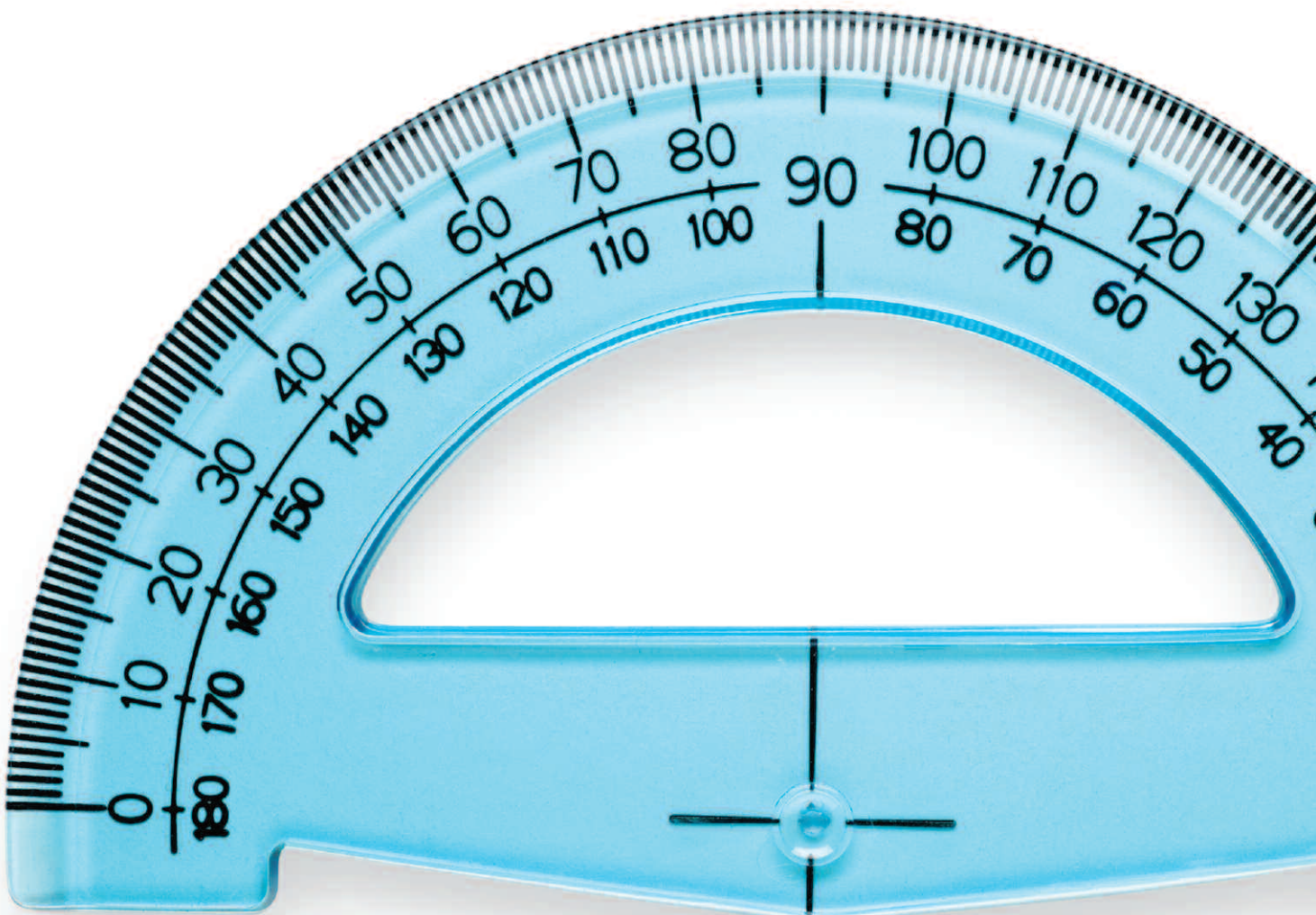


# Faith Schools We Can Believe In



Ensuring that tolerant and democratic values are upheld in every part of Britain's education system

John Bald, Alice Harber,  
Neal Robinson and Elena Schiff



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Needless to say, none of them bear responsibility for the conclusions, which are the authors' own.

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# Executive Summary

Policy Exchange believes that Britain's faith schools – and other schools – are increasingly vulnerable to extremist influences:

- Our education system – the Department for Education, Ofsted, independent inspectorates, education authorities and schools – is not equipped to meet such challenges.
- Current due diligence checks are piecemeal, partial and lack in-depth expertise. Vital work is contracted out to private companies.
- The Coalition Government's policy of opening up the education system to new academies and Free Schools programmes could be exploited unless urgent measures are taken to counter extremist influence.
- Britain lags behind other liberal European democracies in addressing these problems in schools.

This study proposes key structural, legislative and contractual changes to the way in which both the Department for Education and Ofsted do their work:

- The current, inadequate counter-extremism mechanisms and due diligence checks, especially on new schools providers and bodies, should be replaced by a centralised and dedicated Due Diligence Unit (DDU).
- The DDU should be based within the Department for Education and be accountable directly to the Secretary of State. This would recruit staff with relevant skills from across the public sector and become a centre of expertise. The DDU should train Ofsted inspectors and other stakeholders in how to monitor schools.
- Those seeking to set up new schools – including parents, charities, governors, companies and senior management – should be assessed both in the start up phase and thereafter.
- New primary and secondary legislation should be passed to make it harder for extremists to engage in political indoctrination of children. Existing legislation should be better enforced.
- A commitment to core British values of democracy, tolerance and patriotism should be part of the ethos of every school and incorporated into new contracts for academies and Free School providers.
- Narrative British history should be a compulsory part of the school curriculum.
- The smaller independent inspectorates with an explicitly confessional mission should be rolled into Ofsted to ensure both quality and uniformity of provision.

