

Conduct of Relationships, Sexual Health and Parenthood Education in Schools

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1. The Scottish Government is committed to ensuring that all children and young people receive high quality relationships, sexual health and parenthood education (RSHP) in order to respect, protect and fulfil their human rights as they grow up. We are committed to working with children and young people along with parents, carers and staff to make this a reality for schools in Scotland in order to create a more positive culture around relationships, sexual health and parenthood in Scotland.

Introduction

2. RSHP education is a key part of Health and Wellbeing within Curriculum for Excellence. RSHP education focuses on equipping children and young people with the knowledge, skills and values to make informed and positive choices about forming relationships. It can assist with making safer decisions about their sexual and emotional health and wellbeing in a responsible and healthy manner, as an important part of preparation for adult life. Children and young people develop an understanding of how to maintain positive relationships with a variety of people and are aware of how thoughts, feelings, attitudes, values and beliefs can influence decisions about relationships and sexual health. They also develop an understanding of the complex role and responsibilities of being a parent or carer.

3. The Scottish Government gives high priority to the provision of good quality RSHP education in all Scottish schools, based on good practice and informed by evidence. This guidance is designed to make sure that information about relationships, sexual health and parenthood is not given in isolation but as part of a programme that considers a range of issues relating to personal and social development, healthy living, values and beliefs which reinforce self-worth, respect for others and a sense of responsibility.

4. The Scottish Government believes that all education should be a partnership between schools, parents, carers and children and young people and emphasises that this partnership is of particular relevance in areas directly relating to the personal growth of learners, such as RSHP education. Many think of parents as a child's first teacher, a role that continues for life. In 2006, the Scottish Schools (Parental Involvement) Act was passed to help parents be more involved in their children's learning. The Act recognises the vital role that parents play in children's learning and development and aims to encourage parents to develop their children's learning at home and in the community. The Act placed responsibilities on local authorities to improve parental involvement through parent councils.

Applicability of this guidance

5. This guidance applies to local authority managed schools and refers to teachers and schools throughout but it is also of relevance equally to other educational settings, whether formal or informal. It will be of interest to a range of educators, such as youth workers, residential care staff, nurses including school nurses, health improvement staff and specialist and generic third sector agencies; for everyone delivering RSHP education with children and young people.

6. Further, the principles set out in this guidance are equally relevant to informal education activity or information (oral or written) delivered to children and young people looked after by local authorities in residential settings or to young people in youth clubs or groups which are funded, in whole or in part, by local authorities, the Scottish Government or other public agencies.

Background

7. This is statutory guidance under section 56 of the Standards in Scotland's Schools etc Act 2000 and replaces the earlier guidance, Conduct of Sex Education in Scottish Schools, known as Circular 2/2001, issued on 22 March 2001. This applies to local authorities in relation to education about sexual matters provided in the schools they manage. It relates to the manner in which such education is conducted and local authorities are to have regard to this guidance in discharging their functions relating to the provision of education about sexual matters.

8. This revised guidance also reflects the need for discussion of all types of relationships as part of RSHP education to acknowledge that as a result of the Marriage and Civil Partnership (Scotland) Act 2014 both opposite sex and same sex couples can marry.

9. Further, the original guidance was issued after the repeal in 2000 of section 2A of the Local Government Act 1986. This repeal meant that it is legal and permissible to discuss lesbian, gay and bisexual relationships in a positive manner within the school environment. The intention is that RSHP education should be inclusive of, and responsive to, all, regardless of their sexual orientation.

10. Since this guidance was last updated there have been a number of other policy and legislative changes that should be taken into consideration when delivering RSHP education. For ease of reference, these can be found at Annex A.

Context

The right to education

11. The delivery of RSHP education should be reflective of the drive towards improved awareness, recognition and realisation of children's rights¹ across Scottish public policy, public services and society as a whole. It is important to consider the United Nations Convention on the Rights of the Child (UNCRC) in this context, which was ratified by the UK

¹ Scotland, as part of the UK, is party to the International Covenant of Economic, Social and Cultural Rights (ICESCR), which the UK ratified in 1976. Article 13 of ICESCR sets out the right of everyone to education, and emphasises that "education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms... shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations (UN) for the maintenance of peace."

in 1991. Article 28 of the UNCRC recognises the right of the child to an education and Article 29 highlights the goals of education, whilst Article 19 is also relevant and refers to states' obligations to take all necessary educational measures to protect children from "physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse". The UN Committee on the Rights of the Child has emphasised that states parties must "ensure that children have the ability to acquire the knowledge and skills to protect themselves and others as they begin to express their sexuality."²

12. Additionally, schools have a responsibility to keep children and young people safe from harm. The National Guidance for Child Protection in Scotland (2014) states that "through Curriculum for Excellence, education practitioners have an important role in equipping all children with the knowledge, skills and understanding they need to keep themselves and others safe."³ RSHP education should therefore be delivered within the wider context of wellbeing and child protection. It should be viewed both as part of a proactive approach to keeping children and young people safe from harm as well as part of a child's education and overall wellbeing.

13. Children and young people may make disclosures of child sexual abuse to a teacher and in these circumstances child protection procedures should be followed. Child sexual exploitation (CSE) is a form of child sexual abuse. CSE can be particularly difficult to identify as children and young people may believe themselves to be in a relationship with those abusing them, as recognised in the recently refreshed National Child Protection Guidelines for Scotland (2014). RSHP education has a crucial role in protecting children and young people from CSE and helping young people to identify abuse. Teachers should therefore consider the use of available and appropriate CSE educational materials as part of RSHP education delivery.

