

## AGM and Annual Conference Saturday 24 June 2017

Royal Air Force Club, 128 Piccadilly, London W1  
10.30am to 4.45pm Admission free

### Guest speakers

**Professor Julian Rivers**

*Does English law need 'marriage'?*

**Dr Peter Saunders**

*The transgender agenda – critiquing its origins, ideology, message and goals*



**Julian Rivers** has served as Professor of Jurisprudence at the University of Bristol Law School since 2007. He is an editor-in-chief of the Oxford Journal of Law and Religion and has published widely in constitutional law, legal theory, and law and religion studies. In 2013, Professor Rivers gave oral evidence to both the House of

Commons Public Bill Committee and the Joint Committee on Human Rights during their legislative scrutiny of the Marriage (Same Sex Couples) Bill.



**Peter Saunders** was born in New Zealand and, after medical training in Auckland, worked as a general surgeon. He has served as chief executive of the Christian Medical Fellowship since 1999 and also acts as campaign director for the Care Not Killing Alliance, a coalition of individuals and organisations promoting palliative care and opposing assisted suicide and euthanasia. Dr Saunders is in constant demand as a commentator on a broad range of issues in the field of medical ethics.

Two-course lunches in the RAF Club's Presidents Room are available at the subsidised cost of £27.50. To reserve a lunch, please send a cheque for £27.50 made payable to 'Family Education Trust', to reach us before Wednesday 14 June 2017.

**For further information and/or to book a place, please email Piers Shepherd at [piers@familyeducation.plus.com](mailto:piers@familyeducation.plus.com) or call the office on 01784 242340. Please let us know if you are planning to attend.**

## How the normalisation of underage sex is leaving children unprotected

*The substance of the Trust's press release announcing the launch of its new report, Unprotected, by Norman Wells*

**T**he normalisation of underage sex is exposing children and young people to the risk of sexual exploitation, according to a report published by the Family Education Trust. Based on an analysis of high profile cases of child sexual exploitation, the study highlights an aspect of the debate which has so far been neglected.

The 152-page report examines the findings of serious case reviews of child sexual exploitation in several parts of England, including Rochdale and Oxfordshire, alongside Professor Alexis Jay's Independent Inquiry into Child Sexual Exploitation in Rotherham.

It finds that the failure of professionals to detect the abuse of so many young people in different parts of the country cannot be accounted for by the incompetence of individual officers or inadequate systems at the local level. Rather, it has to do with a culture in which underage sexual activity has come to be viewed as a normal part of growing up and seen as relatively harmless as long as it is consensual.

The report's author, Family Education Trust director Norman Wells, commented:

*The evidence from recent serious case reviews clearly demonstrates that fundamental flaws in professional attitudes towards underage sexual activity have directly contributed to exploitation and abuse.*

### Common themes

The study finds common themes emerging from the serious case reviews – themes which have been largely overlooked by agencies and governmental bodies charged with protecting young people from sexual exploitation and abuse:

*continued overleaf...*

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## How the normalisation of underage sex is leaving children unprotected

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- A presumption that sexual activity involving children of a similar age (or with an age gap of just a few years) is consensual and will not normally involve child sexual exploitation.
- A failure to recognise that sexual activity between young people of similar ages may still involve abuse or exploitation.
- A culture in which underage sexual activity is not challenged and hence becomes normalised.
- A failure on the part of professionals to raise questions about underage sex or even about the identity of the father when presented with a pregnant teenager under the age of 16.
- A culture in which the response of professionals to underage sex is frequently limited to the confidential provision of contraception in order to reduce the risk of pregnancy or sexually transmitted infection.
- A disparity between the age at which children may access contraception and the age at which they are legally able to give consent to sexual activity.
- Confusion over the interpretation and implementation of guidelines in relation to the routine provision of contraception to under-16s, contributing to child sexual exploitation.
- An expectation that under-16s will be sexually active meaning that access to sexual health services under the age of consent is regarded as normal and positive, and therefore fails to trigger any consideration of the possibility that the girls might be suffering abuse.
- Young people feeling let down by professionals prioritising patient confidentiality over safeguarding.
- A tendency to dismiss parental concerns and to regard parents as part of the problem.
- Children being treated as adults, with the competence and autonomy to make

their own choices in relation to sexual activity.

