

Edinburgh Secular Society

Challenging religious privilege

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Friday 15th November 2013

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Draft Guidance on the Conduct of Relationships, Sexual Health and Parenthood Education in Scottish Schools

Please accept the attached submission from Edinburgh secular Society in response to the draft guidance.

Should you require further information or clarification please do not hesitate to contact the Society at the above email address.



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Draft Guidance on the Conduct of Relationships, Sexual Health and Parenthood Education in Scottish Schools

Introduction

Edinburgh Secular Society (ESS) welcomes the opportunity to make a written response to the Scottish Government's draft guidance on the *Conduct of Relationships, Sexual Health and Parenthood (RSHP) Education in Scottish Schools*.

As a secular organisation, one of ESS's fundamental principles is the separation of church and state. Consequently, we contend that religious views should not be given privileged consideration or undue influence in the development of legislative policies or in the actual implementation and delivery of such policies. As such, our response primarily addresses sections within the draft guidance which, we believe, give a privileged status to religious views and have the potential to negatively impact on the Scottish Government's stated objectives for RSHP education in Scottish schools. The specific sections and our concerns are detailed below.

Section 10: Conscience Clause

Given the Scottish Government's statement that this update to the existing 2001 guidance is, in part, due to the Marriage and Civil Partnership (Scotland) Bill, ESS concludes that the insertion of a new conscience clause is in direct relation to that Bill. As such, ESS has a number of concerns over the clause. We:

- believe the conscience clause to be unclear and vague. This leaves it open to interpretation on when and where it is applicable. For example, section 16 of the draft guidance explicitly states that aspects of RSHP education may be discussed in many areas across the curriculum. Consequently, we have concerns that teachers, in particular, could have the right to refuse to teach aspects of classes covering a range of subjects.
- are similarly concerned the clause appears, in theory, to allow a child or young person to withdraw from aspects of RSHP education, wherever it may be discussed across the curriculum. This seems to contradict section 16, which limits any parent/carer withdrawing a child or young person to only specific programmes of sexual health education.

- contend that the primary objective of the clause is to allow teachers to withdraw from classes that involve disseminating information in relation to same sex marriage and/or LGBT issues due to their religious beliefs. We argue that this goes against the repeal of section 28 by, in effect, allowing individual teachers to implement a personal ban on discussing issues of homosexuality in schools.
- believe it is fundamentally wrong that teachers should be allowed to choose which parts of an agreed programme/curriculum they will, or will not, teach based on their own prejudices and/or beliefs.
- are deeply concerned and anxious about the effect on children, young persons and other staff members of allowing individual teachers to withdraw from giving information in relation to same sex marriage, and LGBT issues. We believe that it could further alienate young people who are gay, or children who have LGBT family members, by creating a 'culture of shame'. Further, ESS contends there is a real risk of corrosive atmospheres developing amongst staff members within schools or in other educational settings. Indeed, the European Court of Human Rights in its final judgement, dated 27th May 2013, in relation to the case of Ms Lillian Ladele – London Borough of Islington registrar who refused to perform same sex civil partnership on the grounds of her Christian faith – stated:

“By May 2007 the atmosphere in the office had deteriorated. Ms Ladele’s refusal to carry out civil partnerships was causing rota difficulties and putting a burden on others and there had been complaints from homosexual colleagues that they felt victimised. In May 2007 the local authority commenced a preliminary investigation, which concluded in July 2007 with a recommendation that a formal disciplinary complaint be brought against Ms Ladele that, by refusing to carry out civil partnerships on the ground of the sexual orientation of the parties, she had failed to comply with the local authority’s Code of Conduct and equality and diversity policy. A disciplinary hearing took place on 16 August 2007.”¹

¹ <http://hudoc.echr.coe.int/webservices/content/pdf/001-115881>

Sections 15 &16: Statutory Requirement and Parental/Carer Opt-out

ESS supports the Scottish Government in its assertion that the interests of the child are the principal concern, as expressed in Article 28 of the United Nations Convention on the Rights of the Child, which details a child's right to an education. Further, we agree with the Government's statement, in section 16 of the draft, that:

“As aspects of RSHP educational may be discussed across the curriculum, it is not possible for a child or young person to be withdrawn from all such classes and still receive an adequate and holistic education.”²

As such, the Scottish Government advises that parental/carers opt-out is limited to specific programmes of sexual health education. ESS disagrees with this limitation; whilst we recognise and understand the sensitive nature of such programmes, both in terms of appropriate materials and belief systems, we contend that the benefits afforded to children and young people outweigh the considerations of parents/carers. Indeed, the draft guidance clearly states that:

“RSHP education focuses on equipping children and young people with the knowledge, skills and attributes to enable them to form relationships in a responsible and healthy manner. It is an important part of preparation for adult life”³

Consequently, ESS advocates that the Scottish Government should remove the opt-out option for sexual health programmes.

In addition, ESS notes The Scottish Parliament's Health and Sports Committee Report on *Inquiry into Teenage Pregnancy 2013*⁴ and, in particular, its concern that what was provided by RSHP education (called sexual health and relationship education (SHRE) in the report) in schools was:

“left largely to the discretion of the head teacher”

We believe that there should be a statutory requirement for RSHP with a set curriculum. Further, we contend that the statutory requirement and the set curriculum should be applicable in both denominational and non-denominational Scottish schools.

² <http://www.scotland.gov.uk/Resource/0043/00434767.pdf>

³ <http://www.scotland.gov.uk/Resource/0043/00434767.pdf>

⁴ http://www.scottish.parliament.uk/S4_HealthandSportCommittee/Reports/heR-13-05w.pdf (section291)

Section 19: Denominational Education

We note the Scottish Government's intention to allow the current position, whereby religious authorities may provide guidance for their denominational schools, to continue. ESS has concerns that this arrangement is having a negative impact on the ability of children and young people to access RSHP education, and further concerns over the actual quality of the input.

Our concerns are based on the findings of The Health and Sports Committee Report on Inquiry into Teenage Pregnancy 2013⁵. Particularly troubling are the concerns expressed by NHS Greater Glasgow and Clyde over what is actually being taught with regards to RSHP, quality of staff training, and access of professional health officials to schools.

"We do have a concern that denominational schools which represents a third of the school estate in this area, may not be providing the same high quality level of SHRE to children, young people and parents. We have no feedback available from denominational schools on what is being taught, what training teaching staff may have had or what involvement parents have had in their children's learning. From our own staff that routinely work with schools, we have an understanding that they can be routinely denied access to denominational schools, or can only do so only if key issues, especially matters to do with sexual health and relationships are not discussed with children and young people."

Conclusions

- 1) That the concerns raised by ESS in relation to the proposed inclusion of a conscience clause, as outlined in section 10 of the draft guidance, are compelling. As such, we strongly urge the Scottish Government to remove the clause.
- 2) That every child and young person should have access to all aspects of RSHP education. RSHP education should be a statutory requirement across both the denominational and the non-denominational state school sectors.
- 3) That the parental/carer opt-out should be removed. The benefits from good quality RSHP education are integral to a child's or young person's health and wellbeing, and are an important part of their preparation for adult life.

⁵ http://www.scottish.parliament.uk/S4_HealthandSportCommittee/Reports/heR-13-05w.pdf (section 292)

4) That RSHP education has a set curriculum across all school sectors.