

Christian Concern for our Nation & the Christian Legal Centre

Information & Action Pack on the Children, Schools and Families Bill

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*Changing Society to put the
Hope of Christ at its Centre*



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Introduction

The Children, Schools and Families Bill (“the Bill”) completed its passage through the House of Commons on 23rd February, had its First Reading in the House of Lords on 24th February and its Second Reading on 8th March 2010. It will soon proceed to Committee Stage in the House of Lords, but may be negotiated and agreed between the main parties in a matter of minutes in the “Wash Up” prior to the election, which would mean that the clauses in the Bill would not receive proper consideration.

The Bill makes sex and relationships education compulsory in England for all pupils from the age of 5 unless parents choose to withdraw their children. Parents in England will no longer be allowed to withdraw their children once they reach the age of 15. The Bill will also remove power over the content of the sex education curriculum from the hands of governors and parents and put it into the hands of the Minister for Education—or his deputies.¹

In this Bill, the Government is seeking to monitor and to change the way parents educate and bring up their children. This intervention into family life is an infringement of international and European Human Rights Law.

The home education provisions apply to England and give the Welsh National Assembly power to construct a similar regime to that prescribed for England. The sex education provisions effectively apply to England, although clauses 13 and 14 also apply to Wales.²

¹ Clauses 11(10) and 12(4) emphasize the need for school leadership to have regard to guidance issued by the Secretary of State or “a person nominated by” him or her. The draft guidance on SRE is indicative of the approach to be taken. It states that “governing bodies would retain the right to determine their school’s approach to Sex and Relationships Education (SRE), to ensure that SRE is delivered in line with the context, values and ethos of the school, but there would be no ‘opt-out’ from the statutory content; governing bodies would retain the duty to maintain an up-to-date SRE policy, with the expectation that they should involve parents and young people (in secondary education) in developing their SRE policy to ensure that it meets the needs of their pupils and reflects parents’ wishes and the culture of the communities they serve”. See: <http://www.dcsf.gov.uk/consultations/index.cfm?action=consultationDetails&consultationId=1637&external=no>.

² What that means is that Welsh parents will still be able to withdraw their children from sex education up to the age of 19 (clause 14) and section 403 of Education Act 1996 (which covers the kind of guidance that the

A. Information on the Sex Education Provisions

Sex Education to become Statutory

The Government seems to have ignored the results of its own Consultation on “Personal, Social, Health and Economic Education” (PSHE) and has decided to make sex and relationships education (SRE) a statutory part of the National Curriculum. According to the Qualifications and Curriculum Development Agency report,³ 68% of respondents to the Consultation thought that PSHE should not be made a statutory subject. Again, 79% responded to the Consultation that parents, carers and guardians should retain their right to withdraw their children from the sex and relationships education part of PSHE education, yet the Children, Schools and Families Bill contains provisions that will prevent parents in England from withdrawing their children after their 15th birthday.⁴

The Government seeks to justify its policy on the basis of a survey that it commissioned in October 2009 of 1,791 adults and 1,661 parents.⁵ The survey asked some leading questions, designed to secure answers in favour of making PSHE statutory and in favour of limiting the right of parents to withdraw their children from sex education. The Department for Children, Schools and Families’ press release⁶ and Ed Balls’ Ministerial statements to Parliament⁷ appear to have accorded little weight to the Consultation responses and given greater weight to the survey. In our view, this may have lent the policy a degree of credibility that it does not deserve. Parents were not consulted when the Government first announced its policy and we believe that both exercises in gauging public support in October 2009 were insincere.

Withdrawal of Children from SRE to be Severely Limited

Under the Bill, PSHE will become a foundation subject in the National Curriculum for England from Key Stage 3 (age 11) and “understanding physical development, health and well-being” will become an “area of learning” in the National Curriculum for children in the year that they turn 6 (Key Stage 1). “Sex and relationships education” will be a key part of PSHE education. The Secretary of State for Education is given the power to change the “areas of learning” and the content of PSHE, provided Parliament does not disagree. In

Minister must issue) is only amended for England (clause 13). The said guidance has been changed for England so that children will have to learn “the nature of civil partnerships and the importance of strong and stable relationships” in addition to “the nature of marriage and its importance for family life and the bringing up of children”. Welsh children are still to be taught “the nature of marriage and its importance for family life and the bringing up of children,” and they will still be “protected from teaching and materials which are inappropriate” having regard to their ages and the religious and cultural backgrounds.

³ Available at: [http://www.dcsf.gov.uk/news/images/userfiles/file/PSHE_education_final_report_\(word\).doc](http://www.dcsf.gov.uk/news/images/userfiles/file/PSHE_education_final_report_(word).doc).

⁴ The Human Rights Joint Committee (HRJC) has stated that a year’s mandatory sex and relationships education is an improvement as far as adolescents’ “right to adequate information essential for their health and development” is concerned, but that it does not go far enough. The HRJC suggests that schools should be able to override a parent’s decision to withdraw a child if the child is “of sufficient maturity and understanding to reach their own decisions on the matter”. They mention parents’ right “to respect for their religious and philosophical convictions in the education of their children”, but consider that children’s rights are more important. See the *Human Rights Joint Committee—Eighth Report. Legislative Scrutiny: Children, Schools and Families Bill; other bills*, which is available at: <http://www.publications.parliament.uk/pa/jt200910/jtselect/jtrights/57/5702.htm>.

⁵ Available at: [http://www.dcsf.gov.uk/news/images/userfiles/file/Blue%20Rubicon%20-%20Sex%20Education%20Survey%20\(5bSUMMARY%5d\).pdf](http://www.dcsf.gov.uk/news/images/userfiles/file/Blue%20Rubicon%20-%20Sex%20Education%20Survey%20(5bSUMMARY%5d).pdf).

⁶ See: http://www.dcsf.gov.uk/pns/DisplayPN.cgi?pn_id=2009_0208.

⁷ See:

<http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm091105/wmstext/91105m0001.htm#0911055300010> and <http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm100111/debtext/100111-0006.htm#100111900001>.

England, the right of parents to withdraw their children from sex education will be restricted so that parents can no longer withdraw them once they turn 15. Teaching on “human reproduction” will be provided “as part of the science curriculum”, according to the Bill’s explanatory notes. However, “Parents will not have, and do not currently have, a right to withdraw their children from teaching about biological reproduction as part of the science curriculum”.⁸

What Children are Likely to be Taught in SRE

What this means is that children in England will probably be taught from the age of 5 how men’s and women’s bodies mature at puberty and they may be shown images of naked adults. From 7 to 11 they will be taught about different relationships including marriage and civil partnerships. From the age of 11, children will be taught sex and relationships education. From 14 to 16 they will be taught how to obtain contraception, emergency contraception and abortions via the school nurse⁹. All children in England of 15 and over will be taught sex and relationships education whether their parents wish it or not.¹⁰

The content of sex education is becoming more and more explicit. The Government takes the flawed approach that the more young people know about sex, the less likely girls are to get pregnant. In fact there is no evidence that sex education either lowers teenage pregnancy rates, or reduces rates of sexually-transmitted infections.¹¹ There is also new evidence to suggest that teaching children to abstain from sexual activity until they felt ready was more successful in helping children to delay sexual activity than sex education that included teaching about contraception and “safe sex”.¹² Young people are being encouraged to experiment with sexual activity and to think that the main kind of respect that they are supposed to show to others is that of obtaining the consent of their partners.¹³

The Politically-Correct Strait-jacket within which SRE will be Taught Ministerial Guidance

The Bill was amended in the House of Commons so that Welsh Ministers will continue to be required to issue guidance for the teaching of PSHE in accordance with the principles in the Education Act 1996. Welsh schools will therefore need to ensure that children:

(a)... learn the nature of marriage and its importance for family life and the bringing up of children, and

⁸ See explanatory note 208 at: <http://www.publications.parliament.uk/pa/cm200910/cmbills/008/en/10008x-d.htm>. The House of Commons amended the Bill so that teaching on sexually transmitted diseases and HIV/AIDS will be taught as part of SRE rather than as part of the science curriculum.

