

Response ID ANON-8RHF-HE2D-U

Submitted to Relationships education, relationships and sex education, and health education

Submitted on 2018-11-02 10:47:08

Confidentiality

Would you like us to keep your responses confidential?

No

If you want all, or any part, of a response to be treated as confidential in response to a freedom of information request, please explain why you consider it to be confidential.

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If you are under 13, you need to ensure that you have parental consent to participate in this consultation. Please tick the box to confirm you have parental consent.

Please tick the box to confirm you have parental consent.:

No

Introductory questions

What is your name? (optional)

Name:

Roger Kiska

What is your email address? (optional)

Email:

roger.kiska@christianlegalcentre.com

What is your religion?

Please select from the drop-down menu.:

Christian (Church of England, Catholic, Protestant, Orthodox and all other Christian denominations)

Other:

What is your ethnic group?

Please select from the drop-down menu.:

White - Any other white background

Which of the following best describes the capacity in which you are responding to this consultation?

Please select the most relevant category from the drop-down menu.:

Organisation (only select if answering on behalf of the organisation)

Other:

Introductory questions - organisation/teaching union

If you are responding on behalf of the organisation/teaching union please give its name.

Please provide the name of the organisation/teaching union in the text box below.:

Christian Concern

Who do you want the information in your response to the consultation to be attributed to?

The organisation

Draft statutory guidance - Relationships Education

Do you agree that the content of Relationships Education in paragraphs 50-57 of the guidance is age-appropriate for primary school pupils?

neither agree or disagree

Please briefly explain why you have given this answer in the text box below :

We agree with many of the laudable goals outlined in the draft guidance. We want our children to grow up with a strong sense of self, honesty, and love for their neighbour. We also applaud any form of education aimed at building healthy friendships and family relationships.

Any education about different modes of family, while promoting mutual respect, should never be ideological or suggest that all modes of family are equal. Compassion and broadmindedness can be taught without suggesting that all families are equal. They are not and the cost of family breakdown has been very high. The breakdown of the traditional family culture has had catastrophic effect in the United Kingdom. In just 60 years, the number of children who have been born outside of wedlock has grown from just 4.8 % to 46.8%. In that same timeframe, the divorce rate has risen by 600%. As Lord Freud, the former Welfare Minister noted during his tenure in that post, the breakdown of family costs the UK taxpayer approximately £46 per year.

Furthermore, any teaching related to sexual abuse and knowing one's own body should never be used as a means of sexualising impressionable and vulnerable primary school aged children by promoting sexual autonomy together with the idea of knowing one's own body and boundaries.

Any education aimed at social outreach should also never promote ideological causes.

Do you agree that the content of Relationships Education as set out in paragraphs 50-57 of the guidance will provide primary school pupils with sufficient knowledge to help them have positive relationships?

neither agree or disagree

Please briefly explain why you have given this answer in the text box below:

So long as the information is provided in a neutral manner focusing on building up principles of self-worth, love of neighbour, and other Judeo-Christian values, then the content provided in the guidelines is acceptable and valuable. However, it should be made clear, pursuant to Protocol 1, Article 2 of the European Convention of Human Rights (and cases such as Folgero and Others v. Norway and Kjeldsen, Busk Madsen and Pederson v. Denmark), as transposed into UK law vis-à-vis the Human Rights Act 1998, that any form of indoctrination or proselytism which has the effect of undermining the manner in which parents may wish to raise their children according to their own religious and philosophical beliefs is forbidden. This would include promotion of LGBT campaigning points or any form of promotion of sexual activity (whether explicitly stated or implied).

Do you agree that paragraphs 61-64 clearly set out the requirements on primary schools who choose to teach sex education?

agree

Please briefly explain why you have given this answer in the text box below:

The draft guidance on opt-outs and parental consultation is clear and robust. We welcome any guidance which empowers parents in relation to teaching their children about these issues in a manner that fits their religious or philosophical views. The guidance recognises that parents are primarily responsible for educating their children and that the role of schools is to assist them in this task, and not to usurp the parental mantle.

