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## **RESPONSE TO EDUCATION CONSULTATION** **(Policy Consultation Paper 130, Spring Conference 2017)**

### **A. SUMMARY**

The faith schools motion to Spring Conference very carefully steered clear of areas that related to religion in education and faith schools but that could not be addressed without pre-empting wider policy decisions by the education working group. These areas are addressed in this response.

We urge that the insights and proposals of the 2009 Policy Paper 89: Equity and Excellence play a significant part in the current working group's discussions.

### **UNREGISTERED SCHOOLS, SUPPLEMENTARY SCHOOLS AND HOME SCHOOLING**

**Page 5**

The party should make clear policy commitments:

- to strengthen and enforce existing regulations on unregistered schools and supplementary schools, to ensure regular inspections of supplementary schools, to close unregistered schools and where appropriate to prosecute those responsible, working both directly at central government level and through local authorities;
- to place a legal duty on parents to register homeschooled children with their local authority;
- to ensure that, wherever possible, children in the affected communities are identified and included in the planning of school places, so that they can be accommodated within the state school system.

### **THE PURPOSE OF EDUCATION - Consultation Paper, Section 1**

**Page 7**

We want to ensure that children are taught to think for themselves, to be critical but not cynical in evaluating information and ideas, to understand the world and their place in it but also to achieve control of their lives by seeking out information and using it to make informed life choices.

This is not a skill set that can simply be placed in a corner of the curriculum. Rather, encouraging children to develop and practice these skills should pervade teaching practice, and should be reflected in Ofsted standards, in student evaluations and in examination papers.

**THE MIDDLE TIER - Consultation Paper, Section 6****Page 8**

Democratic accountability and local needs should be key elements in determining where new schools are opened, what form the new schools will take and who will sponsor those schools; and also in determining which local schools may be closed, merged or converted, and to what type a school may be converted.

Giving local authorities a clear strategic responsibility for all of these would be a good starting point.

**SCHOOL ADMISSIONS POLICIES****Page 8**

Determining which children will be accepted for a particular school is one of the key weapons schools can use to game the system and improve their performance – and it is a weapon that is mainly trained on children from less privileged backgrounds.

All selection by ability, aptitude and faith should be ended, and local authorities should be given oversight of fair admissions.

**MONO-CULTURAL SCHOOLS AND SELECTION BY POSTCODE****Page 9**

Local authorities (or their equivalent) should be able to alter school catchment areas periodically so as to:

- lessen the problem of mono-cultural schools by spreading catchment areas across different ethnic, cultural and religious communities;
- tackle the endemic problem of selection by postcode (where wealthy parents colonise the catchment areas of successful schools, gradually excluding less wealthy families) by bringing less prosperous communities into the catchment areas.

**THE PROGRESSIVE ELIMINATION OF COMMUNITY SCHOOLS AND THE DECLINE IN SECULAR SCHOOLS****Page 10**

The system is now heavily skewed against local authorities, which are the main providers of secular schools.

This and other factors mean that the proportion of secular schools continues to decline, even in areas that are already dominated by faith schools, and without regard to the wishes of local authorities or parents.

In order to ensure a fair mix of faith schools and secular schools, it is essential that:

- local authority providers should be able to open new schools and to take over failing schools, as other providers can;
- where schools are to be opened or taken over, the type of school, the sponsor (including local authorities), and whether the school will or will not have a religious ethos or character, should be driven by local needs, as expressed by local parents and authorities;
- where a school is to be closed due to falling local student numbers, or where schools are to be merged, secular schools should be able to defend themselves from closure or merger, on equal terms with faith schools, and the choice should again be driven by local needs as expressed by local parents and authorities.

**INSPECTION (Consultation Paper, Section 7)****Page 12****ADDRESSING ABUSIVE TEACHING AND PRACTICES IN SCHOOLS****Pages 12**

Historically, the schools of some religions and denominations have been extremely hostile environments for LGBT+ pupils, with prejudice against those pupils, and low self-image, being actively reinforced by the schools' teachings and by the reluctance of teachers and authorities to recognise and act against bullying. There is little to suggest that these problems have gone away or that Ofsted is effectively addressing them.

