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THE PROMOTION OF BRITISH VALUES: SEXUAL ORIENTATION EQUALITY, RELIGION AMD ENGLAND'S SCHOOLS

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ABSTRACT

Schools in England have recently become subject to new requirements regarding the active promotion of 'fundamental British values'. This concept has controversially been defined to encompass sexual orientation equality. In this article, we argue that the inclusion of sexual orientation equality within the scope of British values has given new impetus to debates about the appropriate balance between children's rights, the right of parents to provide religious direction to children, the prerogatives of faith schools, and the state's legitimate interest in protecting sexual minorities. We trace the evolution of the current legal and policy framework related to British values, including its alignment to the United Kingdom's counter-extremism strategy, and then draw on recent Ofsted reports to critically examine claims that the new requirements undermine the ability of faith schools to teach about sexuality from the perspective of a particular religious ethos. Using the example of the Marriage (Same Sex Couples) Act 2013, we also highlight ambiguities that exist in relation to the British values requirements as applied to faith schools. We conclude that current controversies over British values and schooling show important continuities with debates from the Section 28 era (1988-2003), during which local authorities were prohibited from intentionally promoting homosexuality. Specifically, a key source of contestation remains the still indeterminate border between the promotion of a particular sexual orientation and the promotion of tolerance for individuals and groups. Overall, the article contributes to a broader understanding of the ways in which schools in diverse international contexts have become involved in the governance of sexual and religious difference.

I. INTRODUCTION

In a May 2015 speech to the United Kingdom's National Security Council, Conservative Prime Minister David Cameron outlined his plans to introduce legislation that would '[put] British values at the heart of the new government's approach to tackling extremism'.[1] Speaking just six days after his party won an outright Parliamentary majority, Cameron told the Council:

> For too long, we have been a passively tolerant society, saying to our citizens: as long as you obey the law, we will leave you alone. It's often meant we have stood neutral between different values. And that's helped foster a narrative of extremism and grievance. This government will conclusively turn the page on this failed approach [….] That means actively promoting certain values. Freedom of speech. Freedom of worship. Democracy. The rule of law. Equal rights regardless of race, gender or sexuality. We must say to our citizens: this is what defines us as a society.[2]

One striking feature of Cameron's rhetoric is the assertion that government must be involved in actively promoting equal rights based on sexuality. The significance of the word 'promoting' in this context will not be lost on those familiar with the history of sexual orientation law reform in Britain, particularly the struggle to repeal what is popularly known as 'Section 28'[3]. Enacted in 1988 under Margaret Thatcher, Section 28 specified that local authorities must not 'intentionally promote homosexuality or publish material with the intention of promoting homosexuality' nor 'promote the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship'. The provision was enacted as part of a backlash against some local councils that had begun to adopt more progressive approaches to gay and lesbian issues by, for example, funding support groups and promoting inclusive approaches to sex education in schools. Section 28 had a severe 'chilling effect' on the circulation of knowledge about homosexuality and same-sex relationships in state-funded schools (Lind, 1996), even though the provision applied only to local education authorities and not to individual schools. Section 28 was not repealed until 2003 in England and Wales (2000 in Scotland),[4] and only after concerted resistance to repeal from morally conservative Parliamentarians who argued that the provision remained necessary to protect both public morality — a morality often coded as explicitly Christian — and the safety of children. Cameron, who voted against repeal in 2003,[5] offered an apology in 2009 for his party's enactment and subsequent defence of Section 28.[6] Thirteen years after Section 28's repeal, the active promotion of sexual orientation equality has become a central feature of government rhetoric concerning the preservation of the nation's core values — a sharp contrast to the symbolic exclusion of non-heterosexuals from dominant conceptions of nationhood to which Section 28 had powerfully contributed (Stychin, 1998).

In this article, we examine the controversial inclusion of sexual orientation equality within the scope of recently imposed requirements for schools in England to actively promote 'fundamental British values'. As formulated within the context of government counter-

extremism policy, the notion of British values has become inscribed within law and policy governing both independent (i.e. private) schools and state-funded schools, which include maintained schools (schools that are funded by central government via their local authorities) as well as the rapidly proliferating number of academies (schools which are funded directly by central government with autonomy from local authority control) and free schools (a form of academy newly set up by parents, businesses, religious organisations or other groups). The drive to promote British values in schools has prompted high profile critiques from a range of sources and raised significant questions about how (if at all) British values should be defined (Tomlinson, 2014) and whether promoting these values constitutes a form of indoctrination.[7] A commonly expressed concern is that the imposition of these ostensibly universal state values undermines the right of parents to provide religious direction to their children, something which many parents seek to exercise by sending their children to 'faith schools', a term commonly used to denote schools with a legally designated religious character or faith ethos.[8] These schools constitute a substantial portion of England's fragmented school system.[9] The inclusion of sexual orientation equality within the ambit of British values has raised particular questions about the extent to which faith schools will be compelled to promote values that run contrary to the religious tenets to which they subscribe. Although controversies over the extent to which faith schools should be able to teach about sexuality through a religiously-inflected lens are not new, the drive to promote British values has given new impetus to debates about the appropriate balance between children's rights, the rights of parents, the prerogatives of faith schools, and the state's interest in protecting sexual minorities.

Struggles over sexual orientation equality and schooling are evident in jurisdictions in diverse international contexts. These forms of struggle have been particularly evident in a number of jurisdictions where considerable levels of social homophobia persist despite enhancements to the rights and protections afforded to sexual minorities. A number of US states, for example, maintain versions of what critics have dubbed 'no promo homo' laws (Rosky 2013) that apply to schools even in the wake of the 2015 ruling by the US Supreme Court extending the right of marriage to same-sex couples nationally.[10] Despite this ruling, for instance, the state of Arizona, has recently declined to repeal a provision prohibiting schools from providing instruction that '[p]romotes a homosexual life-style', '[p]ortrays homosexuality as a positive alternative life-style', or 'suggests that some methods of sex are safe methods of homosexual sex'.[11] As such, Arizona's schools are prohibited from

presenting same-sex marriage as a potentially 'positive' life choice even though their pupils will be legally entitled to enter into such marriages when they reach the appropriate age. Similar tensions have been evident in Brazil, where recent enhancements to the rights extended to sexual minorities have not necessarily translated into more inclusive practices within the country's schools. This was evident in May 2011, when the country experienced a media furore regarding President Dilma Rousseff's intervention to suspend the distribution of 'anti-homophobia kits' to schools by the ministries of health and education (Mitchum and Nussbaum 2012), a move that came only weeks after the Supreme Court of Brazil determined that same-sex couples in 'stable' relationships can be considered family units with consequent rights and protections (Moreira 2012).

In contrast, other jurisdictions have more explicitly enrolled schools in the governance of sexual difference by requiring them to adopt affirmative and inclusionary approaches to teaching about sexual minorities. For example, in reaction to instances of homophobic violence against young people (Leno 2013), the state of California in 2011 passed the FAIR (Fair, Accurate, Inclusive and Respectful) Education Act, which updated California's Education Code to specify that the teaching of social sciences shall include 'study of the role and contributions of [. . .] lesbian, gay, bisexual, and transgender Americans [. . .] to the economic, political, and social development of California and the United States of America, with particular emphasis on portraying the role of these groups in contemporary society'.[12] California maintains a clear legal differentiation between the requirement for schools to recognize the contributions of LGBT people to society (an aspect of teaching from which parents cannot seek to have their children exempted) and the domain of comprehensive sexual health education, for which a parental opt-out exists (Vanderbeck and Johnson 2015). As we demonstate in subsequent sections, although England's schools have recently become more clearly enrolled in governing difference based on sexual orientation, the boundaries remain ambiguous and contested between teaching about sexual health and practices, actively encouraging respect and toleration for difference, and promoting a particular sexual orientation.

The article proceeds as follows. We begin by tracing how debates over the inclusion of issues of sexual orientation diversity within the curriculum of England's schools have evolved from a focus on whether it was permissible to discuss these issues in the classroom to a focus on whether it should be permissible for schools to avoid doing so on religious grounds.

This evolution has been underpinned by changing understandings of the nature of children's sexual citizenship and the perceived risks — both individual and societal — incurred by not educating children about sexual orientation issues. We next situate the current controversy over British values in relation to broader transformations in the governance of difference and outline the evolution of the legal and policy framework related to British values and schools. Then, drawing on an extensive original analysis of recent Ofsted (Office for Standards in Education, Children's Services and Skills) reports, we examine how the school inspection process has resulted in both sanctions and praise for different kinds of schools (including faith schools) for their approaches to sexual orientation equality and British values. We also discuss some of the lingering uncertainties and ambiguities that exist regarding the requirements of the British values drive by employing the example of the Marriage (Same Sex Couples) Act 2013. In the conclusion, we reflect on the seeming tension between the government's assertions within the context of national security rhetoric that British values are universal, with its approach at other times which betrays a reluctance to compel faith (and other) schools to more fully teach about issues related to sexual orientation.

