



Briefing

Welsh Government Consultation

Radical Plans to Abolish Parental Rights and Subject all Children (aged 3-16) to Compulsory Sexuality Education

Deadline: 28 November 2019

Why is this relevant to the whole UK?

Laws enacted in any one part of the UK set a precedent and will almost certainly be used by campaigners in the rest of the UK to press ahead for legal changes conforming with the newly inaugurated laws. Should the Welsh Government implement their proposals, this is capable of sending a message to the Westminster parliament for England to follow suit.

Citizens throughout the UK are invited to respond to the current consultation. The Welsh Government has not restricted eligible respondents to people living in Wales.

What is the Welsh Government proposing?

In a radical overhaul of the Welsh curriculum, the proposals include, among other things:

- **Abolishing parents' rights to withdraw their children from Sex Education.** Two main reasons are provided. First, parents are seen as the problem if and when, as the consultation makes clear, they want to "prevent" their children from accessing what it calls a "broad and balanced curriculum".¹ Second, the new "interdisciplinary" nature of the curriculum suggests that matters of sex and sexuality will be so integrated throughout the entire Welsh curriculum, as to make it unrealistic for parents to exercise their right of withdrawal.²
- **Rebranding of Sex Education to Relationships and Sexuality Education (RSE).**³ The two strands to this hold agendas that can be easily overlooked. First, the *relationships* part, similar to that to be applied in England, will include the normalisation of transgenderism, as well as same-sex relationships and same sex parenting. In other words, it will exceed the stated aims of how to maintain good friendships and professional relationships. Second, the fact that *sexuality* replaces "sex" in the subject name reveals how sexual orientation ideology will be embedded throughout the new RSE curriculum.⁴

- Teaching on sexual orientation involves promotion of same sex relationships, homosexual acts, and same sex parenting, all presented as equally valid and healthy as their presumed heterosexual counterparts. It is disingenuous of the Welsh government to advocate a “moral obligation” that ensures children will receive “neutral and accurate information in these issues which pervade throughout society.”⁵ Presenting same sex relationships, same sex parenting and homosexual acts as healthy and equal to heterosexuality, merely because they exist, is ideology and dogma, divorced from intellectual scrutiny and scientific knowledge.⁶ It is therefore neither “accurate” nor “neutral”. Furthermore, reference to issues of RSE being “pervasive” in society is factually misleading. The “sexuality” part of the new RSE curriculum, including as it does LGBT issues, reflects at most 2% of the population identifying as LGBT⁷ (most national surveys produced a figure of 1.5%). Such a small demographic hardly counts as “pervasive”.
- **RSE to be compulsory for all children, aged 3 to 16** in all “funded non-maintained settings and maintained schools”.⁸ Therefore, nursery settings⁹ will include LGBT teaching and sex education more generally. A number of story books have already entered mainstream education settings that present gay relationships in a form designed to normalise, entertain and indoctrinate young, impressionable minds. Examples of existing storybooks for young children include *King and King* and *My Princess Boy*.
- **Change in emphasis from “age appropriate” to “developmentally appropriate” RSE.** The Welsh Government proposes “there will be a duty on Welsh ministers to issue statutory guidance on what is age and developmentally appropriate in RSE.”¹⁰ However, in its previous statement, the Welsh government stated its plan to amend the law, enabling Welsh Ministers to provide statutory guidance on “developmentally appropriate” RSE, *as opposed* to “age-appropriate” RSE.¹¹ If the new emphasis is to be on “developmentally appropriate” RSE instead of that based solely on age, this provides a licence to teachers to presume when a child is “developmentally” ready for particular stages of RSE. This is arbitrary and dangerous because it allows for subjective evaluations of when children are “ready”. Instead, children should be protected from materials that are out of sync with their cognitive maturity.
- The law already presumes that a child under 16 cannot consent to sex; the law rightly rejects the idea of whether in particular cases, there *might* be consent. Rather, the legal presumption acts as a safeguard from abuse. By focussing on “developmentally-appropriate” RSE, the Welsh Government is opening children up to risks of being more amenable to adult sexual abuse and, more generally, grooming. Children who are provided with sexually inappropriate materials are less likely to discern inappropriate adult approaches. It is unconvincing to tell children about the need for “consent” when children are still developing their emotional and cognitive maturity.
- **Abolishing the rights of parents to withdraw their children from Religious Education**, thus making it compulsory for all children, aged 3 to 16.
- **Rebranding of Religious Education** with “**Religions and Worldviews**” thus providing a prominent platform for the study of Humanism and other Atheist values. (Government claims that these topics will be taught neutrally¹² are unconvincing).

