

Safe at School Campaign Special

Briefing notes on

The Government's *Draft Regulations and Guidance* (July 2018) concerning the new compulsory school subjects of:

- Relationships Education
- Relationships and Sex Education (RSE)
- Health Education



Revised January 2019



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Background to the Government's Changes to the Teaching of Relationships & Sex Education (RSE)

- In March 2017, the Government passed the **Children & Social Work Act (2017)** which made the new subject of **Relationships Education** compulsory in ALL primary schools, and **Relationships & Sex Education (RSE)** compulsory in ALL secondary schools. It was announced that the required content of these new subjects would be subject to public consultation. The Act also gave the Secretary of State for Education the power to make **PSHE** (Personal, Social, Health & Economic education) compulsory, pending further consultation.
- In December 2017 the Department for Education opened their public 'Call for Evidence' to consult on the content of these new subjects. They had also been in a closed consultation with chosen special interest groups prior to this. The public consultation closed in February 2018 and received over 23,000 submissions.
- In July 2018 the Secretary of State for Education, Damian Hinds MP, announced the publication of its **Draft Guidance and Regulations** on the content and delivery of the new subjects. He also announced a **change in policy regarding the Government's previously stated intention to retain parents' right to withdraw their children from the 'sex education' aspects of RSE (see below)**. In addition, he announced that rather than making PSHE compulsory, the Government was instead creating a third new compulsory subject, **Health Education**, which would be taught in both primary and secondary schools.
- The Government also announced a **public consultation** on the content of the new Draft Guidance and Regulations, which **closed on 7th November 2018**. Furthermore, it announced that this guidance and the obligation to deliver the new subjects would now **come into force in September 2020** (rather than September 2019 as previously stated).

What Happens Next?

1. The Department for Education has said that in **Spring 2019** they will publish the **Government's response to the consultation**, (which ended in Nov. 2018), on the Draft Statutory Guidance and Regulations for schools on the new compulsory subjects. At the same time, they will **also publish the Guidance itself**.
2. The Government will lay before Parliament the **Final Draft Regulations for approval by MPs**, who will vote on whether to accept the Regulations for our children's schools. All of this must happen, **at latest**, before Parliament's summer recess, because the Government has committed itself to providing schools with at least a full year to prepare for the changes coming into force in September 2020.

What action is SPUC Safe at School advising you take?

Safe at School has launched a major campaign (Jan 2019) to lobby both the Government (represented by the Secretary of State for Education) and all MPs to act to protect parental rights by allowing the legal right to withdraw one's child from Relationships Education (and, by extension, Relationships & Sex Education). Ensuring that parents have this legal right of withdrawal is essential for one of their most fundamental human rights to be respected — that is the right of parents to educate their children according to their own beliefs and values.

Without this right of withdrawal ultimately the parent has limited influence or power over what their child is taught, even if a process of consultation has taken place. Parents will have no 'bargaining power' in such a consultation, if, in the end, they must submit to what the Government and school have decided anyway. The right of withdrawal ensures that the views and wishes of parents are truly taken seriously when a school is developing and delivering its RSE policy programme, and that parents retain the ultimate safety net of withdrawal should they consider that the school's RSE programme is not in their child's best interests or puts them at risk.

In campaigning for the right of withdrawal we are also highlighting those aspects of the Draft Guidance and Regulations which we regard as being undermining of parents and harmful to children.

Action Points

1. **Send one of our 'Protect Parents' Rights' postcards to the Secretary of State for Education.** Also please order more postcards to give to others to send. You might like to organise a 'postcard drive' at your church, place of worship or other suitable venue.
2. **Write to your MP to express your concerns** about the proposals for the new compulsory subject of Relationships Education and also that parents will have no right to withdraw their children from these lessons. You can use points from this briefing in your letter.

Please visit our campaign page to order postcards and copies of our most recent Safe at School Bulletin, which contains a concise briefing for supporters with key information and action points:

<https://www.spuc.org.uk/ProtectParentsPostcard>

You can find out who your MP is by going to going to:

www.spuc.org.uk/get-involved/campaign-with-us/write-to-your-mp

Send your letter to your MP at: House of Commons, London SW1A 0AA. Please forward a copy of any reply to Safe at School.

3. Engage with your child's school, including faith schools:
 - Start to talk with your child's teacher/headteacher/governing body about how these new subjects will be taught in your child's school. What will be the content of the lessons? What resources will be used? Which organisation(s) will be advising the school? Schools should give full disclosure to parents.
 - Ask your child's school for a consultation with parents on the content and delivery of these new subjects. Every parent should be given a chance to contribute. This could be school-wide at primary level and year-wide at secondary level.
 - Exercise your right to withdraw your child from Sex and Relationships Education while this is still possible.

Why are the Final Regulations and Guidance for the new subjects so important?

The **Final Regulations and Statutory Guidance** have the potential to greatly affect the moral formation of ALL children at ALL Schools. ALL schools (including faith and independent schools) are required to deliver these new subjects and to 'have regard' to the Secretary of State's statutory guidance. The OFSTED and independent schools' inspection system will be used to ensure that, as with any other National Curriculum subject, the required content is being delivered to ALL school children in a manner regarded as effective and appropriate.

Although it is claimed, for instance, that faith schools will have flexibility in their delivery of the subjects, this will only be within the parameters set by the regulations and statutory guidance, which 'enables schools with a religious character to *build on the core content* by reflecting the teachings of their faith'. In other words, the fundamentals of content and approach set by the regulations and statutory guidance must be adhered to as the main foundation of what is taught.

Our main concern is that both the scope and compulsory nature of these new subjects constitutes a **radical and extensive State takeover of fundamental areas of a child's upbringing** which have up to now been regarded as the natural and rightful duty and responsibility of parents as the primary educators of their children.

This briefing explains the points of concern Safe at School has about the Draft Regulations & Guidance which were published in July 2018 and open to public consultation (July-Nov 2018). It will better inform you with regard to the action we have advised you to take in

helping to ensure that the Final Regulations & Statutory Guidance effectively address our concerns when published by the Government (after Parliamentary approval) to go into effect in September 2020.

The Draft Guidance & Regulations (July 2018).

For reference, you can still access and download the Draft Guidance and Regulations, as well as other related documents, which were open to the public consultation (July-Nov 2018) from the Government's website.

<https://consult.education.gov.uk/pshe/relationships-education-rse-health-education/>

From this link you can download all of the documents referred to in this briefing. It will be useful to have them to hand when reading through it:

- ***Consultation and Government response to call for evidence***
 - This document contains the Government's comments on and response to the recent public 'Call for Evidence' (Feb 2018). It also explains the rationale behind the content of the **Draft Statutory Guidance on the new subjects of RSE and health education** (This document is referred to as 'Consultation' in citations and references in the briefing)
- ***Draft statutory guidance on ReIEd, RSE and Health Education***
 - This document summarises the proposed curriculum for the new subjects (It is referred to as 'Guidance' in citations and references in this briefing)
- ***Draft Regulations***
 - This is a separate document which will go before Parliament for ratification and which will regulate for the provision of the new subjects (of ReIEd, RSE and Health Education) by statutory instrument. This statutory instrument makes the relevant changes to the existing Education Acts (1996, 2002), as well as other pre-existing Acts and regulations. (This document is referred to as 'Regulations' in citations and references in this briefing)
- ***Draft Regulatory Impact Assessment***
 - This document is an 'impact assessment' of the new changes to the curriculum and regulations. It purports to analyse the financial and social costs/benefits of introducing the new compulsory subjects.

The findings of the previous consultation, or 'Call for Evidence', on the content of the new subjects.