Norman Wells remarked:

*Relaxed attitudes towards underage sex have led to what can only be described as a paralysis in child protection agencies as far apart as Rochdale in the north, Torbay in the south, Thurrock in the east and Liverpool in the west.*

*Even though the normalisation of underage sex has been identified repeatedly in the serious case reviews as a reason for the complacency of child protection agencies, there is no indication of a willingness to address these underlying issues either at the local or the national level.*

### Serious questions

The Family Education Trust study raises serious questions about the government's plans to combat child sexual exploitation by making relationships education a compulsory part of the primary school curriculum and by making relationships and sex education a statutory subject in all secondary schools.

The report argues that the approach to relationships and sex education favoured by the leading campaigners will prove counter-productive and do more harm than good. It comments that:

*The message that children and young people must be left free to decide for themselves 'when they are ready' to embark on a sexual relationship is failing them and exposing them to the risk of sexual exploitation.*

The report further observes that the Oxfordshire serious case review noted that 'the reluctance in many places, both political and professional, to have any firm statements about something being "wrong"' had contributed to 'an environment where it is easier for vulnerable young people/children to be exploited. It also makes it harder for professionals to have the confidence and bravery to be more proactive on prevention and intervention.'

Norman Wells commented:

*The evidence from the serious case reviews suggests that the relativistic app-*



*roach advocated by the leading campaigners for statutory sex education is not the solution, but is rather part of the problem.*

*We should be wary of any approach to sex and relationships education that is reluctant to declare anything 'wrong'. Children, young people and professionals alike all need a clear moral compass in order to safely negotiate the confused and confusing landscape that lies before them.*

### Root causes

Bearing the title *Unprotected*, the report argues that high levels of child sexual exploitation cannot be addressed by improved communications or the restructuring of local authority and police departments, nor by statutory relationships and sex education. It demonstrates that the root causes that need to be addressed are social, cultural and moral. Unless the government, together with professional bodies and child protection agencies, is willing to grasp the nettle and reverse the normalisation of underage sex, children and young people will remain exposed to the risk of child sexual exploitation.

Professor David Paton of Nottingham University Business School described the report's findings as 'utterly damning'. Writing in the Foreword, he insists:

*With the publication of this report, policymakers and professionals working in sexual health no longer have any excuse to ignore the evidence... It is of the utmost importance that the government takes the findings of this report seriously and undertakes an urgent review of its approach to confidential sexual health services.*

• **Unprotected: How the normalisation of underage sex is exposing children and young people to the risk of sexual exploitation** by Norman Wells, 152pp, ISBN: 978-0-906229-24-8 Price: £7.50 + £1.50 p&p.



### The true story of the Rotherham abuse scandal

In *Broken and Betrayed*, Rotherham whistleblower Jayne Senior, tells the inside story of her attempt to protect vulnerable girls from gangs of abusive violent men. She writes of how the girls would tell her and her colleagues what a good time they were having with their 'boyfriends', adding: 'We weren't surprised that the girls didn't understand the grooming process. Not many people did, or still do to this day. The initial stages of grooming are not abusive; if they were, the abuser would never get to the next stage of his plan.'

In January 2013, one of the victims told the Home Affairs Select Committee: '[I]t is spoken about and it is almost expected in a way... It is just normal... That is just part of growing up; that is what happens.' - Jayne Senior, *Broken and Betrayed*, Pan, 2016.

# General Election 2017: The parties and the family



**The Conservative Party manifesto places a strong emphasis on governing in the interests of ‘ordinary, working families’. Recognising that ‘life is often much harder for these families than many in positions of power seem to realise’, the document claims that a Conservative government ‘will always be guided by what matters to the ordinary, working families of this nation’. It is to such families that the manifesto is dedicated.**

Unlike the 2015 manifesto, the 2017 document does not include a single reference to marriage. Two years ago, the Conservatives committed themselves to ‘backing the institution of marriage in our society’ by retaining the transferable tax allowance between married spouses and undertaking to ensure that ‘the transferable amount will always rise at least in line with the Personal Allowance’. But this time around marriage does not receive any expression of support, either in fiscal policy or otherwise.

There is also an absence of any reference to ‘LGBT rights’, though there is a commitment to ‘push forward with our plan for tackling hate crime committed on the basis of religion, disability, sexual orientation or transgender identity’. No further detail is given in relation to this, nor to Conservative plans to ‘expand our global efforts to combat extremism, terror, and the perpetration of violence against people because of their faith, gender or sexuality’.