14. Aspects of the UNCRC's main provisions in relation to children's rights to education are reflected in sections 1 and 2 of the Standards in Scotland's Schools etc. Act 2000. However, it is important to read the UNCRC in its entirety and pay special attention to its general principles when planning RSHP education:

- that all the rights guaranteed by the UNCRC must be available to all children without discrimination of any kind (Article 2);
- that the best interests of the child must be a primary consideration in all actions concerning children (Article 3);
- that every child has the right to life, survival and development (Article 6);
- that the child's view must be considered and taken into account in all matters affecting him or her (Article 12);

There are also specific rights particularly relevant to the delivery of RSHP education, including:

- that the state shall respect the responsibilities, rights and duties of parents to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the UNCRC rights (Article 5);
- That the child has the right to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers (Article 13);

² United Nations Committee on the Rights of the Child, General Comment Number 3: HIV/ AIDS and the rights of the child, Paragraph 16, January 2003

³ <http://www.scotland.gov.uk/Publications/2014/05/3052> (Paragraph 176)

- That state parties shall ensure that the child has access to information and material from a diversity of sources, especially those aimed at the promotion of his or her spiritual and moral wellbeing and physical and mental health (Article 17); and
 - that the education of the child shall be directed to the development of respect for the child's parents, his or her own cultural identity, language and values (Article 29 (1)(b)).

15. In line with this, RSHP education should convey to all children in all schools essential knowledge and skills which help them develop, maintain and enjoy positive, respectful and loving relationships and to keep themselves and others safe. It must do so consistently and progressively to high standards on the basis of equality. It must speak to all children and young people, and be inclusive of their identities and characteristics and the diverse family circumstances in which they grow up.

16. In providing programmes of RSHP education, local authorities should also take account of Section 35 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 which places a duty on authorities in the performance of their functions which relate to children to have regard to:

- the value of a stable family life in a child's development; and
- the need to ensure that the content of instructions provided by authorities is appropriate, having regard to each child's age, understanding and stage of development.

Head teachers have the responsibility for ensuring these duties are met in a school setting.

The right to confidentiality

17. Teachers should be fully aware of children and young people's right to privacy in the context of disclosures made in the course of RSHP education, and the limits of that right in terms of child protection guidance. The Children and Young People (Scotland) Act 2014 will introduce duties in respect of sharing information likely to be relevant to a child's wellbeing with a child's Named Person. These, and the other Getting it right for every child (GIRFEC) provisions in the Act, are scheduled for commencement in August 2016, although the national GIRFEC approach is already operating on a non-statutory basis in some parts of Scotland. Under the GIRFEC approach, all staff should understand the role of the Named Person and the systems in place to report and manage information if they have concerns about a child's wellbeing. Where a teacher receives information which affects or is likely to affect the wellbeing of a child or young person, relevant information must be shared as appropriate with the child's Named Person. When considering whether information should be shared with the Named Person, the views of the child or young person, so far as reasonably practicable, are to be ascertained and considered. In making a judgement about sharing information a child has disclosed, staff must consider if the likely benefit to the child's wellbeing of informing the Named Person will outweigh any likely adverse effects on a child's wellbeing of doing so. The information can only be shared where the likely benefit to the child's wellbeing will outweigh any likely adverse effects on a child's wellbeing of doing so. If it is decided that in the interests of the child's wellbeing that information ought to be shared and the child disagrees, the reasons should be explained to them and a record made of the decision. In considering whether information ought to be shared, staff must also consider the wider circumstances, including the legal duties to which they and their employer are subject, for example the Data Protection Act 1998 and the Human Rights Act 1998. The right to privacy is not an absolute right, and where there is a risk to wellbeing, it is acceptable to share confidential information with the child's Named Person.

18. Where a child or young person discloses that underage sexual activity has taken place, the nature of that sexual activity and issues of capacity to consent, confidentiality and potential coercion should be considered very carefully; and whether the behaviour is indicative of a wider child protection concern. Staff should discuss any concerns they have with the young person and ensure they have access to confidential, young people friendly services, where appropriate. If there is judged to be a risk to the child's wellbeing, staff should inform the child's Named Person. In reaching a decision to share information or not, the views of the child or young person, so far as reasonably practicable, are to be ascertained and regarded. Teachers should consider the Scottish Government's National Guidance on Under-age Sexual Activity (2010) for further information (see Annex A)⁴.

19. In March 2013 the Information Commissioner's Office issued a statement clarifying that if there is any doubt about the wellbeing of the child and the decision is to share, the Data Protection Act should not be viewed as a barrier to proportionate sharing between agencies. The statement can be accessed at <http://www.scotland.gov.uk/Resource/0041/00418080.pdf>

20. A concern can relate to a child or young person's wellbeing, defined by the eight wellbeing indicators – the extent to which the child or young person is safe, healthy, achieving, nurtured, active, respected, responsible and included. A concern can relate to a single issue, instance or incident, or from a series of such events. It makes no difference. The principles are the same. Staff should use their professional judgement in deciding what to do and when to do it. Staff should consider what information requires to be shared with the Named Person and, if there is a potential barrier to sharing information, whether any relevant justification exists for doing so. Consulting the relevant law, guidance and individual circumstances within the child's family will assist in deciding what should be shared and with whom. If there are child protection concerns then existing guidelines on child protection should be followed immediately.

