

Relationships and Sexual Education & Wellbeing Guidelines

These guidelines have been produced to support staff to implement the Relationships and Sexual Wellbeing Policy and covers our approach to Relationship and Sex Education (RSE), not only in lessons but through the attitude of our staff and students alike and our ethos and approach and commitment to equality both within and outside of the classroom.

They aim to ensure a consistent approach for all students with how we support them to develop safe and positive relationships whilst at Young Epilepsy and to understand the appropriate boundaries within which we live, work and learn. The guidelines are explained to students through the relevant curricula that operate within the school and college. Where a student is in a residential placement the staff within the home also reinforces this learning and support them as necessary.

1. Introduction

Young Epilepsy recognises that we have a legal responsibility under The Relationships Education, Relationship & Sex Education and Health Education (England) Regulations 2019, made under sections 34 & 35 of the Children & Social Work Act 2017, to provide comprehensive Relationship Education and Health Education for all students receiving primary and secondary education.

RSE is about learning accurate and age-appropriate skills, attitudes and knowledge about the body, reproduction, sex and sexual health. RSE also gives children and young people essential skills for building positive, enjoyable, respectful and non-exploitative relationships and staying safe both on and offline.

We also recognise that we have a responsibility under the Equality Act 2010 to ensure the best for all students irrespective of disability, educational needs, race, nationality, ethnic or national origin, sex, gender identity, pregnancy, maternity, religion, sexual orientation or whether they are looked after children. As a result RSE needs to be sensitive to the different needs of individual pupils and may need to adapt and change as the pupils of the school change. Not only does the teaching need to be sensitive of these needs, but also to help the students realise the nature and consequences of discrimination, teasing, bullying and aggressive behaviours or prejudice-based language.

Sexual violence and Sexual harassment is not acceptable at Young Epilepsy and will not be tolerated. We are aware that children and young people with Special Educational Needs and Disabilities (SEND) are three times more likely to be abused than their peers¹.

This guidance should be read in conjunction with

- Keeping Children Safe in Education (statutory guidance)
- SEND code of practice: 0 to 25 years (statutory guidance)
- Preventing and Tackling Bullying (advice for schools, including advice on cyberbullying)
- Sexual violence and sexual harassment between children in schools (advice for schools)²
- Relationships Education, Relationships and Sex Education (RSE) and Health Education (statutory guidance)³

2. Underpinning Principles

Young Epilepsy recognises that relationships and sexual wellbeing are important components of our students' lives, as they are for any young person. Relationships, in all of their many forms and types, are an important part of human life. Although some people may not care much for interactions and relationships with others, we know that everyone needs to have positive relationships with others in order to be safe and well, and so it is our responsibility to ensure that children and young adults receive support and information to achieve this.

We acknowledge that in order for our students to embrace the challenges of creating a happy and successful adult life, they need knowledge that will enable them to make informed decisions about their wellbeing, health and relationships and to build their self-efficacy. We understand that high quality, evidence-based and age-appropriate teaching of these subjects can help prepare our students to develop resilience, to know how and when to ask for help.

These guidelines consider supporting students with learning and development related to:

- **Relationships** (including friendships, family relationships, marriage and civil partnerships, intimate and sexual relationships, relationships with people online and boundaries and principles of positive relationships including looking at issues such as domestic violence)

¹ Jones, L et al. (2012) Prevalence and risk of violence against children with disabilities: a systematic review and meta-analysis of observational studies. The Lancet July 2012.

² <https://www.gov.uk/government/publications/sexual-violence-and-sexual-harassment-between-children-in-schools-and-colleges>

³ <https://www.gov.uk/government/publications/relationships-education-relationships-and-sex-education-rse-and-health-education>

- **Sexual Wellbeing** (including teaching about body parts, changes to the human body, human sexuality and gender, consent and sexual pressure, sexual behaviour, sexual and reproductive health, contraception, pregnancy and what the law says).

All young people have rights around their sexual health, wellbeing, identity and relationships along with Relationships and Sex Education. Young people also have the right to be protected from abuse and exploitation.

We know that all of the young people we support at Young Epilepsy can be extremely vulnerable to abuse and exploitation from others around them, and so it is our absolute duty to make sure they have the right support and education from Young Epilepsy services that allows them to have as happy, safe and fulfilled lives as possible.

In society, young disabled people are too often forgotten or not considered when it comes to discussions about sexual wellbeing, and this creates a significant risk to the safety and wellbeing of these young people, not to mention a violation of their rights. Young people want to have information and support regarding this area of their lives and so our aim is to ensure we provide this in the most appropriate way for each individual young person.