Brief Background to the Consultation

In January 2019, the Welsh government issued a consultation, *Our National Mission: A Transformational Curriculum: Proposals for a new legislative framework*.¹³ This consultation closed in late March but it was not until April that detailed content of the new Curriculum for Wales 2022 was published. Therefore, the Welsh government had sought views from education stakeholders, parents, organisations and the public at large about proposed laws, before it had published the proposed details of curriculum content.¹⁴

The Welsh government published its responses to the results of the consultation in July 2019.¹⁵ In early October 2019, it published a *Consultation on proposals to ensure access to the full curriculum for all learners*.¹⁶ One of the claims about RSE in the new curriculum is about “nurturing and developing learners’ understanding of the influences that can affect them, both positively and negatively, as they seek to develop and establish a range of respectful, healthy relationships.”¹⁷

This latest consultation closes on 28 November 2019.

It should be noted that the Westminster Parliament recently passed new Relationships and Sex Education Regulations to be rolled out from September 2020. They will make RSE compulsory for secondary school pupils, with a parental right of withdrawal (currently this is absolute) subject to headteacher approval. Relationships education will also be mandatory in primary schools, with the extra dimension of teaching on the normalisation of transgenderism and same sex relationships.

In an admission by the Welsh government, its RSE proposals are based on World Health Organisation (WHO) standards,¹⁸ that is, comprehensive sexuality education (CSE). In the WHO policy document, CSE treats children as having sexual “rights” from birth.¹⁹ Its subversive and pernicious content will shock people, of all faiths and none.

It should be noted at the outset that in an earlier Welsh Government consultation²⁰ among the nearly two-thirds of respondents who objected to the new curriculum being mandatory, a summary of themes most commonly raised by respondents’ concerns and objections were:

“Particular elements of the new curriculum should not be mandatory. Religious Education and Relationships and Sexuality Education, it was argued, should not be mandatory in the way set out in the legislation. Parents should maintain the right and responsibility to decide on their child’s access to RE and RSE. It is not developmentally appropriate for primary-school aged children to be introduced to the subject of relationships and sexuality. The RSE proposals were perceived to show a lack of respect towards religious beliefs, including beliefs relating to LGBT education.”²¹ (emphasis original)

Fundamental Violations of Human Rights

In Article 2 of the European Convention on Human Rights (now incorporated into the Human Rights Act 1998), the fundamental right of parents to choose the education that reflects their beliefs and values is recognised. It states:

No person shall be denied a right to an 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 is in **conformity with their own religious and philosophical convictions**.²² (emphasis added)

It is clear that the State must respect parental rights, so that the delivery of education and teaching conforms with their own religious or philosophical beliefs. This article was drafted in the aftermath of widespread Nazi and Fascist state indoctrination of children, and thus serves as a reminder and safeguard that the “one size fits all” model of State education, especially in matters of controversy, must

not be imposed on children in violation of parental choices. Denying parents their choice to withdraw their children from sex education or other controversial classes is a blatant breach of Article 2.

According to the Education Act 1996²³ (relevant to England and Wales), children at maintained schools must be “protected” from teaching and materials that are both age-inappropriate and conflicting with the religious and cultural background of pupils.²⁴ According to the 1996 Act, parents have the right to excuse their children from sex education classes (notwithstanding teaching that forms part of the national curriculum).²⁵

There is also the common law principle of *loco parentis*, meaning when parents entrust the legal care of their child to the school and its staff. In effect, when parents send their child to school, they have delegated their parental responsibilities to the school. The school must not usurp or abuse that right.

Throughout, parents remain the primary educators of their children. Legally, parents are still free to exercise their right to home-school their children if they choose.

LINKS TO CITED GOVERNMENT DOCUMENTS:

Consultation on proposals to ensure access to the full curriculum for all learners, Welsh Government, Issued 3 October 2019, Number: WG39139

Ensuring Access to the Full Curriculum for all Learners – Summary of Proposals.

Our National Mission – A Transformational Curriculum, Proposals for a new legislative framework, Welsh Government Consultation Document, Issued 28 January 2019, Number: WG 36143.

The Future of the Sex and Relationships Education Curriculum in Wales: Recommendations of the Sex and Relationships Education Expert Panel, December 2017.

REFERENCES

¹ See: *Consultation on proposals to ensure access to the full curriculum for all learners*, Welsh Government, Issued 3 October 2019, Number: WG39139, para., 37; *Ensuring Access to the Full Curriculum for all Learners – Summary of Proposals*.

