



# Children and Social Work Act 2017

## 2017 CHAPTER 16

### PART 1

#### CHILDREN

### CHAPTER 4

#### RELATIONSHIPS, SEX AND PSHE EDUCATION

#### **34 Education relating to relationships and sex**

- (1) The Secretary of State must by regulations make provision requiring—
  - (a) relationships education to be provided to pupils of compulsory school age receiving primary education at schools in England;
  - (b) relationships and sex education to be provided (instead of sex education) to pupils receiving secondary education at schools in England.
- (2) The regulations must include provision—
  - (a) requiring the Secretary of State to give guidance to proprietors of schools in relation to the provision of the education and to review the guidance from time to time;
  - (b) requiring proprietors of schools to have regard to the guidance;
  - (c) requiring proprietors of schools to make statements of policy in relation to the education to be provided, and to make the statements available to parents or other persons;
  - (d) about the circumstances in which a pupil (or a pupil below a specified age) is to be excused from receiving relationships and sex education or specified elements of that education.
- (3) The regulations must provide that guidance given by virtue of subsection (2)(a) is to be given with a view to ensuring that when relationships education or relationships and sex education is given—
  - (a) the pupils learn about—

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*Changes to legislation: There are currently no known outstanding effects for the Children and Social Work Act 2017, CHAPTER 4. (See end of Document for details)*

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- (i) safety in forming and maintaining relationships,
  - (ii) the characteristics of healthy relationships, and
  - (iii) how relationships may affect physical and mental health and well-being, and
  - (b) the education is appropriate having regard to the age and the religious background of the pupils.
- (4) The regulations may make further provision in connection with the provision of relationships education, or relationships and sex education.
- (5) Before making the regulations, the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (6) The regulations may amend any provision (including provision conferring powers) that is made by or under—
- (a) section 342 of the Education Act 1996;
  - (b) Chapter 4 of Part 5 of the Education Act 1996;
  - (c) Schedule 1 to the Education Act 1996;
  - (d) Part 6 of the Education Act 2002;
  - (e) Chapter 1 of Part 4 of the Education and Skills Act 2008;
  - (f) the Academies Act 2010.
- (7) Any duty to make provision by regulations under subsection (1) may be discharged by making that provision by regulations under another Act, so long as the Secretary of State consults such persons as the Secretary of State considers appropriate before making the regulations under that Act.
- (8) The provision that may be made by regulations under subsection (1) by virtue of section 67 includes, in particular, provision amending, repealing or revoking any provision made by or under any Act or any other instrument or document (whenever passed or made).
- (9) Regulations under subsection (1) which amend provision made by or under an Act are subject to the affirmative resolution procedure.
- (10) Other regulations under subsection (1) are subject to the negative resolution procedure.
- (11) Expressions used in this section, where listed in the left-hand column of the table in section 580 of the Education Act 1996, are to be interpreted in accordance with the provisions of that Act listed in the right-hand column in relation to those expressions.

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**Commencement Information**

**II** S. 34 in force at 1.4.2018 by S.I. 2018/346, reg. 4(e)

### **35 Other personal, social, health and economic education**

- (1) The Secretary of State may by regulations make provision requiring personal, social, health and economic education (beyond that required by virtue of section 34) to be provided—
- (a) to pupils of compulsory school age receiving primary education at schools in England;

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- (b) to pupils receiving secondary education at schools in England.
- (2) The regulations may include—
- (a) provision requiring the Secretary of State to give guidance to proprietors of schools in relation to the provision of the education;
  - (b) provision requiring proprietors of schools to have regard to that guidance;
  - (c) provision requiring proprietors of schools to make statements of policy in relation to the education to be provided, and to make the statements available to parents or other persons;
  - (d) further provision in connection with the provision of the education.
- (3) Before making the regulations, the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (4) The regulations may amend any provision (including provision conferring powers) that is made by or under—
- (a) section 342 of the Education Act 1996;
  - (b) Chapter 4 of Part 5 of the Education Act 1996;
  - (c) Schedule 1 to the Education Act 1996;
  - (d) Part 6 of the Education Act 2002;
  - (e) Chapter 1 of Part 4 of the Education and Skills Act 2008;
  - (f) the Academies Act 2010.
- (5) The provision that may be made by regulations under subsection (1) by virtue of section 67 includes, in particular, provision amending, repealing or revoking any provision made by or under any Act or any other instrument or document (whenever passed or made).
- (6) Regulations under subsection (1) which amend provision made by or under an Act are subject to the affirmative resolution procedure.
- (7) Other regulations under subsection (1) are subject to the negative resolution procedure.
- (8) Expressions used in this section, where listed in the left-hand column of the table in section 580 of the Education Act 1996, are to be interpreted in accordance with the provisions of that Act listed in the right-hand column in relation to those expressions.
- (9) A power to make provision under this section does not limit any power to make provision of the same kind under another Act.

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**Commencement Information**

**I2** S. 35 in force at 1.4.2018 by S.I. 2018/346, reg. 4(f)

**Changes to legislation:**

There are currently no known outstanding effects for the Children and Social Work Act 2017,  
CHAPTER 4.