II. SCHOOLS AND CHILDREN'S SEXUAL CITIZENSHIP

For the past several decades England's schools (in common with those in many western countries) have served as significant sites of struggle between morally conservative religious interests and advocates of sexual orientation equality. These struggles have hinged on the kinds of knowledge that pupils can and should be exposed to in relation to homosexuality and same-sex relationships. Much of the debate has focused on those aspects of the curriculum defined in English law as 'sex education'[13] (or 'sex and relationships education', as it is often called in guidance, although not statute) whether with regard to basic issues of sexual health or wider questions of marriage, partnership, parenting, and other forms of intimacy. However, far from being limited to the domain of sex education, calls for greater attention to non-heterosexual lives and experiences have taken place in relation to diverse subject areas including History, English, Geography and, perhaps most notably, Citizenship, which has been a statutory part of the National Curriculum for Key Stages 3-4 (ages approximately 11-16) since 2002. Currently, however, neither sexual orientation nor gender issues receive any mention in the Citizenship programme of study despite 'national', 'religious' and 'ethnic' identities all signalled as key topics.[14]

Some theorists and practitioners of inclusive education have argued that incorporation of issues of sexual orientation diversity into the curriculum is an issue of children's rights and crucial for the development of children and young people as sexual citizens (see Haydon 2002; Harris 2009). Robinson (2012: 271), for example, argues that forms of knowledge relevant to children's sexual citizenship include 'relationships, identity, understandings of bodies and behaviours, sexual health and well-being, social responsibility for building a sustainable culture of ethical and respectful relationships, values, family diversity, and political knowledge'. In this expansive view, education regarding issues related to sexual orientation diversity is necessary for *all* pupils, not just those who may grow up to identify as gay, lesbian or bisexual (or who already do so). This view is far from universally shared, however, and religious actors and interests remain at the forefront of resistance to reforms that would make schools more inclusive of these issues (although it is important to stress that movements affirmative of sexual orientation diversity exist in many churches and religious traditions, and opposition is not limited to people of religious faith) (Johnson and Vanderbeck, 2014).

Although these issues remain contested, the balance of debates regarding sexual orientation and schooling has shifted markedly over recent decades. It is often been argued that '(c)hildren's education of sexual knowledge, especially around non-heterosexual relationships, is generally perceived to be […] the primary responsibility of the family' (Robinson 2012: 263); however, there are also ways in which providing forms of education about sexual diversity has come to be viewed as necessary both to protect the rights of children and produce a responsible citizenry. At a basic level, this would involve explicit acknowledgement in the curriculum that non-heterosexual people exist and are accorded particular rights and protections by English law (e.g. marriage rights, adoption rights, and protection from discrimination). Some proponents of inclusive education argue that this goal is consistent with, for example, the child's right to 'receive […] information and ideas of all kinds' enshrined in Article 13 of the United Nations Convention on the Rights of the Child (Haydon, 2002). However, some morally conservative religious pressure groups have sought to label even this basic acknowledgement of homosexuality as an unjustified interference with the right of parents to provide religious direction to their children.[15] Beyond the teaching of basic information about legal rights, others assert that schools should provide students with 'positive' representations of non-heterosexual people and their relationships, often with the goal of challenging the pervasive heteronormativity of the school environment. The National

Union of Teachers (2015), for example, recently passed a motion calling on the government to require that 'all schools' sex education policies […] include a positive portrayal of same sex relationships'. The motion's passage prompted an immediate negative response both from the right wing press — 'Faith school fears as union says teachers must promote gay lifestyle', proclaimed the *Daily Mail*[16] — as well as religious pressure groups such as the Christian Institute, which described the union's motion as an attempt to '[f]orce schools to endorse gay relationships'.[17]

These forms of controversy have been deployed by some religious groups to bolster the construction of a wider public narrative regarding the marginalisation of religion from public life. This narrative is promulgated by diverse religious actors who assert that a hierarchy of rights has emerged in which religious freedoms have become consistently subordinated to sexual orientation equality (Stychin, 2009). Although this narrative is challenged by research that documents the ways in which religion continues to shape law governing sexual orientation (Johnson and Vanderbeck, 2014), the very existence of these claims illustrates how significantly the parameters of debate have shifted in the past three decades. Morally conservative religious groups — increasingly unable to assert convincingly that the nation's collective values regarding sexuality are homologous with the official positions of the leading churches — have instead adopted a more defensive posture by asserting that aspects of sexual orientation equality (e.g. same-sex marriage) jeopardise religious freedom in various domains, including schooling. Although it is recognized that values that purport to be 'secular' often have roots in aspects of the Christian tradition (Asad 2003), claims that national law should reflect Christian sexual values (at least as defined by England's largest organized Christian groups) have lost considerable authority in public and political debate.

While debate over Section 28 focused on whether it should be permissible for local authorities to promote non-stigmatizing representations of homosexuality, the key legal and policy questions now largely focus on the extent to which schools, and particularly faith schools, should be allowed to avoid doing so. It has become increasingly common to argue that not providing access to certain forms of information regarding sexual orientation diversity entails particular forms of risk. Some of these risks are borne specifically by pupils who are developing (or have developed) non-heterosexual identities, including risks to their health and well being (e.g. lack of information about safe sexual practices; mental health

issues and suicide risk stemming from feelings of stigma; impaired academic performance) (Robinson 2009). Campaigners have also asserted that the risk of homophobic bullying in schools is exacerbated in circumstances where the curriculum stigmatizes or avoids discussion of same-sex sexualities and relationships. Indeed, this logic is seemingly embedded in Ofsted guidance from 2013 on preventing and tackling homophobic bullying, which suggested that inspectors could explore whether schools teach about different family types or provide inclusive sex education, practices which are presumed to create an environment less conducive to bullying.[18] Although these risks have been identified and voiced for decades by campaigners for inclusive education, it is only more recently that a notable — yet still highly contested — public discourse has begun to consolidate which labels expressions of anti-gay sentiment as signalling risk not only for non-heterosexual people themselves but also for the wider society. This form of discourse has become prominent within the context of recent debates regarding the role of schools in promoting British values. In the section below we trace the evolution of the current legal and policy framework governing the promotion of British values and examine how aspects of sexual orientation equality have come to be defined as integral to these values.

III. SEXUAL ORIENTATION EQUALITY AND THE GOVERNANCE OF BRITISH VALUES

The current debate over British values must be understood in relation to broader recent shifts in the governance of difference, particularly the on-going critique of approaches deemed to be 'multicultural'. Over the past two decades, forms of law and policy seen as promoting multiculturalism — a concept often caricatured as valuing ethnic, religious and cultural diversity 'whatever the consequences' (West, 2013: 66) — have become subject to high profile criticism for ostensibly legitimizing and producing social fragmentation (Lewis and Craig, 2014). At both the national and local scales, government has increasingly stressed the need to promote integration, community cohesion,[19] and a basic set of shared national values rather than the segregation that, critics claim, results from a multiculturalist ethos. The urban disturbances of 2001 in northern England between young white and British Asian men gave particular impetus to this form of discourse about the damaging consequences of socio-spatial segregation. A range of commentators argued at the time that some forms of multiculturalist policy, rather than producing shared values, had instead contributed to a society that was 'sleepwalking' into segregation (as famously asserted by Trevor Phillips, then chairman of the

Commission for Racial Equality[20]) and that communities were living 'parallel lives'[21] (for critiques of this form of discourse, see, for example, Phillips, 2006). This rhetoric intensified in the wake of the July 2005 attacks in London, which focused attention on the risks of violence perpetrated by so-called 'home-grown' terrrorists who did not feel loyalty to their country of birth. In a 2006 speech entitled 'The Duty to Integrate: Shared British Values', then Labour Prime Minister Tony Blair — while celebrating the emergence of 'a country at ease with different races, religions and cultures' and which had 'tough laws outlawing discrimination on the grounds of sexual orientation, religion, race, gender and disability'— asserted that 'multicultural Britain was never supposed to be a celebration of division' and that government must 're-assert […] the duty to integrate, to stress what we hold in common and to say: these are the shared boundaries within which we all are obliged to live'.[22]

It is within the context of counter-terrorism strategy that the current discourse of British values has become formalized within law and policy governing schools. Schools, as institutions that are 'judged to have a role in protecting vulnerable people and/or our national security'[23] have been made subject to the controversial Prevent strategy[24], which forms one strand of the government's broader counterterrorism strategy known as CONTEST. Controversy over Prevent has focused on, amongst other issues, the extent to which it constructs British Muslims as a community under continuous suspicion. The original 2006 version of Prevent[25] did not explicitly refer to 'British values'; however, the phrase features prominently in the coalition redraft of 2011, reflecting the Prime Minister's stated commitment to build 'stronger identities at home' by advocating 'a lot less of the passive tolerance of recent years and a much more active, muscular liberalism'.[26] As a result of the Counter-Terrorism and Security Act 2015, school proprietors must now 'have due regard to the need to prevent people from being drawn into terrorism'.[27] Statutory guidance on the Prevent duty further specifies that '[b]eing drawn into terrorism includes […] non-violent extremism, which can create an atmosphere conducive to terrorism and can popularise views which terrorists exploit'.[28] Schools are reminded in the statutory guidance of their existing duty to promote community cohesion[29] (although sexual orientation has been marginal to the community cohesion agenda in schools)[30] and the guidance also indicates that the Prevent duty can be seen as 'relevant'[31] to the responsibilities of schools under the public sector equality duty (PSED), which requires state-funded schools (although not independent schools) to have due regard to the need to 'eliminate discrimination', 'advance equality of opportunity' and 'foster good relations'[32] in relation to a range of protected characteristics

which including sexual orientation. Below we outline how the vision of British values developed within counter-extremism strategy has been incorporated within the framework governing schools.

