

A response to the Department for Education's consultation: Proposed New Independent School Standards

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1. This submission is made by the National Secular Society (NSS). The NSS is a not-for-profit non-governmental organisation founded in 1866, funded by its members and by donations. It campaigns for a diverse society where all are free to practise their faith, change it, or to have a faith at all. The NSS advocates separation of religion and state and promotes secularism as the best means to create a society in which people of all religions or none can live together fairly and cohesively.

Question 1d) Do you consider that the changes to Part 1 will help address any concerns about extremism including extremist teaching and curriculum content, and reinforce principles of equality and fundamental British values? If not, why not and how else might this be achieved?

2. We welcome the addition to Part 1 of references to the importance of “the values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs” in ensuring that standards are met. We see it as important that throughout all aspects of education there is an emphasis on the basic values that underpin a free, equal and progressive society. We view this as particularly important in schools where the national curriculum is not being followed.

3. However, we would like to see an explicit reference to ‘human rights’ rather than just an emphasis on the vaguer and necessarily subjective, terms of “respect” and “tolerance” in the reference to fundamental values. More than requiring respect or tolerance, freedom of religion or belief is *explicitly protected* by human rights instruments, such as the Human Rights Act 1998 - based on the European Convention on Human Rights (ECHR) - and the International Covenant on Civil and Political Rights (ICCPR), to which the UK is a signatory. We think it more helpful to recognise that all people, regardless of belief, are protected by human rights and equality law, rather than merely emphasising the voluntary terms of “tolerance” and “respect”. The human rights (as defined by the Human Rights Act 1998, and the ICCPR) and equality of all (as defined by the Equality Act 2010) demarcate the boundaries of tolerance. Accordingly, we feel it is important to define the “British values” referred to in terms of their grounding in human rights, rather than just in terms of an emphasis on tolerance and respect. We also suggest that it would be helpful for the changes to emphasise that respect applies to individuals but not necessarily to ideas.
4. We also welcome the reference to the importance of the Equality Act 2010 in Part 1. Not only is it important for schools to act in accordance with the Act itself, we view it as essential that students are taught about and understand the contents and consequences of the Equality Act 2010, as British law, both in terms of its legal ramifications and the values it turns upon.
5. The ramifications, as noted in the accompanying guidance, of an explicit reference to the Equality Act 2010 not allowing schools to discriminate should help prevent the teaching of discriminatory attitudes or enforced and unequal gender segregation, as has been seen in some schools in the UK. Importantly, in its inclusion here, the changes should ensure that the Department for Education could take *regulatory* action against any school working in contravention of the Equality Act 2010 – a new tool which can only be a good thing.
6. An underlying concern we have with regard to Part 1 is that we feel that the changes made to it will only play a small part in addressing concerns about extremism in schools; we argue that there needs to be structural changes across the educational sector that not only enables the teaching of the values set out,

such as the promotion of individual liberty and democracy, but also represent changes that in themselves are manifestations of the values of equality and individual liberty.

7. For example, the current system means that all independent schools and maintained “faith schools” are legally permitted to discriminate in admissions against pupils on the basis of their religion or belief. For example, when voluntary aided faith schools and religious academies are oversubscribed, they are permitted to use religious criteria to give priority in admissions to children, or children of parents, who practice a particular religion. This comes in the form of an exemption from the Equality Act 2010 - the very equality legislation that is appealed to in helping actively promote respect for other people in Part 2 of the proposed new standards.
8. We feel that these admission exemptions work contrary to the very understanding of equality these new standards seek to instil in students. The message that this situation sends to students is contrary to the guidance’s request to pay particular regard to equality and the non-discrimination based on the protected characteristics of the Equality Act 2010.
9. Not only this, but the respect and tolerance for those of other religions and beliefs, the new standards hope that schools will inculcate in their students, will not be aided by the separation of children based on the one characteristic of religious belief. It has been shown that intolerance of others can be reduced by direct contact and interaction between people¹. Indeed, research has even shown a correlation between urban unrest and areas of high segregation along ethnic lines (which inevitably interlinks with religious lines)².
10. A report by Professor Ted Cantle, published in 2009, highlighted the number of faith schools as a specific issue in having a negative impact on cohesion, and called on faith schools to “reconsider their admission policies in light of the impact

¹ Hewstone, M., Cairns, E., Voci, A. Hamberger, J. and Neins, U. (2006a) *Intergroup Contact, Forgiveness and Experience of the Troubles in Northern Ireland*. *Journal of Social Issues* 62 (1), 99–120; Hewstone, M., Paolini, S., Cairns, E., Voci, A. and Harwood, J. (2006b) ‘Intergroup Contact and the Promotion of Intergroup Harmony’, in *Social Identities: Motivational, Emotional, Cultural Influences*, Brown R. J. and Capozza, D. eds (Hove, England: Psychology Press).

