

Written evidence submitted by the National Secular Society to the call for evidence on “Changes to the teaching of Sex and Relationship Education and PSHE”



08 February 2018

About the National Secular Society (NSS)

1. 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.

Summary

2. The NSS has been a long-term supporter of comprehensive and age-appropriate Relationship and Sex Education (RSE). In particular, we have long supported the principle that young people's access to education, including about LGBT+ issues and contraceptives, should not be restricted on religious grounds.
3. The purposes of making RSE a statutory responsibility should be to support the schools that are already following best practice, to empower schools that are facing opposition, to galvanise schools where RSE is patchy, and to challenge cases where RSE is being delivered poorly or with a narrow agenda.
4. We are concerned that plans to allow faith schools to "teach in accordance with the tenets of their faith" and a parental opt-out will mean many children are denied the protection from harm that balanced and accurate RSE offers.
5. Religious influence must not allow children's education to be distorted or diminished. Guidance must make clear that age-appropriate education about sex and relationships is the right of every child, irrespective of the school they attend or the religious beliefs of their parents.

Thinking about relationships education in primary schools and relationships and sex education in secondary schools, what do you believe are the three most important subject areas that should be taught for different age groups/key stages and why. Please include any considerations or evidence which informed your choices.

6. There are three areas of RSE that have often been neglected due to the lack of a statutory requirement: contraception, non-heteronormative relationships and consent (including bodily autonomy). In all areas there is a big gap between expectation and reality.

7. For example, according to research by the Terrence Higgins Trustⁱ, 97% of young people thought RSE should be LGBT inclusive, yet 95% had not learned about LGBT sex and relationships, and 97% had not discussed gender identity in RSE. 75% of young people had not had RSE that covered consent.
8. There should also be a set of core ideas in which pupils develop a greater age appropriate understanding as they progress. Core ideas should be linked to rights. For example, healthy/unhealthy relationships should be linked to boundaries and consent; different people having different sexual orientations/gender identities should be linked to equality; discussions about pregnancy/contraceptives/abortion should be linked to bodily autonomy.
9. While depth of subject knowledge (as well as understanding) should increase at different age levels, there is a history of moral panic around the idea that teaching children about sex and contraceptives encourages them to engage in related behaviour. E.g.: “Secondary schools are becoming increasingly sexualised and this is likely to get worse now Relationships and Sex Education is a compulsory subject.”ⁱⁱ
10. Moral panic – influenced by a history of anti-LGBT policies and discrimination – is particularly prevalent in opposition to learning about LGBT+ issues, although those opposed to abortion cite similar concerns about young people learning about it. E.g.: “Very young children will be told that two men or two women in a relationship or marriage is as valid and natural as a man and a woman.”ⁱⁱⁱ
11. There is no evidence that learning about non-heteronormative relationships ‘harms’ pupils, or that RSE encourages sexual behaviour. Indeed as Dr Hilary Cass, president of the Royal College of Paediatrics and Child Health (RCPCH), has said: “There is robust, scientific evidence that when good quality SRE is taught by trained educators in schools young people are more likely to have their first sexual experience at an older age, to use contraception and to have fewer sexual partners.”^{iv}

Are there important aspects of ensuring safe online relationships that would not otherwise be covered in wider Relationships Education and Relationships and Sex Education, or as part of the computing curriculum?

12. Online safety, online security, identity protection, sexting and issues surrounding explicit images and content should form part of PSHE and could also be included as part of the computing curriculum. Some state schools (as well as schools in the independent sector) which serve insular religious communities have objections to pupils learning about online interactions.^v However, schools have a duty to prepare pupils for life in modern Britain where a basic level of computer literacy is often needed both for child protection and basic civic participation. Pupils should learn about RSE and PSHE aspects of staying safe online, regardless of the school they attend.

How should schools effectively consult parents so they can make informed decisions that meet the needs of their child, including on the right to withdraw? For example, how often, on what issues and by what means?