1. The framework governing British values in schools

The definition of 'British values' that has become embedded within Department for Education guidance[33], the Ofsted school inspection handbook[34] and the Teachers' Standards[35] is derived from the definition of 'extremism' found in the revised Prevent strategy: "Extremism is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs".[36] Since 2011, following the revision of the Prevent strategy, the Teachers' Standards have indicated that teachers can uphold public trust and maintain ethical standards by 'not undermining fundamental British values', although this falls short of the current obligation to actively promote these values.[37] Within the current Ofsted inspection regime, the active promotion of British values has become aligned to two long-standing statutory requirements related to the curriculum. Under the Education Act 2002, maintained schools in England are required to provide a 'balanced and broadly based curriculum'[38] that:

1. 'promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society',[39] and

2. 'prepares pupils […] for the opportunities, responsibilities and experiences of later life'.[40]

Academies, free schools and independent schools are subject to similar requirements via regulations.[41] It is through an evolution in the interpretation of these two requirements that the promotion of British values has become incorporated within the practice of school inspection. First, Ofsted are required by the Education Act 2005 to report on 'the spiritual, moral, social and cultural development of pupils'[42] when conducting school inspections (a requirement often abbreviated to SMSC).[43] Both guidance issued in 2014 by the DfE[44] and the current Ofsted school inspection handbook[45] now identify the promotion of British values as a key means by which schools can show that they are meeting their duty in relation to SMSC development, with British values most closely linked to 'social' and 'cultural' development. Recently revised regulations (the Independent School Standards) governing

academies, free schools, and independent schools similarly specify that a school can help demonstrate the SMSC development of its pupils if the proprietor 'actively promotes […] fundamental British values […]'.[46] These revised regulations also specify that meeting standards related to SMSC requires that principles are actively promoted which 'encourage respect for other people, paying particular regard to the protected characteristics set out in [the Equality Act 2010]'.[47] This alignment of issues related to the protected characteristics of the Equality Act 2010 to the school standards has created a means of regulating compliance with the act that does not involve the need for judicial review. Academies, free schools, and independent schools were first made subject to these regulations related to British values in January 2013, although this originally only required proprietors to 'encourage pupils to respect' these values,[48] rather than 'actively promote' respect for them as required since September 2014.[49] According to the DfE, the change from 'encourage pupils to respect' to 'actively promote' is intended to signify that schools 'must now have a clear strategy for embedding these values and show how their work with pupils has been effective in doing so.'[50]

Second, the interpretation of the long-standing requirement to prepare pupils 'for […] later life' has also become aligned to SMSC development and the promotion of British values. The most recent Ofsted school inspection handbook makes explicit, for example, that its judgements will take into account 'how well the school prepares pupils positively for life in modern Britain and promotes […] fundamental British values […]'.[51] Preparation for later life, in this formulation, has become interpreted and expanded by Ofsted to mean a capacity to participate in a diverse, modern, liberal democratic nation-state. According to Ofsted, inspectors should judge the leadership and management of a state-funded school inadequate if '[l]eaders and governors, through their words, actions or influence, undermine the promotion of tolerance of and respect for people of all […] sexual orientations (and other groups with protected characteristics) and so do not support and help prepare pupils positively for life in modern Britain.'[52]

At the time when legal requirements relating to SMSC development and preparation for later life were first introduced, the promotion of sexual orientation equality was clearly not conceptualized as inherent to either. A precursor to SMSC was introduced in 1944 which stated that 'it shall be the duty of the local education authority […] to contribute towards the spiritual, moral, mental, and physical development of the community by securing that

efficient education […] shall be available to meet the needs of the population of their area.'[53] This language was strengthened by the Education Reform Act 1988, the enactment of which was welcomed by the established church and reinvigorated debate amongst British educationists about the nature of values education (Bigger, 2013). The 1988 Act introduced the phrase 'the spiritual, moral, cultural, mental and physical development of pupils at the school and of society'[54], as well as the requirement that the curriculum 'prepares […] pupils for the opportunities, responsibilities and experiences of adult life'.[55] Michael Alison MP, then Second Church Estates Commissioner, expressed thanks 'on behalf of the Church authorities, for [the clause], with its outstandingly bold and uninhibited formulation calling for the promotion of the spiritual, moral and cultural development of children at school'.[56] Debates in Parliament over this language, which was at the time understood to provide religious (and specifically Christian) values a stronger foothold within state-funded schools, transpired in parallel to those taking place in relation to what would become Section 28. Within that climate, the active promotion of sexual orientation equality would have been deemed by government to undermine, rather than enhance, SMSC development and preparation for adulthood. However, the drive to promote British values has resulted in the inscription of a clear linkage in the framework for school inspection between the promotion of sexual orientation equality, SMSC development, and preparation for later life.[57] Having traced the evolution of this linkage, in the next section we explore how it has been operationalised in the practice of Ofsted inspection and reflect on the potential implications for different kinds of schools, including faith schools.

IV. BRITISH VALUES, SEXUAL ORIENTATION AND THE SCHOOL INSPECTION PROCESS

The current drive for schools to actively promote British values has been heavily shaped by the so-called Trojan Horse affair, a term used to signify the events surrounding an alleged organized attempt to impose Salafist values in a number of Birmingham schools. Although debate over British values in schools had begun several years prior to the events in Birmingham (see III.1, above), the Trojan Horse affair erupted in March 2014 when Birmingham City Council reported that it had initiated an investigation relating to a letter that had come into its possession referring to Operation Trojan Horse. The letter's unknown author, drawing on experiences of alleged success in Birmingham, proposed a series of steps that communities could follow to ensure that schools in their area are run on 'Islamic

principals'.[58] These steps involved 'causing the maximum amount of organized chaos'[59] by orchestrating parental complaints, installing new governors, recruiting sympathetic staff, and undermining head teachers so that they resigned or capitulated to the wishes of parents. The DfE became involved in investigating the letter, and Ofsted instigated emergency inspections[60] in a number of Birmingham schools, resulting in five schools being placed in special measures and one already in special measures being rated inadequate. Subsequent emergency inspections triggered by apparent concerns about pupil safeguarding, extremism and British values took place in schools across England, and these forms of inspection continue at the time of writing. The basic facts of the situation remain significantly disputed, including the veracity of the letter (considered by many to be fake) and the extent to which any 'radicalisation' had taken place. Following a series of overlapping investigations and reports, Education Secretary Nicky Morgan told the House of Commons:

> There has been no evidence of direct radicalisation or violent extremism but there is a clear account in the [Clarke][61] report of people in positions of influence in these schools, who have a restricted and narrow interpretation of their faith, not promoting British values and failing to challenge the extremist views of others. (HC Deb, 22 July 2014, c.1247).

A subsequent report by the House of Commons Education Committee on the Trojan Horse affair was highly critical of the DfE for having contributed to 'a sense of crisis and confusion' by ordering a series of weakly co-ordinated investigations with myriad separate reports, often leaked prematurely to the media.[62] The Committee also argued that 'confidence…has been undermined' in Ofsted given the number of schools downgraded in inspections, suggesting either that prior inspection procedures had not been robust or that 'inspectors lost objectivity and came to some overly negative conclusions because of the surrounding political and media storm'.[63] Nevertheless, the Committee welcomed efforts to promote British values, which it referred to as 'universal and an important part of what children should learn'.[64]

Deficiencies related to sexual orientation equality featured prominently amongst the 'patterns of behaviour' discussed in the report to the House of Commons prepared by Peter Clarke (former head of counter-terrorism at the Metropolitan Police), alongside, for example, intolerant behaviour,[65] gender segregation[66] and 'introduction of conservative Islamic practices into school life'.[67] At schools associated with Park View Academy Trust, it was

noted that '[s]ex education and discussion concerning sexual orientation have been removed from all lessons'.[68] The report also indicated the following:

> There is witness evidence of intolerance in several schools towards those who are lesbian, gay, bisexual and transsexual [….] Park View governors and staff have displayed openly homophobic behaviour, using terms such as 'the gays' in meetings. The 'Park View Brotherhood' discussion group transcripts also reveal homophobic attitudes going unchallenged by staff members. Senior staff have been shouted at in governing body meetings when they attempted to discuss the LGBT agenda. Male and female staff have reported that they have to hide their sexuality. Students say that their teachers do not talk to them about such matters. At Nansen Primary, staff state that they were told to teach that homosexuality was a sin.[69]

The Trojan Horse affair generated considerable public scrutiny on Muslim faith schools, notwithstanding the fact that none of the schools originally implicated had a religious designation but rather were secular schools with relatively high proportions of Muslim pupils. A body of recent critique has argued that notions of sexual orientation equality have increasingly been deployed in the UK and other western countries in ways designed to 'turn sexual oppression from a straight problem into a Muslim problem'[70] (see Zanghellini, 2012). However, far from focusing solely on Muslim school and pupils, the British values drive rapidly expanded beyond Muslim schools and has intersected with much longer standing anxieties about the role of religion in the school system that are not reducible to a single faith group, with both Christian and Jewish faith schools subject to downgrading by Ofsted. Indeed, a number of claims have been made by religious groups and their supporters that sexual orientation equality is being used as a particular pretext for a general 'assault' on faith schools: as one headline exemplifying this tendency proclaimed in the *Sunday Times*, 'Faith schools must teach gay rights; faith schools crackdown'.[71] Similarly, one prominent sociologist has characterized the inclusion of sexual orientation equality issues within the British values drive as a key element of the alleged 'silent war on religion' being waged by the British state.[72]

Despite claims that the British values drive represents a specific 'crackdown' on faith schools, shortcomings related to the promotion of British values (sometimes, but often not, related specifically to sexual orientation equality) have been identified in both faith schools and secular schools across the school system. For example, in a series of 35 no-notice inspections in autumn 2014, eleven of the inspected schools were found to be either 1) 'not teaching respect for and understanding of the various faiths found in Britain today' or 2) 'not

developing pupils' awareness and tolerance of communities different to their own';[73] however, only three were faith schools: one Jewish, one Anglican and one Roman Catholic (no Islamic faith schools were part of this particular wave of inspections, although they have been central to other rounds of inspection in Birmingham, Tower Hamlets and elsewhere[74]). Although failures in relation to sexual orientation equality have yet to be officially cited as the sole reason for an unfavourable inspection judgment, they have featured in a number of recent cases that have been publically scrutinised both by the media and Parliament.

