**Finding a Voice:** A Guide for Muslim Parents & Educators in England on Navigating **LGBTQ+** and **RSE Education** in Schools

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### INTRODUCTION

In recent years, LGBTQ+ content taught in English schools under **Relationships and Sex Education** (RSE) has become a topic of contention. This has been the case for Muslim parents, parents from other faith groups, as well as non-religious parents. Attempts to question the merit of teaching such content school-aged children are to sometimes met with unfounded accusations of homophobia. the recognition In of importance of the fact that the rights of one minority group do not come at the expense

of another, and in the that the rights hope of both Muslims and LGBTQ+ people can be respected, this guide has been written. Indeed, it is important that Muslim parents know how to frame their concerns and defend their democratic right to have their opinions on this issue both heard and respected. This guide aims to help both Muslim parents and schools navigate sensitive discussions the around the teaching of LGBTQ+ material as part of RSE.

C This guide aims to help both Muslim parents and schools navigate the sensitive discussions around the teaching of LGBTQ+ material.

### Throughout this guide, we look at:

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1. What is RSE

2. Within RSE what are the key differences between Relationships Education and Sex Education?

3. Do schools have to teach LGBTQ+ content as part of RSE?

4. Why some LGBTQ+ RSE content can be a concern to Muslim communities

5. Why Schools Must Take a Consultative Approach Toward Parents



### 1. WHAT IS RSE?

It is important to understand what RSE, previously called Sex and Relationships Education (SRE), actually is. The broad purpose of RSE is to educate school children about different types of relationships (friendship and romantic), sexual intercourse and, increasingly, human sexuality and gender. Government guidelines state that at primary school, the emphasis is on relationships education. Students at this level should be taught, "the key building blocks of healthy, respectful relationships, focusing on family and friendships, in all contexts, including online"<sup>1</sup>.

This includes raising primary school student awareness around different family structures, such as single-parent households and, in some cases, families with samesex parents. **However, it is important to note that primary schools are not obliged by law to teach LGBTQ+ content as part of Relationships education, as discussed in section 3.** The content is then expanded during secondary school to include, "knowledge acquired at primary and develops pupils' understanding of health with an increased focus on ... introducing knowledge about intimate relationships and sex, specifically how to have positive and healthy sexual relationships"<sup>2</sup>.



### 2. WITHIN RSE WHAT ARE THE KEY DIFFERENCES BETWEEN RELATIONSHIPS EDUCATION AND SEX EDUCATION?

Relationships education is focused on teaching students about how to build "positive relationships" with others, with the focus mainly limited to friendship and familybased relationships. On the other hand, the sex education element of RSE moves into broader areas of discussion, such as sexual relationships, the importance of consent, the dangers of online grooming and, increasingly, sexuality and gender identity. For parents, it is important to understand the difference between what primary and secondary schools are expected to teach as part of RSE, particularly its sex education component.

### **Primary Schools**

According to the Department for Education (DfE), in England primary schools are not expected to teach the sex education side of RSE, but they are encouraged to do so in order to prepare students for their introduction to these topics at secondary school. At primary school level, schools are, however, required by law to teach the relationships education component of RSE<sup>4</sup>.

Parents should be aware that some reports have claimed that schools have attempted to teach sex education materials to primary school students as part of relationships education. Schools should be aware that doing so may cause problems with parents, as it can risk appearing as if those schools are trying to push sex education onto children who are too young to understand it.

### **Secondary Schools**

Secondary schools are required to teach *both* the relationships education *and* sex education components of RSE<sup>3</sup>.

### 3. DO SCHOOLS HAVE TO TEACH LGBTQ+ CONTENT AS PART OF RSE?

### **Primary Schools**

Both parents and schools should be aware that it is **not** a legal requirement of primary schools to teach students LGBTQ+ content in any form as part of RSE.

The government has said in a public statement that, "[p]rimary schools are not required to teach LGBT content but can choose to teach it in an age-appropriate way"<sup>5</sup>. This means that it is entirely the decision of the primary school in question if LGBTQ+ RSE content is taught to its students.