Young Epilepsy believes that empowering young people with the knowledge to make decisions and choices with regards to their relationships, sex and sexual health will lead to young people having safer and more fulfilling lives.

3. Aims

The aims of relationships and sex education (RSE) at Young Epilepsy are to ensure students learn about:

- Different types of relationships, including friendships, family relationships, intimate relationships, dealing with strangers
- How to recognise, understand and build healthy relationships, including self-respect and respect for others, commitment, tolerance, boundaries and consent, and how to manage conflict, and also how to recognise unhealthy relationships
- How relationships may affect health and wellbeing, including mental health;
- Healthy relationships and safety online
- Knowledge around sex, sexual health and sexuality

4. Supporting students to develop effective relationships

Young Epilepsy aims to ensure that the environment for all students is free from exploitation and promotes British Values, equality and diversity, safety, independence and informed choices. To do this we ensure the following:

1. Students' safety is always recognised as being paramount;
2. Our staff have a clear and consistent understanding of appropriate boundaries for relationships and behaviour, and students and parents are made aware of these boundaries;
3. We adopt a consistent approach but one that is individualised and takes into account a student's choice, their capacity to make that choice, management of risks to the student and those involved with them and any cultural issues that are important to them;
4. Parents are involved appropriately and we aim to communicate as openly as possible, within the context of confidentiality and student choice;
5. Students are well informed to enable them to make the best choices and the curricula we have designed support these guidelines and our aspirations related to the policy.
6. Staff understand that sexual behaviour is part of 'growing up', and offer support to young people that is dignified, respectful and right for them

In producing these guidelines, we recognise that we have a diverse student population (including disability, age, ethnicity, religious beliefs, gender and sexuality) and we have specially designed these guidelines to enable us to differentiate our approach as necessary. This is especially important when defining boundaries and acceptable behaviours for an individual student.

5. Capacity/Consent

The ability of the student to participate in a sexual relationship is dependent upon the student having the requisite level of capacity to be able to freely consent to this. In accordance with the Mental Capacity Act 2005 all students aged 16 and over should be assumed to have capacity unless it is established otherwise. An assessment regarding a student's capacity must be completed by someone who has received relevant training in doing so, and who has a good relationship with the student.

Specific capacity assessment and best interests forms have been drafted for this purpose and are used by trained staff in order to decide how best to support a student. These forms are be 'decision specific' and completed for each individual student per situation.

If the student has capacity and consents to a sexual relationship then staff will endeavour to support the student as deemed appropriate, but will regularly review the capacity assessment to ensure it remains applicable throughout the relationship. Whilst doing this staff are fully aware of the importance of the respecting the student's choice and their right to privacy.

If the student lacks the capacity to consent to be part of a sexual relationship then Young Epilepsy will not support such a relationship as being in the student's best interests.

It is possible that being part of a non-sexual relationship may be in the best interests of a student who lacks capacity. This will depend on the individual circumstances and how strongly the student feels about the issue. This will be discussed with them as part of the best interests decision making process. It is important when consulting with others as part of the best interests decision process, to consider the student's right to confidentiality.

6. The Curricula

There are two curricula in Young Epilepsy's education services, associated with relationships and sexual wellbeing and these are designed for young people under the age of 16 years and young people over the age of 16 years respectively. The former is delivered as part of the Personal, Health, Social and Emotional curriculum in the school. The parents of students will be contacted directly and informed of our intention to teach the subject and they can choose whether or not they feel this is appropriate. The same process will apply to the staff who support the children and young people in Young Epilepsy's residential homes in recognition of their role as 'loco parentis'.

The curricula taught are sensitive, age and developmentally appropriate and based on current legislation and good practice.

The curricula are taught by a team of experienced teachers and lecturers within the education services.

Both curricula have associated guidance documents, which have been designed by a subject matter expert and can be accessed through the Young Epilepsy Policy and Procedures Library and on the St Piers School and College websites.

It is also important to recognise that learning about relationships and sexual wellbeing extends outside of 'formal' curricula. Staff within the residential services are also expected to support and help their students to learn about these areas of life. This may take place in keyworker sessions, student meetings or more on a more ad-hoc basis as and when a natural learning opportunity arises.

****Please refer to St Piers Curriculum document alongside this guidance for more detail.***

Right of Withdrawal

Parents have the right to withdraw their children from all, or part of the RSE curriculum, except for those parts included within the National Curriculum for Science, which are statutory.

Before granting any such request the Principal or Vice Principal will discuss the request with parents and, as appropriate, with the child to ensure that their wishes are understood and to clarify the nature and purpose of the curriculum. We will need to document this process to ensure a record is kept.

Once those discussions have taken place, except in exceptional circumstances, Young Epilepsy will 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, we will make arrangements to provide the child with sex education during one of those terms.