² Bradford Race Review (2000) “Community Pride not Prejudice”, Bradford, Bradford Vision.

on cohesion”³. Other studies have shown that the younger children from all backgrounds start to be educated together, the more successfully they integrate⁴. If they are very young, this draws in the parents too. The more they integrate, the better their chances of employment and consequently the less the chance of social exclusion.

11. According to the OECD the UK is one of the few states to allow education selection on the grounds of religious belief⁵.

12. Therefore, whilst we welcome the aims to ensure that policy, plans, and schemes of work in schools do not undermine the values as outlined in Part 1 §2(1)(b)(ii), we have concerns over the impact of the changes without a reform in the very structures of the schools system, such as in terms of faith ethos and admissions policy.

Question 2a) Do you agree that changes to Part 2 are required to ensure proprietors actively promote the fundamental British values as set out in paragraph 5(a) and that schools are actively promoting the principles set out in paragraph 5(b), including: tolerance; respect for other people; and respect for democracy? If not, why not?

13. We agree that changes are required to better promote the types of values as set out in paragraph 5(a) and so that schools actively promote the principles set out in paragraph 5(b).

14. The need for this change is plain. Some independent schools have been found to be involved in promoting ideas that are counter-cohesive, separatist and contrary to the values outlined in the standards by, for example, allowing children to be exposed to extremist preachers and other fundamentalist groups⁶. Specific

³ Blackburn with Darwen Baseline Community Cohesion review.

http://www.blackburn.gov.uk/upload/doc/090505_Final_Blackburn_Executive_Summary_12E.doc

⁴ Social Capital, Diversity and Education Policy (2006).

<http://www.lsbu.ac.uk/families/publications/SCDiversityEdu28.8.06.pdf>

⁵ Musset, P. (2012) School choice and equity: Current policies in OECD countries and a literature review, Directorate for Education Working Paper N°66 OECD (2012).

⁶ *BBC Panorama* (2010), “British Schools, Islamic Rules”. 22 November, and Channel 4 Dispatches (2011), “Lessons in Hate and Violence”. 14 February. Bald, J. et al (2010), “Faith Schools we can believe in”. London: Policy Exchange and MacEoin, D. (2009), “Music, Chess and other Sins: Segregation, Integration and Muslim Schools in Britain”. London: Civitas.

allegations that a minority of independent faith schools have been actively furthering views that are contrary to the types of values listed in 5(a), such as intolerance of other cultures and gender inequality was also highlighted by the 2011 Home Office report on the Prevent Strategy⁷.

15. As highlighted by the 2011 Report from the Prime Minister's Task Force on Tackling Radicalisation and Extremism, extremists take advantage of institutions where they can promote their message and influence vulnerable people⁸. We argue, along the lines of that Report, that the government needs to do more to tackle such extremism in areas where it has control, such as in independent and religious schools. We view these proposed changes within that spirit.

16. We are deeply concerned that a number of religious independent schools teach the superiority of their belief system over those of others and denigrate non-believers. In 2009, Ofsted's own report found that 8 out of 51 independent faith schools surveyed were found to be displaying teaching materials that had a bias in favour of one particular group⁹. Some teaching materials were also seen to contain biased or incorrect information about other religions and beliefs.

17. The 2011 Report from the Prime Minister's Task Force on Tackling Radicalisation and Extremism, found: "Extremists take advantage of institutions to share their poisonous narrative with others, particularly with individuals vulnerable to their messages"¹⁰.

18. It is clear from the evidence that there is an urgent need for the active promotion of values such as those outlined in 5(a). However, as discussed above with reference to Part 1 §2 (b) (ii), it is unclear that the values as explicitly stated in Part 5(a) are sufficiently rigorous or accurate to achieve the types of changes in

⁷ *Prevent Strategy*, June 2011, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/prevent-strategy-review.pdf

⁸ HM Government (2013) "Tackling extremism in the UK: Report from the Prime Minister's Task Force on Tackling Radicalisation and Extremism", London, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/263181/ETF_FINAL.pdf

⁹ Ofsted (2009), 'Independent Faith Schools: Is the standard relating to spiritual, moral, social and cultural development of pupils, together with the five regulations underpinning it, fit for purpose? Manchester: Ofsted.

¹⁰

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/263181/ETF_FINAL.pdf

student knowledge and understanding sought by the amendments. As noted above, we recommend a mention of the human right to freedom of religion or belief to ensure that young people understand the religious and non-religious beliefs of others as something not just to be tolerated or respected but as guaranteed as a right. We also suggest that it would be helpful to include other core human rights respected and deeply valued in British institutional culture but not necessarily clear in the minds of all young people in education - such as, the right to freedom of expression.