The Department for Education claims that its Draft Regulations & Guidance for the new compulsory subjects have been 'informed' by the 'findings' of its original 'Call for Evidence' (Dec 2017-Feb 2018) (p.4, Consultation). SPUC Safe at School produced a special briefing

and encouraged all of its supporters to participate in ‘Call for Evidence’ and the response from them was very impressive.

Taking part made a difference. The ‘Call for Evidence’ received an unprecedented 23,000 submissions (18,000 online and a further 4,500 letters and emails). We are pressing the Government to publish a full report and breakdown of the different range of responses, as Government transparency and reporting of the consultation results have been very inadequate. To date only a brief summary of the *online* submissions (78% or 18,000 of them) by Ipsos Mori has been published (as an annex to the consultation document). The 4,500 submissions made by email and post (representing 22% of the total submissions) have so far not been reported at all. However, even those results the Government has allowed to be published feature some significant insights into the strength of feeling against the Government’s LGBT and sex education agenda, in favour of a more pro-life and pro-family ethos. There are signs that the Government is taking note:

Primary Schools

- The Government has admitted that **teaching LGBT ideology to primary school children is contentious** and that there is **no consensus in favour of it**. Although they vaguely state that ‘many’ wanted the new subjects to “raise awareness of different types of family”. They admit that ‘opinions were also split regarding when children should be taught about LGBT relationships’ (Consultation, p.7)¹ Similarly it is admitted that only “a small proportion of respondents suggest that primary schools should teach about gender and sexual identity, but this was a controversial viewpoint with others disagreeing that it is appropriate to teach about these issues at primary school” (p.36).²
- The results of the Call for Evidence also reveal that “opinions were split [...] as to whether it is appropriate to teach any subjects related to sex education at primary school” (pp.7,37).³ It is further noted that “where respondents support this, consent education (1,408, 9%) is the most widely supported subject area” (p.37).
 - The alleged need for all primary school children to learn urgently about ‘consent’ as a preventative measure against child abuse has been one of the primary justifications for compulsory Relationships Education. This result shows that only a small minority, even of those who wanted any kind of sex education at primary school, thought that this was important.
- This document states that “when asked the most important subject areas to be taught in **Relationships Education** at primary school, the most frequently mentioned

¹ Department for Education, Relationships Education, Relationships and Sex Education, and Health Education in England: Government consultation (including call for evidence response), July 2018, p.7.

² Ibid, [Annex C – Ipsos MORI executive summary](#), p.36.

³ Ibid, p.7

is **relationships with family** (7,778, 52%), including building strong relationships with family members and awareness of different family compositions. It is likely that the volume of responses on family compositions is driven by ‘campaign’ responses”.

- It is encouraging that a large number have attempted to turn Relationships Education into something more positive by stressing the importance of family life. However, the report suggests that the LGBT lobby have also been campaigning to introduce to children the idea of ‘diversity’ of families, as a way of introducing young children to the LGBT lifestyle. It is not specified what proportion of those lobbying for family education favoured this kind of approach.

Secondary Schools

- It is noted that ‘when asked the most important subject areas to be taught in **Relationship and Sex Education (RSE)** at secondary school, the most frequently mentioned by adult respondents is **commitment** (5,746, 39%), with an emphasis on traditional marriage. It is likely that the volume of responses on commitment is driven by ‘campaign’ responses’ (p.37).
 - Despite the remark about ‘campaign responses’ this shows the clear strength of feeling by the largest specified body of responses in favour of any relevant RSE topic. This at the very least represents a very large section of public opinion which the Government cannot ignore. A very large proportion of adult respondents want RSE based on the primacy of natural (‘traditional’) marriage.
- It is clear that there is no majority consensus for the covering of any other specific subject within RSE, as only various minority figures are provided in favour of such topics: eg. of adult respondents who thought teaching of ‘respect’ was important (5,174, 35%), sexual health (5,332, 36%), sexual consent (2,721, 18%). ‘Young people’ took part in a separate consultation and their *online* responses only represent a small proportion (13%) of total *online* respondents. Even so only a minority of this minority favoured teaching in accordance with liberal LGBT ideologies: eg. of this 13% only 31% (668) wanted teaching about gender and sexual identity.
- If there is a majority in favour of any particular approach or subject to be covered in RSE then the Government is not revealing what it is. Either way they have no basis on which to claim there was any ‘consensus’ in the consultation in favour of the approach that they are taking in the draft consultation.
- Because this summary does not include the 4,500 (22%) of total responses made by email or post these findings are also skewed and unreliable.

The overwhelming response to the first consultation ('Call for Evidence') has clearly sent a strong message to Government that there is a large body of parents and other people in the country who are prepared to stand up for the defence of real marriage, for the natural family, and for the rights of parents as the primary educators of their children to be respected. The results of the first consultation enable us to point to the evidence that there is not a majority consensus for the LGBT and sex education lobby's agenda — if anything the consensus is against it.

Our influence is also reflected in some of the more positive aspects of the Draft Guidance, where the impact of our supporters' submissions has been clearly felt:

- The Draft Guidance acknowledges 'that parents and carers are the primary educators of children of many of these matters. Schools reinforce this role' (Guidance, p.3).⁴ There are also strong stipulations in the Draft Guidance on the need to consult parents at every stage of the process of developing and implementing an RSE policy and programme, and that the school has a role in supporting parents in also teaching children about these issues in the home (pp.4, 10, 18-19, 32, 35).
- There is an acknowledgement that children of the same age develop at different times and stages, and that this should influence what is deemed age appropriate in a classroom setting (p.12, 18,).
- The importance of marriage and family life is stressed (though these concepts have been significantly redefined) (pp.16,19)
- The right to withdraw pupils from 'sex education' at primary school has been retained (though there are certain ways in which this can be undermined) (pp.18-19)
- The Draft Guidance purports to 'give schools flexibility to shape their curriculum according to the needs of their pupils and communities' (though our briefing illustrates ways this may also be undermined) (p.3).

Although the pro-life and pro-life family voice has made its presence felt there is still a long way to go and there is a great deal of urgent concern in the Government's plans for our schools, which must be responded to.

Summary of the most concerning aspects of the new Draft Regulations and Guidance:

- The law of the State is elevated above the tenets of one's faith or the values and beliefs of the parents, as the central overriding principle regarding what should be

⁴ Department for Education, *Relationships Education, Relationships and Sex Education (RSE) and Health Education: Guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teachers: Draft for consultation*, July 2018, p.3.

taught to children in schools and how (Consultation p.9; Guidance, pp.3, 10, 12, 20, 23-4).

- The role of the school, teachers and the State has been greatly expanded into areas normally considered the rightful and natural territory of parental responsibility. The new compulsory subjects (with the inclusion of Health Education) attempt to cover virtually every aspect of the child's moral formation, health and well-being.
- Parents have no legal right to withdraw their children from lessons in these new subjects. The right of a parent to withdraw their child from 'sex education' at secondary school has been replaced by the 'right to request withdrawal'. The decision to allow the child to be withdrawn has been given to the head teacher. Even this much compromised parental right is removed altogether when the child reaches 15 (or 3 school terms before their 16th birthday) (Guidance, pp.13-14).
- The programme of study is expected to be 'LGBT inclusive' throughout and present same-sex relationships and family structures in a positive way, including at primary school (Guidance, p.12).
- There is emphasis is on the diversity of different 'healthy' relationships and family structures. Natural marriage (between man and woman) is simply presented as one possible option (pp.14-16, 19-23)
- Secondary school children will be provided with comprehensive 'non-judgemental' information on contraception and abortion, and signposted as to where to obtain such contraception and abortion services without parental knowledge or consent. Carrying an unborn child to term is presented simply as one of the possible options when pregnant, alongside that of having an abortion (pp.19-23)
- Although the Government claims that schools, including faith schools, will have 'flexibility' in how they teach these new subjects, including coverage of LGBT issues, this will be within the parameters of what the Secretary of State and OFSTED regard as compliance with 'the relevant provisions of the Equality Act' (pp.10-11, 32).

