

**SUBMISSION FROM THE COUNCIL FOR PUBLIC AFFAIRS OF THE
PRESBYTERIAN CHURCH IN IRELAND TO THE
HOUSE OF LORDS SECONDARY LEGISLATION SCRUTINY COMMITTEE
CONSIDERATION OF THE RELATIONSHIPS AND SEXUALITY EDUCATION
(AMENDMENT) REGULATIONS 2023**

2023 No. 602

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1. The Presbyterian Church in Ireland (PCI) has over 217,000 members belonging to 535 congregations across 19 Presbyteries throughout Ireland, north and south. The Council for Public Affairs is authorised by the General Assembly of the Presbyterian Church in Ireland to speak on behalf of PCI on matters of public policy including on education in conjunction with its State Education Committee.
2. By way of background it may be of interest for the Committee to note that along with the Methodist Church in Ireland and Church of Ireland, PCI is awarded statutory rights of representation on the boards of governors of schools within the 'controlled schools' sector through Schedule 4 of the Education and Libraries (Northern Ireland) Order 1986. Controlled schools are 'church-related schools' in that each of those denominations transferred their own school buildings, pupils and staff into state control through the 1930s – 1950s on the understanding that the Christian ethos, albeit now non-denominational, would be maintained. In return for transferring their schools into state control, the three Transferor Churches were accorded statutory rights of representation by way of the legislation referred to above. The statutory rights accorded to the Transferor Churches and the consequent responsibilities placed upon the state combine to ensure the continued existence of a non-denominational Christian ethos within controlled schools. There are currently 552 controlled schools in Northern Ireland representing 49% of all schools.
3. The statutory rights of representation also provide for four seats for the Transferor Churches on the 20-member Board of the Education Authority which is responsible for delivering education services across Northern Ireland.
4. Included in PCI's membership therefore are many school governors who are referred to as 'transferor representatives' with a particular responsibility to uphold a school's non-denominational Christian ethos, as well as school principals, teachers, pupils and their parents or carers. Each of these groups is directly affected by these Regulations and the potential subsequent impact of their implementation.
5. With this background in mind the PCI Council for Public Affairs and its State Education Committee would like to take this opportunity to contribute to the House of Lords Secondary Legislation Committee consideration of these regulations and suggestions that the special attention of the House should be drawn to the following:

(a) *that it is politically or legally important or gives rise to issues of public policy likely to be of interest to the House*

6. First it is the view of PCI that the decision of the UK Parliament to incorporate the recommendations arising from the “Report on the Inquiry concerning the United Kingdom of Great Britain and Northern Ireland under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women” published in March 2018 (CEDAW) into a primary act of the UK Parliament, specifically the Northern Ireland (Executive Formation etc) Act 2019, remains fundamentally flawed. It is exceptionally rare for the recommendations of a report such as this to be incorporated into domestic UK law and as time has gone on it has become increasingly evident that this move was at best mischievous, and at worst malign.
7. Each aspect of its implementation has involved the imposition of legislation on the people of Northern Ireland with scant consideration of their wishes and views. Additionally, during the debates on the parent Act in both Houses the focus was primarily on paragraph 85 of the 2018 CEDAW Report relating to the provision of abortion services, with little to no reference to paragraph 86 relating to cultural and societal change, including this recommendation. Therefore, there has been no public debate on these significant changes to the education system in Northern Ireland.
8. Secondly, recommendation 86(d) of the 2018 CEDAW report¹ was based on a subjective assumption contained in the report that the provision of relationships and sexuality education within schools in Northern Ireland is ‘under-developed or non-existent’ [paragraph 43]. However, a limited investigation from the Northern Ireland Human Rights Commission on Relationships and Sexuality Education in post-primary schools² published earlier this month was able to acquire RSE policies from nearly 2/3 of the schools, clearly contradicting this conclusion. The claims of the 2018 CEDAW Report were unfair and unfounded, and do not correlate with existing legislative or curricular requirements for the teaching of RSE in Northern Ireland.
9. Thirdly, the Explanatory Note attached to the regulations indicates that pupils in Key Stages 3 and 4 are required to receive ‘scientifically accurate education, that does not advocate or promote any particular opinion, on sexual reproductive health and rights...’. This is contrary to guidance for the teaching of RSE from the Department of Education in England which notes, for example, the role of religion and belief in RSE, including in the content of the teaching. It highlights the importance of taking account of the religious background of pupils, as well as affirming that all schools may teach about faith perspectives.

