

**Sex and Relationships Education (SRE) in  
English schools: A Children's Rights  
Perspective**

Thesis submitted in accordance with the requirements of  
the  
University of Liverpool  
For the degree of Doctor in Philosophy

By

Rachel Heah

30<sup>th</sup> September 2019

School of Law and Social Justice  
University of Liverpool

# **Sex and Relationships Education (SRE) in English schools: A Children's Rights Perspective**

## **Rachel Heah**

### **Abstract**

Sexuality education in England (known as Sex and Relationships Education, or SRE) is currently undergoing a period of reform, after almost two decades of remaining stagnant. A new statutory curriculum will be introduced in schools by September 2020, but debates still remain around its implementation, particularly around issues such as the substantive content of the curriculum, and the parental right to withdraw their children from lessons. Importantly, these debates often take place between adults (parents, guardians, educators and policy-makers), who claim to be making decisions in the best interests of children. Nonetheless, given that sexuality education is intended to benefit children, their perspectives and preferences on the curriculum are equally worthy of consideration.

This thesis therefore seeks to examine the provision of SRE in English schools from a children's rights perspective. It will highlight the importance of SRE for building children's autonomy and realising their rights to health, education, information, and non-discrimination, among other things. In doing so, it will argue that access to SRE is an inherent right of children and young people. It will discuss the roles of parents and the State in educating children on matters of sexuality, and develop a theoretical for sexuality education that respects children's rights, without detracting from the parental right to direct their children's education.

Drawing upon data from online and in-person focus groups conducted with secondary school pupils in the Merseyside area of England about their experiences of receiving SRE in schools, it will also suggest examples of how such lessons can be improved to engage children and young people and meet their informational needs and wants. Finally, it will analyse whether the new statutory curriculum will sufficiently meet the standards of good quality, children's rights-respecting sexuality education.

## **Acknowledgements**

Foremost, I would like to express my sincerest appreciation to all the young people have contributed their salient, thoughtful and astute opinions towards the research. I am also very thankful to the participating schools and the respective liaison teachers and other school staff members for giving me their time, and for making all the necessary arrangements to facilitate the research. Above all, I am thankful to the Education team at Brook (Merseyside), who, over the years, have allowed me to observe their outreach and educational sessions and who have provided invaluable assistance during the early stages of this research.

I have been extremely lucky to have not just two, but four wonderful supervisors who have guided, advised, motivated and encouraged me towards the completion of this thesis. Jude, Aoife, Helen and Nuno, thank you for going above and beyond for me - words are not enough to express the gratitude I feel towards you all. Thanks also to Jamie-Lee, who has been an incredible mentor, role model, and friend.

I had initially envisaged the PhD as a journey to be undertaken in isolation, but in joining the Law Department, I have found quite the opposite. Ruari, Jasmin and Nazia – you were there on the very first day I started and have been there throughout. I have picked up so many good work habits from you, and certainly some bad personal habits too – you know what I’m talking about! Seamus, thanks for being a sounding board for all my ideas, for providing the footsteps for me to follow in, and for being the best conference-buddy I could ever ask for. Amber, and Divin, thank you for spurring me on to the finish line, and for providing much necessary relief in times when things were tough, as well as when they were not-so-tough. Kerry-Ann and Ben, the best ‘seniors’ one could ever have asked for, thank you for showing me the ropes with teaching, research, and academic life generally. Angelica, thank you for taking me under your wing and being my confidante, not only in terms of work, but also on a personal level. You have all taught me what it means to be truly collegiate.

Outside of the Law Department, I have also been lucky enough to have met some wonderful, outstanding PhD students who now rank among my closest personal friends. Liam, I see your courage, strength and spirit, and you continue to inspire me to greater heights. Yayun, I have really enjoyed your company and the rich discussions we have on everything and anything, especially over bubble tea and some lovely meals! Thanks for being there for me through thick and thin. Keith, I can't believe that it has been years since we first started discussing Foucault over coffee. Thank you for the writing sessions, the lovely doggy walks, and especially for sending me motivation via Whatsapp! I will say – the Talacre dream definitely kept me going through the toughest of times!!

I would also like to thank Shirley, Aimee and Sandra in the Liverpool Doctoral College, who have not only supported my growth as a PhD student, but also as a peer mentor. Thank you for giving me the space to develop and try out my ideas – I am definitely a better PhD student for it all. Special thanks as well to Sally, for your coaching and advice. I can say with 100% certainty that I would not be where I am without your guidance and mentorship.

In these past four years, two poor people in particular have had to endure my constant moaning, b\*tching, complaining and crying about the PhD, and about life in general – I'm not sure which was worse! Kelly and Amelia, the best(est!) of friends, thank you for listening to me, comforting me, distracting me, and cheering me up. I don't know what I would have done without you. Becky, my pillar of strength in the final leg of the PhD journey – I hope you see in yourself everything you see in me, and more. I look forward to returning the favour by supporting you to achieve all the great things I know you're meant to achieve! Thank you all for your unwavering faith in me, even (and especially) at times when I had no faith in myself.

This PhD is for my mum. Funnily enough, the (very, very few) conversations we have had about sex(uality) have been awkward, embarrassing, and rather uncomfortable, so she might actually have been the inspiration for this PhD. I don't remember her sounding particularly approving when I told her what my PhD was going to be on... or maybe it was the fact that I was refusing to leave full time

education and “get a proper job” that she was apprehensive about. In any case though, she cast her doubts aside and continued to support me, emotionally and financially. I think it is a testament to the sort of mother she is, that she would support me in doing something she didn’t herself believe in. Thanks ma, love you.

# Table of Contents

Abstract.....	i
Acknowledgements .....	ii
Table of Contents.....	v
List of Cases .....	x
List of Legislative Instruments .....	xi
List of Abbreviations .....	xiii
Chapter 1: Introduction .....	1
1.1 Research context and objectives.....	1
1.2 Research questions.....	6
1.3 Thesis outline.....	7
PART I: SEXUALITY EDUCATION FOR CHILDREN – THEORY, LAW AND POLICY .....	11
Chapter 2: Sexuality Education - the general context.....	12
Introduction.....	12
2.1 Working definitions: sexuality and sexual health.....	13
2.2 What is sexuality education?.....	14
2.3 Types of sexuality education .....	17
2.4 Why is sexuality education for children so controversial and contested?.....	19
• 2.4.1 Children’s sexuality as a problematic concept .....	20
• 2.4.2 Applying a Foucauldian lens: Sexuality (education) as a means of governing and controlling children’s bodies .....	21
• 2.4.3 Using rhetorical children as stand-ins for real children .....	26
2.5 Sexual rights, including children’s sexual rights, and their influence on discourses around sexuality education .....	28
• 2.5.1 Sexual Rights and Citizenship .....	28
• 2.5.2 Children’s Sexual Rights.....	32
• 2.5.3 Minimum standards for sexuality education – comprehensive sexuality education .....	36
2.6 Comprehensive sexuality education.....	37
• 2.6.1 What is Comprehensive Sexuality Education? .....	37
• 2.6.2 What does Comprehensive Sexuality Education entail? .....	38
• 2.6.3 How does CSE realise sexual (and related) rights?.....	39
2.7 Conclusion.....	44
Chapter 3: Sexuality Education – the English Context .....	46
Introduction .....	46

3.1 A brief history of sex (and relationships) education in English schools .....	47
• 3.1.1 Sex (and Relationships) Education as a technique of governance .....	52
3.2 SRE in English Schools – the current framework .....	53
• 3.2.1 The Law on SRE .....	53
• 3.2.2 National Guidance on SRE .....	54
• 3.2.3 Supplementary (optional) Guidance on SRE .....	55
3.3 Problems with the English approach to SRE .....	56
• 3.3.1 Unclear status of the curriculum .....	57
• 3.3.2 Lack of a prescribed curriculum.....	57
• 3.3.3 The role of parents .....	59
• 3.3.4 Mixed messages.....	59
• 3.3.5 Homosexuality/sexual diversity.....	62
• 3.3.6 Absence of children’s rights within the framework of provision .....	65
3.4 A new statutory curriculum: Relationships Education, and Relationships and Sex Education (RSE).....	66
• 3.4.1 Background to the reforms.....	66
• 3.4.2 The new legislative framework.....	68
• 3.4.3 Statutory Guidance .....	69
• 3.4.4 Regulatory Impact Assessment .....	73
3.5 Conclusion.....	74
Chapter 4: Children’s Access to Sexuality Education .....	76
Introduction .....	76
4.1 Who bears the responsibility of providing sexuality education to children? .....	77
• 4.1.1 The responsibility for realising children’s right to education.....	78
• 4.1.2 The responsibility for providing sexuality education .....	81
• 4.1.3 Parental influence over children’s access to sexuality education – the English Context .....	83
• 4.1.4 The effects of parental influence over children’s access to sexuality education .....	86
4.2 Reconciling Children’s Right to Sexuality Education with Parental Rights to Direct Children’s Education .....	88
• 4.2.1 The parental right to withdraw children from sexuality education – is it justifiable? .....	89
• 4.2.2 Children’s rights to access SRE .....	97
• 4.2.3 Public Interest as a further justification for children’s right to sexuality education .....	103

• 4.2.4 Should children have a right to opt out of sexuality education lessons? ...	104
4.3 Looking ahead: Parental involvement with the new statutory curriculum on Relationships Education and RSE.....	105
4.4 Conclusion.....	110
PART II: CHILDREN’S VIEWS AND PERSPECTIVES ON SRE.....	112
Chapter 5: Methods and Research Design .....	113
Introduction .....	113
5.1 Ontological-epistemological orientation.....	115
5.2 Theoretical perspectives.....	119
• 5.2.1 Children as Competent Social Actors .....	119
• 5.2.2 Children’s Right to be Heard on Matters Affecting Them.....	122
• 5.2.3 Researching children’s sexuality education: marrying the sociology of childhood with children’s rights .....	125
5.3 Methodology .....	128
• 5.3.1 Is researching with children different from researching with adults? .....	128
• 5.3.2 Children in the digital age.....	129
5.4 Selecting a research method .....	130
• 5.4.1 Quantitative or Qualitative? .....	130
• 5.4.2 Justifying the use of online methods for researching with children .....	131
5.5 Online focus groups as a method for researching children’s opinions on SRE .....	133
• 5.5.1 Why Focus Groups? .....	133
• 5.5.2 Conducting Focus Groups Online .....	136
• 5.5.3 Using Adobe Connect as a Platform for Conducting Online Focus Groups.....	138
5.6 The Study .....	140
• 5.6.1 Pilot focus groups .....	140
• 5.6.2 Recruitment for the pilot focus groups .....	140
• 5.6.3 Focus groups in schools .....	141
• 5.6.4 Sampling and recruitment .....	141
• 5.6.5 Breakdown of focus groups .....	142
• 5.6.6 Additional note on focus group data reporting.....	148
5.7 Ethical Issues.....	148
• 5.7.1 Research involving a ‘sensitive’ topic .....	149
• 5.7.2 Conducting research online .....	150
• 5.7.3 Working with young people without parental consent .....	152
• 5.7.4 Compromises made – and evaluations thereof .....	154



5.8 Data Analysis.....	157
• 5.8.1 Analytical approach .....	157
• 5.8.2 Analytical process .....	158
5.9 Limitations .....	160
• 5.9.1 Location of focus groups.....	160
• 5.9.2 Sample size .....	162
• 5.9.3 Technological difficulties .....	163
• 5.9.4 Lack of time.....	164
• 5.9.5 Researcher positionality .....	164
Chapter 6: Young People’s Preferred Sources of Information on Sex and Relationships ....	166
Introduction .....	166
6.1 Young people’s sources of information and advice on sex and relationships .....	167
• 6.1.1 Family.....	168
• 6.1.2 Friends .....	173
• 6.1.3 Internet sources.....	177
• 6.1.4 Professionals.....	181
• 6.1.5 School .....	183
6.2 Conclusions .....	187
Chapter 7: Young People’s Perspectives on School-Based SRE.....	190
Introduction .....	190
7.1 Young people’s Evaluation of SRE lessons.....	191
• 7.1.1 How young people describe their SRE lessons .....	191
• 7.1.2 Who do they want to deliver their SRE lessons?.....	192
• 7.1.3 How do they want SRE lessons delivered? .....	198
• 7.1.4 What do they want SRE lessons to cover? .....	204
• 7.1.5 When should lessons start/be held? .....	209
7.2 Other Themes Emerging from Discussions.....	212
• 7.2.1 Taboo around sex .....	212
• 7.2.2 Language and laughter as a means of diffusing tension and minimizing discomfort.....	214
• 7.2.3 Safety and comfort in lessons.....	219
• 7.2.4 Gendered dimensions to learning about sexual matters.....	220
• 7.2.5 Discourses around risk.....	226
7.3 Conclusions .....	229
Chapter 8: Conclusions and Recommendations.....	232

8.1 The thesis so far.....	232
• 8.1.1 Young people’s views on SRE lessons in schools.....	236
• 8.1.2 Looking ahead: Evaluating the new Statutory RSE curriculum against children’s suggestions.....	239
8.2 A proposal: sexuality education within a children’s rights-respecting framework....	243
8.3 Unanswered and unanswerable questions in this thesis.....	244
8.4 Areas for further research .....	248
Appendices .....	251
APPENDIX 1: Illustrated Participant Information Sheet (Online Focus Groups) .....	252
APPENDIX 2: Online Focus Group Layout .....	256
APPENDIX 3: Focus Group Prompts.....	257
APPENDIX 4: Composition Of Focus Groups.....	260
Bibliography .....	262

## List of Cases

(In alphabetical order)

*Appel-Irrgang and Ors v Germany* (2009) App. No. 45215/07

*AR & LR v Switzerland* (2018) App. No. 22338/15

*Belgian Linguistics Case* (No.2) (1996) 1 EHRR 252

*Campbell and Cosans v UK* (1982) ECHR 1

*Dojan and ors v Germany* (2011) Application Nos. 319/08, 2455/08, 7908/10, 8152/10 and 8155/10

*Gillick v West Norfolk and Wisbech Area Health Authority* [1986] 1 AC 113

*Hopkins v Hamden Board of Education* (1971) 29 Conn Supp 397

*Jimenez Alonso et Jimenez Merino v Spain* (2000) App. No. 51188/99

*Kjeldsen, Busk Madsen and Pedersen v Denmark* (1976) App Nos. 5095/71; 5920/72; 5926/72

*Konrad v Germany* (2006) App. No. 33504/03

*People ex rel. Vollmar v Stanley* (1927) 81 Colo. 276, 255 P.610

*Pierce v Society of Sisters of the Holy Name of Jesus and Mary* (1925) 268 US 510

*R (On The Application Of Axon) v Secretary Of State For Health And Another* [2006] EWHC 37 (Admin)

*Re G (Children)* [2012] EWCA Civ 1233

*Valsamis v Greece* (1996) ECHR 72

*Wisconsin v Yoder* (1972) 406 US 205

# List of Legislative Instruments

## UK Acts of Parliament

Children Act 1989

s.3(1)

Children and Social Work Act, 2017

s.34 (1) & (2)

s.35 (1)

Education Act (No.2) 1986

s.18 (2)

s.46

Education Act 1993

s.241 (1), (2), (3) & (4)

Education Act 1996

s.7

s.403

s.404

s.405

s.576

Education Act 2002

s.78

s.80 (1)

Local Government Act 1988

s.28 (repealed)

Local Government Act 2003

s.122

Sexual Offences Act 2003

s.9(1)

## UK Statutory Instruments

Education (Independent School Standards) Regulations 2014, SI 2014/3283

Education (National Curriculum) (Attainment Targets and Programmes of Study in Science) Order 1991, Statutory Instrument, SI 1991/2897

Relationships Education, Relationships and Sex Education and Health Education  
(England) Regulations 2019, SI 2019/924

### **European Treaties**

Charter of Fundamental Rights of the European Union

Article 14(1)

Article 14(3)

European Convention on Human Rights

Article 2, Protocol 1

Statute of the International Court of Justice

Article 38(1)

### **International Treaties**

International Covenant on Economic, Social and Cultural Rights

Article 10

Article 12

Article 13

Article 13(1)

Article 13(3)

UN Convention on the Elimination of Discrimination Against Women

Article 10

Article 12

Article 14

UN Convention on the Rights of Persons with Disabilities

Article 23(1)(b)

Article 25

UN Convention on the Rights of the Child

Article 6(2)

Article 13

Article 17

Article 19

Article 19(1)

Article 34

Article 24

Article 28

Article 29(1)

Universal Declaration of Human Rights

Article 26(1)

Article 26(2)

Article 26(3)

## List of Abbreviations

<b>CEDAW</b>	–	Convention on the Elimination of Discrimination Against Women
<b>CRPD</b>	–	Convention on the Rights of Persons with Disabilities
<b>ECHR</b>	–	European Convention on Human Rights
<b>ECtHR</b>	–	European Court of Human Rights
<b>ICESCR</b>	–	International Covenant on Economic, Social and Cultural Rights
<b>ICPD</b>	-	International Conference on Population and Development
<b>RSE</b>	–	Relationships and Sex Education
<b>SRE</b>	–	Sex and Relationships Education
<b>UDHR</b>	–	Universal Declaration of Human Rights
<b>UNCRC</b>	–	United Nations Convention on the Rights of the Child

# Chapter 1: Introduction

## 1.1 Research context and objectives

Sexuality education, referred to as Sex and Relationships Education (SRE) in English schools, is aimed at “promoting the spiritual, moral, cultural, mental and physical development of pupils at school and of society and preparing pupils for the opportunities, responsibilities and experiences of adult life”.<sup>1</sup> It equips children<sup>2</sup> with tools to combat abuse, as well as with the necessary information to make safe and informed choices about their sexuality, health and well-being. SRE is often taught under the broader umbrella subject of Personal, Social, Health and Economic (PSHE) Education.

However, to date, the provision of SRE across English schools has been haphazard and problematic. The National Guidance on SRE is merely advisory, intending to provide schools with points for consideration in developing their respective SRE policies. However, overall, schools are free to determine their SRE policies “which reflect the parents’ wishes and the community they serve”.<sup>3</sup> Further, said Guidance is nearly two decades old, and consequently, does not respond to newer issues faced by children, such as sexting, cyber-bullying, and online pornography.<sup>4</sup> It also takes a conservative approach in relation to matters of sexuality and relationships, for example by promoting marriage as a “key building block” of society. These stances arguably do not reflect changing norms in society, such as increasingly diverse family structures and dynamics.

In addition to requiring schools to consult parents in developing SRE policies, the current regime also gives parents the power to control their children’s access to SRE

<sup>1</sup> Department for Education and Employment, *Sex and Relationship Education Guidance*, 0116/2000, July 2000, at p.4

<sup>2</sup> For the purposes of this thesis, the words ‘child’ and ‘children’ refer to anyone under the age of 18 (as defined under Article 1 of the UN Convention on the Rights of the Child). References to child and children therefore include young people – but the term ‘young people’ is used more specifically in Chapters 5-8, in referring to my research participants, who were aged between 12-17 at the time of the research.

<sup>3</sup> Department for Education and Employment, n.1, at p.4

<sup>4</sup> Rt Hon Justine Greening, *Sex and Relationships Education: Written Statement*, HCWS509, 1<sup>st</sup> March 2017

in other ways. SRE is compulsory in all local authority-maintained schools, but not in other schools.<sup>5</sup> Under s.405 of the Education Act 1996, parents have a right to withdraw their children from “sex education” lessons at school except for lessons that are part of the National Curriculum. However, because most schools do not distinguish between sex education and relationships education, s.405 is frequently interpreted as conferring upon parents the right to withdraw children from all other components of SRE lessons that do not fall under the National Curriculum. This parental right is exercisable until children leave sixth form (aged 19).

The flexibility and discretion given to schools (and parents) to determine their own SRE policies has resulted in noticeable differences across schools in terms of why, when and how SRE is taught, and what is taught in the curriculum. As a result, the content and quality of SRE provision also varies across schools, and a 2013 OFSTED report highlighted that such provision “required improvement” in over one third of English schools. Children and young people have themselves complained that their school-based SRE is inadequate and of poor quality,<sup>6</sup> as well as ‘too late, too biological, negative, insufficiently comprehensive and poorly delivered’.<sup>7</sup> Likewise, the research participants in this study raised that their SRE lessons were sometimes repetitive, and did not cover the topics they wanted to learn about.

When SRE is inadequate, repetitive or boring, it will not be effective, firstly, because it causes pupils to disengage from lessons, but also, because it may prompt them to look for alternative (and less accurate) sources of information. This could also create gaps in their knowledge, thereby preventing them from making fully informed choices about their sexual lives, or leave them vulnerable to threats, such as that of grooming or sexual exploitation. It is therefore important that SRE lessons both meet

<sup>5</sup> Although independent schools are required to provide Personal, Social, Health and Economic (PSHE) Education, which may sometimes include SRE. See the Education (Independent School Standards) Regulations 2014, SI 2014/3283

<sup>6</sup> See: Sex Education Forum, *Heads or tails? What young people are telling us about SRE*, 2006; UK Youth Parliament, *SRE: Are You Getting It? A Report by the UK Youth Parliament*, June 2007

<sup>7</sup> See: Pandora Pound, Rebecca Langford, & Rona Campbell ‘What do young people think about their school-based sex and relationship education? A qualitative synthesis of young people's views and experiences’, (2016) 6(9) *BMJ open*, e011329; Claire Tanton, et al. ‘Patterns and trends in sources of information about sex among young people in Britain: evidence from three National Surveys of Sexual Attitudes and Lifestyles’ (2015) 5(3) *BMJ open*, e007834



children’s informational needs, as well as reflect their lived and observed experiences.

There have been calls for SRE provision in schools to be improved, and for SRE to be made a compulsory subject, since 2008. For example, a 2008 *Review of SRE in Schools* called for better quality and more inclusive SRE, and for schools to be given more support in delivering programmes.<sup>8</sup> A 2013 OFSTED report highlighted that the provision of SRE “required improvement” in over one third of English schools.<sup>9</sup> A 2015 report by the House of Commons Education Committee recommended that, among other things, more clarity should be given to the status of SRE as a subject, with teachers being given more training, and more time dedicated to the subject in schools.<sup>10</sup> Despite these, various attempts to introduce statutory PSHE and SRE were unsuccessful.<sup>11</sup> Calls to update the National Guidance on SRE were similarly unsuccessful.<sup>12</sup> In 2016, the Chairs of the Education, Health, Home Affairs and Business, and Innovation and Skills Select Committees respectively wrote to the Education Secretary to request reconsideration of the decision to not make PSHE and SRE statutory.<sup>13</sup>

<sup>8</sup> External Steering Group, *Review of Sex and Relationships Education (SRE) in Schools: A Report by the External Steering Group*, 2008

<sup>9</sup> Ofsted, *Not Yet Good Enough: Personal, Social, Health and Economic Education in Schools*, May 2013

<sup>10</sup> House of Commons Education Committee, *Life Lessons: PSHE and SRE in Schools*, 5<sup>th</sup> Report of Session 2014-15, 11<sup>th</sup> February 2015

<sup>11</sup> There was an attempt to introduce statutory PSHE into the Children, Schools and Families Bill in 2009-10 (now the Children, Schools and Families Act 2010), and another attempt to introduce statutory SRE via the Children and Families Bill 2013 (now the Children and Families Act 2014), but both tabled amendments were removed before the passing of the Acts. Likewise, the Sex and Relationships Education (Curriculum) Bill 2014-15 tabled by MP Diana Johnson did not receive a Second Reading in Parliament. The Personal, Social, Health and Economic Education (Statutory Requirement) Bill 2016-2017 tabled by MP Caroline Lucas did not proceed to the Committee Stage.

<sup>12</sup> In 2013, ministers, including then Deputy Prime Minister Nick Clegg, and Labour MP Tessa Jowell, backed calls for an updated Guidance. See BBC News, “Update Sex Education Guidance to Schools, says Clegg”, 5<sup>th</sup> September 2013, available at <https://www.bbc.co.uk/news/education-23975010> (accessed 10<sup>th</sup> September 2019); and The Telegraph, “Dame Tessa Jowell supports The Telegraph’s Wonder Women Better Sex Education Campaign”, 6<sup>th</sup> September 2013, available at <https://www.telegraph.co.uk/women/sex/better-sex-education/10284828/Dame-Tessa-Jowell-supports-TheTelegraphs-Wonder-Women-better-sex-education-campaign.html> (accessed 10<sup>th</sup> September 2019). In 2014, MP Caroline Lucas questioned the Government on their plans to update the curriculum. See HC Deb, c275, 14<sup>th</sup> October 2014

<sup>13</sup> Select Committee Chairs, ‘Letter to the Secretary of State for Education on Statutory Status for PSHE’, 7<sup>th</sup> January 2016, available at: <https://www.parliament.uk/documents/commons-committees/Education/Chairs'-letter-to-the-Secretary-of-State-on-statutory-status-for-PSHE.pdf> (accessed 10<sup>th</sup> June 2019)

Finally, in March 2017, after much pressure from sexual health charities, NGOs and MPs themselves, the Government tabled an amendment to the Children and Social Work Bill to introduce statutory SRE, which will now split the subject into two parts: Relationships Education (compulsory in primary schools) and Relationships and Sex Education (or RSE, compulsory in secondary schools). The Education Secretary now has the power to make regulations around Relationships Education<sup>14</sup>, RSE<sup>15</sup> and PSHE<sup>16</sup> respectively. The new statutory curriculum will apply to all schools except independent schools,<sup>17</sup> and will therefore cover free schools and academies as well. A consultation on the statutory guidance, regulations and impact assessment of the new curriculum was conducted between July and November 2018, inviting responses from all interested parties, including children. Based on this consultation, a new Statutory Guidance on Relationships Education, Relationships and Sex Education (RSE) and Health Education has been produced for implementation in schools.

Although the placing of the new curriculum on statutory footing is a step in the right direction towards ensuring that the subject will be taken more seriously in schools, it does not seem that much will change under the new statutory regime. As will be discussed in the body of this thesis, the proposed reforms do not fully reflect young people's criticisms of their school-based SRE lessons, nor their recommendations for how they can be improved. This could be due to many reasons, but one main reason, it is suggested, is that children are still not being properly consulted on reforms to the curriculum. For example, although there was a separate call for contributions from young people during the public consultation on the new curriculum, this was not sufficiently publicised, and as such, the responses from young people only constituted 2% of the total responses received.<sup>18</sup> Therefore, even under the new regime of statutory RSE, the debates around the content and delivery of the RSE curriculum remain largely adult-driven. It is argued in this thesis that children's

<sup>14</sup> Children and Social Work Act 2017, s.34(1)(a)

<sup>15</sup> Children and Social Work Act 2017, s.34(1)(b)

<sup>16</sup> Children and Social Work Act 2017, s.35(1)

<sup>17</sup> Although SRE is not currently compulsory in independent schools, they must teach some form of PSHE, which could include sex education. See: Department for Education, *The Independent School Standards: Guidance for Independent Schools*, April 2019

<sup>18</sup> Department for Education, *Relationships Education, Relationships and Sex Education, and Health Education in England: Government consultation response*, February 2019

perspectives and opinions on how RSE should be taught are equally worthy of consideration, and are crucial if we are truly committed to coming up with a curriculum that works for them.

In this thesis, I attempt to shift the debates around SRE (or RSE)<sup>19</sup> from being largely adult-driven, towards a more child-centric curriculum that takes into account children's experiences and perspectives. I will argue that sexuality education more broadly, and SRE more specifically, is a right of children. I seek to do this by positioning SRE as an important tool for realising children's rights to health, education, information, and non-discrimination, amongst other rights, and therefore, as an inherent right of children. Alongside this, in the thesis I will consider the role of parents and the State in facilitating children's access to knowledge and information around sex, sexuality and relationships, and discuss how any potential conflicts between parental rights and children's rights in relation to SRE should be negotiated and resolved.

More importantly, in Chapters 6 and 7 of this thesis I will spotlight children's suggestions for improving the SRE curriculum, both in terms of content, as well as manner and form of delivery. To do this, I will draw upon data from online and in-person focus groups conducted with secondary school pupils in the Merseyside area of England, who were asked to discuss their experiences of receiving SRE lessons in school. The data from participants will then be compared against the Government's proposed reforms to the SRE (or RSE) curriculum, to determine if the suggested reforms will address the concerns of research participants, and assess whether the new curriculum will sufficiently meet the standards of good quality, children's rights-respecting sexuality education. This is not to offer an evaluation of the proposed reforms *per se*, but rather to illustrate whether or not there is scope for further incorporation of children's rights and perspectives.

Finally, the scope of this PhD thesis is limited to a consideration of SRE provision within the English context. Although it would have been highly beneficial to have conducted a comparison between sexuality education policies in Scotland, Wales and

<sup>19</sup> The abbreviation 'SRE' will be preferred in this thesis because, at the time of writing, the curriculum is still referred to as SRE, within National Guidance as well as in many schools. 'RSE' is used in discussing the new curriculum. However, both SRE and RSE refer to the same subject.

Northern Ireland, due to time, geographical, and financial constraints, it would not have been possible to undertake similar focus groups with young people across those jurisdictions, and therefore, they have not been considered in this thesis.

## **1.2 Research questions**

Given the research objectives outlined above, this thesis seeks to answer 3 main research questions, as follows:

- i. Is sexuality education (and SRE) a right of the child?*

This relates to the question of whether and how sexuality education, and SRE, can be established as an inherent right of the child, based on the principles enshrined in the UN Convention on the Rights of the Child (UNCRC) as well as other human rights treaties. Alongside this, there will be a consideration of the importance of SRE towards realising children's rights, such as the right to education, health, information, equality and non-discrimination, and others.

Further, if children have a right to access sexuality education, then who bears the responsibility of providing them with such education? The main 'duty-bearers' considered herewith are the State and parents, and the discussions within this thesis will consider the interplay between State responsibility to provide SRE, and parental rights to direct their children's education in accordance with their own beliefs and convictions.

- ii. How do we reconcile any conflicts between children's rights and parental rights?*

Within the English context, parents have a great amount of control over whether their children can access SRE, and what forms of SRE they access. For example, parents can influence what schools teach as part of SRE lessons, and can withdraw their children from lessons if they disagree with the contents of the curriculum. However, as a corollary to recognising that SRE is a right of the child, there is a need

to ensure that *all* children have *equal* access to SRE lessons. This then begs the question of whether, and how, it is possible to reconcile parental rights to direct their children's education, with children's right to access SRE.

*iii. What would a children's rights-respecting SRE curriculum look like?*

This is a question of *quality*, i.e. to what standards should SRE be provided in order to be deemed 'child rights-respecting'? As has been outlined above, an SRE curriculum should go beyond merely providing basic information to pupils, as this runs the risk of alienating them and causing them to disengage. Instead, in order to be effective and engaging, the curriculum should provide them with information that is age-appropriate, adequate, relevant, and which interests them. But how do we design an SRE curriculum that will do this? In line with children's rights principles, specifically Article 12 of the UNCRC, which provides that children have a right to be heard on matters affecting them, children should be consulted on the content and delivery of SRE lessons. Hence, I conducted online and in-person focus groups with secondary school pupils, with two particular sub-questions in mind:

- i. What did they think of the SRE lessons they have received in schools?;  
and
- ii. What, if any, changes or improvements can be made to make SRE lessons more relevant, engaging and informative for them?

In the course of undertaking the fieldwork, I also sought to answer a supplementary question, namely whether it was possible to adapt existing research methods to become more child-friendly, in order to better facilitate pupils' participation in research.

### **1.3 Thesis outline**

Having introduced the research and summarised the research questions, the remainder of this thesis will be divided into two parts. Part I starts off by examining

theories, law and policies around children's sexuality and sexuality education, and then hones in on SRE in the English context.

Chapter 2 looks at what 'sexuality education' is, and the types of sexuality education programmes that are available generally. It then explores the discourses around children's sexuality, and illustrates how sexuality education is often used as a technique for governing children's bodies and regulating the exercise of their sexual agency. It also examines the emergence of sexual rights, including children's sexual rights, and in doing so, argues that sexuality education is a fundamental tool for enabling children to exercise their sexual agency and rights, particularly as they mature into adulthood. In establishing the right to access sexuality education, it also looks at the aims and objectives of sexuality education, as envisaged under international treaty obligations and consensus documents, in order to identify the minimum standards that sexuality education programmes have to meet to deliver the stated aims and objectives. This chapter concludes by arguing that *comprehensive* sexuality education, which is age-appropriate, adequate, factually accurate, informative, and grounded in human rights is what is required to meet those minimum standards.

Chapter 3 then turns to look at the approach to sexuality education in English schools. It traces the history and development of sex education policies in England from the 1940s onwards. It then looks at the current provision of SRE, setting out the legal and policy frameworks around such provision. In doing so, it identifies, some of the main problems with the current English approach to SRE, thereby contextualising these issues for further discussion in subsequent chapters. From a children's rights perspective, two of the main problems highlighted are: i) the amount of control and influence that parents have over children's access to SRE; and ii) the sidelining of children's perspectives in relation to SRE policies. Arguably, both these problems prevent children from being able to fully exercise their right to access adequate and good-quality SRE lessons that interest them and meet their informational needs. Finally, the chapter discusses the Government's new plans to introduce statutory Relationships Education and RSE into schools by September 2020. The analysis in the last part of this chapter seeks to demonstrate that although the reforms represent a step in the right direction, they lack the 'teeth' required to

deliver an RSE curriculum that meets children's rights and needs. The deficiencies in the proposed reforms are further illustrated in the subsequent chapters, and this provides another basis for the argument that children should be consulted in designing future RSE curricula, and that children's rights should be prioritised in any attempt to improve the provision of RSE.

In Chapter 4, the issue of children's right to access sexuality education is considered in more depth. The extent of parental involvement with children's SRE in English schools, and the detrimental effects this may have on children's ability to access SRE, are discussed. The chapter also seeks to reconcile children's right to access sexuality education with parental rights to direct their children's education, using jurisprudence from both the European Court of Human Rights (ECtHR) as well as from English courts. On this point, it argues that children's right to access sexuality education does not contravene parental rights to direct their children's education in accordance with their own religious and philosophical convictions, particularly where the sexuality education programme involved is objective and does not unduly favour any particular religious or philosophical standpoints. However, due to the fact that parents may be reluctant to discuss sexual matters with their children, in order to ensure that they have access to such education, the chapter argues that States should be responsible for providing SRE to children.

It has been argued above that an SRE curriculum which is engaging and relevant, and which respects children's rights, should reflect their lived experiences, as well as cater to their informational needs. On this basis, Part II of the thesis shifts the focus from that of law and policy, towards that of children's perspectives and opinions.

Chapter 5 sets out the approach and methodology employed in the empirical phase of this research project. In particular, it considers the theoretical perspectives underpinning the research approach, drawn from the sociology of childhood, and discourses around children's right to be heard. It then justifies the use of online and in-person focus groups as a means of making research more child-friendly and accessible to children. This chapter also details practical issues, such as the recruitment and sampling process, as well as the approach to data analysis. Finally, it

considers the ethical issues arising out of the research, and the limitations of the study.

Chapter 6 is the first of two chapters presenting the findings of the focus groups conducted with secondary school pupils as part of this research project. It primarily focuses on pupils' sources of information on sex and relationships in order to identify the reasoning behind their selection of, and preference for, particular sources over others. Chapter 7 then delves into pupils' perspectives on the SRE lessons they had received in schools. This chapter illustrates that the problems with the English approach to SRE, identified in Chapter 3, do indeed have an impact on children's experiences of SRE lessons. It also presents pupils' suggestions for improving school-based SRE lessons.

The final chapter, Chapter 8, sums up the arguments made in the thesis. It evaluates pupils' comments and suggestions for improvement against the reforms that will be brought about by the introduction of statutory Relationships Education and RSE, and argues that the proposed measures still have some way to go in ensuring that Relationships Education, and RSE, adequately meet children's needs and wishes. Finally, it suggests an alternative framework for RSE in English schools that would align more closely with children's rights.



**PART I: SEXUALITY  
EDUCATION FOR CHILDREN  
– THEORY, LAW AND POLICY**

## **Chapter 2: Sexuality Education - the general context**

### **Introduction**

The issue of sexuality education for children is often highly-contested, as parents, guardians and educators have differing opinions on when, how, and what to teach. In the first part of this chapter, I consider why sexuality education<sup>1</sup> is such a controversial topic, looking at discourses around children's innocence, perceived lack of sexual agency, and the need to protect them from sexual knowledge. In doing so, I posit that sexuality education is used as a tool for governing children's bodies and for regulating 'norms' around childhood sexuality. However, these discourses rarely consider children's lived experiences, perspectives, and rights.

In the second part of this chapter, I examine the emerging discourses around sexual rights, particularly the sexual rights of children. On this basis, I argue that access to sexuality education should be recognised as an inherent right of the child, because knowledge of sexual matters is an essential component of exercising one's sexuality, and of ensuring good sexual health. In other words, access to age-appropriate, adequate, factually accurate, informative, and grounded in human rights is a necessary precursor to the exercise of sexual agency and citizenship, and is essential towards the realisation of sexual rights.

The third part of this chapter will therefore analyse the available international consensus documents on sexuality education, in order to identify international minimum standards that should be achieved through sexuality education programmes. It will propose that comprehensive sexuality education (as opposed to more conservative forms of sexuality education, such as abstinence-only or abstinence-plus) as the most appropriate form of sexuality education, because it meets these minimum standards and provides children with the necessary information and knowledge to make safe and informed choices in relation to their sexuality.

<sup>1</sup> In this chapter, 'sexuality education' refers to sexuality education programmes more generally – the English approach, i.e. 'Sex and Relationships Education' (SRE) is considered in the next chapter.

## 2.1 Working definitions: sexuality and sexual health

Before moving on, it is necessary to define some of the terms that will feature heavily in the body of this thesis, namely sexual health, sexuality, and sexuality education.

The World Health Organisation (WHO) defines sexual health as:

“...a state of physical, emotional, mental and social well-being in relation to sexuality; it is not merely the absence of disease, dysfunction or infirmity. Sexual health requires a positive and respectful approach to sexuality and sexual relationships, as well as the possibility of having pleasurable and safe sexual experiences, free of coercion, discrimination and violence.”<sup>2</sup>

Sexuality, in turn is defined as encompassing “sex, gender identities and roles, sexual orientation, eroticism, pleasure, intimacy and reproduction” and being “influenced by the interaction of biological, psychological, social, economic, political, cultural, legal, historical, religious and spiritual factors.”<sup>3</sup> However, as is apparent, this definition of sexuality is very broad based, and therefore, there will be variations in the way we understand sexuality across geographical, temporal, and cultural spaces. As such, it is widely accepted that sexuality is a social construct, with meanings that differ according to language and cultural contexts.

According to the International Technical Guidance on Sexuality Education:

“Sexuality refers to the individual and social meanings of interpersonal and sexual relationships, in addition to biological aspects. It is a subjective experience and a part of the human need for both intimacy and

<sup>2</sup> World Health Organisation, *Defining Sexual Health: Report of a technical consultation on sexual health, 28-31st January 2002*, 2006 at p.5

<sup>3</sup> World Health Organisation, *ibid* at p.5

privacy... Sexuality is present throughout life, manifesting in different ways and interacting with physical, emotional and cognitive maturation.<sup>4</sup>

Although often used interchangeably with terms like ‘sexual activity’, ‘sexual identity’, ‘sexual practices’, ‘sexual orientation’, ‘sexual expression’ etc, this thesis argues that ‘sexuality’ is an umbrella term which encompasses all of these. It is therefore a broad term which covers all the ways one can express oneself as a sexual being; from sexual identity to sexual activity. Sexuality and sexual health are “a normative and positive human ability, and [a] source of growth, satisfaction and pleasure”,<sup>5</sup> and sexuality education is the means by which positive values on sexuality and sexual health can be cultivated.

## **2.2 What is sexuality education?**

Just as there is no agreed and specific definition of sexuality, there is also no specific definition of sexuality education. Several diverse approaches to sexuality education exist today, covering a variety of topics and framed within different ethical, moral, religious and cultural perspectives. The phrase ‘sexuality education’ is often used as an umbrella term to cover subtypes, such as sex education, relationship education, and other related pedagogies,<sup>6</sup> but content and delivery of the curriculum vary according to the cultural context in which it is delivered<sup>7</sup> and also in terms of substantive emphasis and duration.<sup>8</sup> This illustrates that there is no single, universal, agreed definition of ‘sexuality education’, but the term is “an inclusive descriptor that recognizes the interaction of historical, social, political, cultural psychological, legal, ethical, religious and moral factors.”<sup>9</sup>

<sup>4</sup> UNESCO, *International Technical Guidance on Sexuality Education: An evidence-informed approach (revised edition)*, 2018 at p.17

<sup>5</sup> Erika Frans, ‘A Practical Guide to Holistic Sexuality Education’, in James J. Ponzetti Jr (Ed.) *Evidence Based Approaches to Sexuality Education* (Routledge, 2015) at p.53

<sup>6</sup> Tiffany Jones, ‘A Sexuality Education Discourses Framework: Conservative, Liberal, Critical, and Postmodern’, (2011) 6(2) *American Journal of Sexuality Education*, 133-175

<sup>7</sup> Doortje Braeken, & Melissa Cardinal, ‘Comprehensive Sexuality Education as a Means of Promoting Sexual Health’ (2008) 20(1-2) *International Journal of Sexual Health*, 50-62

<sup>8</sup> International Sexuality and HIV Curriculum Working Group, *It’s All in One Curriculum: Guidelines and Activities for a Unified Approach to Sexuality, HIV, Gender and Human Rights Education (Volume I)*, 2009

<sup>9</sup> James J. Ponzetti Jr, ‘Sexuality Education: Yesterday, Today and Tomorrow’ in James J. Ponzetti Jr (Ed.) *Evidence Based Approaches to Sexuality Education* (Routledge, 2015) at p.3

Sexuality education takes place across a variety of settings – in schools, in the family home, etc - and is derived from various sources –friends, the Internet, television, music, magazines, religious organizations, through personal experiences, and more.<sup>10</sup> It also takes place across the life-course of the individual, although research shows that individuals have fewer opportunities to receive reliable information about sexuality upon leaving school.<sup>11</sup> For the purposes of this PhD thesis, references to sexuality education and associated terms relate to *formal* sexuality education, i.e. that which takes place within educational settings, such as in classrooms and schools.

In general, ‘sexuality education’ is viewed as a term which unifies several different components of education relating to sexuality, particularly:

- *Sex* education - with a dominant focus on biological characteristics, its scope is largely “reduced to instruction on subjects such as sexual anatomy, reproduction, birth control, and disease prevention”<sup>12</sup>;
- *Sex and relationships* education – which predominantly focuses on sexual relationships and interactions, and as such, covers topics such as “body image, sexual orientation, decision-making, sexual communication and personal values”<sup>13</sup>.
- *Sexual health* education - which frames sex education as a crucial public health strategy, and associates sexuality with “risk, diseases, deficiencies or dysfunction”<sup>14</sup>. As such, sexual health education tends to be situated within a harm-reductionist approach.

However, sexuality education programmes do not necessarily cover all three components – depending on the typology of the programme (further explained in 2.3 below), some may only cover one or two components.

<sup>10</sup> See, for example: Wendy 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 Lifestyles (Natsal-3)’, (2015) 5(3) *BMJ open*, e007837; James J. Ponzetti Jr, n.9; Claire Tanton, et al. ‘Patterns and trends in sources of information about sex among young people in Britain: evidence from three National Surveys of Sexual Attitudes and Lifestyles’ (2015) 5(3) *BMJ open*, e007834

<sup>11</sup> James J. Ponzetti Jr, n.9

<sup>12</sup> James J. Ponzetti Jr, n.9 at p.2

<sup>13</sup> James J. Ponzetti Jr, n.9 at p.2

<sup>14</sup> James J. Ponzetti Jr, n.9 at p.3

Nonetheless, what is clear is that ‘sexuality education’ goes beyond the technicalities of sex. It is capable of including “anything obliquely related to constructions of sexed and gendered bodies, identities, and behaviors, sexual feelings, desires, and acts; and sexual knowledge, skills, and information”,<sup>15</sup> or the “cognitive, emotional, social, interactive, and physical aspects of sexuality”.<sup>16</sup> Broadly, it covers “how people feel about pleasure, desire, and their own role in developing these – giving and receiving pleasure – as well as understanding themselves as sexual beings in societies that hold particular views about how and when sex should happen, between whom, and at what stage of one’s life”.<sup>17</sup>

The overarching objectives of sexuality education, which are examined in more depth below, are also often very broadly-couched. For instance, the European Expert Group on Sexuality Education claims that sexuality education should “develop and strengthen the ability of children and young people to make conscious, satisfying, healthy and respectful choices regarding relationships, sexuality and emotional and physical health”.<sup>18</sup> It is also said that sexuality education should aim to empower young people to see themselves and others as equal members in their relationships, protect their own health, and engage as active participants in society,<sup>19</sup> to ‘take responsibility for other people’s sexual health and well-being’ and to ‘make choices which enhance the quality of their lives and contribute to a compassionate and just society’.<sup>20</sup>

In short, sexuality education potentially covers a broad range of topics, aims and objectives, and its content and coverage is the source of much consternation and debate.<sup>21</sup> Hence, the assumption, made in some policies or statements that simply

<sup>15</sup> Tiffany Jones, n.6 at 134.

<sup>16</sup> Ekua Yankah, ‘International Framework for Sexuality Education: UNESCO’s International Technical Guidance’, in James J. Ponzetti Jr (Ed.) *Evidence Based Approaches to Sexuality Education* (Routledge, 2015) at p.21

<sup>17</sup> Mary Crewe, ‘Between Worlds: Releasing Sexuality Education from Bondage’, in James J. Ponzetti Jr (Ed.) *Evidence Based Approaches to Sexuality Education* (Routledge, 2015) at p.100

<sup>18</sup> European Expert Group on Sexuality Education, ‘Sexuality education–what is it?’ (2016) 16(4) *Sex Education*, 427-431 at 427

<sup>19</sup> Nicole Haberland, & Deborah Rogow, ‘Sexuality education: emerging trends in evidence and practice’, (2015) 56(1) *Journal of adolescent health*, S15-S21.

<sup>20</sup> Ekua Yankah, n.16

<sup>21</sup> John P. Elia, ‘Democratic sexuality education: A departure from sexual ideologies and traditional schooling’, (2000) 25(2-3) *Journal of Sex Education and Therapy*, 122-129

refer to ‘sexuality education’, that it has a “self-evident and undisputed”<sup>22</sup> meaning is highly problematic – because it lends itself to different interpretations that can then be applied or implemented in different ways. In the next section, I outline the different types of sexuality education programmes that are available and discuss how, because of the lack of a definition of sexuality education, each programme could be considered a sexuality education programme, even though they cover very different ranges of issues and topics, and likely deliver very different perspectives on the issues and topics covered.

### 2.3 Types of sexuality education

Sexuality education is a “highly ideological site”<sup>23</sup> where differing values, cultures, religions and opinions meet, and therefore, discussions around the substantive content of sexuality education programmes have in the past been described as “battles”<sup>24</sup>, or “ferocious political duels”<sup>25</sup> where certain groups try to forward their own ideologies of what sexuality education should aim to do:

“... oftentimes, an approach [to sexuality education] has been deemed both ‘best practice’ by one authority and ‘controversial’ by others”<sup>26</sup>

Jones (2015) has identified four orientations to sexuality education that exist across the globe, namely conservative, liberal, critical and post-modern.<sup>27</sup> According to her, the *conservative* approach positions knowledge around sexuality as being not useful and sometimes even actively harmful. It privileges, and transmits knowledge of,

<sup>22</sup> Tiffany Jones, ‘Framing Sexuality Education Discourses for Programs and Practice’, in James J. Ponzetti Jr (Ed.) *Evidence Based Approaches to Sexuality Education* (Routledge, 2015) at p. 34

<sup>23</sup> Tiffany Jones, n.22 at p. 34

<sup>24</sup> See, for example: Janice M. Irvine, *Talk about sex: The battles over sex education in the United States*. (University of California Press, 2004); Kristin Luker, *When sex goes to school: Warring views on sex and sex education since the sixties*. (WW Norton & Company, 2007); Judith Levine, & Diarmuid Verrier, ‘Harmful to minors: The perils of protecting children from sex’, (2006) 9 *Electronic Journal of Human Sexuality*

<sup>25</sup> United Nations Economic and Social Council, *Economic, Social and Cultural Rights: The Right to Education, Report submitted by the Special Rapporteur, Katarina Tomasevski* (2004) (E/CN.4/2004/45) at para 37

<sup>26</sup> Tiffany Jones, n.22 at p. 34

<sup>27</sup> Tiffany Jones, n.22. See also: Tiffany Jones, n.6; and Tiffany Jones, ‘Saving rhetorical children: Sexuality education discourses from conservative to post-modern’, (2011) 11(4) *Sex Education*, 369-387.

dominant sexualities, and sexual expression is taught to be only valid where it is “procreative and occurs within the context of an established heterosexual marriage”.<sup>28</sup> An example of a conservative sexuality education programme would be one that promotes abstinence-only, or one which situates sexuality and sexual relationships heavily in the religious context, which may involve discouraging even discussing sexual activity.

On the other hand, the *liberal* approach aims to prepare learners for life, and therefore “promotes sexuality skills and knowledge for personal choice/development”.<sup>29</sup> Whilst such an approach may still privilege hegemonic sexualities, it emphasises agency and choice. This approach is the dominant approach in the United Kingdom.<sup>30</sup> Examples of programmes grounded in the liberal approach include comprehensive sex education, education around sexual risk and readiness, as well as education on effective relationships.

The third and fourth approaches are slightly rarer as they are more recent. The *critical* approach is aimed at encouraging pupils to critique, supplement and challenge traditional accounts of sexuality with alternative ones focused on formerly marginalised groups.<sup>31</sup> Examples of programmes underpinned by a critical approach include ones that discuss feminist or gay liberationist theories, and ones that promote inclusive education for all.

Finally, the *post-modern* approach “involves analysis of concepts of truth, authority, and reality”, and promotes a “deconstructive approach” in which “the hegemony or discursive truths/assumptions of any given time or culture are revealed”.<sup>32</sup> The aim of such programmes is to educate against the potential limiting effects of hegemonic cultural truths around sexuality. Examples of post-modern sexuality education programmes include those which cover post-structuralist understandings of gender and sexuality, which promote diversity education, and which challenge pupils to deconstruct and reconstruct their understandings of sexuality.

<sup>28</sup> Tiffany Jones, n.22 at p. 41

<sup>29</sup> Tiffany Jones, n.22 at p. 42

<sup>30</sup> Will be discussed in Chapter 3

<sup>31</sup> Tiffany Jones, n.22 at p. 43

<sup>32</sup> Tiffany Jones, n.22 at p. 44



It is also important to note that sexuality education programmes do not neatly fall into either of these four categories. Often, programmes “mix and match” messages, and so it is entirely possible that a programme that is largely conservative in nature could contain some liberal elements (e.g. abstinence plus sexuality education), or one which is mainly grounded in the liberal approach to contain elements of the critical and post-modern approaches.

Going back to the broad definition of sexuality education, currently, no matter which category or typology a programme falls into, it can still be classified as a ‘sexuality education’ programme. It may therefore be sufficient for a country or school to say that they have discharged an obligation to provide sexuality education, even if all that is taught to pupils is to abstain from sex until marriage, no further information on contraception, relationships or sexuality is provided to them. However, as will be argued in later parts of this chapter, sexuality education programmes should prepare children to exercise their (sexual) rights and agency, whether at present or in adulthood, and therefore, sexuality education programmes which do not provide children with age-appropriate, accurate, adequate and relevant information should not be recognised as effective or acceptable.

## **2.4 Why is sexuality education for children so controversial and contested?**

The conflicting perspectives and narratives on sexuality education have led to the existence of many different versions and types of sexuality education. On the one hand, there is seen to be a need to “preserve the ‘natural’ status of the child as non-sexual”<sup>33</sup> and therefore to protect them from sexual knowledge and indoctrination, whilst on the other hand, the protectionist argument serves to forward the view that children need information to ensure that they have the necessary knowledge to make safe and healthy decisions in relation to the exercise of their sexuality. Although one stance seeks to hide information and the other seeks to provide it, both are rooted in

<sup>33</sup> Daniel Monk, ‘Health and Education: Conflicting Programmes for Sex Education’, In Eric Heinze (ed) *Of innocence and autonomy: children, sex and human rights* (Routledge, 2018) at p.181

protectionism and stem from an unease about child sexuality, as well as a lack of recognition that children are sexual beings.

- **2.4.1 Children's sexuality as a problematic concept**

Sexuality education for children is often contested because children's sexuality itself is contested. Children are often perceived to be asexual or 'innocent', until they attain the age of majority: "The child/adult distinction is crucially a distinction between sexlessness and sexuality".<sup>34</sup>

The construction of childhood innocence is believed to originate from Victorian times, where children were seen as requiring protection from sexual knowledge. Along the same lines, children who were sexually 'knowing' were no longer 'children':

"... sexuality is an accomplishment of maturity. It is the preserve of the adult world; the knowing child is unnecessarily, even dangerously precocious."<sup>35</sup>

As such, a sexually knowing or 'mature' child is "perceived as a problem to be dealt with (or, as is often the case, ignored), rather than a normal part of development to be encouraged or praised."<sup>36</sup>

The consequence of this was the proliferation of child welfare legislation to protect children from (sexual) abuse and victimization, which then does not allow for the notion that children are capable of making decisions in relation to the exercise of their own sexuality:

"By 1900, and still today, the only available alternatives are either that 'Child + Sex = Abuse' or 'Child + Sex = Adult'. For the 20<sup>th</sup> century, the

<sup>34</sup> Eric Heinze, 'The Universal Child', In Eric Heinze (ed) *Of innocence and autonomy: children, sex and human rights* (Routledge, 2018) at p.18

<sup>35</sup> Eric Heinze, n.34 at p.18

<sup>36</sup> Daniel Monk, 'Childhood and the law: in whose 'best interests'?' in Mary Jane Kehily (ed) *An Introduction to Childhood Studies* (2<sup>nd</sup> ed, OUP, 2008) at p.183

image of the child that had emerged by 1900 has precluded the possibility of the equation ‘Child + Sex = OK.’<sup>37</sup>

The need to preserve children’s innocence and purity, and to protect them from potential abuse, therefore has resulted in a disposition towards denying their sexuality, sexual rights and also their autonomy to make decisions in relation to these, until they attain the age of sexual consent or majority. The holding of their sexual rights and sexual autonomy ‘in trust’ thereby results in a denial of their access to sexual knowledge, which is necessary for the development of their sexual autonomy. As will be discussed below, sexuality education, as a means for dispensing ‘truths’ about sexuality, sexual activity and human relationships, are tools for governing and regulating children’s bodies and their behaviours.

- ***2.4.2 Applying a Foucauldian lens: Sexuality (education) as a means of governing and controlling children’s bodies***

In the sphere of education, adults regulate children’s access to knowledge and information in order to teach children to be ‘good’ future citizens.<sup>38</sup> By extension therefore, sexuality education is a tool aimed at ensuring that children become good sexual citizens. But what is ‘good’ is not set in stone - rather, it is normative and heavily dependent upon societal and cultural attitudes in any given place, and at any given point in time.

The question which this then begs is: how can we claim to know what kind of sexuality education is necessary to make children become good sexual citizens? Applying a Foucauldian analysis to this problem, we would arrive at the conclusion that there is no single answer – in fact, such an analysis serves to expose sexuality education as a tool for governing child sexuality, by using a “complex network of

<sup>37</sup> Christine Piper, ‘Historical constructions of childhood innocence: removing sexuality’, In Eric Heinze (ed) *Of innocence and autonomy: children, sex and human rights* (Routledge, 2018) at pp. 28-29.

<sup>38</sup> Kerry H. Robinson, ‘“Difficult citizenship”: The precarious relationships between childhood, sexuality and access to knowledge’, (2012) 15(3-4) *Sexualities*, 257-276 at 259

competing knowledges and techniques”<sup>39</sup> to normalise particular behaviours and attitudes.

‘Governmentality’ was conceptualised by Foucault as a way for governments to control their populations in order to promote efficiency in their economies to achieve “enlightenment utopia”.<sup>40</sup> Such policies operated on the entire population, in order to mould society into the desired form.<sup>41</sup> It involved the employment of “technologies of power that operated on forms of disciplinary order or were based on bio-political techniques that bypassed the law and its freedoms altogether”.<sup>42</sup>

Governmentality uses discourses to construct ‘truths’, as a “way of both problematizing life and seeking to act upon it, which identifies both a territory (i.e. social space) and means of intervention”.<sup>43</sup> As such, acts of governmentality:

“...represent particular responses, to particular problems, at particular times. They also embody a moral dimension, for they seek to purport ‘truths’ about who we are or what we should be, whilst assuming that we can indeed direct human conduct towards particular ends.”<sup>44</sup>

Closely related to the concept of governmentality is the concept of (bio-)power. Foucault conceptualised power, as it is exercised, as multiple and decentralised, and as productive of social structures and knowledge.<sup>45</sup> It “operates at the lowest extremities of the social body in everyday social practices” and “touches people’s lives more fundamentally through their social practices than through their beliefs”.<sup>46</sup> Thus, bio-power, which is directed at the individual, aimed to locate an avenue for

<sup>39</sup> Daniel Monk, ‘Sex education and the problematization of teenage pregnancy: A genealogy of law and governance’, (1998) 7(2) *Social & Legal Studies*, 239-259 at 240

<sup>40</sup> Justin Woolhandler, ‘Toward a Foucauldian Legal Method’ (2014) 76 *University of Pittsburgh Law Review* 131

<sup>41</sup> Justin Woolhandler, n.40.

<sup>42</sup> Tina Besley, & Michael A. Peters, ‘Understanding the Neoliberal Paradigm of Education Policy’, (2007) 303 *Counterpoints* 133-154 at 133

<sup>43</sup> Kim McKee, ‘Post-Foucauldian governmentality: What does it offer critical social policy analysis?’, (2009) 29(3) *Critical social policy*, 465-486 at 468

<sup>44</sup> Kim McKee, n.43 at 468

<sup>45</sup> Gerald Turkel, ‘Michel Foucault: Law, power, and knowledge’ (1990) 17(2) *Journal of Law and Society*, 170-193 at 170

<sup>46</sup> Nancy Fraser, N. (1981). ‘Foucault on modern power: Empirical insights and normative confusions’ (1981) 1(3) *Praxis international*, 272-287

intervening in the vital characteristics of human existence within the bodies and practices of the governed population themselves.

Bio-power uses 'norms' and the language of 'normalisation' to identify 'abnormal' individuals and populations who posed threats to government populations, as well as to sanction (State) intervention to:

“...ensure conformity or bring into conformity, to keep or make normal, and also to effectively eliminate the threat posed by resisting individuals and populations.”<sup>47</sup>

Normalizing discourses, grounded in dominant institutions, rationality and science, combine with juridical categories and state power to form interlinking patterns of knowledge and control.<sup>48</sup>

For example, on the issue of sexuality, Foucault claims that sex “was a means of access both to the life of the body and the life of the species”<sup>49</sup> because it was capable of being measured, assessed and analysed. As such, in the 19<sup>th</sup> century, it became a crucial target for power, and was “driven out of hiding and forced to lead a discursive existence”.<sup>50</sup> Individuals were made to ‘confess’ and ‘tell all’ about their sexual practices,<sup>51</sup> and the knowledge produced from these discourses gave rise to the production of norms, as well as the identification of ‘abnormal’ subjects that had to be observed and controlled, in particular: i) the hysterical woman; ii) the masturbating child; iii) the Malthusian couple; and iv) the perverse adult.<sup>52</sup>

The creation of discourses on sex and sexuality thus made it possible to subject sexualities to legal/medical/religious/psychiatric discourses of ‘knowledge’ and ‘truth’, allowing States to justify their control and intervention in order to correct

<sup>47</sup> Dianna Taylor, ‘Normativity and normalization’ (2009) 7 *Foucault studies*, 45-63 at 53

<sup>48</sup> Gerald Turkel, n.45 at 172

<sup>49</sup> Michel Foucault, *The history of sexuality. Vol. 1: The will to knowledge* (Penguin Books, 1998) at p.146

<sup>50</sup> Michel Foucault, n.49 at p.33

<sup>51</sup> Michel Foucault, n.49 at p.34

<sup>52</sup> Michel Foucault, n.49 at p.105

sexualities that were ‘abnormal’. Laws, in this sense, serve not only as *direct* mechanisms of power, but also *indirect* ones, in that they are:

“incorporated into a continuum of apparatuses (medical, administrative, and so on) whose functions are for the most part regulatory.”<sup>53</sup>

As propounded above, sexuality education is a technique of governance – it operates as a means of creating, and perpetuating particular ‘truths’ and norms around sexuality. However, at this stage, it is necessary to note that because ‘truths’ are “relative to contexts and produced in networks of power”,<sup>54</sup> “[there] are no truths that are universal; no truths that are foundational and that can be arrived at through our capabilities for autonomy and reasoning”.<sup>55</sup> Laws around sexuality education therefore:

“play a significant role in connecting the complex, and often contradictory, aspirations and aims of the modern state with those invasive and disciplinary techniques of government most able to achieve them”.<sup>56</sup>

Further, both within and without the school environment, the law often positions parents as the main decision-makers around their children’s education particularly around sexual matters.<sup>57</sup> For example, Article 2, Protocol 1 of the European Convention on Human Rights requires States to respect the right of parents to direct their children’s education,<sup>58</sup> and within the English context, this has translated into a right afforded to parents to withdraw their children from sexuality education lessons that are not part of the National Curriculum.<sup>59</sup> However, once a child becomes sexually active, power is, in a sense, transferred from parents to health professionals,

<sup>53</sup> Michel Foucault, n.49 at p.144

<sup>54</sup> Ladelles McWhorter, *Bodies and pleasures: Foucault and the politics of sexual normalization* (Indiana University Press, 1999) at p.49

<sup>55</sup> Carlos A. Ball, ‘Essentialism and universalism in gay rights philosophy: Liberalism meets queer theory’, (2001) 26(1) *Law & Social Inquiry*, 271-293 at 275

<sup>56</sup> Daniel Monk, n.39 at 252

<sup>57</sup> See chapter 5 for further discussion

<sup>58</sup> Article 2, Protocol 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, 1952

<sup>59</sup> Education Act 1996, s.405

to advise on appropriate interventions and medical treatment.<sup>60</sup> In other words, this is but another way for the State to “forge alliances with independent agents”<sup>61</sup> in order to more effectively govern children’s sexuality through them.

The content of sexuality education programmes are heavily dependent upon the goals and educational outcomes that states seek to achieve at particular points in time, as well as on different understandings of children and childhood:

“Diverse approaches to sexuality education reflect differing underlying premises, views of human nature and assumptions about pedagogical processes. Importantly, they construct the child differently.”<sup>62</sup>

However, where, these goals or educational aims clash, what results are solutions (i.e. programmes) for sexuality education that lack coherency and are contradictory and conflicting.

At present, the ‘battles’ around sexuality education mainly revolve around both a desire to situate matters of sexuality within a *conservative* perspective (which does not condone sexual activity outside of marriage, or the expression of sexuality beyond heterosexuality), and a *liberal* perspective, which seeks to control the consequences of childhood sexual activity, and therefore to provide them with the necessary practical and social advice around the exercise of their sexuality. In addition, these two perspectives may engage differing human rights arguments as leverage – for example, the conservative perspective may ground their arguments on the right to respect for religion and culture, and the parental right to direct their children’s education, whilst the liberal perspective may argue the right to equality and non-discrimination, as well as the right to information and education more generally.

However, within both perspectives, a desire to protect the ‘innocent’ child from any kind of sexual knowledge, as well as a need to protect the ‘knowing’ child from the

<sup>60</sup> Daniel Monk, n.33 at p.188

<sup>61</sup> Daniel Monk, n.39 at 249.

<sup>62</sup> Tiffany Jones, n.27 at 371

consequences of sexual activity (or, more broadly, the exercise of their sexuality) is demonstrated. As is obvious, these two perspectives can be employed to differing outcomes and goals. Jones (2011) further points out that although these two perspectives form the bulk of sexuality education discourses, there are also perspectives framed in the *critical* framework, which views children as future sexual citizens, and in the *post-modern* framework, which views both childhood and sexuality as social constructs, thereby taking into account various (individual) subjectivities in the delivery of sexuality education.<sup>63</sup>

This diversity shows that sexuality education:

“... is not simply motivated by a concern for individual child welfare, but is simultaneously interconnected with adult concerns, anxieties and projections, both progressive and reactionary, for a particular form of social and sexual order.”<sup>64</sup>

One main criticism of applying a Foucauldian analysis is that it is not prescriptive, nor does it offer any solutions to problems identified. For example, the analysis above does not present arguments for or against sexuality education, but merely seeks to expose the technologies of power that operate within, and through, sexuality education programmes. However, this analysis also reveals that the framing of sexuality education is based on adults’ “politicized ideals of ‘the child’”,<sup>65</sup> rather than actual children, whose needs, capacities and rights, may be different to, and more diverse than what adults imagine, or understand.