⁹ See the Department of Health’s “best practice” guidance in, *The School Nurse: Practice Development Resource Pack*, March 2006, which states that school nurses should “support young women to access services and to make timely choices about emergency contraception, pregnancy or abortion.” The pack is available at: http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4006122.

¹⁰ See: <http://www.dailymail.co.uk/news/article-1225452/Parents-fined-children-sex-lessons.html>. See also clause 14 of the Bill at: <http://www.publications.parliament.uk/pa/cm200910/cmbills/008/2010008.pdf> and section 443 of the Education Act 1996.

¹¹ See chapter 5 of the Family Education Trust’s excellent publication, *Too Much, Too Soon*, which is available from the Family and Youth Concern website at: <http://www.famyouth.org.uk>.

¹² See *The Daily Mail* report of 3rd February 2010: “Children taught sex education are more likely to have intercourse younger, says study”, available at: <http://www.dailymail.co.uk/news/article-1247954/Children-taught-sex-education-likely-intercourse-younger-says-study.html#ixzz0eV4DANcc>.

¹³ For further details of the agenda behind sex education, and some shocking examples of what is taught, please see chapter 2 of the Family Education Trust’s excellent publication, *Too Much, Too Soon*, which is available from the Family and Youth Concern website at: <http://www.famyouth.org.uk>.

*(b) ... are protected from teaching and materials which are inappropriate having regard to the age and the religious and cultural background of the pupils concerned.*¹⁴

By contrast, the Bill seeks to remove that protection for schools in England, so that the Secretary of State will be required to issue guidance:

(1ZB) ... designed to secure that where sex and relationships education is given to registered pupils at schools in England to which this section applies, they learn—

- (a) the nature of marriage and its importance for family life and the bringing up of children,*
- (b) the nature of civil partnership, and*
- (c) the importance of strong and stable relationships.*

The Three New Principles Governing the Teaching of PSHE

Clause 11(4) of the Bill requires governing bodies and head teachers to ensure that schools teach PSHE in compliance with the three principles set out in clause 11(5) to (7). The principles apply to the teaching of SRE, because it is part of PSHE. They apply to maintained schools, city technology colleges, city colleges for the technology of the arts and academies.

Principle Two: Exposure to Different Viewpoints on SRE

The second general principle for the teaching of PSHE would mean that sex and relationships education must be taught in a way that “is appropriate to the ages of the pupils...and to their religious and cultural backgrounds”, but also that “reflects a reasonable range of religious, cultural and other perspectives”. The Secretary of State for Education has introduced two sub-clauses into the Bill that are supposed to allow the governing body or the head teacher of a maintained school that is “designated as ... having a religious character” to ensure that PSHE is taught “in a way that reflects the school’s religious character”. These new sub-clauses have proved to be very controversial¹⁵ and are unlikely to be effective, because the Department of Children, Schools and Families has made it clear that such schools will not be allowed to “suggest that their views are the only ones”¹⁶ and that all schools will have to teach “the full programmes of study”¹⁷. Of most concern is the fact that the Secretary of State has said that schools will have to tell children how to access abortion. Children will therefore be taught other philosophies’ ideas on sex and relationships in addition to those of their own religion and their school’s ethos. Whatever good the sub-clauses may do in relation to religious schools, they obviously have no application to any other type of school. Rather than emphasising the need to expose children to different ideas about relationships, we believe that the Bill ought to maintain the current emphasis in the Education Act 1996, which is on the protection of children.

Principle Three: The Promotion of Homosexual Relationships

It is clear from principle three that sex and relationships education will be taught in a way that “endeavours to promote equality” and that “encourages the acceptance of diversity”.

¹⁴ See section 403(1A) of the Education Act 1996 at:

<http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=3&BrowseLetter=E&NavFrom=1&parentActiveTextDocId=2452252&ActiveTextDocId=2452839&filesize=9025>.

¹⁵ See for example the BBC News report by Hannah Richardson, “Claim of U-turn on sex education” at: <http://news.bbc.co.uk/1/hi/education/8522618.stm>.

¹⁶ See the report in *The Times* by Nicola Woolcock, “Fury over U-turn on sex education in faith schools after amendment”, at: http://www.timesonline.co.uk/toll/life_and_style/education/article7032728.ece.

¹⁷ See the Secretary of State for Education’s letter to the Guardian of 22nd February 2010 at: <http://www.guardian.co.uk/education/2010/feb/22/no-opt-out-sex-education-classes>.

This is the clearest sign yet in legislation that the State will, from now on, henceforth expect children to be instructed that different kinds of relationships are to be accepted rather than challenged.

It is also clear that the Government expects PSHE teachers to promote different kinds of sexual relationships and lifestyles as if they were the same. The “promotion of equality” in sex and relationships education must mean the promotion of unconventional sexual orientation including the practice of homosexuality. A Christian teacher with orthodox Christian beliefs may have difficulty in teaching that homosexuality is one of a range of options and is morally neutral, contrary to their own values. Forcing teachers to pass on this stance to their pupils discriminates against them indirectly and violates their freedom of thought, conscience and religion.

The GTC teacher’s code for England was revised to take account of its negative impact on Christian teachers¹⁸. The DfEE’s “Sex and Relationship Education Guidance” (0116/2000) states that sex and relationships education “...is not about the promotion of sexual orientation or sexual activity—this would be inappropriate teaching.”¹⁹ We think that that approach should be maintained, because sex and relationships education is not meant to be an instrument of propaganda. It is very important that proposed section 85B(7)(a) and (b) of the Education Act 2002 should be removed from clause 11 of this Bill so as to avoid inappropriate teaching.

The Centralisation of Control over the SRE Curriculum

The Government also seeks to undermine local and parental control of the sex and relationships education curriculum. The very same clause 11 that sets out the three principles outlined above will also require governing bodies and head teachers to ensure the teaching of PSHE complies with them, although there should be some leeway as regards the approach taken to teaching for schools designated as having a religious character, as mentioned above. This means that although governors can insist the school’s own religious viewpoint is put across, they must also ensure other religions’ and cultures’ viewpoints are taught. They must also have regard to any guidance issued by the Minister for Education, or the person nominated by him. Given that the Qualifications and Curriculum Authority’s published programmes for PSHE include recommendations that teachers read material produced by the Family Planning Association and Brook (two very liberal agencies) when teaching on sexual orientation, it is a matter of great concern that the Minister for Education may ask such agencies to assist him in drafting his guidance.²⁰ Effectively, governors will have to operate within a politically-correct strait-jacket, because of the need for “consistency”²¹.

¹⁸ See: http://www.gtce.org.uk/139614/code_eq_impact09.pdf.