Relationships Education (Primary)

The proposed curriculum content and learning outcomes for Relationships Education (Primary) are outlined in the Draft Guidance document (see paragraphs 50-57 on pp.14-15, together with the table on pp.16-17). Much of the curriculum content may at first appear relatively 'non-controversial', and it includes what many parents might positively endorse as basic life skills. However, there are subtle introductions of the LGBT and other sexualising agendas in these paragraphs which are expanded upon in more detail in the learning outcomes table. For instance, paragraph 55 (p.15) provides what appears, on the surface, to be perfectly reasonable guidance relating to the teaching of family relationships:

Teaching about families requires sensitive and well-judged teaching based on knowledge of pupils and their circumstances. Families of many forms provide a nurturing environment for children. Care needs to be taken to ensure that there is no stigmatisation of children based on their home circumstances and needs, to reflect sensitively that some children may have a different structure of support around them, e.g. looked after children or young carers.

However, this should be read in relation to the associated learning outcomes on pp.16-17, which provide more detail of what children will actually be expected to be taught. What is likely to be used to promote the LGBT agenda is highlighted in bold:

Families and people who care for me

Pupils should know [...]

- that others' families, either in school or in the wider world, **sometimes look different from their family**, but that **they should respect those differences** and **know that other children's families are also characterised by love and care for them**.
- **that stable, caring relationships, which may be of different types, are at the heart of happy families, and are important for children's security as they grow up.**
- **that marriage* /civil partnership represents a formal and legally recognised commitment of two people to each other which is intended to be lifelong** [* a footnote makes clear that this also includes same-sex marriage because that is recognised by law].

Respectful Relationships:

- the importance of respecting others, even when they are very different from them (for example, physically, in character, personality or backgrounds), **or make different choices or have different preferences** or beliefs.

Again, while this may sound innocuous, we should not be naïve about how such learning will play out in practice: it is highly unlikely that the crucial distinction will always be made in the

classroom between respecting **people themselves** and respecting their ‘preferences or beliefs’ or indeed, behavioural choices.

LGBT propaganda is likely also to be pushed in teaching about ‘different types of bullying’ [‘homophobic, biphobic, transphobic’] and ‘what a stereotype is’ (p.17). The rationale behind this new compulsory subject is clearly to introduce children at the earliest possible age to the idea of diversity of relationships. Indeed, the Government has stated clearly that the new subject is intended to be ‘LGBT inclusive’ (Guidance, p.12)⁵. Very young children will be told that two men or two women in a relationship or marriage is as valid and natural as a man and a woman.

A further aspect of this new subject is the emphasis on keeping children safe from sexual abuse. Many schools already invite groups such as the NSPCC to give classes or assemblies on staying safe from sexual abuse. But talking to children about staying safe from sexual abuse is not the same as talking about matters like road safety. However child-friendly the approach may be, there are risks attached to introducing the subject of child sexual abuse to young children and, in most cases, the best people to broach this topic are the child’s parents.

It is important to raise strong objections to every point in which the freedom of parents to raise their children in the way that they think is best is undermined, and also (since this subject as a whole will be compulsory) to suggest positive alternatives

General points about proposed content (see paragraphs 50-57 + learning outcomes on pp.16-17)

- In most cases the guidance does not give sufficient indication of what topics will be taught to children and how at each primary age and key stage.
- What is ‘age appropriate’ will vary from child to child, and the parent, not the teacher or school, is best placed to judge what is most appropriate for individual children to learn, and how, when it comes to matters relating to sexual development and adult relationships. This will also depend on the beliefs and values of the parent and the child’s family.

LGBT indoctrination (see paragraphs 53, 55 + learning outcomes pp.16-17)

⁵ The Government has consistently stated its intentions on this matter, even before the public ‘Call for Evidence’ was announced. For instance, Schools’ Minister, Nick Gibb MP, stated in response to a Parliamentary question (03 July 2017) that ‘we expect schools to ensure that all pupils, whatever their developing sexuality or gender identity, feel that relationships and sex education is relevant to them and sensitive to their needs. As part of our engagement programme, we will consider ways to ensure that our guidance and regulations are inclusive of LGBT issues. We plan to work closely with organisations such as Stonewall and the Terrence Higgins Trust, amongst others’.

- **** ‘LGBT’ ideology, homosexuality, transgender ideology, etc should NOT be introduced AT ALL to primary school children**.**
- The learning outcomes (p.16) relating to paragraphs 54 suggest that children will be forced to demonstrate ‘respect’ for the concept of homosexual relationships (not just respect for the people involved in them) and agree that such relationships, including when heading a family, are just as valid, positive and beneficial as those based on natural marriage. **This is ideological coercion and indoctrination. Such teaching undermines parents right to have their children educated according to their own beliefs and values.**
- Teaching against bullying and the importance of being kind to and respecting others is a good thing, but **anti-bullying campaigns should not be used to promote the LGBT agenda**, which mostly seeks to stigmatise those who disagree with homosexual or transgender lifestyle choices as having a ‘phobia’. This is discriminatory and can make Christians, Muslims and other children with a conscientious objection to homosexual relationships feel victimised.
- Homosexual relationships are not ‘healthy relationships’ or equivalent to natural marriage between a man and woman. There is no evidence that they provide equivalent outcomes in terms of individual health and happiness, or provide for stable and successful family units for the raising of children. On the contrary:
 - Practices ALL common to the homosexual lifestyle are intrinsically injurious to health, as the human body is not designed for them.⁶
 - Those who identify as ‘LGBT’, especially MSM (men who have sex with men) have worse outcomes for health and well-being (including sexual and mental health) than the general population⁷.

⁶ For an overview of the dangers of this and other forms of homosexual practice see: John R. Diggs, Jr., MD, *The Health Risks of Gay Sex* (Corporate Research Council, 2002); available online at <https://www.catholiceducation.org/en/marriage-and-family/sexuality/the-health-risks-of-gay-sex.html> According to findings from the *England Gay Men’s Sex Survey 2014*, 91.1% of gay men in England had practised anal intercourse, with 71.7% practising in the last 6 months, 54.1% in last month, 34.6% in last week, and 10.2% in last 24 hours. Ford Hickson et al, *State of Play: Findings from the England Gay Men’s Sex Survey, 2014* (Sigma Research, London School of Hygiene & Tropical Medicine, May 2016), p.19; available online at <http://sigmaresearch.org.uk/files/GMSS-2014-State-of-Play.pdf>

⁷ For example, according to recent UK statistics (2016), around 46% of those living with HIV are ‘men-who-have-sex-men’ (MSM), despite such men (those identifying as gay/bisexual) making up only 1.1% of the population. Despite representing such a tiny fraction of the population this group also represented 12.5% of all new reported STIs in the same year, including 49% of new Gonorrhoea and a staggering 81% of new syphilis cases in England. Public Health England, ‘Sexually Transmitted Infections and Chlamydia Screening in England, 2016’, *Health Protection Report*, 11.20, 9 June 2017; available online at: <https://www.gov.uk/government/statistics/sexually-transmitted-infections-stis-annual-data-tables> ; Public Health England, *HIV in the UK: 2016 Report*; available online at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/602942/HIV_in_the_UK_report.Pdf; Office for National Statistics, *Statistical Bulletin: Sexual Identity, UK:2016*, ONS, 4 October 2017; available online at: <https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/sexuality/bulletins/sexualidentityuk/2016>; Population figures taken from Office for National Statistics estimates for 2016:

