

# Briefing Paper

## Response to Scottish Government consultation: Guidance on the Delivery of Relationships, Sexual Health and Parenthood (RSHP) Education in Scottish Schools

### MISSION INTEGRITY

Catholic schools articulate a vision of the human person as made in the image and likeness of God. This is inclusive of all pupils, respectful of their dignity and pastorally attentive to their needs. In doing so, they are also able to be faithful to the Gospel in affirming Church teaching.

Catholic schools, by dint of their very foundation, are schools of religious character, established to provide education which is informed by Catholic Church doctrine and tradition. It is a reasonable expectation, then, that Catholic schools will provide teaching in the area of human relationships and sexual development which is faithful to Catholic doctrine and not determined by developing social norms.

No Catholic school can be expected to compromise its mission integrity and abandon its fidelity to Church teaching through the promotion of values, actions or services which conflict with the teachings of the Catholic Church as professed by the Magisterium of the Catholic Church and articulated in the *Catechism of the Catholic Church*.

The Catholic school plays a vital role in assisting parents as first educators in their duty to raise children, helping them to grow into mature adults in relationship with God and others.

At the same time every Catholic school is expected to be pastorally attentive to the differing needs of all children and young people who have chosen Catholic education.

### LEGAL CONTEXT

It is sometimes thought that the UK Equality Act 2010 restricts the content of the school curriculum, requiring schools to ensure that their teaching reflects a diverse range of views, beliefs, lifestyles, situations and circumstances. In fact, this important piece of legislation does NOT impact on the content of the school curriculum, as stated in guidance published by the Equality and Human Rights Commission:

*“Schools are not restricted in the range of issues, ideas and materials that they use, and they have the academic freedom to expose pupils to a range of thoughts and ideas, however controversial. Even if the content of the curriculum causes offence to pupils with certain protected characteristics, this will not make it*

*unlawful. However, the way in which the curriculum is taught is covered by the non-discrimination provisions of the Act.”<sup>1</sup>*

It is worth noting that some may regard aspects of Church teaching as “controversial” because they do not agree with this teaching.

With specific regard to teaching about Marriage and same sex relationships, Catholic schools in Scotland have been advised by the Equality and Human Rights Commission that they “may continue to teach the position of their particular faith on marriage and same sex relationships, provided that this is done in an appropriate, reasonable and professional way (and provided that they also teach the facts, where relevant, about the law concerning marriage in Scotland.)”<sup>2</sup>

The previous relevant statutory guidance published by the Scottish Government on the *Conduct of Relationships, Sexual Health & Parenthood Education in Schools*<sup>3</sup> was unambiguous in its acknowledgement of the rights of Catholic schools to deliver Catholic teaching on aspects of human relationships and sexual development: “religious authorities with a role in denominational education provide guidance on RSHP education for their denominational schools and that right will continue as at present” (para. 41).

So Catholic schools, in following Church guidance for Religious Education and RSHP<sup>4</sup>, are currently confident that they are fully complying with the requirements of Equalities legislation, as reflected in the guidance issued by the Scottish Government.

## **A CATHOLIC VISION**

The Church’s moral teaching positively affirms all human life as precious and worthy of development to its full potential. As Christians, we uphold and promote the “equality” of each individual person, equal in worth and dignity, we believe, because each is made in the image and likeness of God. At the same time, we acknowledge the “diverse” contexts and circumstances which are reflected in the lives of young people and their families. We value and support all young people, whatever their family backgrounds or personal circumstances. We do not categorise them according to their gender, sexual orientation, race or any other label.

It is important to recognise that such acknowledgement does not condone or encourage sexual activity or behaviour which is at odds with Catholic moral teaching. Neither should it obstruct an integral presentation of the Catholic vision - of the sanctity of human life, of the dignity of the human person, of the meaning of human relationships, of human

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<sup>1</sup> Equality Act 2010: [Technical Guidance for Schools in Scotland](#), Equality and Human Rights Commission, January 2015

<sup>2</sup> Equality and Human Rights Commission, [Marriage and Civil Partnership \(Scotland\) Act 2014: Provision of School Education](#), April 2016

<sup>3</sup> The document can be read on-line here: <http://www.scotland.gov.uk/Publications/2014/12/8526/1> or downloaded here: <http://www.scotland.gov.uk/Publications/2014/12/8526/downloads>

<sup>4</sup> This Is Our Faith, God’s Loving Plan (Primary), Called to Love (Secondary)

sexuality and of the Sacrament of Matrimony – as a rich vision for life which is offered to all young people in Catholic schools.

Every Catholic school community fosters an environment of encouragement, support, mercy, healing and love to accompany its members as they journey on the path towards holiness. At the heart of the Catholic school’s educational charism is the integral formation of the whole human person – physically, morally, spiritually and intellectually.

The Church teaches:

*Since true education must strive for complete formation of the human person that looks to his or her final end as well as to the common good of societies, children and youth are to be nurtured in such a way that they are able to develop their physical, moral, and intellectual talents harmoniously, acquire a more perfect sense of responsibility and right use of freedom, and are formed to participate actively in social life.<sup>5</sup>*

Because our efforts at integral formation include the integrity of body, spirit, and moral development, the Catholic school has a proper concern for each student’s development in the complex area of human sexuality.

Christians believe that the body and soul are intimately united: the body does not contain the soul like water in a glass, but the two are intimately dependent upon each other to express man as the highest order of creation.<sup>6</sup>

We believe that man and woman share the same humanity<sup>7</sup> and “inalienable dignity which comes to them immediately from God their Creator.”<sup>8</sup> We believe “they are equal as persons (“bone of my bones...”) and complementary as masculine and feminine” and that therefore they are deserving of respect. Thus, in a Catholic school, no harassment, violence, or discrimination because of one’s gender, sexual identity or orientation can be tolerated.