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# Introduction

The role of faith schools in society has shot up the political agenda in recent years. What was previously a niche issue has now become the subject of much wider interest and scrutiny. Tony Blair's decision in 1994 to send his children to the Roman Catholic London Oratory School caused considerable controversy; so, too, did Harriet Harman, when she sent her younger son to a selective Anglican establishment. But these very public rows centred largely round the issues of class and educational policy within an internal Labour context, rather than around religious ideology.<sup>1</sup>

Now, however, the discourse surrounding faith schools is concerned less with class than with religion. In the words of John Micklethwait and Adrian Wooldridge, 'God is back'.<sup>2</sup> The resurgent debate owes much to the events of 9/11 and the alleged role of Christian fundamentalism in American politics under the presidency of George W. Bush. But the revival of faith schools as an issue in public life has other, deeper, roots as well. In recent decades Britain has become an increasingly multi-faith society. Not surprisingly, therefore, several religious minorities have opened private schools — and some are seeking to obtain state support comparable with that long enjoyed by the Church of England and the Roman Catholic Church. A powerful body of opinion opposing faith schools has also become increasingly vocal. Detractors, such as the British Humanist Association, the National Secular Society and teachers' unions offer an almost daily litany of criticisms.<sup>3</sup> The opposition to faith schools revolves around a matrix of issues. These include admissions policies; a concern that faith schools select pupils on class and ability, in addition to religious affiliation;<sup>4</sup> a fear that faith schools create division and are a threat to the cohesion of multicultural communities; and a belief that such schools are not inclusive and do not welcome children of all faiths and none. Moreover, some view faith schools as places of proselytising, evangelism and fundamentalism. Ardent secularists further object that children should not be indoctrinated into the faith of their parents.

Despite this daily drumbeat of criticism, faith schools remain popular with parents. This explains why politicians have consistently acknowledged their contribution to the richness and diversity of the educational system. Thus, even Nick Clegg — whose Liberal Democrat Party has been the most critical of faith schools — is considering sending his son to the London Oratory School (in 2009, Ofsted rated the school as 'Outstanding' in all areas of its provision).<sup>5</sup> The reasons for high parental demand are not hard to understand. They are generally academically successful, achieving higher than average grades and dominating league tables;<sup>6</sup> they tend to have a strong ethos that instills discipline and a respect

1 For these controversies, see Alastair Campbell, 'The Alastair Campbell Diaries': Vol 1, 'Prelude to Power 1994-1997', pp.337-338, 359-361 and pps.101-104, (Hutchinson, 2010). See also Anthony Seldon, 'Blair', pp.243-244, (Simon and Schuster, 2005)

2 John Micklethwait and Adrian Wooldridge, 'God is back: how the global revival of faith is changing the world', (Penguin Press, 2009)

3 For The National Secular Society's campaign against Faith Schools, see <http://www.secularism.org.uk/faith-schools.html>; The British Humanist Association campaign against Faith Schools, <http://www.humanism.org.uk/campaigns/religion-and-schools/faith-schools/>; see also the August 2010 Channel 4 Documentary 'Faith School Menace?' <http://www.channel4.com/programmes/faith-school-menace/episode-guide/series-1/episode-1>

4 The Office of the Schools Adjudicator annual report for the period from September 2009 to August 2010, paragraphs 38 and 155. [http://www.schoolsadjudicator.gov.uk/RMS\\_upload/Annual%20Report%202009-103.pdf](http://www.schoolsadjudicator.gov.uk/RMS_upload/Annual%20Report%202009-103.pdf)

5 For Nick Clegg and the London Oratory School see <http://www.telegraph.co.uk/comment/telegraph-view/8058463/A-lesson-for-Nick-Clegg.html>. The London Oratory School, Ofsted Inspection Report, March 2009. [http://www.ofsted.gov.uk/oxedu\\_reports/display/\(id\)/107625](http://www.ofsted.gov.uk/oxedu_reports/display/(id)/107625)

6 See the keynote address by Oona Stannard, Chief Executive and Director of Catholic Education Service for England and Wales (CESEW) at the *Keeping Faith in the System* Conference, 14 October 2009; <http://www.cesew.org.uk/standar-dnews.asp?id=8822>

for authority, the virtues of hard work and a sense of social responsibility, a commitment to high ideals and to the conception of a higher objective moral order.<sup>7</sup> Faith schools are also often promoted because they enable minority groups to maintain their distinctive identities, thereby defending the parental right to educate their children according to their own values. Indeed, equity of provision maintains that privileges given to Christian and latterly Jewish schools should, in fairness, be extended to other faiths – Muslim, Sikh, Hindu etc.

However, there are genuine concerns about certain faith schools — some of which are ideologically driven, whilst others are more pragmatic. For example, there are schools that promote a divisive and exclusivist ideology, and advocate discrimination on the basis of religion, sect, race, gender or sexual orientation. There exists a small minority of extremist groups within many of the major denominations who are not committed to the British value system of pluralism and diversity, and who do not promote tolerance of other cultures in their schools. Sometimes this contributes to a failure to prepare pupils for life in modern Britain. In addition, there are schools that impose a religious version of subjects — specifically through the teaching of Creationism as part of Science.

The drive for state-funded faith schools is not simply the result of demographic changes; some of the impetus comes from well-organised pressure groups with long-term strategies and clearly-defined goals, not all of them necessarily desirable. Potential problems can exist in all types of faith schools; but particular concerns have arisen in connection with certain Islamist-run institutions. The worries include affiliations of those involved in a school with extremist transnational organisations; the promotion of ideas that are antithetical to the basic values of tolerance; and the denial of the primacy of secular democracy as the means of making law. One key aspect of this debate, though by no means the only one, is the fear that extremists could take advantage of new liberties under the Government's academies and Free Schools programmes.<sup>8</sup>

This study highlights the fact that the debate is moving into uncharted waters. Britain's system of government in general and the educational sector in particular have for too long lacked the mechanisms required to deal with these challenges. Indeed, two former Labour Secretaries of State for Education, Charles Clarke and Ruth Kelly, have told Policy Exchange that little was done within their old department to tackle this increasingly acute issue. Certainly, hardly any thinking from first principles took place. That is why it is now necessary to devise a set of acceptable safeguards that will give assurances to the mainstream of society about the role of faith schools. If these measures are developed wisely and implemented properly, they will guarantee the position of faith schools for the next generation. That is why this report suggests solutions, including regulatory

“ It is now necessary to devise a set of acceptable safeguards that will give assurances to the mainstream of society about the role of faith schools ”

7 Chief Rabbi Lord Jonathan Sacks, 'Crede: If faith schools are so bad, why do parents love them?', *The Times*, March 26 2010. <http://www.timesonline.co.uk/tol/comment/faith/article7077802.ece>

8 For a flavour of the current debate on faith schools and academies see the contributions of Baroness Murphy to the passage of the Academies Bill; Committee Stage, House of Lords Debate, 23 June 2010, c1347, <http://www.publications.parliament.uk/pa/ld201011/ldhansrd/text/100623-0006.htm#10062341000462>; and Second Reading of the Academies Bill, House of Lords Debate, 7 June 2010, c525, <http://www.publications.parliament.uk/pa/ld201011/ldhansrd/text/100607-0005.htm#1006077000367>



and legislative changes, that will enable our faith schools to fulfil their proper purpose: to educate children in a manner that is faithful to their religious ethos and consistent with the liberal and democratic values of the United Kingdom.