19. The individualised character of these rights is also worth stressing when talking about “cultures” as Part 2 does. As the examples of extremism and doctrinal favouritism noted above demonstrate, there is an often confused or misrepresented understanding of the relationship between individual human rights and the rights of communities, groups or cultures. Confusion of this sort can lead to a harmful mentality of segregation between “us” and “them” where individuals are grouped together and stereotyped, and where the rights of the individual get lost in the forced homogeneity of “community” and “cultural” identities. Indeed, when taken to its extreme, an emphasis on group culture threatens to allow a community to enforce its own values and traditions upon the individual and is underlined by the notion of collective or group rights, where the rights of the individual often get left behind.

20. It is also not clear, that the values explicitly stated in Part 5(a) are exclusively “British” values, and, as noted above an appeal to human rights instruments such as the ICCPR and, more broadly, the Universal Declaration of Human Rights (UDHR), we feel would be an instructive addition to the changes. The point about equality of people and their human rights is that their importance derives from their universal application and derivation, not just as something valued or derived specifically in Britain. Also, it has been argued that a more outward looking approach to teaching about values (along with subjects such as history and politics) might be beneficial, and that there is a need for a broader-based intercultural education so as to ensure that the teaching of history does not

reinforce a “them and us” culture¹¹. Nevertheless, the British role in developing the human rights set out in the ECHR should be stressed, and in that respect, it may be argued by some that framing these values as specifically “British” is useful.

21. In terms of the changes made in 5(b), we very much welcome the reference to the explicit need to pay “particular regard to the protected characteristics set out in the Equality Act 2010”.
22. We do however regret that Part 2 explicitly “encourages respect for other people, paying particular regard to the protected characteristics set out in the Equality Act 2010” only in the context of Personal Social Health and Economic Education (PSHE). PSHE remains a non-statutory subject on the curriculum in England and Wales. This means that the main emphasis on education about the protected characteristics set out in the Equality Act 2010 in Part 2 of the guidance lies within a non-statutory subject. Given the importance of pupils learning about non-discrimination and equality, we are concerned that, within Part 2, the primary space for this is within a non-statutory subject. The ramification of this is notable if these changes, as suggested by the Department for Education, will be mirrored in guidance for maintained schools. We therefore recommend that the need to pay “particular regard to the protected characteristics set out in the Equality Act 2010” is mentioned in a context independent of the teaching of PSHE, whilst that subject remains non-statutory.
23. We should reiterate that active promotion of the values of equality should include leading by example, and not defining or privileging students by religious or non-religious beliefs.
24. We again note the deep concerns we have about the message that faith-based selectivity and segregation sends to students in the context of equality. The reason that the characteristics defined in the Equality Act 2010 are protected is that they are viewed as arbitrary when it comes to deciding how to treat people and conferring on them human rights. That one of these characteristics should be

¹¹ Ted Cantle, “Segregation of schools – the impact on young people and their families and communities”, Paper to the Accord Coalition and All-Party Parliamentary Groups, London February 2013 and Liberal Democrat Conference Fringe meeting, March 2013.

then used to define students so much as to effect where they can go to school, dangerously inflates a person's religious persona to a level whereby discrimination becomes more likely.

25. We note the addition in 5(b) of the active promotion of principles that “further tolerance and harmony between different cultural traditions by enabling [...] students to acquire an appreciation of and respect for their own and other cultures”. Within this context, we should reiterate the harm done to tolerance and harmony by the segregation of pupils. The types of activities envisaged should seek to bring students of differing beliefs together and to better integrate students separated through faith. We should also reiterate a hesitation about too readily identifying “own and other cultures”, and instead suggest that it might be more helpful to emphasise a multi-dimensional character to many people's identities, but that they are all underpinned in the UK by the foundations of equality and human rights.

26. We support the addition relating to the encouragement of “respect for democracy and support for participation in the democratic process, including respect for the basis on which the law is made and applied in England”. We would encourage this change to also emphasise the role of the *individual* citizen here, where every citizen has a vote, regardless of their religious or non-religious beliefs, and that it is through the bestowal of the status of equal individual citizenship that the UK ultimately views and treats its citizens.

Question 2b) The policy intention of the proposed changes to Part 2 is to make clear to schools that they should be actively promoting fundamental British values, not just acknowledging them. Do you consider the changes to Part 2 will achieve this aim? If not, why not and how else might they be achieved?

27. We agree with the need for schools to *actively* promote the types of fundamental values outlined 5(a). Accordingly, we suggest that Part 2 should place a duty on schools to ensure that all aspects of its curriculum, including assemblies, are respectful and inclusive of all pupils, regardless of their religion or belief, including non-belief.

