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Dear Lord Watson, AM Albury ^{8/4} May 2019

I would like to thank all noble lords for their contributions to the debate on the Relationships Education, Relationships and Sex Education, and Health Education (England) Regulations, that were subsequently approved on 24th April. These regulations, capturing every child in the English school system, will ensure delivery of vital teaching on topics such as mental health, consent and healthy relationships. I was particularly encouraged by the insightful and considered debate, during which time I agreed to write to noble colleagues on a few specific points.

I agreed to write to Lord Watson with information on parental consultation in academies. All schools, including academies, will be required to consult with parents on the development and any subsequent review of their policies for Relationships Education and RSE. Academy trusts are required to include parents in their formal governance structures. In a multi-academy trust this can be either by having at least two parent trustees on the trust board, or at least two parents on each local governing body. A single academy trust must have at least two parents trustees. These parent trustees and parent local governors are elected, unless not enough parents put themselves forward for the role, in which case the trust must make appointments to ensure they fulfil the requirement. Having parents embedded in the governance structure in this way is an important way in which trusts stay connected with and accessible to their parents and broader communities.

The formal representation of parents in the trust we require is not a substitute for meaningful engagement. The Department's Governance Handbook places great emphasis on the vital importance of engagement by trusts with their parents and communities. While the board properly retains responsibility for ensuring that mechanisms are in place for proper engagement to be carried out, local governing bodies can play an important role in this engagement in a multi academy trust.

Furthermore, I agreed to provide Lord Storey further information on the programme of work to tackle unregistered schools. Clearly where settings are operating as unregistered independent schools and providing unsafe provision, we have a duty to take action and protect these children. This is why we established the joint team with Ofsted and have provided them with £3 million so far to continue their investigations. The Ofsted team has achieved good success in securing that unregistered independent schools cease operating unlawfully and the most recent figures show Ofsted has made sure 63 of these schools have stopped operating illegally (January 2016 – December 2018). But, we know more needs to be done and we have committed to legislating to strengthen Ofsted's powers to collect the evidence to support prosecutions, and ensure that the settings close.

On religious settings which are full-time but cannot be prosecuted - because they are not in the legal sense schools and therefore do not have to be registered - we have committed to public consultation on changing the registration requirement. If such a change is achieved that would bring these settings, some of which are yeshivas, within a regulatory framework under which they would have to meet standards or be closed. This consultation will be undertaken at a suitable opportunity.

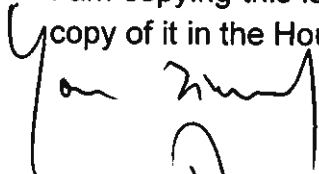
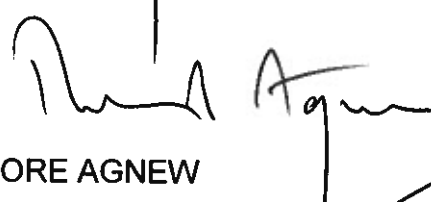
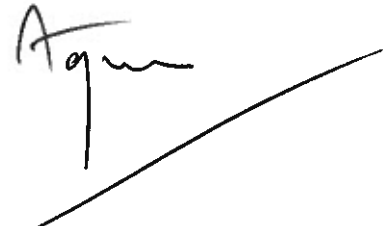
I would further like to clarify two of my responses during the debate. The first, in response to the Lord Bishop of Durham, I mentioned our intention to review the subjects three years after the first point of teaching – to clarify, this will be a review of the statutory guidance, not the regulations. This will take place within three years from September 2020. I maintain that if an urgent element becomes apparent much sooner than that, we will of course look at the guidance more quickly.

In response to a question from Lord Morrow, I said that the convention to reveal legal advice is in the gift of the Attorney General and is not for me. To clarify, that is true in respect of the Law Officers Convention, which provides that whether or not the Law Officers have advised on a matter, and the substance of any such advice, should not be disclosed outside Government without the Law Officers' consent. However, in respect of legal advice provided by Departmental lawyers

I regret that that was incorrect. It is for the Department to decide whether to reveal its own legal advice. Lord Morrow did ask that I set out the relevant case law in relation to a parent's right to withdraw their child. The case law in relation to a child's competence to make their own decisions (which would include decisions about whether to receive sex education) has evolved over time – see for example the 2006 case of *R (Axon) v Secretary of State for Health*. The regulations include provisions in respect of the right to be excused from sex education that are compatible with the law as it now stands

I do hope that all noble colleagues will join me in celebrating the successful passage of the regulations – as I said in my closing remarks, these subjects will arm children and young people with the necessary knowledge to manage their academic, personal and social lives in a positive way.

I am copying this letter to all peers who spoke in the debate and I will deposit a copy of it in the House Libraries.

THEODORE AGNEW