A key role for the Catholic school is to ensure that these beliefs are shared with children and young people (at appropriate stages of development) and with parents. At all times such teaching must be sensitive to the context of the pupil’s personal and family life and offered in ways which are “positive and prudent”.<sup>9</sup>

## **Background and Timeline for consultation:**

2000

The statute which the proposed guidance is concerned with is contained within the [Standards in Scotland’s School Act 2000](#). This Act states:

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<sup>5</sup> Libreria Editrice Vaticana, *Code of Canon Law*, Canon 795.

<sup>6</sup> [Catechism of the Catholic Church](#), #358, 365; [Catechism of the Catholic Church](#), #2332.

<sup>7</sup> [Catechism of the Catholic Church](#), #371.

<sup>8</sup> [Catechism of the Catholic Church](#), #369.

<sup>9</sup> Second Vatican Ecumenical Council, [Declaration on Christian Education Gravissimum Educationis](#), 1

*“The Scottish Ministers may, as respects education about sexual matters which is provided by education authorities in the schools managed by them, issue guidance to those authorities as to the manner in which such education should be conducted; and education authorities shall, in discharging their functions as respects the provision of such education in those schools, have regard to such guidance.”*

2014

Previous guidance on the [Conduct of Relationships, Sexual Health and Parenthood Education](#) was issued by Scottish Government in December 2014. This guidance included specific paragraphs relating to Denominational Schools:

### **Denominational Education**

*38. In Scotland, provision is made for some publicly funded schools that are denominational in character. The majority of these schools are Roman Catholic and they are an integral part of the public education system. Denominational schools play an important part in Scottish education. The Scottish Government values this provision and is committed to maintaining it.*

*39. The Scottish Government supports the right of the Roman Catholic Church to give witness to its faith, and to uphold the traditions of Catholic education. We value the contribution made by Catholic schools, and have no intention of changing the current position where faith aspects of the curriculum in Catholic schools are determined by the Scottish Catholic Education Service acting on behalf of the Bishops' Conference of Scotland. These faith aspects relate to religious education and religious observance.*

*40. In February 2011, the Scottish Government issued advice to local authorities and head teachers reiterating that the experiences and outcome for Religious Education in Roman Catholic schools should be delivered in conjunction with guidance provided by the Scottish Catholic Education Service. We have no plans to change this advice.*

*41. National guidance on the curriculum is always developed on the basis of wide consultation. It is recognised that religious authorities with a role in denominational education provide guidance on RSHP education for their denominational schools and that right will continue as at present. This national guidance should be seen to be complementary to the guidance provided by the religious authority while at the same time serving as a useful basis for everyone.*

**Since this publication in 2014 neither the Act nor Curriculum for Excellence, Experiences and Outcomes for RSHP, have changed.**

2019

In November 2019 a draft revision of the 2014 guidance was circulated for comment to numerous partners, including the Scottish Catholic Education Service.

The revised text bore no resemblance to the 2014 guidance and there were significant elements deleted. These included the section on Denominational Education and paragraph 27 which detailed the process for teachers to raise Religious concerns about being asked to teach aspects of RSHP.

The SCES response, at the early drafting stage, stated:

*“A separate section should be included within the main text of the document to reflect the place of denominational schools within the state system – as per the RSHP conduct paper of 2014. The current paragraph (section 2.7 of draft) does not fully explain the legal protection and right of denominational schools, nor does it fully express the role of the denominational body in whose interest the school is managed.”*

### **Scottish Government public statements of support for the distinctive nature of Catholic schools:**

2018: [First Minister, Nicola Sturgeon – Cardinal Winning Lecture](#)

*“... my main message in this morning's lecture is actually a very simple one. The Scottish Government is an unequivocal supporter of Catholic schools. We value the contribution that Catholic schools make to modern Scotland. We want that contribution to continue in the years ahead. And so we will work with local authorities, the Catholic Church, and organisations such as the St Andrew's Foundation and the Scottish Catholic Education Service, to ensure that Catholic schools continue to flourish.”*

*“The Catholic community entrusted the state with running Catholic schools. The state in turn promised that religious education and religious observance in Catholic schools would continue, and that the church would have a say in the selection of teachers.”*

2019: [Cabinet Secretary for Education and Skills, John Swinney – Scottish Parliament](#)

*“the First Minister and I have been absolutely clear on the value that we place on Catholic education and on the important role that Catholic schools have in building the society that we live in today.”*

*“ I want to emphasise a key characteristic of the contribution of the Catholic education system to Scottish education as a whole: the importance of the values-based education that lies at the heart of Catholic schools, which makes a vital contribution to building a diverse, tolerant and loving society.”*

*“It is vital that our support for Catholic education is expressed without equivocation; I do that positively and enthusiastically in the Parliament this evening. The Scottish Government remains an unequivocal supporter of Catholic education. We value the*

*contribution that Catholic schools and faith schools make and we are determined to ensure that the tradition is maintained in Scotland as a vital element of the Scottish education system.”*

2023: Policy officer on behalf of Cabinet Secretary for Education and Skills, Jenny Gilruth – by email

*“We want to reiterate that the Scottish Government support for the right of the Roman Catholic Church to witness to its faith, and to uphold the traditions of Catholic education and that we value the contribution made by Roman Catholic schools...”*

*Key response to consultation*

**The Scottish Catholic Education Service, on behalf of the Catholic Education Community, strongly request the re-insertion of the paragraphs relating to Denominational Education from the previous iteration of the guidance.**

**This will reflect both the legal protection for schools with a Religious Character, and the supportive position of Scottish Government for Catholic schools in being enabled to witness to their faith and tradition.**