



## Consultation Response

### Consultation on Draft Statutory Guidance on the Delivery of Relationships, Sexual Health and Parenthood (RSHP) Education in Scottish Schools

A joint submission from the SCLD Expert Group and the Scottish Government Gender-Based Violence and Learning Disability Steering Group

The Scottish Commission for  
People with Learning Disabilities  
November 2023



## Introduction

The Scottish Government Gender-Based Violence and Learning Disability Steering Group and the Scottish Commission for People with Learning Disabilities (SCLD) Expert Group welcomes the opportunity to respond to this consultation.

Both groups aim to make a significant contribution to creating an environment in Scotland in which systems and cultures are changed to ensure people with learning disabilities are empowered to live healthy, safe, respectful and loving lives in line with existing human rights conventions.

Our response has been informed by existing evidence around relationships, sexual health and parenthood (RSHP) education and gender-based violence, and from SCLD's engagement work with the steering group.

In order to respond in a way that reflects the lived experiences of people with learning disabilities we also spoke to SCLD's Expert Group about the consultation, collated their views on what impact the consultation could have on people with learning disabilities, and what changes could be made to ensure they have equal access to RSHP education in Scottish schools.

In responding to the consultation, we have:

- Outlined the work of SCLD's Expert Group and the Scottish Government's Gender-Based Violence and Learning Disability Steering Group.
- Presented evidence that people with learning disabilities are at increased risk of both experiencing and committing gender-based violence due to a lack of RSHP education in Scottish schools, compared with their peers.
- Responded to question 3 of the consultation, on parental engagement and ability to withdraw from RSHP learning.

- Responded to question 11 of the consultation on pupils with additional support needs.
- Provided examples of whole school resources and signposts to promote learning disability inclusive education in Scottish schools.

Please note that, where we refer to ‘the guidance’ in this submission, we are referring to the Scottish Government’s Draft Statutory Guidance on the Delivery of Relationships, Sexual Health and Parenthood (RSHP) Education in Scottish Schools

### **Work of the Scottish Commission for People with Learning Disabilities Expert Group and the Scottish Government’s Gender-Based Violence and Learning Disability Steering Group.**

SCLD’s Expert Group was originally set up to assist the Scottish Government with the implementation of its national strategy, The Keys to Life. The Group’s members all have learning disabilities and have a wide range of diverse experiences, influenced by their varying ages, geographical locations, and experience of using different services, amongst other factors.

The group’s purpose has evolved, and they now regularly meet with national organisations including the NHS and Scottish Government, to contribute to the design of policy, strategy, legislation and resources.

The Scottish Government Gender-based Violence and Learning Disability Steering Group is co-chaired by the Scottish Commission for People with Learning Disabilities (SCLD) and People First (Scotland). The group includes members from a range of key stakeholders such as Education Scotland, Public Health Scotland, third sector organisations and others from across fields of service provision, health, social care and policy.

The steering group places women and girls with learning disabilities at the heart of everything it does by working with and for women and girls with learning disabilities who are at risk of harm from gender-based violence.

The steering group wants to see a Scotland where the risk of gender-based violence against women with learning disabilities is eradicated.

### **Existing evidence on people with learning disabilities experience of RSHP education and gender-based violence**

RSHP education for people with learning disabilities which begins in childhood, and continues into adulthood, is critical to preventing gender-based violence and abuse. This aligns with Article 29 of the United Nations Convention on the Rights of the Child (UNCRC)<sup>1</sup> and Article 23 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)<sup>2</sup>.

Yet, women and girls with learning disabilities are experiencing disproportionately severe, frequent and repeated violence and abuse due to a lack of high quality RSHP education<sup>3-4-5</sup>. This lack of education results in them having difficulty identifying and responding to incidences of gender-based violence, further perpetuating their risk of harm,

This is best evidenced by the following quotes from research interviews with women with learning disabilities<sup>6</sup>:

*“If I knew what it was...I would have reported it straight away”.*

(Woman with learning disabilities, 2022)

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<sup>1</sup> [Convention on the Rights of the Child | OHCHR](#)

<sup>2</sup> [Convention on the Rights of Persons with Disabilities – Articles | United Nations Enable](#)

<sup>3</sup> [Working with women with learning disabilities who have experienced gender-based violence | Iriss](#)

<sup>4</sup> [Unequal, Unheard, Unjust: But not Hidden Anymore – new report launched at Scotland’s Learning Disability and Gender-Based Violence Conference 2023 - SCLD](#)

<sup>5</sup> [enable-abusebooklet-handbook.pdf \(rapecrisisscotland.org.uk\)](#)

<sup>6</sup> [Unequal, Unheard, Unjust: But not Hidden Anymore – new report launched at Scotland’s Learning Disability and Gender-Based Violence Conference 2023 - SCLD](#)

and

*"I just did-nae know if it was normal or if it wasn't."*

(Woman with learning disabilities, 2022)

In addition to this, there is evidence that, where RSHP education is delivered to pupils with learning disabilities, there are issues concerning autonomy versus vulnerability, exploitation, and risk of harm. Furthermore, there are concerns around learning that lacks focus on healthy relationships, informed choices and decision-making, instead focusing on sexuality and sex<sup>7</sup>.