Draft statutory guidance - Relationships and Sex Education (RSE)

Do you agree that the content of RSE in paragraphs 65-77 of the guidance is age-appropriate for secondary school pupils?

strongly disagree

Please briefly explain why you have given this answer in the text box below:

Christian Concern has serious reservations surrounding several areas proposed in the guidance, primarily surrounding contraception, gender identity and sexual orientation. Any teaching in relation to the use of contraceptives should be clear about failure rates, promoting abstinence as the best and only means of avoiding unintended pregnancy or sexually transmitted disease. Teaching abstinence also goes hand in hand with the foundation taught at the primary school level aimed at bolstering self-worth. The Guttmacher Institute, a pro-abortion and pro-contraceptive campaign organisation, has itself admitted that 48% of women experiencing unintended pregnancy did so while using some form of contraceptive. Failure rate is highest among young people, which is ironically the demographic to which these methods are being most heavily promoted.

Second, gender identity is an ideological philosophy not based in science, which is not supported by the law. Gender reassignment is strictly defined in the Equality Act 2010, and should be read in light of the Gender Recognition Act 1994 and Croft v. Royal Mail plc. Gender identity is not synonymous with gender reassignment and transgender affirming education is particularly invasive of parental rights and the rights of other students and school employees. It is also pervasive of everyday school life in a way that no other protected characteristic is. The manifestation of 'gender identity' in the structures, routines, and interactions of everyday school effects the rights, beliefs, religion and autonomy of every other student and teacher in the school. Gender confusion is a very serious condition which either requires psychological or psychiatric intervention, or as held in numerous credible studies, dissipates by puberty in the vast majority of children. Given that gender identity is not a concept enshrined in law and is detrimental to the health and well-being of the children involved, the DfE has no business in promoting this ideology to children.

Furthermore, discussing matters of sexual orientation brings it into an area of intimate moral and private belief. Such discussions run the very real risk of promoting sexual lifestyles and therefore triggers the safeguards found in Protocol 1, Article 2 of the Convention in relation to parental rights.

Do you agree that the content of RSE as set out in paragraphs 65-77 of the guidance will provide secondary school pupils with sufficient knowledge to help them have positive relationships?

strongly disagree

Please briefly explain why you have given this answer in the text box below:

For the reasons set out above, we fear that several of the proposed areas of teaching are not based on sound science or healthy social policy. Several of these areas also aggressively encroach on parental rights and may actually be detrimental to the children being taught these concepts.

Do you agree that paragraphs 36-46 on the right to withdraw provide sufficient clarity and advice to schools in order for them to meet the legal requirements?

neither agree or disagree

Please briefly explain why you have given this answer in the text box below:

Christian Concern generally concurs with paragraphs 36-46, which is in conformity with Article 18 of the UNCRC, which states that parents, being the ones who love their children the most, have the primary role in deciding on the education of their children. The job of a school is not to usurp this role, but to assist parents in their task.

We are concerned about giving head teachers rights to overrule parental authority in changing 'right of withdrawal' to 'right to request withdrawal'. We vehemently disagree with the idea that a teacher can override a parent's right to opt out.

Draft statutory guidance - Physical Health and Wellbeing

Do you agree that the content of physical health and wellbeing education in paragraphs 86-92 of the guidance is age-appropriate for primary school pupils?

agree

Please briefly explain why you have given this answer in the text box below:

The promotion of physical and mental well-being in children is an important stepping stone for these children to become healthy adults. Again, Christian Concern cautions that any such teaching, particularly in the area of mental health, not encroach on intimate areas surrounding sexuality, gender identity or promotion of alternative lifestyles. Promotion of such matters is wholly different than teaching mutual respect and has no place in schools.

Do you agree that the content of physical health and wellbeing education as set out in paragraphs 86-92 of the guidance will provide primary school pupils with sufficient knowledge to help them lead a healthy lifestyle?

agree

Please briefly explain why you have given this answer in the text box below:

If constrained to the ideas set-forth in the guidance, then the material provided should be sufficient for promoting healthy lifestyles and mental health in primary school aged children subject to the comments we have made in the preceding question.

