

Relationships and Sex Education (Transparency) Bill

[AS INTRODUCED]

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B I L L

TO

Make provision to require the sharing with parents and guardians of copies of materials used in relationships and sex education lessons in schools in England; to prohibit schools in England from using externally produced teaching resources for relationships and sex education that have not been published; and for connected purposes.

BE IT ENACTED by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Duty to share materials

- (1) School authorities in England must—
 - (a) ensure that parents of pupils have access to all teaching and curriculum materials used in relationships education, sex education or relationships and sex education lessons in their schools (“relevant materials”), and 5
 - (b) must take all practicable steps to ensure that parents are made aware of how to access relevant materials.
- (2) School authorities may comply with the duty under subsection (1) by—
 - (a) placing the relevant materials on a publicly available website operated by the school, 10
 - (b) placing them on a website, or part of a website, accessible to registered users by usernames and passwords, provided that registration for such use is available to all parents of pupils at the school,
 - (c) publishing the address of a website operated by a third party to which parents of pupils at the school have access, and on which the relevant materials have been placed, or 15
 - (d) where the relevant materials include a book, or part of a book—
 - (i) making a digital copy available under paragraphs (a) to (c), or
 - (ii) providing a physical copy of the book, or relevant part of the book, to parents. 20
- (3) For the purposes of this section—

“relationships and sex education lessons” includes all contexts in which teaching takes place as part of the school’s provision for relationships education, sex education or relationships and sex education;

<p>“teaching and curriculum materials” includes all text, visual or graphic materials presented to pupils in the course of a lesson through electronic or hard copy means, textbooks supplied to pupils, other books and materials made available to pupils in their classrooms, and materials used by teachers for the preparation of lessons, but does not include an individual lesson plan prepared by a teacher for a particular class.</p> <p>(4) Any act specified in subsection (2) which is done for the purpose of compliance with the duty in subsection (1) is authorised for the purpose of section 50 of the Copyright, Designs and Patents Act 1988.</p> <p>(5) Any parent of a pupil is entitled to bring an action for injunctive relief or damages against a school authority for a school, at which their child is a pupil, on the grounds that the school authority has failed to comply with the duty under this section.</p>	<p>5</p> <p>10</p> <p>10</p>
<p>2 Prohibition on use of unpublished materials</p> <p>(1) A school in England may not use for the purpose of relationships education, sex education or relationships and sex education any material produced by an external provider unless that material has been published.</p> <p>(2) For the purposes of this section, “published” means –</p> <p style="margin-left: 2em;">(a) available on a publicly accessible website for no charge,</p> <p style="margin-left: 2em;">(b) in the case of a book, available for sale to the general public through retail outlets,</p> <p style="margin-left: 2em;">(c) in the case of materials for which the school has paid a fee, made available to the general public for private, non-commercial use for a fee no greater than 10% of the fee paid by the school.</p>	<p>15</p> <p>20</p> <p>25</p>
<p>3 Contractual arrangements</p> <p>(1) In a contract for the provision of teaching or curriculum materials to or for a school, any term is not binding to the extent that it limits or restricts compliance with this Act in such manner as the school authorities may choose.</p> <p>(2) A contract by which a provider of teaching or curriculum materials expressly or impliedly authorises their presentation directly or indirectly to pupils shall be interpreted as authorising also any action deemed necessary by the school authorities for compliance with this Act.</p>	<p>30</p> <p>30</p>
<p>4 Interpretation</p> <p>In this Act –</p> <p style="margin-left: 2em;">“parent” has the meaning given by section 576 (meaning of “parent”) of the Education Act 1996,</p> <p style="margin-left: 2em;">“school authorities” means the governing body in the case of a maintained school, the trust board in the case of an academy, or such proprietor or other body or bodies as are responsible for the running of a school.</p>	<p>35</p> <p>40</p>

5 Extent, commencement and short title

- (1) This Act extends to England and Wales.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Relationships and Sex Education (Transparency) Act 2023.

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Presented by Miriam Cates

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