

# NSS: guidance for independent schools “strikes the right balance”

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The National Secular Society has broadly [welcomed](#) revisions to the Independent School Standards (ISS) which brings advice regarding eight separate areas together in a single document.

The proposed guidance currently under consultation covers a range of subjects from safeguarding in schools that shield pupils from modern technology to creationism, and from partisan political teaching to gender segregation.

NSS education and schools officer Alastair Lichten said: "This guidance strikes the right balance between protecting children's educational (and other) rights and the freedoms of independent schools. Schools with narrow curricula, aimed at preparing pupils only for life within a specific religious community, critically undermine children's rights to an open future."

The NSS called for a duty on all schools to demonstrate how they were preparing pupils with the life skills to flourish, whether or not they remain in a specific religion or belief community. The proposed guidance currently requires curricula to "take into account that pupils will inevitably have some contact with wider society".

Following the [Al-Hijrah ruling](#) on gender segregation in mixed-sex schools, the proposed guidance requires schools to "ensure that any such practices are compliant with their duties under the Equality Act 2010". Schools will also need to show "how the children are being prepared for engagement with communities where gender mixing is common".

Mr Lichten said: "The UK's tradition of accepting single-sex schooling is not predicated on or supportive of gender segregation in wider society." The NSS also welcomed what it called an "unequivocal statement" that PSHE teaching must be consistent with the Equality Act.

The guidance also says schools "should endeavour to minimise the impact of" faith-based ostracism of families. The NSS called for this to be strengthened following the case of [J vs B](#) – where Mr Justice Jackson felt he had no choice but to deny a transwoman any access to her children, so great was the level of ostracism likely to face the family at their independent Jewish schools.

In a new enforcement policy, the Department for Education (DfE) proposes taking enforcement action – including possible deregistration of the school – after a single failed (or rejected in cases of serious failings) improvement action plan.

Mr Lichten said: "Of course the DfE should work constructively with independent schools to address concerns without immediately jumping to the harshest sanctions. However schools which repeatedly fail the standards without improving can't be allowed to shamle on, zombie-like."

In 2017 research by *Schools Week* [showed](#) Ofsted repeatedly fails dozens of independent faith schools. In the same year research [found that](#) half of independent faith schools were failing to meet the standards.

Mr Lichten said: "Since 2015 some independent faith schools have complained about an 'anti-religious bias' in efforts to hold them to the same standards as other independent schools. Just this [month](#) we saw a worrying manifestation of this when parents at a failing independent Jewish school tried to block students from speaking with inspectors."

As part of the consultation the DfE published an assessment of the impact of the proposed guidance on equalities and their obligations under the UN Convention on the Rights of the Child. The assessment confirmed that small faith schools had a higher propensity to fail to meet the ISS, but that this did not amount to discrimination given that the guidance was "appropriate" to improving standards.

### **Update 4 June 2018**

Following further research and discussions, the NSS updated its response to the consultation. The updated response added a call for a duty requiring/presumption that local authorities will issue school attendance orders to children affected by an independent school being deregistered and for the DfE to support local authorities to do this. Mr Lichten said: "An independent school can't be ordered to close one day, only to reopen with the same pupils as an unregistered school the next day. Interventions intended to protect children's rights shouldn't inadvertently sweep them through the cracks into the unregistered sector."

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