- Children at primary school are too young to have LGBT issues introduced to them. Normalising ‘sexual minority’ adult relationships and family structures causes confusion about reality, nature and/or creation.
 - Only 1.9% of the population identify as ‘lesbian, gay or bisexual’ so such relationships do not warrant being covered in mainstream education.
- Children of primary age are not in position to make critical judgements concerning the way different kinds of adult relationships are presented to them. They can be influenced at a young age into harmful behaviours.
- Promoting the LGBT agenda encourages young children to question their gender and the very idea of there being two distinct sexes, different for a purpose. This can lead to serious psychological disturbance and problems with their natural development as a healthy and happy boy or girl.
- **Relationships Education should be underpinned by the value to society and to individuals of the natural family unit based on marriage between one man and one woman.**
 - Whether or not a child is living in such a family, the evidence that the natural family is the best environment for the welfare of children should indicate that this model should be at least implicitly promoted in discussions about relationships.
 - If we want the best for our children we should be presenting them with the model which has been proved to best guarantee them physical, psychological and emotional well-being and fulfilment.
 - It is well established that being married is associated with greater stability, health, well-being and longevity both for adults and their children
- Teaching on relationships needs to acknowledge always (in an age-appropriate way) the reality of the biological sexes – male and female and how they complement each other. **Teaching about ‘stereotypes’ should not be used to promote transgender ideology.**

Sexual abuse (see paragraphs 51-53, 57 + learning outcomes pp.16-17)

- Many parents/we as parents do not want other adults talking to (our) young children about their private body parts and sexual abuse. That is for (us) parents to warn/teach (our) children about in the way we know is best for them

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates#data-sets>;

Drs Lawrence Mayer & Paul McHugh summarise numerous studies in a special report in *The New Atlantis* (2016): ‘Members of the non-heterosexual population are estimated to have about 1.5 times higher risk of experiencing anxiety disorders than members of the heterosexual population, as well as roughly double the risk of depression, 1.5 times the risk of substance abuse, and nearly 2.5 times the risk of suicide’, Dr. Lawrence S. Mayer and Dr. Paul R. McHugh, “Sexuality and Gender: Findings from the Biological, Psychological, and Social Sciences,” *The New Atlantis*, Fall 2016, <http://www.thenewatlantis.com/publications/number-50-fall-2016>

- The overwhelming majority of children are not being abused and classroom discussions on sex abuse can undermine the relationship between children and their/us as parents.
- A (our) child's sexual innocence may be disturbed or (our) children may worry unduly that they might be victims of abuse.
- Children may become suspicious of normal interaction with their/us as parents.
- Children are encouraged to by-pass their/us parents and to contact organisations like Childline or confide in an adult other than their/us parents on any issues that concerns them.
- Too much burden is being put on children to determine themselves whether they have a safeguarding issue and may be being abused. This can cause confusion and anxiety. It is the role of parents and other responsible adults to protect children.
- Encouraging children to examine whether 'family relationships are making them feel unhappy or unsafe' (Guidance, p.16) is fraught with difficulties, and can cause confusion and false perceptions in children. Loving parents could find themselves under unjust scrutiny or accused of abuse as a result of normal or reasonable parental discipline or upbringing.

Online safety (see paragraphs 54, 57 + learning outcomes p.17)

- It should not be assumed that all or the majority of children will be 'living their lives seamlessly on and offline' (Guidance, pp.3, 15).
- Every child is different and lives in a different kind of household with different parents – the most extreme scenarios should not be projected onto all families.
- There is a risk that such teaching can undermine parents who have chosen to control heavily or disallow access to internet devices inside the home and outside of school. The children of such parents may feel confused or stigmatised.
- This approach could encourage children to experiment with access to sites they wouldn't otherwise visit.
- This again puts the burden of protection onto children rather than their parents and/or other adults who care for them.
- Parents must be at the heart of strategies to protect children online and from the various digital threats. They are best placed to monitor and regulate their children's use of devices outside of school. The emphasis should be on schools supporting parents to regulate their own children's use of internet devices.
 - Excellent parental control software is available (much of it free or low cost), which is easy to use and enables parents to fully oversee their children's device and internet usage, and to block any type of sites and activities which may pose a risk. A large proportion of parents already use parental controls, but many more need to be encouraged to do so, and schools (supported by Government and education charities/agencies) can play an important role in

providing information, support, software and training to parents who may require further help.⁸

- Otherwise many parents will accept the misleading message that their children's safety has been taken care of in Relationships Education.

Sex Education (Primary School)

Paragraphs 61-64 (pp.18-19) of the Draft Guidance set out the legal position with regard to 'sex education' at primary schools — that it is not compulsory, though the Government advises it should be delivered and that schools may therefore *choose* to provide it. It stresses that parents should be consulted about both the overall policy and of the detailed content of what is taught to children. The Draft Guidance stresses that parents have a right to withdraw their children which must be complied with by the teacher. There is also an encouraging statement (which would appear to be the influence of our supporters' lobbying) that 'this process should include offering parents support in talking to their children about sex education and how to link this with what is being taught in school'. The teaching should be 'graduated', 'age appropriate' and 'take account of the developmental differences of children'.

There are certain positives here therefore which can be acknowledged. If sex education *is* to be provided in schools then this guidance for primary schools would also be appropriate as being the right approach to take with secondary schools. Nevertheless, there are concerns that can be raised relating as to how 'sex education' can be smuggled into Relationships Education and other parts of the curriculum. Indeed, it is hard to see what else could be taught to primary aged children – except about sexual acts themselves — which is not already to be taught in Relationships Education and Health Education.

- There is as yet **no clear distinction** about the exact difference **between 'sex' and 'relationships' education**. A number of the topics which are proposed to be taught in 'relationships education' might also be regarded as 'sexual' in nature. Eg:
 - 'Features of healthy [and 'unhealthy'] relationships' – such concepts are too vague and open to teachers' or Government's interpretation, which might include homosexual relationships

⁸ A recent study (2018) by the UK Safer Internet Centre, involving findings drawn from a survey conducted with Mumsnet, found, for instance, that 41% of parents use their broadband network parental controls to tackle online safety in the home, with 62% of parents also using other digital methods, physical monitoring and 'house rules' that impose limits on being online. eSafety Research, Parenting & Pornography: findings from Australia, New Zealand and the United Kingdom: Summary Report 10/12/18, pp.20-21; available online at <https://swgfl.org.uk/Uploads/c8/c803c084-6182-4e6d-adb8-c652230e543c.pdf> [accessed 15 Jan 2019].

- Anything that introduces the LGBT ideology and agenda to children, including teaching about different types of family structures and adult relationships, including homosexual relationships (including same-sex marriage / civil partnerships).
- Online safety (if topics such as sexting and pornography, for example, are covered)
- Teaching relating to sexual abuse, including ‘boundaries’, ‘privacy’, etc, with regard to children’s bodies (which may typically involve, for instance, children being encouraged to name and explore their intimate body parts)
- It should be up to parents — NOT the Government — to decide whether relevant matters constitute ‘sex education’ when introduced into other subjects, such as Relationships Education. Parents should decide what and when their children are taught about these issues.
- There is still a difficulty of introducing sex education in a class context when many children may not be ready. What is ‘age appropriate’ differs from child to child, and it is hard to see how this will work in a classroom context where such differentiation should also take into account the beliefs and values of the parent, and their wishes for the child.

Positives to Acknowledge:

- The role schools should play is engaging with parents, providing them with the option of withdrawing their children, and supporting them to talk to their children themselves about their sexual development.
- This whole approach to teaching sex education to primary school children can and should be replicated at secondary school. Parents of secondary school children should also have the right to withdraw and should be consulted about content and supported in the same way.