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# 1

## Existing Safeguards Against Extremism

### The school system

Schools in England are either maintained, independent or a hybrid of the two. There are key differences between these different types of establishment that are relevant when seeking to safeguard schools. The majority of schools in the UK are maintained: they are funded through the Local Authority (LA), which also has primary administrative responsibility. Community, foundation and voluntary-aided or controlled schools are all maintained schools. A maintained faith school is a foundation or voluntary school with a religious character. Foundation schools and voluntary-aided schools have more freedom than community schools in terms of management and decisions around their admissions policy. In these institutions, the school governing body decides the school admission arrangements — and which children best meet its oversubscription criteria if it has more applicants than places.<sup>9</sup>

All maintained schools in England must provide a basic curriculum consisting of the National Curriculum, Religious Education (RE) and sex education. Parents can withdraw their children from sex education in accordance with Section 405 of the Education Act 1996 and can withdraw their children from Religious Education in accordance with Schedule 19 of the School Standards and Framework Act 1998. The Religious Education syllabus is agreed by the Local Authority (the locally agreed syllabus as specified by a Local Standing Advisory Council for Religious Education or SACRE – see section below), which must be consistent with Section 375(3) of the Education Act 1996. This requires the syllabus to reflect the mainly Christian traditions of Great Britain, while taking account of the teaching and practices of the other principal religions represented in the country. Schools designated as having a religious character can make their own decisions in preparing their syllabuses.<sup>10</sup> Citizenship is also a statutory subject at Key Stages 3 and 4, covering social and moral responsibility, community involvement and political literacy.

Additionally, all maintained schools in England must provide a daily act of collective worship.<sup>11</sup> Parents have the right to withdraw their child from this and sixth formers can withdraw themselves without giving a reason. The school has a duty of care for pupils who are withdrawn from collective worship.

By contrast, independent schools set their own curriculum and admissions policies, and the governing body is responsible for the day-to-day running of the

<sup>9</sup> For further information on the different types of school in England, see <http://www.education.gov.uk/>

<sup>10</sup> Section 80(1) Education Act 2002; Religious Education in English Schools: Non-statutory guidance 2010, p.10. <http://publications.education.gov.uk/eOrderingDownload/DCSF-00114-2010.pdf>

<sup>11</sup> Guidance on collective worship is contained in Circular 1/94.

school. They are funded by fees paid by parents – and sometimes by charitable trust funds. All independent schools must be registered with the Department for Education; and, as a condition of registration, must meet the Independent School Standards.<sup>12</sup>

### Academies and Free Schools

Academies are a hybrid between maintained and independent schools: they are state-funded independent schools, receiving their allocation of funding directly from the Department for Education. Academies are directly accountable to the Department for Education. In contrast to maintained schools, academies are entirely separate legal entities, established as charities and companies limited by guarantee. Other freedoms and flexibilities include the ability to set their own pay and conditions for staff, freedom from following the National Curriculum, greater control of the budget, and the ability to change the length of their terms and school days. All academies are required, through their funding agreements, to teach RE. For academies without a religious character, this will be the locally agreed syllabus. For denominational academies with a religious character (Church

of England or Roman Catholic – but also Muslim and most Jewish academies), this will be in line with the denominational syllabus.

Academies may be run by sponsors, although those maintained schools rated as ‘Outstanding’ by Ofsted who wish to convert to academy status do not require a sponsor — as the school

governing body can establish the academy trust.<sup>13</sup> The sponsor could be an individual or a large charity such as Absolute Return for Kids (ARK). Central to the concept of sponsorship is the idea that involvement of successful individuals from other sectors will bring an enhanced dimension to the leadership of the academy. Sponsors usually have a majority of seats on the academy board of directors and governors — and therefore are able to contribute to the ethos and strategic direction of the school. Most recently, the Secretary of State for Education announced the expansion of the academies programme with every school now having the potential to become an academy, not simply those rated ‘Outstanding’. But weaker schools will have to work in partnership with stronger schools in order to ensure improvement.<sup>14</sup>

As part of the changes in the education system, the Conservative-Liberal Democrat Coalition Government has both extended the academies programme and established the Free Schools programme. Free Schools will have the same legal requirements as academies, and will benefit from the same freedoms and flexibilities as academies, as described above. The difference is that Free Schools will normally be new institutions established where there is a demand from the local community – giving parents, teachers and charities the chance to initiate a new school if they are unhappy with state schools in a particular local area.

“Faith schools, even independent ones, must not be so narrow in their approach that children are not able to participate in the world beyond their own families and communities”

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12 The Education (Independent School Standards) (England) Regulations 2003.

13 <http://www.education.gov.uk/schools/leadership/typesofschools/academies/academiesfaq/a0066018/conversion-process/>

14 Press Release, Department for Education, 17 November 2010, <http://www.education.gov.uk/intenews/inthenews/a0068023/gove-announces-expansion-of-academies-programme>

## Existing legislative safeguards against extremism<sup>15</sup>

The current legislation does not provide schools with sufficient protection from extremism, not least because it was drafted without reference to such ideological challenges. However, primary legislation does exist which could provide a platform upon which to build more robust safeguards. Firstly, the provisions of the Education Act 1996, Sections 406-7, prohibit ‘the pursuit of partisan political activity’ by pupils of primary school age at a maintained school, in or out of school, and ‘the promotion of partisan political views’ in the teaching of any subject. It imposes a duty to ‘secure balanced treatment of political issues’, within the curriculum and in extra-curricular activity.<sup>16</sup> However, these provisions of the 1996 Act did not apply to academies under the last Labour Government’s programme. These provisions appear to have been rarely invoked; it seems pertinent to ask whether they are well enough enforced.

Secondly, the Education Act 2002, Section 78 legislates for a ‘broad and balanced’ curriculum. The Secretary of State, local authorities, governors and headteachers have a statutory duty to ensure that the curriculum for maintained schools is balanced and broadly based, to promote the spiritual, moral, cultural, mental and physical development of pupils at the school and of society; and prepare pupils ‘for the opportunities, responsibilities and experiences of adult life’. This legislation does apply to academies.

