



# Education Act 1996

## 1996 CHAPTER 56

### PART V

#### THE CURRICULUM

#### CHAPTER IV

##### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

##### *Sex education*

#### **403 Sex education: manner of provision.**

- (1) The <sup>F1</sup> . . . , governing body and head teacher shall take such steps as are reasonably practicable to secure that where sex education is given to any registered pupils at a maintained school, it is given in such a manner as to encourage those pupils to have due regard to moral considerations and the value of family life.
- [<sup>F2</sup>(1A) The Secretary of State must issue guidance designed to secure that when sex education is given to registered pupils at maintained schools—
- (a) they learn the nature of marriage and its importance for family life and the bringing up of children, and
  - (b) they are protected from teaching and materials which are inappropriate having regard to the age and the religious and cultural background of the pupils concerned.
- (1B) In discharging their functions under subsection (1) governing bodies and head teachers must have regard to the Secretary of State's guidance.
- (1C) Guidance under subsection (1A) must include guidance about any material which may be produced by NHS bodies for use for the purposes of sex education in schools.
- (1D) The Secretary of State may at any time revise his guidance under subsection (1A).]

*Status: Point in time view as at 01/02/2008.*

*Changes to legislation: Education Act 1996, Cross Heading: Sex education is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) In [<sup>F3</sup>this section]“maintained school” includes [<sup>F4</sup>a community or foundation special school] established in a hospital [<sup>F5</sup>and “NHS body” has the same meaning as in [<sup>F6</sup>section 28(6) of the National Health Service Act 2006] .]

#### Textual Amendments

- F1** Words in s. 403(1) repealed (1.11.2000 (E.) 1.9.2001 (W.)) by 2000 c. 21, ss. 148(3), 153, **Sch. 11** (with s. 150); S.I. 2000/2559, art. 2(2), **Sch. Pt. II**; S.I. 2001/1274, art. 2(2), **Sch. Pt. II**
- F2** S. 403(1A)-(1D) inserted (1.11.2000 (E.) 1.9.2001 (W.)) by 2000 c. 21, s. 148(4) (with s. 150); S.I. 2000/2559, art. 2(2), **Sch. Pt. II**; S.I. 2001/1274, art. 2(2), **Sch. Pt. II**
- F3** Words in s. 403(2) substituted (1.11.2000 (E.) 1.9.2001 (W.)) by 2000 c. 21, s. 148(5)(a) (with s. 150); S.I. 2000/2559, art. 2(2), **Sch. Pt. II**; S.I. 2001/1274, art. 2(2), **Sch. Pt. II**
- F4** Words in s. 403(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 102** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F5** Words in s. 403(2) inserted (1.11.2000 (E.) 1.9.2001 (W.)) by 2000 c. 21, s. 148(5)(b) (with s. 150); S.I. 2000/2559, art. 2(2), **Sch. Pt. II**; S.I. 2001/1274, art. 2(2), **Sch. Pt. II**
- F6** Words in s. 403(2) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 183** (with Sch. 3 Pt. 1)

#### 404 Sex education: statements of policy.

- (1) The governing body of a maintained school shall—
- (a) make, and keep up to date, a separate written statement of their policy with regard to the provision of sex education, and
  - (b) make copies of the statement available for inspection (at all reasonable times) by parents of registered pupils at the school and provide a copy of the statement free of charge to any such parent who asks for one.

[<sup>F7</sup>(1A) A statement under subsection (1) must include a statement of the effect of section 405.]

- (2) In subsection (1) “maintained school” includes, in relation to pupils who are provided with secondary education, [<sup>F8</sup>a community or foundation special school] established in a hospital.

<sup>F9</sup>(3) .....

#### Textual Amendments

- F7** S. 404(1A) inserted (1.11.2000 (E.), 1.9.2001 (W.)) by 2000 c. 21, ss. 148(6), 154 (with s. 150)); S.I. 2000/2559, art. 2(2), **Sch. Pt. II**; S.I. 2001/1274 art. 2(2) Sch. Pt. II
- F8** Words in s. 404(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 103(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F9** S. 404(3) repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 103(b), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**

#### Modifications etc. (not altering text)

- C1** S. 404 applied (with modifications) (E.) (1.9.2005) by The Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2005 (S.I. 2005/2039), reg. 1(1), **Sch. 1 para. 1**
- C2** S. 404 applied (W.) (23.4.2007) by The Education (Pupil Referral Units) (Application of Enactments) (Wales) Regulations 2007 (S.I. 2007/1069), reg. 1(1), **Sch. 1 para. 1**

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- C3** S. 404 applied (E.) (1.2.2008) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2007 \(S.I. 2007/2979\)](#), reg. 1(1), **Sch. 1 para. 3**

#### **405 Exemption from sex education.**

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.

##### **Modifications etc. (not altering text)**

- C4** S. 405 applied (with modifications) (E.) (1.9.2005) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2005 \(S.I. 2005/2039\)](#), reg. 1(1), **Sch. 1 para. 2**
- C5** S. 405 applied (with modifications) (W.) (23.4.2007) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(Wales\) Regulations 2007 \(S.I. 2007/1069\)](#), reg. 1(1), **Sch. 1 para. 2**
- C6** S. 405 applied (with modifications) (E.) (1.2.2008) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2007 \(S.I. 2007/2979\)](#), reg. 1(1), **Sch. 1 para. 4**

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