, images, invitations and taunts, either together with or separate from bullying".
89. **Reduction in sexual violence between young people:** There are 200,000 estimated reports of child sexual abuse each year and it is believed that a third of these are carried out by other children. Simon Bailey, The National Police Chiefs' Council lead for child protection, has said "It is becoming a really serious problem and an increasing challenge... we are seeing significant examples of harmful sexual behaviour". In the last 4 years, the number of sexual offences by children under 10 reported to the police has more than doubled from 204 in 2013-2014 to 456 in 2016-2017<sup>73</sup>.

## G. Small and Micro Business Assessment (SMBA)

90. Issuing regulations for Relationships Education/RSE provision will affect all independent schools, regardless of size, to ensure equality of access for all pupils and that standards of education are maintained.
91. It is estimated that 75% of independent schools are small and medium-sized enterprises employing less than 50 full-time employees<sup>74</sup>. As a result, a large proportion of the overall costs to businesses resulting from the implementation of this policy are likely to be incurred by small and micro businesses.
92. Smaller schools, both independent and not, will likely feel a greater relative burden of staff time (and hence cost) than larger schools. However, we do not anticipate this to be over burdensome or to outweigh the expected benefits to pupils.

<sup>65</sup> <http://onlinelibrary.wiley.com/doi/10.1002/14651858.CD004380.pub3/abstract>

<sup>66</sup> <http://www.naht.org.uk/welcome/news-and-media/key-topics/parents-and-pupils/parents-want-schools-to-manage-dangers-of-pornography-says-survey/#Parents-survey-data>

<sup>67</sup> <https://www.mumsnet.com/campaigns/mumsnet-sex-education-survey#Results>

<sup>68</sup> <http://www.sexeducationforum.org.uk/policy-campaigns/parents-want-sre.aspx>

<sup>69</sup> <https://www.girlguiding.org.uk/social-action-advocacy-and-campaigns/research/girls-attitudes-survey/>

<sup>70</sup> <https://www.nus.org.uk/en/news/students-turn-to-porn-to-fill-the-gaps-in-their-sex-education/>

<sup>71</sup> <http://www.ukyouthparliament.org.uk/2014/news/byc-leading-youth-organisations-call-statutory-sex-education/>

<sup>72</sup> <http://eprints.lse.ac.uk/44216/>

<sup>73</sup> Panorama: <https://www.bbc.co.uk/iplayer/episode/b098tqsl/panorama-when-kids-abuse-kids> : FOI data, England and Wales, 38/43 police forces, April 2013 – March 2017).

<sup>74</sup> [http://www.legislation.gov.uk/uksi/2014/3283/pdfs/uksi20143283\\_en.pdf](http://www.legislation.gov.uk/uksi/2014/3283/pdfs/uksi20143283_en.pdf)



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