This lack of human rights based, RSHP education often leads to people with learning disabilities being subject to deficit-based responses to harmful behaviour and abuse in adulthood. This is highlighted in survey findings from care staff, which found that sex education was provided reactively and delivered in response to direct questions on sexual conduct or to individuals acting in a sexually inappropriate way<sup>8</sup>.

Concerningly, in the same survey, "the client is developmentally ready" was ranked by respondents as the lowest rationale for the provision of sex education.

Work by Curen (2021)<sup>9</sup> further advises that the most common offences committed by people with learning disabilities are sexual offences, putting them at risk of being detained or imprisoned for sexual crimes due to not having equal access to high quality RSHP education. This is best summarised by the following statement from the British Psychological Society<sup>10</sup>:

*"[L]ack of sexual knowledge may lead the individual to attempt inappropriate sexual contact precisely because they are unaware of the means to establish appropriate interpersonal and sexual relationships".*

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<sup>7</sup> [RESIDE - Relationships and Sexuality in Intellectual Disability Education | School of Nursing and Midwifery | Queen's University Belfast \(qub.ac.uk\)](#)

<sup>8</sup> [enable-abusebooklet-handbook.pdf \(rapecrisisScotland.org.uk\)](#)

<sup>9</sup> [Slide 1 \(learningdisabilitytoday.co.uk\)](#)

<sup>10</sup> [Offenders with Intellectual and Developmental Disabilities: A commentary on psychological practice and legislation | BPS](#)

In line with Scotland's strategy for preventing and eradicating violence against women and girls, Equally Safe<sup>11</sup>, it is therefore crucial that RSHP education teaches pupils with learning disabilities about the root causes of gender-based inequality and abuse, and must not overemphasise the role of women's self-protection.

Instead, there must be an emphasis on working with boys and men to recognise and address misogynistic actions and coercive, violent, and criminal behaviour.

### **Parental engagement and ability to withdraw from RSHP learning (Question 3)**

In line with the evidence outlined above, both groups are clear that schools have a vital role to play in the prevention of gender-based violence, by ensuring that RSHP education is a key requirement for all pupils with additional support needs, and not just an optional extra.

This was best explained by a woman with learning disabilities who is the co-chair of the steering group:

*"I think RSHP should be taught no matter what. If you wrap people up in cotton wool then there is a big danger that years down the line they might find themselves in abusive situations because they don't understand consent or what is inappropriate behaviour. Especially parents of people with learning disabilities, there is a risk they might be overprotective and not think they should be learning about relationships and sexual health. But that is not protecting them, it is creating more risk. If I had been taught this stuff much younger, it would have saved me a lot of trouble."*

The steering group are particularly concerned that, as well as the guidance being unclear as to whether parents and carers can withdraw pupils from all RSHP education, or only certain areas of the RSHP curriculum, guidance around the ability to withdraw is missing the views of the child, contrary to the United Nations Convention on the Rights of the Child (UNCRC).

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<sup>11</sup> [Equally Safe: Scotland's strategy to eradicate violence against women - gov.scot \(www.gov.scot\)](http://www.gov.scot)

The group believes that the rights of the child are central to any decisions around withdrawal, and that pupils with additional support needs in particular, must be supported to put their views across, to have their views heard, and to make informed choices about RSHP learning. Where it is felt that a best interests approach is required, capacity assessments should fully comply with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

Both groups were also concerned that monitoring and assessment processes following a pupil's withdrawal from RSHP education are not included in the guidance. This could result in pupils with additional support needs being at increased risk of harm, particularly where parents and carers don't have access to recommended resources.

This was best illustrated by members of the expert group who, as well as being supported by family members to access inappropriate learning materials, including pornography, explained that *"parents don't always teach their children"*. The group also recalled assumptions being made by schools that RSHP education would be taught by parents and carers.

Finally, the steering group agreed that where safeguarding concerns arise, the risk of harm should be balanced with human rights, so as not to further disadvantage, or punish, the child.

### **Pupils with additional support needs (Question 11)**

Both groups welcome the inclusion of guidance for delivering RSHP education to pupils with additional support needs.

However, the steering group feel that this section of the guidance isn't given equal prominence, or substance compared with other marginalised groups, despite the challenges and complexities of delivering human rights based RSHP learning to pupils with additional support needs.

The steering group also found the guidance to be generally vague, open to interpretation and lacking in clarity, and that the layout and navigation to this section was difficult and confusing.

While taking into account all of the points above, the group suggested that the guidance for pupils with additional support needs could be better placed in section 3 on embedding RSHP education, alongside other marginalised groups.

The steering group also note that the views of pupils with additional support needs is missing from this section, contrary to human rights conventions, including the UNCRC and the UNCRPD.