13. There should be no 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.
14. We refer to the case of *AR & LR v Switzerland* (2018)^{vi}, which considered whether a Basel primary school's decision not to allow a couple to withdraw their seven year old from compulsory sex education classes violated their Article 8 or 9 rights. The ECHR concluded it did not.
15. Quoting from the English translation of the case, "the Court recognised that the application of some of the aims pursued by sexual education provided for minor children might be controversial; however, one of the aims of sex education was to prevent sexual violence and exploitation, which posed a real threat to the physical and mental health of children and against which children of all ages had to be protected. It also stressed that one of the objectives of state education was to prepare children for social realities, which tended to justify sex education for very young children at kindergarten or primary school. Under the case-law of the Court in relation to Article 2 of Protocol No. 1, sex education lessons did not affect the right to parental education unless they pursued an aim of indoctrination which might be considered as not respecting the religious and philosophical convictions of the parents."
16. We regard this as a clear precedent that, unless the RSE pursues an aim of indoctrination, enshrining a right of parental withdrawal is not necessary to protect parents' parental rights. 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".
17. 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.
18. 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.

Thinking about PSHE in primary and secondary schools, what do you believe are the three most important subject areas that should be taught and why? Please include your reasons for choosing each subject area or evidence to support your suggestions.

19. Good quality RSE sits within PSHE, which itself should fit within a wider set of subjects which address pupils' social and personal development. Many schools choose to deliver RSE within PSHE, and where this works well it should continue.
20. As they transition through primary and secondary education and into adulthood, young people engage with increasingly complex personal and social issues. Good quality PSHE helps pupils understand these issues, and how they impact young people's health and wellbeing and relationships with peers and the wider world^{vii}.
21. The PSHE association identifies "Diversity and equality (in all its forms, with due regard to the protected characteristics set out in the Equality Act 2010)" and "Rights (including the notion of universal human rights), responsibilities (including fairness and justice) and consent (in different contexts)" as "overarching concepts" which should be developed through the whole programme of study.
22. We therefore believe that PSHE should always be underpinned by a strong human rights framework. Through subjects including citizenship education, pupils should develop a concept of themselves and others as rights and responsibilities holding individuals. So that they have the tools to engage with difficult and controversial issues in PSHE.

How much flexibility do you think schools should have to meet the needs of individual pupils and to reflect the diversity of local communities and wider society in the content of PSHE lessons in schools?

23. Pupils are not simply passive members of "local communities". They are members of multiple, shifting and overlapping communities which will change through their lifetimes. Children are also rights bearing citizens in their own right. That is why education decisions need to be based around the rights of the child, not the interests of any particular community.
24. Schools and teachers are experienced in handling culturally sensitive issues, and in serving the different learning styles and needs of different pupils. However, we are worried that talk of flexibility is being used as a smokescreen to allow some faith schools to continue using PSHE/RSE to advance a faith perspective, including shielding pupils from knowledge which goes against their ethos.
25. In July 2017, more than 50 faith leaders signed an open letter warning that schools' ability to teach relationships and sex education (RSE) through a faith ethos could undermine its accuracy and inclusivity.^{viii}
26. An example of our concerns comes from the recent meeting between education minister Lord Theodore Agnew and representatives of the Charedi community,^{ix} where Rabbi Yehuda Baumgarten, chairman of the Union of Orthodox Hebrew Congregations' education committee, said there could be "no compromise when it came to the protected characteristics relating to alternative lifestyles and recently-

legitimised forms of marriage which could not be accommodated within any orthodox educational framework”.