1. Evidence from recent Ofsted inspections

We have conducted an extensive examination of recent Ofsted inspection reports that demonstrates the diverse ways in which inspectors have described and evaluated the approaches taken by schools to promoting sexual orientation equality and British values. Our purpose in citing these reports is not to make broad statistical claims about the nature of Ofsted inspections and their implications for faith schools. The examples in Table 1 are intended to be illustrative rather than comprehensive. Nor do we interpret the judgements made in these reports as unproblematically representing the 'truth' about the practices of individual schools, given concerns about the reliability, consistency and objectivity of the inspection process that substantially predate the Trojan Horse affair (e.g. Woods and Jeffrey, 1998). However, an examination of these reports at least provides a useful starting point for evaluating some of the claims made about how particular types of school have been targeted by Ofsted.[75]

[TABLE 1 ABOUT HERE]

In many recent reports, it is in fact difficult to ascertain the extent to which issues of sexual orientation equality were probed by inspectors. Indeed, a majority of the reports reviewed nowhere mention sexual orientation issues directly, although reference is more often made to broader themes that should encompass sexual orientation: for example, in relation to levels of student awareness of either different forms of bullying or the protected characteristics of the Equality Act. For instance, schools 7 and 14 (Table 1) illustrate the praise given to two Islamic schools (one a free school, one independent) for preparing students well for 'life in modern Britain' and educating students about 'different forms' of 'prejudice-based' bullying, which in theory should include homophobic bullying. However, in

cases like this it is impossible to infer conclusively whether inspectors discussed issues related to sexual orientation directly with staff or students. Amongst reports that directly invoke issues related to sexual orientation, examples can be found of Islamic (schools 3, 9, 11), Christian (5, 12), Jewish (8) and religiously unaffiliated (2) schools criticized for not preparing students well for life in modern Britain and/or inadequately attending to sexual orientation equality as part of SMSC development. However there are also examples of specific praise being given to Islamic (4, 15, 17), Christian (13, 16), Jewish (1) and non-religiously affiliated (10) schools for their approaches to dealing with these issues. These examples span maintained schools, independent schools, academies and free schools, and include both routine and emergency inspections. We would not seek to make broad claims based on these examples, but a close examination of the reports does complicate and challenge some of the more simplistic narratives that have circulated regarding the disproportionate targeting of particular religious groups or types of school by Ofsted vis-à-vis requirements related to British values and sexual orientation equality. Although particularly conservative or orthodox strands of a religious tradition might be more liable to be identified as contravening the British values duty (something difficult to establish systematically based on the evidence), overall there is little in the reports to suggest that the well-documented enthusiasm for faith schools shown by successive governments (Walford 2008) has substantially waned.

Progress monitoring inspection reports for schools that were initially found to not meet particular standards related to British values (schools 9 and 11) provide some illustration of the kinds of measures that schools have subsequently taken to satisfy inspectors. Example 11, for instance, suggests that one Islamic primary school has broadened its approach − previously judged to focus too narrowly on differences between religious groups − such that pupils are now aware that respect should be shown to people with different lifestyles and that both same-sex marriage and heterosexual unmarried cohabitation are legal forms of relationship even though their faith does not condone them. Considering the stridency of some claims by advocacy groups regarding the serious curtailment of religious freedom represented by the inclusion of sexual orientation equality within the scope of British values (see also IV.2, below), this represents a quite modest adjustment to the curriculum. Rather than a radical curtailment to religious rights, the example above, we would argue, seems to suggest an attempt to balance and accommodate concerns for religious freedom (the school still clearly teaches its religious understanding of marriage) with a legitimate state interest to

both enhance the protection of sexual minorities and make children aware of aspects of the law that will govern their (potential) future relationships. Certainly, in this example, satisfying Ofsted involves something considerably less than either the active promotion of 'gay lifestyles' decried and feared by morally conservative commentators or the broader dismantling of heteronormativity that many progressive commentators would wish to see.

2. An anti-Christian agenda? Public and Parliamentary responses to Ofsted inspections

Although the Trojan Horse affair (see above) initially focused scrutiny specifically on Muslim schools and pupils, a significant narrative of Christian grievance has emerged in the wake of the waves of no notice inspections that have taken place across the school system. Religious pressure groups have claimed that Ofsted has overextended by making Christian schools a target for British values inspections,[76] and the Chief Inspector of Schools, Michael Wilshaw, has been forced to deny to the House of Commons Education Select Committee that Ofsted have 'got it in for Christian schools'. The Evangelical Alliance, in response to several Christian schools being downgraded after Ofsted inspections, complained to the Education Secretary that '"True British values" certainly cannot be reduced to those represented by a secularist politically correct equality agenda, and the enforcement of such agenda on all schools is the wrong response to the challenges presented by parts of the Birmingham education system'.[77] The group Christian Concern similarly argued to the press that the events in Birmingham had created a means for homosexuality to be slipped surreptitiously into the curriculum of schools: 'a right desire to fight Islamic-inspired terrorism is having the effect of creating a Trojan Horse to impose a new sexual ideology'.[78]

This rhetoric became prevalent in a furore concerning emergency inspections of four Christian schools in northeast England, two of which (Table 1, Examples 5 and 6) were found to have deficiencies related to the promotion of British values[79], although Ofsted expressed no such concerns related to the other two. Inspectors were accused by some staff and parents of the affected schools of having shown bias and engaging in inappropriate questioning of children about issues pertaining to, amongst other issues, sexuality. In neither case were issues related to sexuality the sole justification for downgrading the school, although Michael Wilshaw subsequently asserted publically that there was 'very bad homophobic bullying going on in those schools', something the schools deny.[80] Controversy over the findings provided the impetus for a lightly attended Backbench Business Committee debate in the

House of Commons on the theme 'Education Regulations and Faith Schools', during which it was resolved '[t]hat this House believes that Ofsted should respect the ability of faith schools to teach their core beliefs in the context of respect and toleration for others'.[81] Instigated by Edward Leigh MP (currently President of the Catholic Union of Great Britain), the debate focused heavily on the perceived injustice of Christian schools being subjected to British values inspections due to 'certain inspectors' fantasies of Anglican or Catholic jihadism'.[82] MPs called for greater clarity from Ofsted about both the nature of its expectations and its approach to questioning pupils about sexual orientation matters, given claims that this had been done in an insensitive manner.[83]

In the face of criticism from conservative Christian groups and their supporters, the DfE has remained insistent that duties related to British values are equally relevant to all schools, not only Muslim schools or those with large Muslim intakes. Education Secretary Nicky Morgan MP, in a recent speech addressing the criticism, indicated that she was 'unapologetic' about this approach:

> I have no sympathy for those who say that British values […] should purely be a special test for schools in predominantly Muslim communities or our inner cities. Every school regardless, faith or none - should be promoting British values [….] A commitment to British values means that we also hold to account those schools where girls are made to sit at the back of the class, where homophobia goes unchecked, where young people aren't being made aware of the many facets of British culture.[84]

Nevertheless, despite the direct messages from the DfE about the applicability of British values requirements to all schools, there remain important areas of ambiguity about the specific nature of the requirements. To illustrate some of these unresolved ambiguities regarding the responsibilities of faith schools, we focus on the example of same-sex marriage, the issue which has arguably received the greatest recent public attention in relation to sexual orientation equality (Eekelaar, 2014; Harper et al., 2014).

V. IS SAME-SEX MARRIAGE A BRITISH VALUE?

Debates regarding how schools teach about same-sex relationships must be understood in relation to the long-standing framework governing sex education in England, which predates both the current British values drive and the extension of avenues for legal recognition of

same-sex relationships via the Civil Partnership Act 2004 and the Marriage (Same Sex Couples) Act (MSSCA) 2013. In 2000, the Department for Education and Employment (DfEE) issued statutory guidance for which maintained schools (and, subsequently, academies and free schools, according to their funding agreements) must have due regard when providing sex education.[85] The Secretary of State is required to issue such guidance to ensure that when sex education is provided to pupils:

> a. they learn the nature of marriage and its importance for family life and the bringing up of children, and
>
> b. they are protected from teaching and materials which are inappropriate having regard to the age and the religious and cultural background of the pupils concerned.[86]

The guidance was issued as part of negotiations between the then Labour government and the Church of England in an attempt to secure the church's support for the repeal of Section 28 in exchange for a clearer sex education framework that gave particular attention to marriage as an institution (Johnson and Vanderbeck, 2014). Although the statute only makes reference to 'marriage', the statutory guidance takes a more expansive view, stressing that 'there are strong and mutually supportive relationships outside marriage' and that 'children should learn the significance of marriage *and stable relationships* as key building blocks of community and society' (emphasis added).[87] The guidance also indicates that schools should 'make sure that the needs of all pupils are met', that 'teachers should be able to deal honestly and sensitively with sexual orientation' and that there should be 'no direct promotion of sexual orientation'.[88] Although this last phrase was intended to suggest a more neutral approach, a number of schools seemingly conflated 'sexual orientation' with 'homosexuality' (Wintemute, 2012), with some schools' sex education policies preserving an explicit ban on promoting homosexuality until this practice was exposed in 2013.[89] The guidance also rather ambiguously states that, 'Schools of a particular religious ethos may choose to reflect that in their [SRE] policy', while offering little clarity regarding the limits of this.[90]