Both groups agree that collaborative learning is a critical component of RSHP education and learning, therefore welcomes the inclusion of co-designed programmes of RSHP education, with pupils with additional support needs:

*“co-design is a good idea, we should have a say, as well as support to understand”.*

(Member of the expert group)

Additional information and guidance on what the co-design process should look like, and how pupils with additional support needs should be supported to be involved in these processes, would however be helpful.

Clarity around whether the guidance for pupils with additional support needs applies in private schools, as well as whether learning providers are required to deliver education on unhealthy relationships including the various forms of gender-based violence, and misogyny, to pupils with additional support needs, was also noted to be missing from the guidance.

Of significant importance for both groups, was the need to address negative attitudes and discrimination towards people with additional support needs persist in schools today.

Examples include members of the expert groups experiences of RSHP education in Scottish schools, which are outlined below:

*“teachers think pupils with additional support needs don’t have sex, that we don’t need to know and that sex education is inappropriate”*

*“some people are punished for sharing their views on same sex relationships in catholic schools”*

All of the members of the expert group reported unequal access to RSHP education in Scottish schools, and the little education they did receive was reported to be inaccessible. This was highlighted in the following quotes from members of the Expert Group:

*“special schools don’t bother with this subject”*

*“I had one session on RSHP throughout school”*

*“it was never talked about in primary or secondary school”*

*“complicated language and titles”*

*“sex education was very confusing”*

Recurrent closures of additional support needs schools were also cited as a barrier to RSHP education:

*“special schools keep closing down”*

Group members also reported not receiving enough information to enable them to make informed decisions about their relationships, sexual health and parenthood, informing that their experience of RSHP education was a risk avoidance, and ‘what not to do’, approach in schools. Examples included:

*“not taught about abuse, sex, love, consent, how to say no”*

In terms of education about sexual development, one participant said:

*“I didn’t know what was happening to me, or what to expect, it was scary”*

The need for more substantive, guidance and support for practitioners to deliver high quality RSHP education to pupils with additional support needs was also highlighted as an important factor, by both groups. Members of the expert group further explained that:

*“teachers and parent were uncomfortable talking about it”*

*“it was embarrassing for teachers, pupils and parents”*

In order to ensure teachers feel comfortable, equipped, confident and supported to deliver RSHP education to pupils with additional support needs, the following suggestions were made:

- Training and resources to support teachers to deliver RSHP education to all pupils with additional support needs including those with communication, cognitive and sensory needs.
- Training and resources to support teachers to teach, identify, prevent and respond to gender-based violence in a way that balances risk of harm with human rights.
- *“teachers need to be taught too”*
- *“give teachers resources”*
- *“easy read training for teachers”*

### **Learning Disability Inclusive Education: Whole School Resources and Signposts**

The expert group, and the steering group, strongly recommends the inclusion of whole school resources and signposts that promote learning disability inclusive RSHP education in Scottish schools, in the guidance. Examples of these are listed below:

- National Resource for Relationships, Sexual Health and Parenthood (RSHP) Education: [Home - RSHP](#)

- Relationship and sexual health information for young people aged 13 – 18: [Healthy Respect – Supporting young people's sexual health.](#)
- Safeguarding programme for children aged 5- to 11-years-old: [Speak out Stay safe programme | NSPCC Learning.](#)
- PANTS resources for teachers and schools: [PANTS guides and resources | NSPCC.](#)
- Sex and relationships training for teachers and school leaders: [Sex and relationships \(RSE\) training course for teachers and school leaders | NSPCC Learning.](#)
- Training and facilitation services for schools: [Home | Three Sisters Consultancy.](#)
- NHS Lothian accessible RSHP image bank – due to be launched in 2024
- Gender-Based Violence and Learning Disability Guidance for Practitioners (Public Health Scotland, 2020): [Gender-based violence and learning disability - Guidance for practitioners - Publications - Public Health Scotland.](#)
- Unequal, Unheard, Unjust: But Not Hidden Anymore. Women with Learning Disabilities' Experiences of Gender-Based Violence in Scotland (SCLD, 2023): [Unequal, Unheard, Unjust: But not Hidden Anymore – new report launched at Scotland's Learning Disability and Gender-Based Violence Conference 2023 - SCLD.](#)
- Working with women with learning disabilities who have experienced gender-based violence (MacIntyre and Stewart, 2022): [Working with women with learning disabilities who have experienced gender-based violence | Iriss.](#)
- SCLD Gender-Based Violence and Learning Disability Resources Hub: [Resources & Publications - SCLD.](#)

## Conclusion

From reviewing relevant evidence, SCLD's Expert Group and the Scottish Government's Gender-Based Violence and Learning Disability are clear that the responses outlined in this submission are central to addressing gender-based

violence involving people with learning disabilities, in line with human rights conventions.

The steering group welcomes this consultation and thanks the Scottish Government for the opportunity to respond.

The steering group also welcomes future opportunities to be involved in discussions around the guidance as it progresses.



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To find out more about SCLD and the work we do, please visit: [www.sclد.org.uk](http://www.sclد.org.uk)



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