

Consultation on the Curriculum and Assessment (Wales) Bill

Evidence submitted to the [Children, Young People and Education Committee](#) for Stage 1 scrutiny of the Curriculum and Assessment (Wales) Bill.

About you

Individual

1. The Bill's general principles

1.1 Do you support the principles of the [Curriculum and Assessment \(Wales\) Bill](#)?

No

1.2 Please outline your reasons for your answer to question 1.1

(we would be grateful if you could keep your answer to around 1500 words)

In the Bill, regarding Section 3 subsection (2),

"within the areas of learning and experience, the following elements are mandatory",

The element Relationships and Sexuality Education (RSE), MUST NOT be made mandatory and MUST be removed, as that takes away parental rights, to decide what is best for each individual child, taking into account the development, age and religious background.

Also regarding Section 8 subsection (1),

"The RSE Code (1) The Welsh Ministers must issue a code (the "RSE Code") setting out themes and matters to be encompassed by the mandatory element of Relationships and Sexuality Education.",

The ministers CANNOT replace, Parent's role in deciding, the themes and matters of RSE, which are appropriate according to the development, age and religious background of each individual child.

Also regarding Section 24 subsection (2),

"(2) The provision for teaching and learning encompassing the mandatory element of Relationships and Sexuality Education must be developmentally appropriate for pupils, or children.",

The teachers CANNOT replace Parents' role in deciding, what RSE is developmentally, age and religiously appropriate for each individual child

.

Also regarding Section 31 subsection (3) (a) :

" 31 Further implementation requirements for pupils aged 3 to 14

...

(3) The teaching and learning secured under subsection (2)— (a) in respect of the mandatory element of Relationships and Sexuality Education, must be suitable for the pupil's stage of development, and "

The proposed Sexual Education of prepubescent children as young as age 3, is sexualising prepubescent children and so fails to safeguard them. It is putting their safety at risk by teaching sexual concepts which they cannot grasp, teaching them to exercise judgement regarding when to practise them, removing parental direction that protects the children from harm and abuse through practicing them, making them vulnerable to harm and abuse by others, and creating barriers to disclosure, spontaneously or by children, of harm and abuse because the practice of sexual concepts has been normalised.

Also teachers CANNOT replace Parents' role in deciding, what RSE is suitable for each individual child's stage of development, age and religion.

Also regarding Section 32 subsection (6) (a) :

"32 Further implementation requirements for pupils aged 14 to 16

...

(6) The teaching and learning secured under subsection (2)—

(a) in respect of the mandatory element of Relationships and Sexuality Education, must be suitable for the pupil's stage of development, and "

The teachers CANNOT replace Parents' role in deciding, what RSE is suitable for each individual child's stage of development, age and religion.

The committee members MUST remind themselves that:

A) Parents are the final custodians of their children, making decisions on their behalf until they can responsibly make their own. That is backed up by Article 14 of the United Nations convention on the rights of the child, which states:

"2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.", Source (i),

B) The right of parents to withdraw their children from relationship and sex education, is consistent with a fundamental principle enshrined in Article 2, Protocol 1 of the European convention on human rights:

"the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions", Source (ii),

References

(i) <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

(ii) https://www.echr.coe.int/Documents/Guide_Art_2_Protocol_1_ENG.pdf

1.3 Do you think there is a need for legislation to deliver what this Bill is trying to achieve?

(we would be grateful if you could keep your answer to around 500 words)

There's no need, to remove the Parents' rights in deciding, when and how RSE is taught to each individual child, taking into account each child's developmental stage, age and religious background.

2. The Bill's implementation

2.1 Do you have any comments about any potential barriers to implementing the Bill? If no, go to question 3.1

(we would be grateful if you could keep your answer to around 500 words)

The Bill cannot be implemented while it goes against Article 14 of the United Nations convention on the rights of the child and Article 2, Protocol 1 of the European convention on human rights.

2.2 Do you think the Bill takes account of these potential barriers?

(we would be grateful if you could keep your answer to around 500 words)

The Bill goes against Article 14 of the United Nations convention on the rights of the child and Article 2, Protocol 1 of the European convention on human rights.

3. Unintended consequences

3.1 Do you think there are there any unintended consequences arising from the Bill? If no, go to question 4.1

(we would be grateful if you could keep your answer to around 500 words)

Legal challenge from Parents, regarding their rights, being violated in regards to making decisions on the child's behalf about their overall physical, mental and emotional health and well-being, welfare, upbringing, education and teaching in conformity with their own religious and philosophical convictions.

4. Financial implications

4.1 Do you have any comments on the financial implications of the Bill (as set out in Part 2 of the [Explanatory Memorandum](#))? If no, go to question 5.1

(we would be grateful if you could keep your answer to around 500 words)

Cost of legal defence against litigation from Parents, defending their rights, to make decisions on the child's behalf about their overall physical, mental and emotional health

and well-being, welfare, upbringing, education and teaching in conformity with their own religious and philosophical convictions.

5. Powers to make subordinate legislation

5.1 Do you have any comments on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the [Explanatory Memorandum](#)). If no, go to question 6.1.

(we would be grateful if you could keep your answer to around 500 words)

Its highly questionable that, the ministers wish to remove Parental scrutiny through subordinate legislation, where ministers may in the future decide, to make mandatory, when and how children are taught, about any aspect of sexual relationships, opposite gender or same-sex or other or new types of sexual relationships or transgender or new identities.

Its highly questionable that, the ministers wish to bypass Parents through subordinate legislation, to make decisions on the child's behalf, irrespective of each individual child's overall physical, mental and emotional health and well-being, welfare, upbringing, religious and philosophical convictions.

The committee members MUST remind themselves that:

A) Parents are the final custodians of their children, making decisions on their behalf until they can responsibly make their own. That is backed up by Article 14 of the United Nations convention on the rights of the child, which states:

"2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.", Source (i),

B) The right of parents to withdraw their children from relationship and sex education, is consistent with a fundamental principle enshrined in Article 2, Protocol 1 of the European convention on human rights:

Article 2, protocol 1 of the European convention on human rights

"the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions", Source (ii),

References

(i) <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

(ii) https://www.echr.coe.int/Documents/Guide_Art_2_Protocol_1_ENG.pdf

6. Other considerations

6.1 Do you have any other points you wish to raise about this Bill?

(we would be grateful if you could keep your answer to around 1000 words)

Parents and carers are the prime educators for children on many of the areas of learning and experience mentioned in the Bill.

Schools should reinforce this role as an important part of delivering a good education.

Ministers have a legal responsibility to ensure they uphold parents' and children's rights internationally recognised while scrutinising the Bill.

The Bill has to meet the needs of parents and the needs of each individual child's overall physical, mental and emotional health and well-being, welfare, upbringing, religious and philosophical convictions.