The debate over ‘broad and balanced’ has echoed down the years in many different forms. For example, in 1989, the then Minister of State, Dame Angela Rumbold refused to grant Plymouth Brethren children — who were forbidden by their religious authorities to use or be exposed to information technology — exemption from elements of the secular curriculum.<sup>17</sup> Faith schools, even independent ones, must not be so narrow in their approach that children are not able to participate in the world beyond their own families and communities. In *R v Secretary of State for Education and Science ex parte Talmud Torah Machzikei Hadass School Trust*, the central issue for religious independent schools was the balance in the education of the children who attend them.<sup>18</sup> Mr Justice Woolf held in this case that education is ‘suitable’ if it primarily equips a child for life within the community of which he is a member, rather than the way of life in the wider country as a whole — so long as this does not foreclose the child’s options in later years to adopt some other form of life, if the person wishes to do so.

### The National Curriculum

The Education Reform Act 1988<sup>19</sup> required that all pupils at state schools be taught the Basic Curriculum — consisting of the National Curriculum (10 compulsory subjects at the time) and Religious Education. The National Curriculum has established English, Mathematics, Science and ICT as core subjects in all schools.

The statutory basis for the establishment of academies was, until recently, Section 482 of the Education Act 1996, a provision inserted by Section 65 of the Education Act 2002. Section 482(2) required Section 78 of the Education Act 2002 (mentioned above) to be fulfilled in order for the Secretary of State to enter into a Funding Agreement with an academy. The Academies Act 2010 now replaces Section 482, and allows all maintained schools to apply to become academies.<sup>20</sup> The undertaking that the school has a curriculum satisfying the requirements of Section 78 of the Education Act 2002 (balanced and broadly based curriculum) is provision 1(6)(a) of the Academies Act. The effect of this legislation is to provide a barrier to the establishment of academies that do not agree to the teaching of a ‘broad and balanced’ curriculum.

15 This report specifically focuses on fundamentalism and extremism in faith schools. Note also however the recent review of the measures in place in the maintained sector to prevent the promotion of racism and intolerance undertaken by Maurice Smith. This was begun in September 2009 and published in January 2010. Smith concluded that ‘the existing ten measures in place are well-grounded and comprehensive enough to mitigate the risk’ and advised against a ban on teachers being members of non-proscribed organisations. He did however note that ‘The measures outlined in Part 1 of this Review have less influence in the independent sector. First and foremost, independent schools are independent of many of the measures put in place by Government bodies — that is their very nature. They enjoy greater freedoms and are more lightly regulated as a result of their independence. This carries with it, inevitably, greater risks being taken by those parents who choose to educate their children in the independent sector’. (For more detail on the Maurice Smith Review see <http://webarchive.nationalarchives.gov.uk/20100318104642/dcsf.gov.uk/mauricesmithreview/>). When the Maurice Smith review was published, Michael Gove MP stated that, ‘The Smith review fails to get to grips with the problem extremism poses to our children. BNP members and other extremists should not be teaching in our schools and shaping young lives’ (see <http://news.bbc.co.uk/1/hi/education/8563044.stm>).

16 Education Act 1996 Sections 406, 407

17 Hansard, Written Answers (Commons), vol 158 c321W, 23 October 1989. “Mrs Rumbold: I have received many representations from members of the Brethren that they should have a right to withdraw their children from elements of the secular curriculum in maintained schools to which they have religious objections. Article 2 of the first protocol to the European convention on human rights does not give parents this right. My Right Hon. Friend and I have decided, as a matter of policy, that we will not allow any group of parents the right to withdraw their children from the secular curriculum in maintained schools on grounds of religion or conscience. But they remain free to make alternative educational arrangements.”

[http://hansard.millbanksystems.com/written\\_answers/1989/oct/23/lymouth-brethren](http://hansard.millbanksystems.com/written_answers/1989/oct/23/lymouth-brethren)

18 R v The Secretary of State for Education and Science ex parte Talmud Torah Machzikei Hadass School Trust, Queens Bench Division, (Crown Office List), 3 April 1985: Law Report in *The Times*, London 12 April 1985.

19 Education Reform Act 1988, Chapter 40, Part I, Chapter I.  
[http://www.opsi.gov.uk/acts/acts/1988/ukpga\\_19880040\\_en\\_2#pt1-ch1](http://www.opsi.gov.uk/acts/acts/1988/ukpga_19880040_en_2#pt1-ch1)

20 Academies Act 2010,  
<http://www.legislation.gov.uk/ukpga/2010/32/crossheading/academy-arrangements>

21 Muslim parents 'banning children from music lessons', BBC, 1 July 2010.  
[http://news.bbc.co.uk/local/london/hi/people\\_and\\_places/religion\\_and\\_ethics/newsid\\_878000/0/8780567.stm](http://news.bbc.co.uk/local/london/hi/people_and_places/religion_and_ethics/newsid_878000/0/8780567.stm)

22 Herbert Morrison Primary School, Ofsted Inspection Report, May 2008, p 4-5.  
[http://www.ofsted.gov.uk/oxedu\\_reports/download/%28id%29/97449/%28as%29/100604\\_307421.pdf](http://www.ofsted.gov.uk/oxedu_reports/download/%28id%29/97449/%28as%29/100604_307421.pdf)

23 Muslim parents 'banning children from music lessons', BBC, 1 July 2010.  
[http://news.bbc.co.uk/local/london/hi/people\\_and\\_places/religion\\_and\\_ethics/newsid\\_878000/0/8780567.stm](http://news.bbc.co.uk/local/london/hi/people_and_places/religion_and_ethics/newsid_878000/0/8780567.stm)

24 Diana Harris, *Teaching Music to Muslim Pupils: Issues and Considerations for Primary and Secondary Teachers/Trainees*, Open University, 2005.  
<http://www.music-ite.org.uk/resources/primary-ite/teaching-music-muslim-pupils-issues-and-considerations-primary-and-secondary-t>

25 Diana Harris (2002), 'A report on the situation regarding teaching music to Muslims in an inner-city school', *British Journal of Music Education*, vol 19, pp. 49-60 (p. 49)

26 *Ibid.* p. 50.

27 *Ibid.* p. 50.

28 *Ibid.* p. 51.

### Achieving a 'broad and balanced' curriculum – A case study: Music

The requirement for a 'broad and balanced' curriculum impacts on the provision for music. This is an issue with an increasingly high public profile after a recent investigation by BBC London News.<sup>21</sup> The BBC report quotes the Muslim Council of Britain saying that "music lessons were potentially unacceptable to about 10% of Muslims" – which could equate to hundreds of Muslim children being withdrawn from music lessons. The BBC visited the Herbert Morrison Primary School in Lambeth which has had up to 22 children removed from music lessons. The headteacher Eileen Ross was quoted saying, "Some of the parents don't want children to play musical instruments and they don't have music in their homes. There's been about 18 or 22 children withdrawn from certain sessions, out of music class, but at the moment I just have one child who is withdrawn continually from the music curriculum...For goodwill I allow that parent to withdraw their child from all music, but I am in fact denying the child the opportunity that the other children in the class have".