However, as explained above, primary schools are legally expected to teach relationships education to their students. The government says that it *"strongly encourages"* schools to teach about *"different types of family, to include families with same sex parents"*<sup>6</sup> as part of this. However, to repeat: this is **not** a legal obligation.

### Secondary Schools

Government guidance says that they "should cover LGBTQ+ content in their RSE teaching"<sup>7</sup>. The government is vague when it comes to the specifics of what should be taught. In the absence of government guidance in this area, some educational resource providers highlight the importance of teaching secondary school students about same-sex sexual relationships, sexual orientation, gender fluidity and transgenderism.



### 4. WHY SOME LGBTQ+ RSE CONTENT CAN BE A CONCERN TO MUSLIM COMMUNITIES

It is clear in Islam's legislative sources that verbal and physical interactions of a sexual nature are prohibited, except when practiced privately within the framework of a heterosexual marriage. This is the consensus amongst Islam's scholars throughout the ages.

However, it is important to understand that feelings of attraction outside of a heterosexual marriage are not prohibited, per se. Islamic law does not condemn a person for their inner feelings and thoughts. It is the decision to act on this feeling by engaging in same-sex sexual practices or extra-marital heterosexual sexual practices that is prohibited."

Though the sources of Islamic jurisprudence and the consensus of the scholars definitively prohibit same-sex sexual interactions, there is a minority of unorthodox Muslims who have followed non-Islamic views of trying to legitimise same-sex sexual interactions.

The same stance is held by the legislative sources within Judaism and Christianity also.

Religious disapproval of same-sex sexual relationships and practices also **does not mean** Muslims have intolerance and hatred toward LGBTQ+ people. Muslims are able to disagree with the beliefs and practices of LGBTQ+ people, while at the same time recognising the right of that group to live free from discrimination, as guaranteed by human rights law <sup>8</sup>. At the same time, Muslims should be able to promote and hold to their own religious beliefs, even if those are at odds with the beliefs of other minority groups, without being unfairly accused of bigotry. In order to peacefully coexist and show respect for one another, it is **not necessary** that we be in total agreement.

Therefore, while Islamic sexual and gender ethics may run contrary to liberal understandings of sexuality, such beliefs are integral to Muslims. Muslim parents will therefore naturally feel concerned about some LGBTQ+ content, along with sexualised RSE content, being taught to their child because it runs counter to their Islam-based values system, which they have the right to teach to their child.



### 5. WHY SCHOOLS MUST TAKE A CONSULTATIVE APPROACH TOWARD PARENTS

**Both parents and schools should be aware that schools are required by law to consult with parents on RSE teaching materials.** This would include any LGBTQ+ content that is taught as part of RSE in both primary and secondary schools<sup>9</sup>. The government has said, "we have mandated that schools must consult parents in the development of their policies on RSE"<sup>10</sup>.

The DfE states that RSE teaching materials should be "developed in consultation **with** parents and the local community"<sup>11</sup>. This means that parents' right to play a role in shaping LGBTQ+ content taught as part of RSE is guaranteed by law.

Parents should be aware that the right to consultation **does not equal a right to veto** any content that they disagree with<sup>12</sup>. Parents should see the consultation process as a way to make their concerns heard, and as an opportunity to reach a compromise with the school on how and what content is delivered.

Schools must aim for a **collaborative relationship** with parents. There are numerous benefits to this for schools. Through consultation with parents, schools will gain a more balanced perspective on LGBTQ+ issues in light of the religious beliefs and cultural practices of other groups of people, which should surely be the aim of any society that wants to foster diversity.

Schools should also know that there is good reason to believe that if they take into consideration the religious beliefs of the students, those students will benefit greatly in their academic performance. Studies have suggested that if a student's religious wellbeing is taken care of at school, then their grades will increase<sup>13</sup>.

