

TUV response to consultation on changes to Relationship and Sexuality Education (RSE) in Key Stage 3 and 4

Before responding to the specific questions raised in this consultation TUV would make the following points by way of background:

1. The changes to the post-primary RSE curriculum are interference in a devolved matter on foot of the extreme scope of Section 9 of the NI (Executive Formation etc) Act 2019. The NIO repeatedly claim that they cannot act on a plethora of matters because the powers are devolved and yet here, as was the case with other changes flowing from the Northern Ireland (Executive Formation etc) Act 2019 relating to abortion and the redefinition of marriage, Westminster is not only prepared to act but seems positively keen to push the matter given the comparatively short window between this consultation and the promised enactment of changes.
2. The short window between the consultation closing on 24th November 2023 and the publication of the Department's response to the consultation and guidance by 1st January 2024 highlights both the highly limited nature of the consultation and feeds the suspicion that, even when it comes to the limited matters the consultation relates to, the Department already has its mind made up and guidance ready to go. This is a matter which has exercised many people and TUV expects a large number of responses to be submitted. How can these be analysed and play a meaningful role in policy development in less than a month - particularly when the month concerned includes the Christmas break? We suspect that this exercise is something of a sham.
3. On a related point, we note that the issues being consulted on may well be discussed in subjects other than RSE (the consultation mentions Religious Education, Drama, English, Biology and History). What is the point of asking if parents should have the right to pull their children from elements of RSE when even if the answer to that is in the affirmative the very same subject matter will be discussed - no doubt informed by what children learned in RSE - in classes where parents have no such right? What measures are being taken by the Department to ensure outside pressure groups do not succeed in subverting the rights of parents by bringing content into other classes?
4. It is TUV's position that no party should have agreed to form an executive on the basis of legislation which resulted in this imposition. The short lived executive formed off the back of the 2019 Act will be soon forgotten. The other changes it brought in - including the changes to Key Stage 3 and 4 RSE - will have much more profound and we believe negative consequences.
5. We note that there is nowhere in the consultation where teachers can express their opposition to teaching about access to abortion and contraception as a "right" - a word used throughout the consultation and relevant legislation. Given that there will be teachers who have an objection to teaching such on religious grounds we believe there is a Section 75 issue here. Why are the rights of teachers being ignored? Is it the intention to coerce teachers to teach that which conflicts with their conscience or religious convictions?
6. In the introduction to the consultation, the Department says that it has engaged with a "range of stakeholders". Why has a list of these stakeholders not been published? Did the stakeholders include pro-abortion lobby groups such as the Family Planning Association? Was the discredited organisation Stonewall involved? The Department should be open about such matters. In the absence of such openness, TUV will be requesting a list of the said stakeholders by way of FOI. The fact that such information is not disclosed while the consultation is live, however, does nothing for this exercise's credibility.

Moving to the specific questions:

1. The content of teaching and learning resources for Learning for Life and Work developed by CCEA should be factual and contain age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights, covering prevention of early pregnancy and access to abortion and these resources should not advocate, or oppose, a particular view on the moral and ethical considerations of abortion or contraception.
(Required)

Such teaching runs counter to the ethos of many schools. If the ethos of the school is averse to teaching access to abortion it must nonetheless teach access to abortion! This question alone makes the affirmation of respect for a school's ethos in statements and letters recently issued by the Department meaningless.

Secondly, we query how serious this question is given the manner in which the legislation is framed.

As the Relationships and Sexuality Education (Northern Ireland) (Amendment) Regulations 2023 couches access to abortion as a 'right', then, the pretence of Q1 that resources "should not advocate, or oppose, a particular view on the moral and ethical considerations of abortion or contraception" is patently false. With the statutory provision framing access to abortion and contraception as "rights", then, the scope for objective resources is removed. Inevitably, contrary to the consultation suggestion, the teaching shall be biased in favour of the proclaimed 'rights'. Thus, this matter is already decided regardless of the outcome of this consultation?

It is incumbent on the Department to be clear on who decides what is "age appropriate" and to spell out the criteria used to determine this.

Furthermore, what is classed as "scientifically accurate information"? Will this include information on what an abortion actually entails? If not, why not? What is the Department doing to ensure this is the case?

2. Parents/carers should be informed about the specific nature and content of the age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights, covering prevention of early pregnancy and access to abortion.

Agree.

TUV again registers its opposition to the framing of abortion as a right.

Additionally, we note with concern that in the background information to this question it is noted that "LGBTQ+ issues" are part of the minimum content included in RSE lessons. Yet, parents/carers are not even being asked if they should have a right to withdraw their children from RSE classes dealing with those matters. Again, this raises serious questions about how the ethos of schools is being protected.

The same right to withdraw a child should be ensconced in respect of any aspect of RSE to which a parent objects.

*3. The United Nations Convention on the Rights of the Child includes at Articles 1-3 and 12 the rights of the child to 'express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously' and at Article 5 'the rights and responsibilities of parents and carers to provide guidance and direction to their child as they grow up so that they fully enjoy their rights. This must be done in a way that recognises the child's increasing capacity to make their own choices.' The Department's guidance, when developed, should consider in such instances how schools balance the rights of both children and parents/carers in implementing the regulations.
(Required)*

Disagree.

The aforesaid articles are designed to temper, even neuter, the proclaimed parental right to freely exercise the right of withdrawing their child, particularly in circumstances where the statutory provision decrees access to abortion as a 'right'. If a parent has the right to withdraw their child - and they must have - then it cannot be a fettered right!

However, in the context of UN proclamations, TUV believes the most basic and fundamental right is the right to life ("States Parties recognize that every child has the inherent right to life", United Nations Convention on the Rights of the Child Article 6 (1)). These proposals run contrary to that most basic right in the way in which they frame the destruction of unborn life as a right.

*4. Pupils and parents/carers should have access to an overview of their school's RSE policy and planned RSE programme.
(Required)*

Agree. However, we would go further than just giving pupils and parents/carers an overview and believe that they must have a right to view the policy and classroom resources in detail if they so wish. Openness and transparency are of critical importance here.

This right must equally be extended to all subject material in classes where the matters in question are taught outside of the specified RSE classes.