



Department
for Education

Consultation Response Form

Consultation closing date:
10:00am on Monday 4 August 2014 on Part 2 and Part 4, and
by 10:00am on Monday 18 August 2014 on the remaining standards

Your comments on the relevant Parts must reach us by the appropriate date

Proposed New Independent School Standards

If you would prefer to respond online to this consultation please use the following link: <https://www.education.gov.uk/consultations>

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Please tick if you want us to keep your response confidential.	<input type="checkbox"/>
Reason for confidentiality:	

Name: Richy Thompson	
Please tick if you are responding on behalf of your organisation.	<input checked="" type="checkbox"/>
Name of Organisation (if applicable): British Humanist Association	
Address: 39 Moreland Street, London EC1V 8BB	

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Ministerial and Public Communications Division by e-mail: consultation.unit@education.gsi.gov.uk or by telephone: 0370 000 2288 or via the GOV.UK '[Contact Us](#)' page.

Please place a 'x' in the box below that best describes you as a respondent.

<input type="checkbox"/>	Independent school	<input type="checkbox"/>	Independent school association	<input type="checkbox"/>	School inspector
<input type="checkbox"/>	Parent/carer	<input type="checkbox"/>	Faith group	<input type="checkbox"/>	Academy/free school
<input type="checkbox"/>	Academy/free school association	<input type="checkbox"/>	Headteacher/principle	<input type="checkbox"/>	Governor
<input type="checkbox"/>	Proprietor	<input type="checkbox"/>	Maintained school	<input type="checkbox"/>	Local authority
<input checked="" type="checkbox"/>	Other representative body	<input type="checkbox"/>	Other		

If you have selected one of the two 'Other' categories please specify: Non-religious belief group

The British Humanist Association is the national charity working on behalf of non-religious people who seek to live ethical and fulfilling lives on the basis of reason and humanity. We promote Humanism, support and represent the non-religious, and promote a secular state and equal treatment in law and policy of everyone, regardless of religion or belief.

Founded in 1896, we have around 30,000 members and supporters, and over 70 local and special interest affiliates. Our policies are informed with the support of over 120 of the UK's most prominent philosophers, scientists, and other thinkers and experts and we seek to advance them with the help of over 100 parliamentarians in membership of the All Party Parliamentary Humanist Group. Our trained and accredited celebrants conduct funerals and other non-religious ceremonies attended by over 500,000 people each year.

The BHA has a long history of work in education, children's rights and equality, with expertise in the 'religion or belief' strand. We provide materials and advice to parents, governors, students, teachers and academics. We also work closely with others on wider equalities issues in a range of forums. The BHA is a member of the National Children's Bureau Sex Education Forum (SEF), the PSHE Association, the Children's Rights Alliance for England and the Religious Education Council for England and

Wales.

New Independent School Standards (ISS)

As the consultation document explains, replacing the existing ISS regulations is part of a wider programme of regulatory reform aimed at raising standards in independent schools in England. The Department is proposing to move from the current regime for the regulation of independent schools contained in the Education Act 2002, to that in the Education and Skills Act 2008. Most of the existing provisions in the 2002 Act mirror those in the 2008 Act, but we also propose introducing new requirements to raise standards and these are the subject of this consultation. Academies and free schools are required through their funding agreements to meet the Independent Schools Standards (except for those in Part 1 'Quality of education provided').

We have divided the consultation document and this response form into eight parts to align with those in the proposed standards in the draft Schedule. We have included a draft Schedule **that identifies where changes have been made to the existing standards** to show what the revised standards might look like. This can be downloaded from the list of documents on the right of the consultation web page.

The changes to the SMSC standard will also be reflected in updated guidance to maintained schools and we will take responses to this consultation into account in doing so.

PART 1 – Quality of education provided

1 a) Do you agree that Part 1 requires strengthening in order to raise the threshold for meeting the quality of education standard, securing continued improvement and ensuring students have experience in a range of subjects appropriate to their age and aptitude? If not, why not?

<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not sure
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Comments: We are concerned that a number of independent schools might currently meet the standard despite issues related to extremism, unlawful discrimination (in contravention of the Equality Act 2010) or the teaching of pseudoscience.

With regard to extremism, there is currently no reference in the standard to the need for the curriculum to not undermine democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs – although there is something similar in the second standard.

With regard to unlawful discrimination, there is currently no reference to the Equality Act 2010 or its predecessors in the standard. We are concerned that a number of independent schools might be routinely breaking the Act; for example there have been accusations that the curriculum of some private Christian schools might discriminate on the basis of gender and sexual orientation.

If a school breaks the Act then it has broken the law but to have to take a school to court in order to enforce this is overly burdensome. Introducing new regulatory powers to manage this instead seems appropriate.

With respect to pseudoscience, the standard requires that schools provide education that ‘gives students experience in... scientific... education’. But there is nothing to prevent schools teaching pseudoscientific ideas such as creationism and intelligent design – and many independent schools do do this.

We believe that every young person has an entitlement to high quality scientific knowledge and understanding; the UN Convention on the Rights of the Child says that ‘States Parties shall [contribute] to the elimination of ignorance and illiteracy throughout the world and [facilitate] access to scientific and technical knowledge’. We do not think that any young person should be taught ideas as scientifically valid when they run against the established scientific consensus.

Model funding agreement clauses now state that Academies and Free Schools ‘must

not allow any view or theory to be taught as evidence-based if it is contrary to established scientific or historical evidence and explanations.’ Whether or not a similar clause can be introduced for independent schools is in part a human rights question. But if it can, we think it should be. If it cannot, then instead we would look to the independent school inspections frameworks to judge schools more harshly where they are failing in this regard.

The Government also recently consulted on the funding scheme with respect to free places at nurseries. We were recently alarmed to discover that at least 84 nurseries are getting funding where we have concerns about the teaching of evolution and creationism, and have asked the Government to withdraw that funding by introducing a new requirement as part of that scheme.¹

1 b) Do you agree that the proposed changes to Part 1 will achieve the aim of raising the threshold for meeting the quality of education standard, securing continued improvement and ensuring students have experience in a range of subjects appropriate to their age and aptitude? If not, why not and how else could this be achieved?

<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not sure
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Comments: With regards to extremism, we welcome the changes that are being proposed, albeit with some caveats that we have set out in our response to 1 d), namely whether or not the values being described should be labelled as ‘British’, and with regard to equality of opportunity.

With respect to the discrimination, we welcome the changes being proposed and hope that this will lead to stronger enforcement of the Act across independent schools. We believe these and the above-mentioned changes complement the proposed changes around the management of independent schools;² in April we responded to the consultation in support of those proposals and are pleased to see that they will come into effect in September.

With regard to preventing to the teaching of pseudoscience, this issue has not been addressed by the proposed changes. We believe that the Government should either look again at this matter or look to strengthen the independent school inspection

¹ <https://humanism.org.uk/2014/05/22/bha-tells-government-stop-funding-creationist-nurseries/>

² <https://www.gov.uk/government/consultations/management-of-independent-schools-proposed-regulations>

frameworks accordingly.

- 1 c) Do you agree that inserting the word 'good' in Part 1 at paragraph 3 (a), (e), (f) and (g) should help to achieve the aim of raising the threshold for meeting the quality of education standard and securing continued improvement? If not, why not and how else might this be achieved?

Agree Disagree Not sure

Comments: Presumably this would raise the threshold that schools must meet, although we have concerns about the stringency of what is required by Ofsted's independent school inspection framework (particularly the fact that schools do not get penalised for teaching pseudoscience as scientifically valid) and with regard to the quality and independence of inspections conducted by the independent inspectorates.

On the former point, it has been announced that Ofsted will begin to focus on the breadth and balance of the curriculum in its inspections of state schools, treating it effectively as a 'fifth strand' alongside achievement of pupils, quality of teaching, behaviour and safety of pupils and leadership and management. This should also be the case for independent schools.

On the latter point, we responded to the Government's consultation on the independent inspectorates in May³ setting out concerns about the Bridge Schools Inspectorate and School Inspection Service in particular. We look forward to the Government's response.

- 1 d) 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?

Yes No Not Sure

Comments: We welcome the changes being proposed, but with a few caveats, namely with regard to the 'British' label of the values and with regard to equality of opportunity for all.

³ <https://www.gov.uk/government/consultations/independent-inspectorates-regulations-and-advice>

On British values, none of the values listed are uniquely British. We are aware that when these proposals were first introduced, Michael Gove said that would be a misreading of them to conclude that the implication is that they are uniquely British. But nonetheless there is a lot of public debate and confusion over this point and we think the new regulations might be clearer if the word 'British' was removed or used in a way that removes the possessive adjective, for example if 'British values' is changed to 'values of modern Britain'.

And on equality of opportunity, we note that the model funding agreement for Academies and Free Schools refers to 'support for equality of opportunity for all' but there is no similar requirement here. There is a requirement that 'teaching at the school does not discriminate against students contrary to Part 6 of the Equality Act 2010' (which we welcome) but this is not the same as supporting equality of opportunity for all. We see no reason for this difference and would like to see the requirement to 'support for equality of opportunity for all' be added.

- 1 e) The intention is for the strengthened quality of education standards not to affect the very many effective and high performing independent schools, but to impact on coasting and poorly performing independent schools where performance needs to be improved. Do you consider that the changes to Part 1 will achieve this aim? If not, why not and how else might they be achieved?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments: While this question is possibly outside of our remit, we do not see why the changes would affect high performing independent schools.

PART 2 - Spiritual, moral, social and cultural development of pupils

- 2 a) 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?

<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not sure
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Comments: We agree with the changes being proposed, although with a few caveats, namely with regard to the 'British' label of the values, with regard to respecting their own and other cultures, and with regard to equality of opportunity for all.

On British values, none of the values listed are uniquely British. We are aware that when these proposals were first introduced, Michael Gove said that would be a misreading of them to conclude that the implication is that they are uniquely British. But nonetheless there is a lot of public debate and confusion over this point and we think the new regulations might be clearer if the word 'British' was removed or used in a way that removes the possessive adjective, for example if 'British values' is changed to 'values of modern Britain'.

On respecting cultures, we are concerned by the recommendation that principles are promoted which 'further tolerance and harmony between different cultural traditions by enabling students to acquire an appreciation of and respect for their own and other cultures'. Many cultures are worthy of respect but certainly not all. An extreme example would be the fact that the Government is currently campaigning to stamp out the practice of female genital mutilation. A more general example would simply be those individuals who simply do not think religions are worthy of respect. A fundamental question of free speech is at play here.

What is important is not to respect the culture itself but to respect the individual and their right to support that culture. A better wording would be 'further tolerance and harmony between those who belong to different cultural traditions by enabling students to acquire an appreciation of and respect for individuals who belong to their own and other cultures'.

Finally, on equality of opportunity, we note that the model funding agreement for Academies and Free Schools refers to 'support for equality of opportunity for all' but there is no similar requirement here. There is a requirement to 'encourage respect for other people, paying particular regard to the protected characteristics set out in the Equality Act 2010' (which we welcome) but this is not the same as supporting equality of opportunity for all. We see no reason for this difference and would like to see the requirement to 'support for equality of opportunity for all' be added.

- 2 b) 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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments: We agree that the changes do make this clear although think that the revised departmental advice will have an important role to play in reinforcing this in the same way that the consultation document does. There must also be changes to Ofsted's inspection framework to ensure that these requirements are taken into account (we have already mentioned our desire to see independent schools inspected on the breadth and balance of the curriculum).

We like the current departmental advice, particularly the suggestion that schools can meet the requirement by using 'teaching resources from a wide variety of sources to help pupils understand a range of faiths, and beliefs such as atheism and humanism.' It is vital that those with no religious beliefs are included as the largest or second largest belief-based group is all too often forgotten about. We hope that this recommendation remains in the new guidance.

- 2 c) 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 independent schools with regard to their duty to promote fundamental British values? If not, why not?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments: We see no reason to treat maintained schools differently than other schools in this regard. It is vital that all students are prepared for life in British society and after all, many of the schools involved in the recent 'Trojan Horse' scandal are maintained. Generally speaking maintained schools are held to more stringent standards than other schools and it would be odd if this was not true on a matter as important as this one.

Comments on Part 2 are invited by 10:00am on Monday 4 August.

PART 3 – Welfare, health and safety of pupils

3 a) Do you agree that changes to Part 3 are required to ensure that these policies are not only drawn up, but are also effectively implemented?

Agree Disagree Not sure

Comments: This standard is largely outside of our remit. However, with respect to student behaviour, we have seen students who are sufficiently mature to form their own religious or non-religious beliefs (i.e. are Gillick-competent) punished by independent schools for holding or expressing views that go against the school's religious ethos. Students' freedom of thought, conscience and expression with regard to religion and belief is vital and guaranteed by human rights laws. Paragraph 9 should ensure that students of sufficient maturity have a right to freedom of thought, conscience and religion and should not be punished for exercising that right.

We are also concerned that some independent schools, for example Steiner schools, do not treat pupils' health properly. Steiner schools often employ anthroposophical doctors who prescribe alternative treatments such as homeopathy and curative eurythmy. The schools also frequently opt out of providing vaccinations and the Health Protection Agency regards Steiner schools as 'unvaccinated communities' that are 'high risk' and 'hard to reach'.⁴

3 b) Do you agree that schools should be required to have in place risk assessment policies and be able to demonstrate that they are implemented effectively and that action is taken to address identified risks? If not, why not?

Agree Disagree Not sure

Comments: No comment.

⁴ http://www.hpa.org.uk/webc/HPAwebFile/HPAweb_C/1274088429847

PART 4 – Suitability of staff, supply staff and proprietors

- 4 These standards are quite detailed, but we would welcome comments on them. In particular, do you consider them to be sufficient and appropriate to ensure the suitability of independent school proprietors and those employed in independent schools? If not, why not?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments: This question is largely out of our remit, but we responded to the separate consultation around the management of independent schools,⁵ and are pleased to see that they will come into effect in September.

Comments on Part 4 are invited by 10:00am on Monday 4 August.

PART 5 – Premises of and accommodation at schools

- 5 No significant changes are proposed to this Part as it was revised in January 2013 to align with requirements for maintained schools.

⁵ <https://www.gov.uk/government/consultations/management-of-independent-schools-proposed-regulations>

Comments: No comment.

PART 6 – Provision of information

6 a) Do you agree with the proposal to remove the requirement for schools to make details of staff available to parents of students and prospective students? If not, why not?

Agree

Disagree

Not sure

Comments: No comment.

6 b) Do you agree with the introduction of a new requirement for schools to publish their inspection reports on their websites? If not, why not?

Agree

Disagree

Not sure

Comments: Requiring schools to be transparent in this area is vitally important. We have recently become aware of a school having been inspected in 2010 by the School Inspection Service under section 109 but the SIS, school and Ofsted did not publish this inspection. This is worrying and currently being looked into. But the proposed change to the standard (alongside the proposals in the recent consultation with respect to independent inspectorates) would ensure this does not happen again.

However we are a little unclear as to whether the proposed new standard captures routine inspections carried out by independent inspectorates under section 106. We would like the Department to ensure that it does.

PART 7 – Manner in which complaints are handled

- 7 The main changes are intended to ensure that schools record what action is taken as a result of a complaint and to no longer require schools to record all complaints, but to use their judgment to determine when to do so. Do you agree that changes to Part 7 are required and that the proposed changes will achieve this? If not, why not?

Agree

Disagree

Not sure

Comments: There would need to be guidance provided for schools as to where it is and is not appropriate to record complaints, or else some schools might deem it to not be appropriate to record issues that should be recorded.

PART 8 – Quality of leadership and management

- 8 Do you agree that the new Part 8 standards are appropriate and will help drive up the quality of leadership and management in independent schools? If not, why not?

Agree Disagree Not sure

Comments: This new standard seems sensible and reflects the relevant judgement in Ofsted's inspection framework, and the consequential powers to intervene that the Secretary of State has with respect to state-funded schools.

Conclusion - Proposed replacement ISS regulations

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

Yes No Not Sure

Comments: No comment.

9 b) If the standards as currently drafted were to form part of the new regulations, could you indicate the extent to which you see the new requirements adding a burden, including the likely cost of reviewing them and the cost of making any required changes to school policies? Please explain below.

Yes

No

Not Sure

Comments: We cannot see that the new standards would cause any burden to the vast majority of independent schools.

- 9 c) Do you have any suggestions for how the Department might assist schools in meeting the new standards, particularly those that are small (fewer than 50, but more than 10 employees) or micro (fewer than 10 employees) businesses? If so, please set this out below.

Yes

No

Not Sure

Comments: No comment.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply.

E-mail address for acknowledgement:

Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, please confirm below if you would be willing to be contacted again from time to time either for research or to send through consultation documents?

<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
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All DfE public consultations are required to meet the Cabinet Office [Principles on Consultation](#)

The key Consultation Principles are:

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before
- departments will need to give more thought to how they engage with and use real discussion with affected parties and experts as well as the expertise of civil service learning to make well informed decisions
- departments should explain what responses they have received and how these have been used in formulating policy
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.

If you have any comments on how DfE consultations are conducted, please contact Aileen Shaw, DfE Consultation Coordinator, tel: 0370 000 2288 / email: aileen.shaw@education.gsi.gov.uk

Thank you for taking time to respond to this consultation

Completed responses should be sent to the address shown below by 10:00am on Monday 4 August 2014 for Part 2 and Part 4 and by 10:00am on Monday 18 August 2014 for the remaining standards.

Send by post to:

ISS Consultation, IESGD
Department for Education
FAO Yvonne Feldon
GF, Area F
Mowden Hall
Staindrop Road
Darlington
DL3 9BG

Send by e-mail to: IndependentSchoolStandards.Consultation@education.gsi.gov.uk