- ***2.4.3 Using rhetorical children as stand-ins for real children***

The above discussion has revealed that sexuality education, as a highly politicised site, is used by adults as a means of governing children’s sexualities, based on what they conceive to be the ideal (but rhetorical) child. In other words, the organization of sexuality education programmes generally fail to take into account the rights, and

<sup>63</sup> See Tiffany Jones, n.27 at 381-384

<sup>64</sup> Daniel Monk, n.33 at p.190

<sup>65</sup> Tiffany Jones, n.27 at 376



lived realities of children and young people today, thereby denying the diversity of their needs and their (sexual) autonomy.

For instance, more and more children are able to access information about sex and sexuality via the internet and popular media, with or without adults' knowledge and consent. Therefore, the belief that it is still possible to completely protect children's sexual innocence until they attain the age of sexual majority is somewhat misguided, if not unrealistic. Moreover, in a changing social and sexual landscape, it is no longer realistic to frame sexuality education within one particular (moralistic) viewpoint, because to do so would be to create a risk of marginalization and discrimination for children (as well as parents) who do not share those viewpoints. In this respect:

“The resistance to acknowledging the sexuality of children within schools reflects an attempt to resist a cultural and social redefinition of childhood and, additionally, a more complex and general resistance to non-traditional gender roles and alternative patterns of domestic relationships.”<sup>66</sup>

The failure to take into account children's needs and wishes, as well as the environment in which they have grown up, has led to sexuality education programmes which do not engage them and which consequently, are ineffective and inadequate. For example, Jones (2011), argues that dominant discourses on sexuality education overlooks sexually diverse and marginalised youth, and disregards the interests of 'real students', whose “suggestions for sexuality education content counter traditional notions of 'appropriate' programme content”.<sup>67</sup> These arguments are further exemplified in Chapters 6 and 7 of this thesis, in which I present the findings from the focus groups I conducted with secondary school pupils.

<sup>66</sup> Daniel Monk, n.33 at p.187

<sup>67</sup> Tiffany Jones, n.27 at 385. See also Kerry H. Robinson, 'Making the invisible visible: Gay and lesbian issues in early childhood education', (2002) 3(3) *Contemporary Issues in Early Childhood*, 415-434; and Louisa Allen, 'Examining dominant discourses of sexuality in sexuality education research', (2007) 17(1-2) *International Studies in Sociology of Education*, 163-180.

However, at this stage, I argue that it is necessary to shift the focus of sexuality education programmes, from the existing discourses around morality and risk prevention, borne out of adult fears,<sup>68</sup> towards ones that are grounded in the recognition not only of children's lived realities, but also of their rights (including their sexual rights). These rights are further examined below.

## **2.5 Sexual rights, including children's sexual rights, and their influence on discourses around sexuality education**

In this subsection, I will discuss the emergence and development of sexual rights and sexual citizenship, and how these concepts have influenced the discourses around sexuality education for children. As discussed below, the language of 'liberal' sexual rights is fairly new, and children's sexual rights tend to be articulated in protective, rather than liberal or permissive tones. However, the language of sexual rights has been key in informing the minimum standards required for sexuality education to be effective and empowering.

- ***2.5.1 Sexual Rights<sup>69</sup> and Citizenship***

According to Plummer (1995), intimate citizenship is "a cluster of emerging concerns over the rights to choose what we do with our bodies, our feelings, our identities, or relationships, our genders, our eroticisms, and our representations".<sup>70</sup> The concept of intimate citizenship therefore requires the availability of, and the ability to exercise, sexual rights.<sup>71</sup> Moreover, these rights go beyond the right to sexual health, but also encompass a "broader commitment to human dignity and worth",<sup>72</sup> both in the public and private spheres of life.

<sup>68</sup> In Chapter 3, I will discuss how the English approach to sexuality education is grounded within discourses of morality, risk prevention and moral panics, and the problems of such an approach in context.

<sup>69</sup> As will be argued in this subsection, sexual rights cover a broad variety of rights, including the right to express sexuality. It is therefore used as an all-embracing term, which includes sexuality rights.

<sup>70</sup> Ken Plummer, *Telling sexual stories: Power, change and social worlds* (Routledge, 2002) at p.17

<sup>71</sup> Reference to sexual rights herewith include reference to sexuality rights, which are a component of sexual rights

<sup>72</sup> Richard G. Parker, 'Sexuality, health, and human rights', (2007) 97(6) *American Journal of Public Health*, 972-973 at 973

Sexual rights are a “relatively new area in the human rights discourse”.<sup>73</sup> Tiefer (2002) states that within the international rights documents, nothing specific is mentioned about sexuality until the Vienna Declaration and Programme of Action was produced in 1993.<sup>74</sup> The 1994 International Conference on Population and Development (ICPD) makes reference to the positive exercise of sexuality within the context of reproductive rights and health. Subsequently, the 1995 Beijing Declaration and Platform for Action goes a step further, stating that:

“Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so.”<sup>75</sup>

Hence, it recognised the right to a ‘satisfying and safe sex life’, but still couches this within the context of reproductive health. This is evidence that reproductive and sexual rights were “hidden under the large umbrella of reproductive health”<sup>76</sup> because the former were deemed to be more radical:

“While [the terms ‘health’ and ‘reproductive’] ... denote ‘good behavior’ and are viewed as acceptable concepts by institutions, ‘rights’ and ‘sexual’ sound more radical and are therefore at risk of being minimised or even left out in the drafting and application of policy.”<sup>77</sup>

Other international consensus documents, or political declarations have since emerged, which have gradually introduced more explicit recognition of sexual rights into the broader framework of human rights. For example, the Yogyakarta Principles, which were first adopted in 2007<sup>78</sup> and updated in 2017,<sup>79</sup> demonstrate

<sup>73</sup> Richard G. Parker, n.72 at 973

<sup>74</sup> Leonore Tiefer, ‘The emerging global discourse of sexual rights’ (2002) 28(5) *Journal of Sex & Marital Therapy*, 439-444

<sup>75</sup> Beijing Declaration and Platform for Action, 4-15 September 1995 at para 94

<sup>76</sup> Sonia Corrêa, ‘From reproductive health to sexual rights achievements and future challenges’, (1997) 5(10) *Reproductive Health Matters*, 107-116 at 108

<sup>77</sup> Sonia Corrêa, n.76 at p. 110

<sup>78</sup> International Commission of Jurists, *Yogyakarta Principles - Principles on the application of international human rights law in relation to sexual orientation and gender identity*, March 2007

<sup>79</sup> International Commission of Jurists, *The Yogyakarta Principles Plus 10 - Additional Principles and State Obligation on the Application of International Human Rights Law in Relation to Sexual*

how existing human rights principles can be applied to claims around sexual orientation and gender identity. At this stage, it is worthy of note that the consensus documents mentioned above are not legally binding on states, although they do constitute expressions of States' political will.<sup>80</sup> However, if they are “phrased in declaratory terms, supported by a widespread and representative body of states, and confirmed by state practice”,<sup>81</sup> then they are capable of becoming customary international law,<sup>82</sup> which has binding force.<sup>83</sup> In short, the continued implementation of sexual rights will ensure their recognition.

What then, do sexual rights consist of? Beyond what has been stated in the international consensus documents above, which have couched issues around sexuality in vague terms, the elucidation of sexual rights will depend largely on documents produced by NGOs. The World Health Organisation (WHO) has adopted a working definition of sexual rights as “embrac[ing] human rights that are already recognised in national laws, international human rights documents and other consensus statements [including rights to]:

- the highest attainable standard of sexual health, including access to sexual and reproductive health care services;
- seek, receive and impart information related to sexuality;
- sexuality education;
- respect for bodily integrity;
- choose their partner;
- decide to be sexually active or not;
- consensual sexual relations;
- consensual marriage;
- decide whether or not, and when, to have children; and

*Orientation, Gender Expression and Sex Characteristics to Complement the Yogyakarta Principles*, 10 November 2017

<sup>80</sup> See Leonore Tiefer, n.74; and Alice M. Miller et al., ‘Sexual rights as human rights: a guide to authoritative sources and principles for applying human rights to sexuality and sexual health’, (2015) 23(46) *Reproductive health matters*, 16-30

<sup>81</sup> Anthea E. Roberts, ‘Traditional and modern approaches to customary international law: a reconciliation’, (2001) 95(4) *American Journal of International Law*, 757-791 at 758

<sup>82</sup> Melissa Curvino, & Megan G. Fischer, ‘Claiming comprehensive sex education is a right does not make it so: A close reading of international law’, (2014) 20(1) *The New Bioethics*, 72-98.

<sup>83</sup> For example, Article 38(1) of the Statute of the International Court of Justice provides that international custom “is evidence of a general practice accepted as law” and can therefore be applied by the Court in determining disputes.

- pursue a satisfying, safe and pleasurable sexual life.”<sup>84</sup>

Similarly, the International Planned Parenthood Federation’s (IPPF)<sup>85</sup> declaration on Sexual Rights,<sup>86</sup> lays down 10 sexual rights, namely: the right to equality and freedom from discrimination; the right to participation; the right to life, liberty, security of the person and bodily integrity; the right to privacy; the right to personal autonomy and recognition before the law; the right to freedom of thought, opinion and expression, and to association; the right to health and to the benefits of scientific progress; the right to education and information; the right to marry and found, as well as plan, a family; and the right to accountability and redress.<sup>87</sup> More recently, the World Association for Sexual Health (WAS)<sup>88</sup> published a Declaration of Sexual Rights<sup>89</sup> elucidating 16 sexual rights, which are broadly similar to the ones under the IPPF’s Declaration on Sexual Rights, except that in laying down the right to sexual health, WAS’s Declaration recognises that this includes the “possibility of pleasurable, satisfying and safe sexual experiences”.<sup>90</sup>

Richardson (2000) has grouped the sexual rights above into three main sub-streams:

- i. Conduct-based rights claims;
- ii. Identity-based rights claims; and
- iii. Relationships-based rights claims.<sup>91</sup>

Conduct-based rights claims involve rights to “various forms of sexual practice in personal relationships”.<sup>92</sup> They include the right to participate in sexual activity, and a corollary right to derive pleasure from such activity. They also include the right to

<sup>84</sup> World Health Organisation (WHO), n.2 at p.5

<sup>85</sup> The IPPF is a global non-governmental organization which aims to champion sexual and reproductive health and rights.

<sup>86</sup> International Planned Parenthood Federation (IPPF), *Sexual Rights: An IPPF Declaration*, October 2008

<sup>87</sup> Although this Declaration is merely advisory and non-binding on States, it is important because it is one of the few existing international documents which elucidates and recognises specific sexual rights.

<sup>88</sup> The WAS is also a global non-governmental organization which aims to promote sexual health through sexology and sexual rights

<sup>89</sup> World Association for Sexual Health (WAS), *Declaration of Sexual Rights*, March 2014

<sup>90</sup> World Association for Sexual Health (WAS), *Declaration of Sexual Rights*, March 2014, Article 7

<sup>91</sup> Diane Richardson, ‘Constructing sexual citizenship: theorizing sexual rights’, (2000) 20(1) *Critical social policy*, 105-135 at 107. See also Diane Richardson, ‘Claiming citizenship? Sexuality, citizenship and lesbian feminist theory’ in Chrys Ingraham (ed) *Thinking Straight* (Routledge, 2013)

<sup>92</sup> Diane Richardson, n.91 at 108

sexual and reproductive self-determinism, such as the ability to say no to sexual activity, to use contraception and to access abortion. Identity-based rights claims involve rights “through self-definition and the development of individual identities”.<sup>93</sup> Distinct from the right to engage in sexual practices, these involve rights to self-determination and ownership, and to develop individual sexual identities, or to identify with specific sexual categories of people.<sup>94</sup> Finally, relationships-based rights claims involve rights within social institutions, or in the public sphere. They include rights to consent to sexual activity, the right to freely choose sexual partners, as well as the right to publicly recognised sexual relationships.<sup>95</sup> The composition of these sexual rights is therefore the basis upon which human beings can assert their sexual citizenship,

Importantly however, the international consensus documents above are largely adult-driven, and therefore the discussion on sexual rights are focused on the sexual rights of *adults*. A more important and controversial question is whether these rights extend and apply to children as well.

- **2.5.2 Children’s Sexual Rights**

Although the core international human rights instruments, such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Universal Declaration of Human Rights (UDHR) apply to *all* human beings, including children, the UN Convention on the Rights of the Child (UNCRC) specifically applies to children. Children’s rights are covered under a separate treaty, mainly because the existing human rights instruments often overlook children as a category of rights holders. The Convention also introduces rights specifically relevant to children, such as the best interests principle (Article 3), and the right to express views on matters affecting them (Article 12). Having these rights expounded and enshrined in a separate treaty would therefore oblige States to take children’s rights more seriously. <sup>96</sup>

<sup>93</sup> Diane Richardson, n.91 at 108

<sup>94</sup> Diane Richardson, n.91 at 118

<sup>95</sup> Diane Richardson, n.91 at 123-127

<sup>96</sup> Jaap E. Doek, ‘The Human Rights of Children: An Introduction’ in *International Human Rights of Children*, Ursula Kilkelly and Ton Liefwaard (eds), (Springer,2018) at pp. 12-13

The CRC's stance on children and sexuality is very clearly grounded in a discourse of vulnerability and protectionism. For instance, it expressly provides that States should take all measures to protect children from sexual abuse (amongst other forms of violence, "protect [children] from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse" by their parents or legal guardians,<sup>97</sup> and to prevent children from "all forms of sexual exploitation and sexual abuse".<sup>98</sup> The Convention has however been criticised for not offering explicit, or even sufficient, attention to children's more positive sexual rights, such as the right to sexual (self-) identity, or the right to sexual information and education.<sup>99</sup>

In this respect, a clear distinction can be drawn between "protectionist" sexual rights, and "affirmative" ones,<sup>100</sup> - the latter not being provided for under the CRC, likely because they are more controversial. Rights that involve the protection of children are often uncontested – because children are seen as needing protection from *things done unto* them. However, affirmative rights, which recognise that children have sexual agency and autonomy that will increase as they mature, are often controversial, because, when children start to *do sexual things*, i.e. when they begin to exercise sexual autonomy, they are deemed to lose their purity and innocence. In other words, adults often feel that children's affirmative sexual rights should be held 'in trust' until they attain adulthood. Hence, children's sexual rights are often carefully constructed along protectionist lines, as will be demonstrated below.

By far the strongest and clearest iteration of children's sexual rights is through the mechanism of the right to health, particularly sexual health. This also feeds into the protectionist perspective: children have a right to have their health protected, and health includes sexual health. Further:

<sup>97</sup> Article 19(1) UNCRC

<sup>98</sup> Article 34 UNCRC

<sup>99</sup> Stacey Horn, Christina Peter, & Stephen T. Russell, 'The Right to be Who You Are: Competing Tensions among Protection, Survival and Participation Related to Youth Sexuality and Gender' in Martin D. Ruck, Michele Peterson-Badali & Michael Freeman (eds), *Handbook of Children's Rights: Global and Multidisciplinary Perspectives* (Routledge, 2017) pp. 221-238

<sup>100</sup> Leonore Tiefer, n.74

“Placing the emphasis on ‘healthy children’, as opposed to ‘sexual children’, serves to depoliticize the problem and legitimize the calculations of health educators and enables them to be seen as objective and neutral.”<sup>101</sup>

For example, children’s right to health under Article 24 CRC has also been explained to encompass *freedoms* and *entitlements* in relation to sexual and reproductive health:

“The freedoms, which are of increasing importance in accordance with growing capacity and maturity, include the right to control one’s health and body, including sexual and reproductive freedom to make responsible choices. The entitlements include access to a range of facilities, goods, services and conditions that provide equality of opportunity for every child to enjoy the highest attainable standard of health.”<sup>102</sup>

According to Tobin (2018), the UNCRC’s model for balancing the evolving sexual autonomy of children with the need to protect their sexual and reproductive health consists of 5 elements:

- i. The recognition of the evolving sexuality of children as a legitimate and integral aspect of their identity, which is intimately connected to their health;
- ii. The recognition that children should be supported to discover and exercise their sexual autonomy in a safe and supportive environment;
- iii. The obligation to provide information to children in a manner consistent with their evolving capacities, involving children in the design and dissemination of information where appropriate;
- iv. The obligation to provide appropriate goods and services to ensure sexual health, particularly around the prevention of sexually transmitted infections (STIs) and unwanted pregnancies; and

<sup>101</sup> Daniel Monk, n.39 at 244

<sup>102</sup> UN Committee on the Rights of the Child, *General Comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art 24) CRC/C/GC/15* at para 24



- v. The obligation to ensure that children’s informed consent is obtained, and their privacy and confidentiality secured, when they seek advice and information, or access treatment in relation to their sexual and reproductive health.<sup>103</sup>

In fact, there is an increasing recognition that children who are of sufficient maturity and understanding should be able to exercise their sexual (and reproductive health) rights independently of their parents’ wishes. For example, it has been said that young people should be afforded privacy and confidentiality in accessing sexual and reproductive health services.<sup>104</sup> Further, while the right of parents to provide appropriate guidance and direction on sexual and reproductive matters is acknowledged, it has also been said that parents and guardians should not be allowed to restrict their children’s access to appropriate services and information relating to their sexual and reproductive health.<sup>105</sup>

Alongside the right to health, children are also afforded the right to education<sup>106</sup> under Article 28 of the CRC, which, according to Article 29(1)(a) of the CRC, is aimed at developing “the child's personality, talents and mental and physical abilities to their fullest potential”, and, under Article 29(1)(d), should prepare them “for responsible life in a free society”. Further, under Article 17 CRC, children have a right to access information, “especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health”. Given the close connection highlighted by the Convention between the child’s rights to education, information and health, it can be argued that the rights to education and information include the right to access education and information relating to health.

<sup>103</sup> John Tobin, ‘Children’s Right to Health’ in Ursula Kilkelly and Ton Liefwaard (eds), *International Human Rights of Children*, (Springer, 2018) at pp. 282-284

<sup>104</sup> See, for example Committee on Economic, Social, and Cultural Rights (CESCR), *General Comment No 14: The Right to the Highest Attainable Standard to Health*, UN DOC E/C.12/2000/4 at para 23;

<sup>105</sup> See for example: UNFPA, *Programme of Action adopted at the International Conference on Population and Development*, Cairo, 5-13 September 1994, 2004 at para 7.45; UN Committee on the Rights of the Child, *General Comment 4: Adolescent health and development in the context of the Convention on the Rights of the Child*, CRC/GC/2003/4 at para 24. See also the decision in *Gillick v West Norfolk and Wisbech Area Health Authority* [1986] 1 AC 113

<sup>106</sup> The right to education is also enshrined in Article 2, Protocol 1 of the European Convention on Human Rights

Therefore, beyond access to sexual and reproductive health and services as an issue under the right to health, children's right to education and information have been regarded as conferring a right to access appropriate education and information on sexual and reproductive health.<sup>107</sup> Although these "rights" are stated in international consensus documents and reports by Treaty Monitoring Bodies (TMBs) which do not have binding force upon States, the fact that the need for, and in fact, the "right" to sexuality education has been reiterated in so many international consensus documents, suggests that States should provide sexuality education to children as a matter of good practice. As will be discussed below, sexuality education also plays a role in realising sexual and human rights, and should be regarded in itself as an inherent right of children, as an extension of their right to education.<sup>108</sup>

- ***2.5.3 Minimum standards for sexuality education – comprehensive sexuality education***

In brief, sexuality education should aim to provide a baseline level of information to children such that they are in a position to make choices about the exercise of their sexual rights as they advance into adulthood. Arguably, sexuality education programmes that are rooted in the conservative orientation will not meet these standards. For example, not giving pupils any kind of sexuality education, or implementing abstinence-based sexual education, has been recognised as leaving children ill-equipped to deal with the knowledge and messages they receive on sexuality from their surroundings.<sup>109</sup> It leaves them to struggle with increasing pressure regarding sex, conflicting norms, widespread misconceptions, fears,

<sup>107</sup> See, for example: UNFPA, n.105; Committee on Economic, Social, and Cultural Rights (CESCR), *General Comment No 14: The Right to the Highest Attainable Standard to Health*, UN Doc E/C.12/2000/4; Committee on the Rights of the Child, *General Comment 4: Adolescent health and development in the context of the Convention on the Rights of the Child*, UN Doc CRC/GC/2003/4; Commission on Population and Development (CPD), *Resolution on Fertility, Reproductive Health and Development*, Resolution 2011/1 (E/2011/25/E/CN.9/2011/8); European Parliament, *Report on the Annual Report on Human Rights and Democracy in the World 2013 and the European Union's policy on the matter*, 2015 (2014/2216(INI)); European Parliament, *Report on Sexual and Reproductive Health and Rights*, Committee on Women's Rights and Gender Equality, 2013/2040 (INI)

<sup>108</sup> Vernor Muñoz, *Report of the United Nations Special Rapporteur on the right to education*, (2010) A/65/162 at para 19

<sup>109</sup> See, for example, Christina Zampas, 'Promoting Accurate and Objective Sexuality Education', (2007) 15(4) INTERRIGHTS Bulletin 182-184; United Nations General Assembly, *Report of the United Nations Special Rapporteur on the right to education, submitted pursuant to Human Rights Council resolution 8/4*, (2010) A/65/162

discrimination and gender stereotypes without giving them reliable information on how to respond.<sup>110</sup>

Absent or confusing sex education policies have been found to be largely ineffective in delaying sexual activity,<sup>111</sup> and harmful in undermining the use of contraceptives and safe practices, thus leaving children without the preparation they require in order to have safe and healthy sex lives, and vulnerable to unintended pregnancies, sexually transmitted diseases, abuse and exploitation.<sup>112</sup> Further, as will be demonstrated in Chapters 6 and 7 of this thesis, approaches to sexuality education which do not address children's informational needs, or which are 'dumbed down' for them, run the risk of disengaging them from lessons altogether, thereby losing any potential for effectiveness.

Therefore, the better approach would be to take the bull by the horns and provide children with the relevant information about sexuality, such that they will have the tools and resources necessary to enable them to think critically and make safe and informed choices as to all aspects of expressing their sexuality as and when they are ready to do so. Hence, the type of sexuality education advocated for in this PhD thesis, i.e. one that meets the international minimum standards established above, is comprehensive sexuality education (CSE).

## **2.6 Comprehensive sexuality education**

- ***2.6.1 What is Comprehensive Sexuality Education?***

Comprehensive sexuality education (CSE) is a curriculum-based process of teaching and learning about the cognitive, emotional, physical and social aspects of

<sup>110</sup> ASTRA Youth, *'Human Right to Comprehensive Sexuality Education'*, Position paper, 2014, available at <http://www.astra.org.pl/youth/pdf/Human%20Right%20to%20Comprehensive%20Sexuality%20Education.pdf> as accessed on 29/4/2015

<sup>111</sup> Christina Zampas, n.109; United Nations General Assembly, *Report of the United Nations Special Rapporteur on the right to education*, submitted pursuant to Human Rights Council resolution 8/4, 2010 (A/65/162)

<sup>112</sup> Child Rights International Network (CRIN), *Access Denied: Protect rights – unblock children's access to information*, Policy Paper, June 2014

sexuality.<sup>113</sup> It should adopt a “right-based and gender-focused approach”,<sup>114</sup> and should seek to “equip young people with the knowledge and skills they need to determine and enjoy their sexuality in all spheres of life”.<sup>115</sup>

Its importance lies in its potential to empower young people to see themselves and others as equal members in their relationships, protect their own health, and engage as active participants in society,<sup>116</sup> as well as “to equip them with the knowledge, skills, attitudes and values they need to determine and enjoy their sexuality – physically and emotionally, individually and in relationships”.<sup>117</sup>

- **2.6.2 What does *Comprehensive Sexuality Education* entail?**

First and foremost, CSE should address health outcomes, including physical, reproductive, mental and emotional health.<sup>118</sup> It should enable young people to acquire accurate information and nurture positive values and attitudes about human sexuality, sexual and reproductive health and human rights, and develop life skills that encourage critical thinking, communication, negotiation, decision-making and assertiveness.<sup>119</sup>

CSE should provide children with a “full range of information, skills and values to enable [them] to exercise their sexual and reproductive rights and to make decisions about their health and sexuality”,<sup>120</sup> and to assist them in identifying their own values in order to make informed choices that are appropriate to their needs. Ultimately, CSE should “develop the capacity of young people to enjoy – and advocate for their rights to – dignity, equality, and responsible, satisfying, and

<sup>113</sup> UNESCO, n.4 at para 2.1

<sup>114</sup> UNFPA, *Operational Guidance for Comprehensive Sexuality Education: A Focus on Human Rights and Gender*, 2014 at para 1.2

<sup>115</sup> International Planned Parenthood Foundation, *From Evidence to Action: Advocating for Comprehensive Sexuality Education and Framework for Comprehensive Sexuality Education*, 2009 at p.3

<sup>116</sup> Nicole Haberland & Deborah Rogow, n.19 at S16

<sup>117</sup> International Planned Parenthood Federation (IPPF), n.115

<sup>118</sup> UNESCO, n.4

<sup>119</sup> UNFPA, n.114 at para 1.2

<sup>120</sup> International Planned Parenthood Federation (IPPF), n.115 at p.3

healthy sexual lives”.<sup>121</sup> At a more liberal end, CSE programmes should focus on “sexuality as a positive human potential and a source of satisfaction and pleasure”.<sup>122</sup>

CSE should therefore encompass all three components of sexuality education, namely sex education, relationships education, and sexual health education. In other words, it should address not only sexual behaviour, but also related topics such as puberty, contraception, disease prevention, decision-making, relationships, human development, sexual identity, gender issues and many more. CSE should be age-appropriate, factually accurate, adequate and informative, and should address a broad range of perspectives in order to provide pupils with sufficient information to make informed choices in exercising their sexual agency. In addition, CSE should frame sexuality within positive discourses, including satisfaction and pleasure. The issue of pleasure in sexuality education is not uncontroversial, but in discussing the findings of this research, it will be argued that discourses of erotics and pleasure can potentially transform the way sexuality education is taught, for the better.

More importantly, CSE should reflect the needs, experiences and lived realities of learners, i.e. pupils, in order to fully engage them in the learning process. In order to do so, those who are responsible for designing CSE curricula should ensure that learners are consulted on the content, manner of delivery and other aspects of CSE, and that their perspectives and opinions inform the design process.

- **2.6.3 How does CSE realise sexual (and related) rights?**

According to a UNAIDS report, sexual debut for most young people occurs during their teenage years, and a majority of people have begun to have sexual intercourse before they leave their teens, and at least half by the age of 16.<sup>123</sup> At present, there is strong evidence that sexuality education received in school can be effective in reducing risky sexual behaviour, and further, that there is no proven link between

<sup>121</sup> International Sexuality and HIV Curriculum Working Group, n.8 at p.2

<sup>122</sup> WHO (Europe) and Federal Centre for Health Education, *Standards for Sexuality Education in Europe: A framework for policy makers, educational and health authorities and specialists*, 2010 at p.32

<sup>123</sup> UNAIDS, *Impact of HIV and Sexual Health Education on the Sexual Behaviour of Young People: A Review Update*, 1997 – based on a survey estimate of selected countries, namely Greenland, Denmark, Sweden, the United States, the Dominican Republic, Australia, and England

sexuality education and increased sexual activity.<sup>124</sup> Moreover, as recognised in the International Conference on Population and Development (ICPD)'s Programme of Action (1994), sexual education plays a vital role in curtailing negative reproductive health issues such as adolescent childbearing and adolescent maternal mortality.

The United Nations has recognised the role that comprehensive sexuality education has to play in “promoting the well-being of adolescents, enhancing gender equality and equity as well as responsible sexual behaviour, and protecting them from early and unwanted pregnancy, sexually transmitted diseases, including HIV/AIDS, and sexual abuse, incest and violence”.<sup>125</sup> Studies also show that sexuality education at school decreases the likelihood of young people experiencing negative sexual health indicators, such as abortions, non-volitional sex, sexual violence or abuse, and distress about sex life.<sup>126</sup> Education, particularly sexual education, has been recognised as playing a “decisive role” in combating gender stereotypes and ending gender-based discrimination,<sup>127</sup> and as being “particularly important” to the empowerment of girls and women and the respect for their human rights.<sup>128</sup>

In other words, CSE is necessary for realising the rights to health, education and information, and the right to equality and non-discrimination. The potential for CSE to realise each of these rights is further explored below, with a special section focusing solely on how CSE has been recognised as a right of children.

Comprehensive sexuality education (CSE) is often described as a necessary component of the right to health. The right to health is enshrined under various international treaties, including the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>129</sup>, the Convention on the Elimination of All Forms of

<sup>124</sup> Douglas Kirby, B.A. Laris, & Lori Rolleri, ‘Sex and HIV Education Programs: Their Impact on Sexual Behaviors of Young People Throughout the World’ (2007) 40 *Journal of Adolescent Health* 206-217

<sup>125</sup> United Nations, *Key actions for the further implementation of the Programme of Action for the International Conference on Population and Development*, New York, 1999 (A/RES/S-21/2)

<sup>126</sup> Wendy Macdowall, n.10

<sup>127</sup> European Parliament, *Report on progress on equality between women and men in the European Union in 2013*, Committee on Women’s Rights and Gender Equality, 2015 (2014/2217 (INI))

<sup>128</sup> See United Nations General Assembly, *Report of the United Nations Special Rapporteur on the right to education*, submitted pursuant to Human Rights Council resolution 8/4, 2010 (A/65/162); UNFPA, n.105

<sup>129</sup> Article 12 ICESR

Discrimination against Women (CEDAW)<sup>130</sup>, the Convention on the Rights of Persons with Disabilities (CRPD)<sup>131</sup>, and the Convention on the Rights of the Child (CRC)<sup>132</sup>. CEDAW emphasises that the right to health for women and girls includes the right to family planning, and access to information and care services and facilities for family planning.<sup>133</sup> Under the CRPD, the right to access “sexual and reproductive health and population-based public health programmes” is also iterated as part of the right to health.<sup>134</sup>

The Committee on Economic, Social and Cultural Rights (CESCR) has elaborated that the right to health encompasses “the underlying determinants of health”, including “access to health-related education and information, including on sexual and reproductive health”.<sup>135</sup> In relation to Article 12.2(c) of the ICESCR, which relates to the prevention, treatment, and control of epidemic, endemic, occupational and other diseases, the CESCR has explained that this includes State obligations to provide education programmes addressing sexually transmitted diseases and other health concerns that negatively affect sexual and reproductive health.<sup>136</sup>

Given its primacy in ensuring proper sexual health (and health more generally), it has been suggested that sexuality education should be an indicative measure of a country’s sexual health and wellbeing.<sup>137</sup> The WHO has emphasised a “new need” for sexuality education, due to factors such as globalization and migration of new population groups with different cultural and religious backgrounds, the rapid spread of new media, particularly the Internet and mobile phone technology, the emergence and spread of HIV/AIDS, increasing concerns about sexual abuse of children and adolescents and, changing attitudes towards sexuality and changing sexual behaviour

<sup>130</sup> Articles 12 and 14 CEDAW

<sup>131</sup> Article 25 CRPD

<sup>132</sup> Article 24 UNCRC

<sup>133</sup> CEDAW, Article 12 and 14

<sup>134</sup> CRPD, Article 25

<sup>135</sup> UN Committee on Economic, Social, and Cultural Rights (CESCR), *General Comment No 14: The Right to the Highest Attainable Standard to Health*, UN DOC E/C.12/2000/4 (2000) at para 11

<sup>136</sup> UN Committee on Economic, Social, and Cultural Rights (CESCR), *General Comment No 14: The Right to the Highest Attainable Standard to Health*, UN DOC E/C.12/2000/4 (2000) at para 16

<sup>137</sup> WHO and UNFPA, *Measuring Sexual Health: Conceptual and Practical Considerations and Related Indicators*, Geneva, 2010

among young people, which therefore require effective strategies to enable young people to deal with their sexuality in a safe and satisfactory manner.<sup>138</sup>

It has long been recognised that the right to sexual and reproductive health also encompasses a right to information and education on sexual health and related matters, because one of the ways of promoting and sustaining health is through education.<sup>139</sup> In addition, the right to sexuality education has also been described as a component of the right to education.<sup>140</sup> Under the ICESR, education:

“...shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.”<sup>141</sup>

The UN Special Rapporteur on the Right to Education has issued a special report on the right to comprehensive sexual education.<sup>142</sup> In rehashing the right to CSE under international law, the UN Special Rapporteur highlights calls from the Committee on the Elimination of Discrimination against Women, and the Committee on the Rights

<sup>138</sup> WHO Regional Office for Europe and BZgA, n.122

<sup>139</sup> See, for example, the *2030 Agenda for Sustainable Development*, goal 3.7; the *International Conference on Population and Development* (1994), Principle 8; the Commission on Population and Development (CPD), *Resolution on Fertility, Reproductive Health and Development*, Resolution 2011/1 (E/2011/25/E/CN.9/2011/8); the European Parliament, *Report on the Annual Report on Human Rights and Democracy in the World 2013 and the European Union's policy on the matter*, 2015 (2014/2216(INI) ); the UN Committee on Economic, Social, and Cultural Rights (ESCR), *General Comment No 14: The Right to the Highest Attainable Standard to Health*, UN Doc E/C.12/2000/4 (2000); the UN Committee on the Rights of the Child, *General Comment 4: Adolescent health and development in the context of the Convention on the Rights of the Child*, UN Doc CRC/GC/2003/4 (2003) and United Nations General Assembly, *Report of the United Nations Special Rapporteur on the right to education*, submitted pursuant to Human Rights Council resolution 8/4, 2010 (A/65/162)

<sup>140</sup> European Commission on Human Rights, *Report of the Commission: Kjeldsen, Madsen and Pedersen v Denmark*, 21<sup>st</sup> March 1975

<sup>141</sup> Article 13 ICESR

<sup>142</sup> United Nations General Assembly, *Report of the United Nations Special Rapporteur on the right to education*, submitted pursuant to Human Rights Council resolution 8/4, 2010 (A/65/162)



of the Child, for CSE to be provided in primary and secondary education, in a “compulsory and systematic manner”.<sup>143</sup>

Under CEDAW, the right to education encompasses a right to “access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning”.<sup>144</sup> Although the CRPD does not mention the right to sexuality education as a component of the right to education, it recognises that persons with disabilities have a right to: “decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education ... and the means necessary to enable them to exercise these rights”.<sup>145</sup>

CSE has also been recognised not merely a health measure, but as a means of achieving international development goals on gender equality.<sup>146</sup> It is seen as a tool for changing social and cultural patterns of behaviour that perpetuate discrimination and violence against women.<sup>147</sup> For example, CEDAW recognises that access to education and information about family planning is a measure to eliminate discrimination against women and to ensure equal rights between men and women, both in education and generally.<sup>148</sup> The CESCR also states that women should be shielded from “harmful traditional cultural practices and norms that deny them their full reproductive rights”, and therefore, “all barriers interfering with [women’s] access to health services, education and information, including in the area of sexual and reproductive health”, should be removed.<sup>149</sup> It has also been recognised that violation of sexual and reproductive rights, such as by not providing CSE, would breach women’s and girls’ rights to equality, non-discrimination, dignity and health, and freedom from inhuman and degrading treatment.<sup>150</sup>

<sup>143</sup> United Nations General Assembly, *Report of the United Nations Special Rapporteur on the right to education*, submitted pursuant to Human Rights Council resolution 8/4, 2010 (A/65/162) at para 25

<sup>144</sup> CEDAW, Article 10(h)

<sup>145</sup> CRPD, Article 23(1)(b)

<sup>146</sup> Nicole Haberland & Deborah Rogow, n.19 at S16

<sup>147</sup> United Nations General Assembly, *Report of the United Nations Special Rapporteur on the right to education*, submitted pursuant to Human Rights Council resolution 8/4, 2010 (A/65/162)

<sup>148</sup> CEDAW Article 10

<sup>149</sup> UN Committee on Economic, Social, and Cultural Rights (CESCR), *General Comment No 14: The Right to the Highest Attainable Standard to Health*, UN DOC E/C.12/2000/4 (2000) at para 21

<sup>150</sup> European Parliament, *Report on Sexual and reproductive Health and Rights*, Committee on Women’s Rights and Gender Equality, 2013/2040 (INI)

## 2.7 Conclusion

This chapter started out with a definition of key terms that will appear throughout the thesis, such as sexuality, sexual health, and sexuality education. However, it acknowledged that “sexuality education” is a broad term that potentially encompasses a range of very different programmes, from abstinence-only to comprehensive ones. The lack of consensus as to what sexuality education should encompass boils down to a societal unease around child sexuality, and a desire to either protect children from any kind of sexual knowledge, or a desire to give children sexual knowledge *in order to* protect them.

It considered the use of sexuality education as a tool for producing “knowledge-truths” and “norms” around sexuality, and for governing children’s bodies. This discussion revealed that there are no universal truths around sexuality – it is an ever-changing concept, and the boundaries between ‘acceptable’ and ‘unacceptable’ childhood sexual behavior are constantly redefined, in accordance with what the ‘norms’ of the time. However, what was noticeable was that the normalizing discourses around children’s sexuality were produced and perpetuated by adults, with very little regard accorded to the needs, and rights, of children.

Turning then to look at sexual rights, particularly children’s sexual rights, it was argued that that sexuality education should be recognised both as a right in itself, as well as a means of achieving other sexual rights. It then examined international consensus documents laying down minimum standards for sexuality education.

It was argued that sexuality education programmes that are children’s rights-respecting should give children sufficient information and knowledge to make informed and safe choices about the exercise of their sexuality, and of their sexual rights. Therefore, programmes that emphasise abstinence-only, or which do not give children sufficient information about sex and sexuality, would not be considered “adequate” sexuality education for these purposes.

The chapter then concluded that *comprehensive* sexuality education, is at present the best available mechanism for realising human and children's sexual rights established under international treaty and consensus documents. CSE should encompass all three components of sexuality education, namely sex education, relationships education, and sexual health education, and should address a broad range of topics, issues and perspectives in order to provide pupils with sufficient information and prepare them to make informed choices in exercising their sexual agency. In other words, CSE should be age-appropriate, adequate, factually accurate, informative, and grounded in human rights. Further, CSE that is children's rights-respecting should also ensure that children are consulted on all aspects of the curriculum,<sup>151</sup> to ensure that it engages them and meets their informational needs.

The next Chapter, Chapter 3, will outline the current English approach to sexuality education (called Sex and Relationships Education, or SRE) and the reforms proposed to it. The remainder of the thesis will then explore some of the problems of the approach to SRE with reference to the perspectives raised by the secondary school pupils who took part in the focus groups conducted in this study. In particular, it will consider:

- a) The parental right to withdraw children from sexuality education, and how this affects children's rights;
- b) What young people have said about their experiences of SRE in schools, and their recommendations for improving the content and delivery of their SRE lessons,
- c) Whether the Government's proposed reforms to the SRE curriculum will go far enough in meeting

<sup>151</sup> The UN Committee on the Rights of the Child has also emphasised the need for States' sexuality education policies to be developed in consultation with young people. See for example, UN Committee on the Rights of the Child, *Concluding Observations on the Fifth Periodic Report of the United Kingdom of Great Britain and Northern Ireland*, 12<sup>th</sup> July 2016, (CRC/C/GBR/CO/5) at para 64(a)

## **Chapter 3: Sexuality Education – the English Context**

### **Introduction**

The previous chapter defined sexuality education, and set out the types of sexuality education that exist across the globe. Sexuality education is often used as a means of dispensing ‘truths’ about childhood sexuality, and of governing or controlling children’s bodies. This was highlighted as being particularly problematic because it reflected adults’ perceptions of the ‘ideal’ child, rather than actual children, whose needs, capacities and rights, may be different to, and more diverse than what adults imagine, or understand. Sexuality education programmes which do not capture such nuances fail to engage children, and therefore are rendered ineffective and inadequate.

The chapter therefore argued that access to *comprehensive* sexuality education, i.e. sexuality education that is age-appropriate, adequate, accurate and grounded in human rights, is necessary for realising children’s rights, particularly the right to health, information and education, but also equality and non-discrimination. On this basis, it argued that access to comprehensive sexuality education should be established as a fundamental right of children, as an extension of their right to education, and further, that children should be consulted on the content of sexuality education programmes, in order to ensure that such programmes are engaging, effective, adequate and relevant for them.

This chapter will now turn to examine sexuality education in the English context, which is referred to as Sex and Relationships Education (SRE). It will start off by briefly outlining the history and development of sex (and relationships) education policies in England, demonstrating how, within the English context, sex education has also been deployed as a tool for governing children’s bodies, and controlling the expression and exercise of their sexuality, rather than for actually teaching about sex and sexuality in a positive or holistic manner.

It will outline the current English approach to SRE, looking at the relevant legal and regulatory frameworks that govern SRE provision in schools, and how these play out in practice. It will demonstrate that in order to avoid courting controversy and unpopular opinion, policy-makers tend to defer decision-making in relation to SRE policies to the local level, i.e. to parents<sup>1</sup> and educators, resulting in a lack of consistency in delivery and content of SRE across schools. National level SRE policies also remain relatively silent on issues such as sexuality and sexual diversity, and, deliver mixed messages about youth sexuality. Above all, there is a conspicuous absence of children's voices, and children's rights, within the framework of provision of SRE. These problems are introduced in this chapter, and will be considered in more depth in Chapters 4, 6 and 7 of this thesis.

### **3.1 A brief history of sex (and relationships) education in English schools**

Sex education was not formally introduced in English schools until 1943.<sup>2</sup> Prior to this, guidance on health and hygiene education, issued by health authorities, tended to cover the teaching of sex education, and in fact, health authorities have been “far more ready to pragmatically acknowledge and respond to the realities of young people's sexual lives”.<sup>3</sup> However, provision of sex education in schools tended to be controversial, and successive education ministries have either implicitly discouraged schools from providing it to pupils,<sup>4</sup> or have issued broad and vague guidelines on such provision so as not to court controversy. As will become apparent from the following analysis, sex education policies in English schools have largely been dominated by discourses around health (in terms of disease prevention and reduction in teenage pregnancy rates) and morals.<sup>5</sup>

<sup>1</sup> A “parent” is any person who either has parental responsibility for, or who cares for, the child in question (s.576 Education Act 1996). “Parental responsibility” is defined as “all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property” (s.3(1) Children Act 1989).

<sup>2</sup> See Rachel Thomson, ‘Moral rhetoric and public health pragmatism: the recent politics of sex education’, (1994) 48(1) *Feminist review*, 40-60.; and James Hampshire, ‘The politics of school sex education policy in England and Wales from the 1940s to the 1960s’, (2005) 18(1) *Social History of Medicine*, 87-105.

<sup>3</sup> Daniel Monk, ‘Health and Education: Conflicting Programmes for Sex Education’, In Eric Heinze (ed) *Of innocence and autonomy: children, sex and human rights* (Routledge, 2018)

<sup>4</sup> Jane Pilcher, ‘Sex in health education: official guidance for schools in England, 1928–1977’, (2004) 17(2-3) *Journal of Historical Sociology*, 185-208.

<sup>5</sup> See, for example James Hampshire, n.2; Jane Pilcher, n.4.

In 1943, *Sex Education in Schools and Youth Organisations* (Pamphlet 119)<sup>6</sup> was published, as a response to the high incidence of Venereal Disease (VD) during and immediately after the Second World War. It was the first publication by central government on sex education, and in fact, was “the only such document to contain the phrase ‘sex education’ in its title up until the 1980s”.<sup>7</sup> It emphasised that “first responsibility” for children’s naturally arising questions in regard to sex education was to remain with parents, but that where parents were reluctant, or lacked the knowledge to deliver sex education, or where they were simply absent from home (due to the war), such responsibility may fall to teachers.<sup>8</sup>

However, the Pamphlet clearly states that it is not intended to “lay down one or more definite methods of instruction or approach”,<sup>9</sup> nor was it intended to be anything more than merely advisory. Instead, it emphasised that the overall approach to instruction on sex should be to answer children’s questions “to the fullest extent that [they are] capable of understanding at that stage”.<sup>10</sup> In terms of content, the Pamphlet recognises the importance of teaching young people about the spread of VD, although it goes on to acknowledge as “most undesirable that sex education should be concentrated on this pathological problem”.<sup>11</sup> In this sense, the publication was rather progressive for its time: it acknowledged that children and young people possessed “sexual impulse”, and therefore that sex education should go beyond addressing the issue of VD. However, it also problematised youth sexuality,<sup>12</sup> for example, by emphasising the need to direct instruction towards the “control” of sexual impulse,<sup>13</sup> and by advising that such impulses be framed within appropriate moral discourses and channelled into “approved social contexts, of marriage and parenthood”.<sup>14</sup>

Overall however, it is clear that the guidance issued by the Board of Education is vague and broad, instead placing responsibility for determining the substantive

<sup>6</sup> Board of Education, *Sex Education in Schools and Youth Organisations*, Pamphlet 119, 1943

<sup>7</sup> James Hampshire, n.2 at 90-91

<sup>8</sup> Board of Education, n.6 at paras 2 and 4

<sup>9</sup> Board of Education, n.6 at prefatory note

<sup>10</sup> Board of Education, n.6 at para 2

<sup>11</sup> Board of Education, n.6 at para 8.

<sup>12</sup> Jane Pilcher, n.4 at 191

<sup>13</sup> Board of Education, n.6 at paras 5 & 9

<sup>14</sup> Jane Pilcher, n.4 at 191

content of school-based sex education on the shoulders of Local Education Authorities (LEAs), school governing bodies, and teachers, as well as youth organisations. It is believed that this was a way for the Government to attempt to avoid the controversy surrounding sex education in schools, especially in light of an increasing sense of permissiveness in relation to sexuality and sexual behaviour in the 1960s and 1970s, amidst strong opposition from moral conservatives.<sup>15</sup> However, this approach resulted in ad hoc provision of sex education across schools and jurisdictions. In the 1980s, the Thatcherite government was said to have launched a “war” against local (Labour-controlled) authorities,<sup>16</sup> and this was also evident in the approach to sex education. During this period, the debates around sex education shifted to focus on how law could be used to regulate such provision, in order to ensure that ‘loony left’ LEAs were not “‘corrupting children’ through sex education”.<sup>17</sup> In fact, it was the uproar over the discovery of the book “Jenny Lives with Eric and Martin” in the library of the Labour-controlled Inner London Education Authority (ILEA) that culminated in the introduction of the very controversial s.28 Local Government Act 1988,<sup>18</sup> which is discussed in more detail below.

Also in the 1980s, the Education Act 1986 was passed, making it the first statute of England and Wales which explicitly referred to sex education. The Act explicitly provided that it was for schools’ governing bodies to determine whether or not sex education would be provided as part of the school’s curriculum, and what it would cover,<sup>19</sup> thereby marginalizing the role of LEAs.<sup>20</sup> When read in conjunction with other provisions of the Act, which “increased the number of parent governors and introduced procedures to make governors more accountable to parents”, this provision has been said to have introduced increasing parental control over school

<sup>15</sup> See, for example: James Hampshire, n.25; Rachel Thomson, n.2

<sup>16</sup> See for example Tony Travers, ‘Local government: Margaret Thatcher’s 11-year war’, The Guardian, 9<sup>th</sup> April 2013, available at <https://www.theguardian.com/local-government-network/2013/apr/09/local-government-margaret-thatcher-war-politics> (accessed 20<sup>th</sup> September 2019)

<sup>17</sup> Ann Blair & Daniel Monk, ‘Sex education and the law in England and Wales: The importance of legal narratives’ in Lutz Sauerteig & Roger Davidson (eds) *Shaping Sexual Knowledge* (Routledge, 2009) at p.38

<sup>18</sup> BBC Sounds, “In Living Memory (Series 10): Jenny Lives with Eric and Martin”, 5<sup>th</sup> August 2009, available at <https://www.bbc.co.uk/sounds/play/b00lv4hc> (accessed 20<sup>th</sup> September 2019)

<sup>19</sup> Education Act (No.2) 1986, s.18(2)

<sup>20</sup> Ann Blair & Daniel Monk, n.17 at p.38

sex education.<sup>21</sup> The Act also concretised a conservative framework for sex education, by providing that it should be “given in such a manner as to encourage... pupils to have due regard to moral considerations and the value of family life”.<sup>22</sup>

An accompanying circular on sex education,<sup>23</sup> which followed the 1986 Act, further reinforces the position that it is primarily a matter for parents to decide on their children’s sex education, and that teaching in school should complement and support parents with this responsibility. A distinction was drawn between sex education generally, and advice on sex to specific students: teachers were expressly prohibited from providing contraceptive advice to pupils under 16 without parental knowledge or consent.<sup>24</sup> However, importantly, at this stage, parents did *not* have a statutory right to withdraw their children from sex education classes in schools: the discretion as to whether or not to grant such parental requests was left to school governors.<sup>25</sup> Building on the moral framework emphasised in the Education Act 1986, the circular stated that:

“Teaching about the physical aspects of sexual behaviour should be set within a clear moral framework in which pupils are encouraged to consider the importance of self-restraint, dignity and respect for themselves and others, and helped to recognise the physical, emotional and moral risks of casual and promiscuous sexual behaviour. Schools should foster a recognition that both sexes should behave responsibly in sexual matters. Pupils should be helped to appreciate the benefits of stable married and family life and the responsibilities of parenthood.”<sup>26</sup>

Recurring themes include the framing of youth sexuality as problematic, risky, and dangerous, as well as the need to encourage control or restraint, promote responsible behaviour, and to channel desires towards marriage and “stable family life”. Aside from emphasising the need to teach about AIDS and the “forms of sexual and other

<sup>21</sup> Daniel Monk, ‘Sex education and the problematization of teenage pregnancy: A genealogy of law and governance’, (1998) 7(2) *Social & Legal Studies*, 239-259 at 248

<sup>22</sup> Education Act (No.2) 1986, s.46

<sup>23</sup> Department of Education and Science, *Sex Education at School*, Circular 11/87, 1987

<sup>24</sup> Department of Education and Science, n.23 at para 26

<sup>25</sup> Department of Education and Science, n.23 at para 9

<sup>26</sup> Department of Education and Science, n.23 at para 19



behaviours” which carry the risk of AIDS transmission, the circular was vague in every other regard as to the contents of sex education.

Towards the late 80s and early 90s, a clear distinction between the national curriculum, the basic curriculum and optional guidance on sex education emerged. The National Curriculum, being statutory, was subject to the control of central government, but was limited to scientific or biological aspects. On the other hand, responsibility for the determination of the basic curriculum of sex education was placed within the control of school governing bodies, in collaboration with parents and the wider community in which they served. In addition to these, the Department of Education continued to issue optional guidance for schools on how to teach sex education.

In 1988, with the introduction of the National Curriculum, under the Education Reform Act 1988, science, which included biological aspects of human reproduction, was made a compulsory subject, whereas ‘non-biological’ aspects of sex education was further marginalised.<sup>27</sup> However, there was a lack of clarity as to what constituted biological and non-biological aspects of sex education, and this became a “site of political conflict”.<sup>28</sup> For example, in 1991, HIV/AIDS education was introduced into the National Curriculum for Science,<sup>29</sup> marking it as a ‘biological’ aspect, but this raised concerns that the teaching of how HIV/AIDS is transmitted required teaching children about homosexuality, which was deemed a non-biological aspect.

These conflicts culminated in the passing of the Education Act 1993, which clarified that the National Curriculum for Science should not include teaching on HIV/AIDS, sexually transmitted diseases, or “aspects of human sexual behaviour, other than biological aspects”,<sup>30</sup> leaving those instead to be covered by sex education.<sup>31</sup> The Act also made sex education compulsory in secondary schools,<sup>32</sup> and introduced the

<sup>27</sup> Ann Blair & Daniel Monk, n.17 at p. 39

<sup>28</sup> Ann Blair & Daniel Monk, n.17 at p. 39

<sup>29</sup> Education (National Curriculum) (Attainment Targets and Programmes of Study in Science) Order 1991, Statutory Instrument (SI) 1991/2897

<sup>30</sup> Education Act 1993, s.241(4)

<sup>31</sup> Education Act 1993, s.241(2)

<sup>32</sup> Education Act 1993, s.241(1)

parental right to withdraw children from sex education (aside from that contained within the National Curriculum for Science).<sup>33</sup> The accompanying circular<sup>34</sup> to the Act clarified that beyond requiring HIV/AIDS education, the Secretary of State for Education “has no statutory power to prescribe, by subordinate legislation, the content or organisation of sex education”,<sup>35</sup> and therefore this responsibility was to be left to schools’ governing bodies.

The circular made no pretense about sex education being taught in a moral framework – in fact, it specified that sex education must not be value-free.<sup>36</sup> Instead, pupils should be “helped to consider the importance of self-restraint, dignity, respect for themselves and others, acceptance of responsibility, sensitivity towards the needs and views of others, loyalty and fidelity”.<sup>37</sup> Whilst, *prima facie*, these are positive values to be inculcated, there is an underlying and implicit suggestion that young people are promiscuous and need to be taught to control themselves. Even more problematically, the circular goes on to state:

“Teachers need to acknowledge that many children come from backgrounds that do not reflect such values or experiences. Sensitivity is therefore needed to avoid causing hurt and offence to them and their families; and to allow such children to feel a sense of worth. But teachers should also help pupils, whatever their circumstances, *to raise their sights*.”<sup>38</sup> (emphasis added)

- **3.1.1 Sex (and Relationships) Education as a technique of governance**

In outlining the history and development of sex education policies above, it is clear that, within the English context, sex education has also been deployed as a means of governing children’s bodies in order to produce outcomes that are beneficial to Government at different times in society:<sup>39</sup>

<sup>33</sup> Education Act 1993, s.241(3)

<sup>34</sup> Department for Education, *Education Act 1993: Sex Education in Schools*, Circular 5/94, 1994

<sup>35</sup> Department for Education, n.34 at Annex A

<sup>36</sup> Department for Education, n.34 at para 8

<sup>37</sup> Department for Education, n.34 at para 8

<sup>38</sup> Department for Education, n.34 at para 8

<sup>39</sup> See, for example, Ann Blair & Daniel Monk, n.17; Daniel Monk, n.21

“Sex education has been cast from the outset almost entirely within the framework of a strategy for damage limitation: the focus has been on the dangers of disease, pregnancy, loss of reputation and moral character, rather than the possibilities of pleasure and empowered choice. *It is about controlling and regulating, if not entirely preventing, sexual exploration and activity.*”<sup>40</sup> (emphasis added)

The use of sex education as a technique of discipline and governance, to implicitly set “norms” around sexual behaviour and to address or correct behaviours falling outside these norms, is very much apparent through the discourses surrounding sex education.<sup>41</sup> As will be demonstrated in section 3.2 below, such an approach continues to dominate the current approach to SRE in English schools.

### **3.2 SRE in English Schools – the current framework**

- **3.2.1 The Law on SRE**

At present, sex education forms part of the basic curriculum for maintained and special secondary schools in England.<sup>42</sup> The current law around sex education (not Sex and Relationships Education) is contained within ss.403-405 Education Act 1996 (as amended by s.148 Learning and Skills Act 2000). Although, as originally enacted, s.403(1) placed the responsibility for ensuring that sex education would “encourage... pupils to have due regard to moral considerations and the value of family life” on LEAs, school governing bodies and head teachers, the role of LEAs in this respect has since been removed, post-amendment. S.403(1) Education Act 1996 makes sex education compulsory in all maintained schools, but not in academies or free schools, nor in independent schools.<sup>43</sup> However, when read

<sup>40</sup> Lesley A. Hall, ‘In Ignorance and in Knowledge: Reflections on the History of Sex Education in Britain’ in Lutz Sauerteig & Roger Davidson (eds) *Shaping Sexual Knowledge* (Routledge, 2009) at p.20

<sup>41</sup> See for example: Nicki Thorogood, ‘Sex education as disciplinary technique: policy and practice in England and Wales’, (2000) 3(4) *Sexualities*, 425-438.

<sup>42</sup> S.80(1)(c) and (d) Education Act 2002

<sup>43</sup> Independent schools, although required to provide “some form of PSHE” to pupils, are not required to provide sex education. See Department for Education, *The Independent School Standards: Guidance for Independent Schools*, April 2019, at para 2.12

together with the parental right to withdraw children from sex education,<sup>44</sup> which applies to all parts of sex education except that falling within the National Curriculum, s.403(1) can be interpreted to mean that only sex education that is within the National Curriculum [for Science] is compulsory.

In providing sex education to pupils, schools' governing bodies and head teachers must have regard to the Secretary of State's guidance.<sup>45</sup> Such guidance must secure that pupils "learn the nature of marriage and its importance for family life and the bringing up of children" and "are protected from teaching and materials which are inappropriate having regard to the age and the religious and cultural background of the pupils concerned".<sup>46</sup> Beyond this, statute does not prescribe further content for SRE in schools.

- **3.2.2 National Guidance on SRE**

All schools (including non-maintained schools) which opt to provide SRE must however observe the Guidance on Sex and Relationship Education (the Guidance).<sup>47</sup> Prima facie, the guidance appears to prescribe a *comprehensive* approach to SRE. It defines SRE as:

"...lifelong learning about physical, moral and emotional development. It is about the understanding of the importance of marriage for family life, stable and loving relationships, respect, love and care. It is also about the teaching of sex, sexuality, and sexual health."<sup>48</sup>

This definition of SRE serves to supplement s.403(1) Education Act 1996 in ensuring that pupils are guided towards marriage and moral considerations in exercising their sexuality, again demonstrating how SRE is used as a tool for governmentality. In Section 3.3 below, I discuss how, within the Guidance, the discourses discouraging sexual immorality and risk-taking sit uneasily alongside the

<sup>44</sup> s.405 Education Act 1996

<sup>45</sup> s.403(1B) Education Act 1996

<sup>46</sup> s.403(1A) Education Act 1996

<sup>47</sup> Department for Education and Employment, *Sex and Relationship Education Guidance*, 0116/2000, July 2000

<sup>48</sup> Department for Education and Employment, *ibid*, para 9

discourses around the empowerment of young people to develop skills and make choices about their sexuality, relationships and sexual lives.

SRE is divided into three main elements: attitudes and values; personal and social skills; and knowledge and understanding.<sup>49</sup> Under each of these elements, the Guidance sets out several sub-elements for schools to consider. Overall, the Guidance uses the language of “should”, rather than “must”, indicating that its suggestions for schools’ SRE curriculum are advisory rather than compulsory. This is confirmed by the fact that it expressly leaves the determination of school policy on SRE in the hands of each school’s governing body and head teacher, in consultation with parents and the wider community in which the school operates.<sup>50</sup>

The Guidance is vague and leaves much room for clarification in terms of what should be provided as part of *adequate* and *good quality* SRE. Another more recent criticism of the Guidance is the fact that it has not been updated for 19 years, and is therefore outdated, in the sense that it does not address new risks, particularly online ones, such as sexting and cyberbullying.<sup>51</sup> Beyond this, the wording of the Guidance also does not reflect changing values and attitudes in society. These will be further considered in the analysis below.

- **3.2.3 Supplementary (optional) Guidance on SRE**

Supplementary guidance, *Sex and Relationship Education for the 21st Century*, was published by the PSHE Association, Brook and the Sex Education Forum in 2014.<sup>52</sup> Although it is not a governmental publication and is not binding on schools, it was welcomed by then Education Minister, Nick Gibb, as being necessary for addressing “changes in technology and legislation since 2000”.<sup>53</sup> This supplementary Guidance follows the publication of Ofsted’s report highlighting that SRE “required

<sup>49</sup> Department for Education and Employment, n. 47, at para 9

<sup>50</sup> Department for Education and Employment, n. 47, at para 8

<sup>51</sup> Rt Hon Justine Greening, *Sex and Relationships Education: Written Statement*, HCWS509, 1st March 2017

<sup>52</sup> Brook, PSHE Association & Sex Education Forum, *Sex and Relationships Education (SRE) for the 21st Century*, 2014 available at

<https://www.pshe-association.org.uk/system/files/SRE%20for%20the%2021st%20Century%20-%20FINAL.pdf.pdf> (accessed 11th July 2019)

<sup>53</sup> Rt Hon Nick Gibb, Hansard, HC Deb, Col 280, 14 October 2014

improvement” in over one third of English schools.<sup>54</sup> The Guidance adopts a more positive approach to adolescent sexuality, firstly by acknowledging its existence, but also by going on to offer practical advice on how schools can approach topics such as healthy relationships, sexual consent, abuse, sexting, and pornography, among others. Importantly, it also makes specific note of the need for SRE to be inclusive of differently-abled and disabled pupils, as well as those of different backgrounds, gender and sexual identities.<sup>55</sup>

It also situates SRE within a children’s rights framework, expressly acknowledging the UNCRC and children’s right to good quality education, and recognising as a hallmark of good quality SRE that “children and young people’s views are actively sought to influence lesson planning and teaching”.<sup>56</sup>

Presumably, where schools outsource all or part of their SRE lessons to external educators from any of the organisations that were involved with developing this Guidance, the supplementary Guidance will be used alongside the national guidance. However, beyond this, and given the fact that the Guidance is optional and not mandatory, there is no available data on how widely it is used in English schools. It therefore will not be considered in much more detail in the rest of this chapter.

### **3.3 Problems with the English approach to SRE**

The current English approach to SRE is problematic in several ways: the status of the curriculum is unclear; there is no prescribed curriculum for schools to teach; parents are allowed to play a large role in determining their children’s access to SRE lessons; the Guidance on SRE presents competing objectives that send mixed messages to students; there is very little (overt) coverage of sexuality and diversity issues; and more importantly, there is a lack of recognition that access to good-quality SRE is a right of the child. I argue that these problems reduce the effectiveness of the curriculum and its delivery. Each problem is analysed in more detail below.

<sup>54</sup> Ofsted, *Not Yet Good Enough: Personal, Social, Health and Economic Education in Schools*, May 2013

<sup>55</sup> Brook, PSHE Association & Sex Education Forum, n.52 at p.12

<sup>56</sup> Brook, PSHE Association & Sex Education Forum, n.52 at p.5

- **3.3.1 Unclear status of the curriculum**

It has been acknowledged that “the term ‘sex and relationships education’ is used in different ways, particularly in relation to the current status of the subject in the curriculum”,<sup>57</sup> and that this leaves much room for confusion as to what schools’ obligations are. As has been highlighted in section 3.2.1 above, although sex education is supposedly compulsory in secondary schools, the only compulsory elements are those contained within the National Curriculum for Science.

Beyond this, SRE is not a statutory subject and is only compulsory in local authority-maintained secondary schools, where it overlaps with the National Curriculum for Science. Because of this, there are no statutory programmes of study and no attainment targets for SRE as a subject.<sup>58</sup> Understandably therefore, schools are incentivised to deprioritise SRE in favour of other subjects under the National Curriculum which do fall under the scope of Ofsted inspection.<sup>59</sup> As a result, SRE is often not properly timetabled into the curriculum, and not much specialty training is offered to teachers who teach SRE.

As such, it has been strongly recommended that SRE be put on statutory footing, or be made compulsory in all English schools.<sup>60</sup> Statutory SRE would achieve three things in particular: it would ensure more appropriate training for teachers; it would allow for schools to “negotiate curriculum time [and] curriculum features”; and would also ensure that inspections are carried out so that SRE is delivered to an adequate and consistent standard.<sup>61</sup>

- **3.3.2 Lack of a prescribed curriculum**

<sup>57</sup> House of Commons Education Committee, *Life Lessons: PSHE and SRE in Schools* (HC145), 17<sup>th</sup> February 2015.

<sup>58</sup> In contrast to subjects like English, Mathematics, Science, and others, where the attainment targets are established under statutory guidance. See: Department for Education, *National Curriculum in England: Framework for Key Stages 1 to 4*, Updated 2<sup>nd</sup> December 2014, at para 7.1

<sup>59</sup> Carol Jones, Headteacher of Hornsey School for Girls, as quoted in House of Commons Education Committee, n.57 at para 106

<sup>60</sup> See, for example: UN Committee on the Rights of the Child, *Concluding Observations on the Fifth Periodic Report of the United Kingdom of Great Britain and Northern Ireland*, 12<sup>th</sup> July 2016, CRC/C/GBR/CO/5 at para 64(b); House of Commons Education Committee, n.57 at para 147

<sup>61</sup> Simon Blake, CEO of Brook, as quoted in House of Commons Education Committee, n.57 at para 136

In addition to the lack of statutory status, there is also no specific curriculum for SRE, and English schools are free to develop their own curriculum in line with the wishes of parents and the communities they serve. The Government's policy of deferring the actual decision-making around the content and delivery of SRE to school governors, teachers and parents, while explained on the basis that these groups are best placed to know what children need in terms of sexuality education, actually belie their hesitation to be seen taking sides on an issue that tends to be controversial.