Getting it Right for Every Child (GIRFEC)

21. RSHP education should reflect the principles of Getting It Right For Every Child (GIRFEC), which is rooted in rights and the UNCRC. The GIRFEC approach provides the national framework within which good quality, holistic assessment of needs and streamlined planning can take place to improve outcomes for all children. Children and their wellbeing are at the heart of GIRFEC and all staff have a part to play in promoting, supporting and safeguarding wellbeing. The eight wellbeing indicators provide a context and shared language which should support the delivery of RSHP education. Children and young people should be supported and encouraged to discuss all aspects of their wellbeing and understand the importance of wellbeing in contributing to their growth and development as successful learners, confident individuals, responsible citizens and effective contributors. This will support the wider development of a culture of valuing children throughout Scotland's society.

Health and Wellbeing - Responsibility of All

⁴ National Guidance – Under Age Sexual Activity: Meeting the Needs of Children and Young People and Identifying Child Protection Concerns. <http://www.scotland.gov.uk/Publications/2010/12/02143509/0>

22. Curriculum for Excellence is now established in Scottish schools. Health and Wellbeing has an integral role within Curriculum for Excellence, permeating every aspect of the curriculum. Everyone who works in a school is responsible for promoting positive, respectful relationships with and between children and young people and for promoting their mental, emotional, social and physical wellbeing. Curriculum for Excellence is intended for all children and young people in Scotland, aged 3 to 18, according to their stage of development. This includes those with additional support needs as well as at risk and vulnerable young people who may be looked after and accommodated. The curriculum is intended for all pupils in all educational settings, including special schools. It is recognised that children and young people in school and not in school require initial and on-going high quality RSHP education.

23. All adults who work in schools have a responsibility to ensure the mental, emotional, social and physical wellbeing of the children and young people in their care. The responsibilities of all include each educator's role in establishing open, positive, supportive relationships across the school community. Children and young people should feel that they are listened to and feel confident in their ability to discuss sensitive aspects of their lives. Educators also have a responsibility to promote a climate in which children and young people feel safe and secure and to model behaviour which promotes health and wellbeing and encourages this in others. Educators can do this through a whole school approach using learning and teaching methodologies which promote effective learning and by being sensitive and responsive to the wellbeing of each child and young person.

Training and Resources

24. No single resource is likely to fully meet the needs of all pupils. However, there is an expectation that schools will develop a consistent and progressive approach when delivering RSHP education using a variety of programmes, materials, resources and inputs relevant to the child, school and community. Particular attention should be paid to ensuring that resources are accessible for children and young people with a disability.

25. Whilst the Scottish Government and Education Scotland cannot prescribe materials for schools and other educational settings to use, Education Scotland has listed numerous resources that are useful for different levels of RSHP education. This list is accessible to all practitioners on Glow and other accessible sites. This is not intended to be a comprehensive or prescriptive list, but rather a list of materials that have been mapped against the experiences and outcomes for the RSHP organiser, are used currently within schools across Scotland, and have been quality assured to ensure compliance with the ethos of RSHP education. When using existing and new resources, it is important to assess their relevance to these experiences and outcomes and their evidence base and to ensure that they are up-to-date and reflect current thinking. This will help ensure materials are relevant to the needs of children and young people.

26. Staff bring a range of experiences and backgrounds when teaching RSHP education programmes and there is therefore a need for schools to provide clear direction, practical support and staff development. Identifying teachers' needs through, for example, Professional Review and Development and by monitoring and reviewing programmes, schools can ensure that teachers are confident and comfortable with the content of the programme, the methodologies and the resources. The Scottish Government expects that teachers and other educators involved in delivering RSHP education are provided with appropriate training, and initial and career-long professional learning and support to ensure that they can deliver high-quality RSHP education with confidence to support children and young people's learning. This is particularly important for those who work with those children

and young people whom evidence indicates are more at risk of having poorer sexual health outcomes, such as those who are looked after and accommodated and those with additional support needs.

27. In issuing this guidance it is the Scottish Government's expectation that if a teacher is asked to teach aspects of RSHP education to which they fundamentally object, they should feel comfortable raising this with the school or local authority. The Scottish Government expects that these matters would be dealt with in an appropriate manner by the local authority, whereby teachers are made aware of the relevant sections from the General Teaching Council for Scotland's Code of Professionalism and Conduct, in particular Part 5 on Equality and Diversity. Where teachers raise religious or belief concerns about teaching aspects of RSHP education, local authorities may wish to take account of the guidance issued by the Equality and Human Rights Commission on religion or belief in the workplace: at <http://www.equalityhumanrights.com/publication/religion-or-belief-and-workplace-acas>. The Scottish Government expects all local authorities to consider objections which teachers have to any aspects of RSHP education. The Scottish Government expects that the teaching of the RSHP programme would continue.

28. No school, or individual teacher, is under a duty to support, promote or endorse one type of relationship over another. Discussions about relationships should acknowledge that same sex couples can now marry as a result of the Marriage and Civil Partnership (Scotland) Act 2014. Teaching should be based on facts and should enable pupils to develop an understanding of how the law applies to different relationships.⁵

A positive ethos for RSHP education

29. The Behaviour in Scottish Schools Research (2012) recognises the wide range of approaches that are used in schools and other educational settings to encourage positive relationships and behaviour. Such approaches are underpinned by the school ethos which should support what children and young people are learning, and the climate – the behaviour that is modelled and encouraged by adults – should reflect this. For example, in class young people will learn about the importance of respecting the dignity of each individual to influence their experience of respectful relationships with each other and all staff. Further details of the latest policy guidance on the importance of supporting positive relationships and behaviour can be found in Better Relationships, Better Learning, Better Behaviour.

