

Primary school disruption over LGBT teaching / Relationships Education

Advice for Local Authorities on steps to manage issues



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This advice is in three parts:

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Context

Relationships Education will be compulsory for all primary age pupils from September 2020. In addition, Relationships and Sex Education will be compulsory for all secondary age pupils and Health Education will be compulsory for all pupils.

Some organisations are opposed to the introduction of these subjects, or to some of the expected content set out in the statutory guidance for the subjects, and have been campaigning nationally against the subjects and organising locally to encourage parents to influence their schools' teaching. The majority of the objections relate to the teaching of lesbian, gay, bisexual and transgender (LGBT) content, particularly in primary schools.

In some cases, this has shone a spotlight on teaching schools already deliver on LGBT, usually as part of a programme about equality. This has been seen most starkly in the protests at two schools in Birmingham in the first half of 2019. In most cases, those involved do not distinguish between any current teaching a school has chosen to put in place and future requirements when Relationships Education becomes compulsory.

Schools will be required to consult parents on their Relationships Education policy and Government thinks it is right that parents can share their views and schools should reflect on them. Disruptive behaviour and intimidation are, however, clearly unacceptable and LAs, alongside the Department for Education, will want to support schools facing such a situation. This advice is designed to help you consider what action you can take, and is based on lessons learned from the first half of 2019.



Extent of support

Local Authorities are the first port of call for maintained schools that are experiencing difficulties over Relationships Education/RSE and we expect that Local Authorities will want to take the lead in supporting those schools. This support can be complemented by other relevant organisations, such as dioceses for schools with a religious character. Should additional help be needed, the LA can seek this from the DfE (see slide 20).

In the case of academies, we would expect that the day to day responsibility for supporting the school would sit with the relevant Regional Schools Commissioner's (RSC) office. The LA will, however, want to remain closely involved given the potential impact on:

1. the local area if disruptive protests are taking place (see slide 11 on injunctions etc);
2. school admissions if parents, unhappy with their school, seek new school places; and
3. home education monitoring, if unhappy parents withdraw their children into home education.

Disruptive protests at an academy will also likely unsettle headteachers and school staff in other nearby schools and there is a risk that this activity would spread to maintained schools.

We therefore suggest that an open and constructive relationship is established early on this particular topic between the LA and RSC office. A version of this advice will also be provided to RSCs.



Part One: Advice for early signs of coordinated campaign targeted at one or more schools



Signs to look out for

In areas where we have seen the beginnings of coordinated activity, the following signs have been seen:

- Significant increase in schools reporting parents asking about Relationships Education / Sex Education / teaching on equalities / teaching on LGBT.
- Parent meetings on RSE, particularly those organised by, or attended by, organisations or individuals opposed to the teaching of Relationships Education or LGBT, such as SRE Islamic / Stop RSE.
- Significant numbers of parents using template letters for withdrawal of children from SRE / future Sex Education, and possibly including Religious Education and/or Collective Worship. They may also request withdrawal from other subjects or activities that parents do not have the right to withdraw their children from (e.g. 'assemblies on equality' or sex education within the Science curriculum). An example letter is at Annex A (slide 21).
- Leafleting of local houses or outside schools about Relationships Education / teaching on equalities / teaching on LGBT.
- Becoming aware of WhatsApp groups (or other social media, such as facebook) discussing concerns about Relationships Education / teaching on equalities / teaching on LGBT.



The next slide sets out first steps you should take in the event of one or more of the above happening.

First steps – ensuring knowledge of the facts

Should you pick up any of the previous activities (or any others that give rise to concerns that coordinated activity against schools over Relationships Education/LGBT is being planned), you may want to consider the following activities to ensure you are aware of the facts:

- Read the statutory guidance on Relationships Education, Relationships and Sex Education and Health Education: <https://www.gov.uk/government/publications/relationships-education-relationships-and-sex-education-rse-and-health-education>
- Read the parental engagement leaflets produced by DfE: <https://www.gov.uk/government/publications/relationships-sex-and-health-education-guides-for-schools>
- Read the myth buster FAQs produced by DfE: <https://www.gov.uk/government/news/relationships-education-relationships-and-sex-education-rse-and-health-education-faqs>
- Put a process in place to get intelligence from schools about what they might be facing.