As discussed above, the National Guidance on SRE is couched in broad terms, and upon closer analysis, it becomes clear that the standards prescribed for schools' consideration are vague enough to be capable of differing interpretations. For example, the guidance stresses that activities should engage boys as well as girls, and should "match their different learning styles"<sup>62</sup> but does not go on to specify how these should be implemented. It also suggests that SRE policies be "culturally appropriate and inclusive of all children",<sup>63</sup> but does not consider that sometimes, policies which are culturally appropriate may not be inclusive of diversity or the lived realities of particular children. Further, on the subject of contentious topics, it recognises that:

"Sensitive issues should be covered by the school's policy and in consultation with parents. Schools of a particular religious ethos may choose to reflect that in their sex and relationship education policy."<sup>64</sup>

In practice, schools do indeed adopt very different approaches to SRE. Some schools subsume topics relating to SRE within the umbrella subject of Personal, Social, Health and Economic Education (PSHE), whereas others teach SRE as a subject on its own, with its own timetabled slot(s). Some schools adopt a "whole school" approach, where SRE topics are addressed across all school subjects, whereas others single it out as a subject area on its own. Some schools engage external educators, such as school nurses or those from sexual health charities, to teach SRE. In other

<sup>62</sup> Department for Education and Employment, n. 47, at para 1.23

<sup>63</sup> Department for Education and Employment, n. 47, at para 1.25

<sup>64</sup> Department for Education and Employment, n. 47, at para 1.7



schools, SRE is provided at the bare minimum level in order not to offend religious beliefs, and in these cases, SRE provided to pupils will not be *comprehensive*, in that it will not provide them with sufficient information to make informed choices about their sexual and reproductive health and wellbeing. Such haphazard provision of SRE potentially creates informational inequalities between pupils of different schools, meaning that pupils could leave school with different amounts of knowledge on sex and relationships.

- **3.3.3 *The role of parents***

Parents continue to play a large role in influencing school-based SRE. Beyond requiring that SRE policies be developed in consultation with parents and that they reflect their wishes,<sup>65</sup> the law also requires schools to make available to parents written copies of their policy on sex education if requested.<sup>66</sup> Moreover, parents have the right to request that their children be “wholly or partly excused” from sex education in schools, aside from lessons covered under the National Curriculum (Science).<sup>67</sup> The issues of parental control over the SRE curriculum and the parental right to withdraw will be further considered in the next chapter – which explores the relationship between parental rights and children’s rights in relation to SRE lessons.

- **3.3.4 *Mixed messages***

In addition to the above, the Guidance could also be interpreted as sending mixed messages about what and how pupils should be taught about their relationships and sexuality. This is not so much a difficulty in relation to primary-school children, because at that level, the Guidance prescribes a focus on puberty and birth, which does not leave much room for moral interpretation.<sup>68</sup> However, the issue lies in the way the Guidance suggests SRE lessons for secondary schools.

<sup>65</sup> Department for Education and Employment, n. 47, at para 8

<sup>66</sup> Education Act 1996, s.404

<sup>67</sup> Education Act 1996, s.405

<sup>68</sup> Department for Education and Employment, n. 47, at paras 1.12-1.1.6

In its introduction, the Guidance stresses the importance of SRE in assisting young people to “make responsible and well informed decisions about their lives”,<sup>69</sup> to enable them to “mature, to build up their confidence and self-esteem”,<sup>70</sup> and to prepare them for the “opportunities, responsibilities and experiences of adult life”.<sup>71</sup> This positions young people as autonomous beings, recognises their sexuality, and reflects positive values of empowerment and choice. These values are of course strongly promoted by the international guidance documents, and in fact, such “sex-positive” approaches are also welcomed by young people.<sup>72</sup>

However, in suggesting an SRE curriculum for secondary school pupils, the Guidance adopts a very moralistic approach. For example, it suggests that SRE should enable young people to, inter alia, “develop positive values and a moral framework that will guide their decisions, judgements and behavior”; “understand the arguments for delaying sexual activity”; “understand the consequences of their actions and behave responsibly within sexual and pastoral relationships”; “avoid being pressured into unwanted or unprotected sex”; and “know how the law applies to sexual relationships”.<sup>73</sup>

There is also a very heavy focus on the ‘risks’ and ‘consequences’ of teenage sexual activity. For instance, the Guidance advises that secondary schools should: “teach the taking on of responsibility and the consequences of one’s actions in relation to sexual activity and parenthood”; “use young people as peer educators, e.g. teenage mothers and fathers”; and “link sex and relationship education with issues of peer pressure and other risk taking behaviour, such as drugs, smoking and alcohol”.<sup>74</sup> The discourse on risk not only completely ignores the positive aspects of sexuality and sexual activity, but also relocates the blame for the consequences of sexual activity to the ‘immature’ and ‘irresponsible’ individual teenager, obscuring other factors

<sup>69</sup> Department for Education and Employment, n. 47, at para 1

<sup>70</sup> Department for Education and Employment, n. 47, at para 7

<sup>71</sup> Department for Education and Employment, n. 47, at para 6

<sup>72</sup> See, for example: Louisa Allen, “Say everything”: Exploring young people's suggestions for improving sexuality education’, (2005) 5(4) *Sex Education*, 389-404

<sup>73</sup> Department for Education and Employment, n. 47, at para 3.5

<sup>74</sup> Department for Education and Employment, n. 47, at para 1.18

that may be at play, such as poverty, class, and other socio-economic factors that may influence their choices.<sup>75</sup>

In addition, the Guidance repeatedly emphasises the importance of marriage and stable relationships “as key building blocks of community and society”.<sup>76</sup> This position is buttressed by the Education Act 1996, which requires sex education to be delivered in a “manner as to encourage those pupils to have due regard to moral considerations and the value of family life”,<sup>77</sup> and that pupils must “learn the nature of marriage and its importance for family life and the bringing up of children”.<sup>78</sup> Rather condescendingly, the Guidance then goes on to remind teachers not to “stigmatise children on the basis of their home circumstances”.<sup>79</sup> This approach

“...[invalidates and renders] invisible the experiences of all lesbian and gay young people, any children of single parents, including the divorced, the separated and the unmarried, or others who live in forms of household which do not meet the heterosexual, monogamous, nuclear family criteria.”<sup>80</sup>

In other words, SRE is situated within a moralistic framework that heavily emphasises risk reduction: delay sexual intercourse, wait for marriage, avoid sexually transmitted infections and pregnancy, etc. To that effect, teenage sexual activity, with all its potentially negative consequences, is painted as something risky and dangerous, which must be redirected towards appropriate channels, such as marriage, and ‘stable relationships’.

Hence, although the purpose of SRE is allegedly to enable young people to make choices in relation to their sexuality and sexual lives, the “right choices” are clearly highlighted to them.<sup>81</sup> Therefore, the discourses on empowerment are overpowered

<sup>75</sup> Sarah E. Moore, ‘Controlling passion? A review of recent developments in British sex education’, (2012) 14(1) *Health, Risk & Society*, 25-40 at 38

<sup>76</sup> Department for Education and Employment, n. 47, at pp. 4 & 11

<sup>77</sup> s.403(1) Education Act 1996

<sup>78</sup> s.403(1A) Education Act 1996

<sup>79</sup> Department for Education and Employment, n. 47, at para 1.21

<sup>80</sup> Nicki Thorogood, n.41 at 436

<sup>81</sup> Grace Spencer, Claire Maxwell, & Peter Aggleton, ‘What does ‘empowerment’ mean in school-based sex and relationships education?’, (2008) 8(3) *Sex Education*, 345-356

by a morally-defined, paternalistic, framework for SRE to the point of denying young people's autonomy, agency and rights.<sup>82</sup> Briefly put:

“...despite appearing to formally acknowledge and accommodate student sexuality (through, for example, sexuality education), schools are heavily invested in a particular sort of student that is ‘ideally’ non-sexual.”<sup>83</sup>

- **3.3.5 Homosexuality/sexual diversity**

On a separate but related note, teaching about homosexuality (then) and sexual diversity (now) has been a problem that has plagued the English approach to sex education. In fact, homosexuality has been recognised to be “one of the most controversial aspects of sex education”.<sup>84</sup> As recently as 2016, the UN Committee on the Rights of the Child has raised concerns about LGBT children's lack of access to accurate information on their sexuality in English schools (and in fact, in schools across the UK).<sup>85</sup>

As mentioned before, even when it was felt that there was a need to educate children and young people on the risk of HIV/AIDS transmission, there were concerns over the discussions that would surround such teaching, and whether that would inappropriately cover content on homosexuality. In fact, the government has traditionally taken a strong stance against the teaching of homosexuality in schools. For example, the 1987 Circular stated:

<sup>82</sup> House of Commons Education Committee, n.57 at para 46.

<sup>83</sup> Louisa Allen, ‘Denying the sexual subject: schools' regulation of student sexuality’ (2007) 33(2) *British educational research journal* 221-234 at 222

<sup>84</sup> Daniel Monk, ‘New guidance/old problems: recent developments in sex education’, (2001) 23(3) *The Journal of Social Welfare & Family Law*, 271-291 at 282. At the time of writing, there have also been a spate of recent protests over the teaching of diversity and inclusivity lessons, which have included lessons on acceptance of homosexuality. For one report of these protests, see: BBC, ‘LGBT school lessons protests spread nationwide’, 16 May 2019, available at <https://www.bbc.co.uk/news/uk-england-48294017> (accessed 2nd July 2019)

<sup>85</sup> UN Committee on the Rights of the Child, *Concluding Observations on the Fifth Periodic Report of the United Kingdom of Great Britain and Northern Ireland*, 12<sup>th</sup> July 2016, CRC/C/GBR/CO/5 at para 63(b)

“There is no place in any school in any circumstances for teaching which advocates homosexual behaviour, which presents it as ‘the norm’, or which encourages homosexual experimentation by pupils.”<sup>86</sup>

In 1988, the Local Government Act was passed, and s.28 of the Act famously prohibits LEAs from intentionally promoting the teaching in schools of “the acceptability of homosexuality as a pretended family relationship”. However, by 1994, the government could be seen to have slightly relaxed its position on this. The Circular published that year merely restates the provision of s.28, clarifying that the section applies to local authorities but not to the “activities of the governing bodies and staff of schools on their own behalf”,<sup>87</sup> in other words freeing the hands of teachers and headteachers to address the issue of homosexuality in schools if needed.

However, some backtracking from this was seen in the debates surrounding the Learning and Skills Bill in 2000. In the House of Lords, objection was taken to the phrasing of an amendment to s.148(2) of the Bill, which would amend the Education Act 1996 to read that pupils should be taught about the “nature of marriage *and stable relationships* and its importance for family life and the bringing up of children”.<sup>88</sup> Some Peers took issue with the phrase “stable relationships” out of fear that this would open the door for acceptance of homosexual relationships,<sup>89</sup> and then Education Minister, Baroness Blackstone, had to clarify that this was a “complete misunderstanding of the Government’s position”,<sup>90</sup> which was merely to avoid “signal[ing] to those children not in conventional married households that they are of less worth than others”.<sup>91</sup> Similarly, in the House of Commons, then Prime Minister Tony Blair’s statement in response to posters against homophobia in Scotland was brought up as a reminder of the government’s stance on homosexuality:

<sup>86</sup> Department of Education and Science, n.23 at para 22

<sup>87</sup> Department for Education, n.34 at Annex A

<sup>88</sup> Learning and Skills Bill 2000, Amendment 7

<sup>89</sup> In particular, see the Statements of Baroness Young, Hansard, HL Deb Vol 611, Cols 437-440, 23<sup>rd</sup> March 2000

<sup>90</sup> Baroness Blackstone, Hansard, HL Deb Vol 611, Col 434, 23<sup>rd</sup> March 2000

<sup>91</sup> Baroness Blackstone, Hansard, HL Deb Vol 611, Col 435, 23<sup>rd</sup> March 2000

I've just seen the posters here in Scotland. I don't think I've ever seen a more astonishing campaign in all my born days. People are being told their children will have to play—what was it?—homosexual role playing in school. No wonder parents are concerned. It's nonsense. No child is going to be given gay sex lessons in school. Not under this Government now. Not ever."<sup>92</sup>

S.28 was not repealed until the passing of the Local Government Act in 2003,<sup>93</sup> which means that the current National Guidance on SRE, which was published in 2000, pre-dates the change in position in relation to homosexuality. However, the Guidance comes on the back of heavy campaigning for the reform of laws around homosexuality, and it is suggested that this explains why homosexuality is not explicitly singled out as an issue to be avoided in schools. Instead, the Guidance states that SRE is:

“...not about the promotion of sexual orientation or sexual activity – *this would be inappropriate teaching*” (emphasis added)<sup>94</sup>

However, it goes on to specify that schools “need to be able to deal with homophobic bullying”, and that such bullying is “unacceptable”.<sup>95</sup> Further, despite the stance forwarded on the promotion of sexual orientation, it maintains that “teachers should be able to deal honestly and sensitively with sexual orientation, answer appropriate questions, and offer support”.<sup>96</sup> Whilst this may, *prima facie*, appear to be a weakening of the Government’s stance on anti-homosexuality messages, the Government’s usual approach of deferring these decisions to schools is again very apparent.

Further, it is highly impractical, if not impossible, to teach sex education without promoting any kind of sexual orientation, especially given that presumptions of heterosexuality are so deeply ingrained in society generally, and the curriculum more

<sup>92</sup> Hansard, HC 347, Cols 566-567, 30<sup>th</sup> March 2000

<sup>93</sup> See s.122 Local Government Act 2003

<sup>94</sup> Department for Education and Employment, n. 47, at para 9

<sup>95</sup> Department for Education and Employment, n. 47, at para 1.32

<sup>96</sup> Department for Education and Employment, n. 47, at para 1.30

specifically. Hence, in not including an explicit statement in favour of inclusivity and diversity, the implicit message of the Guidance still seems to be that *alternative sexualities* should not be promoted. This therefore may undo the good efforts of trying to prevent homophobic bullying.

- **3.3.6 Absence of children’s rights within the framework of provision**

In setting out the purpose of the National Guidance on SRE, Baroness Blackstone emphasised the importance of “stress[ing] the needs of all young people in ... schools, regardless of their home background, and regardless of their own awakening sexuality”.<sup>97</sup> As evidenced by the aforementioned points though, the Guidance, and the legislative framework of provision of SRE in English schools, does quite the opposite.

There is a conspicuous failure to recognise children’s (sexual) rights within the framework of SRE provision. Instead, children’s right to information and education on sex and relationships are subject to adult, especially parental, control and choice. Where children’s access to sex and relationships education can be restricted by adults, either directly or indirectly, there is a corresponding impact on their ability to make safe and informed decisions about their sexual lives, thus potentially affecting their right to health. They may also feel unsupported in the development of their sexuality, which impacts their right to equality and non-discrimination.

Young people have been vocal in calling for more, and better, SRE in schools,<sup>98</sup> and have consistently reported their SRE as being inadequate and of poor quality.<sup>99</sup> They have criticised that SRE lessons in school were ‘too biological’, ‘started too late’ and often failed to provide information that they wanted.<sup>100</sup> SRE lessons also do not reflect their lived realities. For instance, the mainstream discourses on SRE focus on ‘real sexual activity’, but ignore the more extensive (and safer) sexual practices

<sup>97</sup> Baroness Blackstone, Hansard, HL Deb Vol 611, Col 435, 23<sup>rd</sup> March 2000

<sup>98</sup> UK Youth Parliament, *SRE: Are You Getting It? A Report by the UK Youth Parliament*, June 2007

<sup>99</sup> See for example, UK Youth Parliament, n.98; House of Commons Education Committee, n.57 at paras 59-61.

<sup>100</sup> Pandora Pound, Rebecca Langford, & Rona Campbell ‘What do young people think about their school-based sex and relationship education? A qualitative synthesis of young people's views and experiences’, (2016) 6(9) *BMJ open*, e011329

narrated by young people themselves, including ‘heavy petting’ and foreplay.<sup>101</sup> Young people have asked for more ‘sex positive’ SRE, with more focus on the mechanics of sex, psychosexual factors such as pleasure, feelings, and relationships.<sup>102</sup>

However, their voices remain unheard. The Guidance on SRE only once mentions consulting pupils on how SRE is delivered and how it is taught,<sup>103</sup> and it does not go into detail on how or when such consultation should occur, and how much weight should be attached to pupils’ opinions. This is in stark contrast to the fact that entire sections of the Guidance focus on how schools can consult parents and the wider community in teaching SRE.

### **3.4 A new statutory curriculum: Relationships Education, and Relationships and Sex Education (RSE)**

- **3.4.1 Background to the reforms**

Due to the problems identified above, there have been calls for SRE provision in schools to be improved, and for SRE to be made compulsory. For example, a 2008 *Review of SRE in Schools* called for better quality and more inclusive SRE, and for schools to be given more support in delivering programmes.<sup>104</sup> A 2013 Ofsted report highlighted that the provision of SRE “required improvement” in over one third of English schools.<sup>105</sup> In 2014, the Sex Education Forum (SEF), whose members and partners comprise of organisations and individuals involved in Relationships and Sex Education, launched the ‘SRE – it’s my right’ campaign<sup>106</sup> calling for statutory SRE. The campaign was backed by, among others, the Association of Teachers and

<sup>101</sup> Julia Hirst, ‘Researching young people’s sexuality and learning about sex: experience, need, and sex and relationship education’, (2004) 6(2) *Culture, Health & Sexuality* 115-129 at 119

<sup>102</sup> See UK Youth Parliament, n.98; Pandora Pound, Rebecca Langford, & Rona Campbell, n.100, Julia Hirst, n.101

<sup>103</sup> Department for Education and Employment, n. 47, at para 1.25

<sup>104</sup> External Steering Group, *Review of Sex and Relationships Education (SRE) in Schools*, 2008

<sup>105</sup> Ofsted, n.54

<sup>106</sup> Sex Education Forum, ‘Our History – 30 years of campaigning’, available at <https://www.sexeducationforum.org.uk/about/our-history-30-years-campaigning> (accessed 21st September 2019)



Lecturers,<sup>107</sup> and the National Union of Students, UK Youth and the UK Youth Parliament.<sup>108</sup> Subsequently, a 2015 report by the House of Commons Education Committee recommended that, among other things more clarity should be given to the status of SRE as a subject, with teachers being given more training, and more time dedicated to the subject in schools.<sup>109</sup> Despite these, various attempts to introduce statutory PSHE and SRE were unsuccessful.<sup>110</sup> Calls to update the National Guidance on SRE were similarly unsuccessful.<sup>111</sup>

In 2016, the Chairs of the Education, Health, Home Affairs and Business, and Innovation and Skills Select Committees wrote to the [then] Education Secretary to request reconsideration of, the decision to not make PSHE and SRE statutory.<sup>112</sup> However, the response received was that putting PSHE (and SRE) on statutory footing “would do little to tackle the most pressing problems with this subject, which are to do with the variable quality of its provision”.<sup>113</sup>

<sup>107</sup> Association of Teachers and Lecturers, ‘ATL backs Sex Education Forum’s ‘SRE – It’s My Right Campaign’’, 6<sup>th</sup> June 2014, available at <https://www.atl.org.uk/latest/press-release/atl-backs-sex-education-forums-sre-its-my-right-campaign> (accessed 21<sup>st</sup> September 2019)

<sup>108</sup> National Union of Students, ‘NUS and leading youth organisations call for statutory sex education in all party manifestos’ 16<sup>th</sup> July 2014, available at <https://www.nus.org.uk/en/news/nus-and-leading-youth-organisations-call-for-statutory-sex-education-in-all-party-manifestos/?load=6&top=245> (accessed 21<sup>st</sup> September 2019)

<sup>109</sup> House of Commons Education Committee, n.57

<sup>110</sup> There was an attempt to introduce statutory PSHE into the Children, Schools and Families Bill in 2009-10 (now the Children, Schools and Families Act 2010), and another attempt to introduce statutory SRE via the Children and Families Bill 2013 (now the Children and Families Act 2014), but both tabled amendments were removed before the passing of the Acts. Likewise, the Sex and Relationships Education (Curriculum) Bill 2014-15 tabled by MP Diana Johnson did not receive a Second Reading in Parliament. The Personal, Social, Health and Economic Education (Statutory Requirement) Bill 2016-2017 tabled by MP Caroline Lucas did not proceed to the Committee Stage.

<sup>111</sup> In 2013, ministers, including then Deputy Prime Minister Nick Clegg, and Labour MP Tessa Jowell, backed calls for an updated Guidance. See BBC News, “Update Sex Education Guidance to Schools, says Clegg”, 5<sup>th</sup> September 2013, available at <https://www.bbc.co.uk/news/education-23975010> (accessed 10<sup>th</sup> September 2019); and The Telegraph, “Dame Tessa Jowell supports The Telegraph’s Wonder Women Better Sex Education Campaign”, 6<sup>th</sup> September 2013, available at <https://www.telegraph.co.uk/women/sex/better-sex-education/10284828/Dame-Tessa-Jowell-supports-TheTelegraphs-Wonder-Women-better-sex-education-campaign.html> (accessed 10<sup>th</sup> September 2019). In 2014, MP Caroline Lucas questioned the Government on their plans to update the curriculum. See Caroline Lucas, HC Deb, col 275, 14<sup>th</sup> October 2014.

<sup>112</sup> Select Committee Chairs, ‘Letter to the Secretary of State for Education on Statutory Status for PSHE’, 7<sup>th</sup> January 2016, available at: <https://www.parliament.uk/documents/commons-committees/Education/Chairs'-letter-to-the-Secretary-of-State-on-statutory-status-for-PSHE.pdf> (accessed 10<sup>th</sup> June 2019)

<sup>113</sup> Rt Hon Nicky Morgan, ‘Letter from the Secretary of State to the Committee on Statutory Status for PSHE’, 10<sup>th</sup> February 2016 available at: <https://www.parliament.uk/documents/commons-committees/Education/Letter-from-the-Secretary-of-State-to-the-Committee-on-statutory-status-for-PSHE.pdf> (accessed 22<sup>nd</sup> September 2019)

It was not until March 2017 that any movement was made on this position. However, in March 2017, the Government announced their plan to put SRE (to be called Relationships and Sex Education, or RSE) on statutory footing, on the basis that the statutory guidance on SRE was becoming “increasingly outdated”.<sup>114</sup>

- **3.4.2 The new legislative framework**

s.34(1) of the Children and Social Work Act 2017 introduces statutory Relationships Education (for primary schools) and RSE (for secondary schools). Relationships Education and RSE must be taught in all schools, including maintained schools, academies, and independent schools.<sup>115</sup> The Education Secretary must issue regulations on Relationships Education and RSE,<sup>116</sup> and must issue guidance to schools on the subjects.<sup>117</sup>

The Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019<sup>118</sup> will come into force on 1<sup>st</sup> September 2020. The regulations introduce s.80A into the Education Act 2002, requiring the Education Secretary to issue guidance on the curriculum that ensures that pupils are taught about: (i) the nature of marriage and civil partnership and their importance for family life and the bringing up of children; (ii) safety in forming and maintaining relationships; (iii) the characteristics of healthy relationships; and (iv) how relationships may affect physical and mental health and well-being<sup>119</sup> in their Relationships Education and RSE lessons. Regulations must also ensure that such education “is appropriate having regard to the age and religious background of pupils”.<sup>120</sup>

<sup>114</sup> Rt Hon Justine Greening, n.51

<sup>115</sup> Department for Education, *Statutory Guidance: Relationships Education, Relationships and Sex Education (RSE) and Health Education (Annex A)*, Updated July 2019

<sup>116</sup> S.34(1) Children and Social Work Act 2017

<sup>117</sup> S.34(2)(a) Children and Social Work Act 2017

<sup>118</sup> The Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019, SI 2019/924

<sup>119</sup> The Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019, SI 2019/924, Schedule, Clause 8

<sup>120</sup> The Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019, SI 2019/924, Schedule, Clause 8

The parental right to withdraw children from RSE lessons will also be amended. The new s.405 (3), as amended by the Regulations will read:

“If the parent of any pupil in attendance at a maintained school in England requests that the pupil may be wholly or partly excused from sex education provided as part of statutory relationships and sex education, the pupil must be so excused until the request is withdrawn, unless or to the extent that the head teacher considers that the pupil should not be so excused.”<sup>121</sup>

Firstly, this parental right will only be exercisable in relation to *sex education* that is taught as part of statutory RSE, which is taught at secondary school - this means that parents cannot withdraw children from Relationships Education at primary school. Further, where a parent makes such a request, the head teacher now has the power to override the request. The new regulations therefore provide less scope for parents to remove children from Relationships Education and RSE.

Alongside these changes, the Office for Standards in Education, Children’s Services and Skills (Ofsted), which is responsible for inspecting English schools, has introduced a new inspection framework for schools. Under the new framework, schools’ compliance with the curriculum on Relationships Education and RSE will affect their scores on Personal Development.<sup>122</sup>

- **3.4.3 Statutory Guidance**

A new Statutory Guidance on Relationships Education, Relationships and Sex Education (RSE) and Health Education has since been published, and must be implemented in all schools by September 2020.

<sup>121</sup> The Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019, SI 2019/924, Schedule, Clause 4

<sup>122</sup> Ofsted, *Handbook for inspecting schools in England under section 5 of the Education Act 2005*, updated September 2019, at paras 224 and 225

In developing a policy for Relationships Education and RSE, the Guidance requires schools to consult parents,<sup>123</sup> but also recommends that schools listen and respond to the views of young people.<sup>124</sup> This is certainly a step in the right direction in incorporating children's rights and perspectives into the curriculum. It is however unclear whether schools will be incentivised to consult pupils, especially given that not much time and resources have been allocated to schools to implement the new curriculum.<sup>125</sup>

On the whole, the Guidance emphasises the need for teaching to be compliant with the Equality Act 2010. In relation to religion and belief, it states that schools should take into account the religious background of all pupils in planning their teaching, so as to ensure that topics are "appropriately handled".<sup>126</sup> It goes on to state that "schools with a religious character may teach the distinctive faith perspective on relationships, and balanced debate may take place about issues that are seen as contentious".<sup>127</sup> What the Guidance appears to be saying is that while religious schools may teach about their particular stances on relationships and sex, such must take place within the context of broader perspectives and viewpoints. However, the use of the word 'may' in the Guidance leaves much open to interpretation.

The Guidance also specifically refers to the need to teach the importance of equality and respect in relation to LGBT issues. Pupils are expected "to have been taught LGBT content at a timely point",<sup>128</sup> but what is appropriate and timely is left to schools' determination. In terms of familial relationships however, the emphasis on (heterosexual) marriage is greatly reduced, although pupils must still be taught about

<sup>123</sup> Department for Education, *Relationships Education, Relationships and Sex Education (RSE) and Health Education: Statutory Guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teachers*, updated 25<sup>th</sup> July 2019 at para 13

<sup>124</sup> Department for Education, *Relationships Education, Relationships and Sex Education (RSE) and Health Education: Statutory Guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teachers*, updated 25<sup>th</sup> July 2019 at para 17

<sup>125</sup> See discussion on regulatory impact assessment in 3.4.4 below

<sup>126</sup> Department for Education, *Relationships Education, Relationships and Sex Education (RSE) and Health Education: Statutory Guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teachers*, updated 25<sup>th</sup> July 2019 at para 20

<sup>127</sup> Department for Education, *Relationships Education, Relationships and Sex Education (RSE) and Health Education: Statutory Guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teachers*, updated 25<sup>th</sup> July 2019 at para 21

<sup>128</sup> Department for Education, *Relationships Education, Relationships and Sex Education (RSE) and Health Education: Statutory Guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teachers*, updated 25<sup>th</sup> July 2019 at para 37

the legal rights and protections afforded by marriage, and why it is an “important relationship choice” for many couples.<sup>129</sup> However, where marriage is discussed, it is on the basis that it is available to both opposite-sex and same-sex couples. The Guidance also requires pupils to be taught about different types of “committed, stable”<sup>130</sup> familial relationships outside of marriage. In other words, the Guidance still aims to nudge pupils towards “acceptable” forms of relationships, but now recognises a wider variety of such relationships.

The curriculum around intimate and sexual relationships, to be covered at secondary school level, continues to be couched in more negative than positive language. Inter alia, it states that pupils should be taught about “strategies for identifying and managing sexual pressure”, and the “choice to delay sex or to enjoy intimacy without sex”.<sup>131</sup> Whilst these of course should be covered as part of a broad and balanced curriculum, there is still a conspicuous failure to teach pupils about the more positive and pleasurable aspects of sex and relationships.

Online issues and mental wellbeing are new topics which have been introduced by the new Guidance. At primary school level, it recommends that pupils be taught how to stay safe online, how to recognise and report risks and harmful content, and how to “critically consider their online friendships and sources of information”.<sup>132</sup> At secondary school level, the coverage of online issues include discussions around online risks, pornography, and the sharing of indecent images of children.<sup>133</sup> In relation to mental wellbeing, it recommends that primary school pupils be taught about emotions, feelings and how to express them, self-care techniques, and where to seek support.<sup>134</sup> At secondary school level, coverage on mental wellbeing should also include types of mental ill health, and how to recognise early signs of mental wellbeing concerns.<sup>135</sup> As will be further demonstrated in Chapters 6 and 7, based on pupils suggestions, these topics would be very welcome and relevant additions to the curriculum.

<sup>129</sup> Department for Education, n.128 at p.27

<sup>130</sup> Department for Education, n.128 at p.27

<sup>131</sup> Department for Education, n.128 at p.29

<sup>132</sup> Department for Education, n.128 at p.22

<sup>133</sup> Department for Education, n.128 at p.28

<sup>134</sup> Department for Education, n.128 at pp.32-33

<sup>135</sup> Department for Education, n.128 at p.36

Another important point of reform is around the parental right to withdraw. As mentioned in section 3.4.2 above, the parental right to withdraw is now exercisable subject to the head teacher's discretion. The Guidance supplements this by explaining how this discretion is to be exercised. Where a request to withdraw is made, it is recommended as a matter of good practice that the head teacher discusses this request with parents, emphasising the benefits of receiving sex education, and the detrimental effects that withdrawal may have on the child concerned.<sup>136</sup> In other words, head teachers should try to discourage parents from exercising the right to withdraw. However, if parents still wish to exercise this right, their request should be respected, except in exceptional circumstances.<sup>137</sup> The Guidance does not specify what would constitute 'exceptional circumstances'.

The new Guidance also adopts a more children's rights-respecting position in relation to the parental right to withdraw. For example, it recommends that the child is consulted when parents make a request to withdraw.<sup>138</sup> Further, paragraph 47 of the Guidance states:

“... except in exceptional circumstances, the school should respect the parents' request to withdraw the child, up to and until three terms before the child turns 16. After that point, if the child wishes to receive sex education rather than be withdrawn, the school should make arrangements to provide the child with sex education during one of those terms.”<sup>139</sup>

This represents a clear improvement over the previous right to withdraw, but it I would argue that more can be done to clarify the rights of the child in relation to this. For starters, the Guidance does not specify how much weight should be attached to the views of the child, particularly when they may want to remain in sex education lessons against their parents' wishes. Secondly, the phrasing of paragraph 47 of the

<sup>136</sup> Department for Education, n.128 at paras 45 and 46.

<sup>137</sup> Department for Education, n.128 at para 47

<sup>138</sup> Department for Education, n.128 at para 45

<sup>139</sup> Department for Education, n.128 at para 47

Guidance is confusing and convoluted – it could more clearly state that children have a right to opt back in to sex education once they attain 15 years of age.

- **3.4.4 Regulatory Impact Assessment**

The Government's regulatory impact assessment will also be briefly considered here. Some of the assumptions made by the Government in their initial impact assessment<sup>140</sup> were that:

- i. Only one teacher would be assigned to teach Relationships Education, RSE and Health Education per key stage per school;
- ii. Each teacher would only require 7.5 hours of initial training, and further, that teachers in maintained secondary schools currently rated 'good' in their teaching of RSE would not require any more training;
- iii. It would take an average of 4.5 hours to read the new Statutory Guidance;
- iv. It would take an average of 6.2 hours for teachers to plan these lessons;
- v. It would take an average of 6 hours to adapt school policies in order to comply with the new Statutory Guidance;
- vi. It would take an average of 4 hours to consult with parents on school policies relating to Relationships Education, RSE and Health Education.

However, following the public consultation, in which strong disagreement was expressed regarding the estimated amount of training teachers would require, and the amount of time teachers would need to plan and implement the curriculum,<sup>141</sup> the revised impact assessment now provides for teachers to have 10 hours of initial training (instead of 7.5 hours).<sup>142</sup>

As will be further explained in Chapters 6 and 7 of this thesis, the pupils in this research expressed a strong preference for SRE teachers who were 'professional' or 'experts' on the subject, and who were experienced, knowledgeable and confident in delivering lessons. It is highly unlikely that 10 hours' of initial teacher training

<sup>140</sup> Department for Education, *Draft Relationships education and relationships and sex education: Impact Assessment*, July 2018 at para 74

<sup>141</sup> Department for Education, *Relationships Education, Relationships and Sex Education, and Health Education in England: Government Consultation Response*, February 2019 at para 99

<sup>142</sup> Department for Education, *Relationships education and relationships and sex education: Impact Assessment*, February 2019 at para 69

would be sufficient to achieve these outcomes. However, detailed consideration of this issue is outside of the scope of this thesis.

### 3.5 Conclusion

This chapter has examined the history and development of sex (and relationships) education policies in English schools. It has demonstrated that SRE policies are used as a technique of governing children's bodies and the exercise of their sexuality, and have therefore consistently couched SRE within discourses of morality and risk prevention. Given that educational, and in fact many other governmental policies, are designed in some way or other to govern populations and "nudge" people to think and behave in certain ways, the fact that the Government has attempted to direct sex education along the lines of risk minimization and health promotion is hardly surprising. However, research shows that young people in the UK continue to be vulnerable to negative sexual health outcomes. For example, pregnancies in women aged 16-19 are commonly unplanned, those aged 16-24 account for most UK diagnoses of STIs, and young people often report unwanted or non-volitional sexual experiences.<sup>143</sup> Hence, the continued failure to recognise, and teach that sex and sexuality have positive and pleasurable dimensions, and that there are many varying perspectives and attitudes around sex, renders sex education devoid of much practical value, especially when pupils realise that there is more to sex than just risk, and if the messages that they pick up from their surroundings about sex and sexuality do not accord with what is taught to them in the curriculum.<sup>144</sup>

The chapter then moved on to outline the current SRE framework, by examining the law and statutory guidance governing SRE provision in schools. It identified several problems that plague the English approach to SRE. Firstly, the lack of statutory status means that the subject occupies a very uncertain status within schools' curricula. Coupled with the lack of a prescribed curriculum, this has resulted in a

<sup>143</sup> Pandora Pound, et al. 'What is best practice in sex and relationship education? A synthesis of evidence, including stakeholders' views' (2017) 7(5) *BMJ open*, e014791

<sup>144</sup> See for example Lyn Harrison, Lynne Hillier, & Jenny Walsh, 'Teaching for a positive sexuality: Sounds good, but what about fear, embarrassment, risk and the 'forbidden' discourse of desire?' (1996) *Schooling and sexualities: Teaching for a positive sexuality* 69-82; Louisa Allen, *Sexual subjects: Young people, sexuality and education*. (Springer, 2005); Louisa Allen (ed), *Young people and sexuality education: Rethinking key debates* (Palgrave Macmillan, 2011)



lack of consistency in delivery and content of SRE across schools. National level SRE policies also remain relatively silent on issues such as sexuality and sexual diversity, and, deliver mixed messages about youth sexuality. The current approach is heavily adult-driven, and parents and guardians have an enormous amount of power to determine and control their children's access to SRE. Above all, SRE policies fail to take into account *children's* own lived experiences and perspectives. As such, the curriculum has largely been criticised by young people as being overly simplistic, outdated, or irrelevant to them.

In light of these problems, the Government has announced reforms to the SRE curriculum. The background to these reforms and the new legislative and regulatory framework around Statutory Relationships Education and RSE have also been outlined in this chapter. The changes that will be introduced by the new Statutory Guidance on these subjects have also been discussed. Given that the proposed reforms to the curriculum are yet to be fully implemented in schools, it is not the aim of this thesis to audit the implementation or the framework of these reforms. However, subsequent chapters of this thesis will illustrate that the proposed reforms do not adequately remedy the problems that currently plague the English approach to SRE. This therefore supports the central argument of this thesis, namely that more needs to be done to frame SRE, or RSE, as a children's rights issue, if we are truly to improve its manner of provision and delivery, and to enable equality of access for all children.

## Chapter 4: Children's Access to Sexuality Education

### Introduction

In Chapter 2 of this thesis, it was established that sexual rights are human rights, and further, that children also have sexual rights, which include the right to access sexuality education, as an extension of their right to education. Although the term 'sexuality education'<sup>1</sup> is broad enough to potentially encompass very different models of education (ranging from conservative to liberal or progressive), it is *comprehensive* sexuality education, i.e. sexuality education which is age-appropriate, factually accurate, adequate, informative, and grounded in human rights that would achieve the aims and objectives of sexuality education as envisaged by international treaties and consensus documents.

Parents are generally regarded as having the right to determine their children's education, and to direct such education in accordance with their own religious and philosophical convictions.<sup>2</sup> However, as has been argued in Chapter 2, parents, in trying to protect children from sexual knowledge, may sometimes prevent children's access to sexuality education, and in doing so, could be acting against their children's interests and rights.

Chapter 3 then considered the English approach to sexuality education, or SRE. One of the main problems with the English approach is that there is no central governance of SRE policies – in fact, much of the content and delivery of SRE is left to the determination of parents, guardians and educators. This has resulted in evident inconsistency in the provision of SRE across schools. Further, parents and guardians have a large influence over whether their children receive any SRE at all, and if so, what kind of SRE they receive. In other words, in the English context, children's access to SRE lessons are heavily adult-regulated, and particularly dependent on the will of their parents or guardians.

<sup>1</sup> In this chapter, the term 'sexuality education' is used to refer to sexuality education programmes, generally, whereas the term SRE is used when referring to sexuality education within the English context.

<sup>2</sup> See Article 2 of Protocol No. 1 to the European Convention on Human Rights; and for the UK context, S.7 Education Act 1996

This chapter therefore considers the question of *who* should bear the responsibility of providing SRE to children. It will look at State responsibility in relation to the right to education generally, and the interplay between State responsibility and parental rights in the sphere of children's education, particularly sexuality education. Here, I will also discuss the vast influence that parents currently have over children's SRE in England, and the potential issues arising from this.

Following this, I seek to reconcile children's right to access SRE with the parental right to direct children's education, by arguing that the former does not necessarily conflict with the latter. In the final section of this chapter, I propose a theoretical framework for SRE that respects children's rights, and suggest alternatives for parents to continue being involved with children's SRE whilst at the same time respecting their overall right to access such education.

I conclude by arguing that, in order to achieve uniformity and equal access for all children, SRE should be provided by the State, but that parents and guardians should be supported to complement school-based SRE with teaching of their own, so that children will receive information from a broad range of perspectives. This not only realises their rights of access to information and education, but will also enable them to make safe, healthy and informed choices in the exercise of their sexuality rights, whether at present or in the future.

#### **4.1 Who bears the responsibility of providing sexuality education to children?**

Having previously established that sexuality education is both a children's (and human) right in itself, as well as a means of realising other rights such as the right to health, equality and non-discrimination, information and education, the question then is *who* should bear the burden of providing such education to children. In this section, my analysis will start off by looking at the responsibility for providing education generally, and then hone in on the responsibility for providing sexuality education, as a component of the right to education.

- **4.1.1 The responsibility for realising children’s right to education**

The right to education is one of the most widely recognised children’s (and human) right,<sup>3</sup> set out under international, European and domestic (UK) law.<sup>4</sup> Education is also “both a public and personal good, one sufficiently compelling to both that states are obliged to provide it and individuals are not just entitled to have it, but also required to receive it”.<sup>5</sup>

According to the UN Committee on the Rights of the child, ‘education’ goes beyond formal schooling – it also encompasses “the broad range of life experiences and learning processes which enable children, individually and collectively, to develop their personalities, talents and abilities and to live a full and satisfying life within society”.<sup>6</sup> Given this broad definition of education, it is clear that a multitude of people (parents, relatives, teachers, friends, etc) will contribute to a person’s education throughout their life course. Further, education is aimed at inculcating a wide range of values, and therefore, should “[recognise] the need for a balanced approach... and... [reconcile] diverse values through dialogue and respect for difference”.<sup>7</sup>

Parents, or those who have parental responsibility for children, are recognised, under international treaties and domestic legislation, as the main actors in realising or upholding children’s right to education.<sup>8</sup> For example, under English law, it is the

<sup>3</sup> Laura Lundy, & Patricia O’Lynn, ‘The Education Rights of Children’ in Ursula Kilkelly and Ton Liefwaard (eds), *International Human Rights of Children* (Springer, 2018)

<sup>4</sup> See for example, Article 26(1) UDHR; Article 13(1) ICESCR; Article 28 UNCRC; Article 14 (1) Charter of Fundamental Rights of the European Union 2002; Article 2, Protocol 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, 1952; and Schedule I Part II Human Rights Act 1998.

<sup>5</sup> Laura Lundy, & Patricia O’Lynn, n.3 at p. 260

<sup>6</sup> UN Committee on the Rights of the Child, *General Comment No. 1: The Aims of Education (Article 29)*, CRC/GC/2001/1 at para 2

<sup>7</sup> UN Committee on the Rights of the Child, *General Comment No. 1: The Aims of Education (Article 29)*, CRC/GC/2001/1 at para 4. See also Article 26(2) of the Universal Declaration of Human Rights, which states that “education shall be directed to the full development of the human personality” and Article 13(1) of the International Covenant on Economic, Social and Cultural Rights, which adds that education should develop human dignity and, inter alia, allow all persons to participate effectively in a free society.

<sup>8</sup> For example, see UNCRC, Article 18; Article 10 of the International Covenant on Economic, Social and Cultural Rights; Article 26(3) Universal Declaration of Human Rights. See also: Sylvie Langlaude, ‘Children and Religion Under Article 14 UNCRC: A Critical Analysis’, (2008) 16(4)

parents' responsibility to ensure that their children receive "efficient full -time education" suitable to their "age, ability and aptitude" and "any special educational needs" they may have.<sup>9</sup> In brief, children have a right to education, but it is parents' responsibility to ensure that their children receive such education, and to decide on what education they receive.

Whilst there is no positive obligation on States to "establish at their own expense, or to subsidise, education of any particular type or at any level",<sup>10</sup> where a State has chosen to set up or authorise educational institutions within their jurisdiction, they have a positive obligation to ensure respect for the right to education in these institutions.<sup>11</sup> Further, in ensuring the right to education, States have both an obligation to permit the establishment of educational institutions by non-state actors, as well as a duty to establish or fund (or both) such institutions to ensure availability of education.<sup>12</sup> States also have a duty to regulate educational institutions (public and private) to ensure that the fundamental rights of pupils are protected.<sup>13</sup>

However, where States provide education to children, they are still required to respect the rights of parents to direct their children's education.<sup>14</sup> One of the clearest articulations of this parental right is contained within Article 2 Protocol 1 (A2P1) of the European Convention on Human Rights (ECHR) which states that:

"In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to

*International Journal of Children's Rights* 475-504. Although the thrust of the article is on children's right to religion, the arguments in respect of duty bearers and children's rights are applicable to the right to education.

<sup>9</sup> S.7 Education Act 1996

<sup>10</sup> *Belgian Linguistics Case* (No.2) (1996) 1 EHRR 252 at 27. See also European Court of Human Rights, *Guide on Article 2 of Protocol No. 1 to the European Convention on Human Rights: Right to Education*, updated 31<sup>st</sup> December 2018

<sup>11</sup> European Court of Human Rights, n.10

<sup>12</sup> See Katerina Tomaševski, *Right to Education Primers No. 3: Human rights obligations: making education available, accessible, acceptable and adaptable*, 2001 available at [https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/Tomasevski\\_Primer%203.pdf](https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/Tomasevski_Primer%203.pdf) (accessed 8<sup>th</sup> April 2019)

<sup>13</sup> EU Network of Independent Experts on Fundamental Rights, *Commentary of the Charter of Fundamental Rights of the European Union: Article 14. Right to Education*, 2006

<sup>14</sup> See for example, Article 26(3) UDHR; Article 13(3) ICESCR; Article 14 (3) Charter of Fundamental Rights of the European Union 2002; Article 29(1)(c) UNCRC; Article 2, Protocol 1 ECHR; and Schedule I Part II Human Rights Act 1998.

ensure such education and teaching in conformity with their own religious and philosophical convictions.”

This right is reiterated in Article 14(3) of the EU Charter of Fundamental Rights, which adds “pedagogical convictions” as another ground on which parents may direct their children’s education.

The European Court of Human Rights has interpreted the word “respect” to mean more than an obligation to merely “acknowledge” or “take into account” parental views and implies a positive obligation on the State.<sup>15</sup> Parental “convictions” denotes “views that attain a certain level of cogency, seriousness, cohesion and importance”, as opposed to “ideas” and “opinions”.<sup>16</sup> Although the meaning of the terms “religious” and “pedagogical” convictions have not been expounded in case law, the Court has stated that “philosophical convictions” refer to convictions that:

“are worthy of respect in a ‘democratic society’ ... and are not incompatible with human dignity; in addition, they must not conflict with the fundamental right of the child to education, the whole of Article 2 (P1-2) being dominated by its first sentence”<sup>17</sup>

Taken together, these interpretations mean that although a State must do more than pay lip service to the principle of respect for parental rights, parental interference with children’s educational rights is only justifiable where it is not incompatible with children’s rights, and where it does not conflict with values upheld in a democratic society. This will be explored further in section 4.2 below.

It is outside the scope of this thesis to consider the merits or otherwise of parental rights and involvement within all aspects of their children’s education.<sup>18</sup> Hence, from

<sup>15</sup> See *Campbell and Cosans v UK* (1982) ECHR 1 at para 37

<sup>16</sup> See *Campbell and Cosans v UK* (1982) ECHR 1 at para 36, as affirmed in *Valsamis v Greece* (1996) ECHR 72 at para 25

<sup>17</sup> See *Campbell and Cosans v UK* (1982) ECHR 1 at para 36; reaffirming *Kjeldsen, Busk Madsen and Pedersen v Denmark* (1976) ECHR 6 at para 52

<sup>18</sup> For consideration of this, see, for instance: Amy Guttmann, ‘Children, paternalism, and education: A liberal argument’, (1980) *Philosophy & Public Affairs* 338-358; Ruth Jonathan, ‘Choice and control in education: Parental rights, individual liberties and social justice’, (1989) 37(4) *British Journal of*

this point onwards, the Chapter will focus mainly on the parental right to direct children's *sexuality education* as well as parental involvement with school curriculum on sexuality education.

- **4.1.2 The responsibility for providing sexuality education**

It was established in 4.1.1 above that while parents and guardians are given the right to direct, and the responsibility for determining, their children's education, and further, that where States undertake the responsibility for providing education, they must respect the parental right to direct their children's education in accordance with their (parents') own religious and philosophical convictions. Given that sexuality education is a component of education, the position is very much the same for sexuality education. In fact, the provision of sexuality education to children is often strongly viewed as a responsibility of parents.<sup>19</sup>

However, the taboo that exists around sexuality and sexual matters mean that parents often find them awkward and embarrassing subjects to discuss with their children.<sup>20</sup> Likewise, children have also expressed discomfort at having these discussions with their parents, and would prefer to learn in school, or from professionals.<sup>21</sup> Parents also often underestimate the amount of information their children want to learn.<sup>22</sup> Even where parents are willing to talk to their children about sex and relationships, they are less likely to have the specialist knowledge required to teach their children accurate, evidence-based and objective information pertaining to the broad range of topics that tend to be covered in a sexuality education curriculum.<sup>23</sup> Moreover, it has been noted

*Educational Studies*, 321-338; Melissa Moschella, *To Whom Do Children Belong?: Parental Rights, Civic Education, and Children's Autonomy*. (Cambridge University Press, 2016) at Chapter 3

<sup>19</sup> See, for example: Claire Furniss & Ann Blair, 'Sex wars: Conflict in, and reform of, sex education in maintained secondary schools', (1997) 19(2) *The Journal of Social Welfare & Family Law* 189-202; Juliette D. Goldman, 'Responding to parental objections to school sexuality education: A selection of 12 objections', (2008) 8(4) *Sex Education*, 415-438; Kerry H. Robinson, Elizabeth Smith, & Cristyn Davies, 'Responsibilities, tensions and ways forward: parents' perspectives on children's sexuality education' (2017) 17(3) *Sex Education*, 333-347.

<sup>20</sup> Joy Walker, 'Parents and sex education—looking beyond 'the birds and the bees'', (2004) 4(3) *Sex education*, 239-254; Bruce M. King & Joann Lorusso, 'Discussions in the home about sex: Different recollections by parents and children' (1997) 23(1) *Journal of Sex & Marital Therapy*, 52-60.

<sup>21</sup> This will be explored in the next chapter

<sup>22</sup> Bruce M. King & Joann Lorusso, n.20.

<sup>23</sup> See for example Triage Turnbull, Anna Van Wersch, & Paul Van Schaik. 'A review of parental involvement in sex education: The role for effective communication in British families', (2008) 67(3) *Health Education Journal* 182-195; Alexandros Kakavoulis, 'Family and sex education: a

that sexuality education, when delivered by parents, is mostly responsive and cautionary in nature<sup>24</sup> (i.e. given after they suspect their children may be engaging in sexual activity) rather than incorporated as part of education on development, and therefore tends to be insufficient. As such, if sexuality education is left solely to the responsibility of parents, many children may not have access to it.

In contrast, state-provided sexuality education, i.e. sexuality education in schools, may be a more efficient means of ensuring equal and uniform access to such education for children. As pointed out by the UN Special Rapporteur on the Right to Education:

“...States have an unavoidable obligation to guarantee education that is free from prejudices and stereotypes. School, as a forum for socialization, opens up access to different perspectives; thus, States and families have complementary roles that are not mutually exclusive with regard to sexual education.”<sup>25</sup>

States have both a positive and negative duty to ensure that children have access to objective and comprehensive sexuality education that is appropriate to their age and maturity. The *positive* duty requires States to take measures to provide sexuality education to children.<sup>26</sup> In accordance with standards established for the right to education generally, sexuality education should be “available, accessible, acceptable and adaptable”.<sup>27</sup> In Chapter 8, I will consider how this “4-A” model,<sup>28</sup> can be adapted for use as a framework for sexuality education.

survey of parental attitudes’, (2001) 1(2) *Sex Education*, 163-174; Shirley S. Feldman, & Doreen A. Rosenthal, ‘The effect of communication characteristics on family members’ perceptions of parents as sex educators’, (2000) 10(2) *Journal of Research on adolescence* 119-150; Bruce M. King & Joann Lorusso, n.20; Suzanne Dyson, ‘Families and Sexuality Education’ in James J. Ponzetti Jr (Ed.) *Evidence Based Approaches to Sexuality Education* (Routledge, 2015)

<sup>24</sup> Suzanne Dyson, n.23

<sup>25</sup> UN Special Rapporteur on the Right to Education, *Report of the United Nations Special Rapporteur on the Right to Education: Sexual Education*, 23<sup>rd</sup> July 2010 (A/65/162) at para 72

<sup>26</sup> See, for example UN Committee on the Rights of the Child, *Concluding Observations on the Fifth Periodic Report of the United Kingdom of Great Britain and Northern Ireland*, 12<sup>th</sup> July 2016, CRC/C/GBR/CO/5 at para 65

<sup>27</sup> See UN Committee on Economic, Social and Cultural Rights, *General Comment No. 13: The Right to Education*, E/C.12/1999/10 paras 6 and 7.

<sup>28</sup> See Katerina Tomaševski, n.12



The *negative* duty on the other hand requires States to ensure that children’s access to information and services on sexual and reproductive matters are not unduly restricted by parents or guardians,<sup>29</sup> and, as far as possible, States should remove “legal, regulatory and social barriers to reproductive health information and care for adolescents”.<sup>30</sup>

However, sexuality education is more contentious than education generally, and parents are more likely to claim that sexuality education programmes, depending on their content, go against their religious and philosophical convictions.<sup>31</sup> Hence, where schools offer sexuality education lessons, they are also likely to provide parents some measure of influence and control over their children’s access to such lessons, most commonly through parental ‘opt-ins’ or ‘opt-outs’. The extent of such parental influence, and the effects thereof, are considered below, within the context of the English approach to SRE.

- ***4.1.3 Parental influence over children’s access to sexuality education – the English Context***

As has been discussed in Chapter 3, in relation to SRE, the English government has taken an approach that is best classified as ‘minimal-interventionist’, which prioritises the wishes of parents. Instead of prescribing a curriculum for schools to teach, the English approach leaves schools free to determine the contents of their sexuality education curriculum, on the proviso that they are required to consult with parents and the wider community in which they operate. This means that parents have some say in what is taught to their children under the SRE curriculum.

Further, s.405 of the Education Act 1996 affords parents a right to withdraw their children from sex education lessons at school:

<sup>29</sup> See, for example the UN Committee on the Rights of the Child, *General Comment No. 4: Adolescent health and development in the context of the Convention on the Rights of the Child*, CRC/GC/2003/4; UN Committee on the Rights of the Child, *Concluding Observations: Ireland*, 29<sup>th</sup> September 2006, CRC/C/IRL/CO/2, paras 52-3

<sup>30</sup> UNFPA, *Programme of Action adopted at the International Conference on Population and Development*, Cairo, 5-13 September 1994, 2004

<sup>31</sup> See, for example: Juliette D. Goldman, n.19; Dennis A. Francis, ‘Sexuality education in South Africa: Three essential questions’, (2010) 30(3) *International Journal of Educational Development*, 314-319; Janer Reis & Ann Seidl, ‘School administrators, parents, and sex education: a resolvable paradox?’, (1989) 24(95) *Adolescence* 639-645.

“If the parent of any pupil in attendance at a maintained school requests that he may be wholly or partly excused from receiving sex education at the school, the pupil shall, except so far as such education is comprised in the National Curriculum, be so excused accordingly until the request is withdrawn.”

This right is exercisable only in relation to “sex education” components of SRE, and is exercisable in respect of children up until they finish secondary school. This means that, technically, a pupil could still be “opted out” of sex education lessons by their parents up until they complete sixth-form, even though some sixth-formers may be over 18 and may have attained the age of majority. The wide discretion offered to parents under s.405 makes even less sense when considering that the age of consent for sexual activity is 16,<sup>32</sup> as this would mean that parents can continue to opt their children out of sex education even after they can legally have sex. It is therefore argued that the parental right to withdraw children from sex education lessons contravenes children’s right to access such education. It also potentially deprives children of the information and education necessary to enable them to exercise their legal right to have sex, should they wish to do so, when they attain the age of sexual consent.

There are no recent figures<sup>33</sup> which reflect how often the parental right to withdraw is exercised. An Ofsted report from 2002 estimates that the right is only exercised by 0.04% of parents.<sup>34</sup> Prima facie, this figure appears to be very low. The Macdonald Review<sup>35</sup> puts this low figure down to:

“some of the good practice we have seen in a range of schools (and local authorities) where parents and carers are actively engaged in the design

<sup>32</sup> S.9(1) of the Sexual Offences Act 2003 makes it illegal to have sex with anyone under the age of 16  
<sup>33</sup> A Freedom of Information Act (FOIA) request was made to Ofsted on 1<sup>st</sup> April 2019, and their reply on 12<sup>th</sup> April 2019 confirms that they have not collected this data since 2002. A separate FOIA request to the Department for Education, made on 15<sup>th</sup> April 2019 yielded no results either.

<sup>34</sup> Ofsted, *Sex and Relationships: A Report from Her Majesty’s Chief Inspector of Schools*, (HMI 433) 2002

<sup>35</sup> Sir Alistair Macdonald, *Independent Review of the proposal to make Personal, Social, Health and Economic (PSHE) education statutory*, 2009

of policy statements regarding SRE; where the content of SRE coverage is communicated and understood by parents; and where confidence is underpinned by high quality teaching and learning”. (para 45)

However, in reality there is another possible explanation for the low withdrawal figures: parents are able to directly influence individual schools’ curriculum on sex education. The current National Guidance document on Sex and Relationships Education<sup>36</sup> states:

“Schools should always work in partnership with parents, consulting them regularly on the content of sex and relationship education programmes. Reflection around parents’ own experiences of sex education can often lead to a productive discussion in which teachers and parents can start planning sex and relationship education provision for their children. Parents need to know that the school’s sex and relationship education programme will complement and support their role as parents and that *they can be actively involved in the determination of the school’s policy.*” (Para 5.6) (emphasis added)

The Guidance also repeatedly emphasises the need for schools’ sex and relationship education policies to be developed in consultation with parents and the wider community in which schools operate.

Hence, the low rate of parental withdrawal from SRE lessons could be attributable to the fact that parents have the ability to influence the curriculum in the first place, and to ask for the removal of material that they do not find appropriate. Arguably, the current system provides strong inducement for schools to consult parents and to self-censor their SRE curriculum in order to discourage parents from withdrawing their children from lessons. Many schools operate within “a tight financial framework that is at its most efficient when provision is uniform”.<sup>37</sup> Where children are withdrawn from lessons, schools are required to make alternative arrangements to

<sup>36</sup> Department for Education and Employment, *Sex and Relationship Education Guidance*, No. 0116/2000

<sup>37</sup> Laura Lundy, ‘Family values in the classroom? Reconciling parental wishes and children’s rights in state schools’ (2005) 9(3) *International Journal of Law Politics and Family* 346-372 at 359.

accommodate them,<sup>38</sup> something which is becoming increasingly difficult for schools to do, given significant budget cuts and underfunding.<sup>39</sup>

- ***4.1.4 The effects of parental influence over children's access to sexuality education***

- i. Differences in school curriculum – resulting in informational inequalities*

As mentioned above, individual schools' SRE policies are to be determined by their governing bodies in consultation with parents and the communities they serve. The lack of a set curriculum, coupled with the non-mandatory nature of lessons (outside of the National Science Curriculum), has resulted in noticeable variations in the provision and content of SRE across schools. For instance, interviews conducted with teachers from 12 schools in central and southern England (as part of a wider study) revealed differences between the schools in terms of time allocated to SRE lessons, topics and activities covered, and who taught the lessons.<sup>40</sup> Another case study describes the lack of uniformity and inconsistency in policy development, documentation and delivery of SRE between three schools which were located within the same district.<sup>41</sup> It is argued in this thesis that these differences in schools' approaches create inequalities between pupils in terms of the quality and quantity of SRE they receive. Although the samples quoted above are small, their findings are confirmed by data from the Office for Standards in Education, Children's Services and Skills (Ofsted), which reported that SRE in over a third of English schools required improvement, leaving children and young people unprepared for changes during puberty, and vulnerable to inappropriate sexual behaviours and exploitation.<sup>42</sup>

Hence, allowing schools to have freedom to decide their SRE curriculum in consultation with parents will cause variations, leading to informational inequalities

<sup>38</sup> Department for Education and Employment, n.36, para 5.7

<sup>39</sup> Unison, "Underfunding of schools resulting in increased class sizes for secondary schools in England", 8<sup>th</sup> March 2018, available at <https://www.unison.org.uk/news/2018/03/underfunding-schools-resulting-increased-class-sizes-secondary-schools-england/> (accessed 31<sup>st</sup> April 2019)

<sup>40</sup> Vicki Strange, et al., 'Sex and relationship education for 13-16 year olds: evidence from England', (2006) 6(1) *Sex Education*, 31-46

<sup>41</sup> Karen M. Corteen, 'Schools' fulfilment of sex and relationship education documentation: three school-based case studies', (2006) 6(1) *Sex Education*, 77-99

<sup>42</sup> Ofsted, *Not Yet Good Enough: Personal, Social, Health and Economic Education in Schools*, May 2013

between pupils. If comprehensive sexuality education is a right of children, then, as a starting point, *all* children should have equal and uniform access to it in school.<sup>43</sup>

*ii. Silencing of the voices of minority parents*

As noted above, in determining the contents of their SRE curriculum, schools are required to consult with parents and the wider community in which they are based. This may not be as much of a problem where a school caters to a particularly homogenous community, but difficulties may arise in schools where pupils may be from different and diverse communities. In these cases, the question which begs is: which values of which communities should they prioritise? For example, it has been argued that parental involvement policies often marginalise, and discriminate against, ethnic minority parents and parents from lower social classes, in favour of white, middle-class parents.<sup>44</sup>

Where SRE policies are concerned, if a consensus cannot be achieved between parents as to what should be included in and excluded from the curriculum, there is a chance that the school will have to go with the wishes of the majority group over those of the minority. Therefore, even the requirement that parents be consulted on schools' SRE curriculum is not completely parent-friendly, because there is a likely possibility that minority parents' views will be lost in the wider consultation process.

*iii. Silencing of children's voices and preferences*

Whilst there is a requirement that parents are consulted on the SRE curriculum, there is (currently) no corresponding requirement that young people are consulted.<sup>45</sup>

<sup>43</sup> This right should of course be further qualified to take into account factors such as cultural and religious variations, as well as children's own wishes as to whether they want to attend lessons. However, it has been proposed that comprehensive sexuality education should incorporate a wide range of information and be couched in different cultural and religious perspectives, which should cater to the needs of different communities. It is also submitted that children's wishes to attend, or not attend, lessons should be respected. This is further discussed in section 4.2 below.

<sup>44</sup> See, for example: Gill Crozier, 'Excluded Parents: the deracialisation of parental involvement [1]', (2001) 4(4) *Race Ethnicity and Education*, 329-341; Daphna Birenbaum-Carmeli, 'Parents who get what they want: On the empowerment of the powerful', (1999) 47(1) *The Sociological Review*, 62-90.

<sup>45</sup> In announcing planned reforms to the SRE curriculum, the Department for Education committed to consulting with pupils, as well as with adults. See the call for evidence for young people here: <https://consult.education.gov.uk/life-skills/pshe-rse-call-for->

Young people's calls for more, and better SRE in schools, <sup>46</sup> as well as more 'sex positive' SRE, with more focus on the mechanics of sex, psychosexual factors such as pleasure, feelings, and relationships,<sup>47</sup> have not been acted upon. As will be shown by the findings from my focus groups, which were conducted in January to May 2018, young people are *still* saying that their SRE lessons are inadequate and unengaging.

Where their informational needs are not addressed in schools, they are either left with gaps in information, which prevents them from making fully-informed choices, or they look to other (potentially less-accurate) sources for information. Hence, the potential for parental involvement to cause censorship of the curriculum, to the detriment of their children's education, requires mitigation. Section 4.2 below considers whether the parental right to withdraw children from SRE lessons is justifiable, and whether such a right contravenes children's right to access sexuality education.

## **4.2 Reconciling Children's Right to Sexuality Education with Parental Rights to Direct Children's Education**

As demonstrated above, there is currently no recognition within the English approach that children have a right to sexuality education. Hence, children's access to sexuality education is left to be determined by their parents, both in terms of the parental ability to influence school curriculum, as well as the "opt out" right available to parents.

Lundy and O'Lynn (2018) argue that conferring parents the right to "opt out" is not necessarily bad, for "parents are usually the people who know the child best, have the child's best interests at heart, and are motivated to ensure that their children get

[evidence/supporting\\_documents/Sex%20and%20Relationships%20Education%20%20Young%20people%20call%20for%20evidence.pdf](#). However, there is no indication if, and how far, pupils will be consulted in determining the actual contents of SRE lessons in their individual schools when the reforms are rolled out in schools.

<sup>46</sup> UK Youth Parliament, *SRE: Are You Getting It? A Report by the UK Youth Parliament*, June 2007

<sup>47</sup> See for example, UK Youth Parliament, n.46, House of Commons Education Committee, *Life Lessons: PSHE and SRE in Schools* (HC145), 17<sup>th</sup> February 2015 at paras 59-61

the education to which they are entitled”.<sup>48</sup> However, the presumption that parents’ interests will align with those of their children does not always hold true. Given that sexuality education is an emotive and contentious issue, there is a chance that parents may be tempted to exercise caution in seeking to preserve children’s innocence and protect children from sexual knowledge before they come of age. Whilst this would stem from good intentions, it may not reflect the realities and needs of children’s lives, and may have the contrary effect of denying children’s rights to information and education on their sexuality, at the same time denying their (present or future) autonomy. This should not be the case, especially if it is accepted that access to sexuality education is a fundamental right of children.

In this section, I start off by exploring some of the justifications for affording parents the right to direct children’s education, and in doing so, I seek to establish the limitations on this parental right. I will then move on to consider the rights of children to, and in, education, and why it is important to move towards an overt recognition that education (and sexuality education) is a fundamental right of children, not merely a right vis-à-vis their parents. Following this, in section 4.3, I suggest alternative ways for incorporating parental involvement that do not affect children’s access to sexuality education in schools.

- ***4.2.1 The parental right to withdraw children from sexuality education – is it justifiable?***

“The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.”<sup>49</sup>

The parental right to raise children and direct their upbringing is said to be rooted in religion and spirituality,<sup>50</sup> with parents wishing to bring up their children in

<sup>48</sup> Laura Lundy, & Patricia O’Lynn, n.3 at p.271

<sup>49</sup> *Pierce v Society of Sisters of the Holy Name of Jesus and Mary* (1925) 268 US 510 at 535

<sup>50</sup> Joel S. Moskowitz, ‘Parental Rights and State Education’ (1975) 50 *Washington Law Review* 623-652 at 624

accordance with their traditional values.<sup>51</sup> Given that views on sexuality and relationships are often largely intertwined with religion and culture, sexuality education is likely to be a subject that affects religious and cultural values, which is why there are constant “battles” over the sexuality education of children.<sup>52</sup>

Cumper (2006) has grouped (religious) objections to sexuality education within three specific categories: the *antagonists*, the *abstentionists* and the *sceptics*.<sup>53</sup> Whilst antagonists are hostile to the notion that sex education should be offered in schools, abstentionists will support school-based sex education so long as it is taught within a moral (usually conservative) framework. Finally, the sceptics are the group weary of the promotion of inappropriate materials and values within the sex education curriculum.