Relationships & Sex Education (RSE) (Secondary Schools)

RSE will be compulsory in ALL schools when the new regulations take effect in September 2020. The promised right of parents to withdraw their children from the (undefined) ‘sex education’ parts of RSE has now been replaced by a ‘right to *request* withdrawal’. The decision has been given to the head teacher whether or not to accept or refuse this request. The head teacher has been given the power to refuse always the parents’ request when the child reaches the age of 15 (or three terms before the child’s 16th birthday) if the child wishes to receive sex education.

The outline RSE curriculum is summarised in paragraphs 36-46 (pp.19-21) which should be read in conjunction with the associated learning outcomes on pp.21-23. The broad aims of the subject are outlined as follows:

65. The aim of RSE is to give young people the information they need to help them develop healthy, nurturing ***relationships of all kinds***, not just intimate relationships. It should enable them to know ***what a healthy relationship looks like and what makes a good*** friend, a good colleague and a ***successful marriage, civil partnership or other type of committed relationship***. ***It should also cover contraception, developing intimate relationships*** and resisting pressure to have sex (and not applying pressure). It should teach what is acceptable and unacceptable behaviour in relationships. This will help pupils understand the positive effects that good relationships have on their mental wellbeing, identify when relationships are not right and understand how such situations can be managed.

The Guidance also stresses the ‘LGBT inclusive’ nature of the subject:

71. Pupils should be taught the facts and the law about sex, sexuality, sexual health and gender identity in an age-appropriate and inclusive way. All pupils should feel that the content is relevant to them and their developing sexuality. Sexual orientation and gender identity should be explored at a timely point and in a clear, sensitive and respectful manner. When teaching about these topics, it must be recognised that young people may be discovering or coming to terms with their sexual orientation or gender identity. There should be an equal opportunity to explore the features of stable and healthy same-sex relationships. This should be integrated appropriately into the RSE programme, rather than addressed separately or in only one lesson (paragraph 71, p.19)

The Guidance on RSE presents a completely one-sided view of human sexuality, and presents dangerous and unethical lifestyle choices as equally valid as natural marriage – which is presented as just one possible option amongst many. The Guidance attempts to present the Government’s ideological standpoint as the ‘neutral’, ‘non-judgemental’ or ‘factual’ one; it undermines parents and puts children, including unborn children, at grave risk. Abortion, for example, is presented as one of the available options during pregnancy and children would be signposted to contraceptive and abortion services, without parental knowledge or consent. The Guidance makes it clear that schools will be expected to teach the subject according to the official state ideology. Paragraphs 72 and 73 (p.20) of the Guidance state:

72. It is recognised that there will be a range of opinions regarding RSE. The starting principle when teaching each of these must be that the applicable law should be taught in a factual way so that pupils are clear on their legal rights and responsibilities as citizens.

73. Schools may choose to explore faith, or other perspectives, on some of these issues in other subjects such as Religious Education.

On contentious issues such as homosexuality, same-sex marriage and abortion, what the civil law states is right or permissible is expected to be foregrounded for the pupils and, where there is conflict, prevail over the teachings of religious faith, which should be relegated or compartmentalised to the RE lesson.

Is the proposed content of RSE 'age appropriate'?

- What is 'age appropriate' varies from child to child, as all mature at different rates. 'Age appropriateness' also depends on the values of the parent and their upbringing of the child. The parent is best placed to judge this, which is why their right to withdraw must be maintained.
- The legal age of consent is 16, and sexual activity with or between children under that age is a criminal offence. The law on the age of consent, when properly implemented, helps to protect children. Providing children with this kind of comprehensive sex education, including information on contraceptive provision, before the age of consent helps facilitate criminal underage sexual activity and puts children at risk.
- The expectation that underage sex is normal behavior; the provision of confidential 'sexual health' services to children (without parental knowledge or consent), and the attitude that children should be free to decide for themselves when to start a sexual relationship, are all factors that have been recognised in special case reviews as contributing to child sexual exploitation and abuse.
- ****Children should NOT have to learn about homosexual activity or relationships, or any other 'LGBT issues'****. Learning about such matters must be left to the discretion of parents to explain them to their children in their own way.
- From a medical perspective, certain homosexual practices are not 'appropriate' at any age – still less for children and young people – as the human body is not designed for them (eg. anal sex). Damage to the body and disease can easily result. Promoting the idea to adolescents and teenagers that such practices constitute in any way a 'healthy relationship' is highly irresponsible and encourages unnatural and dangerous experimentation.
- Children may experience transitory feelings of same-sex attraction and/or gender confusion during their teenage years. This may be due to cultural and other experiential factors. Many people who have ever experienced same-sex attraction, had same-sex experiences or have felt unhappy with their birth sex subsequently move away from same-sex attractions or behaviour, or wanting to become the opposite sex, and do not identify as 'LGBT'. Promoting LGBT ideology will increase their confusion and may encourage them to affirm a particular sexual or gender

identity based on feelings they would otherwise outgrow and which do not in any case define them.

- The Draft Guidance implies the existence of an innate fixed 'sexual orientation' or 'gender identity', other than natural heterosexuality, which is there to be 'discovered'. This perpetuates the 'born gay' myth for which there is no scientific evidence.
- It is dangerous for their well-being to encourage children to label themselves in terms of a minority 'sexual identity', which involves inherently unhealthy lifestyle choices and behavior.

Will the proposed content of RSE in the Draft Guidance help secondary school pupils to have 'healthy' and 'positive relationships'?

Dangers of undermining marriage and promoting diversity of 'relationships', including homosexual relationships

- Natural marriage between man and woman should not just be presented as one possible option for a sexual relationship amongst many, but rather the exclusive means by which human sexuality finds and fulfils its whole purpose.
- **Teaching of relationships at both primary and secondary school should reflect the benefits to children of being brought up by a mother and a father** in a committed stable life-long relationship.
- Other forms of relationships do not provide the same overwhelmingly positive results and benefits to individuals and society as the natural family unit based on real marriage between man and woman.⁹
- Paragraph 71 (p.20) strongly suggests that schools will be expected to promote LGBT relationships and ideology to school children in an untruthfully positive way.
 - There is no evidence to suggest that families headed by a homosexual union produce equivalent positive outcomes to that of a natural family unit; rather research shows that children raised by same-sex couples experience a range of more negative outcomes.¹⁰

⁹ Research on the situation in Britain, for instance, shows that married, as opposed to cohabitating parents, are around 3 times more likely to still be together by the time their child is 5 years old; 3 out of 4 parents will still be together by the time their child does their GCSEs (as opposed to 1 in 4 who are not married); adults whose parents were married at the time of their birth are 16% less likely to ever receive benefits, 23% more likely to have been to university. The annual financial cost of family breakdown, calculated by Relationships Foundation, is revealed to have now reached an all-time high of £51 billion. See Harry Benson, *Married and Unmarried Family Breakdown: Key Statistics Explained* (Bristol Community Family Trust, 2009); Harry Benson & Spencer James, *The Long Term Effect of Marriage of Social Mobility* (Marriage Foundation, Jan 2018); <http://marriagefoundation.org.uk/government-pressure-back-marriage-cost-family-breakdown-hits-51-billion/>

¹⁰ Regnerus (2012), for instance, showed, for instance, that children raised by same-sex couples are significantly more likely to be the recipients of welfare payments as both children and adults, more likely to be unemployed as young adults, more likely to suffer mental health issues, more likely to have ever had an STI and more likely to be currently cohabiting rather than married. Cohabitation homes in turn are consistently shown to be markedly poorer in all measures of personal and relational health. Mark Regnerus, 'How different

- **Homosexual behaviour and transgender identification are associated with significant risks to health and well-being. Under no circumstances should they be promoted to children and young people as ‘healthy’ or acceptable lifestyle options – even more so where it is against the express wishes of the parents or ethos of the school.**
 - Practices common to the homosexual lifestyle (eg. anal sex) are intrinsically injurious to the human body, as it is not naturally capable of accommodating them. Such practices often result in serious physical damage and disease.
- *** Schools should not promote transgender ideology at any time*.**
 - Encouraging children to question their ‘gender identity’, or to affirm cultural obsessions and distortions in this area, is highly dangerous. Changing sex is biologically impossible and evidence shows those who undergo transitioning treatment continue to face considerable risks to their physical and mental health.