30. Schools should develop a culture of cooperation between teachers, pupils, parents, carers and the wider learning community. The strengths and assets of children and young people should be recognised by staff and an ethos of participation and decision making by young people seen as a core part of how the school is managed.⁶

31. Curriculum for Excellence cannot be delivered without an emphasis on positive relationships and respectful behaviour by all. The starting point for learning is a positive ethos and a climate of mutual respect and trust based upon shared values across whole school communities where everyone can learn and work in a safe environment.

⁵ Similar language is used in the Equality and Human Rights Commission's guidance for England and Wales - The Marriage (Same Sex Couples) Act 2013: Provision of School Education. Similar language is found in the draft guidance for Scotland, currently in consultation.

<http://www.equalityhumanrights.com/publication/marriage-same-sex-couples-act-2013-provision-school-education>

⁶ Section 2(2) of the Standards in Scotland's Schools etc. Act 2000 states that in providing school education a local authority must have due regard, so far as reasonably practicable, to the views (if there is a wish to express them) of the child or young person in decisions that significantly affect them, taking into account their age and maturity.

32. We want every child and young person in Scotland to grow up free from bullying and to be confident in developing mutually respectful and responsible relationships with other children, young people and adults. We want children and young people, and their parents and carers, to have the skills and resilience to prevent or respond in an appropriate manner to bullying. We want all children to expect help and know who can help them and that those adults who work with them will follow a consistent and effective approach in dealing with and preventing bullying from early years onwards. Staff should be sensitive to the feelings of children and young people, promptly addressing any remarks made by others which could be understood as bullying. Awareness of the respectme resources may be useful.

33. The Scottish Government believes that bullying of any kind is unacceptable, regardless of the motivation, and should be tackled quickly whenever it arises. We know that children and young people's wellbeing can be severely impacted by bullying and we take this very seriously.

34. The Scottish Government launched 'A National Approach to Anti-bullying for Scotland's Children and Young People' in November 2010. Developed by the Scottish Government in partnership with the Scottish Anti-bullying Steering Group, the approach forms part of wider attempts to improve the health and wellbeing of children and young people. It fits in with our ongoing work to ensure children and young people feel safe and secure and are able to build up strong and positive relationships with their peers and with adults as well as promoting positive behaviour.

35. All schools should develop and implement an anti-bullying policy that reflects the national approach. The policy should be reviewed and updated on a regular basis; provide a framework for all the strategies, procedures and practices related to anti-bullying work through partnerships and consultation; and include an equality and diversity impact assessment. The most robust and successful policies are developed in consultation with all stakeholders and are often led by young people themselves.

36. It is also important that RSHP education addresses diversity and, for example, reflects issues relating to lesbian, gay, bisexual, transgender and intersex (LGBTI) young people or children with LGBTI parents, such as same sex marriage and hate-crime reporting. A survey has shown that LGBT young people experience high levels of homophobic, biphobic and transphobic bullying.⁷ Another useful resource for schools and teachers is the 'Dealing with Homophobia and Homophobic Bullying in Scottish Schools, a Toolkit for Teachers'.⁸ As indicated above, all bullying is wrong.

Online exploitation

37. Many young people in Scotland are living a large proportion of their lives in online environments and within a highly commercialised society. Alongside exposure to pornography, there has been a rise in self-generated pornography amongst teenagers, including through sexting.⁹ The Scottish Government issued guidance on developing policies on the safe use of mobile technologies¹⁰. RSHP education must take account of developments in online communications, and recognise that relationships for children and

⁷ Lough Dennell, B.L. and Logan, C. *Life in Scotland for LGBT Young People: Education Report*, LGBT Youth Scotland 2012.

⁸ <https://www.lgbtyouth.org.uk/pro-toolkit>

⁹ "He's the stud and she's the s***". Young people's attitudes to pornography, sex and relationships report. Zero Tolerance, 2014

¹⁰ "Guidance on developing policies to promote the safe and responsible use of mobile technologies in schools", Scottish Government, 2013. <http://www.scotland.gov.uk/Resource/0043/00438214.pdf>

young people can begin, and take place online, whilst balancing this with concerns about online grooming and child sexual exploitation. RSHP education should also ensure that children are informed on the law in Scotland, and communications involving sexual content.

Denominational Education

38. In Scotland, provision is made for some publicly funded schools that are denominational in character. The majority of these schools are Roman Catholic and they are an integral part of the public education system. Denominational schools play an important part in Scottish education. The Scottish Government values this provision and is committed to maintaining it.

39. The Scottish Government supports the right of the Roman Catholic Church to give witness to its faith, and to uphold the traditions of Catholic education. We value the contribution made by Catholic schools, and have no intention of changing the current position where faith aspects of the curriculum in Catholic schools are determined by the Scottish Catholic Education Service acting on behalf of the Bishops' Conference of Scotland. These faith aspects relate to religious education and religious observance.

40. In February 2011, the Scottish Government issued advice to local authorities and head teachers reiterating that the experiences and outcome for Religious Education in Roman Catholic schools should be delivered in conjunction with guidance provided by the Scottish Catholic Education Service. We have no plans to change this advice.

41. National guidance on the curriculum is always developed on the basis of wide consultation. It is recognised that religious authorities with a role in denominational education provide guidance on RSHP education for their denominational schools and that right will continue as at present. This national guidance should be seen to be complementary to the guidance provided by the religious authority while at the same time serving as a useful basis for everyone.