This statutory guidance on sex education, unchanged since 2000, embodies some of the ambiguities that continue to characterize current debates. For example, when does the 'religious and cultural background' of pupils (whether in a faith school or a school with a high proportion of students from a particular background) make discussion of same-sex relationships 'inappropriate'? How much latitude do state-funded faith schools have to embed

a particular religious understanding of marriage and other relationships within their teaching? Although some expressed hope at the time that the guidance would contribute towards greater equality in provision nationally (Monk 2001), recent evidence suggests that approaches to teaching about same-sex relationships continue to vary greatly, with some teachers still avoiding the topic altogether and schools interpreting the legal framework in different ways.[91]

The expanded definition of marriage in the MSSCA 2013 has been interpreted by some commentators to indirectly introduce a requirement for schools to address same-sex marriage, given the long-standing legal expectation that children 'learn the nature of marriage'. During debate over the MSSCA 2013, opponents, including representatives of a number of faith traditions, argued that some faith schools, as well as some teachers in secular schools, would be forced to promote same-sex relationships despite their own religious objections. Then Education Secretary Michael Gove MP attempted to provide assurances that, although teachers would need to acknowledge the new legal situation, nevertheless 'there will be no requirement on any teacher to promote a view or doctrine with which they feel any discomfort' and that there would be no direct mention of same-sex marriage in statutory guidance.[92] However, these assurances failed to satisfy many with, for example, the Church of England Parliamentary Unit submitting a briefing arguing that although its schools would 'fulfil the duty to teach about the factual nature of marriage in its new legally redefined form, there is residual unclarity over how that will interact with the continuing need for schools to reflect their religious ethos in their [sex education] policies'.[93]

The status of teaching about marriage remains contested, with one area of particular concern related to how the teaching of same-sex marriage interacts with the long-standing right of parents to withdraw children from sex education in state-funded schools. Parents can currently exercise an unqualified right of withdrawal in relation to those aspects of sex education not in the National Curriculum (which are concerned with human reproduction).[94] This applies to pupils of any age, even in circumstances in which older pupils have rejected their parents' beliefs or would otherwise be considered competent to be issued condoms or prescribed contraception.[95] The preservation of this unqualified parental right within English law exceeds anything seemingly demanded by the European Convention on Human Rights on grounds of religious freedom.[96] Substantial questions remain, however, about the extent to which discussion of same-sex marriage constitute 'sex education' even when schools opt to incorporate it within the context of other subjects (e.g. Citizenship, which is part of the

National Curriculum for maintained schools). The Coalition for Marriage, which actively opposed the passage of the MSSCA 2013, noted this ambiguity about the definition of sex education in advice to parents encouraging them not to be dissuaded from pursuing their right to withdraw children from lessons involving discussion of same-sex marriage even if the subject is being discussed outside the framework of sex education.[97] However, the precise legal position in these circumstances remains subject to interpretation and untested in the courts.[98]

If education about same-sex marriage is understood to be an aspect of sex education, then one is confronted with the curious situation that parents have an unqualified right to withdraw their children from a form of teaching that has been noted by the DfE and Ofsted to contribute to SMSC development and preparation for life in modern Britain. Indeed, one state-funded Charedi girls' secondary school has been praised in a recent Ofsted report as a 'trailblazer [that] continues to blend traditional and modern values'[99] despite the school disclosing several months prior (in response to a freedom of information request) that it provides no form of sex education to pupils, given that it believes every parent in the school would elect to 'opt out'.[100]

Independent schools are not subject to the same guidance on sex education as state-funded schools, nor is there an explicit legal requirement for them to provide 'sex education' as such. It is subject to interpretation whether the recent changes to the independent school standards indirectly impose a requirement at secondary level that some discussion take place regarding same-sex marriage and other relationships. In supplementary guidance issued regarding the interpretation of the new standards related to SMSC development, the DfE sought to clarify the implications of the regulation that independent schools, academies and free schools 'ensure that standards are actively promoted which […] encourage respect for other people, paying particular regard to the protected characteristics set out in the 2010 [Equality] Act'. This guidance seeks to provide greater clarity regarding the distinction between promoting a *lifestyle* and promoting *respect* for other people who practice a lifestyle, although in fact it offers little clarity regarding what this would necessitate in practice.

> There is absolutely no change to the duties that any school has under the Equality Act – this change is purely one of enforcement. This change does not extend equality requirements, nor does it discriminate against any religion or undermine religious freedoms. The standard does not mean, for example, that schools must

> promote alternative lifestyles or same sex marriage. Rather, it requires respect for other people, even if they choose to follow a lifestyle that one would not choose to follow oneself.[101]

The guidance accurately clarifies that independent schools face no new duties under the Equality Act; however, the expectation that they now promote standards that encourage respect for people with protected characteristics resembles (or, indeed, is arguably stronger than) the requirement of the PSED that public authorities have due regard for the need to foster good relations, defined to include the need to 'promote understanding' between people with protected characteristics and those who do not.[102] Whether a school could be said to be promoting 'respect' for people of different sexual orientations without explicitly incorporating balanced discussion of same-sex marriage remains open to interpretation.

VI. CONCLUSION

The current drive to promote British values has reinvigorated long-standing debates about the balancing of children's rights, the right of parents to provide religious direction to their children, the prerogatives of faith schools, and the state's legitimate interest in promoting equality based on sexual orientation. The British values drive has often been represented in recent political and media rhetoric as representing a radical shift. However, the British values drive as it pertains specifically to sexual orientation in many respects represents an evolution of developments that substantially pre-date the Trojan Horse affair, with the most significant difference being one of enforcement through the inspection regime. For instance, statutory guidance for state-funded schools has indicated for more than sixteen years that sex education should include attention to 'stable' relationships besides (heterosexual) marriage, although regulatory oversight of this has been limited. Guidance on the Prevent duty reminds state-funded schools of the relevance of the PSED — which already required state-funded schools to have due regard to the need to foster good relations and promote 'understanding' (although any differences between 'understanding' and 'tolerance'/'respect' have yet to be clearly delineated) — rather than extending the requirements of the Equality Act 2010. Although expectations for schools related to sexual orientation equality are in many respects products of longer-term democratic evolution, the perception of revolution has been unhelpfully fostered by their recent alignment to waves of 'knee-jerk' (in the words of one MP)[103] Ofsted inspections that are themselves tied to a controversial and politicized security agenda.

A perception that government is using equality issues selectively and inconsistently is potentially reinforced by the evident unwillingness of government outside of the framework of national security to take measures that would more decisively embed discussion of sexual orientation diversity in the curricula of schools. For example, the current Conservative government and the previous coalition government have both strongly resisted a number of recent efforts to give sex education a stronger footing as a statutory subject compulsory for all schools, rather than its present position as outside the boundaries of the National Curriculum, not inspected by Ofsted as a separate subject, and legally compulsory only for secondary maintained schools.[104] Attempts to provide issues of sexual orientation equality and diversity an officially recognized place within other statutory subjects in the National Curriculum have also been firmly resisted. For example, recent proposals to include discussion of same-sex relationships within statutory Citizenship education (which specifies at Key Stage 4 that 'pupils should be taught…diverse national, regional, religious and ethnic identities […] and the need for mutual respect and understanding') met with a response from Government that schools should teach about these issues within the context of non-statutory Personal, Social, Health and Economics education (the framework into which sex education tends to be incorporated in most schools) 'where it can more effectively be adapted to suit the needs of particular groups of pupils'[105]. There is an unresolved tension at the heart of the current government approach between its assertions that sexual orientation equality is a universal British value to be promoted in all schools, versus an evident desire at other times to keep discussion of sexual orientation issues within an ambiguous framework that is treated flexibly based on the religious and cultural background of pupils and the particular religious character of schools.

Current debates remain haunted by the spectre of Section 28 and its repeal, with the border still indeterminate between actively promoting a particular sexual orientation and promoting tolerance, civility and/or respect of people. In 2003, speaking in the final House of Commons debate on Section 28 before the provision's repeal, Angela Watkinson MP (then Conservative party whip and member of the Conservative Christian Fellowship) defended Section 28 as follows:

> [W]e have a duty to protect school pupils and young people in youth organisations from the active promotion of homosexuality […] There is a world of difference between, on the one hand, tolerance and acceptance, which should be encouraged, and, on the other hand, approval, which is a matter of personal judgment, and

> promotion, which is not only unjustified but a serious encroachment into an area of child development that more properly rests in parental responsibility. (HC Debate 10 March 2003, c.125)

We wholly reject the assertion that Section 28 should have been maintained and that homosexuality is something from which children must be protected. However, thirteen years after Section 28's repeal, the conceptual border between promotion of a particular sexual orientation and the need to encourage 'tolerance' and 'acceptance' (or 'respect', in the language of the current British values drive, or 'understanding' as required by the PSED) remains under dispute. For instance, it remains unclear what it would mean in practice for the education inspectorate, as resolved in the House of Commons (see IV.2, above), to 'respect the ability of faith schools to teach their core beliefs in the context of respect and toleration for others'. This raises challenging questions regarding whether the practice of a faith school advocating heterosexual marriage as the only morally sanctioned form of sexual expression could ever be said to fully comply with requirements to promote respect and toleration for non-heterosexual people. Can some faith schools, in essence, promote heterosexuality (Rosky 2013) while also meeting current standards related to sexual orientation equality? Far from resolving questions regarding what it means to 'promote' a particular sexual orientation, the current British values drive has brought them to the fore to a greater extent than any time since Section 28's repeal.

ENDNOTES

[1] Prime Minister's Office, 'Press release: Counter-Extremism Bill – National Security Meeting', 13 May 2015 <https://www.gov.uk/government/news/counter-extremism-bill-national-security-council-meeting>

[2] Ibid. This speech closely mirrored one delivered in 2011 at the Munich Security Conference intended to set out Cameron's 'view on radicalisation and Islamic extremism'. Prime Minister's Office, *PM's speech at Munich Security Conference*, 5 February 2011 <https://www.gov.uk/government/speeches/pms-speech-at-munich-security-conference>

[3] Local Government Act 1986 s 2A, created by Local Government Act 1988 s 28.

