

# BOM Parent Letter

**Parents/Guardians, copy and paste the following letter to send to the Principal and Chairperson of the Board of Management (also include members if possible). In general, the Principal is the secretary of the Board of Management.**

Dear (Insert Board of Management details)

## **Re: Junior Cycle SPHE Curriculum Content**

As parent and legal Guardian of my child(ren), I am gravely concerned that the updated SPHE Junior Cycle curriculum content on gender ideology and pornography exposes all pupils to potential harm irrespective of whether the opt out provision is exercised under Section 30(2) (e) of the Education Act 1998. I trust that you will agree that, if this content is formally taught within the context of the classroom, the consequential effect will be that there is a risk that all pupils will be exposed to the content on gender ideology and pornography irrespective of whether an individual pupil is present during instruction, for example from peers within the school environment.

Ultimately, the NCCA and Department of Education under the direction of Minister Norma Foley steam rolled ahead with the implementation of the updated SPHE Junior Cycle curriculum content on gender ideology and pornography irrespective of the risk of potential psychological, emotional and physical harm. Indeed, to date neither the NCCA nor the Department of Education have demonstrated that they have fulfilled their statutory obligations towards children by publishing evidence that any safeguarding statements or risk assessments were conducted prior to the roll out of this curriculum content. The negligence of the NCCA and Department of Education in failing to ensure that they have safeguarded children under the Children First Act 2015 does not negate the Board of Management of their statutory duties to protect the pupils entrusted to their care. Accordingly, the Board of Management are exposed to future litigation on the grounds of negligence if steps are not taken to safeguard pupils against foreseeable harm.

I would strongly suggest that the Board of Management give serious consideration to putting the Department of Education on notice that the school will not implement the curriculum content on gender ideology and pornography as it is in direct conflict with the statutory obligations to promote the welfare of pupils and act in their best interests in accordance with the Irish Constitution, Education Act 1998 and the Children First Act 2005.

## ARTICLE 42 OF THE IRISH CONSTITUTION

In order to realise Article 42 of our Irish Constitution the school as educator must protect and vindicate the natural and imprescriptible rights of children. The updated Junior Cycle SPHE curriculum content on gender ideology and pornography does not set out how a child's constitutional rights to education are respected. In particular, neither the NCCA nor the Department of Education have conducted any form of Risk Assessment to balance the risk to children from exposure to this content.

In the 2001 Supreme Court case of *James Sinnott v The Minister for Education and the Attorney General* the Judge held that under Article 42.4 of the Constitution, there was a constitutional obligation upon the State to provide education, instruction and teaching as would enable him or her to make the best possible use of his or her potential capacities, physical, mental or moral.

The meaning of education in the context of Article 42 was also considered in the High Court case of *Ryan v Attorney General* [1965] when it was determined that it is of a scholastic nature.

## EDUCATION ACT 1998

In accordance with Section 9(d) of the Education Act 1998, it is the school's function to:

‘promote the moral, spiritual, social and personal development of students and provide health education for them, **in consultation with their parents**, having regard to the characteristic spirit of the school’

Classroom instruction on LGBTQ+ matters, including transgenderism and familiarisation with the content of sexually explicit pornography, is in direct contradiction to this provision, as it does not promote the moral, spiritual, social and personal development of pupils. All children are vulnerable, and the curriculum content exposes pupils to gender confusion at a particularly significant development age at a time when they are discovering their own identity.

## CHILDREN FIRST ACT 2015

Under Schedule 1 Section 2(1) (b) of the Children First Act 2015 a school within the meaning of the Education Act 1998 is defined as a relevant service and is therefore under a statutory obligation to safeguard pupils from exposure to harm. Under Section 10 and 11, a relevant service is under a statutory duty to undertake Child Safeguarding Statements and Risk Assessment if there is a risk of exposure to potential harm. In

accordance with Section 11(3) a Child Safeguarding Statement shall include a written assessment of the risks and, in that regard, specify the procedures that are in place.

Under the Children First: National **Guidelines** for the Protection and Welfare of Children 2017, potential harm as defined in the Children First Act 2015 includes exposure to sexually explicit material as an example of sexual abuse. I trust that the Board of Management will agree that it is irrefutable that the content of the updated Junior Cycle SPHE Curriculum on gender ideology and pornography requires the school to conduct and publish a Risk Assessment and Child Safeguarding Statement to ensure adherence to the statutory obligations to protect the welfare of pupils in accordance with the Children First Act 2015.

No doubt the Board of Management is aware that parents in the UK have recently issued a class action against the Department of Education and schools for a failure to act on the foreseeable harms caused to children by gender ideology being promoted in the educational system. Counsel Dr Anna Loutfi, representing the parents, has confirmed that the grounds for the class action are that the Minister for Education and schools acted negligently in failing to protect children from transgender ideology in the classroom. This case should serve as a warning flare to secondary schools across Ireland of exposure to potential future litigation if pupils receive instruction in the classroom on gender ideology and subsequently undergo life changing gender reassignment surgery and/or treatment such as puberty blocking drugs.

It is fundamental that we learn from the experiences of other jurisdictions, such as the UK, that have already implemented gender ideology instruction within the educational curriculum in order to establish foreseeable risks to pupils in Ireland. The class action litigation issued by over one thousand families in the UK against the Tavistock and Portman NHS Foundation Trust on the basis that their children were encouraged into taking life-changing puberty blocking drugs highlights the risks of children being exposed to gender ideology.

The State have attempted to dismiss the potential harms of exposure to gender ideology and pornography within the education system on the grounds that pupils can access such information online outside of the school environment. It is my submission that this is simply not a tenable argument as it is an entirely different and distinct context for gender ideology and pornography to become formally endorsed as part of the educational curriculum.

In addition, children are already suffering from skyrocketing mental health issues. In October 2021, John Church, chief executive of the Irish Society for the Prevention of Cruelty to Children (ISPCC), warned an Oireachtas Committee that Ireland is facing into a “tsunami” of mental health problems among children due to the impact of

Covid 19 restrictions, with rising numbers contacting services about being suicidal, anxious and self-harming. The fact that the curriculum content on gender ideology and pornography exposes children to further potential harm is particularly alarming and a recipe for disaster at this juncture in our Irish society.

In view of the above I would request written confirmation from the Board of Management as a matter of urgency on whether the school intends to provide classroom instruction to Junior Cycle pupils on the updated SPHE curriculum content on gender ideology starting in September 2023.

I would urge you to invoke Article 9(d) of the Education Act 1998 by formally notifying the Department of Education that the school rejects the gender ideology and pornography content of the updated SPHE Junior Cycle Curriculum as it conflicts with the statutory duties to protect the moral, social, spiritual and personal development of students. If the school fails to reject the SPHE curriculum content on gender ideology I would request that the Risk Assessment and Child Safeguarding Statement is published and circulated to all parents of Junior Cycle level pupils prior to the start of classroom instruction. I wish to put you on notice that I will personally hold the school liable if my child(ren) suffers harm from exposure to the curriculum content on gender ideology and pornography within the school environment.

Irrespective of the above, I wish to remind you that parents have the statutory right to opt out their child/ren on the grounds of conscience under Section 30(2)(e). In this instance, the school is under a clear duty to accommodate the pupil by arranging alternative classroom supervision.

**Parent/and or Legal Guardian Name**

**Signed:**

**Date:**