To: National Council for Curriculum and Assessment
35 Fitzwilliam Square,
Dublin 2.

Date:

Re: Response to Consultation regarding updated Junior Cycle Social, Personal and Health Education (“**SPHE**”) and Relationship and Sexuality Education (“**RSE**”) Curriculum

**By email only to** **SPHEdevelopments@ncca.ie**

Dear Sirs,

I refer to the above referenced matter.

Please be advised that I have considered the following documents (this list is non exhaustive) in coming to the conclusions outlined below:

* Draft Junior Cycle Social, Personal and Health Education Specification;
* Background Paper and Brief for the Redevelopment of Junior Cycle SPHE;
* Consultation Report on the Background Paper and Brief for the Redevelopment of Junior Cycle SPHE;
* Questions and Answers on Relationship and Sexuality Education (Primary and Post Primary);
* Comhairle na nOg Consultation Report;
* White Paper on Education: Charting our Education Future;
* Circular M4/95; 0013/2018; 0022/2010; 0023/2010; 0037/2010; 0042/2018; 0043/2018;
* Education Act 2018;
* Children’s First Act 2015;
* Gender Recognition Act 2015;
* International Technical Guidance on Sex Education UNESCO December 2009;
* LGBT and National Youth Strategy 2018-2020;
* National Strategy on Children and Young People in Decision Making 2015-2020;
* Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014-2020;
* Provision of Sex Education Bill 2018;
* WHO Standards for Sexuality Education in Europe 2010

**Rationale for Redevelopment of Junior Cycle SPHE**The Draft Junior Cycle Social, Personal and Health Education Specification includes the following under “*Rationale*” for redevelopment of the SPHE curriculum: -

*“Adolescence is a time of important change and challenge for young people as they come to a clearer sense of their identity and gain a more secure sense of who they are. This process of ‘becoming your own person’ and gaining a secure sense of identity is a life-long process. In adolescence it’s a prime developmental concern. All young people need knowledge and skills to help them develop a strong sense of self, make informed and healthy decisions, be able to take care of themselves and others and manage life’s challenges.

Relationships and sexuality education (RSE) is an integral part of and connects with aspects of SPHE. It is of particular importance for young people at this stage of their lives, as they reflect on many questions such as ‘what kind of a person am I?’ and ‘what matters for me in relationships?’ As they continue to form their identities (including their sexual identity), they are making sense of life experiences, information, images and messages about relationships and sexuality from a range of informal sources such as their peers, family, the media, online. Therefore, having the opportunity to think about and discuss relationships, sexuality and healthy sexual expression within a safe classroom setting with a skilled teacher is vitally important.”*

There are many issues within the new proposed curriculum that I object to. Firstly, the suggestion that an educator should have any role in shaping the type of person my child will become is shocking to me. I send my child to school to be educated on core subjects such as math, languages, history, geography, science etc, and not ideological subjects such as gender and queer theory.

From my review of the proposed new curriculum, it would appear that children are being educated what to think, as opposed to how to think, with instructions such as “*appreciate that sexual orientation, gender identity and gender expression are core parts of human identity and that each is experienced along a spectrum”* appearing within the proposed new curriculum. There are many opponents to such views, I being one.

Furthermore, matters of sexuality and gender identity are deeply sensitive and personal and I believe that any external influence, regardless of whether that influence is well intentioned, will have a detrimental effect on my child’s natural progression. As is well known, children (particularly those of a young age) are extremely malleable and may take to certain ideas wholeheartedly, whether such ideas present a danger or not. Anything relating to matters of sexuality or gender identity should not be taught to my child by a stranger (however qualified they may believe they are), but by a parent.

For the avoidance of doubt, I do not expect and will not tolerate my child being exposed to subjects such as gender or queer theory.

In addition to the above, I also wish to highlight the following concerning issues with regard to education, young people and gender identity issues:

**Trans Equality Network Ireland (“TENI”) and the Irish National Teachers’ Organisation (“INTO”)**
I am aware of a cartoon that has been produced by TENI and the INTO which shows a very young child called Lucy with Gender Dysphoria making a social transition. I find the contents of the cartoon to be alarming, not least considering the young age of the child depicted.

The reason I raise this cartoon as an issue is because this to me, is evidence of a style of teaching that promotes the normalisation of a disorder or delusion that, in fact, up until 2018 was considered a mental illness by the American Psychiatric Association – and I genuinely fear that this style of teaching will/is being promoted in Irish schools.

While I believe that children who suffer from this disorder deserve compassion, I do not accept that my child should be forced to pander to illness, as opposed to treating it and as such I will not allow my child to be exposed to such teachings.

**Tavistock Gender Clinic**
I am aware that 234 Irish children with Gender Dysphoria were sent to the UK to the Tavistock Gender Clinic, due to an exponential rise in young people experiencing severe gender distress. It has been widely publicised in the media that the clinic in question has been the subject of numerous serious allegations regarding the quality of care being given to the children and young adults in its care. The NHS has, in fact, ordered that the Tavistock Gender Clinic be shut down after a review found that it is “*not safe*”.