7. Appropriate boundaries for students under the age of 16 years in St Piers School and in the Children's Homes

Children under the legal age of sexual consent are not entitled to have a sexual relationship with any other person whilst at Young Epilepsy and we are obliged to report any inappropriate behaviours to the Children's Social Care Team in Surrey and parents would also be informed. Whilst we will discourage all behaviours that could be deemed sexually inappropriate (see Brooks traffic light tool) for more information on what behaviour is deemed appropriate and inappropriate at different stages in development), we also respect that many students behave in ways that appear sexual but have an underlying sensory or behavioural cause. Where this is the case we involve the relevant specialist teams to ensure that appropriate training and guidelines are in place so staff have guidance about the correct action to take and feel confident in supporting the child.

8. Appropriate boundaries for young people in St Piers School aged 16 years or over

St Piers School accepts a student intake between the ages of 5 and 19 years. This differs from mainstream schools and colleges and results in younger children and young adults being educated together. Whilst we respect the age of consent being 16 years, we do not permit behaviours that are sexual between students in the school. We believe this helps protect our younger students and those who lack capacity in this area, and that this creates a learning environment that feels safe and appropriate for all.

Where we identify older students in the school who have formed or are likely to form relationships that may become sexual in nature, we will endeavour to support them

to make appropriate, informed choices. Our preference is to involve parents as much as possible and to encourage the students themselves to do so, whilst recognising the capacity and choices of the students involved.

Whilst we will discourage all behaviours that could be deemed sexually inappropriate or harmful we also understand that many students behave in ways that appear sexual but have an underlying sensory or behavioural cause e.g. exposure or masturbation in a public place. Where this is the case, we involve the relevant specialist teams to ensure that appropriate training and guidelines are in place so staff have guidance about the correct action to take and feel confident in supporting the young person.

*Please refer to the Brooks traffic Light Tool for more information on what behaviour is deemed appropriate and inappropriate at different stages in development

9. Appropriate boundaries for young people over the age of 16 years residing in our Children's Homes

The residential homes that support school age placements at Young Epilepsy cater for students from 5 years through to 19 years. Whilst we ensure that the students live together in age appropriate groups, there are often cases when students over and under 16 years reside together. We do not believe it is appropriate for students in the children's homes to be engaging in sexual relationships in the home as to do so would potentially compromise the comfort of younger students and may establish an inappropriate culture on the home.

However neither do we want to prevent young people from having the opportunity to develop relationships with other students where it is safe and appropriate to do so. Hence, where we identify students in the Children's Homes who have formed, or are likely to form, relationships that may become sexual in nature, we will endeavour to support them to make appropriate and informed choices. Young Epilepsy will treat each case individually and ascertain the support required to ensure that the young people's rights to develop a relationship are ensured alongside their and other young people's rights to safety. Our preference is to involve parents as much as possible and to encourage the students themselves to do so.

10. Appropriate boundaries for young people at St Piers College over the age of 16 years

All young people at St Piers College are over the age of 16 years and have therefore passed the legal age of consent to engage in sexual relationships should they choose to and have the capacity to make this choice. We recognise this is their

human right and will support them to make informed decisions to pursue a lifestyle of their choice, but in doing so we will enable them to consider their own safety and wellbeing and that of others, as far as is reasonably possible whilst still acting responsibly. We will actively engage with young people through the curriculum to enable learning about safe and healthy relationships and appropriate behaviours, how to apply that learning, and support them to develop positive relationships.

Whilst we support the development of appropriate adult relationships, we also emphasise that the college is a learning environment and we will uphold appropriate boundaries in relation to overtly sexualised behaviour and we will discourage this during the college day. This helps us to ensure that the college environment is comfortable for all young people.

11. Appropriate boundaries for young people residing in our adult houses

All students residing in our adult houses are over the age of 16 years and have therefore passed the age of consent to partake in sexual relationships. We also recognise that whilst students are with us, their home is at Young Epilepsy and they should therefore be afforded the rights and privileges to affect their choices in terms of relationships. We will engage with the young people through the curriculum to help them to understand appropriate behaviour and the parameters within which they can develop positive relationships.

Where a student makes known their choice or intention to develop a sexual relationship with another adult whilst living at Young Epilepsy we will attempt to discuss this with them in an open and supportive way. This might be through their college tutor or house manager or their keyworker, depending on their choice. We will also encourage them to discuss it with their parents or carer. The purpose of these discussions is to understand their expectations and how we can support them to make the right choices for them. We will individualise our approach and take into consideration the following:

1. Safety of the student and those with whom they have a relationship;
2. Consent and the ability to consent of the students involved;
3. Adherence to the boundaries within these guidelines;
4. The views of the young people involved, which we accept sometimes includes them expressing the wish not to discuss any of this with us.

