

AGM and Annual Conference Saturday 15 June 2019

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

Guest speakers

Colin Hart

Marriage and divorce in the liberal imagination

Dr Stuart Waiton

Policing the family: The 'new class' and the obsession with early intervention



Having taught at a comprehensive school in Newcastle, **Colin Hart** left teaching in 1989 to set up the Christian Institute and has served as its director from its inception. Over the past 30 years, he has been involved in many successful national campaigns on education, religious freedom and medical ethics. Mr Hart also serves as the Chairman of the Coalition for Marriage. He

will speak about how hollowing out the meaning of marriage leads to liberal divorce laws.



Stuart Waiton lectures on Sociology and Criminology at the University of Abertay in Dundee. He also writes for several newspapers on issues associated with the criminalisation and over-regulation of everyday life. He has a particular research interest in early intervention and its role in crime-related social policy and the 'policing' of families. Dr Waiton has been a

vocal opponent of the 'named person' scheme in Scotland and other areas where the state is intruding upon family life.

Two-course lunches in the RAF Club's Presidents Room are available at the subsidised cost of £28.50. To reserve a lunch, please send a cheque for £28.50 made payable to 'Family Education Trust', to reach us before Wednesday 5 June 2019.

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

Consultation responses show major disquiet over government sex education plans

In spite of strong opposition from parents, grandparents and other concerned individuals, the government is pressing ahead with its controversial plans for statutory Relationships Education in primary schools and Relationships and Sex Education (RSE) in secondary schools.

Parents will have no right to withdraw their children from Relationships Education when the new requirements come into effect from September 2020, and at secondary school level the parental right of withdrawal from sex education will be downgraded to a 'right to request that their child is withdrawn'. In 'exceptional circumstances', headteachers will have the right to refuse the request, and from three terms before a pupil's 16th birthday, the child may overrule his or her parent's wishes and opt in to sex education lessons.

Strong disagreement

The government's response to last year's public consultation on draft regulations and statutory guidance reveals that 58 per cent of respondents disagreed that the proposed content for Relationships Education set out in the draft guidance is age-appropriate for primary schools, with 40 per cent disagreeing 'strongly'. Sixty per cent disagreed (42 per cent 'strongly') that the content of the curriculum will 'provide primary school pupils with sufficient knowledge to help them have positive relationships'.

An even higher proportion of respondents registered concern about the proposed content of RSE lessons in secondary schools, with 64 per cent disagreeing that the proposed content is age-appropriate (50 per cent disagreeing 'strongly'). Asked whether the planned curriculum would 'provide secondary school pupils with sufficient knowledge to help them have positive relationships', 66 per cent disagreed (50 per cent 'strongly').

The Department for Education received 11,186 online and emailed responses to the consultation and a further 29,000 signatures in response to two petitions. Parents accounted for

continued overleaf...

In this issue

- 'Exceptional circumstances' and the parental right of withdrawal
- Sinister agenda behind 'No Outsiders' programme
- Countdown to Statutory RSE
- Smacking bans proposed for Wales and Scotland
- Review of the Family Test
- Home education consultation
- No-fault divorce plans
- Respect for parents
- Lady Grantchester

‘Exceptional circumstances’ and the parental right of withdrawal from RSE

Under the current law, parents have a legal right to withdraw their children from sex education. However, this legal entitlement is set to become a ‘right to request’ following the introduction of statutory RSE in secondary schools from September 2020. Under the new regulations, parents may *request* the withdrawal of their child, but they cannot insist upon it. In the words of the regulations, when a withdrawal request is made, ‘the pupil is so excused until the request is withdrawn, *unless or to the extent that the head teacher considers that the pupil should not be so excused*’ (emphasis added).

The statutory guidance states that before granting a request for a child to be withdrawn from RSE, ‘it would be good practice for the head teacher to discuss the request with parents and, as appropriate, with the child to ensure that their wishes are understood and to clarify the nature and purpose of the curriculum’. Such ‘good practice is also likely to include the head teacher discussing with parents the benefits of receiving this important education and any detrimental effects that withdrawal might have on the child’. The guidance then goes on to state that: ‘Once those discussions have taken place, except in exceptional circumstances, the school should respect the parents’ request to withdraw the child...’

The million dollar question

Which begs the million dollar question... Under precisely what ‘exceptional circumstances’ might a headteacher override a parent? It was a question which exercised the minds of MPs from all sides of the House during two separate debates on RSE on 25 February. Sir Edward Leigh noted that: ‘All previous Conservative Governments...have given an untrammelled right to parents to remove their children from sex education, but here, in certain circumstances, that right has been transferred to the headteacher—a fundamental shift of power to the state.’

One after another, Conservative, Labour, DUP and SNP members requested clarification, but their attempts to obtain a definition of what might constitute an ‘exceptional circumstance’ were in vain. In the main chamber, the Education Secretary Damian Hinds, said: ‘It is difficult to codify what those exceptional circumstances might be because, by definition, they would be exceptional.’

Meanwhile, concluding a Westminster Hall debate on the same afternoon, the Minister for School Standards Nick Gibb stated:

‘Headteachers will want to respect the views of parents, but there may be exceptional circumstances. I do not want to iterate them in the debate, nor do we want to set them out, but there may be exceptional circumstances with a particular child when it is necessary to refuse the right to withdraw them. They will be very exceptional circumstances.’

The question was raised again several weeks later when MPs voted by 538 votes to 21 to approve the draft regulations. On that occasion, Nick Gibb suggested that an example of an ‘exceptional circumstance’ might be ‘if a child has experienced a sexual incident, perhaps with another child, or inappropriate touching’. He added that ‘the key point is...that it will be the circumstances of the child and not the views of the headteacher that will lead to that decision’.

Consultation responses show major disquiet over government sex education plans

continued from front page

almost a third of electronic responses (31 per cent) and 11 per cent of responses were received from grandparents. Strong representations were made in support of teaching children about the importance of marriage and stable family life, and serious concerns were expressed about teaching on LGBT issues.

Areas of disagreement

The government’s published response to the consultation states that:

‘Many responses focused on the need for Relationships Education to place emphasis on family relationships and the importance of having strong and stable relationships with family. A large proportion of these responses referenced commitment and marriage, with some responses suggesting the guidance does not place enough emphasis on the value of marriage.’

Reference is also made to the fact that those who mentioned marriage and commitment ‘often specifically [made mention of] traditional marriage between a man and woman’. The government summary noted that:

‘Looking at the responses overall, a large proportion disagreed with the position on teaching about LGBT in the guidance. There were many differing views, with some respondents wanting more content and others wanting no content. Some respondents felt primary children, or all children and young people are too young to be taught about LGBT, while others felt it was important for children to be aware of LGBT content and that this could be appropriately delivered in secondary or in both primary and secondary schools.’

LGBT integration

In response to these divergent views, the government has decided that:

‘Pupils should be able to understand the world in which they are growing up, which means understanding that some people are LGBT, that this should be respected in British society, and that the law affords them and their relationships recognition and protections.’

In practice, this means that the government has come down firmly on the side of those who favour an ‘inclusive’ approach to the delivery of Relationships Education and RSE. Its response to the consultation accordingly states:

‘Pupils growing up in families with LGBT members, or who are beginning to understand that they are or may be LGBT themselves, should feel that Relationships Education and RSE is relevant to them. Schools should make decisions about what is appropriate to teach on this subject and when, based on the age and development of their pupils and should involve their parent body in these decisions, informing them clearly and in a timely manner about what and how their pupils will be taught.’

While schools will have flexibility as to how they deliver LGBT issues, they will have no discretion when it comes to ensuring that the content outlined in the guidance is covered. In fact, the guidance insists that LGBT issues must be ‘fully integrated’ into the curriculum for Relationships Education and RSE:

‘Schools should ensure that all of their teaching is sensitive and age appropriate in approach and content. At the point at which schools consider it appropriate to teach their pupils about LGBT, they should ensure that this content is fully integrated into their programmes of study for this area of the curriculum rather than delivered as a standalone unit or lesson. Schools are

free to determine how they do this, and we expect all pupils to have been taught LGBT content at a timely point as part of this area of the curriculum.’ (para 37)

LGBT in primary schools

In spite of the emphasis on integrating LGBT issues in the curriculum for Relationships Education and RSE, ministers have made it clear that primary schools are under no obligation to include such topics. In response to a parliamentary question from the Green MP Caroline Lucas, the Minister for School Standards Nick Gibb stated:

‘The guidance makes clear that teaching lesbian, gay, bisexual and transgender (LGBT) content is expected in secondary schools. Primary schools are encouraged and enabled to cover LGBT content if they consider it age appropriate to do so. This would be done through teaching about different types of family, including those with same sex parents.’¹

Responding to a separate question on the subject of LGBT-inclusive RSE, Mr Gibb reiterated that, while secondary schools ‘should ensure there is equal opportunity to explore the features of stable and healthy same-sex relationships’, primary schools have discretion with regard to LGBT issues and should only address them if they regard it as age-appropriate:

‘Pupils should receive teaching on lesbian, gay, bisexual and transsexual (LGBT) relationships during their school years. The Department expects secondary schools to include LGBT content and primary schools are encouraged and enabled to cover LGBT content if they consider it age appropriate to do so.’²

Asked what action the government would take against schools which refuse to teach the RSE syllabus in full, the Schools Minister Lord Agnew responded that schools would be required to have regard to the statutory guidance, and ‘where they depart from those parts of the guidance, they will need to have good reasons for doing so’. He added: ‘Where, during the course of a school inspection, it becomes clear that statutory requirements are not being met, that will inform Ofsted’s overall judgment of a school.’³

Notes

1. Written question 223981, 1.03.19.
2. Written question 236526, 28.03.19.
3. Written question, HL14749, 29.03.19.

• DfE, *Relationships Education, Relationships and Sex Education, and Health Education in England, Government consultation response, February 2019.*

The sinister agenda behind the Birmingham ‘No Outsiders’ programme



A Birmingham primary school has suspended its use of a programme teaching children about same-sex relationships and gender identity in response to parental concerns. It is reported that as many as 600 pupils, representing 80 per cent of the children registered at the school, were withdrawn on a single day, because of objections to the ‘No Outsiders’ programme.¹

The programme was developed by the school’s assistant head, Andrew Moffatt, who previously authored a series of controversial lesson plans in 2007 called *Challenging Homophobia in Primary Schools* (CHIPS), in an attempt to help teachers deliver lessons on equality with a lesbian, gay, bisexual and transgender (LGBT) focus. Among other things, the CHIPS materials were written ‘to teach five year olds that gay and lesbian men and women exist’.

A decade on, Mr Moffatt rejoiced that there was a general awareness of homosexual lifestyles and in the introduction to his later resource *No Outsiders in our School*, he wrote,

‘What we now need to be teaching is that homophobia once existed but we don’t have it in our school today, and that to be a person who is gay or lesbian, or transgender, or bi-sexual is normal, acceptable and OK. Children also need to be learning that they may identify or may not identify as LGBT as they grow up, and that whoever they grow into as an adult is also perfectly normal and acceptable.’²

Ofsted

The lessons have been defended by Ofsted Chief Inspector Amanda Spielman. She told the BBC that the purpose was to make sure that children ‘know just enough to know that some people prefer not to get married to somebody of the opposite sex and that sometimes there are families that have two mummies or two daddies’. She added, ‘It’s about making sure that children who do happen to realise that they themselves may not fit a conventional pattern know that they’re not bad or ill.’³

Her predecessor, Sir Michael Wilshaw, told the Radio 4 *Today* programme that parents who had a moral objection to regarding homosexual relationships as valid were ‘absolutely wrong’. ‘You’ve got to confront them,’ he said. He added that people with ‘conservative views, sincerely held, have also got to... understand that they are living in this country, in a pluralistic society with liberal values’, and held that the school should ‘absolutely’ reinstate the lessons.⁴

Parental authority

The social commentator Brendan O’Neill (pictured above) has written in support of the parents who kept their children at home so they would not be subjected to the LGBT lessons. He argues:

‘When it comes to moral and religious matters, parents should exercise the greater authority over their children. It is crucial for the sovereignty of the family and the rights of parents that their moral purview is not casually traduced by officials who presume to know better... The idea that children as young as five should be educated about gay and trans people is an idea that didn’t exist just a few years ago – and as such it is parents’ right, everyone’s right in fact, to push back against it. It is their right to say: “This is a moral step too far and it undermines what my kid learns in the home.”’

But the Parkfield Community School controversy goes beyond the question of whether parents or the state should determine what children are taught on matters of morality and ethics. Brendan O’Neill sees behind it a sinister attempt to use young children as part of an agenda to advance a change in social attitudes. He writes:

‘Something sinister is happening in both official and campaigning circles: people are using children, very young children, to try to reshape adult thinking and society more broadly. Perhaps fearing they will not be able to convince actual adults that transgenderism is a good idea or that children as young as six can be “gay”, instead the new moral instructors seek to inculcate kids with these ideas in the hope that the ideas will then filter into the home and into stupid adults’ brains. It is a highly undemocratic and sly way to try to bring about social change.’⁵

Notes

1. *Birmingham Mail*, 1 March 2019.
2. Andrew Moffatt, *No Outsiders in our School*, Routledge, 2017, p.2.
3. Sima Kotecha, ‘Ofsted says schools should teach pupils about same-sex couples’, BBC, 21 February 2019.
4. Radio 4 *Today*, 25 March 2019.
5. Brendan O’Neill, ‘Those Birmingham parents are right’, Spiked, 6 March 2019.

Countdown to Statutory RSE

Richard Bache reports on a conference for independent schools organised by the Sex Education Forum and hosted by Kingston Grammar School on Wednesday 27 March.

Addressing a gathering of around 150 delegates from both Prep and Public Schools on 'Statutory Compliance in RSE: from compliance to excellence', Lucy Emmerson, director of the Sex Education Forum, outlined the new legal requirements which are due to come into force from September 2020 and highlighted some key areas where improvement is needed in RSE. These included ensuring that children can correctly name genitalia and that teenagers have the confidence to seek sexual health advice from a doctor or clinic. Ms Emerson also called for the introduction of an 'RSE Day' to celebrate relationships and sex education.

Sir Anthony Seldon, vice chancellor of the University of Buckingham and former headmaster of Wellington College, spoke on the importance of happiness and wellbeing in the delivery of Personal, Social, Health and Economic education. In stressing that good sex education should have regard to loving relationships, the importance of family life and respect for faith groups, he placed an emphasis on traditional values. This conflicted with the advocacy of a 'sex positive' approach which characterised so much of the conference.

Dr Polly Haste, who heads up the Sex Education Forum's national training portfolio, introduced five sixth-form 'student ambassadors' who serve as standard bearers for RSE in their respective schools. They drew attention to a number of issues that they wanted to see incorporated into the RSE curriculum. These included: LGBT issues, body image, consent, the impact of pornography, toxic relationships, and learning about other sexual identities.

Josie Rayner-Wells is an associate trainer with the Sex Education Forum, delivering courses funded by the Department for Education and Government Equalities Office and targeted intervention programmes for individual schools and local authorities. She spoke on the subject of 'Putting the guidance into practice in senior schools'. She looked at the changes that would be required in order to comply with the new arrangements and addressed the question of what is age-appropriate and how to engage parents. With reference to the revised guidance, she highlighted the importance of safe and respectful relationships and the need to fully integrate LGBT issues into the RSE curriculum.

Jessica Ringrose, Professor of Sociology of Gender and Education at the University College London Institute of Education, considered the challenge of responding to 'online sexual cultures'. While she devoted considerable attention to sexting,

there was very little in her address on the dangers of pornography.

Dr Eleanor Draeger, a specialist in Genitourinary medicine and a senior trainer with the Sex Education Forum, spoke on 'New issues in sexual health'. She focused almost entirely on PrEP (pre-exposure prophylaxis)¹ and the need to make it widely available to teenagers to prevent the transmission of HIV. She went so far as to say, 'I would put the whole country on it' and dismissed the stigma surrounding herpes, saying 'Herpes is no big deal.' Dr Draeger made no reference to sexual abstinence or the inherent dangers of underage sex. She had to be pushed to acknowledge that anal sex is high risk and even then was unwilling to explain just how high the risk is.

The most radical of all the addresses was given by **Josephine Morgan**, Head of Pastoral Curriculum at Portsmouth Grammar School. She addressed the subject of challenging heteronormativity in RSE and beyond, and spoke of how her own school had moved from tolerating to celebrating LGBT. Ms Morgan declared loudly, 'We are sex positive!' She recommended the BBC documentary 'Me, my sex and I', on people who are born neither entirely male nor female and asserted that teenagers want a fluid sexuality. Somewhat ominously and chillingly, she asserted, 'We need to monitor the pupils' views.' It would be very concerning if such an emphasis on LGBT issues were to take hold in our schools.

In his introduction and welcome, **Nick Forsyth**, head of wellbeing at Kingston Grammar, had claimed that 'Every child will be safe because of the Sex Education Forum.' However, having sat through the entire conference, I cannot share his optimism.

The day clearly underlined the fact that the Judaeo-Christian sexual ethic has been largely replaced by Sex Positivity - the belief that all consensual sex between adults is good. Although sexual health was repeatedly mentioned as something

that needed attention, it was to be achieved through contraception and PrEP. It was taken as a given that pupils would be sexually active. 'Good sex' and pleasure were mentioned as goals to aspire to, whereas with the exception of Sir Anthony Seldon's contribution, the link between sex and commitment, love and family was entirely absent.

Three messages came across loud and clear:

1. The general risks of sexual activity are to be downplayed

Although the risks of sex were mentioned a few times it was presented as a trivial issue. Addressing the dangers of STIs, unwanted pregnancies or emotional damage arising from casual sexual relationships was dismissed as scaremongering and to be avoided. There was a particular sensitivity about high risk sexual activity and a general unwillingness to talk about the risks of anal sex. However PrEP and HPV prevention drugs were pushed hard in the session on 'New issues in sexual health'.

2. RSE should be pupil-driven

There was an emphasis on the 'right' to RSE, with pupils being empowered to determine what should be included in the syllabus.

3. Sexual radicalism is to be promoted

By and large, the speakers were advancing a radical sexual agenda. The final talk on challenging heteronormativity was particularly revealing and disturbing. It presented a radical vision for LGBT inclusion and for the inherent pansexuality of the view that all consensual sex is legitimate. It highlighted just how radical sex education could become - and already is becoming - in some schools.

Notes

1. A drug taken by high risk groups before sex to reduce the risk of contracting HIV.

● **Richard Bache serves as Chaplain at an independent school.**



Smacking bans proposed for Wales and Scotland

Legislation is making its way through both the Welsh Assembly and the Scottish Parliament which, if enacted, would make it a criminal offence for a parent to employ even the mildest of smacks to correct their children's behaviour.

Wales

The Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill is currently being scrutinised by the Children, Young People and Education Committee. The committee has launched a consultation which will run until 17.00 on Tuesday 14 May.

Be Reasonable Wales have prepared a short briefing document to help supporters in Wales respond to the consultation.¹

An explanatory memorandum published alongside the bill reveals that a ban on smacking would cost almost £3.5 million, including £890,000 for the police, have 'unknown' costs to social services, and have 'disbenefits', including the impact on parents charged with assault and their children.

A public opinion poll of over 1,000 adults in Wales conducted by ComRes in 2017 found that 76 per cent were opposed to making parental smacking of children a criminal offence. The same survey found that 77 per cent of Welsh adults agreed that 'it should be the role of parents and guardians to decide whether or not to smack their children' and the same proportion expressed concern that 'a smacking ban might flood police and social workers with trivial cases which mean they struggle to stop serious abusers'.

Scotland

The Children (Equal Protection from Assault) Bill is currently at Stage 1 in the Scottish Parliament, where it is being scrutinised by the Equalities and Human Rights Committee. Of 437 written submissions made to the committee, 387 (89 per cent) opposed a ban on smacking, with only 48 (11 per cent) in favour and two undecided. Psychologists, police officers and social workers, as well as parents, were among the critics.

Professor Tommy MacKay, a child psychologist and former President of the British Psychological Society, wrote: 'I am not able to support the Bill. My view is that it will not in fact enhance the protection of children and that at the same time it will have a number of negative consequences.'

One police officer expressed concern that a ban on smacking would:

'overwhelm police and social workers with agencies having to submit more trivial reports. I believe this use of resources will cause real cases of child abuse to be missed.'

Another serving police officer testified:

'I have spent the last 10 years working in Child Protection departments as a Detective Sergeant... I have never come across a case where I have felt the law as it stands is inadequate for any investigation into child abuse... I have found no appetite amongst my operational colleagues for any legislative changes.'

A retired senior social worker with experience of investigating child abuse told the committee: 'reasonable chastisement is very different from assault and abuse. Caring parents could well find themselves suddenly criminalised.' And one parent wrote:

'I have never personally smacked my child – not even once – but I would defend any parent's right to do so in appropriate circumstances. It is the role of parents, not the Government, to bring up children, and this law would represent a needless and objectionable intrusion into family life.'

In an article published in *The Scotsman*, Michael Sheridan, Secretary of the Scottish Law Agents Society, asked:

'Does the public at large really want to see parents who chastise their children within the limits of current law appear in court charged with common law assault in circumstances which a court may well find are de minimis or too trivial for judicial intervention? Even an acquittal for these reasons, however, implies the damaging and trust threatening involvement of the police and the courts in normal, functional, private households...'

*'In summary, the Bill calls for equal treatment for children who are, however, simply not equal and thrive best in the loving care of their parents without the looming shadow of unnecessary law enforcement.'*²

Notes

1. Be Reasonable Wales, 'Bill to Criminalise Smacking. Have your say: Respond to the Welsh Assembly's consultation today', April 2019.

<http://tinyurl.com/y3qdzusr>

2. Michael Sheridan, 'Children's protection from assault Bill leaves variety of important questions unanswered', *Scotsman*, 11 March 2019.

Review of the Family Test

Government departments are not properly applying the Family Test to all relevant areas of policy making, according to a report published by the Centre for Social Justice (CSJ).

The Family Test was introduced by David Cameron in 2014 and consists of five questions for policy makers and ministers to consider in order to ensure that all government policy making is assessed for its impact on the family.

According to the CSJ review: 'While a few departments were able to give examples of the Test being applied, no department was able to give us a definitive total number for how many times it has been applied.' A number of departments specifically said they hold no central record of when the Test has been applied. These included the Department for Work and Pensions, which bears the primary responsibility for the application of the Family Test.

The report noted that the use of the Test appeared to be 'very ad-hoc' and that engagement with it is 'often superficial'. 'Little regard' is paid to the five component questions and there seems to be 'a lack of awareness of the role of family within the policy objectives of each department'.

During the autumn of 2018, two Conservative parliamentarians, Steve Double MP and Baroness Eaton, wrote letters and submitted parliamentary questions to 14 government departments regarding their use of the Family Test. The responses they received revealed a lack of transparency in the application of the Test, giving rise to concern that it is not being applied across government as intended.

In their introduction to the review, they write:

'Strengthening family life should always be a priority for governments. Stronger families improve outcomes for children and the break-up of family relationships is often the quickest route into poverty... Government poverty figures show that children in families that break apart are more than twice as likely to experience poverty as those whose families stay together.'

They cite evidence that the general public believes that the government should do more to prioritise the family within its policymaking and rhetoric: 72 per cent of adults in Britain think that family breakdown 'is a serious problem and that more should be done to prevent families from breaking up', and 81 per cent believe that 'stronger families and improved parenting are important in addressing Britain's social problems'.

● Centre for Social Justice, *A Review of the Family Test*, March 2019.



Government consultation on a compulsory register of ‘children not in school’: Just a list of names or Trojan Horse?

The Department for Education (DfE) is consulting on proposals to make it a legal requirement for all parents who are making provision for the education of their children outside the school system to register with their local authority. Under the present arrangements, such parents are no more required to undergo a registration process than are parents who choose not to place a preschool-aged child in some form of child care or day nursery. Education, like child care, is rightly viewed as the responsibility of parents.

For decades, education law has insisted that the duty to secure the education of children of compulsory school age rests with parents and not with central or local government. Section 7 of the Education Act 1996 states that:

The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable—
(a) to his age, ability and aptitude, and
(b) to any special educational needs he may have,
either by regular attendance at school or otherwise.

The law does not specify what forms education ‘otherwise’ may take. It can include, for example, education by parents at home, the employment of private tutors, informal co-operative arrangements between different families, the use of part-time education settings, or a combination of any or all of these.

However, following a consultation exercise in 2018 on registration, monitoring and support for elective home education, which attracted 3,441 responses, the government is proposing to introduce legislation demanding mandatory registration for home educating families and an offer of support from local authorities.

Legislative proposals

The new consultation document, issued on 2 April, is seeking views on the following legislative proposals:

- the introduction of a duty on local authorities in England to maintain a register of children of compulsory school age who are not registered at state-funded or registered independent schools;
- the introduction of a duty on parents to provide information to their home local authority if their children are within the scope of such a register. (A failure on the part of parents to comply with this duty would automatically trigger the school attendance order process);
- the introduction of a duty on education settings attended by the children on the register to respond to enquiries from local authorities about the education provided to individual children. The settings in scope would not include those providing

supplementary education outside school hours;

- the introduction of a duty on local authorities to provide support to home educating families - if it is requested by such families.

The consultation document states that:

‘The main need at present is a greater ability for local authorities to identify children who, during school hours, are not receiving an education in state-funded or registered independent schools. The government believes this is best tackled by registering with the LA all children who fall into that category.’

The inclusion of the words ‘at present’ has given rise to concerns that the intro-

duction of a compulsory register of children not registered at school may lead to a more intrusive approach at a later date.

Purpose and effect

The government denies that the requirement to register amounts to a licensing system and insists that it is not proposing to give additional powers to local authorities in relation to the monitoring and assessment of the suitability of home education. However, the consultation document suggests otherwise when it states that:

‘The register would mainly function as a list of children about whose education the authority must satisfy itself as to suitability in terms of s.7, or consider a school attendance order. The register would not change LAs’ powers regarding assuring themselves of suitability of education or its safeguarding duties. These powers remain unchanged. The register would serve only to assist LAs in the discharging of these responsibilities.’

At present, the local authority has no duty to routinely assess the suitability of the education of children not registered in a school. The statutory duty of the local authority is limited to intervening where it appears that a child of compulsory school age in their area is not receiving

Home educators at risk of being forced to conform to state-approved model in the name of ‘equality’

Parents who wish to educate their children in line with their religious faith may be forced to conform to a state-approved approach to education against their wishes, under the government’s plans to legislate for a mandatory registration scheme for children not registered at school.

An ‘Equalities log’ published by the DfE to accompany the consultation suggests that the registration proposals may have a particular impact on ‘children in families with varying faith or belief (or none)’. Particular reference is made to ‘those of Muslim, Evangelical Christian or Jewish faiths’.¹

Religious and philosophical convictions

The equalities log entertains the possibility that the proposed register will contain a high proportion of children who are being educated outside the school system for ‘faith reasons’. However, it goes on to suggest that the registration requirement will place restrictions on the ability of parents to teach their children in line with their religious and philosophical convictions. The document states:

‘The outcome of registration is expected to be a greater likelihood of a suitable education being provided (whether in accord with the parents’ wishes or not).’

As one commentator on the government’s proposals has observed:

‘This is not, as many have portrayed it, a balancing of the rights of a child against those of their parents. Rather it is the state undermining the rights of parents to teach their children according to their own philosophical or religious convictions, claiming that it can impose its world-view on every child in the country in order to “safeguard” them.’²

Notes

1. Department for Education, Equalities log, ‘Decision to consult on registration proposals for children not in school’.
2. ‘Registration but Not Monitoring – Really?’ The HE-Byte, 3 April 2019.

suitable education. However, the consultation document clearly envisages that the introduction of a mandatory registration system would require of the local authority a more proactive approach to assessing the suitability of education ‘otherwise’ than at school.

“The register...will become the means by which the failed teaching and sociological ideologies of maintained schooling are foisted on to homeschoolers via local authority monitoring.”

Trojan Horse

In the view of Chris McGovern, Chairman of the Campaign for Real Education:

“The register is likely to become the government’s Trojan Horse. It will become the means by which the failed teaching and sociological ideologies of maintained schooling are foisted on to homeschoolers via local authority monitoring. “You are not teaching your child in line with best practice” will be the reprimand of the home-schooling inspector. Either do as we say or we will serve a “child in danger” order on you. Thus, the home-schooling escape route from low standards and PC brainwashing will be cut off...

“To adapt and paraphrase President Ronald Reagan, for home-schoolers the most terrifying words in the English language will soon be: “I am the home-schooling inspector and I am here to help.”¹

While the government plans to enshrine the register of children being educated ‘otherwise’ in primary legislation, it proposes to specify the operational details in secondary legislation. This would empower the Secretary of State to change the small print from time to time without needing to amend the primary legislation. It is envisaged that important matters such as the scope of the information held on each child and the ability of local authorities to share information about children with other agencies will be covered by secondary legislation.

Note

1. Chris McGovern, ‘A homeschooling register – the brainwashers’ Trojan Horse’, *The Conservative Woman*, 5 April 2019.

● **Department for Education, *Children not in school: proposed legislation Government consultation.***

<http://tinyurl.com/y5v64dyl>
Closing date 24 June 2019.

Government plans to legislate for no-fault divorce

The government is pressing ahead with its proposals to legislate for unilateral no-fault divorce in spite of the fact that the majority of respondents to last year’s public consultation opposed the plans.

Under proposals announced by the Justice Secretary David Gauke, it will no longer be necessary for a divorce petitioner to establish the irretrievable breakdown of a marriage by giving evidence of one or more of the following five ‘facts’: adultery, unreasonable behaviour, desertion, separation for two years (with the consent of the respondent), or separation for five years (if the respondent does not consent).

Instead, all that will be required to set the wheels in motion is the provision to the court of a simple statement of irretrievable breakdown, and there will be no room for the other spouse to contest the divorce. The Ministry of Justice states: ‘We believe that the ability to contest a divorce does not serve the interests of either party and that it should be removed.’

Strong opposition

Yet the government’s response to the public consultation reveals that as many as 80 per cent (2,614) of respondents disagreed with the proposal to replace the ‘five facts’ with a notification process, and only 17 per cent (546) supported it.

The government’s summary of responses states:

‘Those who disagreed with the proposal felt that the five facts should be retained to protect the institution of marriage and demonstrate that breaking lifelong marriage commitments should require clear stated reasons and evidence. They felt that the proposals would make divorce easier and trivialise it into an administrative process that could be entered into lightly or for “frivolous” reasons. Some raised concerns that it would fail to protect against sham marriage and could risk the abandonment of vulnerable people within marriage.’

New guidance documents on elective home education

The Department for Education (DfE) has published new non-statutory guidance on elective home education for local authorities.¹ The guidance encourages a proportionate approach and states that, ‘Where it is clear that parents are educating a child well at home, the need for contact should be minimal and not made more onerous than is required by the parents’ own needs.’

The DfE has also produced a separate guidance document for home educating parents.²

1. <http://tinyurl.com/y3agccsw>
2. <http://tinyurl.com/y3curjuo>



© UK Parliament

David Gauke

However, these arguments carried no weight with the government. In defence of its decision to disregard this strong response, reference is made to a surge of submissions towards the end of the consultation period prompted by online guides produced by groups which oppose no-fault divorce. The summary states: ‘The strong support earlier in the consultation for replacing the five facts, which was running at 70 per cent of respondents in favour, was overturned at the end of the consultation by the impact of these later responses.’

A similar proportion of respondents (83 per cent) disagreed with the proposal to remove the ability to contest a divorce. The Ministry of Justice response records:

‘Those who disagreed with the proposal argued that it would seem unjust if one party was not given a voice or provided with an opportunity to “fight for the marriage”. They suggested that the law should ensure that no single party has unilateral power to end a marriage. Others felt that this change would make divorce too easy, enabling unfair desertion and risking the wellbeing of those who are sick, poor or old, or other “innocent parties”.’

The government plans to introduce legislation as soon as parliamentary time allows.

● **Ministry of Justice, *Reducing family conflict Government response to the consultation on reform of the legal requirements for divorce, April 2019.***

DfE: Schools must engage more with parents

School governing bodies should 'engage meaningfully' with parents and be accountable to them, according to the latest edition of the **Governance Handbook**. The section on strategic leadership has been updated to place a stronger emphasis on parental engagement. The Department for Education (DfE) publication states that:

'Good decision making is well informed by both available evidence of what works or is likely to be effective, and by the views and needs of key stakeholders, particularly parents. The board as a whole should take steps to understand what parents think...'

'As the strategic leaders of their organisations it is vital that boards are connected with, and answerable to, the communities they serve, particularly parents/carers.'

'Parental engagement can have a large and positive impact on children's learning. It should not be confused with parental representation on a board and neither should it be seen as a one-off exercise for organisations. Boards should ensure that their organisation is regularly communicating with parents and carers and that parental engagement is used by the board to inform their strategic decision-making...'

'All boards should assure themselves that mechanisms are in place for their organisation to engage meaningfully with all parents and carers. Parents and carers should be able to use these mechanisms to put forward their views at key points in their child's education.'

• **Department for Education, Governance handbook: For academies, multi-academy trusts and maintained schools, March 2019.**

Call for parental notification law

Lord Alton of Liverpool is leading calls for Parliament to put an end to the practice of girls under the age of 16 being able to have an abortion without the knowledge of their parents. The crossbench peer was responding to public outrage provoked by an episode of *Coronation Street* in which a 14 year-old girl had an abortion without her parents' knowledge. Lord Alton commented:

'As a parent myself I can understand why parents around the country have been

shocked to learn that their child can be taken away to an abortion clinic for a secret abortion without parents being involved.'

'Polling shows a large majority of parents want a law change on this. It's now time for Parliament to begin steps to introduce a parental notification law that will ensure that parents are involved in what can be one of the biggest decisions of their child's lives.'

A ComRes poll, conducted in 2017, showed that 70 per cent of parents with children at home under the age of 18, agree that the consent of a parent or guardian should be required for girls aged 15 or under to undergo an abortion.

Betty, Lady Grantchester (1925-2019)

It is with much sadness that we report the death on 2 February of Betty, Lady Grantchester, a former longstanding trustee of Family Education Trust. Ever modest and unassuming, Lady Grantchester was associated with the Trust from the late 1970s and became a trustee in September 1981. Over a period of almost 40 years, she was a highly valued member of the board and the Trust benefited from her immense wealth of wisdom and experience, and her careful attention to detail.

Lady Grantchester's obituary in *The Times* newspaper recorded that she was a sickly child and her family moved from Bootle to Formby in order to provide her with a healthier environment, though she still contracted tuberculosis. In 1947, she married at St Margaret's Church, Westminster and acquired her title when her husband succeeded as second Baron Grantchester after his father's death in 1976. Lord Grantchester was active in the House of Lords as a cross-bench peer and, prior to his death in 1995, served as Deputy Chairman of Committees from 1988 to 1991 and a Deputy Speaker from 1990.

Of Lady Grantchester's business acumen, the *Times* obituary noted that, 'She had a good intellect, understood the issues and tackled difficult matters in a constructive way.' All members of the Family Education Trust committee, past and present, will testify to the truth of those words. Such was her devotion to our work that she only retired as a trustee in June 2018, at the age of 93, and even then her interest continued undiminished and she remained in close touch to the very end.

Words cannot convey our debt to Lady Grantchester for selflessly giving of her time and expertise over so many years. She is survived by her six children, 18 grandchildren and 27 great-grandchildren, to whom we send our sincere condolences.



Family Bulletin

Trustees

Mrs Sarah Carter
Arthur Cornell MEd F.Coll.P
(Chairman)
Martin Doe MSc MIAP MBCS
CITP
James Eaton CA CTA
(Hon Treasurer)
Eric Hester BA (Vice Chairman)
Dr Joseph Lim BPharm
MRPharmS PhD
Mrs Anna Lines

Dr Julie Maxwell MB BCH
MRCPCH
Dr Trevor Stammers MA FRCGP
DRCOG
Executive Committee Members
Mrs Ann Allen MA
Mrs Gillian White
Director
Norman Wells FRSA

Annual Subscription £10.00 (UK) £20.00 (Overseas)

Sponsors

Professor Brenda Almond BA
MPhil doc.hc (Utrecht)
Professor John Bonnar MA MD
FRCOG
The Viscountess Brentford OBE
Peter Dawson OBE BSc FRSA
Michael McKenzie CB QC
The Duke of Montrose
The Baroness O'Cathain OBE

Published Quarterly

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



facebook.com/familyeducationtrust
@FamEdTrust