



# THE COUNTESS

Raising concerns about  
ideologies in schools  
A guide for parents/guardians

# Raising Concerns About Ideologies in Irish Schools

## A guide for parents/guardians

### Introduction

Irish parents exercise a fundamental constitutional role as the primary educators of their children, particularly in the areas of moral and religious formation.

Many parents now perceive a growing disconnect between this role and the content delivered through compulsory elements of the school curriculum, especially Social, Personal and Health Education (SPHE), Relationship and Sexuality Education (RSE), and Bí Cineálta.

The core concerns fall into two main areas:

1. Gender Ideology in SPHE/RSE
2. Anti-Western or Ideological Framing

Public consultations on curriculum changes received thousands of submissions expressing these worries, yet many parents feel that the final programme proceeded with insufficient adjustments.

This has led to widespread calls for greater transparency, genuine consultation, evidence-based content, opt-out respect, and restoration of trust between parents, schools, and the Department of Education.

The practical steps outlined in this guide aim to empower parents to address these concerns lawfully and constructively, while centring the child's best interests.

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## 1. What Legal Rights do Parents Have?

### (i) Irish Constitution

Article 42 of the Irish Constitution is the primary provision for parents to rely upon.

*Article 42.1 “The State acknowledges that the primary and natural educator of the child is the Family and guarantees to respect the inalienable right and duty of parents to provide, according to their means, for the religious and moral, intellectual, physical and social education for their children.”*

*Article 42.2 “Parents are free to provide this education in their homes, private schools, or state-recognised schools.”*

*Article 42.3.1 “The State shall not oblige parents in violation of their conscience and lawful preference to send their children to schools established by the State, or to any particular type of school designated by the State.”*

*Article 42.4 “The State must have due regard... for the rights of parents, especially in the matter of religious and moral formation.”*

This framework positions parents (via the family) as the primary educators, with the State in a supportive, not overriding role. Irish Courts have upheld this, emphasizing that parents’ rights include directing the religious and moral education of their children.

### (ii) Education Act 1998

Section 30(2)(e) of the Education Act 1998 states:

*“The Minister shall not require any student to attend instruction in any subject which is contrary to the conscience of the parent of the student.”*

### (iii) European Convention on Human Rights (ECHR)

Article 2 of Protocol 1:

*Requires states to respect parents' rights to ensure that education conforms to their religious and philosophical convictions.*

While the ECHR has allowed compulsory “objective, pluralistic, and critical sex education”, it does not erase parental rights. **Education must avoid indoctrination, and respect parental views where possible.**

#### Reminder

The Irish Constitution and statutes provide strong explicit protections for parental conscience. Domestic constitutional rights prevail in Irish courts over conflicting interpretations of UN committees or activist positions.

## 2. Gathering Information/Evidence Before Making a Complaint

### (i) Document everything.

Keep detailed records of curriculum materials, lessons, assemblies, books, or teacher statements that concern you, i.e. specific claims about gender as entirely fluid/separate from sex, or “anti-Western” framing that presents Western Civilisation primarily through the lenses of oppression/colonialism, without balance. Note dates, sources, and impacts on your child.

This builds evidence for complaints or legal action.

### (ii) Seek information from the school.

Request full transparency on Social, Personal and Sexuality Education (SPHE), Relationships and Sexuality Education (RSE), Bí Cineálta, and any related modules or external third-party programmes i.e. BelongTo.

Parents have statutory rights to consultation under section 9(d) of the Education Act 1998.

A recognised school shall ... use its available resources to:

*9(d) “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.”*

This imposes a **statutory duty** on the school (and board of management) to consult parents when providing or developing such education. It is not merely an optional or best practice.

When writing to the school, quote section 9(d) explicitly and request:

- Advance consultation on SPHE/RSE/Bí Cineálta content, materials, external facilitators, or policy changes.
- Full details of the programme.
- Opportunity for parental input before implementation.

### (iii) Parental Opt-Out

Parents have opt-out rights under Section 30(2)(e) of the Education Act, for instruction contrary to conscience.

Exercise opt-out rights **in writing** where available (e.g. from specific SPHE/RSE/ Bí Cineálta lessons on contested topics like gender identity)

Ministers have confirmed withdrawal options for updated programmes. Schools must take these obligations seriously. Persistent failure to consult can be escalated to the Board of Management, the school patron, Dept. of Education, or via legal services.

### 3. First Steps in making a formal complaint.

#### (i) Engage with the School

- Write to the principal, the board of management and patron (often a religious body or ETB) citing Article 42.
- Demand balance, evidenced-based content, and no ideological presentation as uncontested fact.
- Reference potential harm from contested ideas e.g. social transition, rapid-onset cases, or biological realities in sex education.

#### (ii) Escalate further if needed.

- To the Department of Education, Tusla (if safeguarding concerns arise from withheld information or pressure) or Ombudsman for Children.
- Consider joining or consulting with other parents who have concerns over gender ideology in schools.
- Seek legal advice from solicitors experienced in constitutional/education law.
- Judicial review of reliance on Article 42 could be an option where schools or the State override parental conscience. Courts have recognised these rights strongly.