Schools should ensure that students are made aware of the varying prejudices faced by different minority groups. By shining a light on anti-LGBTQ+ discrimination, while increasing the religious awareness of students, inter-group empathy can be encouraged.

Schools **should avoid** giving disproportionate regard to the rights of one minority group over others. Doing so risks creating a 'hierarchy of rights' whereby one group is treated as more deserving of support than others. The perception that is often given is one of LGBTQ+ rights being more important than the rights of faith communities, which can foster a sense of unfairness, and even resentment.

Unfortunately, when parents have been sidelined from this process in the past they have chosen to express their frustrations outside of the school gates. This has been seen in recent years in the form of parent-organised protests in cities like Birmingham<sup>14</sup> and Manchester<sup>15</sup>.

Such parents are then unfairly framed by the media and some within the wider community as being homophobic, reinforcing their shared sense of not being listened to.

### 6. TAKING THE RELIGIOUS RIGHTS OF PARENTS SERIOUSLY

Both parents and schools should be aware that there is a broad body of law that supports the rights of parents to have their child educated in accordance with their religious beliefs.

Paragraph 3 of Article 26 of The 1948 Universal Declaration of Human Rights<sup>16</sup>, paragraph 4 of Article 18 of The United Nations International Covenant on Civil and Political Rights<sup>17</sup>, and Article 2 of the First Protocol of the European Convention on Human Rights<sup>18</sup>, all state that a parent maintains the right to have their child educated in accordance with their own religious and or philosophical beliefs.

Those principles of international law have also been put into UK national law. Article 2 of the First Protocol of the 1998 Human Rights Act says that, "in the exercise of any functions which it assumes in relation to education and teaching, the State shall respect the right of parents to ensure such education and teaching is in conformity with their own religious and philosophical beliefs"<sup>19</sup>.

Article 4(b) of paragraph 148 of the UK Learning and Skills Act 2000 specifically states that when it comes to sex education, students are "protected from teaching materials which are inappropriate having regard to the age and the religious and cultural background of the pupils concerned"<sup>20</sup>.

What this wide body of law demonstrates is that **schools must make sure** that when planning RSE content, including LGBTQ+ materials, they take the religious views of Muslim parents, and indeed parents from other faith communities, into consideration.





The DfE itself also makes this clear by stipulating that, "the religious background of all pupils must be taken into account when planning teaching so that the topics that are included ... are appropriately handled"<sup>21</sup>.

Schools should be aware that if they do not make such considerations, then they could potentially be in breach of their obligations under the Public Sector Equality Duty (PSED), created by section 149 of the Equality Act (EA) of 2010<sup>22</sup>.

The PSED says that public bodies (such as schools) must give "due regard" to how their policies affect those protected under the EA of 2010. The EA contains a number of what are called "protected characteristics." A protected characteristic gives somebody the legal right not to be treated any less favourably than somebody else based on their identity or beliefs. While sexual orientation and gender are protected characteristics, so too is "religion or belief"<sup>23</sup>.

Therefore, if a school produces RSE content without showing due sensitivity toward the religious character of some of its students, then it could be said to have **failed** in its legal responsibility to show "due regard" to the protected characteristic of religious belief.

### TAKING THE RELIGIOUS RIGHTS OF PARENTS SERIOUSLY

Schools should also be aware that under the PSED they are expected to "advance equality of opportunity" between groups<sup>24</sup>. This means that if a school does not give a Muslim parent the opportunity to give their religious perspective on LGBTQ+ topics, they could be **in breach** of the PSED under the EA of 2010. Indeed, the government has said that schools should make sure that "balanced debate" takes place on RSE issues<sup>25</sup>. Practically, this should mean that if external speakers are invited into schools to teach **an unorthodox Muslim perspective on LGBTQ+ relationships**, other external speakers should also be invited to give the mainstream Muslim perspective on such relationships.