[4] Local Government Act 2003. In Scotland Section 28 was repealed by the Ethical Standards in Public Life etc. (Scotland) Act 2000.

[5] Cameron voted to deny a third reading to the Local Government Bill 2003. HC Debate, 10 Mar 2003, c.129.

[6] Watt, N. 'David Cameron apologises to gay people for Section 28', The *Guardian*, 2 July 2009, <http://www.theguardian.com/politics/2009/jul/02/david-cameron-gay-pride-apology>.

[7] However, Taylor (2015) argues that a potential basis for teaching British values in schools could be found in Article 19(c) of the United Nations Convention of the Rights of the Child, which calls for the education of the child to be directed to the 'development of respect for […] the national values of the country in which the child is living'.

[8] For maintained schools, this process is governed by the Religious Character of Schools (Designation Procedure) Regulations 1998, and for independent schools, academies and free schools by the Religious Character of Schools (Designation Procedure) (Independent Schools) (England) Regulations 2003. Some academies and free schools have what is referred to as a 'faith ethos', meaning they are not registered with a religious designation but are run by an organisation with a religious ethos.

[9] Approximately 37% of state-funded primary schools and 19% of state-funded secondary schools were faith schools as of September 2015. The great majority of these are associated with Christian traditions (primarily the Church of England and the Catholic Church), but there are also a modest number of state-funded schools of other faiths: 47 Jewish, 23 Muslim, 10 Sikh and 4 Hindu schools as of September 2014. A substantial portion of schools in the independent sector also have religious designations (and, in the case of Muslim schools, there are more independent schools than state-funded ones). Long, R. and Bolton, P. *Faith*

Schools: FAQs (House of Commons Briefing Paper No. 06972, 14 October 2015), <researchbriefings.files.parliament.uk/documents/SN06972/SN06972.pdf>.

[10] Obergefell v. Hodges, 135 S. Ct. 2071 - Supreme Court 2015

[11] Arizona Revised Statutes § 15-716(c))

[12] California Education Code s 51204.5.

[13] Education Act 2002 s 80(1)(c).

[14] Department for Education, *National Curriculum in England: Citizenship Programmes of Study for Key Stages 3 and* 4, 11 September 2013 <https://www.gov.uk/government/publications/national-curriculum-in-england-citizenship-programmes-of-study/national-curriculum-in-england-citizenship-programmes-of-study-for-key-stages-3-and-4>.

[15] Taylor (2015) provides an excellent overview of the evolution of notions of parental responsibility for children's religious upbringing in English law.

[16] Harding, E. and Doughty, S., 'Faith school fears as union leaders say schools must promote gay lifestyle', *Daily Mail*, 5 April 2015 <http://www.dailymail.co.uk/news/article-3026812/Faith-school-fears-union-says-teachers-promote-gay-lifestyle-Leaders-call-positive-portrayal-sex-relationships-compulsory.html#ixzz3qievdAVg>.

[17] Christian Institute, 'Force schools to endorse gay relationships, says NUT', 5 April 2015, <http://www.christian.org.uk/news/force-schools-to-endorse-gay-relationships-says-nut/>

[18] Ofsted, *Exploring the School's Actions to Prevent and Tackle Homophobic and Transphobic Bullying* (No. 120181, September 2013).

[19] Maintained schools in England have a duty to promote community cohesion under Education Act 2002 s 21(5)(b), inserted by Education and Inspections Act 2006 s 38(1). Academies and free schools have a duty to promote community cohesion specified within their funding agreements (texts of these agreements can be viewed at: <https://www.gov.uk/government/publications/academy-and-free-school-funding-agreements-single-academy-trust>).

[20] Phillips, T. 'After 7/7: Sleepwalking to Segregation' (speech to the Manchester Council for Community Relations), 22 September 2005.

[21] Community Cohesion Review Team, *Community Cohesion: A Report of the Independent Review Team*, Chaired by Ted Cantle (Home Office, 2001), 9.

[22] Blair, T., 'The duty to integrate: shared British values', 8 December 2006, <http://webarchive.nationalarchives.gov.uk/20040105034004/http://number10.gov.uk/output/Page10563.asp>

[23] HM Government, *Revised Prevent Duty Guidance: for England and Wales* (originally issued on 12th March 2015 and revised 16th July 2015) at [12] <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445977/3799_Revised_Prevent_Duty_Guidance__England_Wales_V2-Interactive.pdf>

[24] HM Government, *Prevent Strategy*, presented to Parliament by the Secretary of State for the Home Department (CM 8092, June 2011). <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/prevent-strategy-review.pdf>

[25] HM Government, *Countering International Terrorism: the United Kingdom's Strategy*, presented to Parliament by the Prime Minister and the Secretary of State for the Home Department (CM 6888, July 2006) <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/272320/6888.pdf>.

[26] Prime Minister's Office, *PM's Speech at Munich Security Conference*, 5 February 2011, <https://www.gov.uk/government/speeches/pms-speech-at-munich-security-conference>.

[27] Counter-Terrorism and Security Act 2015 s 26(1) and sch 6.

[28] HM Government, *Revised Prevent Duty Guidance: for England and Wales* (originally issued on 12th March 2015 and revised 16th July 2015) at [64]

[29] Ibid., [58]. Maintained schools in England have a duty to promote community cohesion under Education Act 2002 s 21(5)(b), inserted by Education and Inspections Act 2006 s 38(1). Academies and free schools have a duty to promote community cohesion specified within their funding agreements (texts of these agreements can be viewed at: <https://www.gov.uk/government/publications/academy-and-free-school-funding-agreements-single-academy-trust>). Although schools are still subject to this duty, it is no longer officially inspected by Ofsted. The duty of Ofsted when inspecting a school to consider 'the contribution made by the school to community cohesion' (Education Act 2005 s 5(5)(g), as amended by Education and Inspections Act 2006 s 154) was repealed by Education Act 2011 s 41. Independent schools are not subject to this duty.

[30] Research published in 2011 based on a survey of state-funded schools suggested that only 46% of respondents (usually headteachers or deputies) associated 'sexual identity' with

'community cohesion'. Phillips, C., Tse, D. and Johnson, F., *Community Cohesion and PREVENT: How Have Schools Responded?* (DFE-RR085, February 2011). This is unsurprising given that guidance issued in 2007 made clear that schools should 'design their programmes to recognise where other strands of the equalities agenda – including gender, sexual orientation, disability and age – are interconnected with the aspiration to promote community cohesion, but should note that the main focus of the duty is cohesion across different cultures, ethnic, religious or non- religious and socio-economic groups.' Department for Children, Schools and Families, *Guidance on the Duty to Promote Community Cohesion* (00598-2007DOM-EN, July 2007), 5.

[31] HM Government, *Revised Prevent Duty Guidance: for England and Wales* at [12].

[32] Equality Act 2010 s 149(1)(a)–(c).

[33] Department for Education, *Promoting Fundamental British Values as Part of SMSC in Schools* (DFE-00679-2014, November 2014), 5n4, <https://www.gov.uk/government/publications/promoting-fundamental-british-values-through-smsc>.

[34] Ofsted, *School Inspection Handbook: Handbook for Inspecting Schools in England under Section 5 of the Education Act 2005* (No. 150066, August 2015), 13n8 <https://www.gov.uk/government/publications/school-inspection-handbook-from-september-2015>.

[35] Department for Education, 'Teachers' Standards Guidance for school leaders, school staff and governing bodies' (DFE-00066-2011, July 2011(introduction updated June 2013)), 9, <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/301107/Teachers__Standards.pdf>.

[36] HM Government, *Prevent Strategy*, 107.

[37] Department for Education, 'Teachers' Standards Guidance for school leaders, school staff and governing bodies', 14.

[38] Education Act 2002 s 78(1).

[39] Ibid., s 78(1)(a).

[40] Ibid., s 78(1)(b).

[41] Education (Independent School Standards) Regulations 2014. The standards related to SMSC are given in Sch. Part 2 Para. 5. A standard requiring 'effective preparation of pupils for the opportunities, responsibilities and experiences of life in British society' is given in Sch. Part 1 Para. 2(2)(i). The requirement for government to set out regulations for independent

schools in relation to 'spiritual, moral, social and cultural development' is given in Education Act 2002 S.157(1)(b).

[42] Education Act 2005 s 5(5B)(a).

[43] Some independent schools are inspected by Independent Inspectorates that are approved under Education and Skills Act 2008 s 106 rather than Ofsted, although their inspection frameworks incorporate the school standards to which all independent schools are subject (see below). About half of independent schools are inspected by Ofsted. The current handbook for these inspections is: Ofsted, *Non-association Independent School Inspection Handbook* (No. 150078, August 2015) <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/459142/Non-association_independent_schools_handbook.pdf>.

[44] Department for Education, *Promoting Fundamental British Values as Part of SMSC in Schools*.

[45] Ofsted, *School Inspection Handbook: Handbook for Inspecting Schools in England under Section 5 of the Education Act 2005* (No. 150066, August 2015).

[46] Education (Independent School Standards) Regulations 2014 sch part 2 para. 5(a).

[47] Education (Independent School Standards) Regulations 2014 sch part 2 para. 5(b)(vi). The Equality Act 2010 was first linked to the requirements related to SMSC for independent schools by the Education (Independent School Standards) (England) (Amendment) Regulations 2014, which amended the Education (Independent School Standards) (England) Regulations 2010.