## Parenting

A Conservative government ‘will take steps to improve take-up of shared parental leave and help companies provide more flexible work environments that help mothers and fathers to share parenting’. It will also ‘strengthen the entitlement to flexible working to help those with caring responsibilities for young children or older relatives’.

## Education

The manifesto includes a commitment to ‘work with schools to make sure that those with intakes from one predominant racial, cultural or religious background teach their students about pluralistic, British values and help them to get to know people with different ways of life’, though the definition of ‘British values’ remains uncertain. There is also a pledge to ‘consider how Ofsted can give parents more information on what their children are being taught’.

Although a Conservative government would do away with the universal entitlement to free school lunches for the first three years of primary school, it would offer all primary school pupils a free school breakfast on the basis of ‘good evidence that school breakfasts are at least as effective in helping children to make progress in school’.

## Childcare

Confident that ‘high-quality childcare is important not just to working parents but even more so to a child’s development and happiness’, the Conservatives promise an immediate introduction in 2017 of 30 hours of ‘free childcare for three and four-year-olds for working parents’.

A Conservative administration would look at ‘the best ways that childcare is provided elsewhere in Europe and the world’ in order to assess what more is needed. The manifesto promises to immediately institute ‘a capital fund to help primary schools develop nurseries where they currently do not have the facilities to provide one’, and to ‘introduce a presumption that all new primary schools should include a nursery’.

## Young people’s mental health

A Conservative government would publish a green paper on young people’s mental health before the end of 2017, introduce mental health first aid training for teachers in every primary and secondary school by the end of the parliament, and ensure that every school has a single point of contact with mental health services. Also, ‘Every child will learn about mental wellbeing and the mental health risks of internet harms in the curriculum.’

## Online safety

The Conservatives would ‘lead a global effort to close down online spaces for those who abuse children, incite violence or propagate hate speech’:

*It should be as unacceptable to bully online as it is in the playground, as difficult to groom a young child on the internet as it is in a community, as hard for children to access violent and degrading pornography online as it is in the high street, and as difficult to commit a crime digitally as it is physically.*



A government headed by Theresa May would ‘work with industry to introduce new protections for minors, from images of pornography, violence, and other age-inappropriate content not just on social media but in app stores and content sites as well’. It would also introduce ‘comprehensive Relationships and Sex Education in all primary and secondary schools to ensure that children learn about the risks of the internet, including cyberbullying and online grooming’.

## Domestic violence and abuse

A Domestic Violence and Abuse Bill would ‘consolidate all civil and criminal prevention and protection orders and provide for a new aggravated offence if behaviour is directed at a child’. A Conservative government would ‘legislate to enshrine a definition of domestic violence and abuse in law, providing the legal underpinning’.

## Family courts

The Conservatives would explore ways to improve the family justice system: ‘The family courts need to do more to support families, valuing the roles of mothers and fathers, while ensuring parents face up to their responsibilities.’

## Extremism

In order to ‘defeat the extremists’, the Conservatives would consider the creation of new criminal offences and the establishment of new aggravated offences. The manifesto pledges to:

- support the public sector and civil society in identifying extremists, countering their messages and promoting pluralistic, British values, and
- establish a Commission for Countering Extremism to identify examples of extremism and expose them, to support the public sector and civil society.





At the beginning of a section on housing, the Labour manifesto states: 'Home is at the heart of all of our lives. It's the foundation on which we raise our families, the bedrock for our dreams and aspirations.' But apart from that, there is very little in terms of family policy and, with the exception of a reference to Labour's support for the Forced Marriage Unit and the boast that 'it was only through Labour votes that equal marriage became law', the manifesto is silent on marriage. It does, however, promise that 'Labour will introduce a no-fault divorce procedure,' though no details are given.

### Childcare

The Labour manifesto refers to 'a gap between the end of maternity leave and the beginning of full-time schooling', which 'can make it difficult for parents, particularly women, to return to work, unless they have access to informal childcare support'. A Labour government would therefore 'seek to roll out educational provision for early years children as part of a National Education Service that is truly cradle-to-grave'.

