

Written evidence submitted by the National Secular Society to the consultation on Relationships education, relationships and sex education, and health education



Submitted online
02 November 2018

[About the National Secular Society \(NSS\)](#)

The NSS is a party-politically neutral organisation that works for the separation of religion and state, and for equal respect for everyone's human rights so that no one is either advantaged or disadvantaged on account of their beliefs. We regard secularism and freedom of expression as essential features of a fair and open society.

The NSS campaigns for non-discriminatory, non-stigmatising and age appropriate relationships and sex education – free from religious control or bias.

[10. Do you agree that the content of Relationships Education in paragraphs 50-57 of the guidance is age-appropriate for primary school pupils?](#)

Agree

We agree that the focus in primary schools should be an age appropriate grounding in:

- The diversity of different relationships pupils of that age will encounter
- The rights and responsibilities inherent in different relationships
- The characteristics of healthy and unhealthy relationships

[11. 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?](#)

Agree

It is important that the content emphasise the rights and responsibilities involved in different relationships, from peer friendships to their relationships with adults and the adult relationships they will see around them. The content should stress that teachers include diverse examples of such relationships, recognising that pupils' experience will vary.

The guidance talks of not stigmatising children based on their family circumstances. But this could benefit from being made explicit, with reference to different family types and families with different protected characteristics.

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

Agree

Our preference is that health education, relationships education and sex education be incorporated under a well resources PSHE subject, and we believe this is the best practice that many schools will continue to adopt.

We would wish for sex education to avoid being exceptionalised from any other aspect of PSHE.

Even where sex education is not taught at primary schools, we believe the wider PSHE curriculum should address harmful misinformation or misconceptions when they come up or when pupils are picking this up from other sources. Pupils in all schools should know where they can access safe, age appropriate and accurate information – and this should include LGBT pupils.

Where sex education is taught the guidance should make explicit that such teaching should be in accordance with their equality duties and must be non-discriminatory and non-stigmatising of the healthy range of natural of human sexuality (including non-heteronormative). The guidance should make clear that such education should covers LGBT issues.

The requirement to teach about different types of bullying at primary school should make specific reference to prejudice-based bullying, including homophobic and transphobic bullying as well as bullying based on other protected characteristics.

We welcome the requirement to publish a policy, as we welcome all efforts to support good dialogue between parents and schools. However, schools should be supported against parental pressure to restrict subject knowledge.

The requirement that schools should have regard to the religious backgrounds of their pupils is open to abuse. Of course, all schools should be aware of cultural sensitivities and how pupils' backgrounds may influence their views on different issues. However, we are deeply concerned about the distorting of the subject by religious interests. Regard for the religious backgrounds of pupils must not serve as a euphemism for restricting sex education or framing it through a narrow normative lens based on such backgrounds.

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

Agree

We are in strong agreement and have little comment with regard to paragraphs 65-77 (excepting paragraph 73 addressed below). However, we strongly recommend that the guidance explicitly makes clear that RSE in secondary schools must be in accordance with the school's equality duties and should be non-discriminatory and non-stigmatising of the healthy range of natural of human relationships and sexuality (including the non-heteronormative).

We recommend that all schools be required to signpost local and appropriate health and support services. We are deeply concerned by the example of Yesodey Hatorah Senior Girls school – a state funded faith school – censoring information about helplines.

We are concerned with paragraph 73. While it is appropriate to explore viewpoints on social and moral issues in religion and belief education, this will too often be a euphemism by schools for promoting religious views particularly on LGBT and contraception/pregnancy issues.

Our report “Unsafe sex education: the-risk of letting-religious schools teach within the tenets of-their faith” (<https://www.secularism.org.uk/uploads/report-unsafe-sex-education--the-risk-of-letting-religious-schools-teach-within-the-tenets-of-their-faith.pdf>) documents how faith schools often promote discriminatory, stigmatising and misinformed views on RSE issues.

14. 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?

Agree

15. 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?

Disagree

We do not support a parental right of withdrawal. We don't think parents should be supported to shield children from education and knowledge within the state school system. Parents do not have a right to selectively withdraw their children from science or history lessons that may conflict with their religion or belief, and we argue that the same should hold true for RSE. The right of withdrawal is most likely to deny knowledge to children from conservative religious backgrounds, who most need impartial, appropriate education in this area. This can place both themselves and others at risk.