[48] Education (Independent School Standards) (England) Regulations 2010 sch 1 part 2 para. 5(vi), created by Education (Independent School Standards) (England) (Amendment) Regulations 2012 para. 2(5)

[49] Education (Independent School Standards) Regulations 2014, sch part 2 para. 5(b)(vi). The standard was first introduced in September 2014 in the Education (Independent School Standards) (England) (Amendment) Regulations 2014, amending the Education (Independent School Standards) (England) Regulations 2010.

[50] Department for Education 'Press release: guidance on promoting British values in schools' (27 November 2014) <https://www.gov.uk/government/news/guidance-on-promoting-british-values-in-schools-published>

[51] Ofsted, *School Inspection Handbook: Handbook for Inspecting Schools in England under Section 5 of the Education Act 2005* (No. 150066, August 2015) at [138].

[52] Ibid., 47.

[53] Education Act 1944 s 7.

[54] Education Reform Act 1988 s 1(2)(a).

[55] Ibid., s 1(2)(b). During debate over the Act, an amendment was unsuccessfully move to add the phrase 'in a multi-racial and multi-cultural society' after 'adult life' (see HL Debate, 21 June 1988, c.681). The amendment was opposed in part on grounds that the language of multi-culturalism was divisive: 'There is a great difference between saying what is obvious—that we have become a country of many races and religions—and saying something different, that it is multi-cultural, because we are then suggesting to those minorities that they cannot participate in the mainstream of the culture in which they and their families will live' (Lord Beloff, HL Debate, 21 June 1988, c.682).

[56] HC Debate, 1 December 1987, c.834.

[57] A 2004 guidance document from Ofsted indicated that measures to prevent discrimination based on sexual orientation could be seen as relevant to SMSC development, and that 'schools that are encouraging pupils' social development are likely to be […] fostering a sense of community, with common, inclusive values which ensure that everyone, irrespective of ethnic origin, nationality, gender, ability, sexual orientation and religion can flourish'. Ofsted, *Promoting and Evaluating Pupils' Spiritual, Moral, Social and Cultural Development* (HMI 2125, March 2004), 10.

[58] The letter is reproduced in Clarke, P., *Report into Allegations Concerning Birmingham Schools Arising from the 'Trojan Horse' Letter* (HC 576, 22 July 2014), 109, <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/340528/HC_576_print_ready.pdf>.

[59] Ibid., 110.

[60] Inspections carried out under Education Act 2005 s 8, which provides a statutory basis for the DfE to request that Ofsted inspect a particular school.

[61] Clarke, P., *Report into Allegations Concerning Birmingham Schools Arising from the 'Trojan Horse' Letter*.

[62] House of Commons Education Committee, *Extremism in Schools: the Trojan Horse Affair*. Seventh Report of Session 2014–15 (HC 473, 17 March 2015), 3, <http://www.educationengland.org.uk/documents/pdfs/2015-cesc-trojan-horse.pdf>.

[63] Ibid., [41].

[64] Ibid., 3-4. Both the Secretary of State for Education and Ofsted have replied to the

Committee's report. Secretary of State for Education, *Government Response to the Education Select Committee Report: Extremism in Schools: the Trojan Horse Affair* (Cm 9094, July 2015) , <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/438887/50288_Trojan_Horse_affair_Accessible_v3.pdf>; House of Commons Education Committee, *Extremism in Schools: the Trojan Horse Affair: Ofsted Response to the Committee's Seventh Report of Session 2014–15* (HC 324, 20 July 2015), <http://www.publications.parliament.uk/pa/cm201516/cmselect/cmeduc/324/324.pdf>.

[65] Clarke, P., *Report into Allegations Concerning Birmingham Schools Arising from the 'Trojan Horse' Letter*, 41. The report misleadingly asserts that 'schools, including academies, must provide SRE for their students' (37). There is no such legal requirement for academies, although failure to provide education on certain related topics could lead to Ofsted finding a school inadequate in relation to provisions around pupil safety, bullying, or other issues (see Vanderbeck and Johnson 2015).

[66] Clarke, P., *Report into Allegations Concerning Birmingham Schools Arising from the 'Trojan Horse' Letter*, 44.

[67] Ibid., 40.

[68] Ibid., 37.

[69] Ibid., 41-2. Clarke reproduces excerpts of the Park View Brotherhood transcripts from an online discussion group consisting primarily of staff associated with Park View Academy Trust discussing school assemblies (62-64). The transcripts show often virulent anti-gay sentiment.

[70] The phrase is from an open letter signed by a group of queer activists and scholars concerned about the racialised politics of what they term 'gay nationalism'. Decolonize Queer, 'From Gay Pride to White Pride? Why marching on East London is racist', 15 March 2011, <http://www.decolonizingsexualities.org/decolonize-queer/>

[71] Griffiths, S., 'Faith schools "must teach gay rights"; faith schools crackdown'. The *Sunday Times*, 2 November, 1-2.

[72] Furedi, F., 'The British state's silent war on religion', *Spiked,* 9 June 2015, <http://www.spiked-online.com/newsite/article/the-british-states-war-on-religion/17049#.VsLFCbTeuzA>

[73] Wilshaw, M., 'Advice note from Her Majesty's Chief Inspector, Sir Michael Wilshaw, to the Secretary of State for Education, Rt Hon. Nicky Morgan MP, on no-notice school

inspections', 25 November 2014, 2, <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/386584/No-notice_20inspections_20advice_20note.pdf>

[74] Wilshaw, M., 'Advice letter from Sir Michael Wilshaw, Her Majesty's Chief Inspector, on the latest position with schools in Birmingham and Tower Hamlets', 14 July 2015, <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/444746/Advice_letter_from_HMCI_on_the_latest_position_with_schools_in_Birmingham_and_Tower_Hamlets.pdf>

[75]. Table 1 contains illustrative examples drawn from a wide reading of Ofsted reports, including: all secondary school reports in the Birmingham area from 1 July 2013 to 31 December 2014; all reports of schools identified for no-notice inspection noted in Section IV (above); all registered Muslim and Jewish schools from the 1 March 2014 to 20 February 2016; and a wide range of other reports that have come to our attention during this research via media coverage or other routes.

[76] House of Commons Education Select Committee, 'Ofsted questioned on Schools and Further Education and Skills 2013-14', 28 January 2015, <http://www.parliament.uk/business/committees/committees-a-z/commons-select/education-committee/news/ofsted-schools-report-wilshaw-evidence/>.

[77] Evangelical Alliance, 'Schools and British values', 18 December 2014, <http://www.eauk.org/current-affairs/politics/schools-and-british-values.cfm>.

[78] Duffy, N. 'Christian group scared homophobic kids will be "treated like terrorists"'. 4 July 2015. *PinkNews*, <http://www.pinknews.co.uk/2015/07/04/christian-group-scared-homophobic-kids-will-be-treated-like-terrorists/>.

[79] Cassidy, S., 'Department for Education launched snap investigations of four Christian schools over fears of a failure to teach 'British values', The *Independent*, 23 January 2015, <http://www.independent.co.uk/news/uk/home-news/department-for-education-launched-snap-investigations-of-four-christian-schools-over-fears-of-a-9999611.html>.

[80] HC Debate, 12 March 2015 c.494.

[81] Ibid., c.509.

[82] Edward Leigh, HC Debate, 12 March 2015, c.495.

[83] Leigh and others objected to allegedly insensitive questions testing pupils' understanding of issues such as 'whether two men could marry' (Edward Leigh, HC Debate, 12 Mar 2015, c.490) and 'what lesbians did' (c.493).

[84] Morgan, N. 'Why knowledge matters' (Speech to Carlton Club, London), 27 January 2015, <https://www.gov.uk/government/speeches/nicky-morgan-why-knowledge-matters>.

[85] Department for Education and Employment, *Sex and Relationships Education Guidance* (DfEE 0116/2000, July 2000), <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/283599/sex_and_relationship_education_guidance.pdf>.

[86] Education Act 1996 s 403(1A), as amended by Learning and Skills Act 2000 s 148(4).

[87] Department for Education and Employment, *Sex and Relationships Education Guidance* at [1.21].

[88] Ibid., [1.30].

[89] Evidence for this phenomenon was published by the British Humanist Association in 2013. British Humanist Association, 'BHA identifies 45 schools that continue to have section 28-like policies', 19 August 2013, <https://humanism.org.uk/2013/08/19/bha-identifies-44-schools-that-continue-to-have-section-28-like-policies/>.

[90] Ibid., [1.7].

[91] Ofsted, *Not Yet Good Enough: Personal, Social, Health and Economic Education in Schools* (No. 130065, May 2013), <https://www.gov.uk/government/publications/not-yet-good-enough-personal-social-health-and-economic-education>.

[92] HC Committee, 12 February 2013, cc.6, 8.

[93] Church of England Parliamentary Unit, *Marriage (Same Sex Couples) Bill: Commons Report and Third Reading Briefing* (16 May 2013), 2-3, <https://www.churchofengland.org/our-views/marriage,-family-and-sexuality-issues/same-sex-marriage.aspx>.

[94] Education Act 1996, s 405.

[95] Here we are referring to the so called 'Fraser guidelines' on children's competence, set out in Gillick v West Norfolk & Wisbech Area Health Authority [1985] UKHL 7.

[96] It is sometimes argued that Article 2 of Protocol No.1 of the Convention for the Protection of Human Rights and Fundamental Freedoms guarantees the right of parents to withdraw their children from compulsory sex education on the grounds that such teaching restricts the right of parents to educate their children in conformity with their religious convictions. Such claims have been unsuccessful in the European Court of Human Rights (Kjeldsen, Busk Madsen and Pedersen v. Denmark, 7 December 1976, Series A no. 23; Dojan and Others v. Germany (dec), no. 319/08 et al., 13 September 2011).