However, by law all children in the maintained sector are supposed to take part in every subject — except for sex education and religious education, where parents can remove children. There is no mention of the withdrawals in Ofsted's inspection report of the Herbert Morrison Primary School from 2008; indeed, Ofsted praised the school for its 'outstanding curriculum'.<sup>22</sup> This seems consonant with the research findings of Dr Diana Harris from the Open University who has alleged that Ofsted inspectors have sometimes failed to get to grips with the issue.<sup>23</sup> She has researched extensively into the teaching of music to Muslim children, drawing up recommendations for music teachers in state schools to ensure sensitivity to Muslim pupils and to encourage permissible forms of music.<sup>24</sup>

In 1999 Dr Harris spent eight weeks in a large, mixed, maintained inner city school researching why some music teachers were experiencing difficulties teaching music to Muslims in their classes. Dr Harris recorded that the headteacher's attitude to music at the school was "what people don't see or hear they won't know about".<sup>25</sup> The headteacher explained that the school had governors from the mosque who would have wanted to see music banned.<sup>26</sup> The headteacher's approach therefore was to try to cover as much of the National Curriculum as possible — whilst keeping music at a low profile in the school and so within the community.<sup>27</sup>

In terms of what was taught in music lessons, the schemes of work laid down by the school fulfilled the National Curriculum – but, in practice, the schemes were too often not adhered to. There was no instrumental work other than keyboards; no group work; and hardly any listening and appraising.<sup>28</sup> However, the most revealing part of the research was an interview with the former Head of Music at the school (who resigned six months after Dr Harris finished her research there) concerning Ofsted's response to the situation of music teaching at the school:

'When it came to an Ofsted inspection it was apparent very quickly that the National Curriculum requirements for Key Stage 3 were not being adhered to. After he had seen the head of music teach two Year 9 classes the music inspector said that if he were faced with teaching these classes he would not know where to begin. The head of music continued:

*“He thought I was doing a good job. The other thing he said to me was that you don’t knock something when it is working. So he could see that the way I was doing things would be problematic because of the National Curriculum requirements, but as it was working for these kids he wouldn’t knock it.”<sup>29</sup>*

What came out in the Ofsted report was that not all the curriculum could be taught because of cultural problems; the question of religious problems was not mentioned. The inspectors were very aware of the situation at the school, and in a meeting with the head teacher about what was going in the final report, she persuaded them to tone down their remarks about music because she did not want it made too public in the community.<sup>30</sup> Dr Harris concluded that, ‘The effect of this is that those pupils who want to participate fully in all parts of National Curriculum music are not able to do so...’<sup>31</sup>

By contrast, music is not compulsory in the independent sector. The independent inspectorate, the Bridge Schools Inspectorate (BSI – approved by the then Department for Children, Schools and Families in January 2008 specifically to inspect 110 schools within the remit of the Association of Muslim Schools and the Christian Schools Trust<sup>32</sup>) has inspected 20 Muslim schools to date. Six of the BSI’s reports make no mention of music,<sup>33</sup> while the remaining reports specifically state that music is not taught. Nine of the latter say that the pupils study the subjects of the national curriculum *except* for music,<sup>34</sup> though some mention that pupils do listen to and sing nasheed (Islamic songs). Only one report out of 20 comments on the lack of this provision, saying ‘Taking into consideration the shari’ah (*religious*) concerns held by the school about figurative art and the use of musical instruments, the curriculum should offer pupils access, at some stage during the term or year, to a wider range of planned aesthetic and creative activities.’<sup>35</sup>

The first of the Independent School Standards made under the Education Act 2002 Sections 157(1) and 210(7) is the quality of education provided. Paragraph 1 (2) (a) of this standard states that ‘The school shall draw-up and implement effectively a written policy on the curriculum, supported by appropriate plans and schemes of work, which provides for – full-time supervised education for pupils of compulsory school age, which gives experience in linguistic, mathematical, scientific, technological, human and social, physical and *aesthetic* and creative education’ [our emphasis added].

The term ‘aesthetic’ education gives latitude and flexibility as to what exactly is entailed. This is borne out by the Bridge Schools Inspectorate reports – which either do not mention that music is not taught, or they point out that the pupils study the subjects of the National Curriculum *except* for music.

## Religious Education and the role of SACREs

In light of what they do in facilitating community cohesion, it is worth considering if there is a role for SACREs to play in tackling extremism. Each Local Authority has a Standing Advisory Council on Religious Education (SACRE) made up of committees representing the Church of England, other Christian denominations, non-Christian religions, teachers’ associations and the LA. The SACRE promotes effective provision of religious education and collective worship.

29 Ibid. p.59

30 Ibid. p. 59.

31 Ibid. p. 59.

32 The Association of Muslim Schools UK (AMS-UK) is an organisation representing a number of Islamic schools in the UK. The Christian Schools Trust (CST) was established in 1985 and is a group of independent Christian schools from across the UK.

33 Al-Hijrah Primary School, BSI Inspection Report, October 2008. [http://www.bridgeschoolsinspectorate.co.uk/files/al\\_hijrah\\_primary\\_school\\_inspection\\_report.pdf](http://www.bridgeschoolsinspectorate.co.uk/files/al_hijrah_primary_school_inspection_report.pdf); Birchfield Independent Girls’ School, BSI Inspection Report, April 2009. [http://www.bridgeschoolsinspectorate.co.uk/files/birchfield\\_independent\\_girls\\_school\\_report\\_2009.pdf](http://www.bridgeschoolsinspectorate.co.uk/files/birchfield_independent_girls_school_report_2009.pdf); Darul Uloom Islamic High School, BSI Inspection Report, February 2009. <http://www.darululoom.org.uk/wp-content/uploads/2009/03/darululoom-bsi-report.pdf>; Madni Muslim Girls’ School, BSI Inspection Report, June 2010. [http://www.bridgeschoolsinspectorate.co.uk/files/madni\\_muslim\\_girls\\_school\\_final\\_report\\_2010\\_.pdf](http://www.bridgeschoolsinspectorate.co.uk/files/madni_muslim_girls_school_final_report_2010_.pdf); Zakaria Muslim Girls’ High School, BSI Inspection Report June 2010. [http://www.bridgeschoolsinspectorate.co.uk/files/zakaria\\_muslim\\_girls\\_high\\_school\\_final\\_report\\_2010.pdf](http://www.bridgeschoolsinspectorate.co.uk/files/zakaria_muslim_girls_high_school_final_report_2010.pdf); Bury Park Educational Institute, BSI Inspection Report, November 2009. [http://www.bridgeschoolsinspectorate.co.uk/files/bury\\_park\\_educational\\_institute\\_final\\_report\\_2009.pdf](http://www.bridgeschoolsinspectorate.co.uk/files/bury_park_educational_institute_final_report_2009.pdf)