It is therefore essential that the party makes an explicit commitment to improve Ofsted monitoring and actions in this area.

**COMMUNITY COHESION AND CULTURAL INCLUSIVITY****Page 13**

We support the existing party policy that “the Ofsted school inspection framework should judge schools on their promotion of equality of equality of opportunity and community cohesion.”<sup>1</sup>

However, if this is not accepted by the policy group, schools should at the very least be required to demonstrate, through inspection by Ofsted, that their admissions policies contribute towards the ethnic, socio-economic, religious and cultural inclusivity of their intake.

**THE NATIONAL CURRICULUM (Consultation Paper, Section 9)****Page 14**

It is ludicrous that community schools should be locked into a highly prescriptive and politicised curriculum, which is subject to frequent and disruptive change, while academies are free to ignore that curriculum.

The national curriculum should be slimmed down heavily. It should be more stable and less politicised. And it should be extended to cover all state-funded schools.

We are particularly concerned that sex and relationship education, citizenship and a broad and inclusive religious education should be included as mandatory elements in the core curriculum.

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<sup>1</sup> F18, A New Liberal Democrat Approach to Race Equality, Autumn 2013

## **B. DETAILED RESPONSE**

A number of key issues relating specifically to religion in education, and to faith schools, were addressed by the Spring Conference policy motion F6: The Role of Faith in State-Funded Schools.

However, the faith schools motion very carefully steered clear of areas where it might pre-empt wider policy decisions by the education working group.

These areas are addressed in this response.

The issues of Unregistered Schools, Supplementary Schools and Home Schooling do not fall comfortably within the consultation's section headings, so we address them under a separate heading, on pages 5-6.

Most of our remaining proposals fall within the section headings but are not directly related to the consultation paper's specific questions. We've addressed these under the relevant section headings.

### **DRAWING ON EXISTING POLICY**

The party's last major review of education policy was in 2008/2009. This resulted in Policy **Paper 89: Equity and Excellence: Policies to Improve 5-19 Education in English Schools and Colleges**, and the associated policy motion **F12 Equity and Excellence**, which was adopted at Spring Conference 2009. This has been updated since then, notably in Autumn 2014 (**F16 Protecting Public Services and Making them Work for You**).

It is clear that the current policy working group has decided to make a fresh start, rather than updating and adjusting the 2009 template to fit current needs.

While this is entirely legitimate, the 2009 policy paper was of a very high standard, and we urge that its insights and proposals play a significant part in the current working group's discussions.

## **UNREGISTERED SCHOOLS, SUPPLEMENTARY SCHOOLS AND HOME SCHOOLING**

We are concerned that there is no reference to either unregistered (and therefore illegal) schools or home schooling in the current consultation. There are major issues here relating to

- protection of children from physical abuse;
- ensuring that children are in a physically safe and healthy environment;
- ensuring that children receive an education that is fit for purpose and prepares them for adult life;
- ensuring that state authorities are aware of children who are not receiving education in the state or recognised private school sectors, and that they do not entirely disappear off the radar.

These policy areas are unlikely ever to be addressed by a separate policy motion, because they are too narrowly focussed. They therefore need to be addressed as a part of the party's education policy.

There are well-known problems with **unrecognised schools** in certain religious and ethnic minority communities – for example, Hackney's ultra-Orthodox Jewish Yeshivas, as reported in the Independent and elsewhere last year.<sup>2</sup>

These unrecognised schools are particularly associated with communities that very deliberately seek to control their children by isolating them from the outside world and its influences, so as to ensure that the religious and social doctrines and laws laid down by community leaders are never subject to question or challenge within the children's daily lives.

Pupils in many unregistered Yeshivas have only a couple of hours a week given over to non-religious studies up to the age of 12 or 13; from that point on, they are required to spend all their study time learning religious texts in a foreign language, with no time whatsoever given over to non-religious studies or even basic English language skills.

These children are therefore growing up in an environment that will lock them permanently into their communities – unable to leave because they lack the basic skills and knowledge, even including English language skills, that would allow them to interact with the outside world, and because they are unlikely to have anyone to turn to from outside their community even when they reach adulthood.

