



Department
for Education

Consultation Response Form

Consultation closing date: 6 May 2013
Your comments must reach us by that date

**Consultation on proposed changes to the
role of the local authority in early
education and childcare:**

Consultation Response Form

If you wish to respond electronically please use the online response facility available on the Department for Education e-consultation website (<http://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.

Reason for confidentiality:

Name	Pavan Dhaliwal
Organisation (if applicable)	British Humanist Association
Address:	39 Moreland Street, London EC1V 8BB

If you have an enquiry related to the DfE e-consultation website or the consultation process in general, you can telephone: 0370 000 2288 or send an email via the Department's ['Contact Us'](#) page.

Please select ONE box that best describes you as a respondent

<input type="checkbox"/> Childminder	<input type="checkbox"/> Private / Voluntary Provider - full day care	<input type="checkbox"/> Parent / Carer
<input type="checkbox"/> Networked Childminder	<input type="checkbox"/> Private / Voluntary provider - sessional	<input type="checkbox"/> Maintained Nursery School
<input type="checkbox"/> Maintained Nursery Class (primary school)	<input type="checkbox"/> Independent School	<input type="checkbox"/> Local Authority
<input type="checkbox"/> National Organisation	<input checked="" type="checkbox"/> Other	

Please Specify: Religion or 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.

Evolution and creationism

We co-ordinate the 'Teach evolution, not creationism!' campaign, launched in September 2011, which is also supported by organisations such as the Association for Science Education and the British Science Association, and by thirty leading scientists including Sir David Attenborough, Professor Colin Blakemore, Professor Richard Dawkins, Sir Paul Nurse and Revd Professor Michael Reiss. It was supported by an e-petition signed by almost 25,000 British citizens.¹

Since the campaign launched, the Department for Education has been repeatedly clear that creationism is not science and should not be taught as such in state funded institutions.² In January 2012 the Government amended the Free Schools model funding agreement to add clause 24A, which says that 'The Academy Trust shall not make provision in the context of any subject for the teaching, as an evidence-based view or theory, of any view or theory that is contrary to established scientific and/or historical evidence and explanations.'

¹ 'Teach evolution, not creationism' Government e-petition: <http://epetitions.direct.gov.uk/petitions/1617>

² See e.g. <http://www.theyworkforyou.com/wrans/?id=2012-07-24a.150.0>

BHA policy on education

We are interested in education for three reasons:

- we aim for the UK to be secular state with no privilege or discrimination on grounds of religion or belief. The continuing religious discrimination in our state school system is therefore a concern for us
- we aim for Humanism to be better understood as an ethical and fulfilling non-religious approach to life and so we have an interest in ensuring that it features on the school curriculum on equal terms with religions
- humanists see education as a vital process and have been rich contributors to both the philosophy and practice of education

We have an interest in promoting better education that will meet these aspirations because we promote humanist perspectives in public debate and policy.

We concentrate on laws and policies that we believe are discriminatory and violate principles of human rights or equality in state-funded schools or on matters where we have a distinctive humanist view. For example we work for progressive reform of the school curriculum and inclusive assemblies in place of mandatory religious worship.

One of our aims is to promote a humanist perspective on public policy issues. Many humanists have had a profound interest in education and so the school curriculum has naturally been a focus for us. In practice, we concentrate on aspects of the curriculum where the humanist voice is excluded or weak or where others are actively promoting policies at odds with our principles.

Creationism and 'intelligent design' are not scientific theories, but they are portrayed as scientific theories by some religious fundamentalists who attempt to have their views promoted in publicly-funded schools. We work for enforceable statutory guidance that they may not be presented as scientific theories in any publicly-funded school of whatever type. Guidance must also be comprehensive, so that it is clear that any portrayal of creationism and 'intelligent design' as science (whether it takes place in science lessons or not) is unacceptable.

Guarantee funding for children taking up their early education place at all early education providers based solely on their Ofsted rating

1 What would the impact be of requiring local authorities to offer to fund all providers, except those judged 'inadequate', to deliver funded places for three and four-year-olds?

<input type="checkbox"/> Positive impact	<input type="checkbox"/> No impact/neutral impact	<input type="checkbox"/> Not sure
<input checked="" type="checkbox"/> Negative impact		

Comments: Recently we have been extremely alarmed to discover that a number of groups are receiving state funding to provide free nursery places despite the fact that they are creationist, or that might otherwise be regarded as extremist or fundamentalist. We think that if a group is not suitable to run a state funded Free School then it is also not suitable to gain such funding.

We have identified places where groups have been getting funding by references to this fact in their funding agreements. The true number of schools falling into the following categories is likely to be (perhaps substantially) higher than the number we are aware of.

Schools that have been gaining funding include:

- Accelerated Christian Education (ACE) schools, a network of private creationist schools that believe that the Loch Ness monster disproves evolution³ and that there is no biological basis for homosexuality.⁴ At least six schools have received funds ([Carmel Christian School](#), [Excellence Christian School](#), [Redemption Academy](#), [Kings Kids Christian School](#), [The Lambs Christian School](#) and [Beehive School](#)).
- Christian Schools Trust schools such as [The King's School](#). The organisation has a statement explaining that it is creationist and recommending creationism is taught in member schools.⁵
- 49 pupils in October 2010 at the [Islamic Shakhsiyah Foundation](#) school in Harringey. In 2009 Michael Gove went to some great personal lengths to argue that this group was a Hizb ut-Tahrir linked group with an inappropriate curriculum and that should not get state funding, including appearing on *Newsnight*⁶ and writing an article in the *Daily Telegraph*.⁷

³ Jonny Scaramanga, 'Top 5 Lies Taught By Accelerated Christian Education', Leaving Fundamentalism blog, 7 May 2012: <http://leavingfundamentalism.wordpress.com/2012/05/07/top-5-lies-told-by-accelerated-christian-education/>

⁴ Jonny Scaramanga, '5 Even Worse Lies from Accelerated Christian Education', Leaving Fundamentalism blog, 28 May 2012: <http://leavingfundamentalism.wordpress.com/2012/05/28/5-even-worse-lies-from-accelerated-christian-education/>

Sylvia G Baker, 'An Investigation of the New Independent Christian Schools: What kind of citizens are they producing?', University of Warwick doctoral thesis, November 2009, pp. 354-6: http://wrap.warwick.ac.uk/3115/1/WRAP_THESIS_Baker_2009.pdf

⁶ *Newsnight*, 27 November 2009: <http://www.youtube.com/watch?v=BxeNEwDq3Pk>

⁷ Michael Gove, 'Public funds must not be used to propagate an Islamic state', *The Daily Telegraph*, 30 November 2009:

- Charedi Jewish schools such as [Beis Trana Girls School](#) and [Ohel Blima Rochel D'bobov School](#). In a piece for *The Telegraph* last July an advisor to Michael Gove [referred](#) to some Jewish schools as 'segregationalist' and inappropriate for state funding as Free Schools.⁸

We were unsure as to what is taught at nursery age in ACE schools, so bought a number of ACE textbooks from Christian Education Europe's website to find out (CEE are the national body for ACE schools in the UK). We found that at nursery stage, children are taught in Science to identify what is taught on each of the days of creation, and about Adam and Eve. In Social Studies, they are also taught about Noah's Ark.⁹

We do not think that the state should be funding these nurseries and think that it is inconsistent for the DfE to block all these groups from getting funding at the schools level for being too extreme, while allowing funding to continue at the nursery level.

Numerous Steiner schools are also getting funding such as [North London Rudolf Steiner School](#), [The St Michael Steiner School](#), [Waldorf School of South West London](#), [Monkton Wyld Court Kindergarten](#), [Laurel Farm](#), [Rowans Day Nursery at Michael House School](#), [Rudolf Steiner School Kings Langley](#) and [Exeter Steiner School](#). We have concerns about this because Steiner schools frequently employ an 'anthroposophical doctor' who gives homeopathy to students,¹⁰ and are regarded by the Health Protection Agency to be unvaccinated communities.¹¹

However, we do not think such schools are eligible to receive these funds because we believe that having exempted themselves from some of the requirements to teach the Early Years Foundation stage, they fall under regulation 2(2) of The Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2012.¹²

We would therefore recommend that nurseries in receipt of such funding should be limited to those which teach the Early Years Foundation stage in full and are considered suitable by the Government for funding if they were applying to establish a state school (i.e. no extremist, fundamentalist or pseudoscientific schools).

Relying solely on Ofsted inspections would not do this as Ofsted are not required to inspect independent schools and nurseries on the basis of whether or not their curriculum is pseudoscientific/fundamentalist, or whether they have opted themselves out of the Early Years Foundation Stage.

This should be made clear in the guidance issued to local authorities. We would

<http://www.telegraph.co.uk/comment/6695053/Public-funds-must-not-be-used-to-propagate-an-Islamic-state.html>

⁸ Alan Judd, 'Free schools have to pass our most rigorous exams', *The Daily Telegraph*, 19 July 2012:

<http://www.telegraph.co.uk/education/9411990/Free-schools-have-to-pass-our-most-rigorous-exams.html>

⁹ See our scan at <http://humanism.org.uk/wp-content/uploads/ACE-nursery-science.pdf>

¹⁰ BHA news item, 'State-funded Steiner schools teach science from book sceptical of evolution, give homeopathy to students', 14 September 2012: <http://humanism.org.uk/2012/09/14/news-1115/>

¹¹ Health Protection Agency, 'HPA National Measles Guidelines Local & Regional Services', p. 5, 28 October 2010: http://www.hpa.org.uk/webc/HPAwebFile/HPAweb_C/1274088429847

¹² <http://www.legislation.gov.uk/ukxi/2012/2488/made>

recommend that the DfE supplements this by centrally providing a list of organisations it considers unsuitable, as considered by its creationism team and Due Diligence and Counter Extremism Division.

We would also recommend changes to regulations to specify that two additional requirements must be met by nurseries before local authorities fund them:

1. That they must meet paragraph 5 of schedule 1 of The Education (Independent School Standards) (England) Regulations 2010, as inserted by regulation 2 of The Education (Independent School Standards) (England) (Amendment) Regulations 2012¹³ (in fact, it would be a good idea to have as a requirement for *all* nurseries, whether state funded or not). This specifies that:

The standard about the spiritual, moral, social and cultural development of pupils at the school is met if the proprietor—

(a) ensures that principles are promoted which—

(i) enable pupils to develop their self-knowledge, self-esteem and self-confidence;

(ii) enable pupils to distinguish right from wrong and to respect the civil and criminal law;

(iii) encourage pupils to accept responsibility for their behaviour, show initiative and understand how they can contribute positively to the lives of those living and working in the locality in which the school is situated and to society more widely;

(iv) provide pupils with a broad general knowledge of public institutions and services in England;

(v) assist pupils to acquire an appreciation of and respect for their own and other cultures in a way that promotes tolerance and harmony between different cultural traditions; and

(vi) encourage pupils to respect the fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs;

(b) precludes the promotion of partisan political views in the teaching of any subject in the school; and

(c) takes such steps as are reasonably practicable to ensure that where political issues are brought to the attention of pupils—

(i) while they are in attendance at the school;

(ii) while they are taking part in extra-curricular activities which are provided or organised by or on behalf of the school; or

(iii) in the promotion at the school, including through the distribution of promotional material, of extra-curricular activities taking place at the school or elsewhere;

they are offered a balanced presentation of opposing views.”

2. That funding only goes to nurseries that would meet a clause akin to 24A, i.e. that the nursery does ‘not make provision in the context of any subject for the

¹³ <http://www.legislation.gov.uk/ukxi/2012/2962/regulation/2/made>

teaching, as an evidence-based view or theory, of any view or theory that is contrary to established scientific and/or historical evidence and explanations.' We would be willing to provide further comments on the drafting of such a clause.

2 When is the earliest point (after full implementation in September 2014) that we should require that funded places for two-year-olds can only be delivered by providers judged 'good' or 'outstanding' by Ofsted?

At least 1 year

At least 2 years

At least 3 years

Other

Not sure

Comments:

Guarantee funding for new early education providers who have been registered by Ofsted, prior to their first Ofsted inspection judgement

3 What will be the impact of offering to fund new providers to deliver early education places prior to their first Ofsted inspection judgement?

Positive impact

No impact/neutral impact

Not sure

Negative impact

Comments:

Limit the conditions that local authorities can set on private, voluntary and independent early education providers to qualify for funding to deliver places

4 What would be the impact of limiting the conditions local authorities can set on providers solely to those set out in paragraph 4.4 the consultation document?

Positive impact

No impact/neutral impact

Not sure

Negative impact

Comments: As per our response to question 5.

5 What other conditions, if any, should local authorities be able to place on early education providers to deliver funded places?

Comments: In our response to question 1 we have already recommended that all nurseries have to follow the paragraph 5 of schedule 1 of The Education (Independent School Standards) (England) Regulations 2010, whether or not they are in receipt of funding.

We also think that all nurseries that receive funding should have to follow something akin to clause 24A, i.e. that the nursery does 'not make provision in the context of any subject for the teaching, as an evidence-based view or theory, of any view or theory that is contrary to established scientific and/or historical evidence and explanations.'

Remove the existing duty on local authorities to secure information, advice and training for childcare providers, but give local authorities power to offer it

6 Do you agree with the proposed list of reduced training requirements set out in Appendix 1 of the consultation document?

Yes

No

Not Sure

Comments:

7 What would be the impact of reducing the prescribed training requirements on providers/local authorities as set out in Appendix 1 of the consultation document?

Positive impact

No impact/neutral impact

Not sure

Negative impact

Comments:

8 Would these changes have a greater impact on some areas of information, advice and training provision over others? If so, which?

Yes

No

Not Sure

Comments:

Simplify the early years funding system, by encouraging local authorities to simplify and reduce their funding formulae and to limit the amount of centrally retained spend

9 Do you support the proposal for a single flat rate within a local authority for two-year-old early education?

Yes

No

Not Sure

Comments:

10 Do you support the proposal to limit the number of base rates and bands for three and four-year-old early education?

Yes

No

Not Sure

Comments:

11 What are your views on the limits proposed for three and four-year-old early education (a maximum of three base rates and no more than two bands)?

Comments:

12 What are your views on removing, for three and four-year-olds, all supplements (and factors) other than for deprivation?

Comments:

13 a) Do you support the changes proposed for early years centrally retained Dedicated Schools Grant spending?

Yes

No

Not Sure

Comments:

13 b) Can the definition proposed be improved?

Yes

No

Not Sure

Comments:

14 Do you think that a 10% limit on early years Dedicated Schools Grant central spend is appropriate? If not, please explain why and include any comments on the impact that this would have in comparison to a 15% or 20% limit.

Yes

No

Not Sure

Comments:

15 Please use this space to add any other comments you would like to make

Comments:

16 Please let us have your views on responding to this consultation (e.g. the number and type of questions, whether it was easy to find, understand, complete etc.).

Comments:

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, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yes	No

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 consult with those who are affected
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy; and
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.

Responses should be completed on-line or emailed to the relevant consultation email box. However, if you have any comments on how DfE consultations are conducted, please contact Carole Edge, DfE Consultation Coordinator, tel: 0370 000 2288 / email: carole.edge@education.gsi.gov.uk

Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 6 May 2013

Send by post to: Sufficiency and Funding Team, Department for Education, Level 1, Sanctuary Buildings, Great Smith Street, London SW1P 3BT.

Send by e-mail to: FundedEarlyEducation.CONSULTATION@education.gsi.gov.uk