¹⁹ See point 9 at: <http://publications.dcsf.gov.uk/eOrderingDownload/DfES-0116-2000%20SRE.pdf>.

²⁰ See for example the final page of this publication: <http://www.qcda.gov.uk/libraryAssets/media/PSHE-pers-ks3.pdf>.

²¹ See page 20 of the Family Education Trust’s excellent publication, *Too Much, Too Soon*, which is available from the Family and Youth Concern website at: <http://www.famyouth.org.uk>.

B. Information on the Home Education Provisions

The biblical position²² reflected in the current law,²³ is that it is parents who have the responsibility to teach their children. In England, education is compulsory, but school is not. Teachers are *in loco parentis*—their authority to educate and discipline children comes from parents, not from the State. Christians may choose not to delegate that responsibility to teachers and to educate their children at home.

The Bill represents excessive State intervention into family life. It seeks to undermine and to usurp that fundamental parental responsibility and choice, either to send their children to school, or to educate them at home, by imposing intrusive and disproportionate registering and monitoring procedures.

The New Licensing Scheme

The Children, Schools and Families Bill seeks to introduce a licensing scheme for parents who wish to educate their children at home. If clause 26 and Schedule 1 are passed in their present form, parents will have to apply to register their children with the local authority every year, providing a statement about the education that they will give to their child. They will not be allowed to educate their children at home unless they are on the local authority's register. Whilst a registration system is not in itself problematic, the fact that parents have to get permission from the State to educate their children at home and the heavy-handed nature of the provisions show an unwelcome disrespect for parents' internationally-recognised rights.

Government Monitoring of Home Education

In most cases, the local authority must register the child and if registration is completed, the local authority will have to monitor the child's education to ensure that it is "suitable".²⁴ The monitoring includes a compulsory yearly visit on two weeks' written notice to the place where the child is to be educated (usually the child's home). The visit should also include a meeting with the child and the parent, or any other person who is primarily responsible for providing the child's education. Additional visits may be arranged if the parent, teacher or child has not been seen, or if the local authority requests one.

The Bill confuses the idea of safeguarding children with that of educating them. This casts a slur on home-educating parents, which Michael Gove, MP challenged:

*I believe I am right in saying that not a single home-educated child has had to be taken into care as a result of a child protection plan, yet there are those who have sedulously spread the myth that somehow children are at greater risk through being home educated.*²⁵

²² See the *Holy Bible*, Deuteronomy 6:7, Proverbs 22:6 and Ephesians 6:4.

²³ See section 7 of the Education Act 1996.

²⁴ Defined, rather vaguely, in what will become section 19E(2) of the Education Act 1996 as:

*...efficient full-time education suitable to—
(a) the child's age, ability and aptitude, and
(b) any special educational needs the child may have.*

See Schedule 1, at page 41 of the current version of the Children, Schools and Families Bill at: <http://www.publications.parliament.uk/pa/cm200910/cmbills/008/2010008.pdf>.

²⁵ See his speech below Column 457, at: <http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm100111/debtext/100111-0011.htm>.

Of most concern are the provisions regarding the proposed yearly (or more frequent) meetings between the local authority and the child without the parent being present. Parents and children may exercise their right to object to the child being seen alone, but such action may be seen as a “Refusal to co-operate with a request”, which “is one of the grounds on which a local authority can revoke registration...”²⁶ The local authority has no power to force such meetings to take place, but they can revoke the child’s registration if an objection is made to such a meeting. These provisions could result in the Government monitoring what parents teach their children.²⁷ There should be an absolute prohibition on interviewing a child alone, because it would be unfair on the parents, as all types of false allegations may arise through misunderstandings. It also breaches fundamental human rights to question a child alone.

The local authority is also given power to revoke the child’s registration if they “have not had an adequate opportunity to ascertain”:

- the child’s wishes and feelings about their education
- whether the child’s education is “suitable” and accords with the child’s welfare, or
- whether the description of the child’s education is accurate,

because of a “failure to co-operate with the authority”²⁸ including a refusal to allow a child to be interviewed alone. Costs for registering and monitoring are estimated at £21m for the first year with additional, ongoing annual costs for the current cohort of £9.7m. They are not cost-effective and should be scrapped.²⁹

Criminal Sanctions may follow Non-Registration

If a local authority revokes a child’s registration, or decides not to register the child in the first place, parents can appeal, but only after a certain time, or if there has been a change of circumstances. The details of the appeal process are to be decided in later regulations but they will include an independent panel.³⁰ The original explanatory notes to the Bill state that

²⁶ See points 54 to 60 and particularly point 57 of the policy statement from the Department for Children, Schools and Families regarding clause 26 and Schedule 1 of the Bill:

Refusal to co-operate with a request is one of the grounds on which a local authority can revoke registration but only if refusal means that the authority has not had an adequate opportunity to ascertain the matters referred to in 19E (1).

The policy statement can be found at the following link:

<http://www.dcsf.gov.uk/childrenschoolsandfamiliesbill/downloads/PolicyStatement-HomeEducationClause26andSchedule1.pdf>.

²⁷ For example, see the provisions (in Schedule 1, pages 43 to 44 of the Bill, which will become section 19H of the Education Act 1996) that allow the local authority to ask a child’s previous school or local education authority for information about the child at:

<http://www.publications.parliament.uk/pa/cm200910/cmbills/008/2010008.pdf>.

²⁸ See Schedule 1, paragraph 1, proposed sections 19F(1)(e) and 19E(1) of the Education Act 1996 on pages 41 and 42 of the current version of the Bill, *ibid*.

²⁹ See the remarks by Graham Stuart, MP just before 9.34 pm at:

<http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm100111/debtext/100111-0019.htm>.

³⁰ See point 217 of the current version of the Explanatory Notes to the Bill:

217. In any event there will be a right for parents to appeal against the refusal of registration to an independent panel set up for this purpose. Parents would also have the right to seek judicial review of any refusal of registration by the local authority and a right of complaint to the local government ombudsman.

Available at: <http://www.publications.parliament.uk/pa/cm200910/cmbills/008/en/10008x-d.htm>. See also points 66 to 68 at: <http://www.dcsf.gov.uk/childrenschoolsandfamiliesbill/downloads/PolicyStatement-HomeEducationClause26andSchedule1.pdf>.

the parents would also have the right to seek judicial review of any refusal of registration by the local authority and a right to complain to the local Government Ombudsman. However, those options are likely to be expensive and time-consuming. This legal burden would not be placed upon parents who wish to home educate, if the Bill did not interfere with the basic right and duty of parents to secure the education of their children in the first place.

If a child is not registered, or registration has been revoked, his or her parents will quickly be served with a School Attendance Order (“SAO”). The current Education Act 1996³¹ already allows for an SAO to be served if it appears to a local education authority that a child is not receiving a suitable education at home. This Bill ties SAO’s to the registration system for home education. Parents may apply to have an SAO revoked. A parent served with such an order will be guilty of an offence under the Bill³² unless the parent is able to prove that the child is receiving a “suitable education”, otherwise than at school (usually by way of home education) and the child is registered on the local authority’s home education register, or the parent is able to prove that the child is in the area of another authority and the child is registered on that other local authority’s home education register.³³ Parents whose appeal has failed and whose application to have the SAO revoked has also failed will have to comply with the SAO. Failure to comply with an SAO may be fined (currently up to £1,000).³⁴ Alternatively, the parent must ensure that their child attends school—or be faced with prosecution.