These reasons are reflected in a private petition submitted to the UK Parliament requesting the retention of the parental right to opt children out of RSE, which reads:

“We believe it is the parent’s fundamental right to teach their child topics or to at least decide who teaches them and when and how they are taught. We want the right to opt our children out of RSE when it becomes mandatory in Sept 2020.

We have grave concerns about the physical, psychological and spiritual implications of teaching children about certain sexual and relational concepts proposed in RSE and believe that they have no place within a mandatory school curriculum.

<sup>51</sup> See for example: Peter Cumper, ‘Let’s Talk about Sex: Balancing Children’s Rights and Parental Responsibilities’ (2006) 26 *Legal Studies* 88-108; Claire Furniss & Ann Blair, n.19; Baroness Blatch, *Hansard* HL Deb. Vol 547, col 1292, 21<sup>st</sup> June 1993

<sup>52</sup> Several authors have referred to pedagogical discussions around sexuality education as “battles”. Arguably, the use of this word in this context is intended to capture the intense emotions and sentiments that are felt by parents and the State in justifying their right to educate children on matters of sexuality. See for instance: Irvine JM, ‘Talk About Sex: The Battles Over Sex Education in the United States’ (2004) University of California Press, San Francisco; John P. Elia, ‘Democratic sexuality education: A departure from sexual ideologies and traditional schooling’, (2000) 25(2-3) *Journal of Sex Education and Therapy*, 122-129

<sup>53</sup> Peter Cumper, n.51 at 95-98



We believe the above factors have not been given enough consideration and that many of the RSE resources being produced by lobby groups and external organisations will actually cause more harm than good, particularly when child development and psychological factors are considered.”<sup>54</sup>

In short, the main parental objections to sex education can be grouped into three general categories, namely that there is a need to prioritise *parental* choice in education; a desire to avoid sexuality education being taught in a moral vacuum; and a need to avoid “corrupting” children. Each will be dealt with in turn:

*a) A commitment to the principle of parental choice in (sexuality) education;*<sup>55</sup>

This is the argument that children’s (sexuality) education should fall squarely within the remit of parents. However, it must firstly be noted that in respect of the right to education generally, parental rights have always been secondary to children’s right to receive education. For example the European Court of Human Rights has stated that A2P1 is dominated by its first sentence<sup>56</sup> and therefore, the respect for parental rights only applies in relation to those rights which do not conflict with the right to education.<sup>57</sup> Under the European Union Charter of Fundamental Rights, the parental right under Article 14 is to be interpreted in conjunction with Article 24 of the Charter, which discusses children’s rights.<sup>58</sup> Even in the USA, which has a stronger tradition of upholding parental rights, courts have stated that parental rights to withdraw children from education are not exercisable in respect of subjects which aim to teach “the essentials of good citizenship”.<sup>59</sup>

<sup>54</sup> This petition, which has received 116,227 signatures at the time of writing, is available at: <https://petition.parliament.uk/petitions/235053> (accessed 9th April 2019).

<sup>55</sup> Duke of Norfolk, *Hansard* HL Deb, vol 547, col 1312, 6th July 1993.

<sup>56</sup> Which reads: “No person shall be denied the right to education.”

<sup>57</sup> See for example, *Campbell and Cosans v UK* (1982) ECHR 1 and *Konrad v Germany* (2006) App. No. 33504/03

<sup>58</sup> See Praesidium of the European Convention, *Updated Explanations relating to the text of the Charter of Fundamental Rights*, 18 July 2003, CONV 828/1/03 REV 1

<sup>59</sup> See for example, *Wisconsin v Yoder* (1972) 406 US 205; *People ex rel. Vollmar v Stanley* (1927) 81 Colo. 276, 255 P.610 at 613

Turning specifically to cases where parents have challenged mandatory State education in respect of certain school subjects (sex education and religious education), the European Court of Human Rights has never treated favourably parental arguments of ‘rights’ to withdraw or remove children from State-mandated lessons, unless those lessons were aimed at proselytization.

The landmark case in this respect is that of *Kjeldsen, Busk Madsen and Pedersen v Denmark*.<sup>60</sup> Here, a group of Christian parents tried to challenge compulsory sex education in Danish state schools on grounds of breach of A2P1. The European Court of Human Rights rejected this argument. Despite acknowledging that the curriculum in question could sometimes have been taught in a manner capable of encroaching on religious or philosophical spheres, the Court held that as long as the sex education provided in schools was “objective, critical and pluralistic” and did not pursue an aim of indoctrination, it would not be in violation of A2P1. The Court made the further point that the teaching of sex education in schools:

“does not affect the right of parents to enlighten and advise their children, to exercise with regard to their children natural parental functions as educators, or to guide their children on a path in line with the parents’ own religious or philosophical convictions.”<sup>61</sup>

In *Dojan and ors v Germany*,<sup>62</sup> a group of parents sought to challenge fines they had received for withdrawing their children from sex education lessons in Germany. Inter alia, they claimed that the mandatory nature of sex education lessons violated their right under A2P1 to educate their children in accordance with their own religious beliefs and philosophical convictions. The Court disagreed, again stating that so long as sex education did not pursue a “regime of indoctrination”, there was no violation of A2P1. It further pointed out that sex education pursued a legitimate aim, not only in promoting health and awareness of sexual violence, but also:

<sup>60</sup> (1976) Application Nos 5095/71; 5920/72; 5926/72

<sup>61</sup> *Kjeldsen, Busk Madsen and Pedersen v Denmark* (1976) Application Nos 5095/71; 5920/72; 5926/72 at para 54

<sup>62</sup> (2011) Application Nos. 319/08, 2455/08, 7908/10, 8152/10 and 8155/10

“educating responsible and emancipated citizens capable of participating in the democratic processes of a pluralistic society – in particular, with a view to integrating minorities and avoiding the formation of religiously or ideologically motivated ‘parallel societies’”. (para 65)

In *Jimenez Alonso et Jimenez Merino v Spain*,<sup>63</sup> the first applicant removed his daughter (the second applicant) from human sexuality classes that were part of the school’s National Curriculum Science classes. The second applicant also refused to answer the subject’s exam questions relating to the human sexuality portion of the curriculum, and consequently, failed the exam and had to repeat a school year. The first applicant therefore claimed that his right to choose his daughter’s education, and both their rights to non-discrimination and freedom of thought and religion, were infringed. Again, the Court rejected this argument, on the basis that the “information [was] of a general character which could be construed as of a general interest and which did not in any way amount to an attempt at indoctrination aimed at advocating particular sexual behavior”.<sup>64</sup>

More recently, in *AR and LR v Switzerland*,<sup>65</sup> a parent tried to contest the decision of a primary school in Basel for refusing to let her remove her seven-year old daughter from sex education lessons. Instead of relying on A2P1 however, AR sought to rely mainly on Article 8 (1) of the European Convention on Human Rights, arguing that her right to respect for private and family life had been breached by this decision. She also alleged that there had been a breach of the right to freedom of religion and conscience (Article 9(1)) and non-discrimination (Article 14). In rejecting their application, the European Court of Human Rights once again held that sex education pursued “legitimate aims” – they serve to prevent sexual violence and exploitation, and to prepare children for social realities, which would even justify sex education for very young children at kindergarten or primary school.<sup>66</sup> Hence, the Court found no breach of Article 8(1) or any of the other Articles invoked.

<sup>63</sup> (2000) App. No. 51188/99

<sup>64</sup> *Jimenez Alonso et Jimenez Merino v Spain* (2000) App. No. 51188/99 at para 1

<sup>65</sup> (2018) App. No. 22338/15

<sup>66</sup> *AR & LR v Switzerland* (2018) App. No. 22338/15 at para 35

In *Appel-Irrgang and Ors v Germany*,<sup>67</sup> a case concerning religious freedom, the applicants argued that compulsory ethics lessons, which were meant to be “religiously neutral”, breached their rights under Article 9, and A2P1 of the European Convention on Human Rights, on the basis that the contents of the curriculum contradicted their Christian ethos in many respects. The Court reiterated that the aims of the lessons were “in keeping with the principles of pluralism and objectivity” in A2P1, particularly because it covered a variety of ethical subjects and did not promote any belief over others. More importantly, the Court endorsed the judgment of the German Federal Constitutional Court that:

“...being open to a plurality of ideas and opinions is a prerequisite of State education in a democratic and liberal State which can legitimately strive to prevent the development of segregation based on religion or philosophical opinion and promote minority integration. A pupil’s ability to be tolerant and open to dialogue is one of the basic requirements for participating in democratic life and living in society with mutual respect for different beliefs and philosophical convictions.”

From the cases discussed above, the European Court of Human Rights seems to have taken the view that States (and schools) have a wide margin of appreciation in determining their policies on, and content of school subjects, so long as they pursued legitimate aims and did not try to indoctrinate children as to specific or particular viewpoints or beliefs.<sup>68</sup> Where parents have chosen to register their children in State schools, they cannot then demand different treatment of their children, merely to accommodate their own religious and philosophical convictions. With increasing focus on promoting democracy and plurality within the education system therefore, there seems to be a very narrow scope for parents to argue that mandating children’s attendance at certain school lessons have breached their right to their direct children’s education.

<sup>67</sup> (2009) App. No. 45215/07

<sup>68</sup> It is worth noting that US courts also seem to have adopted a similar viewpoint. See for example, *Hopkins v Hamden Board of Education* (1971) 29 Conn Supp 397

The Court also appears to rely heavily on the fact that parents are free to establish schools that were mainly in accordance with their own religious or philosophical convictions, or to register their children in such schools, as a basis for stating that the parental right to education has not been breached. However, the removal of children from State schooling is not always desirable because it could result in further denials of children's right to education and information, given that not all parents can afford private schooling, and further, that private or home schooling is often outside of the regulatory remit of States. Hence, the Court's line of reasoning in respect of private or home schooling could potentially be going down a slippery slope. However, a consideration of this is beyond the scope of this thesis.<sup>69</sup>

b) *A desire to ensure that sex education is not taught in a moral vacuum;*<sup>70</sup>

In relation to this point, I would argue that parents do not fear sex education being taught in a moral vacuum, but rather, they fear that it is taught within a different moral framework to what they find acceptable.<sup>71</sup> Examples of these objections include an objection to teaching about tolerance for sexual diversity,<sup>72</sup> or to teaching about contraception, and sexual activity outside of marriage, which may go against certain religious and cultural beliefs. In order to assist children to make informed choices in relation to their sexuality, schools' curriculum on sexuality education can, and should, be objective and factually accurate, and should cover a broad range of perspectives. In a pluralistic society, this may entail introducing children to perspectives and ideas that are different to their families' cultural and religious convictions. Nonetheless, as has been stated by the ECtHR in the cases above, nothing precludes parents from supplementing school-based sexuality education with teachings of their own. That way, parents can situate sexuality education within their

<sup>69</sup> For further consideration of issues relating to parental rights and home education, see for example: Daniel Monk, 'Home education: a human right?', (2003) 17(2-3) *Evaluation & Research in Education*, 157-166; Daniel Monk, 'Problematising home education: Challenging 'parental rights' and 'socialisation'', (2004) 24(4) *Legal Studies*, 568-598.

<sup>70</sup> Lord Elton, *Hansard* HL Deb, vol 547, col 1315, 6th July 1993

<sup>71</sup> For example, Rasmussen argues that 'progressive' sex education is not value-neutral, but rather, promotes secular logics and values. Hence, progressive sex education is opposed by conservative/religious parents. See Mary Lou Rasmussen, 'Secularism, religion and 'progressive' sex education' (2010) 13(6) *Sexualities* 699-712

<sup>72</sup> In Birmingham recently, there was a series of parental protests over LGBT-inclusive lessons, which they claimed to go against their moral and philosophical beliefs. See: BBC News, "LGBT Lessons Row: More Birmingham Schools Stop Classes", available at <https://www.bbc.co.uk/news/uk-england-birmingham-47613578> (accessed 11<sup>th</sup> April 2019)

own convictions at home, without completely barring children's access to such vital information in school. Thus, the fear of sex education being taught in a moral vacuum is arguably unfounded, unless parents are unwilling to broach the topic of sexuality education with their children themselves.

c) *A need to preserve the "innocence" of children and to protect them from "explicit" teaching materials.*<sup>73</sup>

On this point, it is firstly reiterated that school-based sexuality education has to be age-appropriate, and therefore, it is highly unlikely that children will be exposed to explicit materials before it is appropriate to do so. Some parental concerns are often linked to fears that exposure to information may encourage sexual experimentation, but there is no evidence that school-based sexuality education leads to early sexual initiation.<sup>74</sup>

In any case, children do not live their lives in a vacuum – they receive messages about sexuality and relationships in their daily lives, either through observing the interactions between the people around them, or from mass/popular media or even online.<sup>75</sup> They even receive messages about sexuality when adults deliberately choose to avoid the topic.<sup>76</sup> As eloquently stated by the UN Special Rapporteur on the Right to Education:

“However much we try to avoid it, we are always sexually informed, by action or by omission, at school, in the family, through the media, etc. Thus deciding not to offer sexual education at teaching centres is opting for an omissive form of sexual education, that leaves girls, boys and adolescents on their own as regards the type of knowledge and messages, generally negative, that they receive on sexuality. When sexual education

<sup>73</sup> Lord Pearson, *Hansard* HL Deb. vol 547. col 127. 21<sup>st</sup> June 1993.

<sup>74</sup> See for example: Wendy Macdowall, et al., ‘Associations between source of information about sex and sexual health outcomes in Britain: findings from the third National Survey of Sexual Attitudes and Lifestyles (Natsal-3)’, (2015) 5(3) *BMJ Open* e007837; Daksha Trivedi, et al. *Update on Review of Reviews on Teenage Pregnancy and Parenthood*, 2007

<sup>75</sup> Suzanne Dyson, n.23

<sup>76</sup> Sharon M. Ballard, & Kevin H. Gross, ‘Exploring parental perspectives on parent-child sexual communication’ (2009) 4(1) *American Journal of Sexuality Education* 40-57

is not explicitly provided, in practice education follows the so-called hidden curriculum, with its potential load of prejudices and inaccuracies over which there can be no social or family criticism or control.”<sup>77</sup>

Further, because sexuality is something that children (especially in adolescence) are naturally curious about,<sup>78</sup> if they do not receive adequate information in schools, they may look to other sources, such as the Internet, or their peers, for information. There is no guarantee of the accuracy of these sources. Hence, attempts to shield children from sexual knowledge are arguably futile, and may end up ‘backfiring’ in pushing children to resort to less reliable sources of information. A better solution therefore would be to allow all children equal access to objective, comprehensive and age-appropriate sexuality education at school, so that they are properly supported in their learning.

- **4.2.2 Children’s rights to access SRE**

In 4.2.1 above, I discussed the parental right to withdraw children from sexuality education lessons as being premised on A2P1, namely that parents have a right to educate children in accordance with their own beliefs. However, what this fails to take into account is that *children also have rights* to and in education, and, as is the central argument of this thesis, such a right extends to sexuality education.

As was stated by the European Court of Human Rights in the *Kjeldsen* case:

“... the two sentences of Article 2 (P1-2) must be read not only in the light of each other but also, in particular, of Articles 8, 9 and 10 (art. 8, art. 9, art. 10) of the Convention which proclaim the right of everyone, including parents *and children*, "to respect for his private and family

<sup>77</sup> UN Special Rapporteur on the Right to Education, *Report of the United Nations Special Rapporteur on the Right to Education: Sexual Education*, 23<sup>rd</sup> July 2010 (A/65/162) para 18

<sup>78</sup> See: Pandora Pound, et al. ‘What is best practice in sex and relationship education? A synthesis of evidence, including stakeholders’ views’ (2017) 7(5) *BMJ open*, e014791; Pandora Pound, Rebecca Langford, & Rona Campbell ‘What do young people think about their school-based sex and relationship education? A qualitative synthesis of young people's views and experiences’, (2016) 6(9) *BMJ open*, e011329

life", to "freedom of thought, conscience and religion", and to "freedom ... to receive and impart information and ideas".<sup>79</sup> (emphasis added)

The rights afforded under the European Convention on Human Rights, as well as other international treaty obligations, therefore belong not only to parents, but also to children. Within the UK however, there is a lack of explicit attention to children's rights in the sphere of their education:<sup>80</sup>

“Schooling is seen as ‘a contract between school and parents’ and the child does not have legal standing; children are thus absent as actors in this process although it is aimed at their learning”<sup>81</sup>

Further, although it is beyond doubt that children *have* a right to education, what is less clear is how that right is deemed to be fulfilled.<sup>82</sup> The aims of education are often very broadly stated. For example, the Universal Declaration on Human Rights states that education should be “directed to the full development of the human personality and the sense of its dignity”<sup>83</sup>; whilst the International Covenant on Economic, Social and Cultural Rights states that it should be aimed at “the enabling of all persons to participate effectively in a free society”.<sup>84</sup> As Lundy (2005) has noted:

“... these are elastic concepts. For instance, the obligation could be fulfilled by ensuring that a child was basically literate and numerate. On the other hand, it might be argued that for a child to receive an effective education, he or she must be provided with all of the knowledge and

<sup>79</sup> *Kjeldsen, Busk Madsen and Pedersen v Denmark* (1976) Application Nos 5095/71; 5920/72; 5926/72 at para 52

<sup>80</sup> See for example: Laura Lundy, n.37 at 357; Katerina Tomaševski, *Mission to the United Kingdom of Great Britain and Northern Ireland (England)*, 1999 E/CN.4/2000/6/Add.2, Geneva: United Nations at para 29; Daniel Monk, ‘Children’s Rights in Education: Making Sense of Contradictions’, (2002) 14 *Child and Family Law Quarterly* 45-56

<sup>81</sup> Katerina Tomaševski, *Mission to the United Kingdom of Great Britain and Northern Ireland (England)*, 1999 E/CN.4/2000/6/Add.2, Geneva: United Nations at para 31

<sup>82</sup> Laura Lundy, n.37

<sup>83</sup> Article 26(2) Universal Declaration of Human Rights

<sup>84</sup> Article 13(1) International Covenant on Economic, Social and Cultural Rights



skills which are considered essential for the majority of modern citizens.”<sup>85</sup>

The UNCRC takes this one step further, by articulating that children’s education should be directed towards five clear aims:

- (a) “The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.”<sup>86</sup>

Even so, there is a potential for conflict between aim (c), and aims (a), (b) and (d). As has been noted above though, the jurisprudence from the European Court of Human Rights suggests that, in respect of sexuality education, where there is a conflict between aim (c) and other aims, the child’s interest in personal development,<sup>87</sup> and receiving a democratic and pluralistic education that promotes respect and tolerance for diversity will prevail over individual parents’ wishes.

This is especially so if receiving sexuality education in school is construed to be in the best interests of the child:

<sup>85</sup> Laura Lundy, n.37 at 357

<sup>86</sup> Article 29(1) UNCRC

<sup>87</sup> Article 6(2) UNCRC

“Although fathers and mothers are free to choose the type of education that their sons and daughters will have, this authority may never run counter to the rights of children and adolescents, in accordance with the primacy of the principle of the best interests of the child.”<sup>88</sup>

Children’s right to education, when read together with their right to health,<sup>89</sup> the right to access information and material which are aimed at their “social, spiritual and moral well-being and physical and mental health”,<sup>90</sup> and their right to “seek, receive, and impart information”,<sup>91</sup> make a strong case for children’s right to access sexuality education.

Further, this approach would also be in line with the child’s “right to an open future”, theorised by Joel Feinberg.<sup>92</sup> According to this theory, parents must protect their children’s future autonomy, and this requires them to “(i) not close off their children’s key options now, as well as (ii) maximize their children’s future options”.<sup>93</sup> There is a need to “avoid imposing inflexible outcomes at an early stage in a child’s development which unduly limit the child’s capacity to fashion his/her own identity”<sup>94</sup> This emphasises the importance of autonomy and self-determination in individual lives, and leads to the conclusion that “the interest of children in being the author of their own lives and/or developing their potential must place some limits on parents’ childrearing practices”.<sup>95</sup> As was said in the case of *Wisconsin v Yoder*:

“It is the future of the student, not the future of parents, that is imperiled by today’s decision... It is the student’s judgment, not his parents’, that

<sup>88</sup> UN Special Rapporteur on the Right to Education, *Report of the United Nations Special Rapporteur on the Right to Education: Sexual Education*, 23<sup>rd</sup> July 2010 (A/65/162), para 73

<sup>89</sup> Article 24 UNCRC

<sup>90</sup> Article 17 UNCRC

<sup>91</sup> Article 13 UNCRC

<sup>92</sup> Joel Fineberg, ‘The child’s right to an open future’ in William Aiken & Hugh Lafolette (eds) *Whose Child? Children’s Rights, Parental Authority and State Power* (Littlefield Adams and Co, 1980)

<sup>93</sup> Jason Chen ‘The Right to Self-Development: An Addition to the Child’s Right to an Open Future’ (2016) 47(4) *Journal of Social Philosophy* 439-456 at 439

<sup>94</sup> John Eekelaar, ‘Children between cultures’, (2004) 18(2) *International Journal of Law, Policy and the Family* 178-194 at 186

<sup>95</sup> Jason Chen ‘The Right to Self-Development: An Addition to the Child’s Right to an Open Future’ (2016) 47(4) *Journal of Social Philosophy* 439-456 at 442

is essential if we are to give full meaning to what we have said about...  
the right of students to be masters of their own destiny.”<sup>96</sup>

Similarly, in the English law case of *Re G (children)*<sup>97</sup> the court held that in deciding on matters of a child’s education, the paramount consideration for the courts should be the welfare of the child, and further, that welfare:

“...extends to and embraces everything that relates to the child's development as a human being and to the child's *present and future* life as a human being.”<sup>98</sup> (emphasis added)

Further, the issue of what is in the child’s welfare is to be determined according to standards of the present day, “having regard to the ever changing nature of our world: changes in our understanding of the natural world, technological changes, changes in social standards and, perhaps most important of all, changes in social attitudes”.<sup>99</sup> In *Re G* therefore, the Court of Appeal, in concurring with the judge at first instance, that an education which would “maximise the child’s opportunities in every sphere of life as they enter adulthood” would be preferable to one that would have the effect “of foreclosing or unduly limiting the child’s ability to make such decisions in future”.<sup>100</sup>

In relation to the issue at hand, school-based sexuality education has the potential to introduce children to a wide variety of perspectives and viewpoints, which they may not be exposed to if they either only receive sexuality education from their parents, or if they do not receive any kind of sexuality education. Hence, access to sexuality education will give children key information that will facilitate their future choices. For example, children raised within a strict Catholic household may not be told about contraception, because it is frowned upon in the religion. However, this would restrict any future choice on their part as to the use of contraception, if they do not know it exists. If, on the other hand, they are taught about it in schools, then the

<sup>96</sup> per Douglas J in *Wisconsin v Yoder* (1972) 406 US 205 at 246

<sup>97</sup> [2012] EWCA Civ 1233

<sup>98</sup> [2012] EWCA Civ 1233 per Munby LJ at para 26

<sup>99</sup> [2012] EWCA Civ 1233 per Munby LJ at para 33

<sup>100</sup> [2012] EWCA Civ 1233 per Munby LJ at para 80

decision on whether or not to use it, if and when they engage in sexual activity in future, is theirs to make. Where one option closes off children's choices entirely, the other facilitates the exercise of choice and autonomy.

Feinberg's theory is not without criticism – it has been highlighted as problematic, *inter alia*, because it is indeterminate, incoherent and undesirable, mainly because it is not possible for parents to anticipate *all* the options their children are likely to want to pursue, and even if it was possible to do so, it would be “exhausting, unpleasant and pointless” to expect children to spend their childhoods preserving all options for the future.<sup>101</sup>

Nonetheless, the criticism of the open-ended nature of the child's right to an open future, i.e. that parents cannot predict what their children will want to grow up to do, is arguably not applicable in the case of sexuality education. This is because, if we accept that sexuality is part and parcel of human personhood, then many, if not all, children are either already expressing their sexuality or will grow up to do so, and will very likely become involved in relationships, and engage in sexual activity at some point in their lives. Given that this is something that parents can reasonably predict their children will do in the future, sexuality education should be provided to enable them to make informed choices that will keep them safe, healthy and happy in relation to their relationships and expressions of sexuality. By this logic therefore, whilst parents may reasonably be allowed to opt their children out of dance or music lessons at school,<sup>102</sup> because not every child would like to grow up to dance or play an instrument, every child is likely to express their sexuality at some point in the future, and therefore, such knowledge is important to them at present.

A counter-argument that might be advanced by those who wish for the parental right to withdraw to be retained is that children can acquire this information when they attain the age of majority, and therefore, withdrawing them from lessons in school is merely to *defer*, and not to *block* any exercise of their choice until an appropriate time. However, there is evidence that inadequate sex education in youth, coupled

<sup>101</sup> Scott Altman, 'Reinterpreting the Right to an Open Future: From Autonomy to Authenticity' (2017) 37(4) *Law and Philosophy* 415-436 at 421

<sup>102</sup> Hopefully, after taking into consideration the views of the child

with misinformation on the internet, has led to misconceptions and ignorance about sexual and reproductive health in adulthood.<sup>103</sup> It could also explain why young people felt that they did not have enough information, even when they first felt ready for sex.<sup>104</sup> Finally, this argument does not account for the fact that some children engage in sexual activity before they attain the age of majority. Hence, denying them the knowledge necessary to make appropriate choices as to their sexual health before they attain the age of majority is effectively an outright denial of such choice at all.<sup>105</sup>

Under the Education Act 2002, the curriculum for a maintained school in England and Wales must: (a) promote the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and (b) prepare pupils for the opportunities, responsibilities and experiences of later life.<sup>106</sup> Given that sexuality education is a vital component for preparing pupils for their future (sexual) lives, it should be provided under the school curriculum. Moving forward therefore, there should be more explicit recognition of the right to access sexuality education as a fundamental right of the child, as an extension of their right to education, which is guaranteed for all children, at least in schools, if not also at home. The parental right to withdraw children from sexuality education in schools contravenes this right of access, and therefore, should be abolished.

- ***4.2.3 Public Interest as a further justification for children's right to sexuality education***

A third and final point that I would like to briefly address here is that there may be a public interest element to ensuring children's access to sexuality education. As the

<sup>103</sup> See, for example: LL Wynn, Angel Forster & James Trussell, 'Misconceptions and Ignorance about Sexual and Reproductive Health' (2009) 34(11) *The Female Patient* 29

<sup>104</sup> Claire Tanton, et al. 'Patterns and trends in sources of information about sex among young people in Britain: evidence from three National Surveys of Sexual Attitudes and Lifestyles' (2015) 5(3) *BMJ open*, e007834.

<sup>105</sup> Especially given that many young people tend to engage in sexual activity before they attain the age of 16, and that the median age of first sexual activity and first intercourse is declining. This is reported in the findings of the 3<sup>rd</sup> National Survey of Sexual Attitudes and Lifestyles (Natsal-3). See: Natsal, 'Sexual Attitudes and Lifestyles in Britain: Highlights from Natsal-3' available at <http://www.natsal.ac.uk/media/2102/natsal-infographic.pdf> (accessed 21st September 2019); Ruth Lewis, et al., 'Heterosexual practices among young people in Britain: evidence from three national surveys of sexual attitudes and lifestyles', (2017) *Journal of Adolescent Health*, 61(6), 694-702.

<sup>106</sup> s.78(1) Education Act 2002

European Court of Human Rights has stated in relation to several of the cases discussed above, objective, comprehensive and age-appropriate sexuality education serves to promote a plurality of views, thereby enabling pupils to be able to fully integrate into society, understand and tolerate different beliefs and philosophical convictions, and be open to dialogue, as a necessary condition of democratic citizenship. On the basis of this, parental rights to withdraw have tended therefore to be defeated by the broader public interest in requiring children to attend certain State-mandated subjects at school.

Sexuality education addresses a wide variety of topics, ranging from contraception and safe sex to understanding of different sexualities and family structures. Where it promotes safer sexual practices, it is arguably a preventative measure that may reduce the burden on the National Healthcare Service (NHS), and is capable of saving taxpayer money in the long run. Where it teaches children about diversity in relationships and family structures, it promotes tolerance, equality and non-discrimination, which also benefits communities and society as a whole. There are therefore some public interest justifications for mandating children's access to sexuality education.

- ***4.2.4 Should children have a right to opt out of sexuality education lessons?***

Having considered extensively why children should have a right to access sexuality education lessons, and having argued that parents should *not* have a right to opt their children out of lessons, another question to answer is whether children *themselves* should be given the right to opt out of sexuality education lessons. Whilst it is clear that sexuality education lessons are beneficial to children, it would be contrary to the children's rights arguments presented above, and elsewhere in this thesis, to force children to attend sexuality education lessons, where this would go against their wishes. It is therefore submitted that children should be given the right to opt out of these lessons.

However, affording children the right to opt out would not contradict the arguments set out above, nor undermine the arguments for their access to sexuality education.

For starters, one of the reasons presented to justify the need to provide sexuality education to children is that if they are not given access to such education, they may turn to other, less reliable sources for information. Hence, giving children the right to opt out means that they can also opt *back in* to sexuality education lessons when they feel ready, or when they would benefit from receiving lessons. This view is in line with the respect for children’s autonomy<sup>107</sup> and agency. Further, in the focus groups I have conducted, where participants were asked to rate, on a scale of 1-5, the importance of SRE lessons in school, a majority of them rated it 4 and above, indicating that pupils value such lessons. Although these represent the views of a small sample of pupils, they echo findings in other research on the importance of school-based SRE to pupils.<sup>108</sup> Hence, it is likely that only a small minority of pupils would want to exercise their right to opt out of lessons.

### **4.3 Looking ahead: Parental involvement with the new statutory curriculum on Relationships Education and RSE**

In previous chapters, as well as in the sections above, it has been argued that sexuality education should be a fundamental right of the child, given that it has the potential to realise many rights of the child, including, but not limited to, the rights to health, education, information, freedom of thought, and non-discrimination. Accordingly, children’s right to access sexuality education should not be barred by their parents or guardians.

Under English law, parents are currently afforded a right to withdraw children from the sex education components of SRE lessons. As has been outlined in Chapter 3.4, this right to withdraw will be maintained,<sup>109</sup> subject to modifications, when the new statutory RSE curriculum is introduced in schools. The new Guidance provides that a child who is withdrawn from sex education by their parents may opt back in to

<sup>107</sup> See: Aoife Daly, *Children, Autonomy and the Courts: Beyond the Right to be Heard* (Brill, 2018)

<sup>108</sup> See, for example: Claire Tanton, et al. ‘Patterns and trends in sources of information about sex among young people in Britain: evidence from three National Surveys of Sexual Attitudes and Lifestyles’ (2015) 5(3) *BMJ open*, e007834; Pandora Pound, et al. ‘What is best practice in sex and relationship education? A synthesis of evidence, including stakeholders’ views’ (2017) 7(5) *BMJ open*, e014791

<sup>109</sup> Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019, SI 2019/924, Clause 4

receive lessons three terms before they turn 16.<sup>110</sup> Where such a request is made by the child, the school should make arrangements to provide the child with sex education during one of those terms.

Further, where a request is made for a child to be withdrawn from sex education, the new Guidance recommends, as a matter of good practice, that head teachers discuss this request with parents to reinforce “the benefits of receiving this important education and any detrimental effects that withdrawal might have on the child”.<sup>111</sup> The Guidance also recommends that “where appropriate”, children should be consulted before they are withdrawn from lessons, to ensure that their wishes are understood.<sup>112</sup> Encouraging parents to articulate their reasons for withdrawing their children, and to have discussions with head teachers as well as children is a positive move, as such conversations are likely to reveal points at which there can be reasonable accommodation of all parties’ wishes.

The approach recommended under the new Guidance is arguably more favourable than the previous Guidance in terms of its compliance with children’s rights principles, especially in relation to sexuality education. Firstly, unlike currently, where parental requests to withdraw must automatically be complied with, the Guidance raises additional “procedural hurdles” where parents make a request to withdraw their children, hopefully making it less likely for parents to exercise this right. Secondly, the Guidance explicitly recommends that children’s wishes be heard before the decision to withdraw is made. Thirdly, it allows children to opt back in to sex education lessons before they attain the age of sexual consent.

However, the Guidance is still unsatisfactory in several regards. Firstly, a child who is to be withdrawn from sex education lessons should only be consulted “where appropriate”, but there is no further Guidance on when it is appropriate or inappropriate to consult the child. It is also not explained how the child’s wishes are to be ranked against parental wishes and other factors in deciding if a request to

<sup>110</sup> Department for Education, *Relationships Education, Relationships and Sex Education (RSE) and Health Education: Statutory Guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teachers*, updated 25<sup>th</sup> July 2019 at para 47

<sup>111</sup> Department for Education, n.110 at paras 45 and 46

<sup>112</sup> Department for Education, n.110at para 45



withdraw should be approved.<sup>113</sup> Secondly, whilst the Guidance recommends that a conversation is held between the parent and the head teacher before a request to withdraw is approved, this is not mandated. Further, it is stipulated that parents' requests to withdraw should be respected, except in exceptional circumstances.<sup>114</sup> This adopts a de facto position of respecting parents' wishes over children's rights. Moreover, there is no explanation of what would constitute "exceptional circumstances" for parents' requests to be denied.<sup>115</sup> It is argued that where a child expresses a wish, contrary to that of their parents', to remain in sex education lessons, then the child's wishes should be prioritised unless "significant harm will arise from their wishes".<sup>116</sup> If the school decides to go with the parents' wishes, then they should be required to provide justifications for why the child's wishes have been overridden. Requiring such justification might be the necessary impetus to encourage parents to reconsider their decision to withdraw, and would certainly adopt a more children's rights respecting position.

Thirdly, in relation to a child's right to opt back in to sex education after they have been withdrawn by their parent, it is argued that the power imbalance implicit in most parental-child relationships has not been considered. How many children would be willing, or in fact, able, to expressly go against the wishes of their parents and exercise the right to opt back in? Further, even where they do, the Guidance stipulates that they need only be provided with one term of sex education. This is arguably insufficient to make up for all the years of lessons that they have been withdrawn from. Hence, the vagaries of the Guidance again, leaves much to the

<sup>113</sup> Arguably, in line with Article 12 UNCRC, where the child is of sufficient age and maturity to make their own decision in respect of attending sexuality education lessons, then that decision should be upheld even if it conflicts with the wishes of their parents

<sup>114</sup> Department for Education, n.110 at para 47

<sup>115</sup> This point was the subject of much debate in the House of Commons, where MPs Angela Rayner, Julian Lewis and Lisa Cameron raised concerns that the lack of clarification on "exceptional circumstances" could possibly erode at the parental right to withdraw (HC Deb, 25<sup>th</sup> Feb 2019 at cols 38, 45 and 47 respectively)

<sup>116</sup> This is an extension of Daly's 'children's autonomy principle', in which she argues that, where a legal decision involves consideration of children's best interests, children should get to choose how they are involved and what outcome they wish for, unless significant harm will result from those wishes. Arguably however, no significant harm is likely to arise from a child's decision to attend sexuality education lessons, and therefore, such wishes should routinely be given effect. See: Aoife Daly, *Children, Autonomy and the Courts: Beyond the Right to be Heard* (Brill, 2018)

discretion of head teachers.<sup>117</sup> In such situations, there is no guarantee that children's rights will be upheld or properly delivered.

Where a subject is not included in the statutory curriculum, it can be assumed to be non-essential.<sup>118</sup> By this logic, given that RSE has now been made a statutory curriculum,<sup>119</sup> its importance to children is now explicitly recognised. Hence, parents should not be able to prevent their children from receiving such education at school, provided of course that lessons are objective, comprehensive, and age-appropriate. Thus, whilst the recommended reforms to the parental right to withdraw are certainly a step in the right direction, it is argued here that they lack the teeth required, and therefore do not go far enough in ensuring that children will be able to access to RSE as of right.

A suggested alternative, which is more favourable to children's rights, is to allow children the right to opt out, as discussed in 4.2.4 above, but to completely remove the parental right of withdrawal. However, if this is done, parental fears as to indoctrination or undue influence must be appropriately and constructively dealt with, in order to ensure that parents do not opt their children completely out of State education, "and send them to privately financed religious schools where sex education can be provided in accordance with the principles of their faith",<sup>120</sup> or opt to home-school their children. In addition to the lack of regulation around home-schooling,<sup>121</sup> private schooling, or home schooling can be counterproductive, both because: (i) not every parent may be able to afford to send their children to privately funded schools; and (ii) there is very little point in requiring state schools to promote "tolerance and respect for diversity when there is nothing diverse in the environment to tolerate".<sup>122</sup>

<sup>117</sup> i.e. adults

<sup>118</sup> Laura Lundy, n.37 at 348

<sup>119</sup> Section 34 Children and Social Work Act 2017

<sup>120</sup> Peter Cumper, n.51 at 98

<sup>121</sup> At the time of writing, the National Guidance to local authorities on elective home education states that "the current legal framework is not a system for regulating home education *per se* or forcing parents to educate their children in a particular way. Instead, it is a system for identifying and dealing with children, who for any reason and in any circumstances, are not receiving an efficient suitable full-time education". See Department for Education, *Elective Home Education: Departmental Guidance for Local Authorities*, April 2019 at para 3.5

<sup>122</sup> Laura Lundy, n.37 at 362

Therefore, it is better to accommodate parental wishes than to have parents withdraw their children from state education. Often, this can be done by smaller, practical measures, such as running over the contents of the curriculum with parents to ‘demystify’ it, or talking over points of contention to see if a middle ground can be achieved. It is recognised that children’s lived realities and sexual socialization are heavily influenced by their parents, guardians and communities, and therefore that the views of these adults do, and should, inform children’s sexuality education. Hence, the importance of continuing to consult parents on RSE policies and curricula, and of promoting dialogue between parents and schools, is not in dispute. Where possible, schools should accommodate parents’ suggestions as to the content the curricula, so long as these suggestions will not result in over-censorship of the curriculum that would strip it of its worth. Schools should also try to assuage any parental fears about indoctrination or undue influence on children, by ensuring, where possible, that RSE lessons incorporate a broader range of religious and cultural perspectives so as not to be seen to favour particular perspectives over others.

Outside of school, parents should also be supported to have conversations with their children about relationships, sexuality and sexual matters. The barriers that parents face in talking to their children about these issues should be identified, so that appropriate measures can be taken to support parents to become effective sex educators of their children. This can be done, for example, through a variety of parenting programmes, which can allay parental anxieties, provide useful resources and help them to develop skills to communicate with their children about sexuality.<sup>123</sup> Schools in taking parents through the contents of the school curriculum, can also suggest ways in which parents can continue discussions on those topics at home.

In short, there are many ways in which parents can, and should, be involved in shaping RSE policies and contributing to the curriculum, which do not encroach on the rights of children to access such education in the first place.

<sup>123</sup> Suzanne Dyson, n.23

## 4.4 Conclusion

“Education operates as a multiplier, enhancing the enjoyment of all individual rights and freedoms where the right to education is effectively guaranteed, while depriving people of the enjoyment of many rights and freedoms where the right to education is denied or violated.”<sup>124</sup>

This is especially so in the case of sexuality education, which, as has been argued elsewhere, is necessary for the realisation of many other rights of the child. Sexuality education is provided on the basis that, whether deliberately or otherwise, children receive all kinds of messages on human sexuality throughout their development, particularly in the modern day, where they have access to vast amounts of information at their fingertips. Hence, instead of trying to shield children from any kind of sexual knowledge whatsoever, it is better to provide them with the information, knowledge and skills necessary to deal appropriately and sensibly with any information they come across.

School-based sexuality education is justified on the basis that school is a safe, controlled environment where children’s learning about sexuality can be supported by properly trained professionals. Schools are also the best platforms for reaching as many pupils as possible, in as uniform a manner as possible, to avoid them entering adulthood without the necessary information to make safe, healthy and informed decisions about their sexuality, sexual health and well-being.

If it is accepted that sexuality education is crucial for children, and should therefore be a right of the child, then their access to it should not be subjected to the wishes and choices of their parents.<sup>125</sup> As Eekelaar notes:

<sup>124</sup> Katerina Tomaševski, *Right to Education Primers No. 3: Human rights obligations: making education available, accessible, acceptable and adaptable*, 2001 available at [https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/Tomasevski\\_Primer%203.pdf](https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/Tomasevski_Primer%203.pdf) (accessed 8th April 2019) at p.10.

<sup>125</sup> See for example, Anat Scolnicov, ‘The Child’s Right to Religious Freedom and Formation of Identity’ (2007) 15(2) *International Journal of Children’s Rights* 251; John Eekelaar, ‘The Interests of the Child and the Child’s Wishes: The Role of Dynamic Self-Determinism’, (1992) 8(1) *International Journal of Law and the Family* 42.

“... a right that another should have complete power to determine what is in A’s interests and to direct A accordingly leaves A without any rights at all.”<sup>126</sup>

In short, although both States and parents/families are recognised as duty-bearers in relation to the right to education, this Chapter argues that States should bear primary responsibility for providing sexuality education to children, and that, as a matter of children’s rights, parents should not be afforded a right to withdraw their children from such lessons.

This is of course not to deny the vital role that parents/guardians play in the sexual socialization of children. However, as has been established above, school-based sexuality education is not necessarily at odds with parental rights to direct their children’s education. In developing sexuality education curricula, schools should be encouraged to have dialogues with parents, in order to assuage any parental fears of impropriety, indoctrination or encroachment upon parental rights. Discussions around sex, relationships, sexuality and sexual matters within sexuality education curricula should be framed within a broad range of perspectives, including religious (or secular) and cultural perspectives, so as to avoid parental accusations of indoctrination, or of favouring one perspective above others. In addition, parents should be supported, either by schools or the State, to supplement school-based sexuality education lessons with teaching of their own, and to frame these discussions within their religious or philosophical perspectives as appropriate. In this way, parents can continue to direct their children’s education in accordance with their (parental) religious and philosophical convictions, but children, in developing their understanding and knowledge of sexual matters, will be able to draw upon a variety of perspectives and viewpoints, such that they may make informed decisions in exercising their sexual agency as they grow up.

<sup>126</sup> John Eekelaar, ‘The Interests of the Child and the Child’s Wishes: The Role of Dynamic Self-Determinism’, (1992) 8(1) *International Journal of Law and the Family* 42 at 42

## **PART II: CHILDREN'S VIEWS AND PERSPECTIVES ON SRE**

## Chapter 5: Methods and Research Design

### Introduction

As explained in Chapter 1, this PhD thesis seeks to answer three specific research questions:

- i. Is access to sexuality education (or SRE) a right of the child?
- ii. How do we reconcile any potential conflicts between parental and children's rights in relation to sexuality education?
- iii. What would an SRE curriculum that respects children's rights look like?

In Chapter 3, I have outlined some of the problems with the English approach to SRE. From a children's rights perspective, two main problems come to the fore. Firstly, the heavy influence that adults, particularly parents, have in determining the contents of the curriculum and the parental right to withdraw children from lessons means that children could be denied access to SRE lessons, in contravention of their rights. Secondly, and correspondingly, children's voices and perspectives are often sidelined, and in consequence, SRE policies and lessons do not reflect their lived experiences, or cater to their informational needs. It is argued in this thesis that in order to design an SRE curriculum that respects children's rights, children themselves must be consulted.

The issue of parental involvement and influence has been discussed in Chapter 4. Therefore, in trying to answer question (iii) above, I now turn to consider the issue of consulting and involving children in designing SRE policies and lessons. This chapter will outline my research approach, from theoretical perspectives to research design. Chapters 6 and 7 will then present the findings of the focus groups conducted with pupils in secondary schools in the Merseyside area of England.

This chapter addresses four further sub-questions:

- a. What *methods* will be used?
- b. What *methodology* governs the choice and use of methods?

- c. What *theoretical perspective* underpins the methodology in question?
- d. What *epistemology* informs this theoretical perspective? <sup>1</sup>

In section 5.1, I set out why it is necessary to conduct the fieldwork with children and young people,<sup>2</sup> and what research questions I seek to answer in doing so (epistemological-ontological positioning). In section 5.2, I set out the theoretical perspectives underpinning the research. Sections 5.3 to 5.5 discuss the chosen research method, particularly, synchronous online focus groups as a relatively novel method for researching with children. These discussions will cover the strengths and limitations of the method, and the ethical issues arising its use. In section 5.6, I provide details of the study particularly around participant recruitment and selection. In section 5.7, I discuss the ethical issues that were raised, both by the University of Liverpool’s Research Ethics Committee, as well as ethical issues that arose in the course of conducting my fieldwork. In section 5.8, I underline my approach to data analysis, using inductive and deductive thematic (framework) analysis. Finally, in section 5.9, I reflect on some of the potential limitations of my research methodology.

As a brief aside, the phrase ‘young people’ instead of ‘children’ is used in the rest of this chapter. Although the thesis adopts the definition of ‘children’ under the UNCRC as encompassing any person under the age of 18, the term ‘child’ often connotes powerlessness<sup>3</sup>. Given that the research is intended to empower children to participate and make their opinions heard, I would prefer to use the phrase ‘young people’ in referring to my research participants. In any case, the participants involved in the study were secondary school pupils, aged between 12-17, and would

<sup>1</sup> These questions are adapted from those posed by Crotty, in Michael Crotty, *The Foundations of Social Research: Meaning and Perspective in the Research Process* (Sage, 1998) at p.2

<sup>2</sup> From this point onwards, the phrase ‘children and young people’ is used more often than just ‘children’, because the research itself involved pupils who would more accurately be classed as ‘young people’ by virtue of their ages (12-17).

<sup>3</sup> For example, the General Medical Council (GMC) uses the term ‘children’ refers to “younger children who do not have the maturity and understanding to make important decisions for themselves”, whereas the term ‘young people’ connotes “older or more experienced children who are more likely to be able to make these decisions for themselves”. See GMC (2012), “Definitions of children, young people and parents”, in *Protecting children and young people: The responsibilities of all doctors* available at <https://www.gmc-uk.org/ethical-guidance/ethical-guidance-for-doctors/protecting-children-and-young-people/definitions-of-children-young-people-and-parents> (accessed 19<sup>th</sup> July 2019). The homogeneity of the term ‘child’ has also been problematized elsewhere, see for instance, Harriet Beazley, et al., ‘The right to be properly researched: Research with children in a messy, real world’, (2009) 7(4) *Children’s Geographies* 365-378 at p.368.



not be traditionally thought of as ‘children’, even if they are legally recognised as such.

### **Overview of selected research method**

To contextualise the discussions in this chapter, it is perhaps helpful to briefly set out the research method employed in the research project. Online focus groups, hosted on Adobe Connect, were used in the two pilot focus groups and in one school, whereas in-person focus groups were used in the three other schools I worked with.

## **5.1 Ontological-epistemological orientation**

Every research project consists of a research paradigm, which comprises of its ontology, epistemology, methodology and methods.<sup>4</sup> The ontology and epistemology of a research project reflect the assumptions underlying the research. Ontology relates to assumptions about the nature of the world, whereas epistemology relates to assumptions about how the world can be investigated.<sup>5</sup> There is a recognised overlap between ontology and epistemology, because “to talk of the construction of meaning is to talk of the construction of meaningful reality”.<sup>6</sup> They therefore sit alongside each other in informing the *theoretical perspective*, *methodology* and *methods* of the project respectively.<sup>7</sup>

A theoretical perspective is “the philosophical stance informing the methodology”, whereas the methodology is “the strategy, plan of action, process” underlying the choice of methods, and methods are the “techniques or procedures used to gather and

<sup>4</sup> James Scotland (2012). ‘Exploring the Philosophical Underpinnings of Research: Relating Ontology and Epistemology to the Methodology and Methods of the Scientific, Interpretive, and Critical Research Paradigms, (2012) 5(9) *English language teaching*, 9-16 at p.9

<sup>5</sup> Kerry Chamberlain, ‘Epistemology and Qualitative Research’ in Poul Rohleder & Antonia C. Lyons (eds) *Qualitative Health Research in Clinical and Health Psychology*, (Palgrave Macmillan, 2014) at p 10

<sup>6</sup> Michael Crotty, n.1 at p.10. See also Stacey M. Carter, & Miles Little, ‘Justifying knowledge, justifying method, taking action: Epistemologies, methodologies, and methods in qualitative research’ (2007) 17(10) *Qualitative health research*, 1316-1328 and Kerry Chamberlain, n.5 at pp 9-28

<sup>7</sup> Michael Crotty, n.1 at p.4. See also Carter, S. M., & Little, M. (2007). Justifying knowledge, justifying method, taking action: Epistemologies, methodologies, and methods in qualitative research. *Qualitative health research*, 17(10), 1316-1328.

analyse data”.<sup>8</sup> The following table has been very helpful in summarising the different research paradigms and what they involve:

Paradigm	Ontology <i>What is reality?</i>	Epistemology <i>How can I know reality?</i>	Theoretical Perspective <i>Which approach do you use to know something?</i>	Methodology <i>How do you go about finding out?</i>	Method <i>What techniques do you use to find out?</i>
<b>Positivism</b>	There is a single reality or truth (more realist).	Reality can be measured and hence the focus is on reliable and valid tools to obtain that.	Positivism Post-positivism	Experimental research Survey research	Usually quantitative, could include: Sampling Measurement and scaling Statistical analysis Questionnaire Focus group Interview
<b>Constructivist / Interpretive</b>	There is no single reality or truth. Reality is created by individuals in groups (less realist).	Therefore, reality needs to be interpreted. It is used to discover the underlying meaning of events and activities.	Interpretivism (reality needs to be interpreted) <ul style="list-style-type: none"> <li>• Phenomenology</li> <li>• Symbolic interactionism</li> <li>• Hermeneutics</li> </ul> Critical Inquiry Feminism	Ethnography Grounded Theory Phenomenological research Heuristic inquiry Action Research Discourse Analysis Feminist Standpoint research etc	Usually qualitative, could include: Qualitative interview Observation Participant Non participant Case study Life history Narrative Theme identification etc
<b>Pragmatism</b>	Reality is constantly renegotiated, debated, interpreted in light of its usefulness in new unpredictable situations.	The best method is one that solves problems. Finding out is the means, change is the underlying aim.	Deweyan pragmatism <i>Research through design</i>	Mixed methods Design-based research Action research	Combination of any of the above and more, such as data mining expert review, usability testing, physical prototype
<b>Subjectivism</b>	Reality is what we perceive to be real	All knowledge is purely a matter of perspective.	Postmodernism Structuralism Post-structuralism	Discourse theory Archaeology Genealogy Deconstruction etc.	Autoethnography Semiotics Literary analysis Pastiche Intertextuality etc.
<b>Critical</b>	Realities are socially constructed entities that are under constant internal influence.	Reality and knowledge is both socially constructed and influenced by power relations from within society	Marxism Queer theory feminism	critical discourse analysis, critical ethnography action research ideology critique	Ideological review Civil actions open-ended interviews, focus groups, open-ended questionnaires, open-ended observations, and journals.

Source: Patel S, *The research paradigm – methodology, epistemology and ontology – explained in simple language* (2015)<sup>9</sup>

<sup>8</sup> Michael Crotty, n.1 at p.3

The table has provided a useful basis of reference on which to frame my own research paradigm. At this stage, it is helpful to restate my research aims and research questions, so as to explain my ontological-epistemological position. The aim of my research is to facilitate children's voices, and the implementation of children's rights, in policy-making around school-based sexuality education. My two 'broader' research questions are:

- i. How do we position sexuality education as a right of the child?
- ii. How do we design a model for sexuality education that will interest and engage children, as well as meet their educational needs and wants?

Whilst question (i) is to be answered by means of theoretical arguments, engaging with the law around children's rights and policy-making, question (ii) is to be addressed via the fieldwork. Specifically, the position adopted is that children and young people, as recipients of sexuality education lessons, are best placed to review their lessons and to identify examples of good practice, as well as areas for improvement, in the teaching and learning of sexuality education. Their opinions should therefore be consulted, and given effect as far as possible, in policy-making around sexuality education, so as to design a curriculum that truly engages them and meets their educational needs.

I would therefore argue that my research paradigm is a pragmatist one. Pragmatism is a paradigm which accepts "that there are singular and multiple realities that are open to empirical inquiry and orients itself toward solving practical problems in the 'real world'".<sup>10</sup> It is considered a 'new' paradigm,<sup>11</sup> and is not concerned with finding 'the truth' but rather, in finding 'what works best'.<sup>12</sup> In other words, it advocates for the use of "the most appropriate research method" to investigate a particular research question or theory, and the closest match of theory and method is

<sup>9</sup> Published 15<sup>th</sup> July 2015, available at: <http://salmapatel.co.uk/academia/the-research-paradigm-methodology-epistemology-and-ontology-explained-in-simple-language/> (accessed 19<sup>th</sup> April 2019)

<sup>10</sup> Martina Yvonne Feilzer, 'Doing mixed methods research pragmatically: Implications for the rediscovery of pragmatism as a research paradigm', (2010) 4(1) *Journal of mixed methods research*, 6-16 at p.8

<sup>11</sup> David L. Morgan, 'Paradigms lost and pragmatism regained: Methodological implications of combining qualitative and quantitative methods', (2007) 1(1) *Journal of mixed methods research*, 48-76

<sup>12</sup> John Dewey, *Experience and nature*. (Kessinger, 1925)

the most important factor in determining if the choice of method is legitimate.<sup>13</sup> Hence, pragmatism is often associated with mixed-methods research.<sup>14</sup>

How does this apply to my research? From an *ontological* perspective, the belief underpinning my research is that there is no single best way of teaching children about sexuality. Depending on whom you ask, you are likely to receive very differing opinions on whether, if at all, children should receive sexuality education, and what should be taught as part of the curriculum. These opinions are not necessarily right or wrong; they are merely grounded in different pedagogical, philosophical, religious, cultural and emotional factors. Policies around sexuality education have also changed with time, given new understandings of sexuality, gender roles, relationships and family, and of children's agency and lived realities. This shows that they are constantly renegotiated and interpreted to be in keeping with norms and beliefs in the modern day.

Hence, the research theory that I posit here, namely that: *children should be consulted in order to design an SRE curriculum that engages and interests them, as well as meets their informational needs*, does not necessarily situate it as the one and only true way for designing a curriculum; merely the best way of doing so at this time. In approaching my participants therefore, I had two particular sub-questions in mind:

- iii. What are pupils' opinions of the SRE lessons they have received in schools?
- iv. What, if any, changes or improvements can be made to make SRE lessons more relevant, engaging and informative for them?

These questions were designed to elicit information about school-based SRE lessons, to assess the adequacy of current provision, identify examples of good practice and areas for improvement, from pupils' own perspectives, as opposed to the perspectives of their parents, teachers or policy-makers more generally.

As has been explained by Maynard (1994), *epistemology*:

<sup>13</sup> Martina Yvonne Feilzer, n.10 at pp.13-14

<sup>14</sup> David L. Morgan, n.11

“... is concerned with providing a philosophical grounding for deciding what kinds of knowledge are possible and how we can ensure that they are both adequate and legitimate”<sup>15</sup>

From a pragmatic perspective, understandings of knowledge are adequate and legitimate where they can solve the particular problem they seek to solve. Pupils have complained that the SRE they receive in school is inadequate and of poor quality,<sup>16</sup> as well as “too late, too biological, negative, insufficiently comprehensive and poorly delivered”.<sup>17</sup> It is suggested that the best means of finding out what they mean by this, what effect this has had on their learning, and how to improve the manner and form of delivery of SRE lessons, is to consult pupils themselves. I therefore position pupils as ‘experts’ in their own educational experiences,<sup>18</sup> and as those who are in the best position to know what is most likely to engage and interest them, or otherwise. This theoretical perspective to the research is discussed in more detail in section 5.3 below.

## 5.2 Theoretical perspectives

- *5.2.1 Children as Competent Social Actors*

The approach outlined above, which views children as ‘experts’ on aspects of their own lives, is grounded in the perspective that children are “active participants in constructing knowledge”<sup>19</sup>, and research should be focussed on “taking children as the units of research and focusing the study directly on children and their life

<sup>15</sup> Mary Maynard, ‘Methods, practice and epistemology: the debate about feminism and research’ (1994) in Mary Maynard & June Purvis (eds) *Researching Women’s Lives from a Feminist Perspective* (Taylor & Francis, 2013), cited in Michael Crotty, n.1 at p.8

<sup>16</sup> See: Sex Education Forum, *Heads or tails? What young people are telling us about SRE*, 2006; UK Youth Parliament, *SRE: Are You Getting It? A Report by the UK Youth Parliament*, June 2007

<sup>17</sup> See: Pandora Pound, Rebecca Langford, & Rona Campbell ‘What do young people think about their school-based sex and relationship education? A qualitative synthesis of young people’s views and experiences’, (2016) 6(9) *BMJ open*, e011329; Claire Tanton, et al. ‘Patterns and trends in sources of information about sex among young people in Britain: evidence from three National Surveys of Sexual Attitudes and Lifestyles’ (2015) 5(3) *BMJ open*, e007834

<sup>18</sup> This will be explored further in section 3.3 below

<sup>19</sup> Virginia Morrow, & Kirrily Pells, ‘Sociological Approaches to Children’s Rights’, in Martin D. Ruck, Michele Peterson-Badali & Michael Freeman (eds), *Handbook of Children’s Rights: Global and Multidisciplinary Perspectives* (Routledge, 2017) at p. 118

conditions, activities, relationships, knowledge and experiences”<sup>20</sup>. This perspective stems from the ‘new sociology of childhood’, which establishes, inter alia, that “children’s social relationships and cultures are worthy of study in their own right, independent of the perspective and concerns of adults”.<sup>21</sup>

The introduction of the new sociology of childhood has radically shifted understandings of childhood, from referring to a phase of immaturity, irrationality and incompetency, towards an understanding that they are also social actors, who influence, and affect change in, the world around them. In other words, the perspective has moved children from being seen as “persons-in-the-making” towards being seen as “persons-in-being”.<sup>22</sup> This is important, because it “is leading to greater respect for children and childhood;...[and] is leading to fuller understanding of the wrongs suffered by children”.<sup>23</sup> It has also led to the “reformulation of childhood and the child, both by criticising the dominant views and by offering an alternative perspective”.<sup>24</sup>

Further, this way of seeing children and childhood has encouraged us, as researchers, policy-makers, and adults generally, to question existing social practices and how they impact on children. As Mayall (2000) states:

“For if we understand children not just as individuals but as members of a social group, then we are forced to reflect on that group’s rights to participate in constructing the social order, social policies and practices.”<sup>25</sup>

<sup>20</sup> Leena Alanen, ‘Explorations in generational analysis, in Leena Alanen & Berry Mayall (eds) *Conceptualising Child-Adult Relations* (Routledge, 2001) pp. 11-22 at p.12

<sup>21</sup> Alan Prout & Allison James, ‘A new paradigm for the sociology of childhood? Provenance, promise and problems’ in Allison James & Alan Prout (eds) *Constructing and reconstructing childhood: Contemporary issues in the sociological study of childhood* (Routledge, 2015) at p.8

<sup>22</sup> See Alan Prout & Allison James, n.21; Virginia Morrow, & Kirrily Pells, n.19

<sup>23</sup> Berry Mayall, ‘The sociology of childhood in relation to children’s rights’, (2000) 8(3) *The International Journal of Children’s Rights*, 243-259 at 248

<sup>24</sup> Ann Quennerstedt, & Mikael Quennerstedt, ‘Researching children’s rights in education: Sociology of childhood encountering educational theory’, (2014) 35(1) *British Journal of Sociology of Education*, 115-132 at 119

<sup>25</sup> Berry Mayall, n.23 at 256

As adults, we are not in the best position to understand what children's current realities are, and therefore, what action is necessarily in their best interests. Even if acting under the best of intentions, adults may impose ideas of a 'good childhood' that do not match up with children's expectations or experiences.<sup>26</sup> This problem is compounded by the fact that there are generational differences to experiences of childhood, i.e. that the children and adults of today have experienced differing "constellations of social, historical and political ideas", is relevant in this respect. She states:

"... we can see that at a wider, social level, policies - for instance in education - are devised and implemented by a generation of people whose ideas were formed by different influences, as compared to those of the generation of children now experiencing them".<sup>27</sup>

This is especially so in the context of children's sexuality education. The landscape of sexuality and relationships, even within the UK alone, has undergone rapid change in the past few decades.<sup>28</sup> Further, the advent of the internet has made it easier for children to access information, including information on sexuality, whilst social media has created new ways to form and maintain different types of friendships and relationships.

These generational differences mean that adults do not always have the necessary knowledge to understand how children are exposed to sexual information,<sup>29</sup> when to appropriately broach the topic, and what information to provide in doing so. Hence, consulting children becomes more important than ever, and it is necessary to speak to children to understand what their experiences and needs are, in order to properly

<sup>26</sup> Lydia Marshall, 'Lessons from the 'new' sociology of childhood: how might listening to children improve the planning of education for development?', (2016) 38(1) *International Development Planning Review*, 55-74 at 59.

<sup>27</sup> Berry Mayall, n.23 at 251

<sup>28</sup> For example, there is an increasing recognition of diversity in gender, sexuality and sexual identity; same sex marriages are now legally recognised in the UK; there is more diversity in family types and structures, including blended families.

<sup>29</sup> For example, see evidence from the Friends Like Me project, in which young people state that they are inadvertently exposed to sexual content online, but will not talk to their parents about it for fear of being judged. Manuela Maiguascha, 'Friends Like Me: The Screen Lives of Children and Teens', 12<sup>th</sup> July 2017, available at: <https://blogs.lse.ac.uk/parenting4digitalfuture/2017/07/12/friends-like-me-the-screen-lives-of-children-and-teens/> (accessed 20<sup>th</sup> April 2019)

support them in the teaching and learning of sexuality education. Another justification for consulting children is that they have a right to express their views on matters concerning them. This will be explored further in the subsection below.

- **5.2.2 Children’s Right to be Heard on Matters Affecting Them**

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.<sup>30</sup>

Article 12 UNCRC provides children with a ‘right to be heard’. Although the UNCRC has not been incorporated into UK domestic law, the Government has made a “commitment to pay ‘due regard’ to the convention when new policy is made and legislation proposed”.<sup>31</sup> However, the Committee on the Rights of the Child has, in several periodic reports, commented that the UK should take further steps to facilitate children’s participation in designing laws, policies, programmes and services at local and national levels.<sup>32</sup>

Article 12 is often referred to as giving rise to a right to participate, but the Committee on the Rights of the Child has previously clarified that it does not give rise to participation rights, although the right to be heard is “a crucial element” of children’s participation.<sup>33</sup> There are 3 further qualifications to the right to be heard: Firstly, it has to be “on a matter affecting the child”; secondly, it only applies to children who are “capable of forming their own views”; and thirdly, there is no corresponding right for these views to be actioned, merely that they be “given due weight in accordance with the child’s age and maturity”.

<sup>30</sup> Article 12(1) UNCRC

<sup>31</sup> Department for Education, *Listening to and Involving Children and Young People*, January 2014. See also Joint Committee on Human Rights, *The UK’s Compliance with the UN Convention on the Rights of the Child: Eighth Report of Session 2014-15*, 18<sup>th</sup> March 105, HL144/HC1016

<sup>32</sup> UN Committee on the Rights of the Child, *Concluding Observations on the Fifth Periodic Report of the United Kingdom of Great Britain and Northern Ireland*, 12<sup>th</sup> July 2016, CRC/C/GBR/CO/5 at para 31; UN Committee on the Rights of the Child, *Concluding Observations: United Kingdom of Great Britain and Northern Ireland*, 9<sup>th</sup> October 2002, CRC/C/15/Add.18 at para 30

<sup>33</sup> UN Committee on the Rights of the Child, *General Comment No.12: The Right of the Child to be Heard*, 1<sup>st</sup> July 2009 CRC/C/GC/12 at para 13.



The first issue, namely that the matter has to be one affecting the child, has the potential to be broadly interpreted, given that almost everything affects children in one way or another.<sup>34</sup> For example, it would confer upon children the right to be heard “in the family, in school, and in politics”.<sup>35</sup> Education is widely recognised as a “matter affecting children”, and therefore, there is an increasing emphasis for children’s voices to be heard in this sphere.<sup>36</sup> It has been highlighted as an “arena where children’s civil, political and social human rights are to be *met* and *respected*”.<sup>37</sup> Children should therefore be consulted, not only within the school, but also:

“...at the local and national levels on all aspects of education policy, including, inter alia, the strengthening of the child-friendly character of the educational system, informal and non-formal facilities of learning, which give children a “second chance”, school curricula, teaching methods, school structures, standards, budgeting and child-protection systems.”<sup>38</sup>

The stipulation that the right to be heard only applies to children who are capable of forming their own views has also been interpreted very broadly. Article 12 does not impose any age limit on the right to be heard. It is not up to the child to prove their capacity to form views on the subject matter at hand, but rather, there is a presumption that she or he is capable of doing so, unless the evidence shows otherwise.<sup>39</sup> In addition, it is recognised that children do not have the same life experiences as adults, and therefore, might not express their views in the way that adults would, but this does not mean that they are incapable of giving a view. For

<sup>34</sup> See, for example, Aoife Daly, *Children, Autonomy and the Courts: Beyond the Right to be Heard* (Brill, 2018); and UN Committee on the Rights of the Child, *General Comment No.12: The Right of the Child to be Heard*, 1<sup>st</sup> July 2009 CRC/C/GC/12 at para 27.