Parents should be aware that people belonging to the LGBTQ+ community are also protected by the EA of 2010 (Articles 7, 8 &12), which means that schools have a responsibility under the PSED to eliminate discrimination against this group. However, schools need to show that they are able to balance between raising awareness about LGBTQ+ issues and respecting the cherished beliefs of Muslim students and their parents.

If a school does not take this balanced approach, then it could create misunderstandings between minority groups with protected characteristics. Such an outcome would mark a **failure** of the school's responsibility under the PSED to "foster good relations between persons who share a relevant characteristic and persons who do not share it"<sup>26</sup>.

### 7. THE RIGHTS OF PARENTS TO WITHDRAW THEIR CHILD FROM RSE LESSONS

Parents should be aware that they have a right to withdraw their child from sex education lessons taught as part of RSE.

According to law, primary schools must "automatically" allow parents to withdraw their child from "all or part" of sex education. Parents also have the legal right to withdraw their secondary school child from sex education, but they may only do so automatically "up to and until three terms before the child turns 16," after which it becomes the choice of the child.

Relationships education is a requirement at both primary and secondary schools, which means that parents **do not** have the right to withdraw their child from these lessons taught under RSE.

However the problem remains that although primary schools might not teach LGBTQ+ topics as part of sex education, they may still attempt to do so under relationships education, making it difficult for parents to withdraw their child from being taught such content, where they wish to do so. Hence, parents should request to see the relationships education lesson plans and materials to ensure that schools are teaching content that is religiously sensitive and age-appropriate, as enshrined in The Children and Social Work Act 2017 3(b)<sup>27</sup> and DfE guidelines on RSE<sup>28</sup>. If parents feel that content being taught under relationships education is age-inappropriate, then they have the legal right to challenge the school.

Sometimes parents may be told that the material is from an external provider, and is protected by copyright or is commercially sensitive and that they cannot see it. This is the incorrect position for schools to take as highlighted by guidance from the government in a letter sent by the Secretary of State for Education in March 2023, which clearly stated, "the Department is clear that parents should be able to view all curriculum materials" and that "[a]II schools must publish a relationships or relationships and sex education policy, and consult parents on it"<sup>29</sup>. Parents should thus feel confident about asking to see the materials their child is being taught.





### 8. WHAT ISSUES CAN **MUSLIM PARENTS LEGALLY CHALLENGE?**

Parents should understand that there is a distinction to be made between topics that they can legally challenge and topics that they cannot legally challenge. This first category are issues that parents have the legal right to challenge, but also have the political right to challenge as citizens of a pluralistic democracy, where freedom of speech is a sacred human right. The second category are those issues that Muslims cannot legally challenge because doing so could violate the right of LGBTQ+ people to have their voices heard, which is a right protected under human rights legislation.

### **Issues that can be legally challenged**

### Same-Sex Relationships are permissible in Islam

Some educators have tried to claim that same-sex relationships are permissible within Islam. Muslim parents can challenge this for the reasons highlighted in section 4 of this guide. Parents may request to see LGBTQ+ teaching materials if they want to make sure that false theological positions are not being attributed to Islam, as mentioned in section 7.

### Gender fluidity as biological fact

Some schools have tried to teach concepts, such as 'gender fluidity' or 'non-binary' gender, as **biological fact**. Parents **can push back** against these positions, because such phenomena are not 'settled science,' which means that there is still a lot of discussion going on among specialists and wider society about the accuracy of these concepts. Teaching this content without it being grounded in evidence has more in common with **promoting an ideology** than teaching biological facts.

### Encouraging children to explore their sexuality

Some LGBTQ+ materials encourage children to "explore" their sexuality and/or gender. Muslim parents can challenge this on the grounds that it does not take into due regard their religious beliefs, which are opposed to such liberal conceptions of sexuality. Teaching such ideas to school-aged children, who are arguably **too young** to appreciate the complexities of sexuality and gender, may cause harmful effects such as confusion, anxiety and false self-diagnoses of gender dysphoria. When a child does question their sexuality/gender, schools should provide them with the proper support and safeguarding. However, as made clear by the government, schools cannot conceal this from parents<sup>30</sup>.