We regard the 2018 ECHR case of *AR & LR v Switzerland* as instructive. Unless the RSE pursues an aim of indoctrination, enshrining a right of parental withdrawal is not necessary to protect parental rights or religious freedom. Indeed, such a ‘right’ may undermine children’s UNCRC rights enshrined in UK law, including the Article 19 right of that Convention, which requires government to take “all measures”, including “educational” measures, to “protect the child against all forms of physical or mental violence, injury or abuse”. (...), including sexual violence”.

By this logic we would support a right to withdraw where a faith school used RSE to promote discriminatory faith-based perspectives or misinformation on relationships and sexuality. Although of course we would infinitely prefer this simply not to be permitted.

As the government does not at this time agree with us on this issue we turn to the suggested withdraw arrangements in the guidance. While we welcome the ability of pupils of sufficient maturity to make their own decisions over RSE classes, the lack of clarity around what constitutes “exceptional circumstances” will put an unenviable pressure on headteachers.

Headteachers should be supported to address misconceptions and conspiracies surrounding RSE and to address legitimate concerns in order to minimise withdrawal.

19. 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

While we broadly welcome the content of these paragraphs, much falls beyond our area of interest and expertise. There are two issues we do want to raise regarding paragraphs 94 and 99 – the impact of puberty and menstruation.

The onset of puberty is an age where so called ‘modesty doctrine’ is promoted in different faith traditions. It is important that schools address and do not endorse body shaming and stigmatisation around puberty.

Our Unsafe Sex Education Report referenced above identified that some Jewish and Muslim faith schools may be teaching harmful taboos and misinformation regarding menstruation, which pose a risk to the health and dignity of female pupils.

For example, Al-Hijrah School teaches that “tampons may not be appropriate due to insertion” and Hasmonean High School and The King David High School both teach in relationship education that a menstruating woman is “impure”.

The guidance should explicitly state that schools should not stigmatise (and should where appropriate address stigmatisation of) menstruation.

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

Schools should consult parents over any concerns about RSE, and they already do so. As with any education area, it is the responsibility of schools to provide information to parents about how various subjects are delivered. However, this should not extend to a parental veto over the content or delivery of the curriculum.

Falsehoods and anti-sex education propaganda are regularly promulgated around religious communities. Schools should be encouraged to make RSE policies and schemes of work available online, and may also wish to hold information evenings, and use existing communications channels, to address concerns or misconceptions.

21. 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?

Disagree

We support the ability for schools to be flexible and innovative in their delivery of all these subjects. However, flexibility must always be balanced with accountability. Flexibility cannot be used as cover or euphemism for schools restricting these subjects or shielding pupils from knowledge which schools consider to be in conflict with their religious ethos.

24. 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 will use this question to make broader points regarding our main concern (faith-based distortion or restriction of the subjects in question) which are not adequately addressed elsewhere.

In May 2018 the NSS published “Unsafe Sex Education: The risk of letting religious schools teach within the tenets of their faith”, <https://www.secularism.org.uk/news/2018/05/most-faith-schools-distorting-sex-education-nss-study-finds>

The report – the first of its kind – analysed the published sex and relationship education policies of faith-based secondary schools in England. 77% of these taught the subject in accordance with religious scripture.

Many faith schools explicitly teach that same-sex relationships are wrong or that LGBT people are “disordered” and criticise sex outside of marriage. Some condemn contraceptives and abortion and teach taboos around menstruation.

These teachings contradict advice from healthcare and education professionals and are inconsistent with the Equality Act 2010, which protects people from discrimination.

Other research including “Stonewall’s 2017 Schools Report” and the “Shhh... No Talking” report by the Terrence Higgins Trust have documented the widespread failure of RSE to include LGBT issues – particularly in faith schools.

Opposition to LGBT inclusion and equality (and in some cases even acknowledgment) has been a strong feature of lobbying against the inclusion of RSE in the curriculum. Such lobbying has been a significant driver of ‘campaign responses’ to the series of consultations surrounding this guidance.