Do you agree that the content of physical health and wellbeing education in paragraphs 93-99 of the guidance is age-appropriate for secondary school pupils?

agree

Please briefly explain why you have given this answer in the text box below:

As with the previous two questions, we concur with the general promotion of mental and physical well-being, being outside, and becoming a vibrant and altruistic member of society through volunteer work. Schools, when promoting charitable outreach, should take care to do so in an ideologically neutral manner. It should not promote social justice causes which are inherently ideological and may influence the hearts and minds of children towards certain political or moral views.

Do you agree that the content of physical health and wellbeing education as set out in paragraphs 93-99 of the guidance will provide secondary school pupils with sufficient knowledge to help them lead a healthy lifestyle?

agree

Please briefly explain why you have given this answer in the text box below:

We agree with the contents of the guidelines as they are facially presented, again with the caveat that they be subject to our suggestions as set forth in our previous response. Any teaching on mental health should not promote specific sexual lifestyles or gender identity principles.

Draft statutory guidance - Engaging with parents and the wider community

Do you agree with the approach outlined in paragraphs 36-46 on how schools should engage with parents on the subjects?

disagree

Please briefly explain why you have given this answer in the text box below:

Protocol 1, Article 2 of the European Convention of Human Rights, as transposed into British domestic law through the Human Rights Act 1998, states: "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."

It is therefore a legal requirement that schools in England respect, and neither undermine nor interfere with, the ability of parents to raise their children in accordance with their own religious or philosophical worldview.

This same requirement, in nearly identical language, has also been ratified by the United Kingdom in no less than 5 other international documents: those being the Convention against Discrimination in Education; the International Covenant on Economic, Cultural and Social Rights; the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; and the Convention on the Rights of the Child.

Equality considerations or sexual education should never trump parental rights. They should especially never trump safeguarding and keeping our children safe.

While the guidance does promote parental involvement and opt-outs, it does so in a manner where schools are meant to try and advocate against a parent's initial wish to remove their child from sexual education. We are concerned that this position does not conform to the aforementioned legal requirements and undermines the parental role in deciding on their children's education.

Draft statutory guidance - Delivery and teaching strategies

Paragraphs 108-109 in the guidance describe the flexibility that schools would have to determine how they teach the content of their Relationships Education/RSE/Health Education. Do you agree with the outlined approach?

agree

Please briefly explain why you have given this answer in the text box below:

Importantly, the content of the national curriculum is specifically excluded from the Equality Act 2010. Section 89(2) states: "Nothing in this Chapter applies to anything done in connection with the content of the curriculum."

The only equality duty owed has two parts: the "general" duty and the "specific" duty. The general duty is the overarching legal requirement for schools and means they must consider how their policies, practices and day-to-day activities impact on pupils and staff. Schools are required to have "due regard" to the need to: eliminate unlawful discrimination, harassment and victimization; advance equality of opportunity; and to foster good relations.

We welcome flexibility in the creation of age appropriate teaching materials. However, the primary litmus test governing the content of teaching materials is Protocol 1, Article 2 of the Convention and respecting parental rights in relation to raising one's children in accordance with one's own religious or philosophical beliefs.

Christian Concern receives weekly complaints, often several a week, from upset Christian parents about the graphic and mature, or ideological material being taught their children in the name of health, sexual education or equality. Often schools are defending their teaching materials as being in line with guidance provided by the DfE. All efforts should be made to clarify the position of the DfE on these matters so schools cannot act politically under the cover of DfE or Ofsted guidance.

Draft statutory guidance - Special Educational Needs and Disabilities (SEND)

Do you agree that paragraph 44 of the guidance provides clear advice on how headteachers in the exceptional circumstances will want to take the child's SEND into account when making this decision?

disagree

Please briefly explain why you have given this answer in the text box below:

If anything, questions of opt-outs or parental requests where the children involved are designated as SEND should provide parents with a greater margin of appreciation in making such decisions than schools enjoy. Parents are the best placed to make such decisions as they are the most intimately placed to deal with their child's special needs.