[97] Coalition for Marriage, 'Respecting beliefs about marriage: A guide for schools and teachers in England and Wales', 2013, <http://c4m.org.uk/downloads/respecting-beliefs-about-marriage.pdf>

[98] Although not addressing parental rights directly, a recent First-tier Tribunal (Health, Education and Social Care) decision has asserted that 'inform[ing] pupils that some people have same sex relationships…and are to be respected' does not constitute sex education. Beis Aharon Trust v. Secretary of State for Education [2016] UKFTT 0270 (HESC) at [98].

[99] Ofsted, 'Inspection report: Yesodey Hatorah Senior Girls School, 10–11 September 2014' (7 October 2014), 4.

[100] The freedom of information request was made by the British Humanist Association. British Humanist Association ,'Yesodey Hatorah says censoring exam questions "has successfully been in place within the Charedi schools throughout England for many years"', (28 March 2014) <https://humanism.org.uk/2014/03/28/yesodey-hatorah-says-censoring-exam-questions-successfully-place-within-charedi-schools-throughout-england-many-years/>.

[101] Department for Education, *Improving the Spiritual, Moral, Social and Cultural (SMSC) Development of Pupils: Supplementary Information: Departmental Advice for Independent schools, Academies and Free School* (DFE-00670-2014, November) at [18], <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/380396/Improving_the_spiritual__moral__social_and_cultural__SMSC__development_of_pupils_supplementary_information.pdf>

[102] Equality Act 2010, s 149(5)(b).

[103] Kevin Brennan MP, HC Debate, 12 March 2015, c.492.

[104] Vanderbeck and Johnson (2015) provide a discussion of some of these attempts. The most recent evidence of this is found in Secretary of State for Education Nicky Morgan's letter in response to the House of Commons Education Select Committee's call to make PSHE a statutory subject. Morgan, N. 'Letter to Neil Carmichael MP, Chair of the Education Select Committee', 10 February 2016, <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/499338/Nicky_Morgan_to_Education_Select_Committee_-_10_Feb_2016--.pdf>

[105] Department for Education, *Reform of the National Curriculum in England: Equalities Impact Assessment* (July 2013).

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Table 1. Selected examples: British values and sexual orientation equality in recent Ofsted inspection reports

	School type and report details	Selected relevant text
1	Secondary maintained, Jewish. 'Inspection report: JFS, 8–9 July 2014', Inspection 446062. Brent	'Teachers look for opportunities to develop students' understanding of [SMSC] values [….] For example, older students are provided with opportunities to discuss values that may be different from their own, such as same sex relationships. Inspectors found no evidence to support the concerns raised in a letter to Ofsted claiming students were being indoctrinated by the extreme orthodox views of some teachers'. (p.5)
2	Secondary maintained, no religious designation. 'Inspection report: The Charles Dickens School, 17–18 September 2014', Inspection 447761. Kent	'There is too little planned, high quality teaching about how differences in, for example, sexual orientation or ethnic heritages, are valued and respected, and so students are not prepared well for life in modern-day Britain'. (p. 5)
3	Secondary independent, Islamic. 'Emergency inspection report: Mazahirul Uloom School, 16-17 October 2014', Inspection 453163. London	'The school does not actively promote principles that encourage students to have respect for those with different backgrounds. [….] The Principal told inspectors that the school's curriculum does not currently cover learning about those of different sexual orientations'. (p. 1)
4	Independent secondary, Islamic. 'Inspection report: Tawhid Boys School, Tawhid Educational Trust, 25–27 November 2014', Inspection 447191. London	'Senior leaders promote British values exceptionally well. As a result, students are proud members of British society and embrace people of different faiths and cultural traditions'. (p. 1) 'Students learn about respecting all people regardless of their race, ethnicity, background or sexual orientation'. (p.5)
5	Free school (ages 4-18), Christian. 'Inspection report: Grindon Hall Christian School, 26–27 November 2014', Inspection 455402. Sunderland	'The curriculum does not adequately prepare pupils for life in modern Britain. Pupils show a lack of respect and tolerance towards those who belong to different faiths, cultures or communities [….] Prejudice-based bullying, while reported on, is not tackled effectively enough. Discrimination through racist or homophobic language persists'. (p. 1)
6	Secondary free school, Christian. 'Inspection report: The Durham Free School, 26-27 November 2014', Inspection 455401. Durham	To improve, the school must '[review] the curriculum so that there are appropriate opportunities to teach students about sex and relationships and to promote respect for different faiths, beliefs and values so that they are fully ready to function as young citizens of modern Britain'. (p.3).
7	Primary free school, Islamic. 'Inspection report: Al-Madinah School, 3–4 December 2014',	'The [SMSC] dimension of the curriculum is strong. Pupils have a good understanding of faiths and cultures other than their own. They are prepared well

	Inspection 447472. Derby	for life in modern Britain.' (p. 1) 'Pupils have a good understanding of different forms of bullying (p. 5)'
8	Independent (ages 3-16), Orthodox Jewish. 'Emergency inspection: Talmud Torah Machzikei Hadass School, 15 July 2015', Inspection 465133. London	'The school's ethos identifies its founding principle as "unconditional adherence to the Shulchan Aruch (code of Jewish law)". Leaders are aware that this disregards the protected characteristic of sexual orientation within the 2010 Equality Act'. (p. 1)
9	Secondary independent, Islamic. 'Inspection report: Iqra High School, 29 April-1 May 2015', Inspection 463022. Oldham Progress monitoring school report Inspection 10010150	'The teaching of Islam and citizenship, religious education, and personal, social and health education, along with Qu'ranic studies, combine well to promote fundamental British values. Parents spoken to feel that the school is effective in ensuring their daughters are developing into 'British Muslims'. However, the [SMSC] development of students requires improvement because not enough regard is paid to the protected characteristics set out in the Equality Act 2010'. (p. 7) 'Written policies now make specific reference to the protected areas that were previously omitted such as sex and sexual orientation. Leaders have introduced a curriculum map which identifies when and where specific topics will be taught'. (p. 1)
10	Secondary free school, no religious designation. 'Inspection report: Perry Beeches III the Free School, 12-13 May 2015', Inspection 450235. Birmingham	'Opportunities for [SMSC] development are seen everywhere around the school. Positive messages that reinforce […] the [school's values] of respect are displayed prominently and students told inspectors that British values mirror the [school's] values. Students enjoy the themed weeks and "dropdown days" where they have opportunity to find out more about particular issues such as […] lesbian, gay, bisexual and transgender (LGBT) issues'. (p. 6)
11	Primary independent, Islamic. 'Monitoring Report: Olive Tree Primary School, 11 June 2015', Inspection 464297. Luton	'The [previous] inspection of October 2014 found that the school's plans to promote tolerance and respect, by helping pupils to understand the diversity that exists in Britain, were too limited because they were restricted to understanding differences in faith [….] The school now teaches pupils to understand a wider range of people who have contrasting lifestyles. Pupils understand that many different sorts of families exist. They know that same sex marriages are legal and that some mothers and fathers choose not to marry. Pupils say that although their Muslim faith does not promote these choices and lifestyles, they must respect people who lead lives different to their own'. (p.2)

12	Independent (ages 5-16), Christian (Epsom Christian Fellowship). 'Inspection report: The Cornerstone School, 29 September – 1 October 2015', Inspection 10007694. Surrey	'Pupils do not experience a balance of differing views on certain matters including the 'protected characteristics' (for example, relating to: age, disability, gender, marriage and civil partnerships, religion or belief, sexual orientation) of the Equality Act 2010'. (p.4)
13	Independent (ages 5-16), Christian. 'Inspection report: Covenant Christian School, 6–7 October 2015', Inspection 10007902. Stockport	'The school promotes fundamental British values well [….] Leaders ensure that lessons are planned so that pupils can access information from a number of objective sources. For example, in a unit on 'family studies' older pupils study the British law in relation to adoption and fostering and consider same-sex relationships within the same context'. (p. 4)
14	Independent (ages 7-16), Islamic Inspection report**:** Jameah Academy, 6–8 October 2015 Inspection 10007696. Leicester	'Leaders and staff teach pupils that the values of tolerance and respect are inherent to Islam. In their citizenship lessons, pupils have examined what these values mean in relation to different groups, and have prepared thoughtful and thought-provoking assemblies and display work on a range of issues, such as ageism, prejudice-based bullying and hate crime. These experiences prepare pupils well for life in modern Britain'. (p.4)
15	Independent (ages 3-11), Islamic. 'Inspection report: Leicester Islamic Academy, 7–9 October 2015', Inspection 10007693. Leicester	'All pupils exhibit, by words and deeds, the school's ethos of respect and tolerance of other people. This is underpinned by the Islamic ethos of the school. They have a clear understanding of all types of bullying and know that any form of bullying, including that categorised as homophobic, will not be tolerated'. (p. 6)
16	Independent (ages 4-16), Christian 'Inspection report: Bethany School, 14–16 October 2015', Inspection 100007853. Sheffield	'Pupils know about different lifestyle choices and talk about their respect for, and tolerance of, all people, including those who may be gay or lesbian. They have a good understanding about accepting difference and recognising similarity, including those of 'protected characteristics' [….] Together, these aspects prepare pupils well for life in modern Britain and support them in knowing about fundamental British values'. (p.5)
17	Secondary maintained, Islamic. 'Inspection report: Madani Boys School, 26–27 January 2016', Inspection 10001837. Leicester	'Pupils have an excellent understanding of the multicultural nature of British society and of how they can contribute positively to this. They are aware of the dangers of extremism and radicalisation and are sensitive to the differences between diverse ethnic and religious groups […] Pupils are aware of the different types of bullying, including cyber, physical, sexual, emotional and homophobic bullying'. (p. 5)