Experience has shown that some schools are nervous about admitting that parents are showing signs of concern in case a) this is seen as a reflection on their leadership or b) any involvement from external parties in fact ramps up the difficulties – so schools may need some reassurance to feel able to come forward.



Next steps 1 – support for schools

Once you are sure of the facts on Relationships Education, you may want to consider some or all of the following to support schools:

- Ensure schools have the guidance, parental guides and myth busters referred to in the above slide and are themselves clear on the facts.
- Organise a meeting of all local primary schools to discuss what they are experiencing, how they are handling the situation and how they are approaching the introduction of Relationships Education.
- Draft a letter for primary schools to adapt and send out to their parents, acknowledging concerns and inviting any who wish to discuss the matter further to arrange to go into the school to do so.
- Ensure schools have good practice examples of effective parental engagement, so that they can quickly put this in place if they have not already done so.
- Consider whether you can support the school in discussions with relevant faith leaders to ensure mutual understanding of the issues.
- Consider whether you can support the school in bringing in the local community police officer and/or PCSOs to discuss the situation.
- Offer to review school Relationships Education policies.



Next steps 2 – LA-wide activities

Alongside activity to support the schools in handling their particular situation, you may want to consider the following activities to help manage the situation across the local area:

- Secure a joint statement from all Council Members on the situation. Depending on the position of those members, it could range from calling for calm parental engagement with schools on their concerns through to strong support for Relationships Education and/or teaching about LGBT.
- Develop a communications strategy for the LA, including monitoring media and social media and determining which Members will represent the LA in any media activity. You may wish to consider proactive media to get out in front of the issue.
- Work with faith leaders in your area to secure support. As with Members, the level of support may vary, but at a minimum you might hope to secure agreement of all faith leaders that any concerns from parents should be discussed calmly with their child's school and that protest is not the right way to resolve the issue. We are aware of examples where local faith groups, such as Councils for Mosques, have successfully written to their community condemning protest and unrest and encouraging peaceful dialogue.
- Invite the lead organisers of anti-Relationships/LGBT teaching activity in the area to a meeting to discuss their activities and ensure they are aware of the implications.
- If you are aware that there is an appetite for protests, engage your community policing colleagues as early as possible to ensure they are aware and can take appropriate action swiftly.
- Work to create LA-wide approach to LGBT teaching/RSE that schools can adapt and adopt, giving them some confidence and reassurance that the approach they are taking is consistent with other schools and they will not be singled out. This has been done in some LAs already, so you might want to consider adopting/adapting their approach.



Next steps 3 – consider possible legal response (1)

If you are aware that anti-Relationships/LGBT teaching activists may be planning protests at primary schools in your area, you may want to consider what legal options are available to safeguard those schools.

It is of course important to remember that the right to peaceful protest is enshrined in law and is a right we, as a democratic society, hold dear. Activity to prevent or disrupt protest must be based on genuine concerns that the protest will be/is harmful.

In the case of protests against Relationships Education / the teaching of LGBT at primary, peaceful protests at appropriate locations, such as Council offices, are not likely to be cause for concern. It is right, though, that LAs consider carefully the impact of protests outside primary schools. Should these be, or seem likely to be, disruptive to education and harmful to children or school staff, you might want to consider whether action is needed to reduce these harms.

At the stage of parental disquiet but not disruptive activity, you will want to be considering steps you can put in place to prepare for possible legal action should protests / disruption begin. The next slide details options you can consider preparing for.