Guidance on delivery of RSHP education

42. There is widespread variability across Scotland in terms of both children and young people's knowledge about sexual health and wellbeing, sexual health outcomes and of the values, skills and attitudes required to develop healthy relationships. Provision of full and accurate information about relationships, sexual health and parenthood is a key priority to equip children and young people with the knowledge and skills with which they can make informed decisions and choices about all aspects of their health and wellbeing. Definitions for sexual health and sexuality can be found at Annex B.

43. In order to ensure that teachers and children and young people feel comfortable raising issues in a safe and objective environment, teachers should be fully supported and trained in all aspects of RSHP education to ensure they feel confident in facilitating its delivery. There is increasing evidence to indicate that peer educators/facilitators can play a useful part in the delivery of RSHP education for both those acting as peer educators and those being supported by them.¹¹

¹¹ The Scottish Peer Education Network is set up to promote and support Peer Education projects across Scotland.
<http://www.spen.org.uk/>

44. It is important to plan, facilitate and support RSHP education in conjunction with other areas of the curriculum, such as science and religious and moral education. Learning in health and wellbeing ensures that children and young people develop the knowledge and understanding, skills, capabilities and values which they need for mental, emotional, social and physical wellbeing now and in the future. This learning will promote confidence, independent thinking and positive attitudes and dispositions. Attention should also be paid to relevant emerging research and evidence relating to children and young people's sexual health and wellbeing - for example, research highlighting the prevalence of abuse in teenage relationships¹². Links should be made to other related areas of health and wellbeing, such as drug and alcohol misuse and mental, emotional, social and physical wellbeing. An integrated approach in this sense is welcome.

45. The purpose of RSHP education is to provide knowledge and understanding of healthy, safer, respectful and loving relationships; sexual and emotional health and wellbeing; and the nature of sexuality. A focus on relationships throughout RSHP education is vital in order to encourage discussion and critical thinking about young people's rights and to promote questioning of gender stereotypes and gender inequality. During these discussions, use of gender neutral and non-judgemental language¹³ is good practice and is highly recommended to ensure that children and young people feel included at all times and are embraced as full members of the school community. This also helps to challenge some of the negative gender norms that exist in society which place unnecessary pressure on young people.

46. Comprehensive provision of information in an open and transparent environment by teachers who are well trained and feel confident to deliver high-quality lessons will ensure that children avoid seeking inappropriate alternative methods to gather information about sexual health and relationships, such as pornography. It will also help children and young people to differentiate between healthy and unhealthy relationships; promote tolerance and respect of various kinds of families; and will play a part in combating misconceptions about HIV and sexual health.¹⁴ It is well evidenced¹⁵ that high-quality RSHP education may contribute to a delay in the onset of sexual activity, reduce the likelihood of unintended teenage pregnancies and may contribute to a reduction of sexual relationships under coercive circumstances.

47. RSHP education should present facts in an objective, balanced and sensitive manner within a framework that places value on healthy, safe and respectful relationships, including those that take place online, an awareness of the laws on sexual behaviour, and children's and young people's rights. Children and young people should be encouraged to consider and appreciate the importance of parental responsibility and family relationships in planning for and bringing up children and in offering them security, stability, happiness and love.

¹² NSPCC report , "Standing on My Own Two Feet: disadvantaged teenagers, intimate partner violence and coercive control. 2011 <http://www.nspcc.org.uk/globalassets/documents/research-reports/standing-own-two-feet-report.pdf>

¹³ See, for example, Page 9 of NHS Health Scotland, *Sexual Health and Relationships Education (SHARE), Safe, Happy and Responsible Education Resource*, 2006. Available at <http://www.healthscotland.com/uploads/documents/17301-NHS%20HS%20SHARE%20Education%20Binder.pdf>, which states "be careful not to make assumptions or use language that will restrict learning for individuals or groups of students."

¹⁴ UNAIDS, *Getting to Zero*, 2011-2015. Available http://www.unaids.org/sites/default/files/en/media/unaids/contentassets/documents/unaidspublication/2010/JC2034_UNAIDS_Strategy_en.pdf

¹⁵ Including, for example: UNESCO, *The rationale for sexuality education, International Technical Guidance on Sexuality Education*, December 2009. Available at <http://www.unesco.org/new/en/hiv-and-aids/our-priorities-in-hiv/sexuality-education/international-technical-guidance-on-sexuality-education/>. Federal Centre for Health Education, WHO Regional Office for Europe, *Standards for Sexuality Education in Europe: A framework for policy makers, education and health authorities and specialists*, Cologne 2010. Available at <http://www.euro.who.int/en/health-topics/Life-stages/sexual-and-reproductive-health/news/news/2010/12/standards-for-sexuality-education-in-europe-start-their-way-to-countries-of-eastern-europe-and-central-asia>.

Children and young people should also be encouraged to understand the value of love and commitment in relationships and partnerships, including marriage and civil partnership. Educators must be aware that children and young people come from a wide range of backgrounds and respect this in their teaching practices.

