

Abstract

THE LEGAL FRAMEWORK FOR SEX EDUCATION IN ENGLAND - LEGISLATION IN THE 1980S AND 1990S -

Hiroko HIROSE

The purpose of this paper is to explain the current legal framework for sex education in England by tracing the way it has developed. An analysis is made of the various official documents which have led to the present position.

It can be shown that this process has resulted in a situation in which school sex education is divided into its biological aspect - which is taught to all pupils as a part of the Science National Curriculum - and its personal and social aspects - which are taught in other subjects and on other occasions at school. Parents are permitted to withdraw their children from any aspect of a school's sex education programme except for the biological aspects covered in the Science National Curriculum.

The current position with regard to school sex education in England mirrors social trends that have taken place in England over the last twenty or more years. This paper concentrates on legislative aspects but will be followed by others in which a detailed analysis of the social background to this legislation is analysed.

The content of this paper is as follows;

- I Introduction
- II General overview of the system and the legal framework of sex education
 - 1 Background of legislation
 - 2 Characteristics of the contemporary system
- III The legal framework of school sex education
 - 1 Legislating sex education as a moral framework
 - Education (No. 2) Act 1986
 - 2 Guideline of the direction of school sex education

DES circular 11/87 "Sex Education at School"

3 Reformation of secular curriculum

Education Reform Act 1988

4 Mandatory sex education as a part of secular curriculum

Education Act 1993

5 Responsibility and right of parents in sex education

Department for Education, Circular 5/94

"Education Act 1993 : Sex education in schools"

IV Age of consent and the problem of contraceptive advice

1 Overview of the problem

2 Legal background

3 The Gillick case

(1) Background of the case

(2) The claim of Gillick

(3) The law Lords

(4) DHSS circular and the afterwards

V The question of dealing with homosexuality issues

1 Legal background of homosexuality

2 Prohibition of promoting homosexuality

Local Government Act 1988

VI Conclusion