Administrative Errors or Changes may Result in Non-Registration

The local authority can decide whether it will register a child whose previous registration applications were unsuccessful or were revoked, or where the information about the education planned by the parent is “incorrect or inadequate”—even if it was correct when the parent applied for registration of his or her child. This will remove the right of parents to change the content of their children’s education during the year, which eradicates the very flexibility that home-educating parents desire. Parents may find themselves having to take professional legal advice on how to draft their statements³⁵ with sufficient detail to satisfy the local authority and the Government’s Regulations, but also sufficient flexibility to enable their children to pursue their interests. Constructing a statement that meets both of these objectives may not be possible.

The State’s view of the Child’s “Wishes and Feelings” will take Precedence over Parents’ Rights

³¹ See Section 437 of the Education Act 1996:

http://www.opsi.gov.uk/ACTS/acts1996/ukpga_19960056_en_27#pt6-ch2-pb1-11g437.

³² As inserted into section 443 of the Education Act 1996.

³³ See Schedule 1 paragraph 9 of the current version of the Bill:

<http://www.publications.parliament.uk/pa/cm200910/cmbills/008/10008.45-51.html>. More worrying still for those parents who are frequently required to move from the area of one local authority to another, is a loophole that makes registration on a previous authority’s register ineffective. The explanatory notes fail to comprehend this point, but the Bill’s provisions repeatedly state that in order to use registration on another local authority’s register as a defence to an SAO, the child must still be “in the area” of that other authority (see Schedule 1, paragraphs 5(2), 8(2) and 9(2)). Thankfully, parents can request that an SAO be revoked on the grounds that arrangements have been made to provide the child with a suitable education.

³⁴ See three-quarters of the way down this page: <http://www.ace-ed.org.uk/advice-about-education-for-parents/advice-booklets/school-attendance>.

³⁵ Whilst the policy statement suggests the statement will only be 2 A4 pages, getting it wrong could result in registration being refused. See points 29 to 39 and particularly point 34 at: <http://www.dcsf.gov.uk/childrenschoolsandfamiliesbill/downloads/PolicyStatement-HomeEducationClause26andSchedule1.pdf>.

The local authority must refuse to register a child where it considers that it would be “harmful to the child’s welfare”. The local authority must take into account the child’s “wishes and feelings” when deciding on the “child’s welfare”, rather than the internationally-recognised right of parents to educate their children in accordance with their convictions.³⁶ The local authority is also permitted to revoke a child’s registration if they think that the child is not receiving a “suitable” education. The local authority is instructed to take into account the “wishes and feelings” of the child when judging the suitability of the education.³⁷ These provisions may set parents against their children, where parents believe home education is best for their children, but the children are not yet old or experienced enough to understand their reasons. Surely the long arm of the law should not be allowed to reach into the relationship between law-abiding parents and their children? We believe that the current school attendance order regime is sufficient.

Unregistered Children

Under the provisions in the Bill, the local authority will be under a duty to identify those children who are not being educated at all, or who are being taught at home without having been registered. Of course, there is nothing objectionable in the local authority identifying children who are being deprived of an education, but the power that they have over unregistered children who are being home educated is worrying: if the authority considers that it is “expedient” for the child to attend school, they must serve a SAO on the child’s parent(s).

What is perverse is that in deciding whether it is “expedient” for the child to attend school, the local authority must “disregard any education being provided to the child as a home-educated child.”³⁸ As Mr. Graham Stuart, MP, said during the Second Reading of the Bill on 11th January 2010:

*...where is the guarantee of support in the Bill for home-educated families? The Bill is full of guarantees, but anyone who searches through it for such guarantees will find that there are none. ... What is guaranteed is a large licensing scheme. What is also guaranteed is that **the local authority will impose a school attendance order on those who fail to put their child on the register, regardless—it specifically says this in the legislation—of the quality of the education provided to that child.** In other words, the administrative convenience of the local authority is to be put ahead of the interests of the child.³⁹ (Our emphasis).*

³⁶ See Article 2, Protocol 1 of the European Convention on Human Rights:

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

See also Article 18 of the International Covenant on Civil and Political Rights 1966, (a General Assembly Resolution of the United Nations that was ratified by the UK on 20th August 1976 <http://www.unhchr.ch/pdf/report.pdf>), which places on national Governments the responsibility to respect “the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions” (available at: http://www.unhchr.ch/html/menu3/b/a_ccpr.htm).

³⁷ See Schedule 1, paragraph 1, which details proposed sections 19F(1)(f) and 19F(4) of the Education Act 1996 on pages 42 and 43 of the current version of the Bill, cited above.

³⁸ See Schedule 1, paragraph 5(6) on pages 45-46 of the current Bill at: <http://www.publications.parliament.uk/pa/cm200910/cmbills/008/2010008.pdf>.

³⁹ See: <http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm100111/debtext/100111-0019.htm> after column 509.

The Flexibility Offered by Home Education will be Fettered

Parents educate their children at home for a variety of reasons, including religious or cultural beliefs; distance or access to a local school; philosophical or ideological reasons; dissatisfaction with the system; bullying; as a short-term intervention for a particular reason; because of a child's unwillingness or inability to go to school; due to special educational needs; and parents' desire for a closer relationship with their children.⁴⁰

As mentioned in the Second Reading debate, many parents choose to educate their children at home because of the additional flexibility that the arrangement affords them to devise a tailored education for each child.⁴¹ The Bill's attempt to clarify what a "suitable" education means, threatens that flexibility. Mr. Nick Gibb, MP pointed out during the Second Reading debate that the Bill thus undermines "people's fundamental freedom to educate their children".⁴² It is noteworthy that many talented individuals were educated at home, including the Nobel Laureate in Physics 2009, William S. Boyle.⁴³

Important Details to be decided by the Secretary of State, not Parliament

Many matters, including the form that the application (and statement) must take, the matters to be taken into account when making certain decisions and the procedure for appeals, are to be set down in regulations by the Government Minister, or in mere Government guidance.⁴⁴ Once drafted, such regulations would not normally be debated in Parliament. Government guidance does not need to be considered or debated in Parliament at all. If it is defective, it can only be challenged by way of a judicial review claim in the High Court by someone with an interest in the outcome of the claim—and then only if the Minister has gone beyond the powers given to him in the Bill. That would be a very difficult argument to make, since the Bill merely states that a local authority in England "shall have regard to" any guidance given from time to time by the Secretary of State⁴⁵ and does not state what the content of the guidance should be.

Background to the Bill

In January 2009, the Government commissioned Graham Badman to assess whether or not the current system of supporting and monitoring home education is the right approach.⁴⁶ In June 2009, Graham Badman's independent Report, *Review of Elective Home Education in England*,⁴⁷ was published. The Government's immediate response was to accept the Badman recommendations to improve safeguarding for home education, and to introduce them as soon as possible, subject to funding and workable delivery arrangements.⁴⁸ The

⁴⁰ See *Elective Home Education: Guidelines for Local Authorities*, Department of Children, Schools and Families, 2007, at page 3: <http://www.education-otherwise.org/Legal/7373-DCSF-Elective%20Home%20Education.pdf>,

⁴¹ See the speech of Mr. Andrew Turner after Column 479 at:

<http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm100111/debtext/100111-0015.htm>.

⁴² See: <http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm100111/debtext/100111-0020.htm> after column 513.