This guidance states that:

‘All schools may teach about faith perspectives. In particular, schools with a religious character may teach the distinctive faith perspective on relationships, and balanced debate may take place about issues that are seen as contentious. For example, the school

¹tbineternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FOP.8%2FG BR%2F1&Lang=en

² [Publication - NIHRC Report: Relationships and Sexuality Education in Post Primary Schools in Northern Ireland: A Compelling Case for Reform | Northern Ireland Human Rights Commission](#)

*may wish to reflect on faith teachings about certain topics as well as how their faith institutions may support people in matters of relationships and sex.*³

10. The Guidance in England also promotes a whole-school approach, setting RSE ‘within the context of a school’s broader ethos and approach to developing pupils socially, morally, spiritually and culturally; and its pastoral care system.’ Separating the teaching of Relationships and Sexuality Education from a school’s ethos appears to be a departure from guidance and good practice elsewhere in the United Kingdom. In laying these regulations the Secretary of State has given no indication as to why Northern Ireland should be treated differently.

11. RSE is much more than just information on biological, legal or medical facts. It is concerned with behaviours, values and attitudes that bring meaning and purpose to an understanding of healthy and flourishing relationships. There is therefore no such thing as “value neutral” RSE. In an increasingly pluralistic context RSE of course should be taught in a sensitive and inclusive manner where teaching is reinforced and supported by policies and processes that schools have in place around safeguarding, bullying and pastoral care. Children and young people should continue to have the opportunity to value themselves as unique individuals, respect themselves and others, learn about healthy relationships and behaviours.

(b) that it may be inappropriate in view of changed circumstances since the enactment of the parent Act

12. A follow-up report to the 2018 CEDAW report was submitted by the United Kingdom of Great Britain and Northern Ireland in January 2023⁴. It details the steps which the Department of Education in Northern Ireland has been taking in order to implement recommendation 86(d). This includes establishing a working group to take the recommendation forward; allocating £40,000 to develop additional resources to support RSE teaching in schools; and extra funding made available to the Council for Curriculum, Examinations and Assessment to further develop its RSE Hub. Assurances were provided that “the vast majority of adolescents in NI could already access suitable RSE”.

13. In bringing forward these regulations the Secretary of State for Northern Ireland is demonstrating a blatant disregard for the evidence provided by the Department of Education of its progress in implementing recommendation 86(d) since the enactment of the parent Act.

(c) that it may imperfectly achieve its policy objectives

14. Regulation 2 provides for the curriculum of every grant-aided school, in relation to key stages 3 and 4 to include age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights. The terms ‘age-appropriate, comprehensive and scientifically accurate’ are used consistently throughout the legislation and yet the Secretary of State has not provided any information or clarification as to how he defines these terms. Without such definitions how can the Secretary of State ensure that implementation of the legislation is adequately assessed and measured?

³ [Relationships Education, Relationships and Sex Education and Health Education guidance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

⁴ [tbineternet.ohchr.org/ layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FOP.8%2FGBR%2F3%2FADD.1&Lang=en](https://tbineternet.ohchr.org/layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FOP.8%2FGBR%2F3%2FADD.1&Lang=en)

(d) that the explanatory material laid in support provides insufficient information to gain a clear understanding about the instrument's policy objective and intended implementation

15. The Explanatory Note accompanying the regulations states that "a full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen".

16. At best this opinion is naïve, given that the impact on schools is potentially significant, not least that school governors will be required to oversee the implementation of part of the school curriculum outside of a school's ethos and a whole-school approach which ensures that a consistent set of values and principles are promoted and embodied.

17. Furthermore, as discussed at (c) above there is no reference in the explanatory material as to how the terms 'age-appropriate', 'comprehensive' or 'scientifically accurate' should be defined. Without such definitions how might implementation in schools be effectively monitored?

(e) that there appears to be inadequacies in the consultation process which relates to the instrument

18. In Regulation 2 the new clause proposed to be inserted as 10A (3) places responsibilities on Boards of Governors and principals and yet neither group has been consulted with regard to this legislation.

That there has been no consultation on this legislation whatsoever is even more surprising given that it brings into play Article Rights 10 and 11 on freedom of thought, conscience and religion, and the freedom of expression and information.

Additionally there has been no consultation on the 2018 CEDAW Report and its recommendations on which this legislation is based.



Rev Daniel Kane (Convener of the Council for Public Affairs)



Rev Trevor D Gribben (Clerk of the General Assembly)