According to the manifesto, the Conservative plans to expand free childcare provision are 'chronically under-funded, with provision patchy and hard to navigate'. Labour would therefore 'maintain current commitments on free hours and make significant capital investment' during its first two years of government, 'to ensure that the places exist to meet demand'. An administration headed by Jeremy Corbyn would also 'extend the 30 free hours to all 2 year-olds and move towards making some childcare available for 1 year-olds and extending maternity pay to 12 months'. Labour would further halt the closure of children's centres and increase the amount of money available for Sure Start.

### Education

A Labour government would create a unified National Education Service to move towards cradle-to-grave learning that is free at the point of use, based on the principle that 'Every Child - and Adult - Matters'.

On sex education there are commitments to making 'age-appropriate sex and relationship education a compulsory part of the curriculum so young people can learn about respectful relationships' and to ensuring that 'the new guidance for relationships and sex education is LGBT inclusive'. And 'to tackle bullying of LGBT young people, Labour will ensure that all teachers receive initial and ongoing training on the issues students face and how to address them'.

Labour also plans to increase the proportion of mental health budgets spent

on support for children and young people and to 'extend schools-based counselling to all schools to improve children's mental health, at a cost £90m per year'.

### Children's rights

A Labour government would 'enshrine the European Convention on the Rights of the Child (*sic*) into domestic law'\* and reduce the voting age to 16.

### Fiscal policy

Labour views the decision of the Conservative government to limit tax credit and universal credit (UC) payments to the first two children in a family as 'an attack on low-income families' which will increase child poverty. A Labour government would therefore reform and redesign UC.

### Child protection

The manifesto includes an aspiration to 'deliver earlier protection to victims of abuse by strengthening mandatory reporting, and guaranteeing allegations will be reported and action taken to make children safe'.

With particular regard to keeping children safe online, a Labour administration would 'ensure that tech companies are obliged to take measures that further protect children and tackle online abuse'. The manifesto adds: 'We will ensure that young people understand and are able to easily remove content they shared on the internet before they turned 18.'

### Abortion

A Labour government would 'continue to ensure a woman's right to choose a safe, legal abortion' and would 'work with the Assembly to extend that right to women in Northern Ireland'.

### LGBT Equality

The section of the manifesto on 'LGBT Equality' begins:

*Labour has a proud record championing the fight for LGBT equality. We abolished Section 28, equalised the age of consent, created civil partnerships, and it was only through Labour votes that equal marriage*



*became law. However, there is still a long way to go on issues such as education, equal access to public services, levels of LGBT hate crime, and mental and physical wellbeing.*

Labour is committed to:

- reforming the Gender Recognition Act and the Equality Act 2010 'to ensure they protect Trans people by changing the protected characteristic of "gender assignment" to "gender identity" and remov[ing] other outdated language such as "transsexual"';
- bringing 'the law on LGBT hate crimes into line with hate crimes based on race and faith, by making them aggravated offences';
- ensuring that 'all frontline health and social care professionals receive ongoing training to understand and meet the needs of LGBT patients and service users';
- ensuring 'that NHS England completes the trial programme to provide PrEP as quickly as possible, and fully roll out the treatment to high risk groups to help reduce HIV infection';
- appointing 'dedicated global ambassadors for women's rights, LGBT rights and religious freedom to lead the government's work to fight discrimination and promote equality globally'.

### Equality

In response to the 'devastating cuts to the Equality and Human Rights Commission' made by the Conservatives, Labour would enhance the commission's powers and functions, making it truly independent, to support 'ordinary working people to effectively challenge any discrimination they may face'. A Labour government would additionally 'reinstate the public sector equality duties and seek to extend them to the private sector'.

*\* Presumably this is intended to be a reference to the United Nations Convention on the Rights of the Child.*



**The Liberal Democrat manifesto includes a 10-page chapter entitled ‘Put Children First’ and a chapter of 12 pages under the title, ‘Support Families and Communities’.** The former is devoted to education policy, including higher education and ‘life-long opportunities to learn’, and the latter includes a section on childcare policy, before addressing employment, housing, transport, local government, and investment in culture and sport.

Marriage receives three brief mentions: in relation to fiscal policy, LGBT rights and opposing forced marriage throughout the world.