In line with our aspiration to individualise our approach it is not possible to completely define the approach we will take in relation to student choice. We will, however, explain our rationale to the student when deciding how to appropriately

support them in order to seek their understanding and agreement. This will be the case whether the student is wishing to engage in a relationship with another residential student, a day student or an adult external to Young Epilepsy.

12. Health Services

The same principles as described above affect the children and young people within our health services e.g. Assessment Unit. It is not appropriate for any child or young person to engage in sexual activity in the health services as this provision is for children and young people of varying ages and for those who are sometimes going through very difficult challenges with rehabilitation and recovery. The children and young people in our health services are also only with Young Epilepsy for a short period of time and so supporting individuals to form relationships with one another would not usually be appropriate.

However we will where appropriate support children and young people in the health provision with their learning and understanding of positive relationships, sexual health and wellbeing.

13. Diversity

These guidelines are applicable for all students at Young Epilepsy regardless of impairment, faith, culture, ethnicity, gender and sexual identity. In fact, it is crucial that staff are mindful of any characteristics which impact on support and education regarding Relationships and Sexual Wellbeing. For example, where a student expresses a particular faith or sexual orientation, staff must be sensitive of the impact this has on areas of support and teaching. We understand that this can be a complex area and we will seek to secure the support and input from other relevant professionals internally and externally to Young Epilepsy, in order to best support each student.

Young Epilepsy recognises and celebrates the uniqueness of each student and will offer the support and education that is best for them, and promote learning about equality and diversity within the context of relationships and sexual wellbeing education.

14. Support available for students and staff

In supporting students to make informed choices and to help them effect that choice, staff from across the services can access a range of professionals including psychology staff, nursing staff, curriculum experts and staff within the residential and

education settings. However, staff are reminded to only access support from other staff if they need to. Issues pertaining to relationships and sexual choices are sensitive and should be treated in confidence.

The support and education for students in the areas of relationships and sexual wellbeing, must not be limited to formal learning within the school or college setting. Part of being a 'good parent' to children and young people who we have Loco Parentis for, is about supporting them with their personal, social and emotional wellbeing. For staff in the residential services, this means using day to day interactions and situations as well as focused key working sessions, to help young people with their understanding of all areas associated with relationships and sexual wellbeing.

Young Epilepsy staff will also support young people to access any relevant sexual health and wellbeing services in the local community, which will include accessing support and information about contraception options and sexual and reproductive health as appropriate. These areas are also covered within the Relationships and Sex Education within St Piers School and college.

15. Involving parents and carers

We will always encourage students to seek support from their parents, carers or relevant professionals including their key worker. However, we also respect the confidentiality of our young people and will not breach confidence without their consent unless we believe that they are placing themselves or another student at risk or in breach of the law pertaining to the age of consent or other areas. This is also relevant to our interaction with social workers or other professionals that support the student. This is in line with the Mental Capacity Act (2005) and associated guidance.

Young Epilepsy will make these guidelines available to all parents and carers.

16. Staff training and development

Within 1 year of commencement of employment, all staff working directly with children and young people in Young Epilepsy complete a basic introduction training session regarding relationships and sexual wellbeing. The aim of this training is to ensure that staff have an understanding of these guidelines and how they will be implemented across all services, including discussion about the law, terminology and safe working practice.

Further support and advice for staff is available through curriculum experts, medical staff, psychology staff and senior managers.

17. Safeguarding, Reporting concerns & Confidentiality

At the heart of our relationships and sexual wellbeing support provided to students, is keeping them safe.

Students are informed how to report their concerns in both the education and residential services that they access.

If a staff member has any concerns about the safety and wellbeing of students, they must report this as per Young Epilepsy's Child and Adult Protection and Safeguarding Procedures.⁴

This includes (but is not confined to) concerns about domestic violence, sexual violence and harassment, exploitation, power imbalances, issues regarding consent or illegal acts.

Staff can report this to their line manager, a member of the Safeguarding Team and/or external agencies such as Surrey Single Point of Access, our regulators or the NSPCC (see Young Epilepsy's Child and Adult Protection and Safeguarding Procedures for more information).

This policy is agreed by the Residential Service Quality Committee and will be implemented by all departments.

Signed: **Date:**

Director of Integrated Care

Date of next review: 1 October 2021

⁴ **Contextual safeguarding** - Safeguarding incidents and/or behaviours can be associated with factors outside Young Epilepsy and/or can occur between children and young people outside the school or college. The designated safeguarding lead (or deputy) will also consider the context within which such incidents and/or behaviours occur