48. All children and young people should be encouraged to understand the importance of consent, dignity and respect for themselves and the views of others. They should be encouraged to recognise the risks, the physical, emotional and moral implications of their behaviours, and to accept the need for both partners to behave responsibly. Where appropriate, young people should be made aware of how to access confidential local young people's sexual health services and additional information about their sexual and reproductive health and rights. Good practice indicates that developing formal care pathways to support young people into local services is beneficial to promote positive experiences.¹⁶ In addition, schools and others providing RSHP education may wish to make use of the range of professional expertise within health and third sector agencies to assist with this aspect of young people's learning. Where staff have a concern about a child's wellbeing, the child's Named Person is key to providing appropriate advice and support and, if necessary, seeking assistance from other services.

49. Using non-school based staff, such as school nurses, drug and alcohol education workers, sexual health clinicians and specialist third sector agencies can enrich the delivery of RSHP education in schools. Making links between education and services is important in helping young people learn about local services first hand and which, in turn, can help build confidence when young people come to use a service. This can also build their self-confidence to help make decisions for themselves in later years

50. To ensure consistency and appropriate use of external inputs, the following practice should be in place:

- inputs should follow a rights-based approach, which is rooted in good practice, informed by evidence and by the needs and views of children and young people;
- inputs should be well planned around clearly agreed outcomes and subject to on-going evaluation;
- inputs from external partners should respect and complement the values and belief system of the school;
- inputs from external partners should provide factual information that is consistent with the WHO definition of sexual health (see Annex B);
- schools should be clear about the reasons for working with external staff and have measures in place to assure that their inputs fit with their current RSHP curriculum;
- all educators should demonstrate their competence in delivering RSHP education and should demonstrate respect for all groups and faiths in society;
- external educators must meet appropriate legal requirements, including holding current enhanced disclosure checks; and
- school staff should work alongside external agency staff, preferably co-delivering sessions to assist with their own learning and to ensure continuity of teaching for young people.

¹⁶ *Promoting a Healthy Respect: What does the evidence support*
http://www.healthyrespect.co.uk/DownloadsAndCampaigns/Evidence%20%20Reports%20Phase%202/PromotingAHealthyRespectWhatdoestheevidencesupport_HR2.pdf

51. It is important that learning about RSHP should be well matched to the children and young people's needs and levels of maturity in line with the UNCRC's concept of the child's 'evolving capacity'¹⁷. Educational materials should be up-to-date, be age and stage appropriate and be informed by evidence.

52. Schools should be mindful that there may be vulnerable children and young people who have additional, diverse needs and who would benefit from extra support in terms of RSHP education. Additional Support Needs can arise for any reason. Children and young people's needs are known to schools, and the plans used to support their learning should also be applied here. These will include personalised approaches to learning to meet the individual learning needs of the pupil. Further information on supporting learners and targeted interventions as part of Curriculum for Excellence is available from <http://www.educationscotland.gov.uk/supportinglearners/>.

53. Schools should be mindful in particular of the needs of children and young people with a disability, who experience the same sort of abuse as other children, including sexual abuse and exploitation. Children with a disability are 3.4 times more likely to be abused than non-disabled children.¹⁸ Evidence has demonstrated that children and young people with a disability are less likely to have had RSHP education, in part due to misconceptions that they are not or will not be sexually active or are not abused. Children and young people with a disability, including those with a learning disability, as with all children and young people, must be included in RSHP lessons in order to develop their knowledge and understanding of healthy, safe, respectful and loving relationships.

Taking the views of children and young people into account and informing and responding to parents and carers

54. Schools should give children and young people an opportunity to exercise their right to identify and express their own educational needs in RSHP education. In preparing programmes, it is good practice for schools to consult with children and young people and respond to their views appropriately, to ensure RSHP meets the needs of all children and young people in the school or educational setting. It is good practice to collaborate with and involve young people in the co-design of RSHP programmes in order to ensure they are kept relevant to their needs and interest.

55. Parents and carers play a key role in all aspects of their children's education and the collaborative partnership between them and schools should be a key element of RSHP education delivery, especially as they can consolidate messages received in school in the home or care environment. It is good practice for schools to regularly seek the views of parents and carers about key aspects of the curriculum, such as RSHP education¹⁹. It should be standard practice for schools to consult with parents and carers when they are developing or reviewing their programme of RSHP education. All parents and carers should be given the opportunity in advance to view key teaching materials and to ask questions about any aspect of the programme as evidence suggests²⁰ that where this has happened,

¹⁷ UNICEF is mandated by the United Nations General Assembly to advocate for the protection of children's rights. UNICEF's Innocenti Research Centre report focuses on the notion of evolving capacity: <http://www.unicef-irc.org/publications/pdf/evolving-eng.pdf>

¹⁸ Sullivan, P.M., & Knuton, J.F. (2000). Maltreatment and disabilities: A population-based epidemiological study. *Child Abuse & Neglect*, 24(10), 1257-1273.

¹⁹ See the Education (School and Placing Information) (Scotland) Regulations 2012, in particular paragraph 6 of Schedule 1.

²⁰ Fullerton D (2007). *More than Words*. Healthy Respect/Medical Research Council

parents and carers feel more confident about speaking to their children at home and addressing their questions. Joint work between schools, parents and children and young people should be founded on full and frank information sharing on the curricular materials with appropriate and clear communication mechanisms.

56. While every young person has the right to education, schools and authorities must be sensitive to the cases in which a parent or carer may wish to withdraw a child or young person, or a child or young person wishes to withdraw themselves from all or part of a planned sexual health education programme within a RSHP education programme. Discussion with the parent or carer and child or young person should attempt to clarify the purposes of the programme and encourage them to see participation in the programme as a positive and constructive part of the child or young person's education and development. Consideration should also be given to the age and maturity of the child or young person concerned on a case by case basis, in line with the UNCRC's key concept of 'evolving capacity', whereby with increasing age, maturity, understanding and experience, children progressively assume greater autonomy.