### 4. Broader Options

**Homeschooling:** Legally viable under Article 42.2, provided you meet minimum standards (notify Tusla).

**School Choice:** Explore schools with stronger alignment to your values e.g. ethos or religious patrons.

**Political/Advocacy:** Engage TDs, push for curriculum reviews ensuring biological sex education, viewpoint diversity on history/culture e.g. “anti-Western” critiques should be balanced with achievements of liberal democracy, Enlightenment values, and explicit parental primacy. Public

consultations have shown widespread parental concerns on gender topics.

**Monitor** for social transitioning or secrecy policies that can conflict with parental rights and safeguarding. Schools should not generally override parents on significant welfare issues.

## Key Context and Caveats

“Indoctrination” claims often centre on presenting gender identity as real/innate/fluid and detached from biological sex. (This is a contested area with growing international scrutiny, including de-transition cases and evidence reviews in places like the UK Cass Review.)

“Indoctrination” also includes one-sided historical narratives, i.e. oppressor/oppressed/white supremacy.

Irish parents retain strong constitutional leverage here, especially on “moral” formation. However, the State can require a “certain minimum education” (Article 42.3.2) and courts balance this against parental rights.

Many parents successfully exercise these rights through calm, documented engagement.

Success depends on specifics, evidence, and persistence.

Take legal advice.

Prioritise your child’s wellbeing with open dialogue at home. Critical thinking skills and age-appropriate exposure remain powerful countermeasures.

## 5. Step-by-step guide to building your case.

### (i) Internal Resolution at School Level

- Discuss concerns directly with the child's teacher and then the principal.
- Provide evidence of specific materials or practices.
- Request consultation, citing Section 9(d) Education Act 1998, and/or opt-out, citing Section 30(2)(e) Education Act, and Article 42 Irish Constitution.

### (ii) Formal School Complaints Procedure

Every recognised school must have (and follow) a parental complaints policy, often based on agreed national procedures for primary and post-primary levels. ([Educationlawireland.com](http://Educationlawireland.com))

Submit a formal written complaint to the principal and Board of Management

Detail the issues, legal references, evidence, and desired outcomes, e.g. withdrawal, revised materials, balance, etc.

Follow the school's timelines – usually staged, informal, formal, Board of Management.

Keep records of all correspondence.

### (iii) Escalation to the Board of Management/Patron/School Authorities

If unresolved, address the Chairperson of the Board of Management (and patron where relevant i.e. diocese or ETB).

Reiterate statutory and constitutional obligations.

### (iv) Department of Education

Contact the department if the school fails to engage, consult, or accommodate opt-out.

The department can provide clarification on policy, SPHE/RSE/Bí Cineálta guidelines, and parental rights.

For specific decisions, e.g. certain refusals, Section 29 appeals may apply (primarily for enrolment, suspension, expulsion – not pure curriculum content.) [mhc.ie](http://mhc.ie)

#### (v) Ombudsman for Children (OCO)

If school's complaint process is fully exhausted and the issue has adversely affected your child, complain to the Ombudsman for Children.

The OCO investigates administrative actions by schools (recognised by the Dept. of Education) and can recommend remedies.

**This is a key independent step before court.**

## 6. Judicial Review / Constitutional Action (Last Resort)

Only after the above steps, where the School and/or the Board of Management has acted unlawfully, unfairly, unreasonably, or in breach of constitutional rights:

Pre-action: Send a detailed letter before action via a solicitor, outlining the breach, evidence, and demanding resolution within a short timeframe.

Apply to the High Court for leave (permission) to seek judicial review under Order 84 of the Rules of the Superior Courts.

You must show **an arguable case, sufficient interest (standing)**, and that the **application is within time**, generally 3 months from the decision or omission.

If leave is granted, proceed to the full substantive hearing.

Remedies could include – declarations, e.g. breach of Article 42, quashing unlawful decisions, or orders directing compliance.

A pure constitutional action (declaratory relief) may be possible but is still subject to exhaustion principles and procedural rules.

## 7. Important Practical Points

The sequence outlined demonstrates that you have acted reasonably, and have exhausted alternatives, strengthening any court case. Outcomes depend on the specific facts.

**Time Limits:** Act promptly – delays can bar judicial review.

**Evidence:** Strong, detailed documentation is essential (curriculum materials, correspondence, impact on child).

**Legal representation:** Strongly recommended. Seek a solicitor experienced in education/constitutional law. Legal aid may be available depending on means. Groups supporting parental rights can sometimes assist or refer.

**Costs:** Judicial review can be expensive. Consider protective costs orders in public interest cases.

**Homeschooling** or changing schools may be interim measures while pursuing remedies.

**This is general information, not legal advice – consult a qualified Irish solicitor, as they can assess the merits, and draft the legal correspondence.**



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