

NAME OF SCHOOL  
ADDRESS OF SCHOOL  
XXXXXXXXXXXXX  
XXXXXXXXXXXXX  
POSTCODE OF SCHOOL

DATE

NOTICE TO AGENT IS NOTICE TO PRINCIPAL  
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Dear **INSERT NAME**

Do not ignore this notice.

I write in regard to the implementation of Relationships and Sexuality Education (RSE) within your school, to which, it is my express wish to exercise my inalienable rights (as a Parent/legal guardian/primary caregiver), to categorically refuse any form of education to be given to my son/daughter in any lesson(s) wherein the topic of education relates to sex and/or sexuality.

Documented in Common Law as far back as 1765, the law recognised that tutors are employees of the parent and should educate in accordance with the parents' wishes. In the 18<sup>th</sup> century Blackstone observed:

*"[The father] may also delegate part of his parental authority ... to the tutor or schoolmaster of his child; who is then in loco parentis, and has such portion of the power of the parent committed to his charge, viz. that of restraint and correction, as may be necessary to answer the purposes for which he is employed."*

**W. BLACKSTONE COMMENTARIES 441 (1765)**

This was first legislated in the 1944 Education Act and remains almost identical in current legislation under Section 9 of the Education Act 1996. Section 9 outlines the general principle that "***pupils are to be educated in accordance with the wishes of their parents***" (below).

***Education Act 1944:***

***"s.76. Pupils to be educated in accordance with the wishes of their parents.***

*In the exercise and performance of all powers and duties conferred and imposed on them by this Act the Minister and local education authorities shall have regard to the general principle that, so far as is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents."*

***Education Act 1996:***

***“s.9. Pupils to be educated in accordance with parents’ wishes.***

*In exercising or performing all their respective powers and duties under the Education Acts, the Secretary of [F1]State and [F2]local authorities]] shall have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.”*

Further, Article 18(4) of the International Covenant on Civil and Political Rights (1966) also provides that:

*“The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians **to ensure the religious and moral education of their children in conformity with their own convictions**”*

As does the Human Rights Act 1998, Part II, First Protocol, Article 2 (below), clearly reinforces the point wherein it states:

*“No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, **the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions**”*

Thus, it is a Common Law right, a statutory right, a Human right, and a civil/political right that the state shall educate in conformity with my own (as a parent/legal guardian) religious and philosophical convictions. The latter two particularly, are rights which the Welsh Government has no power to overrule. Section 81 of the Government of Wales Act 2006 provides that: -

**Human rights**

(1) The Welsh Ministers have no power—

(a) to make, confirm or approve any subordinate legislation, or

(b) to do any other act,

so far as the subordinate legislation or act is incompatible with any of the Convention rights.

***Distinguishing between ‘right’s’ and ‘freedoms’***

*“A ‘human right’ suggests something inalienable which attaches to the very humanity of the individual: that is, a right which each individual human being has simply by virtue of being alive”.*

Equity and Trusts. Alastair Hudson.

Please note that you, as a teacher/head teacher, hold a fiduciary duty. The fiduciary is a Trust relationship with strict duties and obligations governed primarily by the Principles of Equity. Millet LJ stated in ‘Bristol and West Building Society v Mothew [1998] Ch 1 at 18:

*“A fiduciary is someone who has undertaken to act for or on behalf of another in a particular matter in circumstances which give rise to a relationship of trust and confidence. The distinguishing obligation of a fiduciary is the obligation of loyalty. The principal is entitled to the single-minded loyalty of his fiduciary. The core liability has several facets. A fiduciary must act in good faith; [...] he must not place himself in a position where his duty and his interest may conflict; he may not act for his own benefit or the benefit of a third person without the informed consent of his principal [...].”*

I have taken note that the Welsh government, the local authorities, and many teachers/heads, just repeat parrot fashion, that the RSE content will be age/developmentally appropriate, without providing any substance for these claims. Please attach the following with any response to this notice (and/or supply links to the required information if not held at the school):

1. Copies of the tools/assessments the teachers will use to ascertain what is developmentally appropriate for a particular child, mine for example.
2. What training/qualifications do the teachers have to enable them to assess the sexual development stage of my child.
3. The lesson content,
4. Details of what provisions the school has made to accommodate for a single teacher, teaching 30+ children in the same lesson whom all have different levels of development and thus will require different levels of appropriate education.
5. If you fail to provide the above information you are in agreeance through acquiescence that the information does not in fact exist.

I reserve the right to use this notice and any further correspondence in any future action.

Sincerely