34 For a sample of the reports please see the four detailed below: Apex Primary School, BSI Inspection Report, June 2009, states that “The primary curriculum provides a broad learning experience which includes *all the subjects of the National Curriculum except music*, with the addition of Arabic, the Qur’an and Islamic studies.” [http://www.apexprimary.co.uk/downloads/Apex\\_BSI\\_June2009.pdf](http://www.apexprimary.co.uk/downloads/Apex_BSI_June2009.pdf); Ghausia Girls’ High School, BSI Inspection Report June 2009 states that “The curriculum at Key Stage 3 includes *all the subjects of the National Curriculum except music* and with the addition of Arabic, Urdu and Islamic studies.” [http://www.bridgeschoolsinspectorate.co.uk/files/ghausia\\_girls\\_high\\_school\\_report\\_2009.pdf](http://www.bridgeschoolsinspectorate.co.uk/files/ghausia_girls_high_school_report_2009.pdf); Preston Muslim Girls’ High School, BSI Inspection Report, November 2008, states that “It

It normally provides the membership of the local Agreed Syllabus Conference, advises on teaching methods, training, collective worship, and pupils' spiritual, moral, social and cultural development. It monitors inspection reports on RE and collective worship, and considers complaints about the provision and delivery of RE and collective worship. Almost half of SACREs have humanists either as co-opted or as observer members, though they are barred from full membership. Voluntary aided schools, whether Church of England, Catholic or another denomination are not bound to use the local agreed syllabus in their RE teaching. The RE curriculum for an academy is specified in its funding agreement.

SACREs seek to promote a balanced view of RE that contributes to community cohesion and promotes communication between religions, such as through Youth SACREs. They provide a forum for discussion of religious issues, and for the promotion of a religiously-based view of the world — but distinct from extremism. The SACREs' most significant contribution is devising the RE syllabus which goes to the Agreed Syllabus Conference. This is made up of four committees: the LA, teachers, Church of England and Committee A. Committee A represents other non-denominational Christians and other faiths. The Conference authorises the locally agreed RE syllabus which it recommends to the LA for its endorsement. The Conference requires all four committees to agree, and each committee has the power of veto. This collaborative formation of the RE syllabus could potentially act against extremism.

One concern with the idea of SACREs playing a role in tackling extremism, is their potential vulnerability to exploitation by any group that can secure nomination: SACREs do not vet their members, nor are they subject to confirmation by anyone else. In a June 2010 report by Ofsted on Religious Education<sup>36</sup>, Ofsted's specialists concluded that there was "still very significant variability in the quantity and quality of support for RE provided to schools by local authorities and Standing Advisory Councils on Religious Education. Many schools have difficulty finding effective training in RE at local level in order to support implementation of the locally agreed syllabus."

Partly due to these inconsistencies, the evidence suggests that it is not realistic to expect that SACREs might perform a serious and useful regulatory role in tackling extremism — although their experience in forming RE curricula should not be overlooked.

provides an interesting and broad learning experience including *all subjects of the National Curriculum except music*." [http://www.bridgeschoolsinspectorate.co.uk/files/preston\\_muslim\\_girls\\_high\\_school\\_report.pdf](http://www.bridgeschoolsinspectorate.co.uk/files/preston_muslim_girls_high_school_report.pdf); Al-Sadiq and Al-Zahra Schools, BSI Inspection Report, January 2009: "In Years 1 to 6 there is a broad curriculum that includes Islamic studies and *all subjects of the National Curriculum except for music*, which is not taught in separate lessons, although pupils learn *nasheed* (epic music) in Islamic studies and at prayer times and there is a choir that performs during Islamic events." <http://www.bridgeschoolsinspectorate.co.uk/files/alsadiq.pdf>

35 Jamiatul-Ilm Wal-Huda, BSI Inspection Report, March 2010 [http://www.bridgeschoolsinspectorate.co.uk/files/jamiatul\\_ilm\\_wal\\_huda\\_final\\_report\\_2010\\_doc.pdf](http://www.bridgeschoolsinspectorate.co.uk/files/jamiatul_ilm_wal_huda_final_report_2010_doc.pdf)

36 Ofsted, 'Transforming religious education: Religious education in schools 2006-09', June 6 2010. <http://www.ofsted.gov.uk/Ofsted-home/Publications-and-research/Browse-all-by/Documents-by-type/Thematic-reports/Transforming-religious-education>

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# 2

## Existing Due Diligence and its Shortcomings

Ensuring that there is an effective and rigorous due diligence process in place for new academy sponsors and Free School proposers is essential to safeguard the education system from extremism in all its various forms. But such rigour has not existed historically; and for the longest time the system has not been configured to tackle ideological extremism. Indeed, even the Security Service's own website states that 'We do not currently investigate subversion.' If MI5 — which may be assumed to have far greater expertise in these matters — is reluctant to deal with these challenges, then what hope for the rest of the public sector?<sup>37</sup>

The new Free Schools will open up the system to allow any good education provider to apply directly to the Department for Education to establish a school. Existing independent schools may also convert to Free School status and, as mentioned previously, a state school may convert to academy status. All of these processes use taxpayers' money, in a simplified system that is independent of Local Authority control. Free Schools can be opened by parents, teachers, charities, faith groups and education chains. As part of any application, groups must show that the school has support from local parents, as well as drawing up a detailed business case and producing details of the proposed schools' curriculum and ethos.

Prior to the launch of the accreditation system in February 2010 by the then Secretary of State for Children Schools and Families [Rt Hon Ed Balls MP], potential academy sponsors had to contact the Office of the Schools Commissioner (OSC) to register their interest and were vetted by both the OSC and the DCSF going forward.<sup>38</sup> Following the commencement of the accreditation scheme, and until immediately before the General Election, organisations had to be approved by the Accreditation Team at the DCSF as an Accredited Schools Group or Accredited Schools Provider, in order to become an academy sponsor.