One former student, born in England, told The Independent:

I finally left the community when I was 18 after being pressured to enter an arranged marriage. When I left, it was so difficult. I could only speak Yiddish and, despite living in London my entire life, I couldn't really have a conversation in English. I could do little more than ask for directions and ask how much things cost in a shop.<sup>3</sup>

In the case of unregistered schools, there is a deep reluctance by some local authorities to enforce existing law, close down unregistered schools and apply the appropriate civil and criminal sanctions to those adults who choose to operate outside the law; this may be because the authorities fear being accused of targeting ethnic and religious minorities or because the communities' leaders are seen as controlling strong voting blocks. These children may also not have been accounted for (or even known of) in the planning of school places, so that there is simply no provision for them in the state sector.

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<sup>2</sup> <http://www.independent.co.uk/news/uk/home-news/illegal-jewish-schools-department-of-education-knew-about-council-faith-school-cover-up-as-thousands-a6965516.html>

<sup>3</sup> <http://www.independent.co.uk/news/uk/home-news/my-childhood-was-stolen-from-me-pupil-of-illegal-jewish-faith-school-reveals-physical-physical-abuse-a6965536.html>

Some schools that claim to be **supplementary schools**, providing out-of-school-hours education, are in fact operating full-time unregistered schooling. These could be identified if existing out-of-school settings regulations were applied properly, and were strengthened.

**Home schooling** is a challenging area, where the state, in seeking to protect the rights and interests of the child, comes into direct conflict with the perceived rights of the parent.

Many parents also provide an excellent home education to their children, working constructively with their local authorities.

However, those children who are invisible to the state are clearly at enormous risk of physical and psychological abuse, as well as unsafe, inadequate or non-existent schooling.

In September 2016, the Local Government Association recommended “placing a legal duty on parents to register homeschooled children with their local authority.” This would “help councils to monitor how children are being educated, and prevent children from “disappearing” from the oversight of services designed to keep them safe”.<sup>4</sup>

**The party should make clear policy commitments:**

- **to strengthen and enforce existing regulations on unregistered schools and supplementary schools, to ensure regular inspections of supplementary schools, to close unregistered schools and where appropriate to prosecute those responsible, working both directly at central government level and through local authorities;**
- **to place a legal duty on parents to register homeschooled children with their local authority;**
- **to ensure that, wherever possible, children in the affected communities are identified and included in the planning of school places, so that they can be accommodated within the state school system.**

None of these approaches would detract from the right of parents to home-school their children or to enrol them in supplementary schools, but they would allow the authorities to better identify cases where children are in fact being educated in illegal, unregistered schools or not being educated at all.

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<sup>4</sup> [http://www.local.gov.uk/media-releases/-/journal\\_content/56/10180/7957375/NEWS](http://www.local.gov.uk/media-releases/-/journal_content/56/10180/7957375/NEWS)

## **THE PURPOSE OF EDUCATION (Consultation Paper, Section 1)**

Question 1 of the consultation paper asks whether the paper's statement of the purposes of education is correct.

It is, as far as it goes. The statement refers to "teaching good citizenship and open-mindedness".

**However, we want to ensure that children are taught to think for themselves, to be critical but not cynical in evaluating information and ideas, to understand the world and their place in it but also to achieve control of their lives by seeking out information and using it to make informed life choices.**

Section 9 considers to what extent the curriculum should be "skills-based" rather than "knowledge-based" (9.1.3), but does not expand on what those skills should be.

The abilities to think for oneself, to look for and evaluate information, ideas and their sources, and to apply that information to one's life, make up a core skill set that allows you to develop your own knowledge and skills base far beyond the core curriculum and throughout your life.

This is not a skill set that can simply be placed in a corner of the curriculum.

**Rather, encouraging children to develop and practice these skills should pervade teaching practice, and should be reflected in Ofsted standards, in student evaluations and in examination papers.**

## **THE MIDDLE TIER (Consultation Paper, Section 6)**

### **QUESTION 15: WHO SHOULD BE RESPONSIBLE FOR PLACE PLANNING, FINANCIAL ACCOUNTABILITY, SCHOOL IMPROVEMENT AND COMMUNITY ENGAGEMENT?**

Current arrangements result in schools being opened where they are not needed, and not being opened where they are needed, and in local authorities being unable to ensure that local academies are expanded where appropriate.