⁴³ For a list of such people, see the following link: <http://www.home-education.org.uk/article-famous-he.htm>.

⁴⁴ See proposed Schedule I, paragraph 1, which amends section 191 of the Education Act 1996. It can be found on page 44 of the current version of the Bill at:

<http://www.publications.parliament.uk/pa/cm200910/cmbills/008/2010008.pdf>.

⁴⁵ See proposed Schedule I paragraph 1, which inserts section 191 into the Education Act 1996 on page 44 of the current version of the Bill at: <http://www.publications.parliament.uk/pa/cm200910/cmbills/008/2010008.pdf>.

⁴⁶ See: <http://www.dcsf.gov.uk/everychildmatters/ete/independentreviewofhomeeducation/irhomeeducation>.

⁴⁷ The Badman Report can be accessed at:

<http://www.dcsf.gov.uk/consultations/downloadableDocs/PDF%20FINAL%20HOME%20ED.pdf>.

⁴⁸ See the letter from Ed Balls to Graham Badman June 2009 at:

http://publications.everychildmatters.gov.uk/eOrderingDownload/HC-610_Letter.pdf.

recommendations of the Badman report led to a Consultation, to which CCFON and CLC responded.⁴⁹ The Department for Children, Schools and Families (“DCSF”) published their Response to the *Review of Elective Home Education in England* on 9th October 2009—just before the deadline for responses to the Consultation. Members of the public are bound to wonder whether the responses to the Consultation were taken into account in the formulation of policy on home education, or whether the DCSF’s Response of 9th October was conclusive. The Government’s response to the Consultation was finally published the day before the Second Reading debate on the Bill. It reveals that of the responses received, 230 were in favour of the home education proposals, 4,497 were opposed to them and 106 were unsure.⁵⁰ The Government seems to have decided to press ahead regardless.

Concerns about the Badman Report that led to the Bill

In our opinion, the Badman Report’s proposals for compulsory registration and invasive monitoring procedures⁵¹ that have found their way into the Bill were not backed up with the documentary evidence that would have demonstrated a need for them.⁵² The Report and the Bill confuse education with child protection measures that are applicable equally to all children, whether or not home-educated.⁵³ The history of the consultation process, especially the gathering of evidence for the Badman Report, seems to have been rushed,⁵⁴ so that even known home-education organisations⁵⁵ such as Christian Home Education⁵⁶ and Home Service were not directly consulted.⁵⁷ The Badman Report stated that: “Few would argue with the assertion that parents are the prime educator within or outside of a schooling system”.⁵⁸ In our view, the Report then went on to undermine that assertion, as does the Bill. A Select Committee Inquiry was set up to consider the conduct of the Review, related consultations and the recommendations made by the Review on elective home education.⁵⁹

Conclusion

The presumption in international law is that parents have the responsibility and the freedom to have their children educated in accordance with their convictions and that they can give

⁴⁹ See: http://www.ccfon.org/docs/CCFON_and_CLC_Home_Education_Consultation_Response.pdf.

⁵⁰ See the comments of Graham Stuart, MP, just above column 509 at:

<http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm100111/debtext/100111-0019.htm>.

⁵¹ “Education Otherwise”, a home education organisation, rejected the Badman Report’s recommendations for home education, stating that it made “disproportionate and unreasonable recommendations...for compulsory registration and invasive monitoring”. See: <http://www.home-education.biz/forum/england/8449-badman-review-press-complaints-commission.html>.

⁵² For example at point 8.12, Graham Badman said, “...on the basis of local authority evidence and case studies presented, even acknowledging the variation between authorities, the number of children known to children’s social care in some local authorities is disproportionately high relative to the size of their home educating population...”. No evidence or references whatsoever were provided in the report for such a statement, see: <http://www.dcsf.gov.uk/consultations/downloadableDocs/PDF%20FINAL%20HOME%20ED.pdf>. Requests for information to back up such assertions have not been provided. See also: <http://www.home-education.biz/forum/england/8449-badman-review-press-complaints-commission.html> and http://www.whatdotheyknow.com/request/evidence_in_support_of_badmans_r.

⁵³ See *Elective Home Education: Guidelines for Local Authorities*, Department of Children, Schools and Families, 2007, at page 14:

<http://www.education-otherwise.org/Legal/7373-DCSF-Elective%20Home%20Education.pdf>.

⁵⁴ See: <http://www.freedomforchildrentogrow.org/heconsult.htm>.

⁵⁵ See Appendix B of the Badman Report with a list of Consultees at fn. 2, above.

⁵⁶ See: <http://www.homeschool.co.uk>.

⁵⁷ See: <http://home-service.org>.

⁵⁸ See point 1.5 in the Badman Report at:

<http://www.dcsf.gov.uk/consultations/downloadableDocs/PDF%20FINAL%20HOME%20ED.pdf>.

⁵⁹ See: http://www.parliament.uk/parliamentary_committees/csf/csfpn220709.cfm.

the State the authority to educate their children for them. We support this presumption and are concerned that the Bill reverses it, so that the Government becomes primarily responsible for the education of children. We believe that respect for children and for family life should be accorded its proper weight and that the Bill proposes an unnecessary interference with parents' rights. We think that the existing legislative scheme is adequate. Many MPs who spoke during the Second Reading debate in the House of Commons think that the home education proposals are costly and draconian and that they should be dropped.

The Bill also seeks to ensure that all children in England are taught about sex and relationships at school—from the age of 15 at the very latest. Increased Government control over family life should be avoided. We believe that the sex education proposals should also be dropped. Alternatively, they could be modified so that parents can withdraw their children up to the age of 19 as they can at present. Children who are not withdrawn should continue to be taught about the uniqueness and value of marriage and should not be told that other kinds of sexual relationship are equally acceptable. That teaching should be standard in England just as it remains in Wales.

PSHE should not be made a statutory part of the curriculum in England. To our knowledge, this is the first time the words “promote equality” have been used on the face of a Bill and in the context of sex and relationships education, it will result in the promotion of homosexuality in our schools, contrary to the religious beliefs of many parents and the ethos of many faith schools. The words “promote equality” ought to be removed from the principles for teaching SRE⁶⁰, because the Government is not entitled to require teachers to promote alternative lifestyles as equal. We also think that “acceptance of diversity” should be changed to “respect for diversity”.

Please write to Peers using the example letters or creating your own. There is also an information page on our website where bullet points for constructing your own letters can be found. Sometimes points from one letter might be relevant to other letters too. There may well be a need to write to members of the House of Commons later on. Please keep an eye on our website for updates: www.ccfon.org.

Please pray that this Bill will not be passed before it goes through the “Wash Up”. This is a process whereby Government and opposition negotiate on a Bill to ensure it is passed before Parliament is dissolved prior to the general election. We want to pray that the parts of this Bill we oppose will be excluded from the Wash Up. In view of the likelihood of this happening and MPs being the ones involved in this process (even though the Bill is in the House of Lords) we are asking you to write to your MP as well.

Please also pray that bold, beneficial amendments will be tabled and debated that remove the offending provisions from the Bill and that parents and concerned people across the nation understand the implications of the Bill and write to their representatives about it.

⁶⁰ See Clause 11(4), which amends section 85B of the Education Act 2002. It is to be found on page 14 of the current version of the Bill: <http://www.publications.parliament.uk/pa/cm200910/cmbills/008/10008.8-14.html#j07>.