<sup>35</sup> Aoife Daly, n.34 at p. 44

<sup>36</sup> UN Committee on the Rights of the Child, *General Comment No.12: The Right of the Child to be Heard*, 1<sup>st</sup> July 2009 CRC/C/GC/12 at paras 105-114. For example, the Department for Education has issued statutory guidance to all local authorities and maintained schools encouraging them to listen to pupil voice and to involve them in decision-making. See Department for Education, n.31

<sup>37</sup> Ann Quennerstedt, & Mikael Quennerstedt, n.24 at 129

<sup>38</sup> UN Committee on the Rights of the Child, *General Comment No.12: The Right of the Child to be Heard*, 1<sup>st</sup> July 2009 CRC/C/GC/12 at para 111.

<sup>39</sup> UN Committee on the Rights of the Child, *General Comment No.12: The Right of the Child to be Heard*, 1<sup>st</sup> July 2009 CRC/C/GC/12 at paras 19 and 20.

example, the Committee on the Rights of the Child has emphasised that even where a child is non-verbal, they are still able to demonstrate understanding, choice, and preferences, and that these choices should be ascertained from their non-verbal communications.<sup>40</sup> Where possible therefore, children should be facilitated and supported to express their views on matters affecting them.<sup>41</sup>

What this means in the context of research therefore, is that if the research concerns a matter affecting the child, then children should be allowed to participate in it if they wish to, unless their participation will cause them harm. Importantly, although Article 12 requires children to be given opportunities to express their views, it does not oblige them to exercise the right: they can choose not to do so as well.<sup>42</sup> Further, there should be a presumption that children have capacity to express their views, and if they lack such capacity because they do not have sufficient skills or information, then researchers should be obliged to take steps to build capacity and facilitate their participation. This point will be explored in further detail in considering research methods below.

Thirdly and finally, the Article does not stipulate how States should treat children's views, merely that they should be given "due weight" in accordance with children's "age and maturity". In other words, Article 12 does not require that children's views be prioritised or be determinative on a particular matter.<sup>43</sup> Whilst it may not be possible to implement children's views and wishes in relation to every matter affecting the child, it is submitted that, once children are consulted on a matter, they should be told how these views are factored into the decision-making process, even if they do not influence the final outcome.

At the moment, it has been critiqued that most public policies that have a direct/indirect effect on children and young people were not designed with children's rights in mind, and that this should change, such that "children's rights principles

<sup>40</sup> UN Committee on the Rights of the Child, *General Comment No.12: The Right of the Child to be Heard*, 1<sup>st</sup> July 2009 CRC/C/GC/12 at para 21.

<sup>41</sup> Laura Lundy, & Lesley McEvoy, 'Children's rights and research processes: Assisting children to (in) formed views' (2012) 19(1) *Childhood*, 129-144.

<sup>42</sup> UN Committee on the Rights of the Child, *General Comment No.12: The Right of the Child to be Heard*, 1<sup>st</sup> July 2009 CRC/C/GC/12 at para 16.

<sup>43</sup> Aoife Daly, n.34

should guide the content of policy and that the policy process should involve children and young people and build their capacity as rights-holders to claim their rights”.<sup>44</sup> This research aims to bridge the gap between children and policy-makers, by eliciting children’s views in order to try and inform policies on sexuality education, and in the process, to also empower children to realise, and act upon, their rights as children.

In her seminal article, Lundy (2009) proposes a model for conceptualising Article 12 UNCRC, which involves four key elements, namely<sup>45</sup>:

- Space: Children must be given the opportunity to express a view
- Voice: Children must be facilitated to express their views
- Audience: Their views must be listened to
- Influence: Their views must be acted upon, as appropriate.

In the rest of this chapter, I will explore how the elements of ‘space’ and ‘voice’ have influenced my research methodology. In Chapter 5 of the thesis, I will discuss my fieldwork findings, and in doing so, elaborate on the ‘audience’ and ‘influence’ aspects of Lundy’s model.

- ***5.2.3 Researching children’s sexuality education: marrying the sociology of childhood with children’s rights***

The overlap between sociology of childhood and children’s rights has been noted by many.<sup>46</sup> Whilst the former recognises children as participants in society who have valuable input to contribute, the latter recognises that they are the subjects of rights, and therefore provides a mechanism for facilitating their voices to be heard.<sup>47</sup> The sociology of childhood and children’s rights, particularly the right to be heard, therefore form the theoretical perspective which informs my methodological approach to researching with children and young people on their sexuality education.

<sup>44</sup> Bronagh Byrne, & Laura Lundy, ‘Children’s rights-based childhood policy: a six-P framework’, (2019) 23(3) *The International Journal of Human Rights*, 357-373 at p.358

<sup>45</sup> Laura Lundy, ‘Voice is not enough: conceptualizing Article 12 of the United Nations Convention on the Rights of the Child’, (2007) 33(6) *British Educational Research Journal* 927-942 at 933

<sup>46</sup> See, for example: Michael Freeman, ‘The sociology of childhood and children’s rights’, (1988) 6(4) *The International Journal of Children’s Rights*, 433-444; Berry Mayall, n.23; Ann Quennerstedt, & Mikael Quennerstedt, n.24

<sup>47</sup> Harriet Beazley et al., n.3 at p.369

Sexuality education is an aspect of children’s education, and is therefore a matter affecting them. In fact, it has been specifically highlighted as an issue on which children’s views and input should be invited.<sup>48</sup> In developing a curriculum for sexuality education therefore, educators should:

“... invite and integrate learners’ previous experiences, aspirations, expectations and intentions into the planned curriculum... thereby according students their right ‘to have a voice in matters that affect them’ and changing power relations such that ‘those who customarily hold positions of power to listen and hear’”<sup>49</sup>

However, in terms of the constructions of sexuality and sexual identity, children and young people occupy a very uncertain location. Historically, children’s perspectives on sexuality have been excluded, as research tended to draw upon “adult interpretations of children’s behaviour”.<sup>50</sup> As Robinson (2005) posits, there are three dominant but contradictory discourses that operate around children and sexuality, namely that:<sup>51</sup>

- i. Sexuality is situated within the realm of ‘adulthood’ and is therefore not a matter concerning children;
- ii. Children are positioned as “Madonna/whores” – they are ‘innocent and unsullied’, but any exposure to sexual knowledge makes them ‘knowing and unpure’;
- iii. Children are sexual beings who lack “the maturity to comprehend and emotionally and physically control such behaviours” and hence, “[a]ny

<sup>48</sup> UN Committee on the Rights of the Child, *Concluding Observations on the Fifth Periodic Report of the United Kingdom of Great Britain and Northern Ireland*, 12<sup>th</sup> July 2016, CRC/C/GBR/CO/5 at para 31; UN Committee on the Rights of the Child, *Concluding Observations: United Kingdom of Great Britain and Northern Ireland*, 15<sup>th</sup> January 1995, CRC/C/15/Add.34 at para 14

<sup>49</sup> Laura Lundy, & Alison Cook-Sather, ‘Children’s rights and student voice: Their intersections and the implications for curriculum and pedagogy’, in Dominic Wyse, Louise Hayward & Jessica Pandya (eds) *The SAGE handbook of curriculum, pedagogy and assessment* (Sage, 2015) at 273.

<sup>50</sup> Sue Jackson, & Tina Vares, ‘New Visibilities?: Using Video Diaries to Explore Girls’ Experiences of Sexualized Culture’, in Emma Renold & Danielle R. Egan (eds) *Children, Sexuality and Sexualization* (Palgrave Macmillan, 2015) at p. 308

<sup>51</sup> Kerry H. Robinson, ‘Childhood and sexuality: Adult constructions and silenced children’, in Jan Mason & Toby Fattore (eds) *Children taken seriously: In theory, policy and practice* (Jessica Kingsley Publishers, 2005) at pp 68-69

hint of children's sexual behaviour results in 'adult' moral panic and the belief that such urges need to be controlled at all costs".

Through these discourses, children and young people are constituted as 'sexual others' and their sexuality either denied or demonised. Some parents would prefer to keep their children away from sexual knowledge in order to preserve their innocence. Nonetheless, as has been discussed elsewhere in this thesis, children are constantly exposed to sexual knowledge, either explicitly or implicitly, and they also have means to acquire such knowledge, if they so wish. The challenge is therefore to ensure that they obtain such knowledge through the appropriate channels, that such information is accurate, and that, as they mature and develop, they have the necessary support to explore their sexuality in a safe and healthy manner. The importance of sexuality education for children is further discussed in Chapter 2 of this thesis. If we were to accept this however, the next question to ask is *how* we can best deliver sexuality education that will engage them and meet their informational needs.

The answer, in my view, is to research *with* children, and to find out what would be most interesting, relevant and engaging to them. However, any kind of discussion on sexuality is often still seen as 'sensitive' and 'taboo', and therefore, there are adult-imposed barriers to conducting research with children on their sexuality education.<sup>52</sup> These barriers "run the risk of generating lacunae in fields of knowledge".<sup>53</sup> In consequence, we know very little about how children and young people *themselves* perceive and interpret matters relating to sexuality, and very little about how best to equip them with the necessary knowledge, language, choice and power to come to grips with their sexuality and sexual identity.<sup>54</sup>

It is therefore argued that this PhD research is important because it seeks to position pupils as 'experts' who can contribute to the development of a curriculum for SRE that is "good" or "useful" and "engaging" from children's perspectives. The research has invited input from secondary school pupils who have received SRE lessons in

<sup>52</sup> Sarah Richards, Jessica Clark, & Allison Boggis, *Ethical Research with Children: Untold Narratives and Taboos* (Palgrave Macmillan, 2015) at p.26

<sup>53</sup> Sarah Richards, Jessica Clark, & Allison Boggis, n.52 at p.26

<sup>54</sup> Kerry H. Robinson, n.51

schools, and are therefore in a position to comment on their experiences of such lessons. In particular, they were invited to comment on what aspects of curriculum content, as well as its delivery, that they found to be good, and what they would have liked to change. In doing this, the research seeks to: firstly, demonstrate that children are able to articulate their preferences in terms of content and delivery of SRE lessons; secondly, argue for the importance of implementing children's suggestions as far as possible; and thirdly, open up future research opportunities around children's learning and understanding of matters relating to sexuality.

### 5.3 Methodology

- *5.3.1 Is researching with children different from researching with adults?*

Although children's and young people's capacities to participate in research is not necessarily different from those of adults, research methods used should take into account children's (potentially different) experiences, competencies, and interests.<sup>55</sup>

In Part I above, I have illustrated that 'childhood' is a socially constructed phase, and that notions of 'childhood' will differ according to time and place. In addition to that however, there is also a view that childhood is 'generational':

Adults have divided up the social order into two major groups – adults and children, with specific conditions surrounding the lives of each group: provisions, constraints and requirements, laws, rights, responsibilities and privileges. Thus... the concept of generation is key to understanding childhood.<sup>56</sup>

The fact that childhood occupies a temporal location in addition to a geographical, social and cultural one would also mean that, even within the same geographical,

<sup>55</sup> See for example: Priscilla Alderson, *Listening to children: Children, ethics and social research* (Barnardo's, 1995); Samantha Punch, 'Research with children: the same or different from research with adults?', (2002) 9(3) *Childhood*, 321-341.

<sup>56</sup> Berry Mayall, 'Conversations with children', in Pia Christensen & Allison James (eds) *Research with children: Perspectives and practices* (Routledge, 2008) at p.109

social or cultural space, one generation of people might experience a different ‘childhood’ to another generation.<sup>57</sup>

The issue of ‘generation’ is especially pertinent to my research approach, in light of the fact that children and young people today have grown up in a digital and technological world which has emerged rather recently, and continues to develop and change at an alacritous rate. Therefore, ‘childhood’ experienced by this generation is arguably vastly different from ‘childhood’ in the generation before them. Hence, research methods should be tailored not only towards specific age-groups of participants, but should also take into account ‘generational issues’.<sup>58</sup> This will be further explored in 3.3.1.2 below.

- **5.3.2 Children in the digital age**

Children and young people today are active members of a digital world. For example, according to research, about 96% of children aged 12-15 in the UK have internet access at home, and spend an average of 18.9 hours per week online.<sup>59</sup>

However, the narrative of children and young people’s usage of the online is again a binary narrative. Where on the one hand such usage is seen to create positive opportunities, on the other hand, it also induces moral panic.<sup>60</sup> The pervasive use of technology and the expansion of the online environment are seen to expose children and young people to risks, such as sexual grooming. Beyond that, they are also blamed for anti-social behaviour, sexualisation, violence, and other ‘negative’ behaviour in children and young people. However, as Buckingham (2009) argues, even before the digital revolution, the television was blamed for most of these

<sup>57</sup> Allison James & Adrian James, ‘Constructing children, childhood and the child’, in Allison James & Adrian James (eds) *Constructing childhood: Theory, policy and social practice* (Palgrave Macmillan, 2004)

<sup>58</sup> Berry Mayall, n. 56

<sup>59</sup> Ofcom, ‘Children and Parents: Media Use and Attitudes Report’, 2015 Available at: <https://www.ofcom.org.uk/research-and-data/media-literacy-research/children/children-parents-nov-15> (accessed 28th July 2019)

<sup>60</sup> See for example: David Buckingham, ‘New media, new childhoods’, in Mary Jane Kehily (ed) *An introduction to childhood studies*, (McGraw-Hill Education, 2008); Guy Merchant, ‘Teenagers in cyberspace: An investigation of language use and language change in internet chatrooms’, (2001) 24(3) *Journal of Research in Reading* 293-306

‘problems’. Hence, blaming digital technology and the online environment for these problems is a form of ‘scapegoating’:

“Like television, the game console or the home computer becomes a convenient bad object onto which we can dump our worries and frustrations – whether they are about violence or immorality or commercialism or sexism or the demise of traditional notions of childhood and family life.”<sup>61</sup>

Hence, my view is that technology is merely a tool or a conduit through which activities (beneficial or harmful) are carried out, and it is the way in which technology is used, and the way in which such usage is controlled or regulated, that bears a positive or negative impact on children and young people. In any case, it is not within the scope of this PhD research to consider all the positive and negative implications of internet and digital usage by children and young people. It is simply argued that because internet usage is already so pervasive, and so much a part of our daily lives, as researchers we should just embrace the online as providing one more creative and comfortable space for doing research.

## 5.4 Selecting a research method

- **5.4.1 Quantitative or Qualitative?**

Whilst quantitative research involves “the use of methodological techniques that represent the human experience in numerical categories”, qualitative research “provides detailed description and analysis of the quality, or the substance, of the human experience”.<sup>62</sup> In other words, quantitative research allows researchers to obtain answers to questions on measurable factors (e.g. ‘how many’ or ‘how much’), whilst qualitative research provides data on the ‘why’ and the ‘what’ of those answers.<sup>63</sup> As the purpose of this PhD research is to understand *what* young people in English secondary schools think of their SRE lessons, *why* they think so, and *what*

<sup>61</sup> David Buckingham, n. 60

<sup>62</sup> Amir Marvasti, *Qualitative research in sociology* (Sage, 2004) at p.7

<sup>63</sup> Wendy Hollway, & Tony Jefferson, *Doing qualitative research differently: Free association, narrative and the interview method* (Sage, 2000)



changes they would make to the content and delivery of the curriculum, qualitative research methods are clearly preferred over quantitative methods.

Due to the nature of communication that takes place within qualitative research methods, there is scope for participants to have greater input into and influence over the research than with quantitative methods. The former is therefore better for promoting participation and for ‘hearing’ participants.<sup>64</sup>

- **5.4.2 Justifying the use of online methods for researching with children**

The active presence of children and young people in the digital world was emphasised in the preceding discussion. It is outside of the scope of this thesis to consider the benefits or risks of their online presence, but it is suggested that the rapid expansion of the online environment will open up new possibilities for children’s and young people’s participation in research. For instance, the UN Committee on the Rights of the Child, in General Comment No.20, highlighted the importance of the ‘online environment’ in strengthening and expanding adolescents’ participation rights, especially in regard to the development, implementation and monitoring of legislation, policies, services and programmes which affect their lives.<sup>65</sup>

Children and young people use the internet for a variety of purposes: education, communication, information-sharing, entertainment, gaming, creative outlets, shopping, and more. As such, “the digital is often the focus of children’s and young people’s liveliest interests and commitments”.<sup>66</sup> In fact, research has shown that many children and young people feel more comfortable, and feel better able to

<sup>64</sup> Importantly however I am not asserting here that my research is fully ‘participatory’ in nature. I am aware that I have determined the research topic, and the research methods, and to an extent, I have also determined the issues that will be discussed in these focus groups. Nevertheless, as will be elaborated below, young people will be consulted on the layout of the focus groups and on the themes that will be discussed.

<sup>65</sup> UN Committee on the Rights of the Child, *Concluding Observations on the Fifth Periodic Report of the United Kingdom of Great Britain and Northern Ireland*, 12<sup>th</sup> July 2016, CRC/C/GBR/CO/5 at para 23

<sup>66</sup> Sonia Livingstone, & Alicia Blum-Ross, ‘Researching children and childhood in the digital age’, in Pia Christensen & Allison James (eds) *Research with Children* (Routledge, 2017)

express themselves, online.<sup>67</sup> Further, perhaps because of their more frequent exposure to digital technologies, children and young people tend to be quicker in adapting to new technology than other sectors of society, and as Merchant (2001) argues, they are sometimes also the innovators and forces of change in the communication landscape.<sup>68</sup>

For starters, they are able to differently mediate their public and private selves online, and to determine which parts of their lives they wish to share and which parts they do not. For example, they may set differing privacy levels on their Instagram, Tumblr, Twitter and Snapchat accounts respectively, and they choose what it is that they share on each of these accounts. They therefore determine not only their own online identities, but also what they communicate online, how and with whom. Interestingly, it has been posited that the internet is a medium of self-performance which allows children and young people to ‘write themselves into being’ in a way that attains a significant audience, something which Livingstone and Blum-Ross (2017) have argued that children have not been able to do in times before the internet. Children and young people have also adapted the internet for their own use and to ‘hide in plain sight’ from the surveillant gazes of adults, e.g by the creation of their own internet language: text speak, slang, abbreviation, memes, etc. In other words, the internet “spaces” tend to empower children and young people in ways which physical “spaces” do not.

In short, because the internet constitutes a social space which is interesting and familiar to children and young people, and in which they have higher degrees of control and power, their participation in research, particularly in social science research, would be maximised or enhanced in an online environment. Hence, if we agree that researchers should try, as far as possible, to make research participants feel at ease when participating in research, then those seeking to do research with children and young people should be willing to bring the research to participants’ doorsteps by providing them with the opportunity to participate in research online.

<sup>67</sup> Sonia Livingstone, et al., ‘Risks and safety on the internet: the perspective of European children: full findings and policy implications from the EU Kids Online survey of 9-16 year olds and their parents in 25 countries’ available at

<http://eprints.lse.ac.uk/33731/1/Risks%20and%20safety%20on%20the%20internet%28Isero%29.pdf>

(accessed 16<sup>th</sup> July 2019)

<sup>68</sup> See Guy Merchant, n.60

There are multiple options for online research which have been employed in research with adults and children alike. Online methods can be divided between synchronous and non-synchronous methods. Synchronous research is research that takes place in ‘real-time’ between the researcher and the participants, and can be carried out on web-conferencing, video-conferencing or chat platforms. Non-synchronous methods on the other hand allow for the researcher and participants to interact at their convenience, and can take place via discussion boards, e-mails and even social networking sites.

## **5.5 Online focus groups as a method for researching children’s opinions on SRE**

- **5.5.1 Why Focus Groups?**

In 3.2.2.3 above, I outlined why a qualitative, rather than quantitative approach, was preferred in this research. Of the available qualitative research methods, individual interviews and focus groups stood out to me as being the most relevant for gathering data of the nature and type that I sought, i.e. *what* young people in English secondary schools think of their SRE lessons, *why* they think so, and *what else* can be taught.

Between in-depth interviews and focus groups, focus groups<sup>69</sup> were a preferable method for conducting this type of research due to several reasons. Focus groups are “carefully planned series of discussions designed to obtain perceptions of a defined area of interest in a permissive, non-threatening environment”.<sup>70</sup> The central feature of a focus group is the encouragement of ‘group interaction’, i.e. that participants should talk amongst themselves, rather than interacting solely and directly with the researcher.<sup>71</sup> Focus groups facilitate the co-production of ideas between participants,

<sup>69</sup> It has been argued that the distinction between focus groups and group interviews is a fine one, and I favour Morgan’s (1997) ‘inclusive approach’ which does not distinguish between the two. See David L. Morgan, *Focus Groups as Qualitative Research* (Sage, 1996) at p.6

<sup>70</sup> Richard A. Krueger & Mary Anne Casey, *Focus groups: A practical guide for applied research* (4th ed, Sage, 2009) at p.2

<sup>71</sup> Rosaline Barbour, *Doing focus groups* (Sage, 2008).

within a specific time and place,<sup>72</sup> and therefore have the potential to generate new ideas about the research, beyond answering the pre-determined research questions. This was particularly appealing to my aim of exploring the topic from the perspectives of my participants, rather than pursuing my own agenda.

Furthermore, power imbalances (between researcher and participants) tend to exist in research involving children or young people,<sup>73</sup> but such an imbalance could be reduced in focus groups.<sup>74</sup> Having several young people together in a group creates a collective power, and they are likely to feel less inhibited or more supported by the presence of other participants to properly express their opinions<sup>75</sup> therefore reducing the power imbalance between researcher and participants (Farquhar & Das, 1999). In addition, having multiple participants promote more organically-flowing conversation and may encourage participants to share their ideas, and lead the discussions, allowing for more participation in the focus groups and for the “co-construction of meaning” between participants.<sup>76</sup> Despite common assumptions to the contrary, focus groups are suitable for, and have been successfully used in discussion about taboo or sensitive topics, because they allow participants to “break the ice” and support each other’s participation,<sup>77</sup> provided of course that care is taken to remind participants not to “over-disclose” in front of each other.<sup>78</sup>

However, focus groups are not entirely unproblematic as a research method. Doubts have been expressed as to whether focus groups actually ‘empower’ participants, even if a participatory, ‘bottom-up’ approach is used, because no ‘empowerment’

<sup>72</sup> Rosaline S. Barbour & John Schostak, ‘Interviewing and focus groups’, in Bridget Somekh & Cathy Lewin (eds) *Research methods in the social sciences*, (Sage, 2005)

<sup>73</sup> See for example: Pia Christensen & Allison James, n.56; Nigel Thomas, & Claire O’kane, ‘The ethics of participatory research with children’, (1998) 12(5) *Children & society*, 336-348.

<sup>74</sup> See for example: Sharon D. Horner, ‘Using focus group methods with middle school children’, (2000) 23(6) *Research in Nursing & Health*, 510-517.; Myfanwy Morgan, et al., ‘Hearing children’s voices: methodological issues in conducting focus groups with children aged 7-11 years’, (2002) 2(1) *Qualitative research*, 5-20.

<sup>75</sup> See for example: Michael Bloor, *Focus groups in social research* (Sage, 2001); Sue Wilkinson, ‘Focus groups in feminist research: Power, interaction, and the co-construction of meaning’ (1998) 21(1) *Women’s studies international forum* 111-125.

<sup>76</sup> David L. Morgan, ‘Focus groups and social interaction’, in Jaber F. Gubrium, et al. (eds) *The SAGE Handbook of Interview Research* (Sage, 2012)

<sup>77</sup> See for example: Jenny Kitzinger, ‘Qualitative research: introducing focus groups’ (1995) 311 *Bmj* 299-302; Jude Robinson, ‘Using focus groups’, in Sara Delamont (ed) *Handbook of qualitative research in education* (Edward Elgar, 2012)

<sup>78</sup> Michael Bloor, n.75

occurs if nothing is done with the findings from the focus groups.<sup>79</sup> Nevertheless, if the mediator is willing to relinquish control of the focus group to participants as appropriate, then focus groups can be empowering in the sense that participants may “generate their own questions, frames and concepts and... pursue their own priorities on their own terms, in their own vocabulary”,<sup>80</sup> thereby, to an extent, dictating the direction and focus of research. As has been discussed earlier, this could result in the production of ideas and lines of questioning that are new to me, as the researcher, and would eventually inform my data and analysis.

It is also acknowledged that focus groups do not necessarily elicit the ‘real views’ of participants.<sup>81</sup> In fact, participants may not say what they actually think or feel in the presence of other participants for a variety of reasons:

“The issue here is not whether or not focus groups can prove an environment which permits frank discussion (undoubtedly they can), but rather whether such frank discussion in the presence of others is necessarily in the interests of the discussants.”<sup>82</sup>

Nevertheless, by encouraging discussions between participants, focus groups allow the researcher to see how far participants are prepared to defend their views in a specific context.<sup>83</sup> In this sense, focus groups allow for participants to be challenged on the veracity and consistency of their views by *other participants* rather than the researcher - something which would not occur in individual interviewing.<sup>84</sup> Further, as they listen to the answers of fellow participants, participants may “qualify or modify a view; or alternatively may want to voice agreement to something that he or she probably would not have thought of without the opportunity of hearing the views of others”.<sup>85</sup>

<sup>79</sup> Rosaline Barbour, n. 71

<sup>80</sup> Rosaline S. Barbour & John Schostak, n.72 at p.5

<sup>81</sup> Rosaline S. Barbour & John Schostak, n.72

<sup>82</sup> Michael Bloor, n.75 at p.16

<sup>83</sup> Rosaline S. Barbour & John Schostak, n.72 at p.42

<sup>84</sup> Rosaline S. Barbour & John Schostak, n.72

<sup>85</sup> Alan Bryman, *Social research methods*. (Oxford university press,2016) at p.502

In short, unlike individual interviews which tap into individual viewpoints, focus groups allow researchers to explore how knowledge, ideas and opinions are constructed, debated and defended in the group setting, through the self-presentation of, and the interaction and communication between, participants.<sup>86</sup> This interaction could encourage participants to delve deeper into discussions, and to reveal “more private, ‘backstage’ behaviours”.<sup>87</sup> This is especially appropriate to the context of this research, as I am seeking not only to elicit the opinions of participants on their SRE lessons, but also to examine the ways in which they express their opinions, how they construct and arrive at those opinions, and the lengths to which they will go to defend them.

Understandably, talking about sex and relationships, even in the context of education or lessons, can sometimes be awkward or embarrassing, even between adults, and could be much more so between young people and an adult researcher. Hence, whilst I felt that focus groups would be preferable over individual interviews for the reasons said above, I also needed a method which provided more privacy, anonymity and confidentiality. This is where I considered conducting the focus groups online.

- ***5.5.2 Conducting Focus Groups Online***

Traditional (face-to-face) focus groups may be especially difficult to conduct with children and young people, due to issues such as time management, transportation and cost and personal safety. Moreover, in a traditional focus group, participants are usually able to see each other, and interact with each other, in person. However, where the research may involve participants who are ‘visibly different’, face-to-face methods may be particularly daunting or uncomfortable.<sup>88</sup> In online focus groups, where participants do not see each other, they are more likely to presume a group homogeneity and less likely to be influenced by the characteristics of other participants<sup>89</sup> - provided of course that their online presence does not contain any

<sup>86</sup> Rosaline Barbour & Jenny Kitzinger (eds) *Developing focus group research: Politics, theory and practice* (Sage, 1999)

<sup>87</sup> Jude Robinson, n.77 at p.392

<sup>88</sup> Fiona E. Fox, Marianne Morris, & Nichola Rumsey, ‘Doing synchronous online focus groups with young people: Methodological reflections’ (2007) 17(4) *Qualitative health research*, 539-547 at p.540

<sup>89</sup> Alan Bryman, n.85 at p.518

identifying features, such as a gendered pseudonym or a location tag. Furthermore, as the research would involve a discussion of sexuality education, which is generally perceived to be a 'sensitive'<sup>90</sup> matter - one which may make children and young people (and even adults) embarrassed or squeamish to discuss in person - there was a need to find a methodology that would combine the perceived benefits of focus group-styled research with privacy.

The solution was to conduct the research synchronously online. Firstly, synchronous (or 'real time') research creates a 'heightened sense of immediacy in chat' which encourages more organic conversation and spontaneity that mimics in-person chats.<sup>91</sup> In addition, the fact that the research is conducted online "offers opportunities to take risks or experiment without the embarrassing consequences associated with face-to-face interaction" because it allows participants to "try out new behaviours in a low-risk situation".<sup>92</sup> Although synchronous online methods are more spontaneous than asynchronous methods, they still offer participants more of an opportunity to reflect on their answers compared to face-to-face methods, which means that participants' responses are likely to be more considered, and that participants are less likely to disclose information 'off the cuff'.<sup>93</sup>

Synchronous, online methods have been successfully used in research with young people on cancer and sexual and reproductive health in Sweden.<sup>94</sup> In a study investigating sensitive topics (such as dating, intimacy, having children) among young persons with a cancer experience, the young people involved reported a positive experience of using online focus groups for the research:

<sup>90</sup> It remains to be discussed whether the nature of this research is truly 'sensitive'. This is explored in more depth in Part IV (B) below.

<sup>91</sup> See, for example: Kate Stewart & Matthew Williams, 'Researching online populations: the use of online focus groups for social research', (2005) 5(4) *Qualitative Research*, 395-416 Carol A. Tutton, 'Lessons learned using web conference technology for online focus group interviews', (2015) 25(1) *Qualitative Health Research*, 122-133.

<sup>92</sup> Guy Merchant, n.60 at p.300

<sup>93</sup> Alan Bryman, n.85 at p.519

<sup>94</sup> See, for example: Anna Jervaeus, et al., 'Exploring childhood cancer survivors' views about sex and sexual experiences-findings from online focus group discussions', (2016) 20 *European Journal of Oncology Nursing* 165-172; Jenny Nilsson, et al., 'Will I be able to have a baby?' Results from online focus group discussions with childhood cancer survivors in Sweden', (2014) 29(12) *Human Reproduction*, 2704-2711; Lena Wettergren, et al., 'Online focus group discussion is a valid and feasible mode when investigating sensitive topics among young persons with a cancer experience', (2016) 5(2) *JMIR research protocols*, e86.

“Participants’ responses to the open questions revealed positive experiences of chatting with others with similar experiences and expressed that the online format made it possible to be anonymous which facilitated sharing of sensitive information.”<sup>95</sup>

- ***5.5.3 Using Adobe Connect as a Platform for Conducting Online Focus Groups***

Having arrived at the decision to use online focus groups, it was then necessary for me to select a programme on which to run these focus groups. The University of Liverpool subscribes to Adobe Connect for use in their training webinars, and I was able to obtain a sub-licence to use the platform under the University’s main licence. As this option was free, it made the Adobe Connect platform my preferred choice for conducting my research, as other webinar platforms are paid platforms, and would add a further cost to the research.

Adobe Connect is marketed as an online web-conferencing and learning tool. As a software with multiple functions, it has innovative features which can then be adapted for use in online focus groups. In Adobe Connect, hosts have the option of using a variety of functions, called ‘pods’: chat, poll, share screen, virtual whiteboard, notepad, weblink share, etc. On top of that, hosts and participants may have the option of using their microphones to chat. The entire session can be recorded and saved to the host’s Adobe Connect account, and this can be shared via weblink with participants, should they be interested in reviewing the session. Adobe Connect allows the host to ‘mix and match’ pods to suit the particular needs of the session. The availability of these various functions maximises the avenues for participants to engage with the session and to express themselves fully and creatively.

Participants can access the focus groups from their preferred locations, and use pseudonyms to preserve their anonymity in relation to other participants, although for safeguarding purposes, the researcher will be aware of participants' identities. Participants can pose questions to the researcher privately via direct message, or

<sup>95</sup> Lena Wettergren, et al., n.94 at p.3



publicly in the chat area, and can withdraw from the research at any time by disconnecting from the online sessions. Given that participants may be shy or embarrassed to express views on this particular topic, online focus groups, in which participants can interact without meeting face-to-face, are best suited to the nature of this research. In addition, there is a suggestion that participants in online focus groups are more likely to perceive a higher level of group homogeneity (Wilkerson et al, 2014), thus potentially removing any power imbalances between participants, and also reducing the power imbalance between researcher and participant which is commonly deemed to exist in research with children and young people.

One criticism of traditional focus groups is that they sometimes result in a “follow-the-leader” situation in which the dominant participants in the focus group expresses the strongest opinions whilst the other less dominant participants merely agree or assent. However, it has been observed that, due to the lack of face-to-face interaction (and therefore a higher degree of perceived anonymity) in online focus groups, participants are more willing to express disagreement with the opinions of other participants. Further, where participants expressed disagreement, this did not lead to negative outcomes, but rather, sparked further discussions.<sup>96</sup> Hence, online focus groups could potentially result in the collection of richer data that more truly reflected participants’ thoughts and opinions.

Synchronous, online methods have been successfully used in research with young people on cancer and sexual and reproductive health in Sweden (Jervaeus et al, 2016; Wettergren et al, 2016; Nilsson et al, 2014), but the method remains relatively unexplored in the United Kingdom. Given that many teenagers and young people consider the internet as an important, if not primary, source of information relating to sexuality and sexual health,<sup>97</sup> the use of an online method to research young people’s views on their SRE is particularly relevant and appealing.

<sup>96</sup> Cory R. Woodyatt, Catherine A. Finneran, & Rob Stephenson, ‘In-person versus online focus group discussions: A comparative analysis of data quality’, (2016) 26(6) *Qualitative health research*, 741-749.

<sup>97</sup> See, for example: Amanda Cohn, & Juliet Richters, “‘My vagina makes funny noises’: analyzing online forums to assess the real sexual health concerns of young people”, (2013) 25(2) *International Journal of Sexual Health*, 93-103; Juliette D. Goldman, & Graham L. Bradley, ‘Sexuality education across the lifecycle in the new millennium’, (2001) 1(3) *Sex Education*, 197-217; Juliette D. Goldman, & Lisa E. McCutchen, ‘Teenagers’ web questions compared with a sexuality curriculum: An exploration’, (2012) 54(4) *Educational Research*, 357-373.

## 5.6 The Study

As discussed above, I have adopted a qualitative, multi-method approach to the fieldwork for this PhD. Online focus groups were introduced as a method of first preference, but where it was not possible to use online focus groups, traditional, or face-to-face focus groups were used instead. This section will discuss the methods of recruitment and selection of participants for the focus groups, which were conducted between January to May 2018.

- **5.6.1 Pilot focus groups**

Although online focus groups have been used before in research with children and young people elsewhere,<sup>98</sup> they are not a common research tool. Therefore, prior to the main study, I ran two pilot focus groups, which were designed to closely mimic the layout of the intended online focus groups. The purpose of the pilot focus group was twofold: i) to test the selected research method for its viability (stability of the focus group platform, user-friendliness, interactivity and function, etc) and ii) to test potential focus group discussion questions against a group of participants who were similar in age to the research participants in schools.

- **5.6.2 Recruitment for the pilot focus groups**

The difficulties and challenges of recruiting schools (and participants from schools) for research is well-documented in the literature.<sup>99</sup> For strategic reasons therefore, I decided to recruit participants for the pilot focus groups from a youth group run by Brook (Merseyside), a sexual health charity for young people under the age of 25. Brook were selected to be my gatekeepers in the research because I had undertaken a

<sup>98</sup> See for example: Fiona E. Fox, Marianne Morris, & Nichola Rumsey, n.88 ; Anna Jervaeus, et al., n.94; Jenny Nilsson, et al., n.94; Lena Wettergren, et al., n.94; Kenzie A. Cameron, 'Adolescents' experience with sex on the web: results from online focus groups', (2005) 28(4) *Journal of adolescence*, 535-540.

<sup>99</sup> See for example: Marti Rice, 'Accessing and recruiting children for research in schools' (2007) 29(4) *Western Journal of Nursing Research*, 501-514; Catriona Oates & Nighet Nasim Riaz, 'Accessing the field: Methodological difficulties of research in schools', (2016) 23(2) *Education in the North*, 53-74 ; Adrienne C. Testa, & Lester M. Coleman, 'Accessing research participants in schools: a case study of a UK adolescent sexual health survey', (2006) 21(4) *Health education research*, 518-526

work placement with them for over 2 years, and consequently, they were aware of my research and happy to provide assistance.

- **5.6.3 Focus groups in schools**

Recruitment of participating schools began after the pilot focus groups were completed, and after I had a chance to review the comments of participants from the pilot focus groups. This gave me the opportunity to modify the layout of the online focus groups, and the focus group interview schedule to better engage participants.

I then began to invite schools to participate in the research. Due to time, budgetary and geographical constraints, only schools in the Merseyside area of the United Kingdom were invited to participate. Further, only pupils from secondary schools were invited to participate, for two main reasons: firstly, the intention was to recruit participants who had experienced SRE, pupils are more likely to receive SRE in secondary school; secondly, there was a concern that it would have been more difficult to obtain ethical approval to research the subject of SRE with primary school pupils.<sup>100</sup>

- **5.6.4 Sampling and recruitment**

I started out using an opportunistic sampling method, sending out emails to schools in the Merseyside area. Each e-mail contained an accompanying letter detailing the aim of the research and what it would entail, and teachers were invited to contact me for further details. I received no responses to this, even when I tried ringing schools up. Therefore, I spoke to my contact in Brook, who sent out the invitation e-mail to the schools they were either working, or had worked, with.

This received a much better response: five schools responded with further inquiries, but one later pulled out, citing scheduling difficulty. Focus groups were conducted in all 4 remaining schools, but there were some differences in the way they were conducted, due to issues arising in the field. These are discussed below.

<sup>100</sup> The ethical difficulties are further documented in section 5.7 below.

- **5.6.5 Breakdown of focus groups**

As discussed previously, I have conducted focus groups with about 80 young people, between 11-16 years of age, from two youth groups and four secondary schools/institutions in the Merseyside area, to explore their experiences of school-based SRE,<sup>101</sup> as well as the other ways in which they acquire information or advice on relationships and sex. A detailed breakdown of each focus group, alongside any field observations and reflections, are recorded herewith.

- *Pilot Focus Groups*

Participants from the Pilot Focus Groups were recruited from a youth group run by Brook (Merseyside). I attended the youth group in question on several occasions, to introduce myself to potential participants and to tell them about the research. Members of the youth group were then invited to participate in the research and were given the opportunity to ask questions about the research to their satisfaction. It was also made clear to all that their participation in the online focus groups was voluntary, and that it would not affect any of their rights to use Brook’s services.

Two pilot focus groups were conducted with members of the aforementioned youth group on two separate occasions, in a youth activity centre, where the youth group met each week. Those who had opted to participate in the research were asked to step out of the youth group into a separate room, where laptops had been set up for them to join the online focus groups. Each focus group lasted for about an hour. The first pilot group had two participants, while the second had four. Both focus groups comprised of mixed-gender participants.

	<b>Number of Participants</b>	<b>Gender of Participants</b>	<b>School Year</b>
<b>Pilot Focus Group 1 (PFG1)</b>	2	Mixed	Mixed

<sup>101</sup> A breakdown of the composition of these focus groups is contained in Appendix I below.

<b>Pilot Group (PFG2)</b>	<b>Focus</b> 2	4	Mixed	Mixed
---------------------------	-------------------	---	-------	-------

- *School 1*

School 1 was a Church of England mixed-sex High School. Three focus groups were arranged to be conducted here – with pupils from Years 8, 9 and 10 respectively. I discovered on the day that I could not use online focus groups in the school, because the firewall settings prevented access to any programme or software that had not been approved by the IT department. Students were also limited in terms of what they could do on the school computers, and the IT support team were not able to grant them temporary access to Adobe Connect for the research. Hence, I had to use in-person focus groups at this school.

Further, although in my e-mail correspondence with the liaison teacher, I had asked for five participants per focus group, the teacher had arranged for 20 participants to attend each one. I found it really difficult to keep control of the focus groups, given that I was on my own, without an accompanying teacher, and that I was a stranger to the pupils. The pupils had not been told beforehand that they would be participating in the research, and so when they were called into the room where the focus groups were being conducted, I had to explain the research and take their consent – again, this was a rather messy and chaotic exercise due to the numbers in the room.

The first focus group in the school was particularly difficult – primarily because I had not been expecting the numbers, and also because they were a younger group. The second and third focus groups went much better because I had anticipated what the group would be like, and was able to establish control of the room from the get-go. In order to make the groups more manageable, I asked the participants in the room to divide themselves into two sub-groups. In the first focus group, I asked the participants to select one person within each sub-group to read out the questions (from the focus group schedule) and the rest to answer the questions. I then moved between each sub-group to listen in and move conversations along. In the second and third focus groups, I read out the questions, and asked participants to discuss their

answers within their sub-groups. Where necessary, I posed further questions to each-subgroups. Recording devices were placed with each sub-group to capture their discussions.

Due to this system, six transcripts were produced from the three focus groups that were held in this school.

	<b>Number of Participants</b>	<b>Gender of Participants</b>	<b>School Year</b>
<b>School 1 Focus Group 1a (S1FG1a)</b>	18	Mixed	Year 8
<b>School 1 Focus Group 1b (S1FG1b)</b>		Mixed	Year 8
<b>School 1 Focus Group 2a (S1FG2a)</b>	18	Female	Year 9
<b>School 1 Focus Group 2b (S1FG2b)</b>		Female	Year 9
<b>School 1 Focus Group 3a (S1FG3a)</b>	17	Male	Year 10
<b>School 1 Focus Group 3b (S1FG3b)</b>		Female	Year 10

- *School 2*

This was a grammar school for girls aged 11-18. Three focus groups were conducted, each lasting one lesson period (about 1 hour). All focus groups were conducted online, and the participants attended the focus groups on their school's iPads. Each focus group comprised of five participants, and myself as moderator.

Participants were ‘selected’ by the liaison teacher from the classes she was teaching. In order to avoid issues around consent, I made sure to check that they were happy to participate in the research before proceeding, and I also mentioned that they were free to refuse to answer any of my questions if they did not want to answer them. All participants positively indicated their agreement to take part in the research, and in fact did participate.

Due to the school’s safeguarding policy, I was not allowed to be on my own with the participants, without a supervising teacher. Therefore, the first focus group took place in the classroom next to the one in which the supervising teacher was teaching, and the door had to be left open so that she could keep an eye on us. The second and third focus groups took place in the same classroom as their main lessons. While the other students were assigned work on computers, the five participants in the focus groups were asked to sit around me in a circle and the focus groups were conducted there. However, because these were done online, the teacher and the other students could not overhear what was being discussed.

	<b>Number of Participants</b>	<b>Gender of Participants</b>	<b>School Year</b>
<b>School 2 Focus Group 1 (S2FG1)</b>	5	Female	Year 9
<b>School 2 Focus Group 2 (S2FG2)</b>	5	Female	Year 9
<b>School 2 Focus Group 3 (S2FG3)</b>	5	Female	Year 9

- *School 3*

School 3 was a school for excluded pupils. Focus groups at this school were slightly different to the ones in the other schools, because of the heightened safety

procedures in school. The teacher strongly discouraged the use of iPads with students, and as such, online focus groups could not be conducted. Further, there were two to three teachers in the room as the focus groups were conducted, and at points, they participated in the discussions, either to ask further questions, or to reprimand students.

Four focus groups were conducted at this school, and all participants were boys. The focus groups were conducted during scheduled social sciences lessons. The boys were of mixed ages, and they were free to enter and leave the classroom as they pleased, so I was unable to record data on the number of participants present as well as their respective school years. In the first focus group conducted, a disciplinary issue occurred which meant that the focus group had to be terminated fairly early in. Another disciplinary issue occurred in the third focus group, and I opted to end that session early too.

	<b>Number of Participants</b>	<b>Gender of Participants</b>	<b>School Year</b>
<b>School 3 Focus Group 1 (S3FG1)</b>	N/A	Male	Mixed
<b>School 3 Focus Group 2 (S3FG2)</b>	N/A	Male	Mixed
<b>School 3 Focus Group 3 (S3FG3)</b>	N/A	Male	Mixed
<b>School 3 Focus Group 4 (S3FG4)</b>	N/A	Male	Mixed

- *School 4*

School 4 was an all-girls' college, where one focus group was conducted with a group of six participants. Prior to conducting the focus groups, I gave a ten-minute



presentation to all Year 10 students, telling them about the research and inviting them to participate. Those who were interested were asked to collect participant information sheets and parental consent forms<sup>102</sup> from the liaison teacher. The liaison teacher was also my contact person, and she arranged for the focus group to be conducted at a date and time that would suit the timetables of all the participants who were interested in taking part.

It was decided that the focus group would be held in the school library, as the computers and IT facilities were located there. I had communicated with the school's IT lead to arrange for Adobe Connect to be downloaded onto those computers, and for any firewalls/access issues to be removed, for the duration of the research. However, on the day of the focus group, I was unable to log in to the Adobe Connect system, despite trying on various devices (school computer, personal laptop, iPad, phone). In consequence, I could not 'host' the focus groups online, and had to conduct the focus group face-to-face. Although the teacher approved this, I was not allowed to record the focus group discussions because we had not obtained explicit permission from participants' parents to do so.

The focus group was still held in the school library, which was shut to the other students for its duration. The librarian was present, but sat in her office with the door closed. The liaison teacher, who is also the safeguarding teacher, had to be present in the same room while the focus group was taking place, so she sat in the corner of the library doing some of her own work. Her presence however did not appear to deter the students from answering or offering critical comments on their SRE. It might have helped that the students seemed to have a good rapport with said teacher, as they addressed her by first name and were joking around with her before the focus group started.

I took contemporaneous notes of the focus group discussions. These were read back to the participants at the end of the focus group, and they were asked to confirm that this accurately reflected what they had said in the focus group. The group had excellent dynamics – participants were supportive of each other and built on each

<sup>102</sup> School 4 was the only school that required parental consent for participants to take part in the research.

other’s answers. Two participants were especially vocal, in that they said more than everyone else, but all participants piped in when they had something to contribute or nodded along to answers they agreed with. All participants were therefore very engaged throughout the focus group discussions. The focus group lasted for about an hour (one school period).

	<b>Number of Participants</b>	<b>Gender of Participants</b>	<b>School Year</b>
<b>School 4 Focus Group 1 (S4FG1)</b>	6	Female	Year 10

- ***5.6.6 Additional note on focus group data reporting***

It should be noted that for authenticity, the online focus group discussions are reproduced as is, unless indicated otherwise – these may therefore include spelling and grammatical errors in the transcript. Further, in transcribing the in person focus groups, I have been unable to identify the voices of individual participants, and therefore, where there is a gap or pause in the recording before the next response, I have typed the response into a new line, whether or not it may have come from the same person. Finally, the ‘...’ in between lines is used to indicate where a question or response in the discussion has been removed, because it is irrelevant in the context of the specific discussion.

## **5.7 Ethical Issues**

The research has adhered to general ethical guidelines and good practice throughout. I had Disclosure and Barring Services (DBS) clearance before starting the fieldwork, and was transparent at all times with my participants about the purpose of the research, how their data would be used and stored, and their right to withdraw from the research at any point prior to the anonymization of data. Participants were given age-appropriate information sheets (see appendices to this chapter) and their informed consent was sought for the research. Participants’ anonymity and confidentiality were ensured as far as possible within a focus group setting, but

participants were informed that my reporting responsibilities would be triggered if they discussed anything which made me feel concerned about their safety or the safety of another person.

Prior to conducting the fieldwork, ethical approval was sought from the University of Liverpool's Committee on Research Ethics (the Committee). In this section, I will discuss some of the particular concerns raised by the Committee in relation to earlier drafts of the methodology, and the changes that were made in order to obtain ethical approval. I will also incorporate some reflections on ethical issues that arose in the field. The Committee's concerns are neatly summed up by this comment made by them in relation to the first ethics application submitted to them:

“It is not normally acceptable from an ethics point of view, not to insist on explicit parental consent for research on sensitive topics with young people under 16. The justification given relates to the research's belief in the agency of the child and rights of children to answer for themselves. However, there are considerable reputational risks for the University, should a parent discover their child discussing sexual matters with an unknown adult on a chatline.”

Three specific themes emerge from the Committee's comment above (alongside all the other comments made), namely: i) the fact that the research involves a 'sensitive' topic, namely "sexual matters"; ii) the fact that the research was being done online, i.e. what was perceived to be a "chatline"; and iii) the fact that participants were going to be recruited without prior parental consent. These will be discussed below.

- **5.7.1 Research involving a 'sensitive' topic**

As mentioned above, the Committee specifically labelled the research topic as being 'sensitive'. Matters relating to sex and sexuality have traditionally fallen under this label:

“...certain topics, for example sex, are perceived as taboo, crossing some invisible yet powerful boundaries which have been constructed

around children and childhood to protect the discursively constructed innocence of childhood itself. The potential implications of this for research with children are that particular groups perceived as ‘vulnerable’, particular situations or contexts thought of as ‘inappropriate’ and particular topics constructed as taboo or sensitive, risk becoming marginalised by both researchers and the groups and committees that govern research for the very risks to the social order that they pose.”<sup>103</sup>

However it was stressed to the Committee that the research in question would not actually involve a discussion of participants’ sexual knowledge or experiences, but merely what they thought of their SRE lessons in school. Thus, although the school subject in question related to sexuality and relationships, the research itself was a qualitative review of *participants’ experiences of lessons in school*, which, it was argued, was not sensitive. This argument was not accepted by the Committee. In many ways therefore, the determination of whether a topic is sensitive or not appears to be a rather subjective exercise:

“... [which] is often simply assumed and rarely interrogated, an unreflected moral order in the ways in which we research with children.”<sup>104</sup>

Relating to the issue of sensitivity is that of children’s perceived innocence and lack knowledge on matters relating to sexuality, which contributes to a belief that they need to be protected from such knowledge. Any exercise or activity (such as this research) that could potentially expose children to such knowledge was therefore treated with suspicion by the Committee.

- **5.7.2 Conducting research online**

<sup>103</sup> Sarah Richards, Jessica Clark, & Allison Boggis, n.52 at p.28; See also Anna Sparrman, ‘Access and gatekeeping in researching children’s sexuality: Mess in ethics and methods’, (2014) 18(2) *Sexuality & Culture*, 291-309; and Louisa Allen et al., ‘Who’s afraid of sex at school? The politics of researching culture, religion and sexuality at school’, (2014) 37(1) *International Journal of Research & Method in Education*, 31-43.

<sup>104</sup> Sarah Richards, Jessica Clark, & Allison Boggis, n.52 at p.27

The Committee was also very wary of the chosen (online) research method, comparing it with a ‘chatline’. It is unclear what they meant or understood by ‘chatline’, but taken in the context of the rest of the statement (i.e. the fear of parents discovering their children on a chatline with an unknown adult), the implication seemed to be that the online focus groups were insidious and worthy of suspicion. It was also unclear whether the Committee was taking the perspective that the ‘online’ nature of the research made it riskier, or whether the fears related to how the research (and the University) would be perceived if it was ‘discovered’ by parents.

These comments reflect broader feelings about children’s use of online spaces and digital technologies, particularly around the concept of the ‘Dionysian’ child, who is “prone to access inappropriate imagery or place themselves at risk by conversing with strangers and whose online behaviour should be surveilled or restricted in the name of protection, both for the child and for wider society”.<sup>105</sup> As such, risks about children’s online interactions tend to “dominate conversations about how to conduct research in this arena: for example, how to assure informed consent or the verification of identity”.<sup>106</sup>

In reality, the research method was far from being a ‘chatline’. Focus groups were set up on secure software, specifically for the purpose of the research. Participants’ would have been recruited via schools and as such, their identities could have been verified, even if the research was subsequently conducted remotely.<sup>107</sup> Further, participants would have required individual passwords to access the focus groups, and thus, it was not a ‘space’ that was open to the public. In that sense, allowing participants to attend the focus groups remotely, from locations of their choice, could actually have afforded them more comfort, privacy and security from being overheard or identified by others.

However, one very legitimate concern raised by the Committee was in relation to safeguarding. There was a concern that, given the research topic, if participants

<sup>105</sup> Sarah Richards, Jessica Clark, & Allison Boggis, n.52 at p 53

<sup>106</sup> Sarah Richards, Jessica Clark, & Allison Boggis, n.52 at p 54

<sup>107</sup> It is admitted that participant verification could only have been done to a certain extent – the focus groups would have been accessed remotely, so there was a possibility, albeit slight, that someone else could have posed as a participant during the course of the focus group. This is an inherent weakness of non-face-to-face methods, but has not traditionally been a hurdle to their use.

happened to discuss an issue that raised safeguarding concerns, that needed to be acted upon immediately. An online method that did not offer me immediate access to participants in case of a safeguarding issue was therefore of concern to the Committee.

- **5.7.3 Working with young people without parental consent**

Initially, I had not planned to seek parental consent for participants to take part in the research. This was for three main reasons. Firstly, the research is underpinned by the belief that children are agents in their own rights, and have a right to express their opinions. It would be antithetical then to have parents giving the final say on whether their children could take part in the research. As has been said elsewhere:

“The requirement to gain parental consent can also impact on young people’s autonomy if young people are keen to consent for their own participation, but parents do not want them to be involved.”<sup>108</sup>

Secondly, I sought to apply the principle of *Gillick* competence in my research, meaning that a participant should be able to consent in their own right to participate in the research, so long as they have “sufficient understanding and intelligence to enable him or her to understand fully what is proposed”<sup>109</sup>. In *Gillick* it was also stated that the question of whether the child had such understanding to give valid consent is a question of fact, specific to the child in question, and does not relate to the age of the child. English courts have also held that parental rights guaranteed under Article 8 (respect for private and family life) were not infringed where medical professionals provided sexual health advice and treatment to those aged under 16, so long as the young person in question was able to understand the advice or consequences of treatment.<sup>110</sup> In relation to research therefore, the competence issue

<sup>108</sup> Rony E. Duncan, ‘Is my mum going to hear this? Methodological and ethical challenges in qualitative health research with young people’ (2009) 69(11) *Social science & medicine*, 1691-1699 at 1695

<sup>109</sup> *Gillick v West Norfolk and Wisbech Area Health Authority* [1986] AC 112 at 189.

<sup>110</sup> *R (on the application of Axon) v Secretary of State for Health and Anor* [2006] EWHC 37 (Admin)

“depends partly on the context and partly on precisely what they are consenting to undertake”.<sup>111</sup>

As has been discussed above, the research in question concerns secondary school pupils’ experiences of SRE lessons – hence, participants were all of secondary school age, and would have had some experience of receiving SRE lessons prior to taking part in the research. They were therefore very likely to have the necessary competence and experiences to give informed consent, in the *Gillick* sense, to participating in the research, and I strongly felt that there was no need to introduce an additional layer of (parental) consent before they could be involved.

Finally, the principle of *Gillick* competence means that, in England, children and young people can access sexual health and contraception advice without parental approval, so long as they demonstrate the necessary understanding of what is involved, and there are no safeguarding concerns.<sup>112</sup> It would therefore seem ironic to require parental consent for them to be involved in research around their experiences of sexual health *education*, which as has been argued above, is not a sensitive topic *per se*. Further, requiring parental consent would have necessitated pupils talking to their parents to seek permission, and given the general discomfort some pupils feel at discussing matters relating to sexuality with their parents,<sup>113</sup> it was felt that requiring parental consent would have discouraged some pupils from taking part in the research. Per guidance from the Economic and Social Research Committee (ESRC):

“Researchers should consider whether mature children can confirm consent without adult approval; for example, there may be circumstances where seeking consent from parents could jeopardise the research (for instance, in research into teenage sexuality or alcohol use).”<sup>114</sup>

<sup>111</sup> Virginia Morrow & Martin Richards, ‘The ethics of social research with children: An overview (1)’, (1996) 10(2) *Children & society*, 90-105 at p. 95

<sup>112</sup> As affirmed in *R (on the application of Axon) v Secretary of State for Health and Anor* [2006] EWHC 37 (Admin)

<sup>113</sup> The issue of comfort and discomfort will be explored in Chapters 6 and 7

<sup>114</sup> ESRC, ‘Frequently Asked Questions: Consent from children’, available at <https://esrc.ukri.org/funding/guidance-for-applicants/research-ethics/frequently-raised-topics/research-with-children-and-young-people/> (accessed 25<sup>th</sup> April 2019)

However, the University Ethics Committee was really uncomfortable at the idea of allowing pupils to participate in the research without explicitly parental consent. This again goes back to the paternalistic assumption that children are ‘vulnerable’ and require protection from adults, who are presumed to act in their best interests:

“Children’s voices are silenced by adults’ certainty about their capacity to act in children’s best interests combined with their absence from decision-making”.<sup>115</sup>

- **5.7.4 Compromises made – and evaluations thereof**

- i. Conducting the research in schools*

As mentioned above, the Committee was concerned that the nature of the research meant that if a safeguarding issue were to arise, it would need to be dealt with speedily, and that allowing participants to attend the focus groups from their home could cause a delay in response in such cases. Hence, to ease the Committee’s fear, I agreed to conduct the research in schools, during school hours. This meant that in the event of a safeguarding issue, I could approach the participant without delay, and further, that I could call upon a teacher for assistance. It would also deal with the Committee’s concerns that parents would inadvertently discover their children chatting about sex online with an unknown adult.

Although they would be conducted on school grounds, I decided to still try and use online focus groups in the first instance, but to have the option to fall back upon in-person focus groups where necessary. This is because online focus groups still offered some benefits, such as reducing participant discomfort around discussing sexuality face-to-face, and potentially reducing the risk of being overheard by teachers. This is in light of the fact that schools sometimes have strict safeguarding policies. 3 of the 4 schools I went to had a policy that visitors could not be on their

<sup>115</sup> Nicola Atwool, *Who cares?: the role of attachment assessments in decision-making for children in care* (Doctoral dissertation, University of Otago, 2008) at p.59. See also: Louisa Allen, ‘Caught in the act’: Ethics committee review and researching the sexual culture of schools.(2009) 9(4) *Qualitative Research*, 395-410.



own with pupils in the absence of a teacher to supervise. This was the case even though I had Disclosure and Barring Services (DBS) clearance. Hence, the focus groups had to be conducted with the teachers either present in the same classroom, or close enough to keep an eye on us. Where in-person focus groups were used, there was a risk of being overheard by the supervising teachers, and this could have influenced what participant chose to say (or not say) in the circumstances. Further, schools have traditionally been seen as “sites of surveillance”,<sup>116</sup> and therefore, there is a potential that students might not have contributed to the research as freely as they would have if it was conducted outside of school premises.

Further, as has been explained in section 3.5 above, setting up the online focus groups in schools was difficult, and in many schools, I was unable to use them, either due to extensive firewall protection, or simply software unavailability. Hence, while on the one hand, accessing participants in schools meant that I could guarantee their attendance and would not have to find a time outside of school hours to schedule a meeting, on the other hand, the use online focus groups would arguably have been more successful and beneficial if participants could have accessed the focus groups from locations of their choice (e.g. their own homes) as originally planned.

Doing the research in schools also meant that the teachers could really get involved with recruitment and sampling. In almost all the schools I worked with, teachers ‘chose’ the students to participate in the research. I was not entirely comfortable with this, as it raised concerns around whether participants were truly consenting to take part in the research.<sup>117</sup> However, I felt like I was relying on teachers’ goodwill in conducting the research as they had taken time out of their work schedule to organise the research, and therefore, I felt powerless to question the school structure. To make up for this though, I stressed to all participants that their participation was voluntary, and that they could leave the research to go back to their regular lessons at any time, without repercussions. I also said that if they did not feel like participating, they were free to refuse to respond to my questions.

<sup>116</sup> Emmeline Taylor, ‘The rise of the surveillance school’, in Kirstie Ball, Kevin Haggerty & David Lyon (eds) *Routledge handbook of surveillance studies* (Routledge, 2012) at 225

<sup>117</sup> See also: Virginia Morrow & Martin Richards, n. 111.

Having to conduct the research in schools may also have had an effect on the data that was produced. For example, it has been suggested that in schools, participants were “insiders” whereas I, the researcher, was an “outsider”, and this could have further reduced the power imbalances between myself and my participants. However, schools are sometimes associated with certain types of disciplinary behaviour, and participants who were selected by their teachers may already have been asked to be on their best behaviour for me, which could mean that they may not have said what was *really* on their mind.<sup>118</sup>

*ii. Going by schools’ consent/assent policies*

As for the Committee’s concern that parents would not be notified about their children’s participation in my research, it was agreed that, since the research would be done in schools, I would abide by the individual schools’ policy on obtaining approval/consent from parents. Only one school required explicit parental consent for pupils to take part in the research, but the administering of the relevant forms was dealt with by the liaison teacher, so it is unclear whether, if at all, the parental consent requirement deterred or prevented any pupil from participating in the research.

*iii. Reminders to not over-disclose*

Finally, in relation to the Committee’s concerns around the sensitivity of the research topic, and that participants might disclose information that they subsequently regretted, my response was to include strong reminders to participants about the nature of focus groups and the fact that I could not guarantee that their contributions in the focus groups would not be repeated by other participants, outside of these groups. I also made participants aware of my safeguarding duties, and the procedure that would be followed if anything was mentioned in the course of the research that would trigger my reporting responsibilities. Finally, I reminded participants to be

<sup>118</sup> Faith Gibson, ‘Conducting focus groups with children and young people: strategies for success’, (2007) 12(5) *Journal of research in nursing*, 473-483 at p.476

careful not to discuss any personal information about themselves, or any other person, during the research.

However, it has been reported that the use of ‘distancing techniques’ (e.g. discouraging young people from disclosing personal issues for the purposes of confidentiality) could lead them to disengage.<sup>119</sup> This could also have implications on the quality of data collected. This seemed to work better where online focus groups were used, because participants could think about their answers before typing them into the group chat. Where in-person focus groups were used however, participants did tend to mention names or share personal stories in their discussions, although these were subsequently redacted from the transcripts where they did not relate to the focus group discussions.

## 5.8 Data Analysis

- **5.8.1 Analytical approach**

A thematic analysis approach was adopted in analysing the data from the focus groups conducted. Thematic analysis is a flexible approach which is “independent of theory and epistemology”<sup>120</sup> and was selected because it provides an easily understandable and intuitive framework for analysis. Thematic analysis “move[s] beyond counting explicit words or phrases and focus[es] on identifying and describing both implicit and explicit ideas within the data, that is, themes”.<sup>121</sup>

A theme is “an *extended phrase or sentence* that identifies what a unit of data is *about* and/or what it *means*”.<sup>122</sup> In other words, it “captures something important about the data in relation to the research question, and represents some level of patterned response or meaning within the data set.”<sup>123</sup> Braun and Clarke caution

<sup>119</sup> Pandora Pound, et al. ‘What is best practice in sex and relationship education? A synthesis of evidence, including stakeholders’ views’ (2017) 7(5) *BMJ open*, e014791 at p.6

<sup>120</sup> Virginia Braun & Victoria Clarke, ‘Using thematic analysis in psychology’ (2006) 3(2) *Qualitative research in psychology*, 77-101 at p.78

<sup>121</sup> Greg Guest, Kathleen M. MacQueen & Emily E. Namey, *Applied thematic analysis* (Sage, 2011) at p.10

<sup>122</sup> Michael A. Huberman, Matthew Miles, & Johnny Saldaña, *Qualitative data analysis: A methods sourcebook* (Sage, 2014) at p.73 (original emphasis)

<sup>123</sup> Virginia Braun & Victoria Clarke, n.120 at p.82 (original emphasis)

against saying that themes ‘emerge’ from the data – rather, themes are identified by the researcher based on their “own theoretical positions and values in relation to qualitative research”.<sup>124</sup> Hence, the research questions, and the researcher’s subjective positioning, influences their selection, presentation and analysis of themes from the findings.

- **5.8.2 Analytical process**

There are many ways to approach thematic analysis, but the approach most prevalent in the social sciences is Braun & Clarke’s 6-step framework.<sup>125</sup> The six steps in the framework are: i) familiarising oneself with data; ii) generating initial codes; iii) searching for themes; iv) reviewing themes; v) defining and naming themes; and vi) producing the report.<sup>126</sup>

In familiarising myself with my data, I copied and pasted the online focus group transcripts from Adobe Connect into Microsoft Word documents for storage, and then read over them several times. I personally transcribed the audio recordings from the in-person focus groups, and as I had to listen to the recordings several times over to ensure accuracy of transcription, I also had a chance to familiarise myself with these transcripts.