² *Consultation on proposals to ensure access to the full curriculum for all learners*, Welsh Government, Issued October 3 2019, Number: WG39139, para., 31.

³ *Ibid.*, para. 45.

⁴ See: *Our National Mission – A Transformational Curriculum, Proposals for a new legislative framework*, Welsh Government Consultation Document, Issued 28 January 2019, Number: WG 36143. In para. 3.50, it states that of eleven recommendations made by an Expert Panel, it included an emphasis on the “education workforce” being equipped with the knowledge of, among other things, “LGBT issues”. It is further stated: “Renaming the subject will enable it to reflect the wider range of considerations identified as being important by the Expert Panel, signalling the importance of healthy relationships...” (para., 3.51). See also *The Future of the Sex and Relationships Education Curriculum in Wales: Recommendations of the Sex and Relationships Education Expert Panel*, December 2017. The recommendations on RSE made by this Expert Panel, have directly informed the Welsh Government; see especially p. 10.

⁵ *Ibid.*, para., 30.

⁶ For the most comprehensive critique of same sex parenting studies, see: *Same-Sex Parenting Research: A Critical Assessment*, Walter R. Schumm, Wilberforce Publication (London) 2018. For the most wide-ranging coverage and overview of what the medical literature says on the homosexual lifestyle and homosexual acts, see: *The Health Hazards of Homosexuality: What the Medical and Psychological Research Reveals*, authored by Mass Resistance, CreateSpace Independent Publishing Platform, 2017.

⁷ *Sexual orientation, UK: 2017*, ONS. These statistics were released 21 January 2019.
<https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/sexuality/bulletins/sexualidentityuk/2017>

⁸ *Consultation on proposals to ensure access to the full curriculum for all learners*, Welsh Government, Issued 3 October 2019, Number: WG39139, para., 25.

⁹ This refers to “Funded Nursery Settings”. See para., 3.51 in *Our National Mission – A Transformational Curriculum, Proposals for a new legislative framework*, Welsh Government Consultation Document, Issued 28 January 2019, Number: WG 36143.

¹⁰ *Consultation on proposals to ensure access to the full curriculum for all learners*, Welsh Government Consultation Document, Date of Issue, 3 October 2019 (Number: WG39139), para., 28.

¹¹ See: *Our National Mission: A Transformational Curriculum: Proposals for a new legislative framework*, Welsh Government Consultation (Number: WG 36143), Date of issue: 28 January 2019, para., 3.56.

¹² *Ibid.*, para., 30.

¹³ *Our National Mission: A Transformational Curriculum: Proposals for a new legislative framework*, Welsh Government Consultation (Number: WG 36143), Date of issue: 28 January 2019.

¹⁴ Welsh Government Consultation – summary of response, *Our National Mission: A Transformational Curriculum: Proposals for a new legislative framework*, July 2019, p. 8. (Number: WG38381)

¹⁵ *Ibid.*

¹⁶ *Consultation on proposals to ensure access to the full curriculum for all learners*, Welsh Government Consultation Document, Date of Issue, 3 October 2019 (Number: WG39139).

¹⁷ *Ibid.*, para., 26.

¹⁸ *Ibid.*, para., 29.

¹⁹ *Standards for Sexuality Education in Europe: A framework for policy makers, educational and health authorities and specialists*, WHO Regional Office for Europe, and BZgA, Federal Centre for Health Education, BZgA Cologne, 2010. The requisite information, skills and attitudes to be presented to children from aged 3 upwards can be seen in the chapter *Matrix*, from p. 37 onwards. For references to “sexuality and rights” for children of 0-4 years olds, see the left-hand column headings on p. 39.

https://www.bzga-whocc.de/fileadmin/user_upload/WHO_BZgA_Standards_English.pdf

²⁰ *Our National Mission – A Transformational Curriculum, Proposals for a new legislative framework*, Welsh Government Consultation Document, Issued 28 January 2019, Number: WG 36143.

²¹ These are the actual summary of words published by the Welsh Government. See: pp. 12-13, Welsh Government Consultation – summary of response, *Our National Mission: A Transformational Curriculum: Proposals for a new legislative framework*, July 2019, p. 8. (Number: WG38381)

²² Protocol 1, Article 2.

²³ <http://www.legislation.gov.uk/ukpga/1996/56/part/V/chapter/IV/crossheading/sex-education?view=extent>

²⁴ Education Act 1996, section 403.

²⁵ Section 405.