C. Writing to Peers

Please write to Peers as soon as possible, because we expect the Bill to proceed to Committee Stage in the House of Lords very soon. Any amendments by the House of Lords to the Bill will go back to be considered by the House of Commons at 'Ping Pong'. As the name suggests, this process goes on until both Houses have agreed on the text of the Bill.

The public is welcome to contact Members of the House of Lords. However, please note that the Lords do not represent geographic areas (constituencies) so you will not have a specific Peer for your area, as you do with MPs. The best way to contact Peers is by writing to them.

You can find out about Peers' voting records at www.theyworkforyou.com. You can also check which Peers voted in favour of the free speech clause on homosexual hatred in November 2009 by clicking on the link that follows. You will find the Peers who voted with Lord Waddington half-way down the page under "Division 3: Contents":

<http://www.publications.parliament.uk/pa/ld200809/ldhansrd/text/91111-0010.htm>. We suggest that you write to Conservative and Cross-Bench Peers whose surname begins with the same letter as your own. You can find an alphabetical list of all Peers here:

http://www.parliament.uk/directories/house_of_lords_information_office/alphabetical_list_of_members.cfm. You can also see which Peers belong to which party or group by clicking on the tabs at the left-hand side of that web page. You may also wish to write to a Peer with whom you have personal contact to persuade them of the necessity of voting against or modifying the sex education and home education parts of the present Bill.

Instructions on how to write to Peers (including how to address them) can be found at the following links: http://www.parliament.uk/about/how/members/lords_contact.cfm and http://www.parliament.uk/about/how/members/lords_contact/address.cfm.

It is worth noting that bulk mail shots for Members of the House of Lords are not accepted unless every item is individually named and addressed to: The SW1 Delivery Office, 53 Nine Elms Lane, London, SW8 5BB.

Writing to Party Leaders

It is particularly important that the Prime Minister and Leader of the Opposition understand the strength of feeling about this Bill, so that they do not simply agree it through the "Wash Up" procedure. Please consider writing to Gordon Brown, urging him to withdraw the sex education proposals. His address is: 10 Downing Street, London, SW1A 2AA. Please also make your objections known to David Cameron, the leader of the Conservative Party, at: House of Commons, London, SW1A 0AA. You can also email him at david.cameron@conservatives.com.

Writing to MPs

It is also very useful to write to MPs at this time, because there is a good possibility that the Bill will be subject to a Wash Up. Please see page 13, which explains the Wash Up process. It will also be necessary to write to MPs if the Bill goes back to the House of Commons for 'Ping Pong'. Please look out for our e-mail update nearer the time.

Writing to MPs can be done by post (House of Commons, London, SW1A 0AA), by e-mail, or by fax: www.writetothem.com. Correspondence with a MP should be factually accurate, present a clear argument, and show consideration of the issues involved. Example Letters are given in this pack and can be used to give you an idea of the sort of thing to write. Make letters individual by focusing on arguments you feel most strongly about.

How to write

- Be polite, concise and to the point
- Limit your letter to one, or at very most two, sides of A4
- Focus on one, or at the most two arguments
- Put your arguments in your own words if you possibly can
- Tell them who you are. Include your profession and information to support your opinion. For example, if you educate your children at home and you can describe how the provisions in the Bill will affect your plans, please do so. Likewise, if you have taught sex and relationships education, or if your children have experienced such lessons and you felt that they had a negative effect on the children, please say so.
- Do not be afraid to mention your faith, but also emphasise the very strong arguments available.

D. Note about Using our Example Letters

We provide example letters below for your use. Please note that Parliamentarians who receive one hundred or even one thousand identical letters will count them all as one letter. It is therefore important to make your letter look different if you want it to count. Please make your letters look different from the example letters, preferably by putting them in your own words, or by re-writing the introduction or conclusion. We have also provided bullet points that can be made into letters on our website at the following page: http://www.ccfon.org/docs/CSFBill_BulletPoints.pdf

For instructions on how to address Peers, and the distinctions between forms of address on envelopes and salutations in the letters themselves, please see:

http://www.parliament.uk/about/how/members/lords_contact/address.cfm.

Example Letters about Sex Education

Parents should be able to withdraw their Children from Sex Education up to 19 Years of Age

Dear [insert “Lady”/“Lord”/“Lord Bishop” etc. as appropriate followed by name],

Children, Schools and Families Bill

It is worrying that the Government seems to have decided to ignore the results of its Consultation on Personal, Social, Health and Economic Education last year and has decided to make sex and relationships education a statutory part of the National Curriculum in England. According to the Qualifications and Curriculum Development Agency report, 79% of those who responded to the Consultation thought that parents, carers and guardians should retain their right to withdraw their children from the sex and relationships education part of PSHE education, yet the Children, Schools and Families Bill contains provisions that will prevent parents in England from withdrawing their children after their 15th birthday. I think that the parental opt-out to the age of 19 should be restored to England as it was to Wales.

I am very concerned about these proposals, because I think that parents should be able to withdraw their children from sex education. Parents have an internationally-recognised right to have their children educated in accordance with their convictions. Article 2, Protocol 1 of the European Convention on Human Rights says:

...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.

Please also note that Article 18 of the International Covenant on Civil and Political Rights 1966, places on national Governments the responsibility to respect “the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions”. Is the British Government trying to deny parents their human rights?

It makes little sense from the school’s point of view to tie the withdrawal threshold to the age of the child rather than to the child’s school year, because some children attain the age

in question near the beginning of the school year and some nearer the end. It seems illogical that some children will have to receive SRE lessons from the beginning of year 10, whilst others will be withdrawn by their parents and will not receive any SRE until the end of year 10 or the beginning of year 11. Surely the Bill should state that parents have the right to withdraw their children from SRE lessons until they reach the end of year 11?

Please use your vote to support amendments that:

- remove the clauses that make PSHE a statutory part of the curriculum
- remove the three principles governing sex education (except for “teaching appropriate to the ages of the pupils concerned and their religious and cultural backgrounds”)
- remove the change to the parental opt-out so that it is not reduced to the age of 15, but restored to the age of 19 and
- restore in English schools the *status quo* regarding sex and relationships education guidance so that pupils are “protected from teaching and materials which are inappropriate having regard to the age and the religious and cultural background of the pupils concerned” instead of being taught about “strong and stable relationships” including civil partnerships.

Yours sincerely,

Sex Education should not be made Statutory

Dear [insert “Lady”/“Lord”/“Lord Bishop” etc. as appropriate followed by name],

Children, Schools and Families Bill

I am writing to ask you to oppose the clauses in the Children, Schools and Families Bill that make Personal, Social, Health and Economic Education a statutory subject, because PSHE includes sex education (SRE), which should not be compulsory.

It is worrying that the Government seems to have decided to ignore the results of its Consultation on Personal, Social, Health and Economic Education in 2009. According to the Qualifications and Curriculum Development Agency report, 68% of respondents to the Consultation thought that PSHE should not be made a statutory subject. Again, 79% responded to the Consultation that parents, carers and guardians should retain their right to withdraw their children from the SRE part of PSHE, yet the Children, Schools and Families Bill contains provisions that will prevent parents in England from withdrawing their children after their 15th birthday. As recently as 24th March 2009, the Children’s Minister, Baroness Morgan, defended the parental right of withdrawal from collective worship on the basis that “parents bring up children in this country, not the government and not schools”. I think that the same reasoning should be applied to withdrawal from sex and relationships lessons.