I then started identifying initial codes from the data. Coding is the process of “reduc[ing] lots of data into small chunks of meaning”.<sup>127</sup> It can be *inductive*, i.e. “working from the data to identify meaning without importing ideas”, or *deductive*, i.e. approaching the data “with various ideas, concepts and theories or even potential codes based on such, which are then explored and tagged within the dataset”.<sup>128</sup> Coding is also meant to be organic, open, and iterative, and codes are not fixed –

<sup>124</sup> Virginia Braun & Victoria Clarke, n.120 at p.80

<sup>125</sup> Moira Maguire & Brid Delahunt, ‘Doing a thematic analysis: A practical, step-by-step guide for learning and teaching scholars’, (2017) 9(3) *The All Ireland Journal of Teaching and Learning in Higher Education*, at p. 3351-33514 at 335

<sup>126</sup> Virginia Braun & Victoria Clarke, n.120

<sup>127</sup> Moira Maguire & Brid Delahunt, n.125

<sup>128</sup> Virginia Braun, et al., ‘Thematic analysis’, In Pranee Liamputtong (ed) *Handbook of research methods in health social sciences* (2019, Springer) at p.11

they can evolve throughout the coding process.<sup>129</sup> In fact, caution must be exercised in order to not “become too tied to the initial codes” constructed.<sup>130</sup>

The generation of codes was done manually, on a Microsoft Word document, without the aid of software. I read through the transcripts, highlighted and wrote down potential codes within the text. In this sense, the process was inductive, in that the codes were drawn from the actual focus group transcripts, although in generating codes I was, to an extent, informed by literature on pupils’ views of SRE in school that had been conducted in different parts of the United Kingdom. Both *semantic* and *latent* codes were identified – the semantic (or overt) codes were drawn directly from what participants were saying about their experiences of SRE lessons, whereas the latent (or implicit) codes related to things such as gendered differences in what they were saying, or how they expressed their feelings about lessons. Codes were revised throughout the coding process.

Following the coding stage, I began to identify themes in the data that would answer my research questions. Codes differ from themes – the former summarise and describe data, whereas the latter involve the “interpretive analysis of data”<sup>131</sup> Themes therefore tend to be broader than codes, and the process of identifying themes involved sorting and collecting the existing codes into broader potential themes. In identifying these themes, I focussed on several questions that the research aimed to answer, namely:

- i) where do young people prefer to go for information or advice on sex and relationships?
- ii) what do young people think about SRE in school? and
- iii) how can we make school-based SRE better for young people?

Once all the potential themes had been identified, I moved on to the reviewing stage. In Braun and Clarke’s model, this stage involves “two levels of reviewing”, namely: i) reviewing the coded data to make sure they form a coherent pattern; and ii) going over the entire data set to “ensure the validity of individual themes” and to ensure

<sup>129</sup> Virginia Braun, et al., n.128 at p.6

<sup>130</sup> Graham R. Gibbs, *Analyzing qualitative data*. (Sage, 2007) at p.46

<sup>131</sup> Virginia Braun & Victoria Clarke, n.120 at p.88

that themes “accurately reflect the meanings evident in the data set”.<sup>132</sup> In going over the data set again, I also identified and highlighted other parts within the data that went to support or dispute particular themes. At the end of the reviewing stage, I was able to finalise my themes and identify the sub-themes therein. Following this, I wrote up the findings from the focus groups, not only in the thesis, but also in a short report distributed to participating schools and the gatekeeping organisation I had worked with.

## **5.9 Limitations**

In this research, my aim was to observe good practices in relation to involving children and young people in research. For example, I have tried to use an online method to engage with young people in the hopes of making them feel more comfortable with the research process, and I have tried to position their consent as being the most important factor in determining their own participation in the research. In analysing the data, I have used a method which allows me to identify codes from what the research participants were saying, and, as will become evident in Chapters 6 and 7, I have tried to stay as true as possible to the language used by participants. I have also produced a research report in child-friendly language and format, so that the young people involved in the research will be able to see the outcomes of their participation. Nonetheless, the research is not without its limitations. The limitations of the research are identified and discussed below.

- **5.9.1 Location of focus groups**

The majority of the focus groups in this research were conducted on school premises, during school hours.<sup>133</sup> Schools are often deemed to be “sites of surveillance”,<sup>134</sup>

<sup>132</sup> Virginia Braun & Victoria Clarke, n.120 at p.91

<sup>133</sup> With the exception of the two pilot focus groups, which were conducted at a youth activity centre, where the young people were meeting for their youth group

<sup>134</sup> See, for example: Andrew Hope, ‘Biopower and school surveillance technologies 2.0’, (2016) 37(7) *British Journal of Sociology of Education*, 885-904; Jen Weiss, “Eyes on Me Regardless”: Youth Responses to High School Surveillance’, (2007) 21 *Educational Foundations*, 47-69; Emmeline Taylor, n.116.

which employ disciplinary techniques to produce “docile bodies” (or pupils).<sup>135</sup> In school, pupils are expected to behave in particular ways, for instance, by raising their hand before they speak, or by not saying things that could be deemed to be “inappropriate”, which, arguably, could have had an impact on the data collected from participants.

As has been highlighted above, working in schools also meant having to follow schools’ safeguarding policies, which, in some cases, meant that the focus groups had to be conducted in the presence of, or under the supervision of, school teachers. It is therefore unclear whether students felt the need to self-censor to avoid being overheard, or upsetting their teacher. As has been pointed out, “... children interviewed in school are already in a power relation with teachers and have various rote responses in that context”.<sup>136</sup>

In addition, being in schools meant that participants tended to be selected, or suggested, for me, and it is possible that the pupils were selected on the basis of their behaviour. In one school, after all the focus groups had been conducted, their teacher commented that the focus groups should have gone well because the pupils invited to participate were “good pupils”. In another, the teacher picked out five pupils from each of her classes to participate in the research. The basis on which these students were selected was unclear, but it could well have been that these were the students perceived to be the best behaved in those classes. In a third school, participants were reminded by their teacher to “behave” because they were interacting with a “visitor” (me). This could potentially mean that the data collected was skewed – either because participants were suggested on the basis of their perceived (favourable) views on SRE lessons, or because they were constantly reminded to be on their best behaviour, which could have influenced what they chose to say and what not to say. Another issue which could be pertinent is whether teachers’ selections could have affected the focus group dynamics – but without more information, it is not possible to explore this in more depth.

<sup>135</sup> See, for example: Andrew Hope, n.134; Lizbet Simmons, ‘The docile body in school space’, in Torin Monahan, & Rodolfo D. Torres (eds) *Schools under surveillance: Cultures of control in public education* (Rutgers University Press, 2009).

<sup>136</sup> Anne D. Greig, Jayne Taylor, & Tommy MacKay, *Doing research with children* (2<sup>nd</sup> ed, Sage, 2007) at pp.92-93

- **5.9.2 Sample size**

Due to time and budgetary constraints, the research was limited to the Merseyside area. Although the sample size is reasonable, involving over 80 pupils, there may be questions about the validity of the research findings, and, more importantly, how generalisable they are to the rest of England.

Generalisation, sometimes known as ‘external validity’ or ‘transferability’, refers to whether the findings from the particular context can be applied to people in other contexts as well. Ritchie and Lewis (2003) suggest three different types of generalisation:

- i. *representational* generalisation: the question of whether what is found in a research sample can be generalised to, or held to be equally true of, the parent population from which the sample is drawn.
- ii. *inferential* generalisation: the question of whether the findings from a particular study can be generalised, or inferred, to other settings or contexts beyond the sampled one.
- iii. *theoretical* generalisation which draws theoretical propositions, principles or statements from the findings of a study for more general application.

137

In conducting the research, I attempted to recruit from as diverse a group as possible, by involving youth groups, schools, as well as alternative education providers. In consequence, the research participants differed in age, gender, and ethnic backgrounds. Some research participants also identified as being LGBTQ+. As such, it is hoped that the sample is representational of pupils in English schools. Further, the findings collected add to the body of evidence establishing young people’s perspectives on SRE in English schools by presenting the views of pupils in the Merseyside area. As will be demonstrated in Chapters 4 and 5 of this thesis, the findings from this research confirm findings from other research conducted with

137 Jane Lewis & Jane Ritchie, ‘Generalising from qualitative research’, in Jane Ritchie & Jane Lewis (eds) *Qualitative research practice: A guide for social science students and researchers*, (Sage, 2003) at p.264



pupils in different regions of England and at different times. Arguably therefore, the findings from the research can be generalised to other parts of England as well.

In contrast to external validity, internal validity is “concerned with whether you are ‘investigating what you claim to be investigating’”.<sup>138</sup> There are several techniques that address the validity or accuracy of the research undertaken, e.g. triangulation, respondent validation, constant comparisons, and evidence.<sup>139</sup> Triangulation is often cited to be the most common way of ensuring internal validity. It is a method of supporting a finding “by showing that at least three independent measures of it agree with, or at least, do not contradict it”.<sup>140</sup> Where possible, triangulation by *data source*<sup>141</sup> was carried out – where a theme was identified, corroboration was looked for from at least three focus group transcripts. However, triangulation was sometimes difficult to carry out because I tried to let participants direct and lead the focus groups, and this resulted in the identification of different issues for discussion. However, in identifying corroborating measures, outliers to the data were also identified and incorporated into the research reporting, as they helped to protect against “self-selecting biases”.<sup>142</sup>

- **5.9.3 Technological difficulties**

Although I would have preferred to use the online methods in all the focus groups conducted, I was unable to do so in several schools because of the technical/technological difficulties that arose. These difficulties were attributable to various things – (lack of) school technology, firewalls and online safety procedures, as well as a connection/software problem on my part. It is difficult to say how different it would have been to use the online focus groups outside of schools – perhaps participants may have had easier access to the online focus groups, but this may also have precluded certain participants (e.g. those without technology) from participating, and may also have affected the number of participants in the study.

<sup>138</sup> Jane Lewis & Jane Ritchie, n.137 at p.273

<sup>139</sup> Graham R. Gibbs, n.130 at pp. 93-98

<sup>140</sup> Michael A. Huberman, Matthew Miles, & Johnny Saldaña, n.122 at p.293

<sup>141</sup> Norman K. Denzin, *Interpretive interactionism* (2<sup>nd</sup> ed, Sage, 2001)

<sup>142</sup> Michael A. Huberman, Matthew Miles, & Johnny Saldaña, n.122 at p.296

Further, upon reflection, the nature and quality of the data produced in the online and in-person focus groups did not differ by much. In fact, in most cases, very similar issues were raised in both the online and in-person focus groups. The biggest observable difference was that, because of the potential for face-to-face interaction, participants were more likely to veer off-topic in their discussions, whereas in online focus groups, where they typed the answers to the questions, and where the discussions took place in the chat area, they were more likely to stay on track.

- **5.9.4 Lack of time**

In most schools, I was given only one lesson period (about one hour) to conduct the focus groups. In the pilot focus groups, I was allowed to run slightly over the one-hour mark, although I tried not to keep participants for too long. Only in one of the schools did I manage to negotiate a 2-hour slot for the focus groups. Hence, time considerations sometimes prevented a thorough and full exploration of all the issues brought up by participants.

- **5.9.5 Researcher positionality**

“The ‘power’ to choose which theoretical standpoint, or way of understanding children, lies with the researcher.”<sup>143</sup>

Although I have tried my best to present the views of the young people in the research as authentically as possible, I am also aware that much of the data analysis was conducted by me. As such, my position as a researcher, informed by my own experiences, my observation of SRE lessons, and my understanding of children and young people, *inter alia*, may have influenced the way I have analysed the data and highlighted particular themes as emerging from the focus groups.

Another aspect to my positionality is also how that may have affected my interactions with participants. In every focus group, I was an ‘outsider’, i.e. someone not previously known to the participants, and this may have had an impact on the

<sup>143</sup> Virginia Morrow, ‘Ethical dilemmas in research with children and young people about their social environments’ (2008) 6(1) *Children's geographies* 49-61.

power relations between me and my participants. In addition, my accent, features, age, and gender may also have had an impact – for example, girls may have been more likely to relate to me than boys, which could in turn, affected the way they opened up to me in discussions.

All these have been considered in my data analysis. I have included ‘thick description’ about the focus groups in this chapter, and in the subsequent findings chapters, I have reproduced as much of the focus group transcripts as is relevant to the theme being investigated, in order to avoid misrepresenting what participants have said.

## Chapter 6: Young People's Preferred Sources of Information on Sex and Relationships

### Introduction

In previous chapters, the importance of taking into consideration children's views in determining the content of the curriculum was stressed, both as a matter of children's rights, as well as to ensure practical and effective implementation of SRE policies. From a rights perspective, it was established that children and young people have rights to good-quality SRE, and further, that their right to be heard on matters affecting them includes a right to be consulted on SRE policies.<sup>1</sup> Further, on a practical level, the current failure to listen to children creates a 'gap' between what adults think children should learn, and what children *actually* want to learn.<sup>2</sup>

In this chapter and the next, I will draw upon the findings from the focus groups conducted with secondary school pupils to examine their experiences of SRE lessons at school. These views shed light on pupils' experiences of learning about sex, relationships and related matters.

A thematic analysis of the focus group data was undertaken to identify particular themes around what young people were saying about their SRE lessons specifically, as well as around their sources of acquisition of information around sex and relationships more generally. This chapter will focus on the pupils' discussions of their sources of information and advice on sexual matters, and show that many of them prefer to learn about sexual matters in school, i.e. during SRE lessons. The next chapter will therefore focus on pupils' evaluation of their SRE lessons in schools, highlighting examples of good practice and areas for potential reforms. In presenting

<sup>1</sup> The UN Committee on the Rights of the Child has stressed the need for the UK to develop their SRE policies with the participation of adolescents. See UN Committee on the Rights of the Child, *Concluding Observations on the Fifth Periodic Report of the United Kingdom of Great Britain and Northern Ireland*, 12<sup>th</sup> July 2016, CRC/C/GBR/CO/5 at para 65(a)

<sup>2</sup> See, for example: Louisa Allen, 'Closing sex education's knowledge/practice gap: the reconceptualisation of young people's sexual knowledge' (2001) 1(2) *Sex education*, 109-122; Emma Renold, & Ester McGeeney, *Informing the Future Sex and Relationships Education Curriculum in Wales* (Cardiff University, 2017)

these findings, I will evaluate whether the new statutory RSE curriculum will adequately address the concerns and issues raised by study participants.

## **6.1 Young people's sources of information and advice on sex and relationships**

**Me:** How do you think young people learn about sex and relationships?

**Hoos:** I think young people mainly learn about sex education from the internet and their friends, as well as their parents

**Hoos:** as for relationships i think they just learn that themselves through experimenting

**shrek:** getting taught about puberty and tv from when i was younger and relationships is from my surroundings

**shrek:** like watching family and friends

(PFG1)

In the excerpt above, the young people explain how they acquire information about sex and relationships, both through formal education, as well as through socialisation, e.g. by parents, families, friends, and mass media.

In other words, information and knowledge about, as well as attitudes towards sexual matters, are developed throughout from both active learning (education) and passive learning (socialisation) processes. The former refers to an “intentional, structured process to impart knowledge and skills, and to influence an individual’s developmental course”,<sup>3</sup> whereas the latter refers to “the process through which an individual acquires an understanding of ideas, beliefs and values, shared cultural symbols, meanings and codes of conduct”.<sup>4</sup> Hence, while sexual education aims to promote sexual knowledge and literacy, sexual socialisation shapes attitudes, beliefs and values around sex, sexuality and relationships.<sup>5</sup> Both education and socialisation

<sup>3</sup> Ronny A. Shtarksall, John S. Santelli, & Jennifer S. Hirsch, ‘Sex Education and Sexual Socialization: Roles for Educators and Parents’, (2007) 39(2) *Perspectives on Sexual and Reproductive Health* 116-119 at 116

<sup>4</sup> Ronny A. Shtarksall, John S. Santelli, & Jennifer S. Hirsch, n.3 at 116

<sup>5</sup> Ronny A. Shtarksall, John S. Santelli, & Jennifer S. Hirsch, n.3 at 116

are equally important in sexual development and learning across the life course. Education can be both formal, in that it is delivered through a particular curriculum, or informal, where information is acquired through conversations with parents, teachers, health practitioners, friends, the internet, etc.

When asked, the young people in my focus groups listed a variety of sources of information on sex and relationships, both formal and informal. The main sources that frequently came up in discussion were: family members, including parents, siblings, as well as extended relatives, e.g. aunts and grandmothers; friends; health professionals, such as GPs and school nurses; popular media and the internet, as well as school. These sources complement each other, but are perceived as offering different levels of ease of access, comfort, reliability, confidentiality, and trustworthiness. Each source is discussed in more detail below.

- **6.1.1 Family**

In the focus groups, various family members were cited as sources for acquiring information on relationships and sex. The younger the participant, the more likely they were to cite older relatives as sources of information and advice on relationships and sex. For example, grandparents were only cited as a source in the two focus groups comprising of Year 8 pupils. Where family members were cited as a source of information/advice by older participants, they were more likely to be (elder) siblings, cousins, or aunts/uncles.

The discussions around parents as sources of sexual information also bears some significance. It was noted that younger participants were more likely to cite parents as sources compared to their older peers. For example, within School 1, where the focus groups were repeated with participants across Year groups 8, 9 and 10, both the male and female pupils in the two Year 8 focus groups cited parents as a source of information, whereas parents are not mentioned in the focus groups with Year 9 and 10 pupils.

The gender of the young person in question appears to influence their decision on which family members to speak to for advice or information. For example, girls

tended to prefer their mothers or other female relatives, such as sisters or cousins as sources of information:

- Me:** two people have mentioned mum/parents - would you feel comfortable talking to your parents about most things to do with relationships or sex?
- Lola:** no just because it's still a taboo
- rupaul:** my mum maybe but we would both laugh and be like no
- rupaul:** not my dad tho
- Michelle:** yes but I wouldnt make it personal about me
- Me:** haha fair enough
- Cheryl:** only some things but other things it would possibly be a bout awkward
- rupaul:** probs more my cousin or sister
- Lola:** yeah deffo not my dad
- Talia:** yes because they have all gone through it otherwise we wouldn't be alive. your parents are close to you so most people would feel comfortable talking to them about it
- Me:** so a relative of the same gender maybe?
- rupaul:** ye
- Lola:** ye
- Michelle:** I would feel most comfortable taking to my sister
- rupaul:** ye
- Talia:** I feel more comfortable talking to my mum about it than dad
- rupaul:** same misheeele
- Cheryl:** I think I could talk to my dad but only to a certain extent

(S2FG3)

Boys, on the other hand, prefer fathers (and potentially elder male figures) as sources of information. For example, when I asked male participants in one focus group whether they felt they could talk to their parents if they needed information or advice [on sex and relationships]:

**Me:** Do you feel like, if you needed information or advice, you could talk to your parents about that?

**A:** I wouldn't talk to my mum cause...

My mum wouldn't have a clue...

[laughter]

When you have a conversation with your mum – “erm, erm, ermm err... I... I don't know. Get away from me!” [laughs]

**Me:** Would it be awkward then to talk to your mum about that?

**A:** Yeah.

She wouldn't know what to do.

(S3FG2)

From the way that the participants in the excerpt above describe potential interactions with their mothers, it is apparent that some mothers are either perceived to have, or perhaps indeed have, positioned themselves as “unknowing” so as to avoid uncomfortable questions from their sons. An alternative explanation is that participants might not feel that their mothers would have the necessary experience of sex and relationships from a male perspective.

There is certainly a gendered dimension to pupils' information seeking in the family. However, boys are more likely to “lose out” on sex education from family members for several reasons. Firstly, research shows that mothers are the main providers of sex education in the home,<sup>6</sup> and if boys are less able to speak to their mothers, then they have one less source of information and advice. Secondly, boys are often expected to be knowledgeable about sexual matters,<sup>7</sup> and fathers therefore overlook the need to broach the subject with them. Where fathers do discuss these matters with their sons, these are often “characterized by exaggerated stories, swapping sexual insults, silence, jokes, and keeping discussion about issues surrounding sex at

<sup>6</sup> See, for example: Isobel Allen, *Education in sex and personal relationships* (No. 665). (Policy Studies Institute, 1987); Janet Holland, Melanie Mauthner, & Sue Sharpe, *Family matters: Communicating health messages in the family* (Health Education Authority, 1996)

<sup>7</sup> Peter Aggleton, Christine, Oliver, & Kim Rivers, *Reducing the rate of teenage conceptions: the implications of research into young people, sex, sexuality and relationships*. (Health Education Authority, 1998).



a distance”<sup>8</sup> Finally, even where parents are willing to broach the subject, they often struggle to know when to initiate conversations around sex with their sons, unlike with daughters, where the onset of menstruation is seen as a marker of sexual development.<sup>9</sup>

On the whole though, the suggestion that that some parents feel uncomfortable discussing sexual matters with their children, and prefer to leave it to schools and other people to broach the subject,<sup>10</sup> is confirmed by findings from my focus groups. Likewise, there is a prevailing sense of discomfort among some, although not all, young people in approaching their parents for information and advice on relationships and sex.

For example, in the excerpt above, in answering my question on whether participants would feel comfortable talking to parents, Rupaul says:

**rupaul:** my mum maybe but we would both laugh and be like no  
(S2FG3)

Cheryl on the other hand says:

**Cheryl:** I think I could talk to my dad but only to a certain extent  
(S2FG3)

It has been suggested that the discomfort or awkwardness around sex education stems from a ‘taboo’, which reinforces the belief that sex should not be openly discussed,<sup>11</sup> hence hindering frank discussions on sex and relationships:

<sup>8</sup> Joy Walker, ‘Parents and sex education—looking beyond ‘the birds and the bees’, (2004) 4(3) *Sex education*, 239-254 at 247

<sup>9</sup> See for example: Joy Walker, n.8 at 242, citing Sue Sharpe, Melanie Mauthner, & Merry France-Dawson, *Family health: a literature review*. (Health Education Authority, 1996)

<sup>10</sup> See, for example: Kerry H. Robinson, Elizabeth Smith, & Cristyn Davies, ‘Responsibilities, tensions and ways forward: parents’ perspectives on children’s sexuality education’ (2017) 17(3) *Sex Education*, 333-347; BBC News, “‘Many parents ‘oppose school sex education for children’”, 5<sup>th</sup> May 2011, available at <https://www.bbc.co.uk/news/education-13292133> (accessed 11th July 2019)

<sup>11</sup> See, for example Joy Walker, n.8 at 246

- yellow:** i feel like a lot of people in my school find sex education awkward because there is still to an extent taboo associated with sex ed
- Me:** and is this taboo among students or is it because adults get awkward discussing it?
- HH777:** I agree I believe there shouldn't be a taboo
- yellow:** i think its more in the past sex wasn't talked about in the open and its just elements of the past seeping into now
- (PFG2)

This taboo<sup>12</sup> around discussing sex also exists, and perhaps even more strongly so, between children and parents. One explanation for this, beyond the fact that talking about sex can be awkward or embarrassing, emerges from the discussions in School 4, where the participants, who were all in Year 10, agreed that they would not go to their parents for advice on relationships and sex, because they were afraid of their parents' reactions. This reflects, and perhaps also explains, to an extent, findings in existing literature, which document the discomfort that many young people feel at having to approach their parents for information and advice on relationships and sex.

Further, it seems also that young people distinguish between personal and impersonal questions when it comes to relationships and sex. As explained by a participant in School D, whilst they would go to family members for impersonal or general questions, they are less likely to pose personal questions to family members, especially parents, perhaps due to the aforementioned fear of parents overreacting. Although not every participant felt the same way, there was also an impression that posing personal questions to family members could result in some form of judgement, such as being thought of as 'weird':

- Me:** who would you go to for more personal questions then?
- ...
- Lola:** the internet
- Talia:** my mum

<sup>1212</sup> This taboo around discussing sex, and its implications for SRE, is further discussed in the section on emerging themes in Chapter 7

**rupaul:** cousin  
**Michelle:** well sometimes asking a question to a family member could be harder as you live with them and they may think your weird

(S2FG3)

Participants in other focus groups also expressed a fear their parents' reactions:

**Me:** When you say "depends on what it is", what kinds of things would you go to family for, and what kinds of things would you not go to family for?

**A:** Erm.... Dunno. [*laughter*]. Like, like... sometimes, it's a bit awkward to like, say to your mum like, say you're pregnant, and you'll say to your mum "I'm pregnant". It would be dead awkward...

You'll be scared...

Yeah, you'll be scared on how they would react.

They'll judge you

And that's why we would go the Brook... cause it's like, confidential, so they can't like... they won't say nothing.

(S1FG3b)

For personal questions, participants preferred to seek out other sources, which could offer them more confidentiality, such as their friends, professionals, or the internet.

- **6.1.2 Friends**

Many participants in the focus groups also listed friends as a popular source of information. In fact, in school 4, all six participants agreed that they would seek out friends in the first instance if they had questions around sex and relationships. Friends are often associated with higher levels of comfort and openness, making it easier, or more "normal" to talk about sex and relationships:

**667201:** like your not as close to your phse teacher so it's not as normal to talk about as it would be with a friend  
(S2FG1)

**Me:** do people consult friends?

...

**Michelle:** ye because we are all thinking the same thing so it's easier to talk to them about stuff  
(S2FG3)

However, it also emerged that there was a gendered dimension to consulting friends on issues relating to sex and relationships. Girls were very likely to list friends as a trustworthy source of information:

**Me:** Of all the sources that you've said – your friends, the Internet, family, school... which is your most preferable source?

**A:** Friends [*multiple people answering*]

**Me:** Why friends, if you don't mind me asking?

**A:** Because like, you can trust them.

Yeah

You can trust them. They're always there. It's like... say, say... someone in school... say you have a teacher that you tell everything to... they might not always be there. And they like, they might have to tell someone... whereas your friends, you know that they won't tell no one.

(S1FG3b)

However, the same could not be said for boys.

**Me:** Okay, so in this group earlier, someone said that they would go to friends if they needed advice... do you think friends are a source of information?

**A:** No.

Not lads, no

(S1FG3a)

The issue of trustworthiness tended to crop up when boys were discussing whether they were able to talk to their friends about sex and relationships:

**Me:** Would you go to a mate?

**A:** No [*multiple answers*]  
Only if you could trust them

(S3FG2)

**Me:** So a number of you have said... your plans to get with girls, you'd get your mates to help you. Do you chat to your mates about these things?

**A:** Haha!  
Well, if they're your mates... [*inaudible*] if they're actually your mates.

...

**Me:** And when you say it depends if they're actually your mates, what do you mean by that?

**A:** Well, you can get fake people, you can get real people.

(S3FG2)

Where boys do discuss sex and relationships, such conversations tend to be labelled as 'banter', or 'messaging about':

**Me:** So earlier, you were talking about... talking to your mates about things. Do you feel comfortable talking to your mates about like, sex and relationships?

**A:** Yeah... [*inaudible*]... it's banter and that, isn't it?

**Me:** So, it's banter...?

**A:** Yeah, just messing with your boys and that...

(S3FG3)

What the young people have said seem to accord with my observations from the focus groups. For instance, I noticed that where the focus groups consisted mainly or solely of girls, participants tended to encourage each other in answering questions, and to “check back” with each other. Whether the focus groups were conducted online or in-person, girls seemed to be able to answer questions quite freely. However, in groups consisting solely of boys, participants seemed to tease each other for their responses. For instance, in the following focus group involving all-male participants, the participants are seen to tease one boy about his usage of the internet, to the point that I offered to stop the focus group:

**Me:** What do you think about the information on the internet?

**A:** He goes on the images but doesn't look at them... [*inaudible*]  
He clicks on videos....

(S3FG1)

In another all-male focus group, a participant describes the possibility of information being leaked to other people or being laughed at if it was discussed with someone in school:

**Me:** Would you talk to someone outside of school then?

**A:** Yeah  
...[*inaudible*]  
Cause if you talk to someone in school, maybe they'll just laugh at you and they'll just tell everyone.

(S3FG2)

In two of the all-male focus groups, arguments broke out after some participants were teased by fellow participants. On a separate but related note, there is also a broader observation about how male participants were generally more disruptive in the focus groups, belying perhaps a larger discomfort in talking about sex, which they masked by talking about more ‘explicit’ sources of information, such as porn, and sexual images. This will be examined in the discussion section below.

- **6.1.3 Internet sources**

Apart from friends, internet sources were also commonly cited by young people as preferred sources of information on sex and relationships:

**Me:** someone said that you pick it up outside of school anyway - outside of school, where or who would you go to for information or advice on relationships or sex?

**Michelle:** internet

**Lola:** it's all on the internet nowadays

...

**Michelle:** and then it is easier as no one can laugh at you and ask anything they need to know

(S2FG3)

**Me:** You both mentioned internet as a good source of information on SRE - why is that?

**shrek:** because its popular and global everyone is basically on the net so yeah

**Hoos:** the internet entails a plethora of different materials for discovering your sexuality, and even though it's mainly consisting of porn sites that still helps you to discover your sexuality]

(PFG1)

From the excerpts above, it is clear that internet is perceived to be a good source of information because it is ubiquitous and easily accessible. On the one hand, it has a lot of information for general consumption by young people, and on the other hand, it allows them to obtain answers to specific questions they have. In other words, the internet “empowers pupils by enabling them to be in control of information

gathering”.<sup>13</sup> Above all though, the internet is often cited as a preferable source because questions can be asked anonymously, without fear of judgement.

**bob:** you don't think your questions are Lilly online as there is advice, tips and it is anonymous...ish  
(PFG2)

**Me:** Is the Internet seen as like, a popular source of advice?

**A:** Yeah [multiple people answering]

**Me:** Why is the internet popular?

**A:** Because it's confidential  
And it's fast

**Me:** When you say confidential, what exactly is important about confidentiality?

**A:** Cause no one knows what you're looking...like, what you're looking at...

**Me:** And what is important about advice/information being fast?

**A:** Like, because if you need something like, dead quick, to find out something, like... (inaudible)... like, I dunno how to explain it, like, as an example, but like, if you needed to know something, and like you were in a rush to know it, like... I can't think of a word [laughs]  
it's quicker to find out  
Yeah...

(S1FG2a & S1FG2b)

The confidentiality and anonymity afforded online is valuable to young people, because it enables them to disclose and discuss sensitive issues more freely.<sup>14</sup>

<sup>13</sup> Amanda Cohn, & Juliet Richters, ““My vagina makes funny noises”: analyzing online forums to assess the real sexual health concerns of young people”, (2013) 25(2) *International Journal of Sexual Health*, 93-103.



Young people have therefore used the internet to ask specific questions about issues such as menstruation, STIs, pregnancy, masturbation, and what is considered “normal” in relation to puberty.<sup>15</sup>

The young people in this research also highlighted the value of the internet for stories and personal experiences of sex and relationships:

**Me:** It’s interesting what you’ve mentioned like, different sources... So if you had a question about sexual health, and you Googled it online, erm, would you just read the first thing that comes up, or do you look through everything?

**A:** I look through diff.. like, all, a couple of things, and people like, share their experiences... so you can like, read about them...

**Me:** So you’d look for like, all the various threads, and you’d look at other people’s experiences. Do you think that’s valuable to you, having other experiences?

**A:** Yeah

**Me:** What can you gain from other people’s experiences?

**A:** You can! You can gain like... like, like if someone told you something, like, bad, like, that’s happened, then you’d like, not do the same

(S1FG2b)

However, young people also demonstrate an awareness that not everything they read on the internet is trustworthy:

**Me:** Would you rate the Internet as a reliable source?

**A:** No [*multiple answers*]

<sup>14</sup> See for example: Azy Barak, & William A. Fisher, ‘Intervention for the promotion of sexual health through the internet: theory, empirical evidence and application’, (2009) 148(9) *Harefuah*, 628-33; Lalita K. Suzuki, & Jerel P. Calzo, ‘The search for peer advice in cyberspace: An examination of online teen bulletin boards about health and sexuality’, (2004) 25(6) *Journal of applied developmental psychology*, 685-698.

<sup>15</sup> Amanda Cohn & Juliet Richters, n.13.

Not at all.

**Me:** Why not?

**A:** Cause anyone could put anything on there...  
Maybe if you look on a website of a company... like if  
you looked on the Brook website... maybe.

(S1FG3a)

**Talia:** I think the internet can give people the wrong  
information sometimes

...

**Talia:** it not always accurate

**Lola:** yes but it's better then no info

**rupaul:** the internet don't know u

**Me:** so some info is better than none?

**Lola:** yeah

**Cheryl:** yeah

**rupaul:** on anything yes

...

**Talia:** you don't know who has written the things you find on  
the internet. it could be bad people trying to lead you the  
wrong way

(S2FG3)

Nonetheless, as Lola in the excerpt above states, having little information from the internet, which could potentially be misleading, is better than having no information at all. Young people therefore are aware of the need to consider more than one source of information on the internet, or to go to trusted websites, such as NHS-run ones:

**Me:** It's interesting what you've mentioned like, different  
sources... So if you had a question about sexual health,  
and you Googled it online, erm, would you just read the  
first thing that comes up, or do you look through  
everything?

**A:** Look through everything  
Go to NHS Choices  
(S1FG2a)

**Me:** Okay, so there are... certain sites that... can be perhaps more reliable than others?

**A:** Yeah  
You could look on the NHS websites  
(S1FG3b)

Based on the above, it is clear that the coverage of the new Statutory Guidance on navigating information and sources online<sup>16</sup> would be very timely for pupils.

- **6.1.4 Professionals**

In this context, reference to ‘professionals’ are to those accessed outside of school, such as General Practitioners (GPs), hospitals, or sexual health clinics. Although participants listed Brook (a youth sexual health service), hospitals, and GPs as sources of information and advice on sex and relationships, there was a marked reluctance to use these sources merely for seeking advice or information:

**Me:** 12. Do you think young people value SRE lessons in school or would you prefer to go elsewhere for the info?

**abi:** I would prefer for it to be in school

**(:121:** I prefer in school because it’s just easy instead of like going the doctors or something

**rainbowlobster:** 12. yes because it would be awkward going to like the doctors asking for info

**667201:** yes because they don’t have the effort to do it for themselves outside of school

<sup>16</sup> Department for Education, *Relationships Education, Relationships and Sex Education (RSE) and Health Education: Statutory Guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teachers*, updated 25<sup>th</sup> July 2019 at p.28

**snail123:** yes everyone Benefits from SRE but if you need extra info they can go else where  
(S2FG1)

**Me:** So you can go to a hospital, but why wouldn't you go to a hospital?

**A:** Cause it's a bit, like, awkward  
...  
Why would you go somewhere... [*inaudible*]  
Like, people are ill, and you just want... information  
Yeah, you're like wasting... the nurses' time or something  
And you could be doing something else...  
Yeah, they say you can sit there, in A&E for ages waiting to speak to someone...when you could just... go to school  
Or Google... [*laughter*]  
(S1FG2b)

In addition to the perceived arduousness of having to go out of their way to seek information from professionals out of school, participants also associated health services with a sense of awkwardness and discomfort:

**Me:** Both tables have mentioned that it is better to have SRE lessons in school, so that you don't have to go somewhere you don't know. When you say "somewhere you don't know", what kinds of places are you referring to?

**A:** Like, the Brook clinic  
Like, yeah, going to the clinic and sitting there on your own  
Yeah  
Yeah... with a stranger  
Yeah, like if I was to go there, I'd probably have to take a friend  
(S1FG2a)

Participants associate the use of health services with awkwardness particularly because such services tend to be offered on a 1:1 basis, in comparison to the school environment, where learning is done in groups:

**Me:** Do you think school is a good place to learn about sex and relationships?

**A:** Yeah [*multiple answers*]  
Yeah, cause then you don't have to go out to somewhere on your own, like you're with other people as well, so it's not as awkward if it's not just like, one on one person.

(S1FG2b)

- **6.1.5 School**

Echoing findings from the third National Survey of Sexual Attitudes and Lifestyles (Natsal-3), a majority of the participants in this study expressed a preference for school as a source for formal education on sex and relationships.<sup>17</sup> Where young people have expressed a liking for school-based sex and relationships education, it is because school is often seen as a conducive and comfortable environment for learning:

**Me:** and for the rest - do you think that sex and relationships should be covered at school? or would young people prefer to go elsewhere for such information?

**noodle:** at school

**pat pat:** in school

...

**m.k.wood:** covered at school

**Me:** why school?

**afems:** at school and the atmosphere should be made comfortable

<sup>17</sup> Claire Tanton, et al. 'Patterns and trends in sources of information about sex among young people in Britain: evidence from three National Surveys of Sexual Attitudes and Lifestyles' (2015) 5(3) *BMJ open*, e007834

enough for people to freely ask questions

**grapesm:** covered at school

...

**pat pat:** there is.

**pat pat:** a better atmosphere

**noodle:** it's more comfortable because you know everyone in the room

(S2FG2)

This is confirmed by the results of another question, where I asked participants to rate, on a scale of 1-5, the importance of SRE lessons in school. A majority of them rated it 4 and above, indicating that pupils value having such lessons in school. However, it is important to qualify that not all participants felt the same way. Where they did not share the same values as others in their school, or did not have the same close friendship groups, school could be an uncomfortable place for participants to learn about sex and relationships:

**Me:** And do you think the environment outside of school better for learning about sex and relationships?

**shrek:** yes i guess i went to a catholic school at first so i barely got taught anything really just that sperm exists and we have eggs

...

**Hoos:** plus it can be embarrassing, learning about sex in front of your peers can be stressful

(PFG1)

Pupils felt less safe learning about SRE in schools where they did not feel they belonged to particular groups or cliques:

**yellow:** i dont think people in my school have the mental capacity to be open minded. everyone wnants to sort people into groups such as 'moshers', 'gorms' ect.

**Me:** do people see schools as safe places to discuss these issues?

**yellow:** no

(PFG2)

In fact, the few participants who expressed strong opinions against school-based lessons, or who did not feel they needed them, were male. For instance, in this all-male group, a participant describes his only lesson on sex and relationships as being “one too many”:

**Me:** Yeah? How many lessons have you had?

**A:** Quite a few.

One. Enough. One too many. [*laughs*]

(S3FG2)

Unfortunately, he declined to answer a follow-up question on why he thought it was one lesson too many. One explanation could be that, as emerges from the rest of the discussion in that focus group, participants described SRE as being awkward and weird, which could explain why they did not want any more lessons. Another explanation, which is explored in more detail in Chapter 7, is that boys are expected to “know” about sexual matters, and therefore feel pressured to demonstrate that they do not need to be taught.

Another important qualification is that while school is seen as a good place for learning about, and acquiring information on sex and relationships, participants said that they would not ask personal questions in school:

**Me:** or are there people who think they would be  
xomfortable asking personal questions at school?

...

**Cheryl:** no

**Talia:** no because I would feel embarrassed

...

**Lola:** yes as some people may laugh at what you say

(S2FG3)

In addition, in the focus group in School 4, participants expressed concern that if they went to a teacher with a specific question, these teachers could “betray their trust”, either by discussing this with other teachers, or by informing their parents. This fear of breach of confidentiality leads to a general mistrust of teachers, thereby preventing participants from going to teachers with questions they may have. Participants in School 2 shared the same concerns:

- Me:** what kinds of questions do you think [teachers] would judge you for asking?  
...
- m.k.wood:** if it was something personal
- afems:** anything about drugs or personal questions eg asking where to get contraceptions  
...
- noodle:** where you can get things like contraception they could tell like head of years if they are suspicious
- (S2FG2)

This issue is addressed rather unsatisfactorily by the current National Guidance, which suggests that, if a teacher suspects that a person aged under 16 is contemplating having sex, the young person should be persuaded to talk to their parents,<sup>18</sup> and further, that “only in the most exceptional case...should [schools] be in the position of having to handle such information without parental knowledge”.<sup>19</sup>

This suggestion has now been removed from the new Statutory Guidance, which states, on the issue of safeguarding, that:

“Good practice allows children an open forum to discuss potentially sensitive issues. Such discussions can lead to increased safeguarding

<sup>18</sup> Department for Education and Employment, *Sex and Relationship Education Guidance*, No. 0116/2000, at para 7.11

<sup>19</sup> Department for Education and Employment, n.18 at para 7.13



reports. Children should be made aware of how to raise their concerns or make a report and how any report will be handled.”<sup>20</sup>

Although it is good that safeguarding policies and procedures are outlined to children, it is submitted that teachers should be given a broader discretion in relation to the reporting procedures. At present, many sexual health services for young people follow *Gillick* and *Fraser*<sup>21</sup> guidelines, whereby they will give advice, and even prescribe contraception, to a young person under the age of 16 if they believe that the young person is competent and mature enough to understand what such sexual activity entails and its consequences, as well as if there is no suggestion that the young person is at risk, i.e., there are no signs of pressure or coercion. It is therefore suggested that schools should also follow these rules, and that a teacher should not be obliged to call attention to pupils based on the questions they ask in confidence, unless there are warning signs that the pupil may be at risk. This would do more to open up channels of communication between teachers and pupils.

## 6.2 Conclusions

This chapter has examined young people’s preferred sources of information and advice on sexual matters, and the factors influencing these preferences. As has previously been established in literature, young people’s choice of sources depends largely on their age, gender, as well as the type of information being sought.<sup>22</sup> While they want to acquire information from reliable and trustworthy sources, like at school, or from their parents, they are unlikely to go to these sources with personal questions, because of the potential repercussions of being seen or heard to ask those questions.

Young people are not always able to seek advice on sex and relationships from family members due to the fear of being judged, or the fear of overreaction. There is also a taboo and general discomfort around discussing sexual matters, especially

<sup>20</sup> Department for Education, n.16 at para 117

<sup>21</sup> Both the *Gillick* and *Fraser* guidelines are derived from the case of *Gillick v West Norfolk and Wisbech Area Health Authority* [1986] AC 112

<sup>22</sup> See for example Claire Tanton, et al., n.17; Wendy Macdowall, et al., ‘Associations between source of information about sex and sexual health outcomes in Britain: findings from the third National Survey of Sexual Attitudes and Lifestyles (Natsal-3)’, (2015) 5(3) *BMJ Open* e007837.

with parents. Hence, sex education should not be completely left to the responsibility of parents, because this would mean that many young people may not have access to appropriate and adequate education on sex, relationships and sexual matters.

For personal questions, young people commonly cited the Internet as a preferred source, because the confidentiality and anonymity afforded by the online environment makes it easier for them to ask sensitive and specific questions, without fear of being 'outed'. Young people described the convenience of having a vast amount of information at their fingertips, and the value of being able to read about other people's experiences. However, they were aware of the need to 'shop around' for information on the internet, because not everything on the internet is reliable or true. Future RSE policies should therefore do more to help young people navigate online sources, and could perhaps signpost them to online sources that are accurate and reliable, to supplement school-based RSE.

Although friends were associated with higher levels of comfort, and therefore more frank and open discussions, this source of information was preferred by girls more than boys. As has been demonstrated in the focus group discussions, female friendships in adolescence appear to be more supportive than male ones, and there is a higher level of trust between girls than between boys. Whilst pupils prefer to receive advice and information on sexual matters from professionals, they qualified that they would not ordinarily seek out such professionals outside of school, because outside of school settings, professional advice tended to be offered on a 1:1 basis, and would be awkward and embarrassing. However, as will be discussed in Chapter 7, where SRE lessons are offered in schools, pupils wanted these lessons to be delivered by professionals and experts.

Confirming the findings of the National Surveys of Sexual Attitudes and Lifestyles,<sup>23</sup> the participants in this research expressed a strong preference for school as a source for acquiring general information on sex and relationships. Given that schools "are the one institution in our society regularly attended by most young

<sup>23</sup> Claire Tanton, et al., n.17; Pandora Pound, et al. 'What is best practice in sex and relationship education? A synthesis of evidence, including stakeholders' views' (2017) 7(5) *BMJ open*, e014791.

people”,<sup>24</sup> school-based SRE lessons are the best means of ensuring access to some form of sex and relationships education for as many pupils as possible. Further, young people who cite school as a main source of information on sex and relationships are also less likely to report negative sexual health outcomes and experiences, such as early sexual intercourse, lack of sexual competence at first (heterosexual) sexual experience, unsafe sex, STIs, and more.<sup>25</sup>

Chapter 7 will therefore present pupils’ evaluations of their school-based SRE and their suggestions for improvement, in particular, looking at *who* they want to teach them, *how* they want to be taught, *what* they want to learn, and *when* they want to start/have lessons.

<sup>24</sup> Douglas Kirby, ‘The impact of schools and school programs upon adolescent sexual behavior’, (2002) 39(1) *Journal of sex research*, 27-33.

<sup>25</sup> See for example: Wendy Macdowall, n.22; Douglas Kirby, n.24.

## Chapter 7: Young People’s Perspectives on School-Based SRE

### Introduction

In previous chapters, it was established that sexuality education is a right of children and young people, and further, that States should meet certain *minimum standards* in providing sexuality education to children and young people. In brief, sexuality education should be situated within a human rights framework, and should provide children and young people with objective, accurate and sufficient information to understand human sexuality and to make informed decisions about the exercise of their sexuality.

However, the lack of international (or even national) consensus on what ‘comprehensive’ sexuality education encompasses leaves much ground for variation and lack of consistency in the way sexuality education is implemented and monitored across jurisdictions. Given the conflicting perspectives on how best to protect children from their sexuality – whether that is by completely refraining from providing any education at all, in order to protect children’s innocence, or to provide information so that children can protect themselves from the dangers of sexual activity – often programmes for sexuality education tend to send mixed messages to children and young people about the exercise of their sexuality.

These same problems plague the current English approach to SRE. Not only is the English approach haphazard, vague and inconsistent,<sup>1</sup> but it also fails to take into account *children’s* own lived experiences and perspectives. As such, the curriculum has largely been criticised by young people as being overly-simplistic, outdated, or irrelevant to them.<sup>2</sup> In suggesting reforms for the curriculum therefore, it is necessary to consult children and young people, to ensure that the curriculum is relevant to

<sup>1</sup> See Chapter 3

<sup>2</sup> See, for example: UK Youth Parliament, *SRE: Are You Getting It? A Report by the UK Youth Parliament*, June 2007; Pandora Pound, Rebecca Langford, & Rona Campbell ‘What do young people think about their school-based sex and relationship education? A qualitative synthesis of young people’s views and experiences’, (2016) 6(9) *BMJ open*, e011329; House of Commons Education Committee, *Life Lessons: PSHE and SRE in Schools* (HC145), 17<sup>th</sup> February 2015, at paras 59-61

them. Having set out, in Chapter 6, that school is a preferred source of information and advice on sexual matters for young people, this chapter now turns to look at what young people's views on the SRE lessons they have had in school.<sup>3</sup>

Section 7.1 presents what young people have said about their SRE lessons, with a particular focus on *who* they want to teach them, *how* and *what* they want to be taught and *when* lessons should begin/ be conducted. Section 7.2 identifies broader themes emerging from the focus group discussions, such as the taboo around discussing sexual matters, how language and humour affect the way SRE is taught, issues of gender and how they affect sexual learning and discussions, and young people's need for anonymity and confidentiality in seeking information.

## **7.1 Young people's Evaluation of SRE lessons**

- ***7.1.1 How young people describe their SRE lessons***

In several focus groups conducted,<sup>4</sup> I asked participants to pick three key words to describe or sum up their SRE lessons in schools. Participants used a variety of words, which I have categorised into 'negative' and 'positive' words.<sup>5</sup> On the whole, more positive than negative words were used to describe SRE lessons. Lessons were most often described as being 'interesting' (x12), 'funny' (x6) and 'fun' (x6). They were also 'informative' (x4), 'helpful' (x3) and 'useful' (x3).

However, the negative words used to describe SRE lessons almost seemed to contradict the positive words. The negative word which cropped up most frequently, across all the groups, was 'repetitive'(x8). Other common negative words used to describe SRE were: 'boring' (x5), 'uncomfortable' (x4), 'embarrassing' (x3) and 'awkward' (x2). Some participants used stronger negative words, like 'horrendous' and 'shocking'. These descriptors echo findings from previous research that young

<sup>3</sup> See Appendix 4 for a breakdown of each focus group

<sup>4</sup> The question was not asked in the pilot focus groups, in school 3, as well as in one of the focus groups in school 2, due to time constraints.

<sup>5</sup> Here I am merely referring to answers to the specific question posed – this does not include other terms that participants used to describe their SRE lessons in other parts of the focus group discussions.

people's main complaints about SRE lessons are that they are 'too biological', 'started too late' and often failed to provide information that they wanted.<sup>6</sup>

From this, it can be gathered that participants' experiences of SRE lessons varied from school to school. As will be explored in more detail in the following subsections, participants experiences of SRE depend on *who* has taught them, *how* they have been taught, *what* they have been taught, and *how often* they have lessons.

- **7.1.2 Who do they want to deliver their SRE lessons?**

Participants generally agreed that a good SRE teacher is someone who is non-judgemental, and who creates a positive environment for them to learn about SRE. As far as possible, participants wanted to be taught by a mix of teachers, as they could bring different experiences and knowledge to the classroom. This demonstrates young people's awareness that there may be different perspectives on the topics covered in SRE lessons, and their willingness to engage with these different perspectives is encouraging.

- i. *'Professional' teachers*

Many participants mentioned wanting to be taught by "professionals". To them, someone who is professional is someone who has relevant experience of teaching SRE and good knowledge of the topics at hand:

**Me:** Of all the sources that we've discussed, in school and out of school, who is the most accurate and reliable source, in your opinions?

**A:** Like, professionals... cause they've learned about it, like teachers and stuff have just got it from like, experience like, but if you've learned about it, *and* have experience, it's a bit more like, reliable. So like... cause they can't just... like, it could just be like a teacher saying like, well this happened to me, like that is just like a one-off thing... this is like, research on it, and

<sup>6</sup> Pandora Pound, Rebecca Langford, & Rona Campbell, n.2

you're like, learning about it, of like, loads of different things that have happened, and... yeah

**Me:** You mentioned professionals, and having done research... When you talk about a professional, who exactly would you count as a professional in this respect? (min 21:19)

**A:** Brook

**Me:** Would you consider school nurses, or hospital staff to be professionals?

**A:** Yeah [*multiple answers*]

Like, someone who has trained for... like

**Me:** Someone who's trained, and who's studied for... who's trained in giving sexual health advice?

**A:** Yup

(S1FG2a & S1FG2b)

Participants also said that should also have experience of relationships, and of sex:

**Me:** And do you think like, in terms of experience... should they have any professional training?

**A:** No

As long as they've done it

They've done it and sorted.

(S3FG3)

However, in some schools, participants said that they did not mind having a school teacher delivering their lessons, because they were comfortable with these teachers. To create this level of comfort though, teachers should be mature and confident, instead of embarrassed or awkward when teaching SRE or when answering questions from pupils. They should also not make pupils feel awkward or embarrassed for asking questions, and should not dismiss any of their questions for being 'silly' or 'stupid'. For example, in School 4, one participant told me about how they had asked their teacher what an erection was, and how that teacher's response was to ask her to "ask her GP". She therefore felt like she was unable to ask questions of the teacher.

Many participants also stressed the importance of SRE teachers having received the necessary training before teaching SRE. In School 4, participants said that ‘specialist’ or professional teachers who are trained to teach SRE are preferable because they would not get embarrassed or awkward in answering their questions.

*ii. Gender of teacher*

The gender of the preferred teacher depended largely on the gender of the pupil - boys prefer male teachers and girls prefer female teachers. This is because there was a perception that teachers of the same gender would have shared their experiences of growing up, and could therefore relate better to them:

- Me:** Ahhh right ok. So a question on the gender of your teacher - is it important to have a teacher of the same gender teach sex and relationships?
- (:121:** yes because I feel it’s easier to talk to them about because they can relate to it
- rainbowlobster:** I don’t think it matters but I feel it is less awkward to have the same gender teacher
- abi:** I think it is quite important as it would be awkward for a man to teach things that he has never experienced like periods
- 667201:** I feel like it is as it is less awkward than if an opposite gender teacher thought you it
- snail123:** yes I would prefer a teacher of the same sex
- Me:** right - so in terms of experience - is it more important for your SRE teacher to have the experience rather than just knowledge about topics being discussed?
- abi:** yes definitely
- rainbowlobster:** yes and it is easier to speak to them about things
- 667201:** yes because it comes across more effectively on a personal level



**(:121:**                    yes so they have actual information about the topic and not just things from the internet that might be unreliable

(S2FG1)

**Me:**                    someone also mentioned that the gender of the teacher is important - is this true for everyone?

**Cheryl:**                yeah

...

**rupaul:**                yes for sure

**Cheryl:**                no because you can get opinions from the other gender as well as your own

**rupaul:**                boys don't have girl parts so they may not really know

**Talia:**                I think the gender is important otherwise I don't think I would be comfortable asking questions

**Lola:**                yes as I'd feel more comfortable with a female and also being in an all girls school helps as we aren't taught alongside boys

**rupaul:**                and it would be awkward

**Talia:**                also a women has gone through the same things as we will go through or going through

(S2FG3)

It is to be noted that in the excerpt above, not everyone felt that it was necessary to have a teacher of the same gender. Cheryl for example felt that a male teacher would be able to bring valuable male perspectives to the discussion – this is further explored in looking at *what* young people want to learn during lessons. Further, some participants felt that if the person teaching them was a professional, then their gender would not matter:

**Me:**                    Do you think gender matters? Everyone in this room is female, would you prefer a female [teacher]...

**A:**                    I'm not bothered

Yeah, I think it makes a difference

No, I'm not bothered... they're all gonna tell you the same thing

No, I don't think it matters cause they're gonna tell you the same thing

If they're professionals, it doesn't really matter who talks to you about it

**Me:** Ah fair enough. So if they're professionals, then their gender doesn't really matter?

**A:** Yeah

(S1FG2a)

*iii. Age of teacher*

In School 4, participants said that the ideal teacher would be no more than 10 years older than them. All participants preferred teachers who were “younger”, or closer in age to them, because younger teachers were perceived to be “more chilled”. Participants also said that younger teachers would likely be able to relate to their views, and are therefore more approachable:

**abi:** I wouldn't want a really old teacher teaching me

**Me:** why not?

**abi:** she may not be as educated as the new teachers on what is going on in the world

...

**667201:** a bit as the younger one would have similar views to you but the older one might more out of date views

...

**snail123:** younger teachers can be easier to talk to compared to a teacher at the age of 50

(S2FG1)

In comparison, older teachers were said to have more ‘traditional’ or conservative views, which pupils might not share:

**abi:** old teachers are old and that means they grew up in a different time than the people they are teaching  
(S2FG1)

**noodle:** older people would have more traditional views than younger teachers who can relate to us  
(S2FG2)

Older teachers were therefore felt to be more “awkward” when broaching topics of sex and relationships, and it was ‘weirder’ for them to be teaching SRE:

**Me:** What was covered in the lesson, or lessons, that you had?  
**A:** What do you mean, like what was covered?  
**Me:** Like, what did you learn about?  
**A:** Oh, in my one, this woman drew pictures on the wall, and I was like 9... that is too weird.  
**Me:** Why was it weird though?  
**A:** She was old!  
**Me:** Right...  
**A:** That... that’s not right, like. Old women coming into school, hmm...  
(S3FG2)

However, some participants felt that older teachers would have more life experience, and therefore be able to answer questions better:

**(:121:** well if there 20 ish it wouldn’t be as good because they haven’t experienced life and RSE as much as someone who’s at the age of say 40  
...  
**(:121:** younger teacher can be easier to talk to but they might not be able to answer as many questions as an older teacher  
(S2FG1)

In short therefore, what young people in this research study seemed to say was that they preferred teachers who would make them feel comfortable during lessons, and who had sufficient confidence and maturity to deliver lessons. Teachers should have both knowledge and experience of the subject matter, and should be able to discuss it with pupils without becoming awkward or embarrassed. It was also important for teachers to be able to relate to pupils' views and experiences, and to not judge them if questions were asked. I argue that this reflects a desire for teachers to adopt a more 'sex-positive'<sup>7</sup> approach to delivering SRE lessons. They want their teachers to acknowledge not only their sexual agency, but also their curiosity around such matters, so that frank and open discussions can be had without awkwardness, embarrassment or ridicule.<sup>8</sup>

The participants suggested that teachers should be given more training to ensure that they had the necessary skills to deliver SRE effectively. Prima facie therefore, the allocation of only 10 hours for each RSE teacher<sup>9</sup> to receive training on how to deliver the subject may not be sufficient.

- **7.1.3 How do they want SRE lessons delivered?**

Many girls said that they would be more comfortable with single-sex SRE lessons:

**Me:** do you feel that being in a classroom with all females is less judgemental than maybe in a room with boys and girls?

**Michelle:** yes as I feel you can ask more questions without feeling judged

**Cheryl:** also we are lucky to be in an all girls school but if your in a mixed school I think girls and boys should be separated

<sup>7</sup> There are many different definitions of the term 'sex-positive', but I have adopted Allen's definition: "A sex- positive approach renders sexuality as something that is normal, rather than shameful as it is posited in some moral right discourses". See Louisa Allen, "They Think You Shouldn't be Having Sex Anyway': Young People's Critique of Sexuality Education Content", In Louisa Allen (ed), *Young People and Sexuality Education: Rethinking Key Debates* (Palgrave Macmillan, 2011) at p. 50

<sup>8</sup> Pandora Pound, et al. 'What is best practice in sex and relationship education? A synthesis of evidence, including stakeholders' views' (2017) 7(5) *BMJ open*, e01479.

<sup>9</sup> As discussed in Chapter 3

**rupaul:** yes because we all feel similarly about the situations we're learning about

**Lola:** yes as often boys of our age would joke around and make it uncomfortable to ask as many personal questions

(S2FG3)

Boys agreed with this:

**Me:** So do you mind having girls around when you have lessons?

**A:** Bit awkward sometimes, like... [*laughter*]... You're not really going to feel safe when you talking about genitals... [*inaudible*] In the Brook, we were on different tables, but say if it was a mixture it would be... a bit awkward

(S1FG3a)

In co-educational schools however, some participants felt that it was unnecessary for boys and girls to be taught separately:

**Me:** What about if the genders were taught separately but you were given the same information?

**A:** Er... because that's gonna... why would they like...Aww, that just doesn't make sense, does it?

**Me:** What is it that doesn't make sense?

**A:** Why would they have two sessions to talk about the same thing?

When they can just do everything altogether; it's not like it's awkward or anything

It's just immature if like, you're uncomfortable and that... because they're both learning about the same thing.

(S1FG2b)

Here, the female participants in the focus group were of the opinion that if they were uncomfortable being in the same SRE lesson(s) with people of other genders, that

was a sign of immaturity. Following from this line of reasoning, being comfortable talking about sex in the presence of the other gender could be seen as a sign of maturity.

However, even where boys and girls are taught separately, participants felt that it was important to learn about the other gender's experiences:

**Me:** What about the composition of the group? When you had the session with Brook, it was boys and girls in the same room. What did you think of that?

**A:** It was weird  
I thought it was good... cause the boys need to know  
...  
I think it's good cause the boys need to know what the options for girls are, like it takes two to like... get someone pregnant  
[starts to laugh] so like... [laughter]  
Yeah, yeah [*multiple answers*]

(S1FG2b)

Participants wanted their lessons to be more practical, interactive and engaging, perhaps through the use of games, activities, and more visual aids, like images, pictures and videos. Power points were listed as being helpful, preferably if followed up with hands-on activities:

**Me:** OK so Q14: If you had the power to determine how relationships and sex lessons are taught at your school -What would you change? - What would stay the same?

**(:121:** 14. I would make them more fun and more practical

**rainbowlobster:** 14. I would have more practical

...

**Me:** and what do you mean by practical?

...

**(:121:** like talking in groups and playing games and discussing things

...

**rainbowlobster:** like instead of just having a power point  
(S2FG1)

**Me:** And would you like them to sit you down, and talk about it, would you like them to do activities, games...

**A:** Both [*inaudible – pupils talk over each other*]  
You can have like, games, but sit down as well  
Like, sit down as well, like, talk, like, show us  
Like, a powerpoint  
Like, show us a powerpoint and then let us do something, and then... like, talk about it and then let us do something as well

(S1FG2b)

Brook's Carousel event was cited as a good example of a lesson where they got to move around, which kept things interesting, and kept them engaged. Within the Carousel event, the Rubber Relay, an activity in which pupils would race to see who could put on a condom properly within the shortest time, was cited in many groups as a memorable and fun activity, as well as a good way of learning about condoms:

**Me:** Now... of all the things you've mentioned, I'd like you to tell me what you thought was the most interesting?

**A:** Learning about STDs  
What the hell? What? [*laughter*]

...

It's gotta be the rubber relay for me

Yeah.... The rubber relay was the best

No, the rubber relay was the funnest, but then the STDs was the most interesting... to know that they existed and like... how to stop them and stuff

Yeah, but then the Rubber Relay got us all involved... [*other participants agreeing*]

...

Rubber Relay had more... activities to do... instead of just talking about...

Yeah, I think talk... just talking, people lose interest... but when you're actually physically doing something...it gets them more interested.

(S1FG3a & S1FG3b)

In contrast, participants said that lessons that were patronising or 'dumbed down' were awkward. For example, when I asked this participant about the person who taught him SRE, he recounts the way in which she taught it and how it made him feel weird:

**Me:** Yeah, I think that's a good question. Like, do you think that someone who's closer in age to you might make it...?

**A:** Na, she did little stick-men drawings, that was just weird by itself.  
[*laughter*]

**Teacher:** So you'd relate to it more if it was a younger person coming in and talking about sex?

**A:** Na, just no pictures... no stick-men.

(S3FG2)

Many participants also described watching videos of babies being born as traumatic or scary:

**shrek:** probably getting involved make it a competition dont show videos of a woman giving birth i guess that stuff is scary for 11 year olds

(PFG1)



**Me:** If you had the power to determine how SRE lessons are taught at your school, what would you change?

**A:** Everything.

I don't know... I don't know

I don't wanna see a baby being born

(S1FG1a)

Several participants also suggested that there should be a way for them to ask questions anonymously during lessons, such as through the use of an anonymous box or an online poll:

**Me:** OK so Q14: If you had the power to determine how relationships and sex lessons are taught at your school - What would you change? - What would stay the same?

...

**abi:** I would include mental health and bring back the box

**Me:** please explain the box haha

...

**abi:** it's like a box where everyone puts their questions in anonymously

**667201:** 14. you would put an anonymous question in the box and the whole class would answer

(S2FG1)

Participants also suggested that lessons could be conducted in the same way that the online focus groups were, which would afford them some anonymity:

**yellow:** it was more comfortable because its anonymous. if schools could adopt something like this (teacher gives a presentation and at the end of each slide offers time to answer anonymous questions out loud so that if someone else thinking the same question can get an answer)

(PFG2)

- **7.1.4 What do they want SRE lessons to cover?**

In terms of substantive topics, younger participants, such as those in Year 8, asked for information on puberty and changes in puberty, as well as how to deal with periods. Older participants (Years 9 onwards) asked for information on a variety of topics, such as: side effects of contraception; what to do if they got pregnant; maternal health; how to actually have sex; consent; sex and the law, particularly around access to sexual health services when underaged; relationships; how to recognise and end abusive relationships; keeping oneself safe; mental health and how it relates to relationships and sex; sexual harassment; discrimination; body image and self-esteem; and sex and relationships from the other gender's perspective; and STIs.

Many participants have also commented on the lack of diversity in SRE, for example, the non-inclusion of LGBT and trans-inclusionary education, which reinforced the idea that these were not acceptable:

**yellow:** in a society where we are taught homosexuality is okay, why isn't gay sex talked about in sex education because to people my age, it makes it seem like homosexuality isn't acceptable

...

**HH777:** I feel as though if being trans was talked about more people would be more understanding and accepting

**wu tang:** It seems people only are excepting to things they are told is ok. It would be good if people could think for themselves

(PFG2)

They therefore asked for more coverage of these issues in SRE lessons:

**Me:** What other topics would you like to be covered at schools that aren't covered now (being realistic of course and bearing in

mind that there are certain things that they can't teach you, by law)

**shrek:** otherwise air bubbles and it can break from friction

**Hoos:** more on sexuality

**Hoos:** and consent i guess

**shrek:** sexuuality intermacy hormones to do with that and YES HOOS  
CONSENT

**shrek:** like stuff i bet theres more i dont even know XD

**Hoos:** also i think there should be a section on trans people

...

**Shrek:** ye because i know that theres a lot of transphobia that people  
dont like

(PFG1)

Some participants trusted their schools to provide them with SRE lessons that would be comprehensive and appropriate for them:

**Me:** Do you think it is valuable for someone to ask you what you want to learn, or do you just prefer them to just teach it to you?

**A:** I'd prefer them to teach us

Yeah [*multiple answers*]

(S1FG3a & S1FG3b)

However, not all participants agreed. For example, in School 4, focus group participants suggested that pupils should get to pick, via surveys or polls during assembly or form time, *who* comes in to their school to give SRE lessons, and *what* is covered in those lessons. Further, they wanted SRE lessons to be taught by different people because they wanted to get a variety of views and perspectives on the issues being discussed. Other research also shows that young people value SRE in schools where it challenges the information received at home.<sup>10</sup>

<sup>10</sup> Pandora Pound, et al, n.8.

All participants were aware of the need for SRE to be age-appropriate. The issue of age-appropriateness is further explored under the subheading ‘when’ below.