### Teaching children overly sexualised content

There have been reports that schools in recent years have taught RSE content that is **entirely inappropriate**, such as lessons on how they feel about oral, and even anal, sex <sup>31</sup>. Parents unequivocally **have the right** to protect their school-aged children from such content. Parents and schools should be aware that The Children and Social Work Act 2017 3(b) <sup>32</sup> and the DfE guidelines on RSE <sup>33</sup> say that the age of students **must** be taken into consideration when teaching RSE. Therefore, content that is too sexualised or beyond the comprehension of a small child is **not appropriate** for the age of school-attending children, particularly primary school children.

### Claims that to question LGBTQ+ teaching *is homophobic and/or transphobic*

Proponents of LGBTQ+ curricula may try to shut down the legitimate concerns of parents by falsely claiming that it is 'homophobic' or 'transphobic' to challenge such content. This is clearly a false **equivalence** <sup>34</sup>, and there is a simple argument that Muslim parents can use against this: that it is **perfectly possible** to **both** want their child educated in accordance with their religious beliefs, while at the same time being opposed to homophobic and transphobic prejudice. A Muslim parent can hold these two beliefs at same time, without them contradicting each other. the

### **Issues that cannot be legally challenged**

Removal of all LGBTQ+ material from the school curricula Muslims parents **should not** try to remove **all mention** of LGBTQ+ related topics from RSE at their child's school.

Firstly, any attempt to do so would be a **violation of the rights** of another minority group which is protected by human rights legislation. While Muslims may rightly complain that their religious rights are not currently being respected by schools, LGBTQ+ parents and students could equally complain that Muslims are not respecting their rights if they try to completely erase any discussion of such topics. Like religious groups, it is the legal right of LGBTQ+ people to have their voices heard as part of Britain's diverse democracy.

Preventing any discussion of LGBTQ+ issues.

Muslim parents should also understand that their child needs to have a level of awareness about the diverse groups of people who exist in order to prepare them for life as a citizen in today's British society both within and beyond the school gates. Content that simply teaches that there are different types of family and/or that some people conform to different ideas of gender, should be accepted, as children will inevitably be exposed to such different types of families and relationships in wider society. Furthermore, parents should not object to children being taught to show tolerance and respect towards people of such a background. In other words, parents should not challenge this basic level of content.

### 9. HOW SHOULD CONCERNED MUSLIM PARENTS APPROACH THE ISSUE?

As a parent, when you approach a school with your concerns, it is important to firstly make clear that your legally-protected right to express your religious beliefs does not mean you are anti-LGBTQ+.