### Childcare

The Liberal Democrats include among their priorities the extension of ‘free childcare to all two-year-olds and to the children of working families from the end of paid parental leave, and encouraging new fathers to take time off with an additional month’s paid paternity leave.’ They will:

- encourage employers to provide more flexible working;
- prioritise 15 hours’ free childcare for all working parents in England with children aged between nine months and two years;
- commit to a long-term goal of 30 hours’ free childcare a week for all parents in England with children aged from two to four years, and all working parents from the end of paid parental leave to two years;
- ensure that this provision is fully funded at sustainable levels, provides flexibility for parents who work unsocial hours and enables parents to use free hours during school holidays.

The stated goal is to ‘fund more extensive childcare, and provide better back-to-work support to reach an ambitious goal of one million more women in work by 2025’ in order to ‘extend diversity in public life and business’.

### Parenting

Believing that ‘parents need to be properly empowered and supported with the tools they need to raise the next generation, and involved in the running of their children’s schools’, the Liberal Democrats propose to:

- establish a new online Family University, supported by leading organisations such as the BBC and Open University, to provide every family with advice and guidance for learning and parenting at home, as well as inspiring trips out and local opportunities;
- ensure collaboration between leading education and family organisations to improve the flow of helpful information between home and school without increasing teacher workload.

They also aspire to ‘make parliament more family friendly, and establish a review to pave the way for MP job-sharing arrangements’.

### Education

In order to help children ‘develop the life skills they will need as adults’, the Liberal Democrats propose to introduce Personal, Social and Health Education as a curriculum entitlement in all state-funded schools. This will include ‘financial literacy, first aid and emergency lifesaving skills, mental health education, citizenship and age-appropriate Sex and Relationship Education (SRE)’. SRE would include ‘teaching about sexual consent, LGBT+ relationships, and issues surrounding explicit images and content’.

The Liberal Democrats would ‘make the curriculum the responsibility of an Educational Standards Authority to pilot, phase in and resource future changes in consultation with professionals and experts while retaining legitimate democratic accountability’. Other proposals in relation to education include:

- challenging gender stereotyping and early sexualisation, working with schools to promote positive body image and break down outdated perceptions of gender appropriateness of particular academic subjects;
- tackling bullying in schools, including bullying on the basis of gender, sexuality, gender identity or gender expression;
- ensuring that all teaching staff have the training to identify mental health issues and that schools provide immediate access for pupil support and counselling;
- including the promotion of wellbeing as a statutory duty of a school and part of the Ofsted inspection framework;
- extending free school meals to all children in primary education and promoting school breakfast clubs.

### Rights and equalities

In an attempt to ‘safeguard rights and promote equalities’, the Liberal Democrats set out a series of wide-ranging proposals, many of which relate to the LGBT+ agenda. These include:

- a periodic review on the restrictions on blood donation by men who have sex with men and other related groups;
- the introduction of an ‘X’ option on passports, identity documents, and official

forms for those who do not wish to identify as either male or female, and a campaign for its introduction by other services;

- the decriminalisation of prostitution, ‘defending sex workers’ human rights, and focusing police time and resources on those groomed, forced or trafficked into the sex industry’;
- the introduction of mixed-sex civil partnerships and the extension of rights to cohabiting couples;
- the extension of protection of gender reassignment in equality law to explicitly cover gender identity and expression, and the streamlining and simplification of the Gender Recognition Act 2004 to allow individuals to change their legal gender without unnecessary bureaucratic hurdles;
- the removal of the spousal veto,\* and the abolition of remaining marriage inequalities in areas such as pensions, hospital visitation rights and custody of children in the event of bereavement;
- the provision of free sanitary products to girls at school to address ‘period poverty’;
- the incorporation of the UN Convention on the Rights of the Child into UK law.

Other proposals to advance the rights of LGBT+ people are scattered throughout the manifesto, including:

- ensuring that LGBT+ inclusive mental health services receive funding and support;
- developing a comprehensive strategy for promoting the decriminalisation of homosexuality around the world and advancing the cause of LGBT+ rights.

### Fiscal policy

The Liberal Democrats would ‘reverse a number of the Conservatives’ unfair and unjustified tax cuts’, including the marriage allowance and the increase to the inheritance tax threshold. They would also ‘abandon the two-child policy on family benefits and abolish the Conservatives’ “rape clause” where a woman has to declare children that are born as a result of rape in order to access benefits’.

*\* Under the Marriage (Same Sex Couples) Act 2013, the partner of a married or civil partnered transsexual person is required to give written permission before a Gender Recognition Certificate can be issued.*







Among the 'ten key pledges' in the Green Guarantee, there are two pledges that relate to the family and young people. The Green Party states:

- We will work to create a more equal society. We will grant mixed gender couples the right to civil partnerships and make LGBTIQ+ refugees welcome.
- Young people need a voice and we will give them one, by lowering the voting age to 16 and introducing political and active citizenship education for all young people.

### LGBTIQ+ policies

The Green Party LGBTIQ+ Manifesto 2017 comments:

*The Green Party have (sic) long been at the forefront of advancing the rights of those who identify as lesbian, gay, bisexual, trans and non-binary, intersex, queer, asexual and aromantic, as well as other sex, sexuality and gender diversities (LGBTIQ+). We stand up for acceptance, a more equal economy, and a fairer society. We're proudly fighting for bodily autonomy for intersex people, for legal recognition for trans and non-binary people, for PrEP for all that need it, and for greater protection for LGBTIQ+ asylum seekers.*

On 'trans and non-binary rights', the manifesto pledges to work to 'improve the wellbeing of trans and non-binary citizens and ensure institutions like marriage are inclusive of trans and non-binary people'. It continues:

*The Green Party affirm that trans men are men, trans women are women and non-binary genders exist and are valid. We support the right for trans and non-binary people to access services and spaces that match their affirmed gender.*

### Education

The Green Party would:

- guarantee mandatory HIV, sex, and relationships education, both age-appropriate and LGBTIQ+ inclusive, in all schools from primary level onwards;
- require every school to have an anti-bullying programme that explicitly combats homophobic, biphobic, and transphobic bullying;
- ensure all teachers and education staff are qualified and trained to provide an LGBTIQ+-inclusive education and to look after LGBTIQ+ pupils' wellbeing.

### Health

The Green Party speaks in terms of 'a humanitarian crisis in the NHS' which disproportionately impacts LGBTIQ+ people. It would reverse cuts which make it harder for trans people to access gender reassignment services, which weaken HIV prevention services and which restrict access to mental and sexual health services.

The party would also ensure that PrEP, a daily pill for high-risk groups to reduce the risk of HIV transmission, is provided by the NHS without delay.

The SNP's manifesto for the 2017 Westminster election had not been published when we went to press, but the party referred us to the 'policy base' section of its website.



### Fiscal policy

The SNP is strongly opposed to the restriction of tax credits to a maximum of two children for any new claimants unless a woman can demonstrate that a third or subsequent child was born as a result of rape.

### Childcare

The SNP is currently taking forward 'the most significant expansion of childcare and early years education ever seen in Scotland – almost doubling free provision to 30 hours a week by 2020'.

### Named Person

The SNP remains totally committed to the Named Person service and plans to bring forward a Bill containing measures to address the judgment of the UK Supreme Court in July 2016.

### Gender recognition

The SNP plans to review and reform gender recognition law, to bring it into line with international best practice for people who are Transgender or Intersex.

At Westminster, SNP MPs are calling on the UK government to amend the Equality Act 2010 to ensure that all trans and non-binary people are covered by discrimination protections.

UKIP had not published its 2017 manifesto when we went to press, but a spokesman advised us that the party's policies would remain substantially the same as in the 2015 document.

The 2015 UKIP manifesto included the following proposals:

- the abolition of inheritance tax;
- an increase to the marriage allowance;
- a limit on child benefit to two children for new claimants;
- a statutory duty on all primary schools to offer before and after-school care;
- age-appropriate sex and relationship education in secondary schools only, with parents retaining a right of withdrawal;
- the reform of child protection services, including the prosecution of all adult sexual behaviour with underage minors;
- support for the right of parents to home educate their children;
- an initial presumption of 50-50 shared parenting in making decisions regarding child residency after family breakdown, and visiting rights for grandparents unless there is good reason to withhold them.



Plaid Cymru's manifesto says very little about the family and the welfare of children and young people. However, the party aspires to make Wales a nation where 'every child is given every chance to succeed, helping families out of poverty'.

The manifesto includes a pledge to provide free full-time nursery places for all three year-olds as part of Plaid Cymru's three point plan for tackling child poverty.

In its pursuit of 'a democracy where young people are not silenced and each vote counts', the party wants to grant 16 and 17 year-olds the right to vote and reform the voting system so that it is more representative.