Do you agree that paragraphs 30-32 of the guidance provide sufficient detail about how schools can adapt the teaching and design of the subjects to make them accessible for those with SEND?

agree

Please briefly explain why you have given this answer in the text box below:

Reasonable adjustments should be made in relation to the teaching of this material to children with special needs, with a premium being placed on parental involvement in any such decisions. Special needs students, while being more susceptible to things like bullying, are also the most vulnerable and impressionable. Parental involvement is therefore paramount in any and all teaching decisions about Health or RSE.

Draft statutory guidance

Do you have any further views on the draft statutory guidance that you would like to share with the department? Do you think that the expectations of schools are clear?

Please include this information in the text box below.:

We remained concerned that teachers may overrule parents' wishes to opt their children out of sexual education in 'exceptional circumstances'. This term is nowhere defined and can be abused. This designation is in direct conflict with European Convention law on opt-outs, namely Folgero and Others v Norway and Kjeldsen, Busk Madsen and Pederson v Denmark. A unilateral right to ban an opt-out request violates Protocol 1, Article 2 and could be subject to judicial review.

In this consultation response we have outlined the exact nature of the equality duty owed by schools. Nowhere in the law does it require an LGBT inclusive curriculum to be taught. We are disappointed that Minister Nick Gibb MP suggested in the House of Commons that the guidance intends an opportunity to explore same-sex relationships even for primary school children. The idea that a curriculum should be LGBT inclusive does the enterprise of education no good and does violence to the rights of parents under the human rights act. We along with many parents believe that it is entirely inappropriate to introduce LGBT ideology or exploration of same-sex sexual relationships to primary school children or in any other educational context of children.

Financial Education

Do you agree that more is required on financial education for post-16 pupils?

disagree

Please briefly explain why you have given this answer in the text box below, including your views on how we might ensure this education is delivered.:

Christian Concern takes no particular position on this issue. However, it is mindful that the enterprise of education should be about arming students with deep seated proficiency in things like reading, writing and arithmetic. The more education policies move away from these areas, the greater are our children handicapped in their educational endeavors. Sound financial responsibility is a respectable aim, but one which should be taught at the level of the family. We are concerned that the rationale underpinning many of the ideas cited in the guidance is based on a premise that school's need to be taking a greater role in educating our children because parents have been failing to do so. Sound policy should be to support a healthy marriage and family culture, resting the responsibility of raising children in line with these goals on parents. By taking this role upon themselves, the DfE is perpetuating a weakening of the family structure.

School support

The department believes that primary schools should be able to access appropriate resources and training in order to teach effectively. Do you agree that the resources and support currently available to primary schools will be sufficient to enable them to teach the new subjects?

neither agree or disagree

Please rank the options below to indicate the most useful type of support we could provide to enable primary schools to teach the new subjects. - Provision of, or signposting to, curriculum planning resources:

Please rank the options below to indicate the most useful type of support we could provide to enable primary schools to teach the new subjects. - Provision of, or signposting to, teacher guides or training in the new subject knowledge:

Please rank the options below to indicate the most useful type of support we could provide to enable primary schools to teach the new subjects. - Provision of, or signposting to, teacher guides or training in pedagogy for the new subject:

Please rank the options below to indicate the most useful type of support we could provide to enable primary schools to teach the new subjects. - Guidance or training in how to select appropriate teaching resources for Relationships Education and Health Education:

Please rank the options below to indicate the most useful type of support we could provide to enable primary schools to teach the new subjects. - Guidance on how to select appropriate training:

Please briefly explain in the text box below if you think other support options are needed:

A fair balance should be struck between respecting school autonomy and providing teaching tools to enhance a school's ability to teach their children. Materials which promote objective and neutral education should be welcome. Materials which hold to an ideological perspective, such as the so-called Cornwall Guidance on gender identity, should never be held out as best practice as they give cover to school's who act in a manner which violates parental rights. They also misinform school's as to their actual equality obligations.

The department believes that secondary schools should be able to access appropriate resources and training in order to teach effectively. Do you agree that the resources and support currently available to secondary schools will be sufficient to enable them to teach the new subjects?