So local authorities retain statutory responsibility for providing places for all local children but are denied the authority to enable them to meet that responsibility.

**We are deeply committed to the principle that local demand should play a far greater role in determining where new schools are opened, what form the new schools will take and who will sponsor those schools; and also in determining which local schools may be closed, merged or converted, and to what type a school may be converted.**

**Democratic accountability should be a key element, in the form of elected local authorities. Giving local authorities a clear strategic responsibility for oversight and commissioning of schools, as proposed in Equity and Excellence<sup>5</sup>, would be a good starting point.**

### **SCHOOL ADMISSIONS POLICIES**

Question 15 does not cover the important issue of school admissions policies.

Determining which children will be accepted for a particular school is one of the key, proven ways in which all types of non-community schools can game the system so as to exclude, as far as possible, children who are more likely to drag down the school's performance. Selection is one of the key weapons in any oversubscribed school's performance tables arsenal – and it is weapon that is mainly trained on children from less privileged backgrounds.

**Equity and Excellence proposed removing all selection by ability, aptitude or faith<sup>6</sup>.**

**Equity and Excellence also proposed “giv[ing] local authorities the responsibility to oversee fair admissions in their area”<sup>7</sup>.**

**These should be core elements in reducing or removing opportunities for abuse by schools.**

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<sup>5</sup> Policy Paper 89: Equity and Excellence, 4.4.2, Spring 2009.

<sup>6</sup> *ibid*, 4.6.2; the faith element was rejected by Conference in 2009 but was adopted by Conference this Spring.

<sup>7</sup> *ibid*, 4.6.4.

**MONO-CULTURAL SCHOOLS AND SELECTION BY POSTCODE**

Schools are generally far more ethnically divided than British society as a whole. In 2013, a report by Integration Hub indicated that over 90% of white pupils were in schools that were majority white, while over 50% of ethnic minority pupils were in schools that were majority ethnic, rising to over 60% among year 1 pupils.<sup>8</sup>

“Selection by postcode” is a related and significant problem: the catchment areas of the best schools are colonised by relatively wealthy parents, gradually excluding less wealthy families and communities.

**Local authorities (or their equivalent) should be able to alter school catchment areas periodically so as to:**

- **lessen the problem of mono-cultural schools by spreading catchment areas across different ethnic, cultural and religious communities;**
- **tackle the endemic problem of selection by postcode (where wealthy parents colonise the catchment areas of successful schools, gradually excluding less wealthy families) by bringing less prosperous communities into the catchment areas.**

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<sup>8</sup> <http://www.integrationhub.net/module/education/>, section 2: School Segregation

## **THE PROGRESSIVE ELIMINATION OF COMMUNITY SCHOOLS AND THE DECLINE IN SECULAR SCHOOLS**

The government is open about its ideologically-driven desire to progressively remove all remaining community schools from local authority control. The clear intention behind the current government's purported constant increase in parental choice is to ultimately remove from all parents the choice of a community school for their children.

Community schools can be converted away from community school status, with control taken away from the local authority, and other organisations can open new schools, but even the most capable and successful local authority cannot take over a failing school from another sponsor or open a new school.

With local authorities excluded, there are a limited number of bodies with the experience and competence to create new schools or to take over existing schools. Of these, a very significant proportion are Christian institutions because they have so many schools already in operation, and other established faith groups also have substantial resources available along with the desire to become involved in running state-funded schools.

It is also common for religious organisations to take over secular schools and convert them to schools with a religious ethos or character. A leading example is Oasis Academies, a Christian charity which now runs 47 primary and secondary academies with a religious ethos and is expanding rapidly. Of those schools, virtually none had a religious ethos prior to Oasis Academies gaining control of them.