Next steps 4 – consider possible legal response (2)

Some key options to consider are –

- Applying for an injunction to prevent / limit the scope of the protests – you could consider whether you are able to do so using the powers in the Anti-social Behaviour, Crime and Policing Act 2014, or on the basis of apparently unlawful behaviour on the part of the protesters.
- Making a Public Space Protection Order under the Anti-social Behaviour, Crime and Policing Act 2014, to prohibit stipulated activities from taking place in specified public places in order to prevent or reduce any detrimental effect caused by those activities to local people.
- Whether there are existing bye-laws which address the issue and, if not, whether it would be appropriate to make a bye-law (for example under section 235 of the Local Government Act 1972) – there is guidance on making bye-laws here - <https://www.gov.uk/guidance/local-government-legislation-byelaws>.

You should consider whether you have the evidence to support taking any of these steps and decide if / when it is appropriate to act.



Part Two: Advice when active disruption of the activities of one of more schools is underway



What do we mean by disruption?

Despite the best efforts of LAs and schools, in some cases parent concerns will not be entirely allayed and external actors may press ahead with plans to disrupt the activities of schools to try to influence their teaching. We characterise this next level of concern as:

- Activity by an individual or group which is disrupting the activities of school(s):
 - Upsetting children
 - Upsetting staff
 - Making it difficult for children or staff to get into school
 - Preventing children or staff getting into school
 - Loud protests during school hours that are disrupting teaching / activities of school
 - Public victimisation of teachers, parents or children in relation to this topic, such as through social media, WhatsApp groups or in-person harassment
 - Other activity by parents and/or external actors that prevent school from fulfilling duties and operating as normal

This activity is likely to be picked up by either local or national media, creating additional challenges for the school(s) involved.



What is the objective of activity once disruption has begun?

The objective of activity must be to return the school to normal. This means:

- Children attending school every day in a calm environment suitable to education.
- Children attending all lessons and other activities (beyond any they have been lawfully withdrawn from by their parents).
- Children behaving well in school.
- School staff able to get on with their jobs without fear of intimidation or harassment.
- School staff and parents having respectful and constructive relationships – parents feeling they can raise concerns with the school in an appropriate manner, with the confidence that these will be addressed respectfully and appropriately.

Disruptive activity may take different forms, but these will be the ultimate aims for ending the activity. Action taken to bring this about will depend on the disruptive activities underway.



First steps – establishing process for communicating with school(s) concerned

The most important thing is that the school(s) experiencing any disruptive activities feels supported and has a ready source of advice and guidance. Disruptive activity of this kind can be very challenging to manage and the school must feel it has expertise to turn to.

- Consider nominating a single point of contact for the school(s), who can keep in regular contact and escalate issues within the LA and to other agencies (e.g. the police) if necessary.
- Agree with the school(s) the regularity of contact and the types of updates they should provide to the LA – method / criteria of issue etc.
- Agree a process with the school for handling any media requests (see slide 18).
- Establish a virtual team within the LA of officers who may be required to take action, depending on events (e.g. prevent, community cohesion, admissions, home education/out of school settings).
- Ensure the single point of contact also has relevant contacts in other agencies, including those the can be called on at short notice.



Steps that aim to reduce impact of disruption / bring it to an end

Whatever form the disruption is taking, you will want to consider:

- Holding a group meeting with the parent protesters or a representative group of them to try to establish a more productive way of airing their concerns.
- Bringing the school and faith leaders together to discuss the issues.

If disruption is taking the form of pupils being withdrawn from school on one or more occasion, you will want to consider:

- Taking enforcement action against the parents for unauthorised absence from school

If disruption is taking the form of protests outside the school, you will want to consider:

- Liaising with the police to understand their plans to monitor the protests and take action in the case of suspected criminal behaviour.
- Ensuring a Council officer is present at any protests to collect evidence of the disruption and be ready to report any suspected criminal behaviour.
- Options around an injunction / introduction of bye laws to limit protests (see slide 11)



Steps that aim to support school(s)

You will want to consider:

- Wellbeing support you can provide to school staff, as disruptive activity (particularly where this is sustained over a period of time) can have an impact on wellbeing, mental health and ability to do their job.
- Wellbeing support you can provide to pupils, who may be upset by the activity taking place.
- Supporting the school to record incidents of concern to ensure there is proper documentation if it is later needed for the police or any other legal action.
- A Council officer working with the school to understand what the school has done to date, both in terms of teaching and parental engagement – to ensure any flashpoints are clear and determine whether there is scope for the school to do more if parents agreed to cease the disruptive activity and enter into discussions.
- If needed, actively support the school to do more parental engagement on their curriculum – this might include convening a group of parents to meet with the school; support in setting the scope of those discussions and the ground rules; and/or bringing in an external facilitator, trusted by both parties, to help manage the conversations.
- Support the school to work on relationship with parents – it may be that the school has done everything expected of it in engaging with parents on their curriculum and taken reasonable decisions about what to teach. In that case, the school is still likely to need support in stabilising and repairing relationships with parents, as this is so crucial to the running of the school and the happiness and education of pupils. You could consider bringing in external mediators with expertise in relationship break down.



Steps that aim to communicate effectively and appropriately

The media are likely to extensively cover any disruptive activity at schools on Relationships Education / LGBT. Experience shows that some of this is likely to be sensationalist coverage that inflames the situation.

As such, we recommend that LAs put a careful communications plan in place. Statements should be provided to the media to prevent the vacuum being filled by extreme voices, but these should avoid detail and attempt to de-escalate issues so that school(s) and protesters have space to discuss and resolve their issues.

You will want to advise the school(s) on their own media activity. As a proactive first step, you may wish to consider agreeing an LA-wide policy on maintained schools' engagement with the media, so that expectations are clear ahead of any incidents.

We would then recommend that any media activity by schools is only undertaken once they have received such advice from you, and that it should usually be in the form of an agreed statement rather than wide-ranging interviews – it is likely that they do not have expertise in this area and so may inadvertently inflame the situation.

Where possible, as in slide 9, joint statements of local politicians and faith leaders calling for calm and, ideally, supporting the principles of Relationships Education, would be useful.



Part Three: Intelligence-sharing and support available



Intel and support

It is important that you pass on intel to DfE about disquiet in your local area and signs that this might be building towards disruptive activity. DfE can better support LAs if there is a real time picture of issues in local areas and patterns of activities.

Send any local intelligence to the following email address: RSHE.Information@education.gov.uk

This advice is designed to support you in action you might need to take under various scenarios, based on lessons learned from recent situations in Birmingham and elsewhere. Should you find that these activities are not calming the situation down, you should seek further support. Options available are:

- Department for Education – email RSHE.Information@education.gov.uk, making clear you are asking for support, not just passing on intel (as above) and an official will be in touch quickly to discuss options. This might include linking you up with another LA that has faced similar experiences to learn from their approach.
- LGA - email vanessa.lucas@local.gov.uk, making clear whether you have already contacted DfE and what support if any you have already received so we can respond more effectively



Annex A: Template right to withdraw letter

[your address]

Re. Withdrawal from SRE/RSE lessons. Date: 03-04-19

Dear [name of headteacher [REDACTED]]

I wish to withdraw my child [REDACTED] in [class [REDACTED]] from all the Sex and Relationship Education lessons unless I inform you otherwise.

I understand this is currently my legal parental right until September 2020 when the legislation is changing.

After this date I would like to exercise my legal right under S405 of the Education Act 1996 to withdraw my child from Sex Education classes in your school.

In this, I am also exercising my right under the Human Rights Act 1998 Protocoll, Article 2 that states:

ARTICLE 2

In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

In this, I am also asking the school to respect my religion, which is a protected characteristic of the Equality Act 2010 and ensures a person of religious faith is not to suffer discrimination.

Please make me aware of the topics that the school will be covering in the SRE/RSE lessons when I withdraw my child and I will ensure I talk to my child about these matters when I feel it is appropriate to do so and in a way that is best for my child.

Please inform me what provision will be provided for my child when they are not attending these lessons e.g. will they be sent to the library, asked to join another class etc?

I look forward to your prompt reply.

Yours sincerely,