The clinic, which had become the subject of considerable controversy after claims that it was “*unquestioning*” where children sought to change gender, was found “*not a safe or viable long-term option”* by an independent review earlier this year.

The review, led by Dr Hilary Cass, a Consultant Paediatrician, warned that medics in the Tavistock Gender Clinic felt “*under pressure to adopt an unquestioning affirmative approach*” to gender identity, instead of adopting a process of clinic assessment with young people who might have expressed some form of Gender Dysphoria.

I fear that the attitude towards treating Gender Dysphoria demonstrated by the Tavistock Gender Clinic is not confined to that clinic and children who are simply going through a phase or who need genuine psychiatric treatment are being / will be transitioned into another gender without question and this problem can be / will be exacerbated through the education system should the proposed new curriculum be approved.

**Right to Opt-Out**

For the reasons set out above, in the event that the current draft of the SPHE / RSE is introduced into junior school, I confirm my intention to exercise my rights under Articles 41 and 42 of the Constitution of Ireland and Section 30 (2) (e) of the Education Act 1998, to opt my child out of the SPHE and RSE School programme.

**Opt-Out and Alternative Supervision Arrangements**In circumstances where a parent/guardian chooses to exercise their right to opt their child out of the proposed SPHE/RSE curriculum, the relevant school should be required to put in place alternative supervision arrangements, noting that any attempt to suggest that a parent would have to extract their child from the school during the relevant programme, would give rise to an appearance of coercion on the part of the school/NCCA/Department of Education, such that a parent would be under duress to allow their child to participate in curriculum that is contrary to their conscience.

In this regard, I wish to draw your attention to a discussion that was held in 2018 at the Dublin Pride Annual Debate, which was attended by Senator Fintan Warfield (Sinn Fein), Justin McAleese, Martin Conway (Fine Gael), Sara Phillips (of Trans Equality Network Ireland) and Peter Tatchell (a well known campaigner for the Pride Movement). During this discussion, Peter Tatchell stated: -

*“In the UK, the government is still saying that the parents of kids should have the right to withdraw them from relationship and sex education. We're not going to win that one to stop that. But what I'm proposing and what my foundation is proposing is that yes the parental opt-out should remain but parents should be required to come to the school and take their child out of each individual lesson. And of all places, two schools in the north of Ireland trialled this about five or six years ago before they got stopped. But they found the level of parental opt-out dropped to almost zero."*

For the avoidance of doubt, as a parent/guardian I shall not tolerate coercion of any sort with regard to the education of my child and I shall take very seriously any measures designed to intimidate or pressurise any parent into accepting that their child be educated against their conscience.

**Requirement to Provide Alternative Arrangements**

Furthermore, with respect to the requirement upon schools to provide for alternative arrangements for students who shall not be participating in SPHE/RSE, I direct you to the following Circulars issued by the Department of Education and Skills:

M4/95: Relationship and Sexuality Education

Section 6 (Rights of Parents) provides as follows: - *“In deciding to include a Relationships and Sexuality Education programme as part of Social, Personal and Health Education in school curricula, the right and duty of parents to provide for the religious, moral, intellectual, physical and social education of their children is acknowledged. While the home is the natural environment in which Relationships and Sexuality Education takes place, most parents look to schools for support in fulfilling their obligations to their children in this area of development. Consequently, the school is seen as playing a supportive and complementary role to the home in this task. It is envisaged that this will be achieved by involving parents, with management and teachers, and, where appropriate, with pupils, in a collaborative exercise towards school policy development. This policy will* *make provision for the rights of parents who hold conscientious or moral objections to the inclusion of such programmes on the curriculum and will state how the school intends to address these situations.”*

* With regard to Circular M4/95, there is an obligation upon schools to *“make provision for the rights of parents who hold conscientious or moral objections to the inclusion of such programmes on the curriculum and will state how the school intends to address these situations.”*

0013/2018: Religious instruction and worship in certain second level schools in the context of
Article 44.2.4 of the Constitution of Ireland and Section 30 of the Education Act 1998

Although this Circular deals specifically with the constitutional right not to attend religious instruction, I conclude that the directions issued as part of this Circular can be extended to all moral, intellectual, physical and social education, in addition to religious education, in light of the protections guaranteed under Article 42 of the Constitution of Ireland (which has been set out below for the sake of convenience): -

“The State *acknowledges that the primary and natural educator of the child is the Family and guarantees to respect the inalienable right and duty of parents to provide, according to their means, for the religious and moral, intellectual, physical and social education of their children”;* and