The Church of England, as well as sponsoring new schools, is also gaining effective control of the boards of governors of increasing numbers of mixed Multi-Academy Trusts (MATs that sponsor a both faith and secular schools), even where there are many more secular than faith schools within the Trust; the MAT governors are in turn able to appoint the governors of all the secular schools within the MAT, bringing them too under effective CofE control. Almost all mixed MATs include CofE schools, but as of September 2016 there are at least 350 schools with no religious character in mixed MATS, compared to just 54 CofE schools. The CofE is therefore greatly expanding its control of nominally secular schools, through its control of mixed MAT boards.<sup>9</sup>

By contrast, it is extremely rare for faith schools to become secular. This may be related to the requirement that the Secretary of State for Education must consult with the appropriate diocese or relevant faith group if a proposal to close a school involves or is likely to affect a school which has a particular religious character. There is of course no equivalent body to be consulted before a secular school is to be closed or to lose its secular character.

Party policy quite rightly now states that

- i) Where different bodies are allowed to sponsor state schools, religious organisations should not be discriminated against in so doing.
- ii) There continues to be a place for state schools with a religious character.<sup>10</sup>

However, the system is now heavily skewed against secular schools:

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<sup>9</sup> <https://humanism.org.uk/wp-content/uploads/2016-08-30-Final-Briefing-on-mixed-MATs-oral-evidence.pdf>

<sup>10</sup> F16: The Role of Faith in State-Funded Schools, Spring 2017

- the local authorities that have historically provided the overwhelming majority of secular schools are being progressively locked out; consequently, the pool of available sponsors that are not religiously aligned is massively reduced;
- meanwhile, the Church of England, the largest provider of faith schools, is able to expand the number of schools under its control by creating new faith schools and taking over (or gaining effective control of) previously secular schools.

As a result of all these factors, the proportion of secular schools continues to decline, even in areas that are already dominated by faith schools, and without regard to the wishes of local authorities or parents.

**In order to ensure a fair mix of faith schools and secular schools, it is essential that:**

- **local authority providers should be able to open new schools and to take over failing schools, as other providers can;**
- **where schools are to be opened or taken over, the type of school, the sponsor (including local authorities), and whether the school will or will not have a religious ethos or character, should be driven by local needs, as expressed by local parents and authorities;**
- **where a school is to be closed due to falling local student numbers, or where schools are to be merged, secular schools should be able to defend themselves from closure or merger, on equal terms with faith schools, and the choice should again be driven by local needs as expressed by local parents and authorities.**

## **INSPECTION (Consultation Paper, Section 7)**

### **ADDRESSING ABUSIVE TEACHING AND PRACTICES IN SCHOOLS**

During the faith schools debate in March, the issue of abusive teaching and behaviours in faith schools was raised.

Chris Ward and Sarah Brown spoke of their personal experiences of teaching and behaviour at their own Catholic schools that was highly hostile to them as LGBT+ children – basically being taught that they were intrinsically disordered and wicked - and caused them significant and lasting damage; they also both spoke of being shown violent and deeply disturbing anti-abortion films.

Jeremy Hargreaves (summing on the motion) and Sal Brinton both responded that these sorts of problems should be tackled by Ofsted:

“Ofsted must be more rigorous about the acts of homophobia that were described earlier. They must make sure that children do not see outrageous films that are inappropriate, certainly for anyone under the age of 18. That is completely wrong; that is not what schools should be doing; and Ofsted has been getting more rigorous.” (Sal Brinton)

“Making sure that that kind of education does not happen and how PSHE and Sex & Relationship Education happen in schools is a matter for inspection by Ofsted. Ofsted clearly would not allow that to happen and in fact this motion in the agreed bit of it reinforces the role of Ofsted in inspecting that kind of activity, that teaching. That should not happen, and if it happens that’s a failing of Ofsted. We should tackle that clearly.”  
(Jeremy Hargreaves)

Unfortunately, there is more recent evidence that at least some schools still have policies of denigrating relationships and sexuality of LGBT+ people, and that OFSTED has not addressed this adequately.

A 2013 Ofsted report on the Luton Pentecostal Christian Academy states, under “Pupils’ Welfare, Health and Safety”, that “pupils are taught that same-sex relationships are sinful but are equally supported to consider and accept that not everyone within the wider society will agree.” The inspectors clearly consider that this is entirely appropriate: the school is rated “Good” under this heading.<sup>11</sup>

In September 2016, the website of the Bishop Challoner Catholic Secondary School in Basingstoke included its Education for Personal Relationships Policy, which covers homosexuality at two points: under Main Objectives, Knowledge and Understanding:

- “To give careful consideration of the issue of homosexuality.
- “To inform students about HIV and AIDS and other sexually transmitted infections (STI’s).
- “To enable young people to know and understand the legal framework relating to sexual activity.