Not Answered

Please rank the options below to indicate the most useful type of support we could provide to enable secondary schools to teach the new subjects - Provision of, or signposting to, curriculum planning resources:

Please rank the options below to indicate the most useful type of support we could provide to enable secondary schools to teach the new subjects - Provision of, or signposting to, teacher guides or training in the new subject knowledge:

Please rank the options below to indicate the most useful type of support we could provide to enable secondary schools to teach the new subjects - Provision of, or signposting to, teacher guides or training in pedagogy for the new subject:

Please rank the options below to indicate the most useful type of support we could provide to enable secondary schools to teach the new subjects - Guidance or training in how to select appropriate teaching resources for RSE and Health Education:

Please rank the options below to indicate the most useful type of support we could provide to enable secondary schools to teach the new subjects - Guidance on how to select appropriate training:

Please briefly explain in the text box below if you think other support options are needed:

We submit that our previous answer applies equally to secondary schools.

Draft regulations

Do you agree that the draft regulations clearly set out the requirements on schools to teach the new subjects of Relationships Education, RSE and Health Education?

strongly disagree

Please briefly explain why you have given this answer in the text box below.:

The guidelines need to be much clearer on what they are not saying. We at Christian Concern get calls from concerned parents weekly about how state schools are using the DfE and its guidance in other areas as cover to promote the teaching of intimate moral issues such as LGBT matters. Parents without a legal background feel helpless to challenge this under the precept that if the DfE says it must be required then it must be required. This undermines parental rights and needs urgent clarification. This lack of clarity is unacceptable in that DfE guidance should never be so loosely worded as to allow school to exercise this kind of leverage over parents in the name of the DfE.

We are required to set out in the regulations the circumstances in which a pupil (or a pupil below a specified age) is to be excused from receiving RSE or specified elements of it. The draft regulations provide that parents have a right to request that their child be withdrawn from sex education in RSE and that this request should be granted unless, or to the extent that the headteacher considers that it should not be. Taking into account the advice to schools on how headteachers should take this decision, in paragraphs 41-46 of the guidance, do you agree that this is an appropriate and workable option?

disagree

Please briefly explain why you have given this answer in the text box below:

While the guidelines are clear as to the scope of what should be taught in RSE, we reiterate our concerns that the entire project of RSE is an encroachment on an area that should belong exclusively to families. As the guidance notes, which is in line with Article 18 of the UNCRC as well as domestic law, that parents are primarily responsible for deciding on the direction of their child's education, with the schools task being to assist parents in this role. This guidance seems to only pay lip service to this legal requirement. It opens the door for promoting alternative lifestyles and family models as being equal to traditional families. It promotes, whether wittingly or not, the sexualisation of children by speaking of contraceptives and other matters surrounding sex. High teen pregnancy and youth STD rates speak to this fact. It also gives teachers a veto power over opt-out requests. We find these elements of the proposed guidelines to be unacceptable.

Do you have any other views on the draft regulations that you would like to share with the department?

Please include this information in the text box below:

While Christian Concern appreciates certain aspects of Relationship Education, particularly with regard to finding self-worth, honesty, etiquette and things of this nature, we are opposed to the elements of RSE (outlined in this submission and mentioned in the previous response) which should rightly belong at the parental level. Policies should support strong families. By taking on the role of adviser to children over areas traditionally taught by parents, the DfE is adding to and perpetuating the weakening of families and parental authority.

Regulatory Impact Assessment

Tables (6-8) in section F of the draft assessment set out the assumptions we have made in estimating the cost burden for schools to implement the new requirements. Do you agree with our assumptions and the estimated additional costs to schools?

Not Answered

Please state in the text box below where possible:

Are there any other cost burdens on schools, which you believe should be included in the regulatory impact assessment?

Not Answered

If you've answered 'yes', please state in the text box below what you believe the additional cost burdens on a school would be and, where possible, please state the average cost for a school (please state either primary or secondary):

Please state in the text box below if you have any further comments on the regulatory impact assessment.

Please state in the text box below: