

SEX & RELATIONSHIP EDUCATION (SRE) & THE LAW

This brief paper is written for a group of mainly Christian teachers concerned about issues relating to SRE, Parents & Teachers' Rights, and the law following

Human Rights Act 1998

Equality Act 2010

Education Act 1996

Education (Independent School Standards) Regulations 2014 concerning the active promotion of (a) the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs

Concerns have been raised that the “promotion” of equality in so far as it impacts on the education of children ie those aged 18 and below may involve the promotion of ideas and forms of sexual relations or behaviour that are in direct conflict with Christian teaching on these matters, contained either in scriptures ie the Bible or in specific church documents such as but not limited to the Catechism of the Roman Catholic Church as published in 1994 in the UK. Issues of discrimination have been raised when Christian views on these issues (for example, that marriage can only be between a man and a woman, that gender is natural fact and not mutable, that sexual acts are only valid in the sight of God within a marriage between a man and a woman) have either been adhered to publicly or proclaimed; and Christians have been subject, for example, to the accusation of discriminating against those of same sex orientation in holding and communicating such views, or of being “homophobic” in so doing.

This paper sets out current law on these issues in regards to education.

1. The primary law is contained in the following Article of the **European Convention on Human Rights of 1950** (following the [Universal Declaration of Human Rights](#) proclaimed by the General Assembly of the United Nations on 10 December 1948) and incorporated into English Law by the **Human Rights Act 1998**

Protocol 1 Article 2 (bold)

ARTICLE 2

No person shall be denied the right to education. **In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.**

2. Equality Act 2010 This lists certain “protected characteristics” as follows:

Age

Disability

Gender Assignment

Pregnancy or Maternity

Marriage & Civil Partnership

Race

Religion or Belief

Sex

Sexual Orientation

Religion or belief

(1) Religion means any religion and a reference to religion includes a reference to a lack of religion.

(2) Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief

Therefore the Christian faiths and their acknowledged scriptures and teachings are “protected” under the Act in exactly the same way sexual orientation is.

3. Education Act 1996

Section 405 of the Education Act 1996 provides the right of parental withdrawal from all or part of SRE provided at school except for those parts included in the National Curriculum (this is the Science part of the National Curriculum which only specifies matters relating to reproduction in humans at KS3 onwards ie 11 years and older)

4. Education (Independent School Standards) Regulations 2014

Proprietors are bound under the law to

- a) actively promote the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs

with reference in b) (vi) to “encourage respect for other people, paying particular regard to the protected characteristics set out in the Equality Act 2010”

This encompasses religion as well as other protected characteristics.

In summary:

1. Parents have the right to ensure education is in “conformity with their own religious...convictions”
2. Religion is a protected characteristic of the law and therefore its adherence and proclamation in the entirety of its teachings is protected
3. It is therefore a denial of the human rights of parents if their children are taught contrary to the religion of the parents (to be ascertained as in 2 above)
4. Parents have a legal right to withdraw their children from SRE excepting that which is in the Science Curriculum

It is also to be noted that at present SRE is NOT obligatory at all for Primary School children, and only for Secondary School children in the maintained or state sector.

This is to change in 2018-19 but the guidance on this has not yet been issued.

All schools of a religious nature have the right to frame SRE in accordance with their religious ethos. It remains to be seen if there is a “conflict of laws” inherent in the “protected characteristics” of the Equality Act but Christians have no reason to hesitate in adhering to and proclaiming in both public and private their full beliefs. Quoting one of the makers of the UN: Christians have “nothing to fear but fear itself”.