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<https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKewjQ9YTIx53MAhWoIsAKHU5RDYIQFggcMAA&url=http%3A%2F%2Freports.ofsted.gov.uk%2Fprovider%2Ffiles%2F2265313%2Furn%2F135699.pdf&usg=AFQjCNFEOgR1rvPqKZUmmazwdnj3VmfezQ&bvm>

- “To learn the reasons for delaying sexual activity and for restricting sexual activity to marriage.”

...and then under “Dealing with Sensitive Issues”, as follows:

**“Homosexuality**

“The Church recognises the dignity of all people. However, since the Church has always taught that sexual love should always find its true place in marriage, a homosexual partnership and a heterosexual marriage can never be equated. This is the case in English law. The Church seeks to affirm the homosexual as a person, but cannot approve of homosexual genital acts.”<sup>12</sup>

Quite apart from denigrating same-sex relationships, denying their validity and reducing them to “genital acts”, the policy is entirely concerned with promoting Catholic church teaching, makes no reference to alternative viewpoints, and falsely denies that the state recognises same-sex marriage.

After a student drew attention to this, the policy was withdrawn from the school’s website for “updating”, but has not reappeared on the website – indicating that the school no longer wishes its policy on same-sex relationships to be open to scrutiny.

Historically, the schools of some religions and denominations have been extremely hostile environments for LGBT+ pupils, with prejudice against those pupils, and low self-image, being actively reinforced by the schools’ teachings and by the reluctance of teachers and authorities to recognise and act against bullying. Much of this is inevitably under the radar, and there is little to suggest that these problems have gone away or that Ofsted is effectively addressing them.

**It is therefore essential that the party makes an explicit commitment to improve Ofsted monitoring and actions in this area.**

### **COMMUNITY COHESION AND CULTURAL INCLUSIVITY**

As we have stated earlier (on page 9), many schools of all types are heavily skewed towards particular ethnic, socio-economic, religious or cultural groups. This applies equally to areas dominated by minority communities and to areas where there is very little minority representation; to areas of poverty and to very expensive areas. It is particularly associated with faith schools (operating under existing regulations), but is certainly not limited to them.

For many schools, it will not be possible to achieve a fully inclusive intake. But their admissions policies should be designed to broaden the mix rather than narrow it, and this can be inspected and assessed.

**We support the existing party policy that “the Ofsted school inspection framework should judge schools on their promotion of equality of opportunity and community cohesion.”<sup>13</sup>**

**However, if this is not accepted by the policy group, schools should at the very least be required to demonstrate, through inspection by Ofsted, that their admissions policies contribute towards the ethnic, socio-economic, religious and cultural inclusivity of their intake.**

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<sup>12</sup> <https://hslld.org.uk/en/document/bishop-challoner-catholic-secondary-school-personal-relationships-policy>

<sup>13</sup> F18, A New Liberal Democrat Approach to Race Equality, Autumn 2013

## **CURRICULUM (Consultation Paper, Section 9)**

### **QUESTION 21: SHOULD WE RETAIN A NATIONAL CURRICULUM, GIVEN ITS DWINDLING IMPACT AND RELEVANCE?**

Yes.

It is ludicrous that community schools should be locked into a highly prescriptive and politicised curriculum, which is subject to frequent and disruptive change, while academies are free to ignore that curriculum.

**The national curriculum should be slimmed down heavily. It should be more stable and less politicised. And it should be extended to cover all state-funded schools.**

**We are particularly concerned that sex and relationship education, citizenship and a broad and inclusive religious education should be included as mandatory elements in the core curriculum.**

**However, we have also commented (in our response on section 1) on the importance of ensuring that children learn the most fundamental skill of thinking for themselves and evaluating information for themselves.**

This cannot be placed in a corner of the curriculum; it should be reflected throughout the curriculum, alongside a move away from ever expanding sets of prescribed facts to be learnt from school text books, and towards knowledge-gathering by students.