*“The State shall provide for free primary education and shall endeavour to supplement and give reasonable aid to private and corporate educational initiative, and, when the public good requires it, provide other educational facilities or institutions with due regard, however, for the rights of parents, especially in the matter of religious and moral formation.”*

In light of same, I direct you to the following extracts from under Circular 0013/2018:

*“3.2 Changing Practices*

*The key change is that those who do not want instruction in line with the requirements
of any particular religion should be timetabled for alternative tuition throughout the
school year rather than supervised study or other activities.*

*4. Requirement to Consult Parents/pupils**In future instead of waiting for a parent to request a withdrawal and then having to make alternative arrangements for the pupil for the class periods concerned a school must establish the wishes of parents in relation to opting out of religious worship or instruction and where the pupil is over 18 establish the pupil’s wishes.*

*Ascertaining parental/pupil choice in relation to religious instruction should be integrated with the school’s processes for establishing subject choices generally.*

*In future the school must offer an alternative subject(s) for those who do not want religious instruction. Parents must be made aware that such alternative tuition is available and be asked to choose between religious instruction and the alternative subject(s) offered by the school. Once an opt-out has been expressed it should endure in subsequent years unless otherwise advised by the parents.*

*While in respect of those who want instruction in line with the requirements of a particular religion the school may appropriately engage with the parents in relation to their religious beliefs, there is no basis for a school to intrude in that regard on the privacy of those who are opting for the alternative subject(s). The only information required is that the parent wants to opt for the alternative subject(s).*

*6. Arrangements for Religious Worship**Best practice in relation to making appropriate arrangements for withdrawal from religious worship or events is to provide parents with information about religious worship in the school; its frequency, timing, duration and the nature of the services or events. Ideally this should be done at the start of every school year. Parents should be given the opportunity to advise the school of whether or not they want their child to participate in or be present during religious worship.*

*It should be clarified with parents who do not want their children to attend if they want the child to be excluded in all circumstances or whether they might view particular situations differently (e.g. where the religious activity is related to bereavement within the school community or where a religious service or event in the school is a multi-faith gathering or service). Decisions made by parents should endure in subsequent years unless a parent states otherwise.”*

The key takeaways from Circular 0013/2018 are as follows:

* that those who did not want instruction in line with the requirements of any particular religion be timetabled for alternative tuition throughout the school year rather than supervised study or other activities; and
* that a school must establish in advance the wishes of parents in relation to opting out of religious worship or instruction; and
* that ascertaining parental choice in relation to religious instruction should be integrated with the school’s processes for establishing subject choices generally; and
* that the school must offer an alternative subject(s) for those who do not want religious instruction. Parents must be made aware that such alternative tuition is available and be asked to choose between religious instruction and the alternative subject(s) offered by the school; and
* that once an opt-out has been expressed it should endure in subsequent years unless otherwise advised by the parent; and
* that there is no basis for a school to intrude in regards to the reason for the opt out on the privacy of those who are opting for the alternative subject(s). The only information required is that the parent wants to opt for the alternative subject(s).

Given the constitutional protections guaranteed to the Family in general and to Education specifically, there can be little doubt that a court would conclude that the directions issued under Circular 0013/2018 should be extended to all moral, intellectual, physical and social education – which would undoubtedly include SPHE/RSE.

**Relationship and Sexuality Education to be confined to SPHE**

I am aware that as part of the NCCA review of Relationship and Sexuality Education, that consideration is being given to cross curricular learning of SPHE/RSE. For the avoidance of doubt, I would consider any such move to be an objective interference with my right to opt my child out of SPHE/RSE.

In this regard, not only do I consider that any such move would leave the School open to a legal claim for damages/injunction, but there is also persuasive authority from the UK that intertwining a controversial topic such as transgenderism into the School culture, environment or other academic subjects, could leave the School/Department of Education and Skills open to Judicial Review.

The persuasive authority to which I refer is the recent case in the UK taken by Nigel and Sally Rowe against the Department of Education concerning the Cornwall Schools Transgender Guidance. In this case the Rowes were granted permission for Judicial Review over the Department for Education’s refusal to intervene in their case and its promotion of the transgender guidelines in primary schools. In this case Lord Justice Lane ruled that the Department of Education’s decisions were judicially reviewable on the grounds that transgender issues in schools are a matter of education and therefore the responsibility of the state.

In September 2022, the Department of Education settled their case with the Rowes, by agreeing to pay £22,000 in legal costs and providing a commitment that the Government would reform transgender policies in primary schools.

There can be little denying that transgenderism is a controversial topic and in light of same and the rights of parents to opt their children out of any aspect of the school curricula they choose, any decision to teach or encourage RSE outside of SPHE will be met with legal challenge in order to safeguard the rights of my family.

I trust that you will give due regard to the contents of this submission, and I expect that the Constitutional rights of parents shall be upheld – failing which, be advised that I shall join with other parents in collective action to litigate to protects the rights of my child.

Yours sincerely,

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