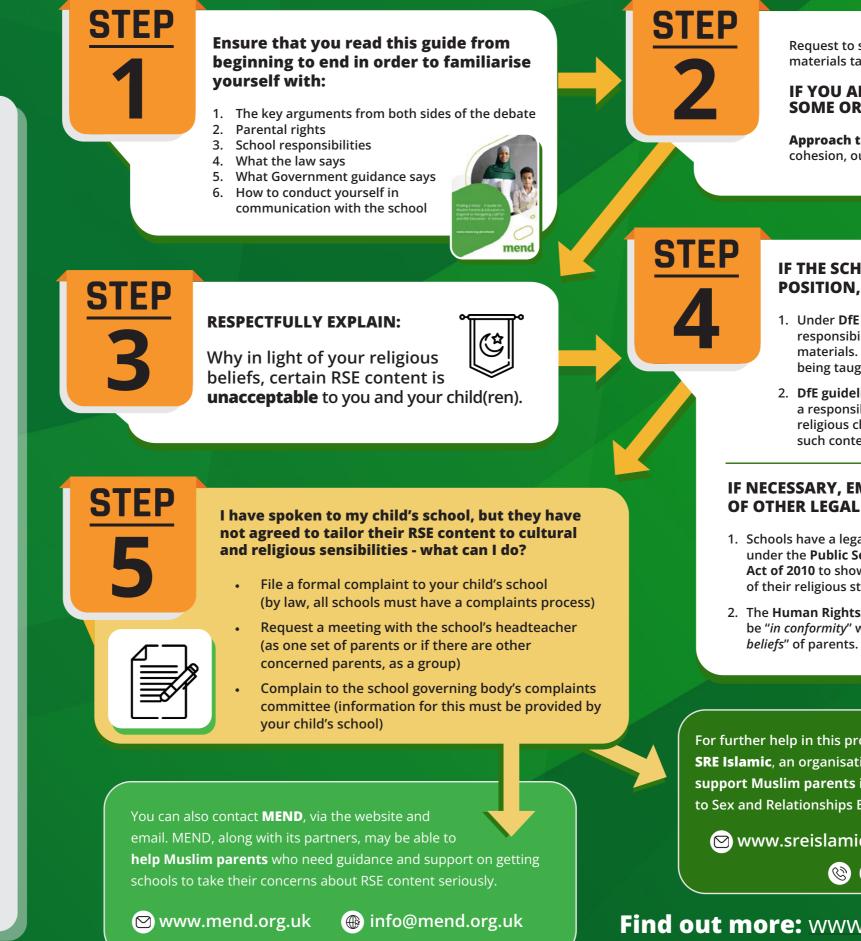
Instead, you should make clear that you are asking for the school to show sensitivity to your religious views, and those of your child, which they are required to do by law and clear government guidance, all of which is explained above.

As was explained above, the DfE says that parents have the right to express their concerns about RSE content. This means that that discussions about or even criticisms of LGBTQ+ content is absolutely acceptable, as long as it is done in a respectful manner.

There should be no intimidation, or abuse aimed toward schools and teachers within such discussions; indeed, such behaviour is not in accordance with Islamic etiquette. It is also likely to result in schools being less receptive to listening to the needs of Muslim parents and this would be counter-productive.

As a parent, your first course of action should be to respectfully use the legal and educational arguments made in this guide in your discussions with the school.

### Parents should do the following:





Request to see RSE and LGBTQ+ related materials taught at the school.



### IF YOU ARE CONCERNED WITH SOME OR ALL OF THE MATERIALS:

**Approach the school** with the argument for social cohesion, outlined in **section 5** of this guide.

IF THE SCHOOL REFUSES YOUR POSITION, BE CLEAR THAT:



1. Under **DfE guidelines** on RSE schools have a responsibility to consult with parents on teaching materials. This **includes** the **right** to see materials being taught to students.

2. **DfE guidelines** on RSE say that schools have a responsibility to take into consideration the religious character of their pupils when teaching such content.

### IF NECESSARY, EMPHASISE YOUR AWARENESS OF OTHER LEGAL ARGUMENTS, SUCH AS:

1. Schools have a legal responsibility as a public body under the **Public Sector Equality Duty of the Equality Act of 2010** to show due regard to the religious beliefs of their religious students.

2. The **Human Rights Act of 1998** says that teaching should be *"in conformity"* with the *"religious and philosophical beliefs"* of parents.

For further help in this process, you can contact **SRE Islamic**, an organisation established in 2008 to **support Muslim parents** in navigating and responding to Sex and Relationships Education (SRE) in schools.



Swww.sreislamic.org

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### Find out more: www.mend.org.uk/schools

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34.A false equivalence is a flaw in logic which tries to create a similarity, or connection, between two very different things.



# Fighting Islamophobia since 2014 Manual States of the second states of t

### Who are we?

MEND is a **non-profit** community-funded organisation at the forefront of **tackling Islamophobia** in the UK. We are an organisation rooted in universal Islamic principles. **Our vision is to see a prosperous future for Muslims in the UK**, **free of Islamophobia**.



Trained 50 media spokespeople





**4500** people attended MEND media/politics masterclasses

Over **50,000** people attended MEND events





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