Examples include:

- A response guide to the consultation, circulated by an Islamic group, which said children “from the age of four” would be “exposed to indecent resources”.

<https://www.secularism.org.uk/uploads/islamic-response-to-sre-consultation.jpg>

- A guide by a Christian group warning of the “active promotion of an LGBT agenda” and the problems of treating “all lifestyles as equally valid”, calling for Christian beliefs to be promoted through all aspects of RSE and PSHE

<https://www.secularism.org.uk/uploads/rse-consultation-guidance-christian-concern.pdf>

- A guide by a group of Jewish schools – which felt the need to censor the word “sex” throughout – which said “schools must be able to use their faith teachings and practices as the lens to teach PSHE” and RSE.

<https://www.secularism.org.uk/uploads/najos-guidelines-to-call-for-evidence-re-rse-feb-2018.pdf>

- Explicitly anti-LGBT and anti-reproductive choice guides such as

<https://www.islam21c.com/current-affairs/sre-consultation-deadline-last-chance-to-have-your-say/> | <https://www.spuc.org.uk/~media/Files/SPUC-RSE-Consultation-2-Briefing--Oct-18-amended.ashx?la=en> and <https://familyeducationtrust.org.uk/bulletin-172-october-2018/#more-4234>

Against this backdrop the government must be wary of giving leeway for faith-based distortions or restrictions of these subjects. We draw particular attention to the following five paragraphs of the guidance.

Paragraph 18: Although all schools should be aware of and sensitive to the backgrounds of all pupils, they are first and foremost educational communities. There is no justification for local faith communities however they are defined to have any special input into the teaching of these or any subjects. This paragraph could serve to invite inappropriate 'community' pressure from unrepresentative religious groups against comprehensive RSE. Schools do not need the approval – and cannot be subject to the veto – of religious communities to do carry out their responsibilities.

Paragraph 19: The purpose of this paragraph is unclear, but it could serve to legitimise the conspiratorial and inaccurate view that comprehensive RSE is a threat to the protected characteristic of religion or belief. There is no reason that schools should vary the form or content of RSE based on the religious background of their pupils – indeed to do so may be discriminatory.

Paragraph 20: This paragraph serves as a potential euphemism and cover for faith schools to distort RSE and preach their often discriminatory views on human relationships and sexuality. There may be matters that faith schools find contentious – and which any school may wish to discuss social views on in a balanced way – that are not legally contentious, including LGBT equality and the right to access contraception. It must be made absolutely explicit that RSE must not be discriminatory or stigmatising of the healthy range of natural of human relationships and sexuality (including the non-heteronormative).

Paragraph 26: We strongly welcome this paragraph and would welcome it being expanded so it is clear and explicit how this guidance must be interpreted in accordance with schools' equality duties.

Paragraph 33: We disagree with the exceptionalisation of LGBT specific content. There is no reason why LGBT issues should not be covered in a completely integrated way – indeed separating them out can be stigmatising. Schools should include LGBT examples in a routine way when discussing any aspect of sex or relationships.

A recurring theme in the anti-LGBT moral panic surrounding RSE is that LGBT issues are dangerous and not age appropriate, or that they are a cover to indoctrinate the young. The age appropriateness of any aspect of RSE should not differ based on the sexuality of examples used.

If it is age appropriate for pupils to receive certain information about sex, it is age appropriate for them to receive this information about LGBT and non-LGBT sex. If it is age appropriate for pupils to receive certain information about relationships, it is age appropriate for them to receive this information about LGBT and non-LGBT relationships.

29. 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

See our comments on question 15.

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

We have comments regarding paragraphs 80-82 (School values and ethos).

Paragraph 80: While it is regrettable that some faith-based schools find a “tension” or conflict in the duty to teach RSE and their religious views, this tension cannot be allowed to undermine their responsibilities.

Paragraph 81: As stated above the freedom for schools to teach the subject in accordance with their ethos is poorly defined. Sadly, it will in all likelihood continue to serve in many schools as a euphemism for discrimination, stigmatisation, misinformation and censorship.

Paragraph 82: This fails to acknowledge the fundamentally discriminatory and stigmatising way in which such religious organisations often teach RSE.

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