# Relationships Education – and Relationships and Sex Education – to be made compulsory

*But the government will be consulting on the details*

A new clause, passed at a late stage in the passage of the Children and Social Work Bill through Parliament, has paved the way to make Relationships Education (RelEd) compulsory in all primary schools and Relationships and Sex Education (RSE) mandatory in all secondary schools.

Section 34 of the Children and Social Work Act 2017 places a duty on the Education Secretary to make the necessary legislative changes by regulations. The regulations, which the government plans to bring into force in September 2019, will apply to all schools, including academies, free schools and independent schools.<sup>1</sup>

According to the Education Minister, Edward Timpson, the key aim of the new provision is 'to support young people to stay safe and prepare them for life in modern Britain'.<sup>2</sup> Mr Timpson has also stated that the Department for Education expects all schools to ensure that young people, 'whatever their developing sexuality or identity, feel that RelEd and RSE

are relevant to them and sensitive to their needs'. He added, 'As part of our wider engagement, we envisage working with organisations who represent LGBT communities and who are already supporting schools in this area'.<sup>3</sup> In the House of Lords, the Schools Minister, Lord Nash, made specific reference to working with Stonewall and the Terrence Higgins



**Edward Timpson**

Trust.<sup>4</sup>

Although the primary legislation allows schools no discretion with regard to the provision of RelEd and RSE in primary and secondary schools respectively, the detail is yet to be determined. The Department for Education is committed to conducting 'a wide-ranging engagement process to determine the content of regulations and statutory guidance of RelEd and RSE'.<sup>5</sup>

## Right of parental withdrawal

While the government has stated a commitment to retain the right of parents to withdraw their child from sex education within RSE, it has signalled that this right is likely to be limited or qualified in some way. According to the DfE policy statement, 'Providing a parent with a blanket right to withdraw their child from sex education is no longer consistent with English case law (or with the ECHR [European Convention on Human Rights] and UNCRC [United Nations Convention on the Rights of the Child]).'<sup>6</sup> However, the policy statement does not specify which cases the Department has in mind, nor does it indicate how a blanket right of withdrawal may conflict with international instruments.

The government has hinted that at a certain age, as yet unspecified, the right of withdrawal will transfer from the parent to the child. Edward Timpson told the House of Commons:

*For those parents who still prefer to provide this education themselves, we absolutely intend to retain a right to withdraw from sex education. We will, as part of this, need to amend the current right to withdraw to make sure it remains in line with case law, and we will consult further in order to clarify the age at which a young person may have the right to make their own decisions about whether to withdraw from that aspect of their education or not.<sup>7</sup>*

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## Government plans may be seen as 'a statist land grab', says peer

Speaking in the House of Lords, Lord McColl said that he found aspects of the government's policy 'troubling' and expressed concern that there had been 'very little scrutiny'. He was particularly troubled by the lack of engagement with parents and questioned the possibility of separating sex from relationships education. Lord McColl declared:



*The main message that comes from these proposals, however, is one in which the state seeks to tell parents what to do by removing the right of parental withdrawal from the relationships aspect of SRE...*

*I think the Government's proposals are likely to be read by many parents as a statist land grab in which the underlying message from the state to parents is, "We don't trust you". I think this would be hugely damaging...*

*Moreover, the proposal that everything should effectively be done through regulation means that we will be afforded only one solitary further opportunity for debate, with no amendment.*

Speaking in support of the right of parents to withdraw their children from RelEd, Lord McColl stated:

*Parents will have different views on what constitutes a healthy relationship, depending on their culture and religious background. They should be able to exercise their right to have their children educated in line with their religious or philosophical convictions...*

He concluded:

*I hope that, as the Government draw up their guidance and regulations, they will do four things: first, that they will clarify that the right for parents to withdraw their children from relationships education will in fact continue; secondly, that they will make it clear that sex education cannot be taught under PSHE without a right of withdrawal; thirdly, that they will take steps proactively to engage parents and give them a greater rather than a lesser role in the way that relationship and sex education is taught in our schools; and, fourthly, that if they conclude that they want to change any aspect of primary legislation, they will not do so through secondary legislation but instead introduce such changes through a future education Bill, where they can be properly scrutinised.*

