

## 7. If you have comments on the advice in relation to the Quality of Education standard (Part 1), please insert them here

**Paragraph 20 (c)** proposes that schools would not be regarded as meeting standards if PSHE lessons suggest that “same-sex marriages or civil partnerships should not be recognised as being lawful unions under civil law.”

We categorically reject the punishment of any school, particularly those with a Christian ethos, by suggesting that they fail to meet the PSHE curriculum for sharing the viewpoint that same-sex marriages or civil partnerships should not be recognised as being lawful under civil law. The statement of former Secretary of State for Education Michael Gove was clear when explained during the passage of the Marriage (Same Sex Couples) Bill that: “...any teacher, if asked direct or invited to share his view by a parent or a student, is perfectly at liberty to say, with equal marriage—as with adultery, divorce or abortion— what their own moral view might be”. He further referenced the fact that this position had been, and continues to be the statutory guidance of the Secretary of State for Education since it was issued in 2000 under David Blunkett.

Valid secular arguments and statistics exist relating to the breakdown of the marriage culture and its impact on society at large. Additionally, the belief that marriage is a lifelong and monogamous union between one man and one woman, and that sexual activity belongs exclusively within this context, is a valid belief held not only by Christians, but by other religions and those with no religion at all.

During the years leading up to the legalisation of same-sex marriage and civil partnerships, it would have been unthinkable that the Department of Education would mandate the punishment of any statement supporting an alternative definition of marriage or cohabitation. This would have been viewed as egregious and discriminatory. No difference exists in relation to the instant matter. The notion that an otherwise valid viewpoint, held by many in this country, and a majority of nations worldwide, should be censored by threat of punishment is nakedly discriminatory. A belief that marriage is between one man and one woman is no more homophobic than the belief that marriage is equal for all is intolerant of Christianity. The conflation of marriage definition with sexual orientation is unfounded and undermines the public sector equality duty to support tolerance among all of the protected characteristics by suggesting that those with the protected characteristic of religion or belief have less of a right to express a viewpoint on this matter than do others.

The government itself has stated that it is planning to consult on the future of civil partnerships. In a document released in May 2018, the government said: “If demand for civil partnerships remains low and this becomes a stable position, this might suggest that same-sex

couples no longer see this as a relevant way of recognising their relationships, and that Government should consider abolishing or phasing out civil partnerships entirely.” The government is therefore open to the view that civil partnerships should not be recognised in law. Meanwhile the Department for Education want to penalise any school which teaches that civil partnerships should not be recognised in law.

The Department for Education is acting as if Parliament has outlawed belief in traditional marriage, in proposing to penalise schools which teach that view. This is not the position of parliament, nor should views that disagree with prevailing laws be outlawed or penalised in any free and democratic society. It is deeply offensive to imply in this guidance that belief in traditional marriage is equivalent to being racist. The belief that marriage is between a man and a woman is a longstanding belief in our society and one which is worthy of respect in any free and democratic society. Banning criticism of same-sex marriage is a form of indoctrination that does not allow questioning. It is not education, but manipulation.

**Paragraph 13** proposes that teaching of creationism “should not be presented as having a similar or superior evidence base to scientific theories.”

The right of private independent Christian schools to include their own teaching on creation as a competing theory to evolution has manifold protection in the law. The right is guaranteed both in pursuance of academic freedom, as well as in relation to respecting the wishes of parents of faith who choose to send their children to Christian schools to receive an education in line with their own religious and philosophical beliefs. This right should not be unduly limited or watered down by government interference. This is, however, precisely what the proposed guidance seeks to do. By requiring schools to make it clear that creationism is not only not equal, but is in fact less than alternative theories, like evolution, it renders any such teaching meaningless.

The Department of Education, in a communication of 5 April 2013, replying to a complaint from the British Humanist Association, states the following:

The Government’s general policy on the teaching of creationism in independent schools is that the matter involves important philosophical issues about the right of parents to bring up their children as they see fit. Provided it is clear to parents, independent schools are free to teach creationism and other types religious teachings.

These “important philosophical issues about the rights of parents” remain unchanged and the legal requirement, pursuant to Protocol 1, Article 2 of the European Convention as transposed into English law by the Human Rights Act 1998, operative. Placing such a rigid restriction on Christian independent schools creates a *de facto* interference with the rights of parents to have their children raised in accordance with their own religious and philosophical convictions. English law is clear that the role of the state is to assist parents in their role as the primary educators of their children. The proposed limitations on teaching creationism usurps that role and does violence to the very identity of many of these schools. Any such restriction should be viewed in line with the guarantees of Article 9 of the European Convention on Human Rights, pertaining to freedom of thought, conscience, and religion. Because of Section 13 of the

Human Rights Act 1998, heightened scrutiny towards any such measure would also apply.

The freedom to maintain a curriculum free of undue government influence, is further implied in the fact that independent schools do not receive government funds. Other educational institutions which receive funds have opted into a contractual requirement which places limitations on their ability to teach creationism. For this reason, as well as those stated above, no limitation should be placed on independent schools in this regard.

It is not good scientific method to prevent the prevailing scientific theories from being questioned and subject to scrutiny. Good science will allow competing theories to be considered and, if the evidence demands it, rejected. The Department of Education in proposing that creationism cannot be taught to have any scientific basis are taking an ideological and non-scientific perspective. Evidence of design in creation abounds and counts as scientific evidence. Many academic scientists are sceptical about the claims of evolution, particularly when it comes to the origin of life or the origin of consciousness. These questions should be allowed to be raised in schools where appropriate.

As recalled by Recommendation 1762 (2006) of the Parliamentary Assembly of the Council of Europe, history has proven that violations of academic freedom and school autonomy have always resulted in intellectual relapse, and consequently in social and economic stagnation. To this extent, the Convention against Discrimination in Education holds in Article 5(1)(b) that it is essential that States “respect the liberty of parents and, where applicable, of legal guardians, firstly to choose for their children institutions other than those maintained by the public authorities but conforming to such minimum educational standards as may be laid down or approved by the competent authorities and, secondly, to ensure in a manner consistent with the procedures followed in the State for the application of its legislation, the religious and moral education of the children in conformity with their own convictions.