Problems of making ‘the [civil] law’ the foundational principle of what is taught in RSE (see paragraph 72-73, p.20)

- Parents may legitimately disagree with what the civil law permits (eg. abortion, same sex marriage) and legitimately disagree with their children having what they regard both as morally wrong and medically harmful or risky forms of behaviour being affirmed to their children as a ‘right’. The Guidance implies that such teaching could go further than merely informing children about the civil law.
- As even the Government’s Guidance acknowledges (Consultation, p.3), parents are the primary educators of their children. Schools (and the state) teach children *in loco parentis*, on behalf of the parent. Children do not belong to the state, and the Government does not have the right to dictate either the first principles or content of what the child is taught, in opposition to the parents’ express wishes.
- Parents may have different opinions from the Government on how their children would be best equipped for ‘life in modern Britain’ in accordance with their beliefs and values. It is their right to bring up their children accordingly, as enshrined in International human rights law.
- If this ‘starting principle’ of ‘the law’ is to be followed through then pupils must surely be taught that the legal age of consent is 16 and they should not engage in

are the adult children of parents who have same-sex relationships? Findings from the New Family Structures Study’, *Social Science Research*, 41.4 (July 2012), pp.752-770. For an overview and critique of more recent studies and evidence see Kate Faust, ‘Study the Studies: What We Know About Same Sex Parenting’, *Them Before Us*, 22 May 2017; available online at <https://thembeforeus.com/study-studies-same-sex-parenting/>; Faust summarises and analyses the findings of Walter R. Schumm, ‘A Review and Critique of Research on Same-Sex Parenting and Adoption’, *Psychological Reports*, 119.3, pp.641-760.

sexual activity before that age, and that no contraception (which will facilitate breaking the law) should be provided to them before that age.

Abortion and contraception - The learning outcomes on p.19 of the Guidance (in relation to paragraphs 67 and 74, pp.19-20) are of particular concern. Abortion is presented as one of the available options during pregnancy and children will be signposted to contraceptive and abortion services, including without parental knowledge or consent. The Guidance states that by the end of secondary school children will have learnt:

- the facts about the full range of contraceptive choices and options available.
- the facts around pregnancy including miscarriage.
- that there are choices in relation to pregnancy (with medically and legally accurate, impartial information on all options, including keeping the baby, adoption, abortion and where to get further help).
- how to get further advice, including how and where to access confidential sexual and reproductive health advice and treatment.

In response we would contend the following:

- Abortion is the unjust destruction of an innocent human being. It should never be presented to children and young people as simply one of the available options during pregnancy
- Abortion also carries serious risk to the physical and psychological health and welfare of the mother which can be long-term.
- Abortion remains a serious criminal offence in this country, only permitted where two doctors certify that the abortion is 'medically necessary' based on certain criteria. The Guidance undermines the law by presenting abortion as an equally valid option.
- 'Keeping the baby' is presented as simply one possible choice in relation to pregnancy, rather than carrying the baby to birth being the natural and expected outcome of pregnancy. This seriously distorts the young person's view of human life and constitutes a grave injustice to unborn children and their mothers.
- Children and young people should be taught to view human life positively, and regard all human persons, including unborn children, as having equal value and right to life.
- Young people should learn the facts about the development of unborn children in the womb, so that they appreciate the gift of life and appreciate the natural purpose and responsibilities that go with human sexuality and parenting. This will encourage pupils to view the positive benefits of marriage.
- The Guidance does not specify who will decide what constitutes 'factual' or 'accurate, impartial information' relating to teaching on 'sexual health' and 'choices

in relation to pregnancy'. There is a risk that the Government will consider 'impartial' information as coming only from themselves.

- Stating that this 'information' should be delivered in a 'non-judgemental way' implies that there are no consequences to underage sexual activity that children might need protecting from, and ignores the fact that parents have a natural duty of care over their children and a basic human right to raise them according to their own beliefs and values
- Facilitating underage sexual activity by signposting them to contraceptive services puts children at risk of damaging underage sexual activity and sexual exploitation. It can facilitate promiscuity and undermine a young person's ability to form committed stable relationships in the future.
- Early sexual activity and the use of contraceptive pills, implants and devices could have damaging consequences for a young person's short and/or long-term health and well-being.
- Teaching children in a moral vacuum about 'contraceptive choices' undermines the strong and positive message of the purpose of human sexuality within marriage. It presents sex as ultimately recreational, with human life being a possible and inconvenient by-product. It may be gravely contrary to the values and beliefs of both the parents and young people and should not be a compulsory part of the guidance.
- There is no evidence of any positive benefits from such comprehensive sex education programmes. In fact we now have very good evidence that so-called comprehensive sex education in schools is not associated with positive outcomes for young people.
 - The latest Cochrane Review of evidence on the subject, for example, has found that such teaching had no demonstrable effect on the prevalence of HIV or other STIs, and that there was no apparent effect on the number of teenage pregnancies.¹¹
 - A [review of evidence of UK-based programmes](#) similarly found that SRE 'had minimal effect on reported behaviour' and no impact on conceptions or terminations.¹²
 - A 2017 study from the [Institute for Research & Evaluation](#) (IRE) concludes there is no evidence of sustained reductions in teen pregnancy or STDs from

¹¹ Mason-Jones AJ, Sinclair D, Mathews C, Kagee A, Hillman A, Lombard C. School-based interventions for preventing HIV, sexually transmitted infections, and pregnancy in adolescents. Cochrane Database of Systematic Reviews 2016, Issue 11. Art. No.: CD006417. DOI: 10.1002/14651858.CD006417.pub3 https://www.cochrane.org/CD006417/INFECTN_school-based-interventions-preventing-hiv-sexually-transmitted-infections-and-pregnancy-adolescents

¹² Daniel Wight, The effectiveness of school-based sex education: What do rigorous evaluations in Britain tell us?, Education & Health, 29.4 (2011), pp.67-73. <https://sheu.org.uk/sites/sheu.org.uk/files/imagepicker/1/294dw.pdf>

CSE programmes, and that some such programmes actually had negative outcomes such as increased rates of teenage sex or teenage pregnancy.¹³

The ‘Right to Withdraw’

The legal situation at present time regarding sex and relationships education

Currently, the Education Act 1996 (Section 405) guarantees parents the legal right to withdraw their children from sex education ‘except so far as such education is comprised in the National Curriculum’. At the present time that exception only applies to what is covered in the National Curriculum for Science (relating to the processes of human reproduction at KS3 and sexually transmitted diseases, as part of the study of health, disease and medicine, at KS4). By implication of this ‘exception’ parents are therefore legally entitled to withdraw their children from what could reasonably be classified as ‘sex education’ wherever else it might appear in the curriculum (for example, in PSHE lessons – or even science lessons where the content goes beyond the essentials of what is required by the National Curriculum).

