

## **BHA BRIEFING 2010: Children, Schools and Families Bill.**

### **Lords 2<sup>nd</sup> Reading**

*Monday 8<sup>th</sup> March*

#### **Briefing from the British Humanist Association (BHA):**

#### **Clause 11: PSHE in Maintained Schools**

The BHA joins the Children's Rights Alliance for England (CRAE) and the Accord Coalition for inclusive schools in condemning a Government amendment to the Children, Schools and Families Bill, passed at Commons Report stage, which allows "faith schools" to teach PSHE, including Sex and Relationships Education (SRE), in ways that reflect the religious character of the school. This amendment was not given any time for debate in the Commons, and was included in a group of amendments, making it very difficult for MPs to oppose it.

#### **The Bill and SRE**

The Children, Schools and Families Bill makes PSHE, including SRE, a mandatory subject in all maintained schools, which the BHA whole-heartedly supports. Good SRE is known to reduce unwanted pregnancies, reduce the spread of sexually transmitted infections, and equip young people with the language and tools to be clear about personal boundaries, understand appropriate and inappropriate behaviour, to be able to resist pressure assertively and to know who to talk to and how to ask for help if and when they need it. For older children it helps them resist pressure, make safe choices and be able to challenge and be critical of misleading and inappropriate messages about sex in the media.

Educational experts, children's rights organisations, parents, teachers and young people themselves have been calling for many years for compulsory SRE that is comprehensive, objective and high quality, and this was also the recommendation of the Government's review of Sex and Relationships Education in 2008.

In its report on its legislative scrutiny of the Bill, the Parliamentary Joint Committee on Human Rights (JCHR), regards 'the provision of mandatory sex and relationships education and the removal of the parental right to withdraw children aged 15 or above as significant human rights enhancing measures' (para. 1.28)<sup>1</sup>.

#### **SRE in faith schools**

As the Bill is drafted, all maintained schools, including faith schools are required to teach SRE according to 3 Principles. Schools must teach SRE that is (1) accurate and balanced, (2) appropriate to the age and religious and cultural backgrounds of pupils, and (3) in ways that endeavour to promote equality, encourage acceptance of diversity, and emphasise the importance of both rights and responsibilities.

The JCHR describes the introduction of compulsory SRE along those principles as having a 'foundation in human rights law'. The JCHR report makes clear that the Bill does not prevent faith schools from teaching the tenets of their faith, as long as they do not present those views as the only valid views, and that they promote equality and diversity in the way they teach it. The JCHR states that this is 'much to be preferred to the approach we often criticise, of conferring wide discretions on decision-makers' (para. 1.47)<sup>2</sup>.

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<sup>1</sup> Joint Committee on Human Rights (2009) *Legislative Scrutiny: Children Schools and Families Bill; Other bills. Eighth Report of Session 2009-10*. 19 February 2010, HL Paper 57, HC 369.

<sup>2</sup> Joint Committee on Human Rights (2009) *Legislative Scrutiny: Children Schools and Families Bill; Other bills. Eighth Report of Session 2009-10*. 19 February 2010, HL Paper 57, HC 369.

## The Bill as amended in the Commons

However, Government amendment 70<sup>3</sup> was passed at Commons Report stage on 23<sup>rd</sup> February. As the Bill now stands, while faith schools are still required to teach SRE, they are effectively exempted from having to teach SRE accurately, in ways that are balanced, promote equality and respect for diversity, and reflect different views. This is a u-turn from the original commitment in the Bill.

We do not agree<sup>4</sup> that this change simply clarifies the position of faith schools in the teaching of SRE. The amendment (see above) makes clear that those requirements set out in Principles 1, 2 & 3 above, 'are not to be read' as interfering with the right of faith schools to teach SRE in ways that reflect the religious character. In other words, **the Bill is now drafted as such that the right of faith schools to teach SRE in ways that reflect the tenets of their religion overrides the human rights-based principles that must guide the teaching of SRE in all other maintained schools.**

In any case, the Government and the JCHR posit that it is clear that faith schools are not prevented from teaching SRE in ways that reflect their religious character, and so a clarifying amendment would have been unnecessary in any case.

Allowing schools to teach SRE in ways skewed towards their religious character could in practice lead to subjective and narrow teaching and the BHA is particularly concerned how faith schools will teach about crucial issues such as contraception, safe sex, and different sexualities.

We believe that all children have a right to full, comprehensive, objective SRE that promotes equality and encourages acceptance of diversity. We believe this not only as a matter of principle but because of the proven benefits of such teaching to the health, well-being and safety of children and young people.

This Bill may not progress further than Lords 2<sup>nd</sup> Reading, meaning there may not be time for proper scrutiny or debate.

**We believe that the Government amendment that was made to Clause 11 in the Commons places the rights and well-being of pupils at a lottery based on where they go to school, and should be opposed. We encourage Peers to oppose this section of the Bill, and reject the amendment.**

### About us

The British Humanist Association (BHA) is the national charity representing and supporting the non-religious and campaigning for an end to religious privilege and discrimination based on religion or belief. The BHA contributes to debate on a wide range of ethical issues from stem cell research to sex education. The BHA is a member of the National Children's Bureau Sex Education Forum (SEF) and the Children's Rights Alliance for England.

For more detail and evidence on our position on the below amendments, please contact us:

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<sup>3</sup> The Catholic Education Service has taken credit for this amendment through the success of its lobbying <http://www.cesew.org.uk/standardnews.asp?id=9190>

<sup>4</sup> In its press release 'Response to comments by the Accord Coalition about the Children, Schools and Families Bill', the DCSF provides a Q&A about the amendment, arguing that it is simply to clarify the position of faith schools. <http://tinyurl.com/SREQA>