Some participants felt that their SRE lessons were repetitive, in that they covered the same topics very often. One participant said that although he had attended many SRE lessons, they all seemed to cover the same topic:

**Me:** What about yourself? You said you had a few. Did you have a few lessons?

**A:** Like, it’s only one... but it’s like on the same topic but we had like different lessons on it.

(S2FG2)

Repetitive lessons underestimate what young people already know about sex and relationships,<sup>11</sup> and were therefore described as being ‘boring’:

**Me:** right. and which of the topics did you like the least?

**m.k.wood:** yes, we where in groups

**afems:** relationships

**grapesm:** I would say relationships

**pat pat:** i found the marriage and relationship one boring

**noodle:** relationships

**noodle:** it was really boring

**Me:** why did you like it the least or find it boring?

**m.k.wood:** relationship one was covered a bit

**afems:** no visual aids

**m.k.wood:** it had already been covered in year 8

**grapesm:** I think I found it the most boring because it’s been covered every year and it basically covers the same things every time

**pat pat:** we covered it in year 8 so we just spoke about it over and over

<sup>11</sup> Louisa Allen, ‘Say everything’: Exploring young people's suggestions for improving sexuality education’, (2005) 5(4) *Sex Education*, 389-404.

(S2FG2)

Participants also emphasised the importance of being able to ask questions for clarification without being judged by teachers or classmates:

**Me:** so many of you have mentioned asking questions - do you think it is very important to be able to freely ask questions?

**Talia:** therefore if we can ask questions without feeling uncomfortable we are more likely to learn more

...

**rupaul:** yes or we would never know what we wanted to

**Michelle:** yes because if you don't know now who else is going to tell you?

...

**Cheryl:** yes because they can have a large impact on us because any confusion can go when we ask questions

(S2FG3)

Participants seem to value lessons that offer real-world perspectives, which would “bring issues of sex and sexuality to a level of everyday relevance and reality”<sup>12</sup> for them. This was seen in relation to their discussion around the internet as a source of information, because they could use it to look up other people’s experiences. It was also seen in relation to their discussion of what makes a good teacher:

**Me:** so is it important to be taught by someone who has actually gone through or experienced what you will be experiencing teach it?

**noodle:** yes definitely

**m.k.wood:** yes

**afems:** yes

...

<sup>12</sup> Louisa Allen, n.11 at 394

**pat pat:** yeah because they understand more and can help us more to understand

**grapesm:** yes because you can talk to them about your experiences

(S2FG2)

In School 4, focus group participants said they wanted the person teaching them to have had experience of sex, and to be willing to share those experiences with them. Further, in School 3, when asked who they would go to for information about sex and relationships, the participants said:

**A:** Hey, can we get [X]<sup>13</sup> in here? He knows...

**Teacher:** [X] knows what?

**A:** He knows all about this...*[laughter]*

**Teacher:** So would you feel comfortable talking to Danny about it?

...

**A:** [X]'s had experience... *[Boys laugh]*

(S3FG2)

In the above discussion, the named staff member, X, was seen by the participants as being someone who had relevant experience of “this” (i.e. sex), and would therefore be someone they would want to go to for advice and information on sex and relationships.

On the whole, although participants seemed to be asking for teachers and educators who were able to adopt a more sex-positive approach in *delivering* lessons, there were relatively few mentions of wanting to learn about positive aspects of sexuality and sexual activity, beyond saying that they wanted to learn about the mechanics of sex, or to hear about other people’s experiences. This rather surprised me, especially given that many other qualitative studies with young people have reported that they wanted more information about, topics such as erotics and how people have sex, and

<sup>13</sup> Staff member’s name has been anonymised

how to make sexual experiences more satisfying and pleasurable.<sup>14</sup> There is insufficient evidence to theorise why this might have been the case, but possible explanations include lack of time, fear of being judged by peers (especially in the in-person focus groups), or even the general feeling that schools would not cover these topics.

As Allen (2011) has argued, sexuality education curricula construct ‘legitimate’ and ‘illegitimate’ knowledge through what is included in, and excluded from, the syllabus. Hence, students may think that some topics, or subjects, are “unspeakable” because they are not traditionally included in the school curriculum.<sup>15</sup> I wondered if the fact that the participants involved in these focus groups had been selected or suggested to me by their teachers<sup>16</sup> may have had a silencing effect on the group discussions – because students may have felt that they were expected to behave in front of me and to say the right things. However, without more information, I cannot comment further on this.

- ***7.1.5 When should lessons start/be held?***

This subheading covers two specific issues: when lessons should *start*, and when/how often they should be held.

- i. When lessons should start*

Many participants felt that SRE should start as early as possible, to get pupils familiarised with terminology. They also said that starting earlier would reduce the embarrassment factor of talking about sex and relationships. It would also reduce the pressure of having to learn all the information in the later years of school:

**Me:** Why is it important to start early?

<sup>14</sup> See, for example: Pandora Pound, et al, n.8; Louisa Allen, ‘Closing sex education’s knowledge/practice gap: the reconceptualisation of young people’s sexual knowledge’ (2001) 1(2) *Sex education*, 109-122 ; Simon Forrest, et al. ‘What do young people want from sex education? The results of a needs assessment from a peer-led sex education programme’ (2004) 6(4) *Culture, Health & Sexuality*, 337-354.

<sup>15</sup> Louisa Allen, n.7 at p.45

<sup>16</sup> See further discussion on this in chapter 5.9.1

**A:** Because then you learn about it, like, and you build up your like... what you know, and it's not all just like, everything that's put on you straight away... it can be quite stressful.

**Me:** Is that how you feel about the way it's taught now... at a certain age, everything just gets put on you? Do you mind it or do you prefer not to have everything taught in Y10/11?

**A:** Yeah, like I prefer when it's spread out over like, different years...

(S1FG2b)

Participants also discussed how SRE lessons were sometimes introduced into the curriculum very abruptly, which made them feel unprepared to receive them:

**Me:** When you did it in primary school, what did it cover?

**A:** We had to watch a video of a baby being born  
We had to watch a video of cartoon characters  
Anime characters going... [*makes a whooping sound*]

**Me:** These videos, how did they make you feel?

**A:** Err, uncomfortable.

Err... yeah

No, just the way... It's just the way that it's like "oh, okay today so we're going to be doing this..." and then like, they give us the video without any preparation or anything...

(S1FG1b)

However, they agree that SRE should be age-appropriate, and that in the younger year groups, "simpler" topics, such as puberty and consent, should be covered. Lesson topics should be varied and delivered in greater depth as pupils matured and felt better able to handle lessons.

*ii. How often lessons should be delivered*

In terms of how often lessons should be held, there was a disparity in what male and female participants said. While most female participants asked for more frequent



SRE lessons, male participants did not want as many lessons, as they felt that they already “knew enough”. This may be an issue of gendered expectations,<sup>17</sup> but may also be because male pupils tended to describe their SRE lessons as awkward and boring. Perhaps therefore, lessons that are more varied and in-depth might be able to engage male pupils more.

When asked how SRE lessons in school could be improved, many participants said that there should be more of them. In School 4, one participant jokingly describes their annual SRE lesson as feeling like “once in a lifetime”. In School 2, a participant noted that if lessons were held infrequently, there was a higher risk of pupils missing the lesson completely:

**Me:** When you talk about more lessons... how often would they be?

**A:** Like, once a month

Yeah [*multiple answers*]

Or like, once a term or something

Yeah, once a term

More often than like... 2 years

Yeah cause what if you're off for that one day in two years so you miss the whole... lesson

(S1FG2a & S1FG2b)

Participants said that SRE lessons should not be rushed and should give them enough time to process the information. Citing a lesson they had had, which had covered multiple topics in a short period of time as a bad example, participants in School 4 suggested that the lesson should have been run for a longer period, or should have been broken down into several shorter lessons, which could have been held more often. In that focus group, participants said they were willing to give up their free time, such as during form time or free lessons, if they could have SRE lessons instead. They also asked for more time to ask questions:

<sup>17</sup> Discussed in section 7.2.4

**Me:** so were there any other lessons (ior informal conversations you had with teachers) that covered sex and relationships?

**bob:** not really, I asked a lot of informal questions but it was a one period lesson and the teacher didn't have much time to spare

(PFG2)

With the introduction of the new statutory curriculum, it is hoped that schools will now place more emphasis on teaching RSE, and school schedules will allow for the subject to be taught more frequently and consistently. This would, align with what participants in this research have asked for.

## **7.2 Other Themes Emerging from Discussions**

What has been discussed under 7.1 above were directly in response to questions asked during the focus groups about the content and delivery of SRE lessons. However, in the course of the focus groups, participants also brought up issues that were not explicitly related to the questions asked. These issues highlight cross-cutting themes that arise in relation to the teaching and learning of SRE, and I have therefore selected them for further analysis. The respective themes are: the taboo around discussing sex; language and humour for minimising discomfort; the general feeling of safety and comfort in lessons; the gendered dimensions to learning about sex and SRE; and discourses around risk that are associated with SRE.

- **7.2.1 Taboo around sex**

The issue of sex and relationships being ‘taboo’ was raised in several of the focus groups as being a hindrance to the open discussion of the subject, especially between young people and adults. This taboo also makes some young people feel awkward and embarrassed in SRE lessons:

**Me:** Have you had any lessons that weren't embarrassing or awkward?

**A:** No

Well, obviously lessons would be embarrassing cause it's sex education...

**Me:** Why do you think it is embarrassing though?

**A:** Because we're basically talking about bodies... other people's bodies

**Me:** OK. But if bodies... y'know. If we all like have the same kind of bodies, and the same parts, then why...?

**A:** We don't have the same body. Not everyone has the same body though...

**Me:** Yeah, but if all the guys have the same kind of parts, and all the girls have the same parts... what's embarrassing about bodies in general?

**A:** That... exposing them

Probably the part that you've been brought up not to... not to show people that' and then all of a sudden you're talking to some random stranger about your body...

[*inaudible*]... imagine if strangers came up to you and like... like just started speaking about your body parts, just like... [*gets interrupted by classmate*]

(S3FG2)

In the above discussion, the participants discussed how sex education, and in particular, talking about bodies, with a 'random stranger' (i.e. a teacher or educator) could be embarrassing because it goes against what they have been brought up to do, which is to *not* discuss it. Another reason that such a taboo hinders sex education is because the tendency to not discuss it causes a lack of familiarity with the language and terminology, and an unease around the use of such language:

**Lola:** It is often a taboo subject as we aren't taught about it until this age so we aren't familiar with the terms and therefore feel awkward talking about it

**Michelle:** for example the condom lesson people find it funny as we are discussing things that most people on the daily don't do

- Me:** do you think that young people your age get immature about things like condoms or private parts?
- Cheryl:** because they don't get to talk freely at home and they don't feel comfortable asking their parents so asked me a teacher his even more awkward
- Cheryl:** sometimes yes
- Lola:** yes just because as a society we a
- Lola:** don't openly talk about things like this

(S2FG3)

Hence, in order for SRE lessons to be delivered effectively, one important thing that must be done is to tackle the taboo around discussing sexual matters. Although the breaking down of such an established taboo will require involvement from parents and the wider community, rather than just on the part of schools, the addressing of such matters within the school curriculum is a very good starting point. As will be discussed below, language and humour are two good tools for teachers to draw upon in attempting encourage more open and comfortable discussions in SRE lessons.

- ***7.2.2 Language and laughter as a means of diffusing tension and minimizing discomfort***

The current National Guidance on SRE recommends that, in order to create a “safe environment in which they do not feel embarrassed or anxious about unintended or unexpected questions or comments from pupils”, teachers should “only [use] the correct names for body parts”; and “[explain] meanings of words ... in a sensible and factual way”.<sup>18</sup> However, as will be seen from the discussion below, pupils may have quite different preferences for the choice of language, and the way lessons are taught.

- i. The use of language and particular terminology*

<sup>18</sup> Department for Education and Employment, *Sex and Relationship Education Guidance*, No. 0116/2000, at para 4.3

In School 4, participants recounted a lesson in which they were asked to label specific parts of the body. They found this really uncomfortable as they were told to use the ‘right words’ and they felt uncomfortable using those words. They also disliked being asked to use “posh words” (i.e. the correct terminology), preferring instead to use colloquial terms, which made them feel less squeamish. However, colloquial terms were often prohibited in schools because they were seen as swear words.

Although the importance of teaching pupils the correct terminology in SRE lessons is acknowledged, there must also be an understanding that outside of schools, such terms may be substituted for more colloquial, ‘everyday’ language that they may feel more comfortable using. Where possible therefore, teachers’ choice of words and language should accord with pupils’ preferences, to create a more comfortable learning environment.

*ii. Humour/laughter*

Participants suggested that humour could be used to reduce the awkwardness or embarrassment of having to discuss sex in class. For example, when asked to describe SRE lessons that were most interesting or memorable to them, most participants recounted lessons which they described as being ‘funny’ and not overly serious:

**Me:** Someone said it was funny... could you explain?

**A:** The activities that we done... and like, like, how... it was put to us.... They didn’t make it like... they made a joke out of it  
They were useful but funny at the same time.  
It wasn’t too serious.

(S1FG3b)

**Me:** which of these topics did you like the most?

**afems:** contraception

**pat pat:** contraception

**noodle:** contraception  
**m.k.wood:** the contraception one  
**grapesm:** I think contraception  
**Me:** why was it interesting - e.g. the topic, the way it was taught, the discussions after, etc?  
**afems:** the way it was taught  
**noodle:** it was interesting because we spent a whole lesson on it and the way it was taught was fun

(S2FG2)

In general, participants felt that lessons which are fun are more interesting, and therefore more likely to engage them:

**Michelle:** and also it's just funny when you talk about it in lessons with your friends  
...  
**rupaul:** it should be fun  
...  
**Me:** do you all think that if the lesson is funny it makes it better? or should these lessons be more serious  
**rupaul:** or we would never learn  
...  
**Michelle:** more funny as it is more interesting and we are more likely to listen

(S2FG3)

Laughter is a way of breaking up tension or awkwardness in lessons:

**Me:** did it help to laugh about the topics being discussed?  
...  
**abi:** yes  
...

**rainbowlobster:** it helped to laugh because sometimes it made it  
less awkward when it was awkward  
(S2FG1)

Participants, such as those in school 4, did however acknowledge that laughter in SRE lessons was also a means of covering up embarrassment. Similarly, in School 2, participants said:

**Lola:** often people use humour to cover up uncomfortableness so they  
may just not feel comfortable talking about a certain subject  
(S2FG3)

However, laughter, or finding lessons funny is sometimes also seen as a sign of immaturity/youth. For example, in the following discussion, participants emphasised that SRE lessons are not meant to be funny, and that pupils had to be ‘mature’ about it:

**Me:** it can be funny for some people...  
**A:** yeah, but it’s not  
Yeah. You have to be mature  
(S1FG3a)

**Talia:** I think people can be immature in these lessons if they just find  
everything funny because some things are serious and if we  
don’t listen we might find ourselves in danger or not knowing  
what to do  
(S2FG3)

This self-policing is understandable, given that in other focus groups, it was raised that if pupils laughed, or behaved immaturely, teachers might halt lessons prematurely, or cover topics in less depth:

**Hoos:** depends, when people are being immature the teacher stops being so intricate about what sex is and you don't really get that much of an education

(PFG1)

There is also a feeling that where some pupils behave immaturity, it can have an effect on the rest of the group's learning:

**Cheryl:** I also think that immaturity in some people can affect the way the lesson turns out and how we as individuals learn

(S2FG3)

Laughter/humour should therefore be fitted in at the right times, and not when discussions were of a 'serious' nature:

**Me:** do you think jokes/humour has a place in your SRE lessons?

**abi:** sometimes

**(:121:** yeh we laugh all the time

**rainbowlobster:** I think they can be fitted in at the right times

**(:121:** except at serious stuff

**snail123:** depends on what aspect we are covering

(S2FG1)

Drawing these points together, it can be concluded that the taboo and awkwardness felt by pupils around discussing sexual matters in the classroom can be alleviated through the use of language that they can relate to. Such awkwardness or embarrassment can also be reduced through activities which are fun and engaging, and which allow pupils to laugh together. To a large extent, this will boil down to the confidence, skills and experience of the person teaching/leading lessons. Teachers who themselves do not feel awkward and embarrassed about discussing the subject matter, and who have the necessary experience and knowledge, are more likely to be able to draw upon these tools in delivering lessons. Specialist SRE training is therefore vital for teachers to be able to deliver lessons effectively.



- **7.2.3 Safety and comfort in lessons**

Much of the discussions in my focus groups focussed around the issue of comfort (or discomfort). For example, some participants said that they had positive experiences of SRE lessons because they were comfortable learning alongside their classmates, or they had teachers they were comfortable with. They expressed a dislike for mixed-sex education because they would feel awkward and uncomfortable in lessons with people of the opposite sex. In suggesting how lessons could be improved, pupils mentioned that more could be done to facilitate a comfortable learning environment, where they could participate and ask questions without feeling judged or ridiculed.

In other words, young people want a safe environment for learning.<sup>19</sup> Safety, in this sense encompasses two aspects. Firstly, they should not be judged, either by adults or by their peers for asking ‘silly’ questions; and secondly, there should be no concerns raised about their private sexual behaviours if they asked questions about sex and relationships during lessons. On the first point, it was evident that many participants in the focus groups conducted had either been judged, or felt that they would be judged, for asking some of the questions they wanted to ask. They described being told off by teachers for asking questions, or the fear of being laughed at by their peers. On the second point, participants seemed to be afraid of adults’, especially parental, overreaction. For instance, participants talked about not wanting to go to their teachers to ask more detailed or personal questions, in case teachers suspected that they were about to become sexually active (whether or not they actually were). There was an accompanying fear that these teachers would relate such information to other teachers, heads of years, or worse still, their parents. Some pupils in the focus groups therefore clearly felt the need to be able to find out such information from sources that were unlikely to betray their confidence.

Related to the point on safety is that of anonymity, confidentiality and privacy. Young people value anonymity and confidentiality in seeking out information and

<sup>19</sup> Pandora Pound, et al, n.8.

advice on sex and relationships, especially if the information or advice sought was personal in nature.

**Me:** Of all these sources you have named, which do you think is the most reliable source, and why?

**A:** ...

Childline – I don't know, because they don't say nothing to no one, because they're just on the phone, and like... yeah. And they're like, less serious, unless you're like, battered by your mum or something and they have to take action

(S1FG1a)

For example, as has been covered in Chapter 6, in discussing their preferred sources of information on such matters, young people were more likely to state a preference for sources such as Internet sources or friends – which offered more confidentiality and anonymity - even to the extent that they were willing to risk the unreliability of these sources.

However, given that these sources (internet, friends, elder siblings) are likely to be less reliable than trained teachers, or even parents, it is argued that more should be done to ensure that pupils are able to freely ask questions in school. In addition to reviewing schools' safeguarding policies, which was a suggestion considered in section 6.2.5 above, schools could also introduce anonymous question forms, or signpost pupils to sources that are confidential and anonymous, such as the school nurse.

- ***7.2.4 Gendered dimensions to learning about sexual matters***

In addition to the above, there is also a gendered dimension to the way sexual matters are discussed, which could have an impact on the way SRE is taught. This is something that has been acknowledged, to some extent, in the National Guidance on SRE:

“Boys may have felt that sex education is not relevant to them and are unable or too embarrassed to ask questions about relationships or sex. Boys are also less likely to talk to their parents about sex and relationships. For these reasons, programmes should focus on boys as much as girls at primary level as well as secondary.”<sup>20</sup>

Where female participants tended to ask for more lessons, male participants tended to talk down the importance of lessons, claiming to prefer not to have lessons in school. They appear to try to show that they have all the info they want/need:

**Me:** How often would you have lessons?

**A:** One lesson.... You only need one lesson

(S1FG3a)

This ‘hostility’ shown by boys towards sex education has been recorded in other research.<sup>21</sup> This may be because there is a pressure on boys to be knowledgeable about sexual matters, and to be *seen* as being knowledgeable.<sup>22</sup> Boys in this study therefore spoke about how knowledge on sex and relationships is something that they will automatically acquire when they grow up, or something to be learned via practical experimentation (e.g. by going to a girl’s house):

**Me:** So if you think that you don’t need lessons... like you were saying that you’d rather not have lessons at school, why do you think so?

**A:** You learn it yourself.

**Me:** Outside of school, where would you go to learn these kinds of things?

**A:** Nowhere  
To a bird’s...

<sup>20</sup> Department for Education and Employment, n.18 at para 1.22

<sup>21</sup> See for example: Lynda Measor, ‘Young people’s views of sex education: Gender, information and knowledge’, (2004) 4(2) *Sex education* 153-166; Lynda Measor, Katrina Miller, & Coralie Tiffin, *Young people’s views on sex education: education, attitudes and behaviour* (Routledge, 2012)

<sup>22</sup> Peter Aggleton, Christine, Oliver, & Kim Rivers, *Reducing the rate of teenage conceptions: the implications of research into young people, sex, sexuality and relationships*. (Health Education Authority, 1998); Lynda Measor, n.21.

**Teacher:** You'd just learn it as you went along?  
**A:** Yeah  
**Teacher:** Do you speak to your parents about it?  
**A:** No  
 Why would you do that?  
 [inaudible]... it's like knowledge... when you grow up,  
 you know

(S3FG3)

In this sense, the pressure on boys and girls is very different - girls feel that they get pressured by boys whereas boys get pressured by their (male) friends:

**A:** In a relationship, it's between 2 people, and the girl gets pressured more, but like...as a whole, boys get pressured more by their mates...  
**Me:** So it's like a lad thing, isn't it?  
**A:** Yeah [*multiple answers*]

(S1FG3a)

Even within the context of focus group discussions, boys tended to behave in more disruptive ways. For instance, in one of the focus groups in School 1, the boys started shouting really loudly into the tape recorder I had placed in their group, which meant that the recording could not be used, and the focus group had to be re-recorded – although it was also the boys who brought this to my attention and willingly asked to re-record it.

In addition, boys also tended to say things which might have been intended to evoke a reaction, either from me, or from their peers. For example, in one focus group, when asked about who had taught them SRE, the boys segue into graphic discussions around STIs and their symptoms:

**Me:** Who taught you your lessons on SRE?  
**A:** The Brook (multiple)  
 One boy names a teacher  
**Me:** So someone external?

**A:** Yeah [*multiple answers*]  
Some of those pictures were disgusting man – [*Boys start to laugh*]  
We talked about diseases and infections  
Important not to like...[*inaudible*]  
Babies  
Green gunk [*Boys laugh even more*]  
Mingin' ...  
They had all these pictures...  
All of like yellow stuff around...  
Pubic lice

(S1FG3a)

In another group, when asked what topics they would have liked their lessons to cover, the boys took this as an opportunity to suggest provocative answers:

**Me:** What else would you like to learn about?  
**A:** Catfish  
Weed and drugs  
When girls get off and they say “come inside me”... [*laughter*]  
I’m horny, me... [*laughter*]

(S3FG4)

In a third group, a discussion about condoms turned into a discussion about what else could be used as alternatives to condoms, even though they had been previously asked to try to stay on topic:

**Me:** Besides the mechanics of sex, what else do you think is important for you to learn?  
**A:** [*boys talk over each other; answers inaudible*]  
Johnnies  
Condoms  
**Me:** About condoms, about safe sex?  
**A:** Yeah

Putting them on your head... [*laughter*]

[*One pupil interrupts to tell me something he had seen on Jeremy Kyle where toffee wrappers were used as condoms. His teacher tells him off*]

[*inaudible*]... Durex on the packet. If it says Durex, and it looks like a balloon, yeah... then that's what you use.

Could you use a balloon?

No.

I asked the man in the cornershop and he said yeah.

[*Discussion about what can and cannot be used as condoms continue for about one minute*]

(S3FG4)

Boys also tended to bring up conversations around pornography, websites and images on the internet, as if to test out my reaction to such things being raised:

**Me:** OK, so how would you best learn though? So if they didn't use pictures, like what kinds of things...

**A:** [*interrupting me*] We want to see pictures on the internet... [*laughs*]

(S3FG2)

**Me:** Anyone else? Anything that you'd like to know, or you might want to ask a teacher but haven't been able to ask yet?

**A:** No

**Me:** No? You know everything you need?

**A:** He needs to know a couple of new websites... [*laughter*]

**Me:** What kind of websites?

**A:** Oh, miss knows!! [*Continuous giggling and laughter between participants*]

(S3FG1)

Prima facie, such discussions could be interpreted as 'showing off' knowledge about sexual matters, but could also indicate a deeper and underlying discomfort that boys

have around discussing sex in general. This could also mean that, in the context of SRE, teachers may find it more difficult to teach, and control, a class of boys, compared to girls.

Therefore, the National Guidance is right in pointing out that SRE lessons may need to be delivered slightly differently to boys than to girls, although it is important that it covers the same amounts of information. More should also be done, especially within the SRE curriculum, to dispel the pressure on boys to be sexually knowledgeable, and to ensure that they too can be supported to ask questions and seek help where needed. It is really important for school-based SRE to address boys' needs, because outside of school-based lessons, the avenues for acquisition of information on sex and sexuality is highly gendered: girls are more likely to seek information on such matters from their mothers or sisters, whereas boys prefer their peers, the internet and pornography for information, which may not be as accurate or reliable.<sup>23</sup>

Girls however, do not have it much better. Although they may find it easier to access information and advice about sex and relationships, both in and out of school, such information and advice often “reproduce stereotypes of women as passive and lacking in desire”,<sup>24</sup> and responsabilise them for the consequences of sexual activity. As will be discussed in 7.2.5 below, the female participants in my focus groups seem to have internalised the discourses around risk more so than the male participants, and they were more likely to raise questions about unintended pregnancies and the negative consequences of sexual activity. This suggests that girls may feel that they have more to lose and less to gain from engaging in sexual activity. The view that sex is for boys' pleasure, and is something done unto women, for which they bear the consequences, may disempower them from seeking pleasure in their sexual relationships.<sup>25</sup> The teaching of pleasure in SRE lessons is discussed in more detail below.

<sup>23</sup> See for example: Lynda Measor, n.21; Claire Tanton, et al. 'Patterns and trends in sources of information about sex among young people in Britain: evidence from three National Surveys of Sexual Attitudes and Lifestyles' (2015) 5(3) *BMJ open*, e007834

<sup>24</sup> Pandora Pound, Rebecca Langford, & Rona Campbell, n.2 at p.7

<sup>25</sup> Michelle Fine, 'Sexuality, schooling, and adolescent females: The missing discourse of desire', (1988) 58(1) *Harvard educational review* 29-54

- *7.2.5 Discourses around risk*

Finally, many participants in the focus groups seem to have internalised discourses around youth sexuality and risk contained in both the legislative framework around SRE as well as the National Guidance document. For example, when asked about what topics they wanted to cover in SRE, participants tended to ask for lessons that focussed on ‘problems’ or the negative consequences of youth sexual activity:

**Me:** ok so a few of you have said that lessons can sometimes be repetitive or lacking in variety. so if you could choose, what other topics would you have included in the lessons?

...

**pat pat:** impacts of diseases and illnesses caused by not using protection

**afems:** what happens if you do something, eg drugs or get an std or get pregnant and what you should do

**noodle:** I think the teachers should go more in depth with all the topics

**grapesm:** talk about more experiences of people instead of repeating information

**m.k.wood:** talk about the problems in more detail

**Me:** what kinds of problems would you like to see discussed?

**pat pat:** what happens if you don’t use contraception

**grapesm:** the side effects of things like stds and the story’s of people going through them or had had them in the past

**noodle:** more on diseases and drugs and pregnancy

**afems:** diseases and effects of drugs and young pregnancies

(S2FG2)

Amongst girls especially, there was a distinct fear of pregnancy as a consequence of sexual activity:



**Me:** ok so what topics do you think pupils your age would have lots of questions about?

...

**Michelle:** underage sex and pregnancy

**rupaul:** contraception and risks

**Talia:** contraception, underage pregnancy,

**rupaul:** underage stuff as well

**Lola:** sexual health and stuff that may not be on the curriculum in as much detail such as underage pregnancy and how to deal with it

**Cheryl:** sex education and drugs because they are such a big part of society today and we don't know tha much about the safety of them

**Michelle:** and how to deal with underaged pregnancy

**Me:** when you say underage sex/stuff, what exactly do you mean i.e. the mechanics of sex, the law around underage sex, etc?

**rupaul:** how to prevent it and how to not get pregnant

**Lola:** the law and what the consequences are of breaking this law

**Michelle:** what your options are eg abortion and adoption

**Talia:** being pregnant when your under the age limit how to prevent it or what to do ie abortions

(S2FG3)

In fact, getting pregnant at a young age is described as something “stupid”:

**Me:** And you said helpful? Why are they helpful?

**A:** Cause we'd learn more as well. Like, we just don't go out of the doors not knowing anything. Y'know?

If we didn't know about this, we could do like, stupid mistakes.

**Me:** Clarify... stupid mistakes?

**A:** Like, we could get pregnant at a young age... cause we wouldn't know what was happening

Overall, when asked about what messages they have picked up from school-based SRE, participants said:

**Me:** And what messages did you think they were trying to send out through lessons at school?

**Hoos:** dont get pregnant or get an std and ur good to go

(PFG1)

From this, there is evidence that the mainstream discourses on SRE focus on the consequences of ‘real sexual activity’, but ignore the more extensive (and safer) sexual practices narrated by young people themselves, including ‘heavy petting’ and foreplay.<sup>26</sup> SRE lessons currently do indeed situate youth sexual activity within a context of risk and illness, with the intention of deterring such activity. The emphasis on negative consequences, and the denial of the pleasurable elements of sexual activity is dangerous because it ignores pupils’ own sexual knowledge, and could cause them to disengage from lessons once they discover that there is more to sex than risk.

It is therefore suggested that RSE programmes, in addition to covering the risks and consequences of teenage sexual activity, should also take a sex-positive approach and discuss the pleasurable aspects of sex and sexuality. Such a discourse of desire:

“...would invite adolescents to explore what feels good and bad, desirable and undesirable, grounded in experiences, needs, and limits. ...[It] would release females from a position of receptivity, enable an analysis of the dialectics of victimization and pleasure, and would pose female adolescents as subjects of sexuality, initiators as well as negotiators.”<sup>27</sup>

<sup>26</sup> Julia Hirst, ‘Researching young people’s sexuality and learning about sex: experience, need, and sex and relationship education’, (2004) 6(2) *Culture, Health & Sexuality* 115-129 at 119

<sup>27</sup> Michelle Fine, n.25 at 33

Allen (2004) goes further in proposing a “discourse of erotics” within sexuality education programmes, which would involve the recognition that young people are “sexual subjects who have a right to experience sexual pleasure and desire”.<sup>28</sup> She posits that this reframing would not only encourage young people to practice safer (more pleasurable) sex, but also enhance their interpersonal relationships.<sup>29</sup>

Incorporating pleasure into the curriculum could positively transform the outcomes of RSE lessons. Where young people are taught that sexual activity, and expressions of sexuality are pleasurable, instead of something to be ashamed of, they are more likely to be able to talk about it openly. This not only improves their ability to communicate sexual desires, but also to resist unwanted sexual pressures.<sup>30</sup> Discussions around pleasure may also acknowledge a “wider and realistic repertoire of sexual practices”<sup>31</sup> that do not include penetrative sex, and which may therefore be safer for young people. Above all, teaching about pleasure would legitimise female desire, thereby empowering girls and women to be able to initiate safer sex in relationships and to resist coercion and sexual pressure.<sup>32</sup> Teaching about pleasure may therefore satisfy the gender-balancing aim of sexuality education programmes.

### 7.3 Conclusions

This chapter has examined young people’s experiences of, and recommendations for SRE in schools. Section 7.1 presented participants’ evaluations of their school-based SRE lessons. In terms of *who* they want to teach them, young people expressed a strong preference for being taught by ‘professionals’. These professionals could either be teachers or external educators, but it is important that they receive the necessary training such that they have relevant subject knowledge and experience, can confidently deliver lessons and can answer their questions without making them

<sup>28</sup> Louisa Allen, ‘Beyond the birds and the bees: Constituting a discourse of erotics in sexuality education’, (2004) 16(2) *Gender and education*, 151-167 at 152

<sup>29</sup> Louisa Allen, n.28 at 152

<sup>30</sup> See for example: Roger Ingham, ‘“We didn’t cover that at school’: Education against pleasure or education for pleasure?’, (2005) 5(4) *Sex Education*, 375-388; Julia Hirst, ‘It’s got to be about enjoying yourself’: young people, sexual pleasure, and sex and relationships education’, (2013) 13(4) *Sex Education*, 423-436.

<sup>31</sup> Julia Hirst, n.30 at 431

<sup>32</sup> See Michelle Fine, n.25; Michelle Fine, & Sarah McClelland, ‘Sexuality education and desire: Still missing after all these years’, (2006) 76(3) *Harvard educational review* 297-338; Louisa Allen, n.28; Julia Hirst, n.30

feel awkward or embarrassed. If possible, young people prefer to be taught by different people, so that they could gain a broader variety of perspectives on the topics and issues covered as part of their SRE lessons.

In terms of *how* lessons should be taught, young people said that lessons should be fun, interactive and engaging, and should enable active participation. Both male and female participants said that classes should be single-gendered to avoid any embarrassment or awkwardness. When asked *what* should be taught, the young people involved in this research listed a variety of topics they would have liked to be covered in their lessons. Importantly, SRE lessons should not be repetitive, because repetition made lessons boring. Young people also felt strongly about being given the opportunity to ask questions and seek clarification without fear of judgement or punishment from friends, teachers or relevant adults. Real-world experiences on sex and relationships were cited as being very valuable for young people, likely because they are practical ways of learning what to do and to not do.

Finally, in terms of *when* lessons should start, young people thought that SRE lessons should be introduced as early as possible, to allow pupils to familiarise themselves with the relevant terminology and to get used to lessons. This way, they would also avoid the pressure of having too much information ‘dumped’ on them suddenly, in later school years. However, lessons should be taught in an age-appropriate manner. Overall, many young people in this research reiterated the need for more frequent and consistent SRE lessons. They said that one or two lessons per year is insufficient because there was a risk that they would miss the lesson, or would forget the information provided. An important qualification to this is that male participants tended to disagree with the need to have more lessons, instead stating that they did not want SRE lessons in school.

Section 7.2 of this chapter discussed some general themes emerging from the research that could have potential implications for the way SRE is taught in schools. In particular, it looked at the pervasive taboo around discussing sex, which pupils believe made SRE lessons awkward and embarrassing. It also looked at the use of language and humour to make lessons more engaging and fun, and therefore less embarrassing. Thirdly, it looked at issues of comfort and safety of lessons, which

cropped up very frequently in the focus group discussions. It also examined issues of privacy, confidentiality and anonymity, which are essential to building pupils' trust and ensuring that they feel safe in lessons.

Changes or further clarifications to schools' safeguarding policies were suggested as a means of opening channels of communication between teachers and pupils to ensure that pupils would have access to sources of information that are safe and reliable, whilst at the same time, being able to maintain their confidentiality and trust. Fourthly, issues of gender and how they could potentially affect SRE lessons were discussed. Finally, the internalisation of discourses around youth sexuality and risk arising in the focus groups were highlighted, and the implications of this for the way girls and boys are taught about sex and sexuality, was discussed. The framing of SRE within more sex-positive discourses, and the teaching of pleasure within the curriculum, was suggested not only to ensure that the curriculum engages young people, but also as a way of ensuring that pupils receive more positive messages around youth sexuality and sexual activity.

The salient opinions expressed by the participants in this research demonstrate that young people are able to articulate their viewpoints and make relevant suggestions for improving their SRE lessons. Therefore, it is both important and valuable for policy-makers to consult pupils in designing future RSE policies, in order to ensure that RSE lessons will engage pupils and meet their informational needs.

The next and final chapter of this thesis will summarise the arguments made in this and previous chapters, and will offer recommendations for future RSE lessons that will incorporate pupils' opinions and engage them.

## Chapter 8: Conclusions and Recommendations

### 8.1 The thesis so far...

The aim of this PhD research has been to reframe the current debates around SRE and to examine them from a children's rights perspective. It has adopted an explicitly children's rights-based approach to analysing and evaluating the provision of SRE, which is evident in three ways. Firstly, the thesis has situated SRE as a right of the child, as an extension of their right to education under Articles 28 and 29 of the UNCRC. Secondly, it has presented empirically-grounded insight into young people's views of their school-based SRE, to demonstrate how children and young people's opinion can add valuable insight in efforts to improve the content and delivery of the curriculum. Thirdly, it has attempted to employ innovative digital methods in order to better facilitate young people's participation in research.

It has examined the controversies surrounding children's sexuality generally, leading to a reluctance to provide sexuality education, for fear that exposure to any kind of sexual knowledge will 'corrupt' children's innocence and purity. It was argued that where sexuality education is provided to children, it is often used as a means of controlling children's bodies and sexual expressions. As such, messages distilled to children in sexuality education lessons tend to be grounded heavily in discourses around morals and risks, which attempt to discourage children from exercising any kind of sexual agency. However, programmes that focus only on morals, risks and consequences fail to take into account the rights, experiences and lived realities of children, thereby denying the diversity of their needs and their growing sexual autonomy. Hence, these programmes also tend to be ineffective<sup>1</sup> and fail to engage children.

It was then argued that children have a fundamental right to receive *comprehensive sexuality education*. Comprehensive sexuality education equips children with the

<sup>1</sup> For example, a recent study shows pregnancy rates in the UK remain high in comparison to the rest of Western Europe, and further, that young people account for most of the new STI diagnoses in the UK, indicating that SRE lessons (if they are provided at all) have still a long way to go in delivering on sexual health goals. See Pandora Pound, et al. 'What is best practice in sex and relationship education? A synthesis of evidence, including stakeholders' views' (2017) 7(5) *BMJ open*, e014791

tools to understand human sexuality, combat abuse and discrimination, and to make safe and informed choices about their own sexuality, sexual health and well-being. In this sense, it has the potential to realise many rights of the child, including, but not limited to, the rights to health, education, information, freedom of thought, and non-discrimination. In order to be considered comprehensive, sexuality education programmes should be age-appropriate, adequate, factually accurate, informative, and grounded in human rights. They should also address a broad range of topics and issues, from a wide range of religious (or secular) and cultural perspectives, in order to provide pupils with a sufficient knowledge base and prepare them to make informed choices in exercising their sexual agency.

Moving on, the thesis examined the approach to sexuality education in English schools, also known as SRE. It is impossible to say if SRE is comprehensive in nature, because of the wide variations in the way it is implemented across English schools. In fact, SRE is often provided in a haphazard and inconsistent manner, and has been found to be in need of improvement in over one-third of English schools.<sup>2</sup> Chapter 3 of this thesis outlined some of the problems inherent in the English approach to SRE. Firstly, the subject lacks statutory status, and thus occupies a very uncertain status within schools' curricula. Coupled with the lack of a prescribed curriculum, this has resulted in a lack of consistency in implementation of SRE across schools. For example, some schools provide SRE as regularly timetabled subject, whereas other schools arrange one-day lessons in which try to cover as much ground as possible with students. Even others provide little to no SRE at all.

The National Guidance on SRE does not prescribe a curriculum, but merely suggests topics that schools can cover, both at primary and secondary level. The Guidance is problematic for several reasons. Firstly, it sends inconsistent messages about how children's sexual agency should be treated. For example, it sets out that children should be empowered to make safe and informed decisions in the exercise of their sexuality, but then also couches youth sexuality and sexual activity in very negative light, by focusing on risks and consequences. In this sense, the messages in the Guidance may not accord with children's own perspectives and understandings of

<sup>2</sup> Ofsted, *Not Yet Good Enough: Personal, Social, Health and Economic Education in Schools*, May 2013

sexuality. Further, the Guidance is relatively silent on issues of sexual diversity, and has been criticised in this thesis for being heteronormative, to the exclusion of other sexual minorities. In addition, the Guidance is outdated, and fails to adequately deal with issues like sexting, online pornography and cyberbullying, which have become more prevalent in recent years.

On the whole, the English approach is heavily adult-driven, and parents and guardians have an enormous amount of power to determine and control their children's access to SRE. They must be consulted on schools' SRE policies, and are afforded a right to withdraw their children from lessons if they do not agree with them. Above all, SRE policies fail to take into account *children's* own lived experiences and perspectives. As such, SRE has been said to be inadequate and ineffective in engaging pupils and in catering for their needs.

It was suggested that the problems surrounding the current English approach to SRE can be remedied by reframing the debate to focus on children's rights instead. This would entail three things in particular. Firstly, it would require recognition that sexuality education, as an extension of the right to education, and predicated upon the other rights of children, including the rights to health, information and equality and non-discrimination, is a fundamental right of the child, and therefore, that all children should be able to access it. It was argued in Chapter 4 above that while both parents and schools can provide sexuality education to children, leaving this solely to the responsibility of parents could mean that some children do not receive sexuality education at all, especially given that some parents feel uncomfortable discussing sexual matters with their children,<sup>3</sup> while others do not think it is appropriate for children to be taught about sexual matters. Hence, in order for children to be able to access sexuality education, it should be provided in schools. Schools provide a safe, controlled environment for children to learn about sexuality, and can also support this learning through properly trained professionals. They are also the best platforms for reaching as many pupils as possible. In short, this thesis has argued that SRE

<sup>3</sup> See, for example: See, for example: Kerry H. Robinson, Elizabeth Smith, & Cristyn Davies, 'Responsibilities, tensions and ways forward: parents' perspectives on children's sexuality education' (2017) 17(3) *Sex Education*, 333-347; BBC News, "Many parents 'oppose school sex education for children'", 5<sup>th</sup> May 2011, available at <https://www.bbc.co.uk/news/education-13292133> (accessed 11th July 2019)



*must* be provided in all English schools as a means of realising children's right to access sexuality education.

Secondly, ensuring children's access to SRE would also require the removal of any barriers children may face in accessing such lessons. One barrier that was examined in this PhD thesis is the parental right to withdraw children from lessons. This right was discussed in much detail in Chapter 4. It was theorised that the right to withdraw is offered to parents to be in conformity with Article 2, Protocol 1 of the European Convention on Human Rights, which requires States, in providing education to children, to respect parents' rights to direct their children's education in accordance with their own religious and philosophical convictions. Therefore, parents are allowed, under English and European/International law, to remove children from SRE lessons if they feel that these lessons are not in conformity with their own religious and philosophical convictions. However, by examining the jurisprudence of both the European Court of Human Rights, as well as UK domestic courts, it was argued that, as long as SRE lessons do not indoctrinate children or favour a particular religious or cultural perspective in relation to the topics being taught, the parental right to direct children's education in line with their own religious and philosophical convictions is not contravened. Hence, it was argued that children's rights to access SRE lessons do not clash with the parental right to direct their children's education, and therefore that the continued retention of the parental opt-out is unjustifiable.

Chapter 4 also considered different ways of involving parents in their children's SRE lessons that do not involve giving them a right to inhibit children's access to those lessons. It advocated strongly for parents to be supported and encouraged to complement school-based SRE with teaching of their own. In this manner, they can ensure that their children are also taught about sexual matters from their own perspectives. Children will therefore be able to draw upon a wide range of perspectives and opinions, both from school and from their parents, in developing their own understandings of sexuality, and relationships. Finally, the chapter considered that, if parents are continued to be allowed to opt their children out of lessons, as will be the position when the new curriculum for RSE is introduced into schools, then the parental opt-out procedure should also incorporate ways of

listening to children's opinions. It was suggested that, where a child wishes to remain in RSE lessons, contrary to the wishes of his or her parents, then the child's wishes should be prioritised unless "significant harm will arise from their wishes".<sup>4</sup> If the school decides to adhere to the parents' wishes, then they should be required to provide justifications for why the child's wishes have been overridden.

Thirdly and finally, a children's rights approach to SRE would require that children be consulted on all aspects of SRE policies, from design to implementation. Appropriate weight should be attached to children's views, and they should be incorporated into policy as far as possible. In this manner, the SRE curriculum will be relevant, interesting and engaging to them.

- ***8.1.1 Young people's views on SRE lessons in schools***

As part of this research, focus groups were conducted with over 80 secondary school pupils in the Merseyside area of England, to seek their opinions on the SRE lessons they had received at school. Foremost, many participants in the study agreed that school is the best place for learning about sex, relationships and sexual matters. For many, although not all, school offered a comfortable and conducive environment for learning, and the fact that SRE lessons were conducted in groups gave participants a sense of 'safety in numbers'. This echoes findings from previous research,<sup>5</sup> and justifies the need to provide SRE lessons at school.

In evaluating the SRE lessons they had received at school, participants discussed a wide range of issues, and suggested many areas for improvement. Participants used both very positive and very negative descriptors in describing their SRE lessons. Participants' varying experiences of SRE confirms that SRE is provided inconsistently across schools.

<sup>4</sup> This is an extension of Daly's 'children's autonomy principle', in which she argues that, where a legal decision involves consideration of children's best interests, children should get to choose how they are involved and what outcome they wish for, unless significant harm will result from those wishes. Arguably however, no significant harm is likely to arise from a child's decision to attend sexuality education lessons, and therefore, such wishes should routinely be given effect. See: Aoife Daly, *Children, Autonomy and the Courts: Beyond the Right to be Heard* (Brill, 2018)

<sup>5</sup> Claire Tanton, et al. 'Patterns and trends in sources of information about sex among young people in Britain: evidence from three National Surveys of Sexual Attitudes and Lifestyles' (2015) 5(3) *BMJ open*, e007834; Pandora Pound, et al., n.1.

In terms of suggestions, participants expressed a preference for SRE lessons to be taught by ‘professionals’. The use of the term professional did not necessarily connote external educators – in fact, participants were also happy to have school teachers delivering SRE. However, participants felt that teachers should be sufficiently trained and have relevant subject knowledge and experience. Teachers, in being professional, should be able to confidently deliver lessons and answer their questions without making them feel awkward or embarrassed, and should not ridicule them for asking questions that may sound silly. In these discussions, participants emphasised the need for teachers to have suitable specialist training to deliver SRE.

Where possible, they wanted SRE lessons to be delivered by different teachers, so that they could gain a variety of perspectives on the issues covered. This demonstrates young people’s awareness that there may be different perspectives on the topics covered, and their willingness to learn from and engage with these different perspectives.

Participants felt that same-sex lessons were preferable to mixed-sex ones, because it would be more comfortable to be taught with pupils of the same sex. They wanted lessons to be fun, interactive, and engaging, and to enable them to actively participate. Examples cited included the use of games and activities for engagement. SRE lessons should not be repetitive, but instead, should cover a broad variety of topics. Participants also valued lessons which allowed them insights into real-world experiences. Participants wanted lessons to start as early as possible, so that they could familiarise themselves with the relevant terminology being used and reduce any embarrassment about the use of such words. Generally, participants also wanted SRE to be provided more frequently and consistently across the school year.

Many participants described their SRE lessons as being repetitive, covering the same content over and over again. This caused them to become bored, and disengaged. Instead, they wanted their lessons to be more varied and to cover a broader range of issues, and where possible, they wanted to be able to pick the topics and issues being covered. Participants particularly commented on the lack of diversity in SRE, and

stressed that more attention needed to be given to issues around sexual minorities, such as LGBT people. Unlike in other studies,<sup>6</sup> participants in this research did not suggest wanting to learn about positive aspects of sexuality and sexual activity, beyond saying that they wanted to learn about the mechanics of sex, or to hear about other people's experiences. There is insufficient evidence to theorise why this might have been the case, but possible explanations include lack of time, fear of being judged by peers, or even the general feeling that schools would not cover these topics. However, it is suggested that participants' requests for their teachers to adopt more sex-positive approaches in delivering SRE reflects their wishes for their growing sexual autonomy and agency to be recognised.

They explained how sex (and related matters) is still taboo, and how this taboo sometimes made SRE lessons awkward and embarrassing. They frequently used the words 'comfortable' or 'uncomfortable' in describing their SRE lessons – ascribing positive value to feelings of comfort and safety. For example, those who described SRE lessons as being good were also likely to say that they were comfortable learning alongside their peers, or were comfortable with their teachers. Participants repeatedly raised the need to be able to ask questions, and have discussions, without feeling judged, or being ridiculed by their teacher or their peers. They described how using particular terms, and introducing humour into the classroom, could be a means of alleviating the awkwardness and embarrassment.

Some of the participants' discussions also belied the internalization of particular gender roles and stereotypes. For example, boys seemed to downplay the importance of SRE lessons, reflecting perhaps an expectation that they should already be knowledgeable on such matters. They were also more likely to disrupt focus group discussions, which indicates a level of discomfort in discussing sexual matters, even if only to do with their SRE lessons. Girls, on the other hand, tended to focus much attention on the consequences of sexual activity, demonstrating that they may perhaps feel more of a responsibility for shouldering these consequences, in comparison to boys. It was argued that the lack of focus on the pleasurable aspects of

<sup>6</sup> See: Pandora Pound, et al., n.1; Louisa Allen, 'Closing sex education's knowledge/practice gap: the reconceptualisation of young people's sexual knowledge' (2001) 1(2) *Sex education*, 109-122; Simon Forrest, et al. 'What do young people want from sex education? The results of a needs assessment from a peer-led sex education programme' (2004) 6(4) *Culture, Health & Sexuality*, 337-354.

sexuality and sexual expression within SRE may disempower pupils, particularly girls from being able to seek pleasure in their own sexual relationships, and may reinforce the ideas that sex is only for male pleasure. Future SRE policies must adequately deal with this issue so as to ensure that both boys and girls are able to express and exercise their sexual agency in equal ways.

- ***8.1.2 Looking ahead: Evaluating the new Statutory RSE curriculum against children's suggestions***

Having summarised the problems with the current approach to SRE, and young people's opinions on their SRE curriculum, in this section I will evaluate the new statutory Relationships Education and RSE curriculum and show that although they are certainly an improvement over the current framework of provision, they *still* do not sufficiently accommodate children's expressed needs and wishes for the curriculum. The discussion in this part of the chapter therefore sets the scene for proposing an alternative framework for sexuality education, as discussed in 8.2 below.

- i. The new statutory curriculum: the positives*

The new statutory curriculum will in many ways be an improvement over the current SRE curriculum. For starters, Relationships Education and RSE will now be compulsory in *all* schools, as opposed to merely maintained schools. This means that more pupils will have access to these lessons in schools. Secondly, the fact that the curriculum has been placed on statutory footing means that it will also be inspected to ensure quality and compliance with national Guidance on the subject.<sup>7</sup> This will provide the necessary impetus for schools to take the subjects more seriously and hopefully allocate more time and resources to the planning and delivery of the subject. It would also accommodate pupils' wishes for more frequent and consistent RSE lessons.

<sup>7</sup> Ofsted, *Handbook for inspecting schools in England under section 5 of the Education Act 2005*, updated September 2019, at paras 224 and 225

In terms of content, the new Guidance on Relationships Education, RSE and Health Education covers topics such as online relationships and mental wellbeing, which, based on the suggestions of participants in this research, would be welcome additions to the curriculum. The Guidance also specifically refers to the need to teach the importance of equality and respect in relation to LGBT issues. Pupils are expected “to have been taught LGBT content at a timely point”,<sup>8</sup> which, again, is something that participants in this research have asked for. The Guidance explicitly recognises a variety of familial relationships, including opposite-sex and same-sex married couples, civil partners and other types of relationships outside of marriage. This position is more reflective of current attitudes in society and will therefore align more closely with children’s lived experiences.

Further, as has been argued in Chapter 4, the new Guidance also attempts to curb the parental right to withdraw. It subjects such parental requests to the discretion of head teachers, thereby raising additional “procedural hurdles” that will hopefully discourage parents from exercising this right. In addition, it recommends that the child is consulted when parents make a request to withdraw them from lessons.<sup>9</sup>

The overall approach to RSE is also more children’s rights-respecting. For instance, it suggests that schools should listen and respond to the views of young people in designing their RSE policies.<sup>10</sup> Prima facie therefore, there is more effort to incorporate children’s right to be heard into the design and delivery of RSE policies. However, as will be discussed below, these changes appear tokenistic, and may not be fully borne out in practice.

ii. *The new statutory curriculum: the negatives*

As mentioned above, the Guidance recommends that schools consult with pupils in developing their RSE policies. However, there is no explanation of how children should be consulted and how much weight to attach to children’s views. Further, it is

<sup>8</sup> Department for Education, *Relationships Education, Relationships and Sex Education (RSE) and Health Education: Statutory Guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teachers*, updated 25<sup>th</sup> July 2019 at para 37

<sup>9</sup> Department for Education, n.8 at para 45

<sup>10</sup> Department for Education, n.8 at para 18

unclear whether schools will be incentivised to consult pupils, especially given that not much time and resources have been allocated to schools to implement the new curriculum.<sup>11</sup> Hence, there is a risk that the Guidance may only be paying lip service to children's rights.

Further, the continued retention of the parental right to withdraw still gives parents the ability to prevent their children from accessing RSE lessons. The new Regulations state that parents' requests to withdraw should be respected, except in "exceptional circumstances",<sup>12</sup> but there is no explanation of what might constitute exceptional circumstances for these purposes. There is also no Guidance on when it is "appropriate" to consult children where their parents request to withdraw them from these lessons, and, if children want to attend lessons against the wishes of their parents, there is no clarity on how the child's wishes are to be ranked against parental wishes and other factors in deciding if a request to withdraw should be approved. Arguably, in line with Article 12 UNCRC, where the child is of sufficient age and maturity to make their own decision in respect of attending sexuality education lessons then that decision should be upheld even if it conflicts with the wishes of their parents.

There is also a lack of clarity on how much freedom schools should have to determine the substantive content of the curriculum. The Guidance states that schools with a religious character may teach the distinctive faith perspective on relationships, and balanced debate may take place about issues that are seen as contentious".<sup>13</sup> What this appears to be saying is that while religious schools may teach about their particular stances on relationships and sex, such must take place within the context of broader perspectives and viewpoints. However, the use of the word 'may' in the Guidance leaves much open to interpretation, and could result in a situation, like now, where some schools only teach particular perspectives on topics under SRE, and others teach as little of SRE as possible, so as to avoid offending religious or cultural beliefs.

<sup>11</sup> See discussion on regulatory impact assessment in 3.4.4 above

<sup>12</sup> Department for Education, n.8 at para 47

<sup>13</sup> Department for Education, n.8 at para 21

The RSE curriculum in secondary schools continues to be couched in more negative than positive language. Inter alia, it states that pupils should be taught about “strategies for identifying and managing sexual pressure”, and the “choice to delay sex or to enjoy intimacy without sex”.<sup>14</sup> Whilst these of course should be covered as part of a broad and balanced curriculum, there is still a conspicuous failure to teach pupils about the more positive and pleasurable aspects of sex and relationships.

Finally, it does not appear that pupils’ preferences for more knowledgeable and experienced teachers, and for lessons to be delivered by different teachers, will be accommodated under the new framework. Although it is understood that these wishes should be placed in the context of wider arguments around availability of resources, it is submitted that the Government’s estimate, based on their impact assessment,<sup>15</sup> that only one teacher would be assigned to teach the subject per key stage per school, and further that teachers would only require 10 hours of initial training, would not sufficiently equip teachers with the necessary specialist training to deliver RSE to pupils.

On the whole, children’s right to access high quality, accurate and adequate RSE is not fully acknowledged in legislation, governmental policies and reports in England.<sup>16</sup> It is suggested that policy document should more explicitly state that access to Relationships Education, and RSE is a fundamental right of the child. This explicit recognition will provide the necessary justification for resources to be

<sup>14</sup> Department for Education, n.8 at p.29

<sup>15</sup> Department for Education, *Relationships education and relationships and sex education: Impact Assessment*, July 2018 at para 69

<sup>16</sup> For example, the new Guidance on Relationships Education and RSE does not mention that access to RSE is a right of children and young people. In fact, the only report I could locate which mentions children’s “right to information that will help keep them healthy and safe” is the Life Lessons report by the Education Committee. See House of Commons Education Committee, *Life Lessons: PSHE and SRE in Schools* (HC145), 17<sup>th</sup> February 2015, at p.3. This is in stark contrast to the position in Scotland, Wales and Northern Ireland, where the UNCRC is expressly mentioned in the respective Guidance Documents on sexuality education. For the Scottish document, see Scottish Learning Directorate, *Conduct of Relationships, Sexual Health and Parenthood Education in Schools*, 12<sup>th</sup> December 2014 at para 11. For the position in Wales, see Education Wales, *Relationships and Sexuality Education in Schools* (Draft Guidance), February 2019 at p.3. The Northern Irish guidance document explicitly mentions the “right to high quality RSE” and makes several mentions of children’s rights and the UNCRC – see Council for the Curriculum, Examinations and Assessments (CCEA), *Relationships and Sexuality Education Guidance: An Update for Post Primary Schools*, 2015.



allocated to the design and delivery of RSE policies that meet pupils' needs. It will also make it harder to justify the parental right to withdraw children from lessons.

## **8.2 A proposal: sexuality education within a children's rights-respecting framework**

The "4-A" model,<sup>17</sup> which is the most widely applied framework for measuring realisation of rights in education, states that education should be *available* and *accessible* to all and that the form of education on offer should be of an *acceptable* standard that is also *adaptable* to the needs of the individual learner.<sup>18</sup> Hence, a framework for comprehensive Relationships Education and RSE which meets the 4-A scheme would require, as a starting point, that such lessons be *available* and *accessible* to children. Given that most children attend schools, such education should be provided in all schools, in order to reach as many children as possible. While parental input into schools' RSE lessons should be encouraged, parents should not be allowed, via the mechanisms of parental opt-ins or opt-outs, to inhibit children's access to lessons at school.

Further, RSE lessons should be *acceptable*, meaning that they should be adequate, accurate and effective in meeting children's informational and educational needs. Lessons should encompass all three components of sexuality education programmes, namely sex education, relationships education, and sexual health education, and should address a broad range of topics, issues and perspectives in order to provide pupils with sufficient information and prepare them to make informed choices in exercising their sexual agency. In addition, RSE policies that are framed within a children's rights framework should also ensure that children are consulted on all

<sup>17</sup> This model was devised by (then) UN Special Rapporteur on the Right to Education, Katerina Tomasevski to summarise and measure governmental human rights obligations in education. See Katerina Tomaševski, *Right to Education Primers No. 3: Human rights obligations: making education available, accessible, acceptable and adaptable*, 2001 available at [https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/Tomasevski\\_Primer%203.pdf](https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/Tomasevski_Primer%203.pdf) (accessed 8<sup>th</sup> April 2019) at p.13

<sup>18</sup> Laura Lundy, & Patricia O'Lynn, 'The Education Rights of Children' in Ursula Kilkelly and Ton Liefwaard (eds), *International Human Rights of Children* (Springer, 2018) at p. 261 citing Katerina Tomaševski, *Human Rights Obligation in Education: the 4-A Scheme* (Wolf Legal Publishers, 2006)

aspects of the curriculum,<sup>19</sup> to ensure that lessons are relevant, reflect their experiences and meet their informational needs. Finally, respecting children's rights would also involve giving them a right to opt out of lessons, where they do not wish to attend them. It is submitted that children are best placed to know when they feel ready, or when they would benefit from receiving lessons, and can opt back in to lessons at that point.

Finally, RSE should be *adaptable*. This involves two elements. Firstly, RSE should be appropriate to the age and maturity of the pupil, and should not give pupils either too much or too little information. It is acknowledged that children mature differently, and therefore, even within a particular age group, it may be difficult to pitch RSE lessons to the right level. However, in this case, teachers should be willing (and sufficiently trained) to answer any further questions that pupils may have in addition to the content being covered.

Secondly, discussions around RSE should cover a sufficiently broad range of perspectives, taking into account the religious and cultural backgrounds of pupils, and should not favour any particular viewpoint over others. While it may be impossible to cover *all* perspectives within the curriculum, this approach should and would also encourage pupils to continue their learning outside of school, for example, with their parents, or with the wider communities in which they live. This would sidestep the fears that only certain viewpoints are prioritised in sexuality education, and also enable children and young people to exercise their sexuality in a *truly* informed manner.

### **8.3 Unanswered and unanswerable questions in this thesis**

Having set out a proposal for sexuality education, it is necessary at this stage to address some of the central tensions brought up earlier in the thesis that would not be resolved by the proposal. The first and most obvious of these is that the proposed

<sup>19</sup> The UN Committee on the Rights of the Child has also emphasised the need for States' sexuality education policies to be developed in consultation with young people. See for example, UN Committee on the Rights of the Child, *Concluding Observations on the Fifth Periodic Report of the United Kingdom of Great Britain and Northern Ireland*, 12<sup>th</sup> July 2016, CRC/C/GBR/CO/5 at para 64(a).

model of sexuality education is intended to be broad-brush framework for application, and as such, it does not prescribe any specific *content* for sexuality education curricula. Thus, it leaves the door open, once again, for schools and teachers to interpret and teach RSE in accordance with values that they personally ascribe to, which may not only lead us back to the uncertainty in provision that is present in the current SRE curriculum, but also to the possibility of certain perspectives, topics or issues being prioritised over others.

However, as Reiss has aptly stated:

“...we no longer live, if we ever did, in communities where a single moral framework commands widespread acceptance. For all these reasons it behoves us to be cautious before we attempt to push too firmly for the validity of our own position to be universally accepted.”<sup>20</sup>

Reiss goes on to argue for schools to be safe spaces for different opinions to be aired and discussed, without alienating people who may have different points of view. Whilst this is not to say that *all* viewpoints should be accepted as valid, especially if they are homophobic or hateful, there is room for acknowledging that there is a spectrum of beliefs on many topics under sexuality education. As has been acknowledged in earlier parts of this thesis, sexuality education is not value-free, and hence, cannot be taught in the absence of a moral framework. In that sense, short of prescribing a rigid curriculum, there will always be room for different opinions on what moral frameworks/perspectives should be used.

As such, the proposed framework would require teachers to try and facilitate discussions such that they take into account a broad range of perspectives, which may include perspectives that they themselves subscribe to, as well as those that they do not. Reiss describes this approach as “a blend of affirmative and procedural neutrality”:

<sup>20</sup> Michael J Reiss, ‘How Should We Teach in Schools about Sexual Orientation? A rejoinder to Petrovic’, (1999) 28(2) *Journal of Moral Education* 211-214 at 213

“... In this a teacher would elicit information and different points of view about the controversy from pupils and present to them as many sides of the controversy as possible without indicating which she/he personally supports or, if this is unrealistic, without asserting her/his own views too strongly.”<sup>21</sup>

It is accepted that this reflects a “cop out” position – primarily because I do not have a background or much experience in teaching sexuality education and would prefer to defer questions around content and implementation to those who do. Nonetheless, I would argue that the uncertainty that would arise from implementing the proposed framework is different to the uncertainty that currently exists in the SRE curriculum – that is because the starting point in the current approach is that schools can, in theory, teach only whatever they think is right or appropriate, or if they wish, teach nothing at all in respect of SRE. Where no SRE is taught, or where SRE is taught within only particular perspectives, I would argue that children’s right to good quality, comprehensive, sexuality education is breached, and their autonomy rights are limited.

In contrast, the framework that I have proposed above may still leave the final decision on what is actually taught to schools or teachers, but the starting point is different, in that they would be obliged to teach sexuality education from a broader variety of perspectives than just what they think is right or appropriate. This approach, even if it may produce some inconsistency in curriculum, is more in line with children’s autonomy rights, in that it will allow children and young people access to the information they need to exercise their own personal autonomy, and reach their own conclusions as to the values and perspectives they most subscribe to.

Another related question that I would argue is unanswerable (or rather, more difficult to answer) is: if children are to be consulted on what they want to learn within the framework, and if their opinions are to be given due weight, then how would we deal with requests by children themselves to *not* discuss particular issues, e.g. sexuality or contraception, or to only situate these within particular moral frameworks? My first

<sup>21</sup> Michael J Reiss, ‘Conflicting Philosophies of School Sex Education’ (1995) 24(4) *Journal of Moral Education* 371-382 at 382

instinct in answering this question is that this is very unlikely to occur, and I say this for two reasons. Firstly, a request like this made by a pupil presupposes that the pupil already knows about the viewpoints they are seeking to exclude (as one cannot ask to exclude particular views or issues from the curriculum if one does not know what they are) – by which point the lessons might not add much more to their knowledge or understanding.

Secondly, I would guess that pupils are very unlikely to ask for particular topics to be excluded from the RSE curriculum, because, as the participants in my research study have said, RSE lessons at school offer them an opportunity to discuss issues that they may not be able to discuss at home, and to explore a broader range of perspectives than what they would be able to access at home. This was something that they welcomed and liked. This is not to erase the opinions of pupils who felt completely uncomfortable being in RSE lessons on the whole, but such pupils are more likely, on the whole, to opt-out of lessons than to ask for them to be modified.

However, in the unlikely situation that a pupil does ask that particular viewpoints or topics to be excluded, it is acknowledged that the proposed framework might not offer an apparent solution. Should children be *required* to participate in discussions encapsulating a broader range of perspectives, if they personally do not wish to do so? This is a question of how we would rank children's (individual) autonomy rights against the interests of a promoting a democratic and liberal society as a whole? Whilst my personal opinion would be that pupils should be strongly encouraged to hear and discuss different perspectives on issues covered under RSE, I accept Reiss's argument that change cannot be induced by coercion.<sup>22</sup> Hence, I would say that the pupil(s) in question should be allowed to opt out of the relevant sexuality education classes on grounds of their personal convictions.

I acknowledge again that this is a “cop-out” and not necessarily a desirable solution to the “blue-skies” aim of promoting liberal values within sexuality education, but also appreciate the position of schools as ‘safe spaces’ which should not make pupils

<sup>22</sup> Michael J. Reiss, n.20

feel alienated for their differences in opinion. Acceptance of pupil autonomy (in relation to sexuality education) necessitates acceptance of differences in opinion.

