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Rt Hon Michael Gove MP
Secretary of State

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Peter
~~*Sarah Veale*~~
cc. Julie Crowley

26th January 2012

Peter Barber

Thank you for your letter of 7 December about prejudiced literature in faith schools. Please accept my apologies for the unacceptable delay in responding.

Maintained schools, Academies and Free Schools are subject to general and specific equality duties under the Equality Act. They have to have due regard to the importance of eliminating discrimination, advancing equality of opportunity and fostering good relations between people of different groups and characteristics. They have to demonstrate how they are doing this by having in place equality objectives and publishing equality information.

The education provisions of the Equality Act 2010 which prohibit discrimination against individuals based on their protected characteristics (including their sexual orientation) do not extend to the content of the curriculum. Any materials used in sex and relationship education (SRE) lessons therefore will not be subject to the discrimination provisions of the Act. The way in which the curriculum (and thus SRE) is taught, however, is covered by the provisions of the Act. If a school conveyed its beliefs in a way that involved haranguing, harassing or berating a gay or lesbian pupil or group of pupils then this would be unacceptable in any circumstances and is likely to constitute unlawful discrimination.

All schools teaching SRE are required to have regard to the guidance issued by my Department. This makes clear that when teaching about sexual identity and sexual orientation, schools must ensure that the needs of all pupils are met. Young people, whatever their developing sexuality, need to feel that sex and relationship education is relevant to them and sensitive to their development.

I would like to reassure you that all schools - primary and secondary - are encouraged to provide a broad programme of SRE through non-statutory Personal, Social, Health and Economic (PSHE) education. Schools, however, have discretion in what is taught within PSHE education and how it is taught (whilst having due regard to the Equality Act). Schools should take into account the ethos of the school, as well as of the views of parents and pupils. In the case of faith schools, however, the only requirement is for them to teach the statutory science curriculum, and to teach about AIDS/ HIV as part of SRE.

I am aware the content of SRE teaching in schools can be an area of concern for parents. Schools that liaise closely with parents when developing their SRE policy and programme should be able to reassure them of the content of the programme and the context in which it will be presented. Parents have the right to withdraw their children from aspects of SRE that are not covered by the statutory science curriculum if they prefer to educate them about these sensitive issues themselves. Where parents do have concerns about what is taught, they should raise this with the school.

I am copying this letter to Lynne Featherstone MP.

Thank you for taking the time to write to me on this very important matter.

A handwritten signature in black ink, appearing to read 'M Gove', with a long horizontal line extending to the right from the end of the signature.

MICHAEL GOVE