28. Notably, we maintain that part of fulfilling this requirement would preclude a school holding acts of worship associated with a particular set of religious beliefs as part of its assembly. School assemblies are an important feature of school life. Inclusive assemblies can play an important role in fostering a sense of community in schools and those with an ethical framework are also an ideal opportunity to promote the spiritual, moral, social and cultural development of pupils as referenced in Part 2 of the guidance. We argue that acts of worship are however neither necessary nor desirable to achieve these important educational goals.
29. School communities are made up pupils from a variety of religion and belief backgrounds. Even with limited withdrawal rights, requiring acts of 'broadly Christian' worship (or worship of another religion in the case of a determination being made), in which pupils by law are required to "take part", fails to respect young people's freedom of religion or belief. We believe the law in this area goes beyond the legitimate function of the state, and sends the wrong message to young people about freedom of religion or belief and the right to choose how to manifest one's religion or belief.
30. We also note that 5(c) in the standards rightly precludes the promotion of partisan political views in the teaching of any subject at school. We argue that, in the same way that teachers are forbidden by law from promoting partisan political views, it is reasonable to expect limitations on the promotion of partisan religious views in the classroom. We suggest therefore that 5(c) of the standards should be amended so as to explicitly include the "*preclusion of the promotion of partisan religious views in the teaching of any subject in the school*".
31. In addition, we argue, schools should take such steps as are reasonably practicable to ensure that where religious (including non-belief) issues are brought to the attention of students — they are offered a balanced presentation of opposing views.

Question 2c) Maintained schools will also be required to promote fundamental British values. We are proposing to update the guidance to maintained

schools to mirror the requirements set out here. Do you agree that the government should set the same expectations for maintained schools as for free schools, academies and with regard to their duty to promote fundamental British values? If not, why not?

32. We agree that the same expectations should be set for all schools, regardless of their funding status. Concerns about extremism in schools and efforts to promote cohesion through education have society-wide relevance. It is therefore essential that all pupils educated in the UK, regardless of the type of school they attend, learn about those values considered key to contributing to mutual understanding and a cohesive society.

33. Indeed, amongst some of the most recent examples of schools where such values were notably absent was in some of the maintained schools examined as part of the “Trojan horse” controversy. In the past year, the reports that came out of the controversy (for example, that of Peter Clarke, the former head of the Metropolitan police's counterterrorism command, and that of Ofsted's Chief Inspector Sir Michael Wilshaw) demonstrate an urgent need for a more active and assessed promotion of the types of values outlined by Part 2 in the context of a student's “spiritual, moral, social and cultural development” in maintained, as well as in independent, schools.

34. According to Sir Michael Wilshaw, there was evidence that students in some of the schools looked at, were “vulnerable to extremism” and that some had been targeted by hard-line Muslim governors in a 'planned and orchestrated' plot to radicalise pupils¹². In his report, Peter Clarke described an intolerant ideology promoted in some schools as a “politicised form of extreme social conservatism that claims to represent and ultimately seeks to control all Muslims. In its separatist assertions and attempts to subvert normal processes it amounts to what is often described as Islamism”¹³. Clarke described an agenda which stemmed from an international movement seeking to increase the role of Islam in

¹² <http://www.secularism.org.uk/news/2014/07/trojan-horse-schools-pupils-vulnerable-to-extremism>

¹³ Peter Clarke, “Report into allegations concerning Birmingham schools arising from the ‘Trojan Horse’ letter”, July 2014, p 48, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/337119/HC_576_PRIN_T.PDF

education and concluded that, if "left unchecked, it would confine school children within an intolerant, inward-looking monoculture that would severely inhibit their participation in the life of modern Britain"¹⁴.

35. These schools serve as recent and extremely troubling examples of the ways in which, even in maintained schools, the values and ethos of a school can develop so as to end up in almost diametric opposition to the types of values set out in Part 2 §5(a). We therefore see it as crucial that changes made to the independent school standards should be mirrored in the guidance for maintained schools.

Question 9a) Do you consider that any of the proposed changes to the regulations need to be amended from the draft text. Please explain why.

36. As noted through our responses to questions 1(d), 2(a) and 2(b), there are a few amendments to the currently proposed changes that we feel would be beneficial. Whilst we have emphasised structural changes as important also, in terms of changes to the language used specifically, we noted that:

- In the context of the “fundamental British values”, the notions of “tolerance” and “respect” should be supplemented with a mention of human rights of individuals, particularly those of freedom of religion or belief and freedom of expression. We would also see an explicit mention that equality legislation and human rights discourse applies to the individual rather than communities or groups as a whole.
- In the context of §5(b)(vii), we would like to see an emphasis on the individual and the individual’s identity as an equal British citizen, regardless of the community or cultures she may also identify with.
- In the context of Part 2, a duty on schools to ensure that all aspects of its curriculum, including assemblies, are respectful and inclusive of all pupils, regardless of their religion or belief, including non-belief.

¹⁴ Ibid.

- 5(c) should be amended so as to explicitly include the “*preclusion of the promotion of partisan religious views in the teaching of any subject in the school*”.

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