57. In the instance of a parent wishing to withdraw a school aged child from sexual health education lessons, schools must remind parents of the child's right to an education and to participate, bearing in mind their age and maturity. Where, after due consideration and subject to paragraph 58, the parent or carer decides to withdraw a school aged child from sexual health education lessons, arrangements should be made for the child to have alternative positive educational provision, which meets the Health and Wellbeing outcomes.

58. In secondary education, young people will often be capable of deciding themselves, with support where necessary from parents, carers and teachers, to participate in sexual health education programmes. The capacity of a particular young person to take decisions of this nature will depend on their maturity, understanding and experience. In all cases, schools must respect the decision of that young person. As above, where a young person does not take part in sexual health education lessons, arrangements should be made for alternative positive educational provision, which meets the Health and Wellbeing outcomes.

59. Aspects of RSHP education may be discussed in many areas of the curriculum and it would not be possible for a child or young person to be withdrawn from lessons across the curriculum as this would prevent the child or young person from receiving an adequate and holistic education.

60. Arrangements should be in place to respond promptly and fully to any concerns which parents and carers may express about the content or teaching approaches within a RSHP education programme as there should be for any other aspect of the curriculum. In the first instance, parents and carers should be encouraged to raise concerns directly with the school involved as soon as possible so that the issue can be resolved quickly. Mechanisms for prompt referral at local authority level should be provided in cases where a parent or carer remains dissatisfied after consultation with the school. The school handbook should set out the arrangements around consulting parents and carers and the way in which their concerns can be raised, whether that be informally or through more formal processes, such as the local authority's complaints process.

61. Guidance on effective consultation with parents and carers will be issued separately alongside a leaflet for parents and carers explaining: the role of schools, the nature and

purpose of RSHP education; its place within Health and Wellbeing; how parents will be consulted; and what to do if there are concerns.

Conduct of Relationships, Sexual Health and Parenthood Education in Schools

Annex A

Further to Paragraph 5, the policy, guidance and legislative changes that have occurred since 2001 and should be taken into consideration when delivering RSHP education include:

- Respect and Responsibility (2005)
- The Schools (Health Promotion and Nutrition) (Scotland) Act (2007)
- The Equality Act (2010), which consolidated UK discrimination law and created a single Public Sector Equality Duty which extends equality considerations to sexual orientation, gender identity and religion or belief.
- National Guidance on Under-age Sexual Activity: Meeting the Needs of Children and Young People and Identifying Child Protection Concerns (2010)
- National Guidance for Child Protection in Scotland (2010), which provides a national framework for all who work with children and families on how to best protect children and keep them safe from harm. The most recent refresh of this guidance also takes into account issues around child sexual exploitation.
- Sexual Health and Blood Borne Virus Framework (2011-2015)
- National Parenting Strategy (2012)
- Equality Act Codes of Practice and Technical Guidance - [Guidance for Schools](#) (2013)
- The Scottish Parliament's report on its inquiry into teenage pregnancy (June 2013) made substantial proposals relating to relationships and sexual health education in schools. The forthcoming Teenage Pregnancy Strategy will also be relevant.
- The Children and Young People (Scotland) Act (2014), which includes provisions aimed at raising the profile of children's rights across the Scottish Government and the wider public sector. It further seeks to promote, support and safeguard children and young people's wellbeing by putting key aspects of [Getting It Right For Every Child \(GIRFEC\)](#) on a statutory basis ensuring more consistent implementation GIRFEC across children's services. When the duties within the Act are commenced, all education staff should be aware of the legislative requirements within which they are working.
- Scotland, as part of the UK, is party to the International Covenant of Economic, Social and Cultural Rights (ICESCR), which the UK ratified in 1976. Article 13 of ICESCR sets out the right of everyone to education, and emphasises that "education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms... shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations (UN) for the maintenance of peace."
- Scotland's National Action Plan to Tackle CSE (2014)

Conduct of Relationships, Sexual Health and Parenthood Education in Schools

Annex B

Further to paragraph 36, we are using the World Health Organisation's (WHO) definitions of sexual health and sexuality.

The WHO defines sexual health as "...a state of physical, emotional, mental and social well-being in relation to sexuality; it is not merely the absence of disease, dysfunction or infirmity. Sexual health requires a positive and respectful approach to sexuality and sexual relationships, as well as the possibility of having pleasurable and safe sexual experiences, free of coercion, discrimination and violence. For sexual health to be attained and maintained, the sexual rights of all persons must be respected, protected and fulfilled." (WHO, 2006a)

Sexual health cannot be defined, understood or made operational without a broad consideration of sexuality, which underlies important behaviours and outcomes related to sexual health. The working definition of sexuality is "...a central aspect of being human throughout life encompasses sex, gender identities and roles, sexual orientation, eroticism, pleasure, intimacy and reproduction. Sexuality is experienced and expressed in thoughts, fantasies, desires, beliefs, attitudes, values, behaviours, practices, roles and relationships. While sexuality can include all of these dimensions, not all of them are always experienced or expressed. Sexuality is influenced by the interaction of biological, psychological, social, economic, political, cultural, legal, historical, religious and spiritual factors." (WHO, 2006a)

Conduct of Relationships, Sexual Health and Parenthood Education in Schools

Annex C

In developing the RSHP education in schools guidance, the Scottish Government has taken account of a wide variety of legislation, including that listed below:

Children (Scotland) Act 1995
Section 1 “1(1) Subject to section 3(1)(b) and (3) of this Act, a parent has in relation to his child the responsibility— (a) to safeguard and promote the child’s health, development and welfare; (b) to provide, in a manner appropriate to the stage of development of the child— (i) direction; (ii) guidance to the child; ... (d) to act as the child’s legal representative”
Section 2 “2(1) Subject to section 3(1)(b) and (3) of this Act, a parent, in order to enable him to fulfil his parental responsibilities in relation to his child, has the right— ... (b) to control, direct or guide, in a manner appropriate to the stage of development of the child, the child’s upbringing; ... (d) to act as the child’s legal representative.”
United Nations Convention on the Rights of the Child (UNCRC), Article 2
1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. 2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.
UNCRC, Article 3
1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. 2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures. 3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and

suitability of their staff, as well as competent supervision.
UNCRC, Article 5
States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.
UNCRC, Article 6
1. States Parties recognize that every child has the inherent right to life. 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.
UNCRC, Article 12
1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. 2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.
UNCRC, Article 13
1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice. 2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; or (b) For the protection of national security or of public order (ordre public), or of public health or morals.
UNCRC, Article 17
States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall: (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29; (b) Encourage international co-operation in the production, exchange and

dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

UNCRC, Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

UNCRC, Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular

account shall be taken of the needs of developing countries.
UNCRC, Article 29
<p>1. States Parties agree that the education of the child shall be directed to:</p> <p>(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;</p> <p>(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;</p> <p>(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;</p> <p>(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;</p> <p>(e) The development of respect for the natural environment.</p> <p>2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.</p>
European Convention on Human Rights (ECHR), Protocol 1, Article 2
<p>Right to education</p> <p>No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.</p>
ECHR, Article 9
<p>Freedom of thought, conscience and religion</p> <p>1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.</p> <p>2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.</p>
ECHR, Article 10
<p>Freedom of expression</p> <p>1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.</p> <p>2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of</p>

national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.
ECHR, Article 14
Prohibition of discrimination The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
Education (Scotland) Act 1980
1 Duty of education authorities to secure provision of education (1) It shall be the duty of every education authority to secure that there is made for their area adequate and efficient provision of school education and further education.
Standards in Scotland's Schools etc. Act 2000, section 1
Right of child to school education It shall be the right of every child of school age to be provided with school education by, or by virtue of arrangements made, or entered into, by, an education authority.
Standards in Scotland's Schools etc. Act 2000, section 2
2 Duty of education authority in providing school education (1) Where school education is provided to a child or young person by, or by virtue of arrangements made, or entered into, by, an education authority it shall be the duty of the authority to secure that the education is directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential. (2) In carrying out their duty under this section, an education authority shall have due regard, so far as is reasonably practicable, to the views (if there is a wish to express them) of the child or young person in decisions that significantly affect that child or young person, taking account of the child or young person's age and maturity.
Standards in Scotland's Schools etc. Act 2000, section 2A
2A Duties in relation to promotion of health (1) The Scottish Ministers must endeavour to ensure that— (a) schools managed by education authorities, (b) grant-aided schools, and (c) hostels provided and maintained by education authorities for pupils, are health-promoting. (2) An education authority must endeavour to ensure that— (a) schools managed by them, and (b) hostels provided and maintained by them for pupils, are health-promoting. (3) The managers of a grant-aided school must endeavour to ensure that the school is health-promoting.

<p>(4) In carrying out the duty imposed by subsection (2) or (3), an education authority or, as the case may be, the managers of a grant-aided school must have regard to any guidance issued by the Scottish Ministers for the purposes of this section.</p> <p>(5) In this section, a school or hostel is “health-promoting” if it provides (whether on its own or in conjunction with Health Boards, parents or any other person)–</p> <p>(a) activities, and (b) an environment and facilities, which promote the physical, social, mental and emotional health and well-being of pupils in attendance at the school or residing in the hostel.</p>
<p>Standards in Scotland’s Schools etc. Act 2000, Section 56</p>
<p>56 Guidance to education authorities as to manner of conducting sex education</p> <p>The Scottish Ministers may, as respects education about sexual matters which is provided by education authorities in the schools managed by them, issue guidance to those authorities as to the manner in which such education should be conducted; and education authorities shall, in discharging their functions as respects the provision of such education in those schools, have regard to such guidance.</p>
<p>Ethical Standards in Public Life etc. (Scotland) Act 2000, Section 35</p>
<p>35 Councils' duties to children</p> <p>(1) It is the duty of a council, in the performance of those of its functions which relate principally to children, to have regard to–</p> <p>(a) the value of stable family life in a child's development; and (b) the need to ensure that the content of instruction provided in the performance of those functions is appropriate, having regard to each child's age, understanding and stage of development.</p>
<p>Education (Scotland) Act 1980</p>
<p>28.— Pupils to be educated in accordance with the wishes of their parents.</p> <p>(1) In the exercise and performance of their powers and duties under this Act, the Secretary of State and education authorities shall have regard to the general principle that, so far as is compatible with the provision of suitable instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents.</p>
<p>Other Relevant Statutes</p>
<p>Marriage and Civil Partnership (Scotland) Act 2014</p>
<p>Children and Young People (Scotland) Act 2014</p>



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ISBN: 978-1-78412-941-5 (web only)

Published by the Scottish Government, December 2014

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

Produced for the Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS39589 (12/14)

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