## ReEd and SRE to be compulsory

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While the fate of the parental right of withdrawal remains uncertain, the government is adamant that no such right will be available to parents with regard to ReEd in primary school. Lord Nash told the House of Lords that:

*We have not provided a right to withdraw from relationships education at primary because this will focus on core concepts of safety and forming healthy relationships that we think all children should be taught.*<sup>8</sup>

Ministers appear to be of the view that Relationships Education is entirely non-contentious, but as Stewart Jackson observed during the limited amount of time allotted to the Commons to debate the proposals, the House was being asked to remove the capacity of parents to withdraw their children from ReEd before the government had specified what would be included within it.<sup>9</sup>

In a brief but powerful speech, his parliamentary colleague Edward Leigh noted that the government's policy statement offered 'no justification whatever for the inconsistent and aberrant decision not to extend that right to relationships education'. He asked, 'If we respect the rights of parents over sex education, why trample all over their rights when it comes to relationships education? It is understandable that some will view this as a state takeover bid for parenting.'

Mr Leigh also highlighted a section from the judgment of the UK Supreme Court in relation to the Scottish Government's named person scheme:

*The first thing that a totalitarian regime tries to do is to get to the children, to distance them from the subversive, varied influences of their families, and indoctrinate them in their rulers' view of the world. Within limits, families must be left to bring up their children in their own way.*<sup>10</sup>

## Key points

- All primary schools to teach Relationships Education (ReEd)
- All secondary schools to teach Relationships and Sex Education (RSE)
- Parents to retain the right to withdraw their children from sex education, though the extent of that right is to be reviewed
- Parents to have no right to withdraw their children from ReEd in primary school
- Schools will have some discretion as to how they teach ReEd and RSE, but not as to whether they teach them

## Provisional timetable

- **Autumn 2017** – consultation on regulations and accompanying statutory guidance
- **Late 2017/Early 2018** - regulations to be laid before Parliament under the affirmative procedure
- **Spring/Summer 2018** – Publication of statutory guidance
- **September 2019** – New requirement to come into force

## Other concerns

During the Commons debate, Julian Lewis expressed concern that sex education might be 'smuggled into primary schools under the label "relationships education"'.<sup>11</sup> And Edward Timpson accepted Bernard Jenkin's comment that there was nothing in the Bill that would prevent primary school teachers from going beyond whatever was included in the ReEd curriculum when 'responding to curiosity'.<sup>12</sup>

Sir Gerald Howarth asked who would decide what is 'age-appropriate' and where the provisions referred to 'the moral dimension of this very important issue'. The Minister's response that 'The moral aspect is already covered by British values and the teaching of citizenship' is hardly reassuring given the ill-defined nature of 'British values'.<sup>13</sup>

Also, given Ofsted's disproportionate focus on equality and diversity issues, we can derive little comfort from the Minister's comments on the inspection of ReEd and RSE. Mr Timpson declared:

*Her Majesty's chief inspector will take full account of the new requirements in determining future school inspection arrangements. Ofsted is already seeking to appoint an HMI lead for citizenship and PSHE, whose role will be to keep abreast of developments in this area and oversee the training of inspectors in light of the new expectations on schools.*<sup>14</sup>

Both Edward Timpson and Lord Nash have argued that growing concerns about child sexual abuse and exploitation and the increased risks associated with growing up in a digital world present a compelling case for statutory ReEd in primary schools and RSE in secondary schools. However, the evidence set out in the Family Education Trust report *Unprotected* suggests otherwise (see pages 1-2 of this bulletin).

In a separate provision, Section 35 of the Act additionally empowers the Secretary of State to make Personal, Social, Health and Economic education (PSHE) a compulsory part of the curriculum in all schools at a later stage. In a written statement issued on 1 March, Justine Greening announced her intention to take a power that would enable her 'to make PSHE statutory in future, following further departmental work and consultation on subject content'.<sup>15</sup>

## References

1. PQ 66230, 7 March 2017.
2. PQ 70804, 21 April 2017.
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15. Written Statement on Sex and Relationships Education, 1 March 2017.

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### Family Education Trust

The Atrium  
31 Church Road  
Ashford  
Middlesex TW15 2UD  
Tel no: 01784 242340  
Fax no: 01784 252343  
info@familyeducationtrust.org.uk  
www.familyeducationtrust.org.uk  
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