All maintained secondary schools must provide sex and relationships education as part of the ‘basic curriculum’ (as opposed to the ‘National Curriculum’, which has specified statutory content, programmes of study and attainment targets). In providing SRE, however, they must have regard to the Secretary of State’s statutory *SRE Guidance* (2000).¹⁴ Academies and free schools do not have to follow the National Curriculum or provide SRE, but where they do they ‘must have regard’ for the Statutory Guidance (i.e. follow the Guidance unless they have ‘good reason’ not to). Independent schools do not have to follow either the National Curriculum or offer SRE — however, they are required (by the Independent Schools Standards) to provide PSHE, and the *SRE Guidance* (2000) ‘recommends’ that SRE is taught within this PSHE framework. In all cases parents have the right to withdraw their children from part or all of sex and relationships education.¹⁵

¹³ Stan E. Weed & Irene H. Ericksen, *Re-examining the Evidence:: School-Based Comprehensive Sex Education in the United States*, The Institute for Research & Evaluation, September 12, 2017; https://institute-research.com/CSEReport/CSEReport-Final_9-13-17.pdf

¹⁴ Department for Education & Employment, *Sex and Relationships Education Guidance* (2000); available online at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/283599/sex_and_relationship_education_guidance.pdf

¹⁵ The Education Act 1996 (section 405) states that ‘If the parent of any pupil in attendance at a maintained school requests that he may be wholly or partly excused from receiving sex education at the school, the pupil shall, except so far as such education is comprised in the National Curriculum, be so excused accordingly until the request is withdrawn’. Although the legislation here only mentions ‘maintained schools’ it is regarded as applying to other types of schools by the fact that SRE is not mandatory in other schools. This right of withdrawal is reinforced in the statutory *SRE Guidance* (2000), which free schools and academies must have

What is changing?

The Children & Social Work Act (section 34) requires that the Secretary of State ‘must by regulations make provision requiring’:

- (a) relationships education to be provided to pupils of compulsory school age receiving primary education at schools in England;
- (b) relationships and sex education to be provided (instead of sex education) to pupils receiving secondary education at schools in England.

That means ALL pupils in ALL schools must receive RelEd and RSE, but the Act also states that the ‘the regulations must include provision’:

- 2.(d) about the circumstances in which a pupil (or a pupil below a specified age) is to be excused from receiving relationships and sex education or specified elements of that education.

The wording of the law does not exclude the regulations from making provision for any pupil of any age to be excluded from relationships and/or sex education for any specified reason, including a request made to withdraw the child by a parent. However, in the Draft Regulations, published in July 2018, section 405 of the 1996 Education Act is amended to now state that:

- (3) If the parent of any pupil in attendance at a maintained school in England requests that the pupil may be wholly or partly excused from sex education provided as part of statutory relationships and sex education, the pupil must be so excused until the request is withdrawn, unless or to the extent that the head teacher considers that the pupil should not be so excused.

In other words, the parents’ ‘right of withdrawal’ has now been replaced by a ‘right to *request* withdrawal’, with the final decision being given to the head teacher. The Draft Guidance then explains how this is expected to work in practice (para’s 41-46; pp.13-14):

41. Parents have the **right to request** that their child be withdrawn from some or all of sex education delivered as part of statutory RSE. **Before granting any such request it would be good practice for the head teacher to discuss the request with the parent and, as appropriate, with the child** to ensure that their wishes are understood and to clarify the nature and purpose of the curriculum.
42. Good practice is also likely to include the head teacher discussing with the parent the benefits of receiving this important education and any detrimental effects that withdrawal

regard to if they do decide to offer SRE. For independent schools any non-statutory obligations concerning a child’s learning would be dependent on the contract made between their parents and the school.

might have on the child. This could include any social and emotional effects of being excluded, as well as the likelihood of the child hearing their peers' version of what was said in the classes, rather than what was directly said by the teacher (although the detrimental effects may be mitigated if the parent proposes to deliver sex education to their child at home instead).

43. Once those discussions have taken place, **except in exceptional circumstances, the school should respect the parents' request to withdraw the child, up to and until three terms before the child turns 16. After that point, if the child wishes to receive sex education rather than be withdrawn, the school should make arrangements to provide the child with sex education during one of those terms.**
44. For the vast majority of pupils with SEND, including those with education, health and care plans, their SEND should not be a consideration for the head teacher in deciding whether to grant a parental request, however there may be exceptional circumstances where the head teacher will want to take a pupil's SEND into account when making this decision. The approach outlined above should be reflected in the school's policy on RSE.
45. Head teachers will automatically grant a request to withdraw a pupil from any sex education delivered in primary schools, other than as part of the science curriculum.
46. If a pupil is excused from sex education, it is the school's responsibility to ensure that the pupil receives appropriate, purposeful education during the period of withdrawal.

To clarify, according to the Draft Regulations, in association with the Draft Guidance, parents have no legal right to withdraw their children from Relationships Education at primary school — only from 'sex education'. At secondary schools, parents also have no right to withdraw their children from Relationships & Sex Education, except the 'sex education' parts and only if the head teacher agrees to their request to do so. At the age of 15 (or three terms before their 16th birthday) they can choose to override their parents' wishes and request to have sex education (at least for one term), regardless of the wishes of both their parents *and* the head teacher.

The Government claims that the existing right to withdraw is 'no longer compatible with English caselaw and the European Convention on Human Rights' (Consultation, p.13, para 34), but this claim is left completely unsubstantiated in the consultation documents, and they have since been able to produce virtually no explanation, examples or evidence to support it.¹⁶

¹⁶ In response to a Parliamentary question on the matter, the Schools Minister, Nick Gibb MP stated that 'with regard to the parental right to withdraw their child from sex education, we have proposed regulations that are compatible with the law as it now stands. The case law in relation to a child's competence to make their own decisions has evolved over time. This is shown, for example, in the 2006 case of *R (Axon) v Secretary of State for Health*' (15 October 2018, in response to question 173970 from Sir Edward Leigh, asked on 12 September 2018). However, this English case relates to the matter of health professionals providing medical advice and treatment on sexual matters to under 16s without parental knowledge or consent, and not withdrawal from sex education lessons at school — a parental right established by the 1996 Education Act, section 405 — an Act of Parliament which cannot be disapplied by any UK case law or ruling by the UK courts.

With regard to the claims regarding the ECHR, Roger Kiska (Christian Legal Centre) explains: 'There are no binding cases at the ECHR level which say that opt-outs can be denied parents from age 15. Instead, the

Safe at School response

**** It is essential to strongly oppose the fact that the parents' 'right of withdrawal' has now been removed and replaced with a 'right to request withdrawal' and that the decision has been given to the head teacher****

**** It is also unacceptable that parents are not given the legal right at all to withdraw their children from Relationships Education****

- This Guidance, together with the new regulations, completely undermine the basic human right of parents, recognised in international human rights law, to educate their children according to their own beliefs and values.
- Taking away the parents right of withdrawal violates **Article 26.3** of the **Universal Declaration of Human Rights (1948)**, which states that 'parents have a prior right to choose the kind of education that shall be given to their children'
- It also violates **Article 2** of the **European Convention on Human Rights** (incorporating the Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, 1952), which states that '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'.
- The Government needs to substantiate its claim that the right to withdraw is 'no longer compatible with English caselaw and the European Convention on Human Rights' (Consultation, p.13, para 34) as they have produced no credible explanation, examples or evidence to support it (see above).
- **Why should the head teacher be the one to decide over the parent?** Why is the head teacher, who may not even know the child personally, be in a better position than a child's own parent to know what is best for them? This could be a degrading and humiliating process for the parent and is clearly intended to discourage parents from exercising their natural right to protect their children against anything they believe might be harmful to them

cases talk about the right extending throughout the entire process of education. There have been decisions (i.e. cases which were deemed inadmissible and therefore do not have precedential value) which suggests that where the Court determines that the sexual education being offered is ideologically neutral (which in my opinion is an oxymoron), then opt-outs do not have to be granted (this is different from the question of whether the government can mandate that under no circumstances can they be made available). Two points on that: (a) those decisions are not binding although they do fall under the same principle established in *Busk Madsen*; (b) the question of whether the material is neutral or not is a matter for the courts to decide—the UK government cannot unilaterally just say “no matter what we put out there as far as curriculum is concerned, opt outs will not be allowed). According the UNCRC, a child is anyone under the age of 18. This would correspond to the ECHR's understanding. Therefore 15 is an arbitrary cut off date which does not have its roots in European or international law' (letter to Safe at School, 25 July 2018).