27. Rabbi Avrohom Pinter, principal of Yesodey Hatorah Senior Girls’ School – a school the NSS exposed censoring exam questions on science papers deemed incompatible with a school's religious character, including questions on human reproduction^x - reportedly called on the education minister to “appreciate Judaism’s strict religious rules governing relationships issues, that certain very personal matters could not be taught or discussed in the classroom”. Regulations on how schools teach a subject should never include an option to simply not teach that subject.
28. In January 2017 a judge ruled that the level of opposition to even acknowledging the existence of transgender individuals in some Orthodox Jewish schools meant that a transgender parent should be denied contact with her children who attend them.^{xi} This ruling was rightly criticised on appeal^{xii}, sending a clear message that no religious community should be allowed to operate on their own island but must conform to the law of the land. Faith schools cannot be permitted to evade their Public Sector Equality Duty when it comes to the provision of RSE.
29. All schools should be able to work with appropriate external groups to deliver RSE, as long as it meets the basic standards of the guidance and is not chosen simply for reasons of ease or economy. In 2015 we reported on^{xiii} Roman Catholic and Muslim faith schools in Blackburn that prevent the NHS Community Education Sexual Health team from accessing the schools because parents objected to information about contraceptives not being in line with the schools’ ethos. Our work challenging inappropriate evangelism in schools^{xiv} by external groups has included groups using RSE to advance inaccurate anti-abortion and anti-LGBT propaganda.^{xv}
30. Many faith schools oppose covering LGBT+ issues in RSE, or wish to use RSE to advance an exclusively heteronormative worldview.
31. In 2015 we reported on how schools teaching RSE through a religious ethos resulted in pupils receiving biased and inaccurate information. King's Academy in Middlesbrough warns pupils of the "consequences" if they ignore the "Maker's Instructions" about sex and relationships. This state-funded school also teaches "chastity outside of marriage", that "human life begins at conception" and that marriage is "the lifelong union between a man and a woman." The school begins their policy statement on sex education by stating that they "believe that human beings are created to a Divine design". The school says that "sexual information will be presented across the School Curriculum within a Biblical moral framework".^{xvii}
32. Meanwhile, the Diocese of Portsmouth issued new guidelines saying that Catholic schools should promote "chastity" as the "underlying theme" of RSE, urging Catholic faith schools to teach chastity and warning of relationships that society sees as "normal" but which go against church teaching.^{xviii}
33. According to Stonewall’s 2017 Schools report^{xix}, LGBT pupils at faith schools are half as likely than average to have learnt about where to go for help and advice about same-sex relationships at school. Furthermore, “LGBT pupils in faith schools are

more likely than those in non-faith schools to say that teachers and school staff never challenge homophobic, biphobic and transphobic language when they hear it.”

34. In the same report a 17-year-old pupil discusses the problem when RSE is framed through a religious ethos: “We were openly told that same-sex relationships are too inappropriate to be discussed in class. A pupil asking about same-sex adoption was asked to leave the class so as not to offend the sensitivities of other students.”
35. We are concerned that some faith schools – and non-faith schools under community pressure – may use RSE to advance ‘modesty doctrines’. Such doctrines fundamentally pervert the concepts of consent and bodily autonomy which should be central to RSE, by shifting the blame for unwanted sexual attention to “immodesty”, and by shifting decisions about clothing and behaviour from ones of personal choice to ones of community expectations.
36. There is a growing pressure on schools to incorporate ‘modest’ dress into uniform policies. A survey by the Sunday Times of 800 primary schools from 11 parts of England found that one in five had listed the hijab within their uniform policy. Girls as young as five were wearing the headscarf, which is associated with modesty codes and curbing sexuality.^{xx} Research by the NSS found that of 142 Islamic schools that accept girls, 59 have uniform policies on their website that suggest a headscarf or another form of hijab is compulsory. This includes eight state-funded schools and 27 primary schools – three of which are state-funded.^{xxi}
37. When schools have tried to challenge this – such as St Stephen's Primary School in East London – they have faced organised campaigns of harassment and intimidation.^{xxii}

This response was prepared by Alastair Lichten, Education and schools officer

For more information please contact: National Secular Society, London, WC1R 4RL

020 7404 3126 | education@secularism.org.uk

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- iv <https://www.rcpch.ac.uk/news/compulsory-sex-and-relationship-education-sre-schools-mps-demand>
- v <https://www.secularism.org.uk/news/2015/09/orthodox-jewish-state-school-bans-tv-and-the-internet-from-pupils-homes-and-tells-parents-to-dress-modestly>
- vi <http://www.lawandreligionuk.com/2018/01/19/compulsory-sex-education-and-article-9-echr-ar-lr-v-switzerland/#more-41265>
- vii https://www.pshe-association.org.uk/system/files/PSHE%20Education%20Programme%20of%20Study%20%28Key%20stage%201-5%29%20Jan%202017_2.pdf
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