The Department for Education is currently responsible for vetting new groups and sponsors.<sup>39</sup>

### The New Schools Network

The New Schools Network (NSN)<sup>40</sup> is a charity set up to support new school providers; the Department for Education directs any groups interested in establishing a new Free School to contact the NSN to discuss their ideas before filling out a proposal.<sup>41</sup> The NSN's mission is to improve education, particularly for the most deprived, by facilitating the creation of new, independent state

37 <https://www.mi5.gov.uk/output/subversion.html>

38 DCSF, Accreditation of school providers and school groups and academy sponsor selection. <http://www.dcsf.gov.uk/accredited/>

39 Department for Education, Free Schools, <http://www.education.gov.uk/schools/leadership/typesofschools/freeschools>

40 New Schools Network. <http://www.newschoolsnetwork.org/>

41 Free Schools, Department for Education. <http://www.education.gov.uk/freeschools>



schools. It argues that the system should be opened up to a much wider range of providers, but that they should be put under serious scrutiny.

The New Schools Network stresses accountability to the Department for Education stating that ‘accountability, flexibility and independence are the three main principles of the new Free Schools.’<sup>42</sup> All schools must ‘be fully answerable to parents and Government for their results; if new schools are not improving the life opportunities of the children they serve, they should not be allowed to remain open.’ The NSN also states that there must be no extremist teaching, and that as a charity they will not support any school provider that is intolerant or discriminatory in its ethos, curriculum or admissions procedure.<sup>43</sup>

The New Schools Network believes that any Government must ensure that appropriate checks are undertaken on any individual or organisation applying to become a provider. Anyone with links to extremist organisations — or who, for any reason, should not come into contact with children — must be barred. ‘Children’s safety, wellbeing and the quality of their experience are paramount’, note the Model Application Form.<sup>44</sup> Once set up, a school would be regularly inspected by Ofsted and if it was not providing a good education, it should be closed by the Department for Education.

### The Department for Education application process for setting up a Free School

The current Department for Education application process for setting up a Free School is detailed on its website and is split into the following four stages.<sup>45</sup> This may soon change: the question is how.

#### Stage 1 – preparation

The Department for Education advises<sup>46</sup> any groups interested in establishing a new Free School to contact the NSN to discuss their ideas before filling out a proposal form. The NSN also provides an initial guide<sup>47</sup> to applying for a Free School, although some groups may apply directly to the Department for Education without talking to the NSN.

#### Stage 2 – proposal

Potential providers have to complete a proposal form that requires them to set out:<sup>48</sup>

- The aims and objectives of the new school
- The main people and organisations involved in the project
- Evidence of parental demand
- The possible premises that have been considered

At this point, a check is carried out by the Department for Education on the suitability of the people and organisations involved, based on the proposal form submitted (this is the Department’s ‘Due Diligence’ process and is detailed at the end of the chapter). However, the proposal form is limited to basic checks — including whether the provider has been convicted of a criminal offence; involved in criminal activities including those related to tax; or if any of the people involved have been barred from working with children. This is not a rigorous enough process to investigate transnational ideological affiliations and sources of funding. The Secretary of State must then make a judgement on the potential of the project to decide if it should move on to Stage 3. This approval will release support from the Department for Education to help the proposer prepare their business case and plan.

42 New Schools Network, Principles, <http://www.newschoollnetwork.org/about-us/our-mission>

43 New Schools Network, Model Application Form for New Schools, p.2 and 3. [http://www.newschoollnetwork.org/assets/files/NSN%20Model%20Application%20Form\\_pub\\_0001.pdf](http://www.newschoollnetwork.org/assets/files/NSN%20Model%20Application%20Form_pub_0001.pdf)

44 *Ibid*, p. 3.

45 Department for Education, Setting up a Free School, <http://www.education.gov.uk/schools/leadership/typesofschools/freeschools/a0061430/setting-up-a-free-school>

46 Department for Education, Free Schools, <http://www.education.gov.uk/schools/leadership/typesofschools/freeschools>

47 <http://www.newschoollnetwork.org/assets/events/files/Free%20School%20Proposal%20Form%20-%20NSN%20Guidance%20June%2023%202010.pdf>

48 Department for Education, Proposal Form. <http://www.education.gov.uk/schools/leadership/typesofschools/freeschools/a0061432/proposal-form>

*Stage 3 – full business case and plan*

A fully detailed business case for the school will then need to be submitted alongside a plan of how the school will open and operate. This will include:

- A detailed statement of educational aims and curriculum
- Final details of the key people and organisations that will be involved in the running of the school
- Full evidence that there is demand for the school and that it will be financially viable over a minimum five-year period
- Evidence that the school will meet all required standards (including the Independent School Standards and the Admissions Code) and a commitment to conduct national tests where appropriate
- Details of proposed premises and a full business case for the public value of all start-up costs
- Financial projections for operating the school on an ongoing basis

Projects are supported by a named official from the Department for Education who will assess the support required. Depending on the individual project, this could include help to bring appropriate partners on board, assistance to develop the educational aims and objectives in more detail or to develop the site, staffing and financial plans, or project management support to drive the proposals forward.

The Secretary of State will make an assessment of whether the project has met all the criteria to allow a new school to be set up and receive state funding based on the final business case and plan. The Department for Education's criteria are outlined here:<sup>49</sup>

- Suitability to establish/run a school. Proposers will need to comply with all aspects of the rigorous suitability and vetting tests throughout the application process, including due diligence and CRB checks. The Secretary of State will consider each proposal on its merits, and take into account all matters relevant to that proposal and will generally reject any proposers who advocate violence, intolerance, hatred — or whose ideology runs counter to the UK's democratic values.
- Clear educational aims and objectives and sufficient capacity and capability to implement these. The proposer must set out any particular teaching methods or philosophy that the school will follow; the proposer must set out a written policy on the curriculum supported by appropriate plans and schemes of work; and they must demonstrate their capability of fulfilling their aims for example by showing how many people are working on the application and how much time they have to give to it.
- Evidence of demand. There must be clear evidence of genuine, robust demand for the school and of proposed numbers.
- Financial viability. A business case and plan detailing staffing and premises costs must be presented.
- Suitable premises. The proposer must demonstrate that they are actively seeking an appropriate school site.
- Leadership and management. Plans to put in place strong and effective leadership and a coherent staff structure must be evident.

<sup>49</sup> Department for Education, Free Schools FAQs – Requirements. <http://www.education.gov.uk/schools/leadership/typesofschools/freeschools/freeschoolsfaqs/a0061433/free-schools-faqs-requirements/>

- Ability and willingness to meet the Independent School Standards. This includes the ability and willingness to meet the terms of the funding agreement or grant agreement: this includes not charging for provision, governance, funding, accounting requirements, termination, admissions and compliance with Government test requirements.

