

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

### **Commons Report Stage**

*Tuesday 23<sup>rd</sup> February*

#### **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 Government amendment 70 to the Children, Schools and Families Bill, which allows “faith schools” to teach PSHE, which includes Sex and Relationships Education (SRE), in ways that reflect the religious character of the school.

#### **Clause 11**

- (4) It is the duty of the governing body and head teacher of any school in which PSHE is provided in pursuance of this Part to secure that the principles set out in subsections (5) to (7) are complied with.
- (5) The first principle is that information presented in the course of providing PSHE should be accurate and balanced.
- (6) The second principle is that PSHE should be taught in a way that—
  - (a) is appropriate to the ages of the pupils concerned and to their religious and cultural backgrounds, and also
  - (b) reflects a reasonable range of religious, cultural and other perspectives.
- (7) The third principle is that PSHE should be taught in a way that—
  - (a) endeavours to promote equality,
  - (b) encourages acceptance of diversity, and
  - (c) emphasises the importance of both rights and responsibilities.

#### **Amendment 70**

*Page 14, line 6 [Clause 11], at end insert—*

- (7A) Subsections (4) to (7) are not to be read as preventing the governing body or head teacher of a school within subsection (7B) from causing or allowing PSHE to be taught in a way that reflects the school’s religious character.
- (7B) A school is within this subsection if it is designated as a school having a religious character by an order made by the Secretary of State under section 69(3) of the School Standards and Framework Act 1998.

#### **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<sup>2</sup>, 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>3</sup>.

### **Amendment 70**

However, if passed, Government amendment 70<sup>4</sup> means that while faith schools are still required to teach SRE, they will effectively be exempted from having to teaching 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>5</sup> that this amendment simply clarifies the position of faith schools in the teaching of SRE. Amendment 70 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 amendment is 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 unnecessary.

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.

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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> In fact, faith schools have an exemption from the law which means that, unlike community schools, they do not have to teach in ways that are appropriate to the religious or cultural backgrounds of pupils. For example, a community school would have to respect that a child came from a Catholic background in the ways it teaches, but a faith school would not be so required.

<sup>3</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>4</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>5</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>

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 complete its full passage through Parliament. This makes it even more important that amendment 70 is opposed at Commons Report stage and does not pass to the House of Lords, where there may not be time for proper scrutiny or debate.

**We believe that amendment 70 places the rights and well-being of pupils at a lottery based on where they go to school, and should be opposed.**

#### **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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