



The Rt Hon Gillian Keegan MP
Secretary of State for Education

Sanctuary Buildings 20 Great Smith Street Westminster London SW1P 3BT
tel: 0370 000 2288 www.education.gov.uk/contactus/dfes

24 October 2023

Dear all,

I wrote on 31 March to set out that schools can and should share curriculum materials with parents, in light of current concerns in relation to materials used to teach relationships, sex and health education (RSHE) ¹.

Parents are one of their children's most important teachers. It is vital that they know what their children are being taught and are reassured that the resources used are thoughtful and appropriate. I also understand that this is a difficult area for schools to navigate. This is why my letter was clear that copyright law does not prevent schools from showing materials to parents in person. It was also clear that schools should not agree to contractual conditions that prevent them sharing RSHE materials. Nor should they agree to this being subject to a third party's right of refusal.

I am writing now to clarify further some important cases that have since come to light. It goes without saying that there is no need to take action on this letter until school resumes after half term.

Where contractual clauses exist that seek to prevent schools sharing resources with parents at all, they are void and unenforceable. This is because they contradict the clear public policy interest of ensuring that parents are aware of what their children are being taught in sex and relationships education.

If faced with such clauses, schools should write to providers asking for those clauses to be withdrawn on the ground that they are unenforceable. To help with this, I have provided a sample letter that schools in this situation can adapt and send to external providers.

In the event that providers refuse to withdraw the clauses, schools should still feel able to share the materials with parents in a proportionate way, as described further below. There should be no fear of ending up in breach of contract, as those terms are void and unenforceable.

¹ <https://www.gov.uk/government/publications/secretary-of-state-letter-to-schools-about-sharing-curriculum-resources-with-parents>

The copyright act allows schools to copy resources proportionately, for the purposes of explaining to parents what is being taught². It is best practice to do this via a “parent portal” or if this is not possible, by a presentation. This access to the documents is accompanied by a sufficient acknowledgment of the provider’s authorship and includes a statement, that parents agree to as a condition of access, that the content should not be copied or shared further except as authorised under copyright law. Where relevant and possible, IT systems should also be in place to prevent downloading.

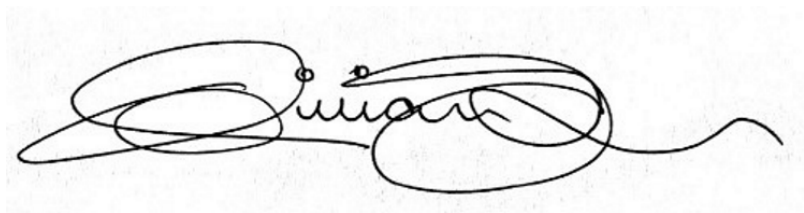
Where parents cannot attend a presentation or where they are unable to view materials via a “parent portal”, schools may provide copies of materials to parents to take home on request, providing parents agree to a similar statement that they will not copy the content or share it further except as authorised under copyright law.

The points made in this letter will be reflected in the updated statutory RSHE guidance, on which we will consult publicly. This additional content will help to strengthen further schools’ position, as they have a statutory duty to have regard to the RSHE guidance – and can communicate this duty to their external providers.

Schools should be clear with providers that their default position must always be that curriculum resources can be shared with parents in some way, even where the contract prohibits this. This helps ensure schools comply with existing statutory guidance to consult with parents when they are creating their RSHE policy.

Departmental officials and I have been listening closely to parents and teachers as part of the RSHE review and will publish the amended RSHE statutory guidance for consultation later this year.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Gillian Keegan', with a long, sweeping horizontal line extending to the right.

**The Rt Hon Gillian Keegan MP
Secretary of State for Education**

² Where a school chooses to use resources provided by external agencies, those resources may be works protected by copyright. Copyright legislation determines the extent to which schools can lawfully copy or distribute the resource. As set out in my previous letter, showing parents a resource in person is not “copying” for the purpose of the Copyright Designs and Patents Act (CDPA), and therefore, will not infringe copyright in the resource.

Sample letter to external agencies

Dear [external provider],

I am writing to draw your attention to a letter that we have received from Gillian Keegan, the Secretary of State for Education, about schools sharing curriculum materials with parents.

The letter stresses how important it is for parents to be able to see what their children are being taught, and in particular, is clear that where parents request to see curriculum materials, schools should make them available. There is, however, a clause(s) in our current contract, which restricts [school name(s)] from sharing any of the materials you have provided with a third party, which would include parents.

The Department for Education holds the view that contractual clauses that purport to prevent schools from sharing resources with parents at all, will be void and unenforceable as they are contrary to the clear public policy interest in ensuring that parents are aware of what their children are being taught.

We are, therefore, requesting that you revise the terms of our contract to reflect this.