- The Guidance even states that the head teacher can involve the child in these discussion with the parent (para 41) which could completely undermine the parent-child relationship.
- Even given the expectations set out in the Draft Guidance as to how the ‘right to request withdrawal’ would work, **far too much leeway is given to the head teacher to refuse a parent’s request** to withdraw their child. Although the Guidance (p.13, paras 43-44) suggests the head teacher should only refuse a withdrawal request in ‘exceptional circumstances’, what these ‘exceptional circumstances’ are is left undefined by the Guidance. **** In any case, the Guidance may be changed by the Secretary of State at any time, whilst the Regulations (which do not mention ‘exceptional circumstances’) would be left remaining. ****
- With regard to the **parental right to ‘request’ to withdraw their children with ‘Special Education Needs and Disabilities’ (SEND pupils)** the Draft Guidance (pp.13-14; paragraph 44) states:
 - ‘For the vast majority of pupils with SEND, including those with education, health and care plans, their SEND should not be a consideration for the head teacher in deciding whether to grant a parental request, however there may be exceptional circumstances where the head teacher will want to take a pupil’s SEND into account when making this decision. The approach outlined above should be reflected in the school’s policy on RSE’.
 - **There are no ‘exceptional circumstances’ by which a head teacher should refuse a SEND child’s parents’ request to withdraw them from sex education at secondary school.** If the Government believes that there are, these should be clearly defined in the Draft Guidance so that they can be properly consulted upon.
 - It is a complete violation of parental rights and duties to give this power to refuse withdrawal to the head teacher — even more so with a SEND child who may have particular vulnerabilities that only the parent is and should be aware of.
- **There is no distinction made in the Draft Guidance between what constitutes ‘relationships education’ and what constitutes ‘sex education’ within the overall subject of RSE. Therefore it is not clear exactly what topics parents will have the right to request withdrawal of their children from:**
 - Indeed, the Guidance actually states (p.9, para 16) that schools are advised to teach ‘relationships’ and ‘sex’ in an integrated way, and ‘do not need to artificially separate the two’.
 - How then are parents (and teachers, headteachers) expected to know which elements of the ‘integrated’ subject parents can withdraw their child from, if the distinction between ‘sex’ and ‘relationships’ education is not clearly defined?
 - Also, there would need to be statements in the guidance about how schools should communicate with parents which sessions or parts of the programme were ‘sex’ and which parts ‘relationships’ education:

- Parents must ultimately be the ones to decide what constitutes ‘sex education’. Otherwise aspects of ‘sex education’ might be arbitrarily smuggled into Relationships and/or Health Education, or these subjects might contain elements in their delivery which are inherently sexual, for example, anything that introduces the LGBT ideology and agenda to children, or online safety (if topics such as sexting and pornography, for example, are covered)

Physical Health and Mental Wellbeing

The Children & Social Work Act (2017) gave the Secretary of State the authority to make PSHE (Physical, Social, Health & Economic education) compulsory in ALL schools, subject to consultation. Instead the Government has decided to make only the ‘physical’ and ‘health’ parts of PSHE into a new compulsory subject, as aspects of PSHE are already covered in Relationships Education, RSE and other parts of the curriculum.

Our basic issue with the new subject of ‘Health Education’ is that, in conjunction with Relationships Education and RSE, it constitutes a radical extension of the remit of a school education into territory naturally and conventionally considered to be part of the rightful duty and responsibility of the parent. Indeed, although much of the content of this subject may on the surface appear to be positive and non-controversial such overreach by the school into family life may potentially have a profoundly negative and undermining effect on parenting in this country.

This could result in many more parents leaving important aspects of a child’s personal development and upbringing to the school. Conscientious parents who may have different views on matters of diet, health, medicine and well-being to that of the teacher or the Government may find themselves undermined. Indeed the Government seems to believe that the role of the school now is to teach children everything they need to know about every single aspect of their personal and social existence.

Aside from objecting to the principle of compulsory Health Education itself, parents should generally judge and comment on the proposed content how they see fit. However, particular issues relevant to the Safe at School campaign on RSE are highlighted below:

- See Draft Guidance for Primary Schools (pp.24-27, para’s 80-85, 86-92 + learning outcomes (pp.25-27)
- Secondary Schools (pp.24,27-30, para’s 80-85, 93-99)
- Para 85 (teaching puberty). The onset of puberty varies widely from child to child, and children may not respond well to such matters being addressed in an impersonal school context. Many parents may also prefer to address the matter of this area of

their child's personal development themselves, and they should have the right to do so without being pre-empted by the school.

- The onus should be on schools supporting parents to teach and guide their children through the onset and process of puberty, not vice versa
- Teaching on puberty can be used to introduce certain aspects of 'sex education' into primary lessons.
- Learning outcomes (p.26) state that it is 'important for children to discuss their feelings with an adult and seek support'. Should this be with 'an adult' or with the child's parents? Children should not - apart from in certain extreme circumstances - be encouraged to seek 'help and support' from any adults other than their parents.

Other issues of concern in the Draft Guidance

Delivery and teaching strategies

Paragraphs 108-109 of the Draft Guidance describe the extent of flexibility that schools would have to determine how they teach the content of their Relationships Education/RSE/Health Education.

Paragraph 108 states that 'schools will retain freedom to determine an age-appropriate, developmental curriculum which meets the needs of young people, is developed in consultation with parents and the local community. ***Schools must also comply with the relevant provisions of the Equality Act as noted earlier.*** Where appropriate this may also require a differentiated curriculum'.

- **We agree that the curriculum *should* be developed in consultation with parents and the local community**
- **However, this flexibility should not be curtailed by interpretations of the Equality Act which serve to force schools to positively promote the LGBT agenda.**
 - Schools and the Government/OFSTED have a track record of using alleged obligations under the Equality Act 2010 as a justification for targeting school children with LGBT propaganda.
 - The Guidance should make a distinction between respecting *people* and being forced to endorse or celebrate particular *lifestyle choices*, which may be strongly in opposition to parents' and pupils' beliefs and values
 - 'Religion and belief' is also a 'protected characteristic' of the Equality Act 2010 and this should not be secondary to 'sexual orientation' or 'gender reassignment'
 - The Equality Act 2010 is an ideologically motivated and self-contradictory law which establishes favoured groups of people according to ill-defined protected

characteristics; it sets competing groups of people, and their belief systems, against each other.

- The Guidance should omit references to the Equality Act as they are too problematic in relation to an educational context and undermine the right of parents to educate their children according to their beliefs and values, as enshrined in international human rights law.

School support

Resources

Paragraphs 22-25 of the Draft Guidance (pp.10-11) comment on the use of materials in schools:

- It is commendable that the Guidance states that schools should provide examples of the resources they propose to use when consulting parents
- There is a danger that schools will simply be supplied with or signposted to materials from Government-favoured organisations which have an anti-life or LGBT agenda, and schools and teachers are, at present, already unhelpfully signposted to organisations which provide inappropriate or harmful content (eg. from LGBT or sex education pressure groups)
- Schools should have flexibility in receiving training and resources from organisations of their choice, following consultation with parents.

If you have any queries or would like any further information, please contact Safe at School on 020 7820 3141 or email info@safeschool.org.uk