Making sex education compulsory means in practice that children as young as 11 will be taught not only the facts of life and the context in which sex is to be used, but they will be taught all sorts of things they do not need to know, which will encourage them to find out yet more and to experiment. It stands to reason that the younger children are when they learn about sexual relationships, the more likely they are to experiment. Experimenting with sex is harmful, because it leads to the many teenage pregnancies that we see and also to sexually transmitted infections.

Whilst teachers are undoubtedly doing their best when teaching SRE, there are parents who want to teach their children about sex and relationships themselves and they should be able to withdraw their children from SRE in order to do so. The Government also seems to expect teachers to promote different kinds of sexual relationships and lifestyles as if they were the same. Additionally, schools should not be required to teach children how to access abortion services.

Please use your vote to support amendments that:

- remove the clauses that make PSHE a statutory part of the curriculum
- remove the three principles governing sex education (except for “teaching appropriate to the ages of the pupils concerned and their religious and cultural backgrounds”)
- remove the change to the parental opt-out so that it is not reduced to the age of 15, but restored to the age of 19 and
- restore in English schools the *status quo* regarding sex and relationships education guidance so that pupils are “protected from teaching and materials which are inappropriate having regard to the age and the religious and cultural background of

the pupils concerned” instead of being taught about “strong and stable relationships” including civil partnerships.

Yours sincerely,

Sex Education should not be used to Promote Homosexuality

Dear [insert “Lady”/“Lord”/“Lord Bishop” etc. as appropriate followed by name],

Children, Schools and Families Bill

I am writing to you to express my concern that the principles outlined in clause 11 of the Children, Schools and Families Bill for the teaching of sex and relationships education are an infringement of parents’ internationally-recognised right to have their children educated in accordance with their convictions.

This proposed legislation is the first Bill that has used the words “promote equality” in the context of sex and relationships education. It will result in the promotion of homosexual practice in our schools, contrary to the religious beliefs of many parents. The words “promote equality” ought to be removed from the principles for teaching SRE, because the Government is not entitled to require teachers to promote alternative lifestyles as equal. “Acceptance of diversity” should be changed to “respect for diversity”, because trying to force people to accept homosexual practice would require them to change their beliefs.

The GTCE’s code of conduct and practice was revised to take account of its negative impact on Christian teachers. The DfEE’s “Sex and Relationship Education Guidance” (0116/2000) states that sex and relationships education “...is not about the promotion of sexual orientation or sexual activity—this would be inappropriate teaching.” I think that that approach is sensible and should be maintained. It is very important that the part of clause 11 of this Bill that inserts proposed section 85B (7)(a) and (b) of the Education Act 2002 should be removed so as to avoid “inappropriate teaching”.

PSHE should not be made a statutory part of the curriculum in England. Parents in England should have the right to withdraw their children right up to the age of 19 as they can in Wales. They should not have to undergo any sex education if their parents wish to teach them about that topic themselves.

We are left with a situation where sex education in accordance with the Government’s pluralist, anti-life view will be compulsory in most schools and where those parents who wish to remove their children from sex education and educate them at home will have many more hurdles to overcome in order to do so. The Bill’s provisions are an unwelcome attempt to encourage many children to adopt the Government’s view of human sexuality, which is at odds with the Biblical one.

Please oppose the clauses in this Bill that seek to make sex education compulsory and that impose the futile and costly home education licensing system on parents.

Yours sincerely,

E. Example Letters about Home Education

The Home Education Registration Scheme is Draconian

Dear [insert “Lady”/“Lord”/“Lord Bishop” etc. as appropriate followed by name],

Children, Schools and Families Bill

I am writing to you to express my concern that the licensing scheme for home education in the Children, Schools and Families Bill is draconian and could lead to great difficulty for many parents.

The Department for Children, Schools and Families published a Consultation on home education last year. The Government’s response to the Consultation was finally published the day before the Second Reading debate on the Bill on Monday, 11th January 2010. It reveals that of the responses received, 230 were in favour of the home education proposals, 4,497 were opposed to them and 106 were unsure. It would appear that the Government has decided to press ahead regardless of the unpopularity of the scheme. Members of the public are bound to wonder whether the responses to the Consultation were taken into account in the formulation of policy on home education, or whether the DCSF’s Response to the *Review of Elective Home Education in England* of 9th October was conclusive.

Costs for registering and monitoring are estimated at £21m for the first year with additional, ongoing annual costs for the current cohort of £9.7m. I think that they are not cost-effective and should be scrapped. A similar scheme in New Zealand was stopped after just two years, because it was found to be a waste of money.

The registration scheme is really a licensing scheme in disguise and if parents unwittingly give information that is not quite accurate, or if it goes out of date, or if they move from the area of one local authority to another, or if the child says something negative about their home education, the registration can be refused or revoked. If an appeal against refusal or revocation is unsuccessful, parents may then face a School Attendance Order, with the prospect that they may be prosecuted if they dare to disobey. The freedom to educate one’s children at home without obtaining the permission of the State will effectively been taken away. I think that the home education provisions are a violation of parents’ rights as set down in Article 2, Protocol 1 of the European Convention on Human Rights.

Please vote for any amendments that remove the home education provisions from the Children, Schools or Families Bill. I think that it is far too early to be setting in stone such draconian provisions when they do not have popular support. The proposed clauses seem to have been based on rushed findings without any proper review and it seems that conclusions were drawn even before the DCSF Consultation had closed. The proposals are costly and will bring little if any benefit. At the very least, registering one’s child should be made voluntary, or non-registration should not be backed by the threat of fines.

Yours sincerely,

The Home Education Monitoring Proposals are Invasive

Dear [insert “Lady”/“Lord”/“Lord Bishop” etc. as appropriate followed by name],

Children, Schools and Families Bill

I am concerned that the Government’s proposals in the Children, Schools and Families Bill could very easily cause parents who want the very best and most suitable education for their children to be fined if they do not comply with the administrative provisions of the proposed registration requirements. This is because parents who educate their children at home will quickly be issued with a School Attendance Order if their child is not on the home education register (which can happen very easily) and because parents who do not comply with a School Attendance Order are likely to be fined, just as parents of absentees are.

The Bill states that the local authority will have to visit home-educated children to ensure that their education is “suitable”. The Bill even says that the representative of the local authority should meet with the child alone unless the parent or child objects. Such objections can be seen as a lack of co-operation and the local authority is empowered to revoke a child’s registration in such circumstances, leading to a School Attendance Order. There should be a prohibition on interviewing a child alone, because it would be unfair on the parents, as all types of false allegations may arise through misunderstandings. I think it is also a breach of fundamental human rights to question a child alone. These provisions could also result in the Government monitoring what parents teach their children. They also appear to be an infringement of the parental rights set out in section 7 of the Education Act 1996, which affirms the duty and right of parents to secure the education of their children, not that of the State.

The provisions of the Bill that allow the local education authority to monitor home education seem to confuse the idea of safeguarding children with that of educating them. Members of Parliament have said that the provisions cast a slur on home-educating parents, which Michael Gove, MP challenged:

I believe I am right in saying that not a single home-educated child has had to be taken into care as a result of a child protection plan, yet there are those who have sedulously spread the myth that somehow children are at greater risk through being home educated.