I therefore agree with Neville Harris's argument that legal rights and frameworks do not yet provide an entirely coherent means of resolving conflicts between the interests and rights of different groups of people, and, in the context of sexuality education, tensions will continue to exist between the rights and interests of different people: children, parents, teachers, and the State.<sup>23</sup> It is submitted that the scope of this thesis is limited to positioning sexuality education within a children's rights perspective. In pursuing this objective, the thesis sought to encourage consideration of children's rights in relation to content and delivery of lessons.<sup>24</sup> Broader questions of theory and policy continue to be unanswerable, or rather, difficult to answer, and in these situations, I defer to the discretion of policy-makers.

#### **8.4 Areas for further research**

In addition to the aforementioned, several other points emerged from the research that merit further consideration.

In the focus groups I have conducted, some pupils said that they would have liked to have been consulted on their SRE lessons in school, especially around what is taught to them. Whilst the new statutory Guidance recommends that schools listen and respond to the views of young people in designing their RSE policies,<sup>25</sup> there is no further clarification on how and when children should be consulted, and what weight should be attached to their views, opinions and suggestions. It is suggested, therefore that the Guidance could do more to encourage and incentivise schools to consult with children, for example, by allocating specific times to speak to them (as is currently done with parents, during parents' evenings), or by polling them during assembly or free periods.

<sup>23</sup> Neville Harris, *Education, Law and Diversity*, (Hart Publishing, 2007)

<sup>24</sup> See Chapter 1.1 above for more detail.

<sup>25</sup> Department for Education, n.8 at para 18

The participants in my research also emphasised the importance of having SRE teachers who are ‘professional’, knowledgeable and experienced. They have said that where their teachers are awkward or lack confidence in delivering lessons, this had a subsequent effect on the quality of lessons and the level of student engagement. Accordingly, it is suggested that more research be carried out with SRE (or future RSE) teachers to identify whether they face any particular barriers in delivering of RSE lessons, and whether they may have specific training, resource or support needs.

Although there are no recent figures on how many parents exercise the right to withdraw their children from sex education lessons,<sup>26</sup> it is accepted that the rate of withdrawal is relatively low, indicating that most parents do not object to their children receiving lessons at school. However, the fact that the right is exercised at all indicates that *some* parents oppose sex education for their children. If the Government are not prepared to completely abolish this parental right, then it is suggested that more research should be done with parents who withdraw their children from lessons, to find out why they have done so, and whether a middle ground can be found that respects parental rights, whilst still allowing their children some access to sex education lessons.

It is not the contention of this thesis that parents do not have a role to play in their children’s sexuality education. In fact, the realisation of children’s right to sexuality education would require that children be able to access accurate and adequate information and advice on sexual matters from sources that they trust and can rely on. Parents, or those in *loco parentis*, as the primary caregivers of children, are of course, key players in the sexual education and socialization of children, and should therefore be supported to discuss these matters with their children. In this manner, parents can complement school-based lessons, and further, parental sex education can be given in conformity with their religious and philosophical beliefs and convictions.

<sup>26</sup> See chapter 4.3.3 for further discussion

As has been highlighted in Chapter 3, parents face various barriers in broaching the subject of sex and relationships with their children, including embarrassment, awkwardness, or feeling out of their depth. It is suggested therefore that there are opportunities for research that can identify the barriers faced by, and support needs of, parents so that measures can be taken to support parents to become effective sex educators of their children. At the moment there are resources for parents that have been produced by NGOs and sexual health charities, but these resources are likely to be accessed by parents who are ready and willing to initiate conversations with their children. It is suggested therefore that there are opportunities for the Government, or for schools, to also reach and support parents who find it difficult, or who are reluctant, to discuss sex with their children.



# Appendices

## APPENDIX 1: Illustrated Participant Information Sheet (Online Focus Groups)



### Researching Young People's Experiences of Sex and Relationships Education (SRE)

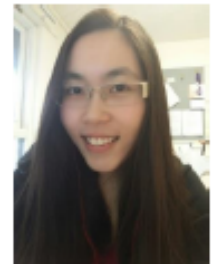
#### Participant Information Sheet – Online Focus Groups

##### *Who am I?*

My name is Rachel and I am a student at the University of Liverpool.

##### *What am I researching?*

As part of my studies, I am doing research on Sex and Relationships Education (SRE) in secondary schools. In particular, I would like to find out what you, as secondary school pupils, think of the sex and relationships education you have received at school, so that I can understand how, if at all, SRE lessons in school can be improved.



##### *Why have you been invited to participate?*

You have been invited to participate in this research because you are attending a secondary school and may have had some discussions or lessons with your teachers/school nurses/school counselors/school health workers about sex and relationships. It would be very helpful to hear your opinions on those lessons or discussions.

##### *Do you have to participate?*

No - you do not have to take part in this research if you don't want to. Nothing will happen if you decide not to participate.

##### *How can you sign up?*

If you are interested in taking part in this research, please send an e-mail to me at [Rachel.Heah@liverpool.ac.uk](mailto:Rachel.Heah@liverpool.ac.uk) saying that you would like to sign up for my research project on sex and relationships education. I will then e-mail you back with more information about when, where and how the research will take place.

##### *What will happen if you agree to participate?*

If you agree to participate in the research, you will be invited to attend an online focus group, hosted by me on a piece of software called Adobe Connect. You will be asked to choose a nickname to be used in the focus group. At an agreed time, I will send you a link which will allow you to enter the discussion group. The focus group will take place online, but you will be asked to stay on school premises during the session. Each focus group should last no longer than 90 minutes.

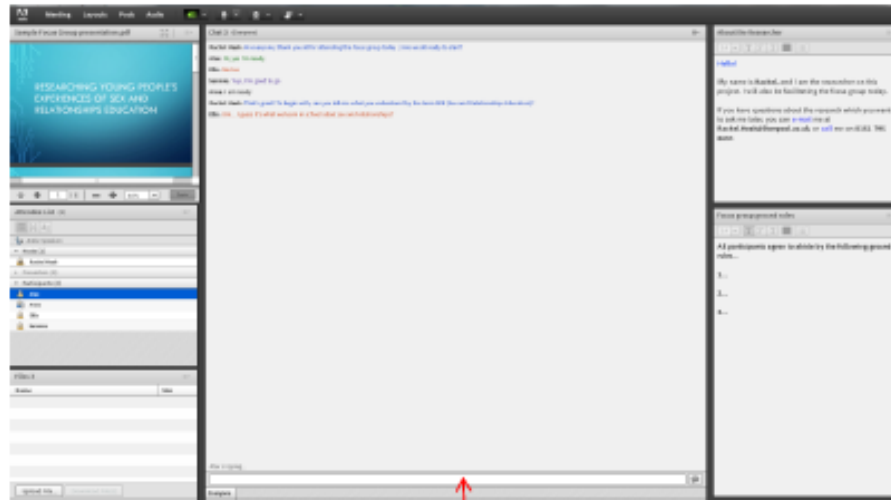


##### *What will you need?*

In order to participate in this research, you will need to have access to the internet on a desktop, laptop or mobile device. You will not need a webcam or a microphone.

### What will the online focus group look like?

When you log in to the online focus group, your screen should look something like this:



This section will contain my contact information

This area will display some of the rules we agree to follow during the focus group

We will be discussing your ideas and opinions in the chat area here

### What will we discuss?

Some of the things we could discuss during the focus group include:

- How is sex and relationships education taught at your schools?
- What topics were covered as part of your lessons on sex and relationships?
- What topics would you also have liked to have been covered at school?
- Who would you go to for information on sex and relationships?
- How do you feel about sex and relationships education at school?

### You have a say...

However, I would like to hear **your** views on sex and relationships education, so if you don't want to discuss some of these questions, or if you want to discuss other related questions, please do let me know during the focus group!

### How will the research be recorded?

With your permission, I will keep a record of our conversations in the online focus groups. After our focus group, I will also produce a typed document of those conversations. However, as you will be using a nickname when you are in the focus group, you will not be identified by your real name, either in the recordings or in any other documents and reports produced from the research. Only my supervisors and I will have access to the records of our conversations in the focus groups.





*For further advice...*

I cannot give you any advice on sex and relationships education. If you have questions or concerns about sex and relationships, you should speak to an adult that you trust, such as a parent, guardian, relative, a teacher or a school nurse.

However, if you feel that there is nobody you can approach, you can try one of the following organisations, which offer advice and support to young people:

**Brook**

Provides free and confidential information, contraception, pregnancy testing, advice and counselling, and STI testing and treatment for under 25s.

[www.brook.org.uk](http://www.brook.org.uk)

**Health Services in Schools**

Your school nurse, or a member of Health Services in Schools, attends your school on [what day] at [what time] in [which room] and you are welcome to see them for advice!

**Thank you for reading this!**

## APPENDIX 2: Online Focus Group Layout

Meeting Layouts Pods Audio

Consent form: [View Votes] [Edit] [Reopen]

This Poll is closed for voting. To allow participants to vote, click Reopen.

Consent form:

- I have read and understood the information sheet I was given. 0% (0)
- I have had the opportunity to consider the information and ask questions, and my questions have been answered to my satisfaction. 0% (0)
- I understand that I may choose not to answer any questions and not to respond to anything said in the focus group. 0% (0)
- I understand that I can at any time ask to see the information I provide. 0% (0)
- I understand that confidentiality and anonymity will be maintained and it will not be possible to identify me in any publications. 0% (0)
- I also understand that the research team cannot prevent other focus groups participants from discussing what has been said outside the focus group. I understand not to say anything that I am not prepared to hear repeated outside the focus group. 0% (0)
- I understand that the focus group will be recorded. 0% (0)
- I agree to take part in the research. 0% (0)

Broadcast Results

Everyone

Figure 1: Consent form (poll) - shown to participants prior to the start of each focus groups. Participants had to tick each box to indicate agreement with the corresponding statements. Once all participants had consented to the research, the consent poll was minimised, to reveal the main focus group area (see Figure 2 below)

Information about the r... Chat area (Everyone) Presentation1.pptx [Draw] [Stop Sharing] [Sync]

**The Researcher**  
My name is [redacted] and I am the researcher on this project. I will also be facilitating the focus group today.

**My Project**  
I would like to know what you, as young people, think about Sex and Relationships Education in schools. I think this is really important because young people should be able to obtain information about sex and relationships that is appropriate, relevant, useful and interesting to you. Therefore, I feel that adults should listen to you in coming up with a curriculum for Sex and Relationships Education (SRE) lessons.

Participants: (10)

Active Speakers

Hosts (2)

Presenters (0)

Participants (10)

Everyone

**Young People's Perspectives on Sex and Relationships Education (SRE) in schools**

**Ground Rules**

1. Please try not to chat to the people next to you while the research is taking place - it may distract them from typing their answers.
2. There are no 'silly' answers - all your opinions are important to me and I would love to read them.
3. Spelling/grammar does not matter - this is not an English test.
4. Short answers (e.g. 'yes' or 'no') are perfectly fine, but I would also love to see detailed opinions - so take your time to type out answers!
5. You do not have to answer all the questions asked. Feel free to skip questions that you do not want to answer.
6. Please be respectful of everyone in this online space.
7. Try not to give personal examples or tell personal stories which may violate your own or someone else's privacy.
8. Have fun!

Figure 2: Main focus group area

### **APPENDIX 3: Focus Group Prompts**

The following were a list of focus group prompts that I selected from. They apply more particularly to online focus groups - so I could copy and paste directly from here onto the online focus groups – to save time typing. However, where the focus groups were conducted face-to-face, I skipped the warm-up questions and the questions on the research method, and instead, focused on questions 5-35.

#### **Warm-up Questions**

I'd like to start off with a few easy questions, just to help everyone get used to the software. Is that ok?

1. How old are you?
2. What year of school are you in? (Year 9, 10 etc)
3. What is your ethnic background/race?
4. What is your religion, if any?

Ok, everyone is doing well. Are you all comfortable with how this chat area works?

Great – now I am going to ask you some questions about lessons at your school to do with relationships and sex, is that ok?

#### **Questions on SRE lessons**

*Lessons in school – the present*

5. Have you had any lessons on sex and relationships here at Holly Lodge?
6. What were these lessons called? (e.g. Relationships Education, Sex and Relationships Education, PSHE, etc)
7. How old were you when you had these lessons?
8. How many of these lessons did you have? How often did you have lessons?
9. What did you learn about in these lessons?
10. Did you talk about healthy relationships, gender, or sexuality?
11. What were your favourite(s) of these topics? Why?
12. What were your least favourite(s) of these topics? Why?
13. Were there any topics that you wanted to learn about but were not taught to you?



14. Did you feel like you could openly ask questions during these lessons? If so – were your questions answered?
15. Who taught these lessons? (E.g. form teacher, subject teacher, school nurse, external educators, etc...)
16. What did you think of them teaching these lessons?
17. What kind of qualities do you think someone who teaches young people about sex and relationships should have?
18. Is the gender of the teacher important?
19. Is the age of the teacher important?
20. What do you think is the purpose of sex and relationships lessons? (e.g. for general knowledge, to answer any questions that students may have, to promote health, etc)
21. If a young person says that they have had ‘sex and relationships education’ what kinds of things should they know about?
22. Do you think that young people like yourselves receive enough lessons on sex and relationships?
23. Why do you think so?
24. What, if anything, do you think stops young people from receiving lessons on sex and relationships at school?
25. If you had to pick 3 words to describe your relationships and sex lessons at school, what would they be? Why?
26. If you had the power to determine how relationships and sex lessons are taught at your school....
  - What would you change?
  - What would stay the same?

Guide: you can comment on things like – how lessons are taught, who teaches them, at what age they start, how often you have lessons, etc.

### *Sources of Sex Education*

27. Is school a good place to learn about relationships and sex?

Follow up: Why do you think so?

28. Besides school, where would students like you go to if you needed advice or information on relationships and sex?



Follow up: Why?

29. Of all these places/people you have named, which do you think is the most accurate/reliable source?

Follow up: Why?

30. Of all these places/people you have named, which do you think is the most preferable source?

Follow up: Why?

31. At what age do you think lessons on relationships and sex should be taught in schools?

32. On a scale of 1-5 (where 1 = not important; and 5 = very important), how important is it for students **your age** to learn about relationships and sex?

Follow up: why do you think so?

### *Parental rights*

You've all said that SRE lessons are important to you.

33. Do you think that some adults, such as parents or guardians, **might** stop their children from receiving SRE lessons at school?
34. Why do you think they would do so?
35. Do you think those reasons are good reasons?

### **Questions on research method**

36. What did you think of this online meeting room? Did you like it?
- If yes – what did you like?
  - If not – what did you not like?
37. Did you feel comfortable talking online?
38. Did you find the software easy to use?
39. Did you find the software interesting to use?
40. Is there anything I can do to improve the layout of the meeting room?
41. Have you any other thoughts or comments for me?

**APPENDIX 4: Composition Of Focus Groups**

	<b>Number of Participants</b>	<b>Gender of Participants</b>	<b>School Year</b>
<b>Pilot Focus Group 1 (PFG1)</b>	2	Mixed	Mixed
<b>Pilot Focus Group 2 (PFG2)</b>	4	Mixed	Mixed
<b>School 1 Focus Group 1a (S1FG1a)</b>	18	Mixed	Year 8
<b>School 1 Focus Group 1b (S1FG1b)</b>		Mixed	Year 8
<b>School 1 Focus Group 2a (S1FG2a)</b>	18	Female	Year 9
<b>School 1 Focus Group 2b (S1FG2b)</b>		Female	Year 9
<b>School 1 Focus Group 3a (S1FG3a)</b>	17	Male	Year 10
<b>School 1 Focus Group 3b (S1FG3b)</b>		Female	Year 10
<b>School 2 Focus Group 1 (S2FG1)</b>	5	Female	Year 9
<b>School 2 Focus Group 2 (S2FG2)</b>	5	Female	Year 9
<b>School 2 Focus Group 3 (S2FG3)</b>	5	Female	Year 9
<b>School 3 Focus Group 1 (S3FG1)</b>	N/A*	Male	Mixed
<b>School 3 Focus Group 2 (S3FG2)</b>	N/A*	Male	Mixed

<b>School 3 Focus Group 3 (S3FG3)</b>	N/A*	Male	Mixed
<b>School 3 Focus Group 4 (S3FG4)</b>	N/A*	Male	Mixed
<b>School 4 Focus Group 1 (S4FG1)</b>	6	Female	Year 10

\* Number of participants in focus group not recorded because students were free to enter and leave the classroom at any point and did in fact do so.

## Bibliography

Aggleton, Peter, Christine, Oliver, & Rivers, Kim. *Reducing the rate of teenage conceptions: the implications of research into young people, sex, sexuality and relationships*. (Health Education Authority, 1998).

Alanen, Leena. 'Explorations in generational analysis, in Leena Alanen & Berry Mayall (eds) *Conceptualising Child-Adult Relations* (Routledge, 2001)

Alderson, Priscilla. *Listening to children: Children, ethics and social research* (Barnardo's, 1995)

Allen, Isobel. *Education in sex and personal relationships* (No. 665) (Policy Studies Institute, 1987)

Allen, Louisa. "'Say everything': Exploring young people's suggestions for improving sexuality education', (2005) 5(4) *Sex Education*, 389-404.

Allen, Louisa. "'They Think You Shouldn't be Having Sex Anyway': Young People's Critique of Sexuality Education Content', In Louisa Allen (ed), *Young People and Sexuality Education: Rethinking Key Debates* (Palgrave Macmillan, 2011)

Allen, Louisa. 'Beyond the birds and the bees: Constituting a discourse of erotics in sexuality education', (2004) 16(2) *Gender and education*, 151-167

Allen, Louisa. 'Caught in the act': Ethics committee review and researching the sexual culture of schools.(2009) 9(4) *Qualitative Research*, 395-410

Allen, Louisa. 'Closing sex education's knowledge/practice gap: the reconceptualisation of young people's sexual knowledge' (2001) 1(2) *Sex education*, 109-122

Allen, Louisa. 'Denying the sexual subject: schools' regulation of student sexuality' (2007) 33(2) *British educational research journal* 221-234 at 222

Allen, Louisa. 'Examining dominant discourses of sexuality in sexuality education research', (2007) 17(1-2) *International Studies in Sociology of Education*, 163-180

Allen, Louisa. et al., 'Who's afraid of sex at school? The politics of researching culture, religion and sexuality at school', (2014) 37(1) *International Journal of Research & Method in Education*, 31-43

Allen, Louisa. *Sexual subjects: Young people, sexuality and education*. (Springer, 2005)

- Allen, Louisa. *Young people and sexuality education: Rethinking key debates* (Palgrave Macmillan, 2011)
- Altman, Scott. 'Reinterpreting the Right to an Open Future: From Autonomy to Authenticity' (2017) 37(4) *Law and Philosophy* 415-436
- Atwool, Nicola. *Who cares?: the role of attachment assessments in decision-making for children in care* (Doctoral dissertation, University of Otago, 2008)
- Ball, Carlos A. 'Essentialism and universalism in gay rights philosophy: Liberalism meets queer theory', (2001) 26(1) *Law & Social Inquiry*, 271-293
- Ballard, Sharon M. & Gross, Kevin H. 'Exploring parental perspectives on parent-child sexual communication' (2009) 4(1) *American Journal of Sexuality Education* 40-57
- Barak, Azy & Fisher, William A. 'Intervention for the promotion of sexual health through the internet: theory, empirical evidence and application', (2009) 148(9) *Harefuah*, 628-33
- Barbour, Rosaline & Kitzinger, Jenny (eds) *Developing focus group research: Politics, theory and practice* (Sage, 1999)
- Barbour, Rosaline S. & Schostak, John. 'Interviewing and focus groups', in Bridget Somekh & Cathy Lewin (eds) *Research methods in the social sciences*, (Sage, 2005)
- Barbour, Rosaline. & Kitzinger, Jenny. 'Introduction: The challenge and promise of focus groups' in Rosaline Barbour & Jenny Kitzinger (eds) *Developing focus group research: Politics, theory and practice* (Sage, 1999)
- Barbour, Rosaline. *Doing focus groups* (Sage, 2008)
- Beazley, Harriet. et al., 'The right to be properly researched: Research with children in a messy, real world', (2009) 7(4) *Children's Geographies* 365-378
- Besley, Tina & Peters, Michael A. 'Understanding the Neoliberal Paradigm of Education Policy', (2007) 303 *Counterpoints* 133-154
- Birenbaum-Carmeli, Daphna. 'Parents who get what they want: On the empowerment of the powerful', (1999) 47(1) *The Sociological Review*, 62-90
- Blair, Ann & Monk, Daniel. 'Sex education and the law in England and Wales: The importance of legal narratives' in Lutz Sauerteig & Roger Davidson (eds) *Shaping Sexual Knowledge* (Routledge, 2009)
- Bloor, Michael. *Focus groups in social research* (Sage, 2001)

Board of Education, *Sex Education in Schools and Youth Organisations*, Pamphlet 119, 1943

Braeken, Doortje & Cardinal, Melissa. 'Comprehensive Sexuality Education as a Means of Promoting Sexual Health' (2008) 20(1-2) *International Journal of Sexual Health*, 50-62

Braun, Virginia & Clarke, Victoria. 'Using thematic analysis in psychology' (2006) 3(2) *Qualitative research in psychology*, 77-101

Braun, Virginia et al., 'Thematic analysis', In Pranee Liamputtong (ed) *Handbook of research methods in health social sciences* (2019, Springer)

Bryman, Alan. *Social research methods*. (Oxford university press,2016)

Buckingham, David. 'New media, new childhoods', in Mary Jane Kehily (ed) *An introduction to childhood studies*, (McGraw-Hill Education, 2008)

Byrne, Bronagh & Lundy, Laura. 'Children's rights-based childhood policy: a six-P framework', (2019) 23(3) *The International Journal of Human Rights*, 357-373

Cameron, Kenzie A. 'Adolescents' experience with sex on the web: results from online focus groups', (2005) 28(4) *Journal of adolescence*, 535-540

Carter, Stacey M. & Little, Miles. 'Justifying knowledge, justifying method, taking action: Epistemologies, methodologies, and methods in qualitative research' (2007) 17(10) *Qualitative health research*, 1316-1328

Chamberlain, Kerry. 'Epistemology and Qualitative Research' in Poul Rohleder & Antonia C. Lyons (eds) *Qualitative Health Research in Clinical and Health Psychology*, (Palgrave Macmillan, 2014)

Chen, Jason. 'The Right to Self-Development: An Addition to the Child's Right to an Open Future' (2016) 47(4) *Journal of Social Philosophy* 439-456 at 439  
Child Rights International Network (CRIN), *Access Denied: Protect rights – unblock children's access to information*, Policy Paper, June 2014

Christensen, Pia & James, Allison (eds) *Research with children: Perspectives and practices* (Routledge, 2008)

Cohn, Amanda, & Richters, Juliet. "'My vagina makes funny noises': analyzing online forums to assess the real sexual health concerns of young people", (2013) 25(2) *International Journal of Sexual Health*, 93-103;

Commission on Population and Development (CPD), *Resolution on Fertility, Reproductive Health and Development*, Resolution 2011/1 (E/2011/25/E/CN.9/2011/8)

Committee on Economic, Social, and Cultural Rights (CESCR), *General Comment No 14: The Right to the Highest Attainable Standard to Health*, UN DOC E/C.12/2000/4

Council for the Curriculum, Examinations and Assessments (CCEA), *Relationships and Sexuality Education Guidance: An Update for Post Primary Schools*, 2015

Corrêa, Sonia. 'From reproductive health to sexual rights achievements and future challenges', (1997) 5(10) *Reproductive Health Matters*, 107-116

Corteen, Karen M. 'Schools' fulfilment of sex and relationship education documentation: three school-based case studies', (2006) 6(1) *Sex Education*, 77-99

Crewe, Mary. 'Between Worlds: Releasing Sexuality Education from Bondage', in James J. Ponzetti Jr (Ed.) *Evidence Based Approaches to Sexuality Education* (Routledge, 2015) at p.100

Crotty, Michael. *The Foundations of Social Research: Meaning and Perspective in the Research Process* (Sage, 1998)

Crozier, Gill. 'Excluded Parents: the deracialisation of parental involvement [1]', (2001) 4(4) *Race Ethnicity and Education*, 329-341

Cumper, Peter. 'Let's Talk about Sex: Balancing Children's Rights and Parental Responsibilities' (2006) 26 *Legal Studies* 88-108

Curvino, Melissa & Fischer, Megan G. 'Claiming comprehensive sex education is a right does not make it so: A close reading of international law', (2014) 20(1) *The New Bioethics*, 72-98.

Daly, Aoife. *Children, Autonomy and the Courts: Beyond the Right to be Heard* (Brill, 2018)

Denzin, Norman K. *Interpretive interactionism* (2<sup>nd</sup> ed, Sage, 2001)

Department for Education and Employment, *Sex and Relationship Education Guidance*, 0116/2000, July 2000

Department for Education, *Draft Relationships education and relationships and sex education: Impact Assessment*, July 2018

Department for Education, *Education Act 1993: Sex Education in Schools*, Circular 5/94, 1994

Department for Education, *Elective Home Education: Departmental Guidance for Local Authorities*, April 2019

Department for Education, *Listening to and Involving Children and Young People*, January 2014

Department for Education, *National Curriculum in England: Framework for Key Stages 1 to 4*, Updated 2<sup>nd</sup> December 2014

Department for Education, *Relationships education and relationships and sex education: Impact Assessment*, February 2019

Department for Education, *Relationships Education, Relationships and Sex Education, and Health Education in England: Government consultation response*, February 2019

Department for Education, *Relationships Education, Relationships and Sex Education (RSE) and Health Education: Statutory Guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teachers*, updated 25<sup>th</sup> July 2019

Department for Education, *Statutory Guidance: Relationships Education, Relationships and Sex Education (RSE) and Health Education (Annex A)*, Updated July 2019

Department for Education, *The Independent School Standards: Guidance for Independent Schools*, April 2019

Department of Education and Science, *Sex Education at School*, Circular 11/87, 1987

Dewey, John. *Experience and nature*. (Kessinger, 1925)

Doek, Jaap E. 'The Human Rights of Children: An Introduction' in *International Human Rights of Children*, Ursula Kilkelly and Ton Liefwaard (eds), (Springer, 2018)

Duncan, Rony E. 'Is my mum going to hear this? Methodological and ethical challenges in qualitative health research with young people' (2009) 69(11) *Social science & medicine*, 1691-1699

Dyson, Suzanne. 'Families and Sexuality Education' in James J. Ponzetti Jr (Ed.) *Evidence Based Approaches to Sexuality Education* (Routledge, 2015)

Education Wales, *Relationships and Sexuality Education in Schools* (Draft Guidance), February 2019

Eekelaar, John. 'Children between cultures', (2004) 18(2) *International Journal of Law, Policy and the Family* 178-194 at 186

Eekelaar, John. 'The Interests of the Child and the Child's Wishes: The Role of Dynamic Self-Determinism', (1992) 8(1) *International Journal of Law and the Family* 42

Elia, John P. 'Democratic sexuality education: A departure from sexual ideologies and traditional schooling', (2000) 25(2-3) *Journal of Sex Education and Therapy*, 122-129



EU Network of Independent Experts on Fundamental Rights, *Commentary of the Charter of Fundamental Rights of the European Union: Article 14. Right to Education*, 2006

European Commission on Human Rights, *Report of the Commission: Kjeldsen, Madsen and Pedersen v Denmark*, 21<sup>st</sup> March 1975

European Court of Human Rights, *Guide on Article 2 of Protocol No. 1 to the European Convention on Human Rights: Right to Education*, updated 31<sup>st</sup> December 2018

European Expert Group on Sexuality Education, ‘Sexuality education—what is it?’ (2016) 16(4) *Sex Education*, 427-431 at 427

European Parliament, *Report on progress on equality between women and men in the European Union in 2013*, Committee on Women’s Rights and Gender Equality, (2014/2217 (INI)) 2015

European Parliament, *Report on Sexual and reproductive Health and Rights*, Committee on Women’s Rights and Gender Equality, 2013/2040 (INI)

European Parliament, *Report on the Annual Report on Human Rights and Democracy in the World 2013 and the European Union’s policy on the matter*, 2015 (2014/2216(INI));

External Steering Group, *Review of Sex and Relationships Education (SRE) in Schools: A Report by the External Steering Group*, 2008

Feilzer, Martina Yvonne. ‘Doing mixed methods research pragmatically: Implications for the rediscovery of pragmatism as a research paradigm’, (2010) 4(1) *Journal of mixed methods research*, 6-16

Feldman, Shirley S. & Rosenthal, Doreen A. ‘The effect of communication characteristics on family members’ perceptions of parents as sex educators’, (2000) 10(2) *Journal of Research on adolescence* 119-150.

Fine, Michelle & McClelland, Sarah. ‘Sexuality education and desire: Still missing after all these years’, (2006) 76(3) *Harvard educational review* 297-338

Fine, Michelle. ‘Sexuality, schooling, and adolescent females: The missing discourse of desire’, (1988) 58(1) *Harvard educational review* 29-54

Fineberg, Joel. ‘The child’s right to an open future’ in William Aiken & Hugh Lafolette (eds) *Whose Child? Children’s Rights, Parental Authority and State Power* (Littlefield Adams and Co, 1980)

Forrest, Simon, et al. 'What do young people want from sex education? The results of a needs assessment from a peer-led sex education programme' (2004) 6(4) *Culture, Health & Sexuality*, 337-354

Foucault, Michel. *The history of sexuality. Vol. 1: The will to knowledge* (Penguin Books, 1998)

Fox, Fiona E., Morris, Marianne, & Rumsey, Nichola. 'Doing synchronous online focus groups with young people: Methodological reflections' (2007) 17(4) *Qualitative health research*, 539-547

Francis, Dennis A. 'Sexuality education in South Africa: Three essential questions', (2010) 30(3) *International Journal of Educational Development*, 314-319

Frans, Erika. 'A Practical Guide to Holistic Sexuality Education', in James J. Ponzetti Jr (Ed.) *Evidence Based Approaches to Sexuality Education* (Routledge, 2015)

Fraser, Nancy N. (1981). 'Foucault on modern power: Empirical insights and normative confusions' (1981) 1(3) *Praxis international*, 272-287

Freeman, Michael. 'The sociology of childhood and children's rights', (1988) 6(4) *The International Journal of Children s Rights*, 433-444

Furniss, Claire & Blair, Ann. 'Sex wars: Conflict in, and reform of, sex education in maintained secondary schools', (1997) 19(2) *The Journal of Social Welfare & Family Law* 189-202

Gibbs, Graham R. *Analyzing qualitative data*. (Sage, 2007)

Gibson, Faith. 'Conducting focus groups with children and young people: strategies for success', (2007) 12(5) *Journal of research in nursing*, 473-483

Goldman, Juliette D. 'Responding to parental objections to school sexuality education: A selection of 12 objections', (2008) 8(4) *Sex Education*, 415-438

Goldman, Juliette D. & McCutchen, Lisa E. 'Teenagers' web questions compared with a sexuality curriculum: An exploration', (2012) 54(4) *Educational Research*, 357-373

Goldman, Juliette D. & Bradley, Graham L 'Sexuality education across the lifecycle in the new millennium', (2001) 1(3) *Sex Education*, 197-217

Greig, Anne D., Taylor, Jayne & MacKay, Tommy. *Doing research with children* (2<sup>nd</sup> ed, Sage, 2007)

Guest, Greg, MacQueen Kathleen M., & Namey, Emily E. *Applied thematic analysis* (Sage, 2011)

Guttman, Amy. 'Children, paternalism, and education: A liberal argument', (1980) *Philosophy & Public Affairs* 338-358

Haberland, Nicole & Rogow, Deborah. 'Sexuality education: emerging trends in evidence and practice', (2015) 56(1) *Journal of adolescent health*, S15-S21

Hall, Lesley A. 'In Ignorance and in Knowledge: Reflections on the History of Sex Education in Britain' in Lutz Sauerteig & Roger Davidson (eds) *Shaping Sexual Knowledge* (Routledge, 2009)

Hampshire, James. 'The politics of school sex education policy in England and Wales from the 1940s to the 1960s', (2005) 18(1) *Social History of Medicine*, 87-105

Harris, Neville. *Education, Law and Diversity*, (Hart Publishing, 2007)

Harrison, Lyn, Hillier, Lynne & Walsh, Jenny. 'Teaching for a positive sexuality: Sounds good, but what about fear, embarrassment, risk and the 'forbidden' discourse of desire?' (1996) *Schooling and sexualities: Teaching for a positive sexuality* 69-82

Heinze, Eric. 'The Universal Child', In Eric Heinze (ed) *Of innocence and autonomy: children, sex and human rights* (Routledge, 2018)

Hirst, Julia. "'It's got to be about enjoying yourself': young people, sexual pleasure, and sex and relationships education", (2013) 13(4) *Sex Education*, 423-436

Hirst, Julia. 'Researching young people's sexuality and learning about sex: experience, need, and sex and relationship education', (2004) 6(2) *Culture, Health & Sexuality* 115-129

Holland, Janet, Mauthner, Melanie & Sharpe, Sue. *Family matters: Communicating health messages in the family* (Health Education Authority, 1996)

Hollway, Wendy, & Jefferson, Tony. *Doing qualitative research differently: Free association, narrative and the interview method* (Sage, 2000)

Hope, Andrew. 'Biopower and school surveillance technologies 2.0', (2016) 37(7) *British Journal of Sociology of Education*, 885-904

Horn, Stacey, Peter, Christina, & Russell, Stephen T. 'The Right to be Who You Are: Competing Tensions among Protection, Survival and Participation Related to Youth Sexuality and Gender' in Martin D. Ruck, Michele Peterson-Badali & Michael Freeman (eds), *Handbook of Children's Rights: Global and Multidisciplinary Perspectives* (Routledge, 2017)

Horner, Sharon D. 'Using focus group methods with middle school children', (2000) 23(6) *Research in Nursing & Health*, 510-517

House of Commons Education Committee, *Life Lessons: PSHE and SRE in Schools* (HC145), 17<sup>th</sup> February 2015

Huberman, Michael A., Miles, Matthew & Saldaña, Johnny. *Qualitative data analysis: A methods sourcebook* (Sage, 2014)

Ingham, Roger. ‘We didn't cover that at school’: Education against pleasure or education for pleasure?, (2005) 5(4) *Sex Education*, 375-388

International Commission of Jurists, *The Yogyakarta Principles Plus 10 - Additional Principles and State Obligation on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Expression and Sex Characteristics to Complement the Yogyakarta Principles*, 10 November 2017

International Commission of Jurists, *Yogyakarta Principles - Principles on the application of international human rights law in relation to sexual orientation and gender identity*, March 2007

International Planned Parenthood Federation (IPPF), *Sexual Rights: An IPPF Declaration*, October 2008

International Planned Parenthood Foundation, *From Evidence to Action: Advocating for Comprehensive Sexuality Education and Framework for Comprehensive Sexuality Education*, 2009

International Sexuality and HIV Curriculum Working Group, *It's All in One Curriculum: Guidelines and Activities for a Unified Approach to Sexuality, HIV, Gender and Human Rights Education (Volume I)*, 2009

Irvine, Janice M. *Talk about sex: The battles over sex education in the United States*. (University of California Press, 2004)

Jackson, Sue & Vares, Tina. ‘New Visibilities?’ Using Video Diaries to Explore Girls’ Experiences of Sexualized Culture’, in Emma Renold & Danielle R. Egan (eds) *Children, Sexuality and Sexualization* (Palgrave Macmillan, 2015)

James, Allison & James, Adrian. ‘Constructing children, childhood and the child’, in Allison James & Adrian James (eds) *Constructing childhood: Theory, policy and social practice* (Palgrave Macmillan, 2004)

Jervaeus, Anna et al. ‘Exploring childhood cancer survivors' views about sex and sexual experiences-findings from online focus group discussions’, (2016) 20 *European Journal of Oncology Nursing* 165-172

Joint Committee on Human Rights, *The UK's Compliance with the UN Convention on the Rights of the Child: Eighth Report of Session 2014-15*, 18<sup>th</sup> March 105, HL144/HC1016

Jonathan, Ruth. ‘Choice and control in education: Parental rights, individual liberties and social justice’, (1989) 37(4) *British Journal of Educational Studies*, 321-338

Jones, Tiffany. 'A Sexuality Education Discourses Framework: Conservative, Liberal, Critical, and Postmodern', (2011) 6(2) *American Journal of Sexuality Education*, 133-175

Jones, Tiffany. 'Framing Sexuality Education Discourses for Programs and Practice', in James J. Ponzetti Jr (Ed.) *Evidence Based Approaches to Sexuality Education* (Routledge, 2015)

Jones, Tiffany. 'Saving rhetorical children: Sexuality education discourses from conservative to post-modern', (2011) 11(4) *Sex Education*, 369-387

Kakavoulis, Alexandros. 'Family and sex education: a survey of parental attitudes', (2001) 1(2) *Sex Education*, 163-174

King, Bruce M. & Lorusso, Joann. 'Discussions in the home about sex: Different recollections by parents and children' (1997) 23(1) *Journal of Sex & Marital Therapy*, 52-60.

Kirby, Douglas, Laris, B.A. & Roller, Lori. 'Sex and HIV Education Programs: Their Impact on Sexual Behaviors of Young People Throughout the World' (2007) 40 *Journal of Adolescent Health* 206-217

Kirby, Douglas. 'The impact of schools and school programs upon adolescent sexual behavior', (2002) 39(1) *Journal of sex research*, 27-33.

Kitzinger, Jenny. 'Qualitative research: introducing focus groups' (1995) 311 *Bmj* 299-302

Krueger, Richard A. & Casey, Mary Anne. *Focus groups: A practical guide for applied research* (4<sup>th</sup> ed, Sage, 2009)

Langlaude, Sylvie. 'Children and Religion Under Article 14 UNCRC: A Critical Analysis', (2008) 16(4) *International Journal of Children's Rights* 475-504

Levine, Judith & Verrier, Diarmuid. 'Harmful to minors: The perils of protecting children from sex', (2006) 9 *Electronic Journal of Human Sexuality*

Lewis, Jane & Ritchie, Jane. 'Generalising from qualitative research', in Jane Ritchie & Jane Lewis (eds) *Qualitative research practice: A guide for social science students and researchers*, (Sage, 2003)

Lewis, Ruth. et al., 'Heterosexual practices among young people in Britain: evidence from three national surveys of sexual attitudes and lifestyles', (2017) *Journal of Adolescent Health*, 61(6), 694-702.

Livingstone, Sonia & Blum-Ross, Alicia. 'Researching children and childhood in the digital age', in Pia Christensen & Allison James (eds) *Research with Children* (Routledge, 2017)

Luker, Kristin. *When sex goes to school: Warring views on sex and sex education since the sixties*. (WW Norton & Company, 2007)

Lundy, Laura & Cook-Sather, Alison. 'Children's rights and student voice: Their intersections and the implications for curriculum and pedagogy', in Dominic Wyse, Louise Hayward & Jessica Pandya (eds) *The SAGE handbook of curriculum, pedagogy and assessment* (Sage, 2015)

Lundy, Laura & O'Lynn, Patricia. 'The Education Rights of Children' in Ursula Kilkelly and Ton Liefwaard (eds), *International Human Rights of Children* (Springer, 2018)

Lundy, Laura, & McEvoy, Lesley. 'Children's rights and research processes: Assisting children to (in) formed views' (2012) 19(1) *Childhood*, 129-144

Lundy, Laura. 'Family values in the classroom? Reconciling parental wishes and children's rights in state schools' (2005) 9(3) *International Journal of Law Politics and Family* 346-372 at 359

Lundy, Laura. 'Voice is not enough: conceptualizing Article 12 of the United Nations Convention on the Rights of the Child', (2007) 33(6) *British Educational Research Journal* 927-942

Macdonald, Alistair. *Independent Review of the proposal to make Personal, Social, Health and Economic (PSHE) education statutory*, 2009

Macdowall, Wendy 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 Lifestyles (Natsal-3)', (2015) 5(3) *BMJ open*, e007837;

Maguire, Moira & Delahunt, Brid. 'Doing a thematic analysis: A practical, step-by-step guide for learning and teaching scholars', (2017) 9(3) *The All Ireland Journal of Teaching and Learning in Higher Education*, at p. 3351-33514

Marshall, Lydia. 'Lessons from the 'new' sociology of childhood: how might listening to children improve the planning of education for development?', (2016) 38(1) *International Development Planning Review*, 55-74

Marvasti, Amir. *Qualitative research in sociology* (Sage, 2004)

Mayall, Berry. 'Conversations with children', in Pia Christensen & Allison James (eds) *Research with children: Perspectives and practices* (Routledge, 2008)

Mayall, Berry. 'The sociology of childhood in relation to children's rights', (2000) 8(3) *The International Journal of Children's Rights*, 243-259

Maynard, Mary. 'Methods, practice and epistemology: the debate about feminism and research' (1994) in Mary Maynard & June Purvis (eds) *Researching Women's Lives from a Feminist Perspective* (Taylor & Francis, 2013)

- McKee, Kim. 'Post-Foucauldian governmentality: What does it offer critical social policy analysis?', (2009) 29(3) *Critical social policy*, 465-486
- McWhorter, Ladelle. *Bodies and pleasures: Foucault and the politics of sexual normalization* (Indiana University Press, 1999)
- Measor, Lynda, Miller, Katrina & Tiffin, Coralie. *Young people's views on sex education: education, attitudes and behaviour* (Routledge, 2012)
- Measor, Lynda. 'Young people's views of sex education: Gender, information and knowledge', (2004) 4(2) *Sex education* 153-166
- Merchant, Guy. 'Teenagers in cyberspace: An investigation of language use and language change in internet chatrooms', (2001) 24(3) *Journal of Research in Reading* 293-306
- Miller, Alice M., et al. 'Sexual rights as human rights: a guide to authoritative sources and principles for applying human rights to sexuality and sexual health', (2015) 23(46) *Reproductive health matters*, 16-30.
- Monk, Daniel. 'Childhood and the law: in whose 'best interests'?' in Mary Jane Kehily (ed) *An Introduction to Childhood Studies* (2<sup>nd</sup> ed, OUP, 2008)
- Monk, Daniel. 'Children's Rights in Education: Making Sense of Contradictions', (2002) 14 *Child and Family Law Quarterly* 45-56
- Monk, Daniel. 'Health and Education: Conflicting Programmes for Sex Education', In Eric Heinze (ed) *Of innocence and autonomy: children, sex and human rights* (Routledge, 2018)
- Monk, Daniel. 'Home education: a human right?', (2003) 17(2-3) *Evaluation & Research in Education*, 157-166
- Monk, Daniel. 'New guidance/old problems: recent developments in sex education', (2001) 23(3) *The Journal of Social Welfare & Family Law*, 271-291
- Monk, Daniel. 'Problematising home education: Challenging 'parental rights' and 'socialisation'' (2004) 24(4) *Legal Studies*, 568-598.
- Monk, Daniel. 'Sex education and the problematization of teenage pregnancy: A genealogy of law and governance', (1998) 7(2) *Social & Legal Studies*, 239-259
- Moore, Sarah E. 'Controlling passion? A review of recent developments in British sex education', (2012) 14(1) *Health, Risk & Society*, 25-40
- Morgan, David L. 'Focus groups and social interaction', in Jaber F. Gubrium, et al. (eds) *The SAGE Handbook of Interview Research* (Sage, 2012)

Morgan, David L. 'Paradigms lost and pragmatism regained: Methodological implications of combining qualitative and quantitative methods', (2007) 1(1) *Journal of mixed methods research*, 48-76

Morgan, David L. *Focus Groups as Qualitative Research* (Sage, 1996)

Morgan, Myfanwy et al. 'Hearing children's voices: methodological issues in conducting focus groups with children aged 7-11 years', (2002) 2(1) *Qualitative research*, 5-20

Morrow, Virginia & Pells, Kirrily. 'Sociological Approaches to Children's Rights', in Martin D. Ruck, Michele Peterson-Badali & Michael Freeman (eds), *Handbook of Children's Rights: Global and Multidisciplinary Perspectives* (Routledge, 2017)

Morrow, Virginia & Richards, Martin. 'The ethics of social research with children: An overview (1)', (1996) 10(2) *Children & society*, 90-105

Morrow, Virginia. 'Ethical dilemmas in research with children and young people about their social environments' (2008) 6(1) *Children's geographies* 49-61.

Moschella, Melissa. *To Whom Do Children Belong?: Parental Rights, Civic Education, and Children's Autonomy*. (Cambridge University Press, 2016)

Moskowitz, Joel S. 'Parental Rights and State Education' (1975) 50 *Washington Law Review* 623-652

Muñoz, Vernor. *Report of the United Nations Special Rapporteur on the right to education*, (2010) A/65/162

Nilsson, Jenny et al. 'Will I be able to have a baby?' Results from online focus group discussions with childhood cancer survivors in Sweden', (2014) 29(12) *Human Reproduction*, 2704-2711

Oates, Catriona & Riaz, Nighet Nasim. 'Accessing the field: Methodological difficulties of research in schools', (2016) 23(2) *Education in the North*, 53-74

Ofsted, *Handbook for inspecting schools in England under section 5 of the Education Act 2005*, updated September 2019

Ofsted, *Not Yet Good Enough: Personal, Social, Health and Economic Education in Schools*, May 2013

Ofsted, *Sex and Relationships: A Report from Her Majesty's Chief Inspector of Schools*, (HMI 433) 2002

Parker, Richard G. 'Sexuality, health, and human rights', (2007) 97(6) *American Journal of Public Health*, 972-973



Pilcher, Jane. 'Sex in health education: official guidance for schools in England, 1928–1977', (2004) 17(2-3) *Journal of Historical Sociology*, 185-208.

Piper, Christine. 'Historical constructions of childhood innocence: removing sexuality', In Eric Heinze (ed) *Of innocence and autonomy: children, sex and human rights* (Routledge, 2018) at pp. 28-29

Plummer, Ken. *Telling sexual stories: Power, change and social worlds* (Routledge, 2002)

Ponzetti Jr, James J. 'Sexuality Education: Yesterday, Today and Tomorrow' in James J. Ponzetti Jr (Ed.) *Evidence Based Approaches to Sexuality Education* (Routledge, 2015)

Pound, Pandora et al. 'What is best practice in sex and relationship education? A synthesis of evidence, including stakeholders' views' (2017) 7(5) *BMJ open*, e014791.

Pound, Pandora, Langford, Rebecca & Campbell, Rona. 'What do young people think about their school-based sex and relationship education? A qualitative synthesis of young people's views and experiences', (2016) 6(9) *BMJ open*, e011329

Prout, Alan & James, Allison. 'A new paradigm for the sociology of childhood? Provenance, promise and problems' in Allison James & Alan Prout (eds) *Constructing and reconstructing childhood: Contemporary issues in the sociological study of childhood* (Routledge, 2015)

Punch, Samantha. 'Research with children: the same or different from research with adults?', (2002) 9(3) *Childhood*, 321-341.

Quennerstedt, Ann & Quennerstedt, Mikael. 'Researching children's rights in education: Sociology of childhood encountering educational theory', (2014) 35(1) *British Journal of Sociology of Education*, 115-132

Rasmussen, Mary Lou. 'Secularism, religion and 'progressive' sex education' (2010) 13(6) *Sexualities* 699-712

Reis, Janer & Seidl, Ann. 'School administrators, parents, and sex education: a resolvable paradox?', (1989) 24(95) *Adolescence* 639-645

Reiss, Michael J. 'Conflicting Philosophies of School Sex Education' (1995) 24(4) *Journal of Moral Education* 371-382

Reiss, Michael J. 'How Should We Teach in Schools about Sexual Orientation? A rejoinder to Petrovic', (1999) 28(2) *Journal of Moral Education* 211-214

Renold, Emma & McGeeney, Ester. *Informing the Future Sex and Relationships Education Curriculum in Wales* (Cardiff University, 2017)

Rice, Marti. 'Accessing and recruiting children for research in schools' (2007) 29(4) *Western Journal of Nursing Research*, 501-514

Richards, Sarah, Clark, Jessica, & Boggis, Allison. *Ethical Research with Children: Untold Narratives and Taboos* (Palgrave Macmillan, 2015)

Richardson, Diane. 'Claiming citizenship? Sexuality, citizenship and lesbian feminist theory' in Chrys Ingraham (ed) *Thinking Straight* (Routledge, 2013)

Richardson, Diane. 'Constructing sexual citizenship: theorizing sexual rights', (2000) 20(1) *Critical social policy*, 105-135

Roberts, Anthea E. 'Traditional and modern approaches to customary international law: a reconciliation', (2001) 95(4) *American Journal of International Law*, 757-791

Robinson, Jude. 'Using focus groups', in Sara Delamont (ed) *Handbook of qualitative research in education* (Edward Elgar, 2012)

Robinson, Kerry H. "'Difficult citizenship': The precarious relationships between childhood, sexuality and access to knowledge', (2012) 15(3-4) *Sexualities*, 257-276

Robinson, Kerry H. 'Childhood and sexuality: Adult constructions and silenced children', in Jan Mason & Toby Fattore (eds) *Children taken seriously: In theory, policy and practice* (Jessica Kingsley Publishers, 2005)

Robinson, Kerry H. 'Making the invisible visible: Gay and lesbian issues in early childhood education', (2002) 3(3) *Contemporary Issues in Early Childhood*, 415-434

Robinson, Kerry H., Smith, Elizabeth, & Davies, Cristyn. 'Responsibilities, tensions and ways forward: parents' perspectives on children's sexuality education' (2017) 17(3) *Sex Education*, 333-347

Rt Hon Justine Greening, *Sex and Relationships Education: Written Statement*, HCWS509, 1<sup>st</sup> March 2017

Rt Hon Nicky Morgan, 'Letter of Response to Select Committee Chairs', 10<sup>th</sup> February 2016

Scolnicov, Anat. 'The Child's Right to Religious Freedom and Formation of Identity' (2007) 15(2) *International Journal of Children's Rights* 251

Scotland, James. 'Exploring the Philosophical Underpinnings of Research: Relating Ontology and Epistemology to the Methodology and Methods of the Scientific, Interpretive, and Critical Research Paradigms, (2012) 5(9) *English language teaching*, 9-16

Scottish Learning Directorate, *Conduct of Relationships, Sexual Health and Parenthood Education in Schools*, 12<sup>th</sup> December 2014

Sex Education Forum, *Heads or tails? What young people are telling us about SRE*, 2006

Sharpe, Sue, Mauthner, Melanie & France-Dawson, Merry. *Family health: a literature review*. (Health Education Authority, 1996)

Shtarksall, Ronny A., Santelli, John S., & Hirsch, Jennifer S. 'Sex Education and Sexual Socialization: Roles for Educators and Parents', (2007) 39(2) *Perspectives on Sexual and Reproductive Health* 116-119

Simmons, Lizbet. 'The docile body in school space', in Torin Monahan, & Rodolfo D. Torres (eds) *Schools under surveillance: Cultures of control in public education* (Rutgers University Press, 2009)

Sparrman, Anna. 'Access and gatekeeping in researching children's sexuality: Mess in ethics and methods', (2014) 18(2) *Sexuality & Culture*, 291-309

Spencer, Grace, Maxwell, Claire & Aggleton, Peter. 'What does 'empowerment' mean in school-based sex and relationships education?', (2008) 8(3) *Sex Education*, 345-356

Stewart, Kate & Williams, Matthew. 'Researching online populations: the use of online focus groups for social research', (2005) 5(4) *Qualitative Research*, 395-416

Strange, Vicki et al., 'Sex and relationship education for 13-16 year olds: evidence from England', (2006) 6(1) *Sex Education*, 31-46

Suzuki, Lalita K. & Calzo, Jerel P. 'The search for peer advice in cyberspace: An examination of online teen bulletin boards about health and sexuality', (2004) 25(6) *Journal of applied developmental psychology*, 685-698

Tanton, Claire et al. 'Patterns and trends in sources of information about sex among young people in Britain: evidence from three National Surveys of Sexual Attitudes and Lifestyles' (2015) 5(3) *BMJ open*, e007834

Taylor, Dianna. 'Normativity and normalization' (2009) 7 *Foucault studies*, 45-63

Taylor, Emmeline. 'The rise of the surveillance school', in Kirstie Ball, Kevin Haggerty & David Lyon (eds) *Routledge handbook of surveillance studies* (Routledge, 2012)

Testa, Adrienne C. & Coleman, Lester M. 'Accessing research participants in schools: a case study of a UK adolescent sexual health survey', (2006) 21(4) *Health education research*, 518-526

Thomas, Nigel & O'kane, Claire. 'The ethics of participatory research with children', (1998) 12(5) *Children & society*, 336-348

- Thomson, Rachel. 'Moral rhetoric and public health pragmatism: the recent politics of sex education', (1994) 48(1) *Feminist review*, 40-60
- Thorogood, Nicki. 'Sex education as disciplinary technique: policy and practice in England and Wales', (2000) 3(4) *Sexualities*, 425-438
- Tiefer, Leonore. 'The emerging global discourse of sexual rights' (2002) 28(5) *Journal of Sex & Marital Therapy*, 439-444
- Tobin, John. 'Children's Right to Health' in Ursula Kilkelly and Ton Liefwaard (eds), *International Human Rights of Children*, (Springer, 2018) at pp. 282-284
- Tomaševski, Katerina. *Human Rights Obligation in Education: the 4-A Scheme* (Wolf Legal Publishers, 2006)
- Tomaševski, Katerina. *Mission to the United Kingdom of Great Britain and Northern Ireland (England)*, 1999 E/CN.4/2000/6/Add.2, Geneva: United Nations
- Trivedi, Daksha et al. *Update on Review of Reviews on Teenage Pregnancy and Parenthood*, 2007
- Turkel, Gerald. 'Michel Foucault: Law, power, and knowledge' (1990) 17(2) *Journal of Law and Society*, 170-193
- Turnbull, Triage, Van Wersch, Anna & Van Schaik, Paul. 'A review of parental involvement in sex education: The role for effective communication in British families', (2008) 67(3) *Health Education Journal* 182-195
- Tuttas, Carol A. 'Lessons learned using web conference technology for online focus group interviews', (2015) 25(1) *Qualitative Health Research*, 122-133
- UK Youth Parliament, *SRE: Are You Getting It? A Report by the UK Youth Parliament*, June 2007
- UN Committee on Economic, Social and Cultural Rights, *General Comment No. 13: The Right to Education*, E/C.12/1999/10
- UN Committee on Economic, Social, and Cultural Rights (CESCR), *General Comment No 14: The Right to the Highest Attainable Standard to Health*, UN DOC E/C.12/2000/4
- UN Committee on the Rights of the Child, *Concluding Observations on the Fifth Periodic Report of the United Kingdom of Great Britain and Northern Ireland*, 12<sup>th</sup> July 2016, (CRC/C/GBR/CO/5)
- UN Committee on the Rights of the Child, *Concluding Observations: Ireland*, CRC/C/IRL/CO/2

UN Committee on the Rights of the Child, *Concluding Observations: United Kingdom of Great Britain and Northern Ireland*, 9<sup>th</sup> October 2002, CRC/C/15/Add.18

UN Committee on the Rights of the Child, *Concluding Observations: United Kingdom of Great Britain and Northern Ireland*, 15<sup>th</sup> January 1995, CRC/C/15/Add.34

UN Committee on the Rights of the Child, *General Comment 4: Adolescent health and development in the context of the Convention on the Rights of the Child*, CRC/GC/2003/4

UN Committee on the Rights of the Child, *General Comment No. 1: The Aims of Education (Article 29)*, CRC/GC/2001/1

UN Committee on the Rights of the Child, *General Comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art 24)* CRC/C/GC/15

UN Committee on the Rights of the Child, *General Comment No. 4: Adolescent health and development in the context of the Convention on the Rights of the Child*, CRC/GC/2003/4

UN Committee on the Rights of the Child, *General Comment No.12: The Right of the Child to be Heard*, 1<sup>st</sup> July 2009 CRC/C/GC/12.

UN Special Rapporteur on the Right to Education, *Report of the United Nations Special Rapporteur on the Right to Education: Sexual Education*, 23<sup>rd</sup> July 2010 (A/65/162)

UNAIDS, *Impact of HIV and Sexual Health Education on the Sexual Behaviour of Young People: A Review Update*, 1997

UNESCO, *International Technical Guidance on Sexuality Education: An evidence-informed approach (revised edition)*, 2018

UNFPA, *Key actions for the further implementation of the Programme of Action for the International Conference on Population and Development*, 1999 (A/RES/S-21/2)

UNFPA, *Operational Guidance for Comprehensive Sexuality Education: A Focus on Human Rights and Gender*, 2014

UNFPA, *Programme of Action adopted at the International Conference on Population and Development*, Cairo, 5-13 September 1994, 2004

United Nations Economic and Social Council, *Economic, Social and Cultural Rights: The Right to Education*, Report submitted by the Special Rapporteur, Katarina Tomasevski (2004) (E/CN.4/2004/45)

United Nations General Assembly, *Report of the United Nations Special Rapporteur on the right to education*, submitted pursuant to Human Rights Council resolution 8/4, 2010 (A/65/162)

United Nations, *Report of the International Conference on population and development*, Cairo, 5-13 September 1994, 1995 (A/CONF.171/13/Rev.1)

Walker, Joy. 'Parents and sex education—looking beyond 'the birds and the bees'', (2004) 4(3) *Sex education*, 239-254

Weiss, Jen. "'Eyes on Me Regardless": Youth Responses to High School Surveillance', (2007) 21 *Educational Foundations*, 47-69

Wettergren, Lena et al., 'Online focus group discussion is a valid and feasible mode when investigating sensitive topics among young persons with a cancer experience', (2016) 5(2) *JMIR research protocols*, e86

WHO (Europe) and Federal Centre for Health Education, *Standards for Sexuality Education in Europe: A framework for policy makers, educational and health authorities and specialists*, 2010

WHO and UNFPA, *Measuring Sexual Health: Conceptual and Practical Considerations and Related Indicators*, Geneva, 2010

Wilkinson, Sue. 'Focus groups in feminist research: Power, interaction, and the co-construction of meaning' (1998) 21(1) *Women's studies international forum* 111-125.

Woodyatt, Cory R., Finneran, Catherine A., & Stephenson, Rob. 'In-person versus online focus group discussions: A comparative analysis of data quality', (2016) 26(6) *Qualitative health research*, 741-749.

Woolhandler, Justin. 'Toward a Foucauldian Legal Method' (2014) 76 *University of Pittsburgh Law Review* 131

World Association for Sexual Health (WAS), *Declaration of Sexual Rights*, March 2014

World Health Organisation, *Defining Sexual Health: Report of a technical consultation on sexual health, 28-31st January 2002*, 2006

Wynn, LL, Forster, Angel & Trussell, James. 'Misconceptions and Ignorance about Sexual and Reproductive Health' (2009) 34(11) *The Female Patient* 29

Yankah, Ekuia 'International Framework for Sexuality Education: UNESCO's International Technical Guidance', in James J. Ponzetti Jr (Ed.) *Evidence Based Approaches to Sexuality Education* (Routledge, 2015)

Zampas, Christina. 'Promoting Accurate and Objective Sexuality Education', (2007) 15(4) INTERIGHTS Bulletin 182-184; United Nations General Assembly, *Report of the United Nations Special Rapporteur on the right to education, submitted pursuant to Human Rights Council resolution 8/4*, (2010) A/65/150

### Online Sources

Association of Teachers and Lecturers, 'ATL backs Sex Education Forum's 'SRE – It's My Right Campaign'', 6<sup>th</sup> June 2014, available at <https://www.atl.org.uk/latest/press-release/atl-backs-sex-education-forums-sre-its-my-right-campaign> (accessed 21st September 2019)

ASTRA Youth, *Human Right to Comprehensive Sexuality Education*, Position paper, 2014, available at <http://www.astra.org.pl/youth/pdf/Human%20Right%20to%20Comprehensive%20Sexuality%20Education.pdf> as accessed on 29/4/2015

BBC News, 'Many parents 'oppose school sex education for children'', 5<sup>th</sup> May 2011, available at <https://www.bbc.co.uk/news/education-13292133> (accessed 11th July 2019)

BBC News, 'Update Sex Education Guidance to Schools, says Clegg', 5<sup>th</sup> September 2013, available at <https://www.bbc.co.uk/news/education-23975010> (accessed 10th September 2019)

BBC News, 'LGBT Lessons Row: More Birmingham Schools Stop Classes', available at <https://www.bbc.co.uk/news/uk-england-birmingham-47613578> (accessed 11<sup>th</sup> April 2019)

BBC Sounds, "In Living Memory (Series 10): Jenny Lives with Eric and Martin", 5<sup>th</sup> August 2009, available at <https://www.bbc.co.uk/sounds/play/b00lv4hc> (accessed 20th September 2019)

BBC, 'LGBT school lessons protests spread nationwide', 16 May 2019, available at <https://www.bbc.co.uk/news/uk-england-48294017> (accessed 2nd July 2019)

Brook, PSHE Association & Sex Education Forum, *Sex and Relationships Education (SRE) for the 21<sup>st</sup> Century*, 2014 available at <https://www.pshe-association.org.uk/system/files/SRE%20for%20the%2021st%20Century%20-%20FINAL.pdf.pdf> (accessed 11<sup>th</sup> July 2019)

Economic and Social Research Council, 'Frequently Asked Questions: Consent from children', available at <https://esrc.ukri.org/funding/guidance-for-applicants/research-ethics/frequently-raised-topics/research-with-children-and-young-people/> (accessed 25<sup>th</sup> April 2019)

General Medical Council (2012), “Definitions of children, young people and parents”, in *Protecting children and young people: The responsibilities of all doctors* available at <https://www.gmc-uk.org/ethical-guidance/ethical-guidance-for-doctors/protecting-children-and-young-people/definitions-of-children-young-people-and-parents> (accessed 19<sup>th</sup> July 2019).

Livingstone, Sonia et al., ‘Risks and safety on the internet: the perspective of European children: full findings and policy implications from the EU Kids Online survey of 9-16 year olds and their parents in 25 countries’ available at <http://eprints.lse.ac.uk/33731/1/Risks%20and%20safety%20on%20the%20internet%20Isero%29.pdf> (accessed 16<sup>th</sup> July 2019)

Maugascha, Manuella. ‘Friends Like Me: The Screen Lives of Children and Teens’, 12<sup>th</sup> July 2017, available at: <https://blogs.lse.ac.uk/parenting4digitalfuture/2017/07/12/friends-like-me-the-screen-lives-of-children-and-teens/> (accessed 20<sup>th</sup> April 2019)

National Union of Students, ‘NUS and leading youth organisations call for statutory sex education in all party manifestos’ 16<sup>th</sup> July 2014, available at <https://www.nus.org.uk/en/news/nus-and-leading-youth-organisations-call-for-statutory-sex-education-in-all-party-manifestos/?load=6&top=245> (accessed 21<sup>st</sup> September 2019)

Natsal, ‘Sexual Attitudes and Lifestyles in Britain: Highlights from Natsal-3’ available at <http://www.natsal.ac.uk/media/2102/natsal-infographic.pdf> (accessed 21<sup>st</sup> September 2019)

Ofcom, ‘Children and Parents: Media Use and Attitudes Report’, 2015, available at <https://www.ofcom.org.uk/research-and-data/media-literacy-research/children/children-parents-nov-15> (accessed 28<sup>th</sup> July 2019)

Select Committee Chairs, ‘Letter to the Secretary of State for Education on Statutory Status for PSHE’, 7<sup>th</sup> January 2016, available at <https://www.parliament.uk/documents/commons-committees/Education/Chairs'-letter-to-the-Secretary-of-State-on-statutory-status-for-PSHE.pdf> (accessed 10<sup>th</sup> June 2019)

Sex Education Forum, ‘Our History – 30 years of campaigning’, available at <https://www.sexeducationforum.org.uk/about/our-history-30-years-campaigning> (accessed 21<sup>st</sup> September 2019)

The Telegraph, ‘Dame Tessa Jowell supports The Telegraph’s Wonder Women Better Sex Education Campaign’, 6<sup>th</sup> September 2013, available at <https://www.telegraph.co.uk/women/sex/better-sex-education/10284828/Dame-Tessa-Jowell-supports-TheTelegraphs-Wonder-Women-better-sex-education-campaign.html> (accessed 10<sup>th</sup> September 2019)



Tomaševski, Katerina. *Right to Education Primers No. 3: Human rights obligations: making education available, accessible, acceptable and adaptable*, 2001 available at [https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/Tomasevski\\_Primer%203.pdf](https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/Tomasevski_Primer%203.pdf) (accessed 8<sup>th</sup> April 2019)

Travers, Tony. 'Local government: Margaret Thatcher's 11-year war', *The Guardian*, 9<sup>th</sup> April 2013, available at <https://www.theguardian.com/local-government-network/2013/apr/09/local-government-margaret-thatcher-war-politics> (accessed 20<sup>th</sup> September 2019)

Unison, "Underfunding of schools resulting in increased class sizes for secondary schools in England", 8<sup>th</sup> March 2018, available at <https://www.unison.org.uk/news/2018/03/underfunding-schools-resulting-increased-class-sizes-secondary-schools-england/> (accessed 31<sup>st</sup> April 2019)