Many parents choose to educate their children at home because of the additional flexibility that the arrangement affords them to devise a tailored education for each child. The Bill’s attempt to clarify what a “suitable” education means, and its refusal to allow parents to change their plans for their child’s education without their registration being in danger of revocation, threatens that flexibility. If parents are found to have given inaccurate information about the education they plan for their child in their application for registration, their application will not be accepted, even if the information was not “incorrect or inadequate” “when it was provided”. That is unnecessarily bureaucratic and does not serve the interests of the child at all, but only the convenience of the local authority.

It is noteworthy that many talented individuals were educated at home including the Nobel Laureate in Physics 2009, William S. Boyle.

The legislative hurdles the Bill proposes for home education represent unnecessary and excessive intervention by the State. The draconian system will make it very difficult for parents to continue to educate their children at home and effectively curtails parental rights. The Bill is called the “Children, Schools and Families Bill” and I think it is a very real State intrusion into the private lives of families. I think that the right of parents to bring up their children in accordance with their convictions should be respected.

Please vote for any amendments that remove the home education provisions from the Children, Schools or Families Bill, or that improve them.

Yours sincerely,

The Home Education Provisions Undermine Parents' Rights

Dear [insert "Lady"/"Lord"/"Lord Bishop" etc. as appropriate followed by name],

Children, Schools and Families Bill

I wish to register my concern that the home education provisions in the Children, Schools and Families Bill undermine parents' rights to ensure that their children are educated in accordance with their convictions.

Article 2, Protocol I of the European Convention on Human Rights says:

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

Please also read Article 18 of the International Covenant on Civil and Political Rights 1966, which places on national Governments the responsibility to respect "the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions".

Parents have an absolute right to withdraw their children from school and to educate them themselves if they so wish. To threaten parents with fines for failing to register their home-educated children is a violation of that right, because it makes the State responsible for the education of children instead of the parents.

The rights of parents to raise their children at home should be respected.

The Bill also insists that the (subjective) "wishes and feelings" of the children who are home-schooled should play an important role in the decision whether or not to continue with their education at home. This will create conflicts between parents and children, because the latter may not understand the very good reasons why they were withdrawn from school. Parents really do know what is best for their children, not the State, nor the children themselves.

Parents should retain the primary responsibility for making decisions about their children's education and that responsibility should not be taken away by the proposed State bureaucracy, backed by the threat of fines.

Please vote against the inclusion of the home education provisions in the Children, Schools and Families Bill.

Yours sincerely,

F. Example Letter covering Both Issues

The Bill Undermines Parents' Rights

Dear [insert "Lady"/"Lord"/"Lord Bishop" etc. as appropriate followed by name],

Children, Schools and Families Bill

I write to ask you to prevent the Government from interfering with parental rights over the education they choose for their children and to stop the Government intruding upon family life through the Children, Schools and Families Bill. Both the God-given, legal parental duty and freedom to educate one's own children at school or otherwise and parents' right to withdraw their children from sex education will be seriously eroded by this Bill. Please vote in support of the following points:

Personal, Social, Health and Economic Education (PSHE) including Sex and Relationships Education

- Personal, Social, Health and Economic Education (PSHE), (which includes sex and relationships education) should not be made a compulsory part of the English National Curriculum. Over two thirds of respondents to the Government's Consultation said that PSHE should not be made statutory. Please vote to remove current clauses 10 to 12 of the Bill, which make PSHE a statutory part of the English Curriculum.
- Please remove the three principles under which the PSHE curriculum in England will be taught (except for "teaching appropriate to the ages of the pupils concerned and their religious and cultural backgrounds"). The combined effect of the principles will be to encourage the curriculum to be taught in a pluralistic way that will expose children to convictions about the subject with which their parents do not necessarily agree. The result will be to undermine the Christian context within which PSHE is taught in Christian schools and the ethos of faith schools, despite the Government's toothless amendment to clause 11.
- One of these principles determines that teachers must teach sex and relationships education (SRE) in a way that "endeavours to promote equality" and "encourages acceptance of diversity". That would result in the promotion of homosexual practice in SRE. These principles, which encourage religious pluralism and the promotion of homosexual practice, will be forced on parents, children and Christian teachers of PSHE through the compulsory PSHE curriculum—contrary to many people's religious beliefs. The Guidance on SRE in England from 2000 (which is soon to be replaced) states that the promotion of a sexual orientation is "inappropriate teaching". I agree with that statement.
- The Bill removes the right of parental withdrawal from SRE for children in England of 15 years and over, even though 79 per cent of consultees said the right to withdraw should remain.
- The Bible teaches holy matrimony between a man and his wife. Therefore, teaching a child that all relationships are equal is contrary to orthodox Christian doctrine.
- Please oppose the teaching of the nature of civil partnerships in SRE in England and restore the *status quo* as regards parental withdrawal, so that children can be withdrawn up to the age of 19. Please vote to remove current clauses 13 and 14 of the Bill. The restriction of the right to withdraw children to those under the age of 15 is at odds with Article 2 of the First Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms. It states that the "...*State shall respect the right of parents to*

ensure such education and teaching in conformity with their own religious and philosophical convictions.”

Home Education

- The Government’s raft of measures for the compulsory registration and monitoring of home education are an unnecessary interference with the right to respect for private and family life. Their reason for interfering is their confusion of child abuse with home education, which wrongly casts a shadow of suspicion over parents who educate their children at home.
- The Bill even proposes that a Government Official will be able to interview a child alone without a parent present. If the parent or child objects to that meeting (as the Bill allows), then the local authority may use that refusal as a reason to revoke the child’s registration on the home education register, removing the parent’s right to choose to educate their child at home. Apart from putting pressure on parents to allow such interviews to take place, there are many difficulties associated with questioning children and using their answers, not least their lack of understanding. Interviewing children alone is a dubious practice that should not be allowed, especially as officials from the local authority may not have had appropriate training in conducting such interviews.
- The provisions for licensing home education that are proposed in clauses 26, 27 and Schedule 1 of the Bill are part of a process which is gradually removing the freedom to educate children at home, much of which will be achieved by Regulations that will not undergo Parliamentary scrutiny.
- The Home Education measures proposed in this Bill are based on the findings of the rushed Badman Report and should be postponed. The Government has not even allowed time for the implementation or analysis of its “*Elective Home Education: Guidelines for local authorities, 2007*”.
- The Bill seems to assume that local authority officials know better than parents what is in the best interests of a child. Those officials will have to become experts in everything from special educational needs to the types of topics that could or should be taught to each age-group, to alternative education models to emotional and behavioural disorders. It is unlikely that sufficiently-trained officials can be recruited; yet whatever the officials’ level of understanding, their decisions are liable to change the course of children’s lives.
- Please vote to remove current clauses 26, 27 and Schedule 1, so that the home education provisions are removed from this Bill.

The combination of these provisions means that most children will be taught the Government’s view of sex and relationships: not only will parents be pressurised into sending their children to school because of the coercive nature of the home education licensing scheme, but they will find that their children are taught from a pluralistic, anti-life viewpoint in SRE lessons if they do not withdraw them. Even the right to withdraw one’s children from SRE ends on the child’s 15th birthday in England.

I would be grateful if you could support or table amendments to the Bill to prevent this State interference with parents’ and children’s rights to respect for their private and family lives, their rights to teaching in conformity with their own religious convictions and with parents’ rights to educate their children at home.

Yours sincerely,