#### Stage 4 – pre-opening

A Funding Agreement is signed between the proposers and the Department and this triggers the release of start-up funding. The school then has to set up new financial systems and contractual arrangements — and has to ensure that all CRB checks are completed as soon as possible.

Until November 2010, over 700 groups had been in contact with the New Schools Network regarding setting up a Free School — and over 170 of these have put in applications to the Department for Education to date.<sup>50</sup> The first 16 applications approved by the Secretary of State for Education (to progress to the business case and plan stage) were announced by the Secretary of State on 6 September 2010.<sup>51</sup> A further nine Free School applications, approved to the business case stage, were announced on 5 November 2010. A number of these aim to open in September 2011, while others aim to open in September 2012.<sup>52</sup>

#### How due diligence has been done until now in the Department for Education

In its legal definition, ‘due diligence’ is a measure of prudence, activity, or assiduity, as is properly to be expected from, and ordinarily exercised by, a reasonable and prudent person under the particular circumstances; not measured by any absolute standard, but depending on the relative facts of the special case.<sup>53</sup>

The concept of ‘due diligence’ in an educational context entails taking all reasonable steps to ensure the security, appropriateness and propriety of an investment. In the context of organisations wishing to establish schools, the checks should be reasonable and prudent. The criteria for judgement and quality of available evidence vary greatly, and with them the range of skills needed to form reliable judgements.

Hitherto, the system for conducting due diligence on potential academy providers — and now potential Free School proposers — has been to contract a company through the Office of Government Commerce, or OGC. (The first ‘due diligence’ check comes at the end of Stage 2 in the Department for Education’s application process detailed above.) The Department for Education sent out an Invitation to Quote (ITQ) for ‘due diligence reports for the academies and free schools programme’<sup>54</sup> to those private companies already considered ‘fit for purpose’ i.e. which meet the requirements of the OGC Buying Solutions Management Consultancy and Accounting – Accounting Advice and Services framework agreement.<sup>55</sup>

According to this ITQ and its annexes, the private company which is contracted should conduct due diligence on all applications for Free Schools and academies. It employs the criteria listed below. The company which undertakes the due diligence makes an overall recommendation on the suitability of the school sponsor/proposer by using a traffic light categorisation of red (so serious that it precludes the proposal going ahead), amber (cause for concern and meriting further investigation) and green (no concerns) against each individual criterion:<sup>56</sup>

50 Information received from Rachel Wolf of the New Schools Network, 15 November 2010

51 Michael Gove, Secretary of State for Education: Written Ministerial Statement relating to new Free School proposals, 6 September 2010. <http://www.education.gov.uk/inthenews/inthenews/a0064280/written-ministerial-statement-relating-to-new-free-school-proposals>

52 Department for Education, Free School proposals approved to business case and plan stage. <http://www.education.gov.uk/schools/leadership/typesofschools/free-schools/a0066077/free-school-proposals-approved-to-business-case-and-plan-stage>

53 Definition of Due Diligence supplied by Mark Blois of Browne <http://charlesmillsconsulting.com/due-diligence-definition.htm>

54 ‘Invitation to Quote for Due Diligence Reports For the Academies and Free Schools Programmes’, dated 27 July 2010. Information received from the Department for Education shows that the 2007/2008 tendering process for ‘non financial due diligence (NFDD) research drawn from publicly available information concerning potential sponsoring partners to the Academies Programme of the Department for Children, Schools and Families’ was similar in both scope and structure to that conducted in 2010

55 [http://www.buyingsolutions.gov.uk/frameworks/contract\\_details.html?contract\\_id=903](http://www.buyingsolutions.gov.uk/frameworks/contract_details.html?contract_id=903)

56 ‘Invitation to Quote for Due Diligence Reports For the Academies and Free Schools Programmes – Annex E’, dated 27 July 2010

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- a) An overview of the activities of the potential sponsor/Free School provider — i.e. the very basic background of the individual or company and the type of core business which the sponsor/proposer operates
  - b) ‘Presentational risks’ i.e. anything associated with the sponsor that has or may constitute a risk to the reputation of the Academies Programme such as drugs, alcohol, tobacco, illegal activities, defence/arms industry, pornography and adult entertainment
  - c) Financial viability of the proposers and sponsors
  - d) Any unrecorded and outstanding liabilities i.e. outstanding loans
  - e) Details about the academy sponsor’s or Free School proposer’s business group structure; and associated companies in that business group if the sponsor/proposer is not the parent company
  - f) Any civil lawsuits previous or current and criminal convictions
  - g) Links to any political parties, including donations to political parties
  - h) Details of previous directorships held

This might appear at first glance to be a rigorous process. However, there are a number of shortcomings with it. Firstly, the term ‘Presentational risks’ is problematic. Under the incoming contractual obligations, extremism falls under the catch-all term of ‘Presentational Risks’. But the only examples of ‘Presentational Risks’, listed above, are apparently unconnected to extremism, e.g. drugs, alcohol and pornography — and there is no actual definition of the term ‘Presentational Risks’. Non-ideological, commercially motivated, companies may not know as much as they ought to of what warning signs to look for amongst potentially problematic sponsors or governors — unless criteria about extremism are specified by the Department for Education.

Secondly, the companies which tender for contracts with the Department for Education may not have staff with specialist foreign language skills; or with knowledge of comparative religion; or may not have expertise in the organisation of the structures of extremist movements in the UK and beyond.

Thirdly, the criterion of ‘Links to political parties’ is primarily designed to investigate links between Free School proposers/academy sponsors and the major British political parties — particularly to establish if there have been any financial donations to them (although the ITQ documentation specifically notes that ‘outstanding loans

and links to a political party would not be an automatic reason to fail the due diligence process’). But the company contracted under the existing bidding process is highly unlikely to consider political parties largely outside of the UK (such as the various branches of Jamaat-e-Islami in South East Asia or the BJP of India), or bodies which may not be political parties as defined by the Electoral Commission but are potent ideological and organisational forces nonetheless (for example, Hizb ut-Tahrir which calls itself a ‘party’, or the Islamic Forum of Europe).

“ Non-ideological, commercially motivated, companies may not know as much as they ought to of what warning signs to look for amongst potentially problematic sponsors or governors — unless criteria about extremism are specified by the Department for Education ”

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# 3

## The Role of Inspection

Ofsted's role as a non-governmental inspectorate is essential for its independence in evaluating schools and providing public accountability — without fear or prejudice. One of the key functions of the Chief Inspector is, nevertheless, to provide advice to the Secretary of State for Education on matters within Ofsted's remit.<sup>57</sup>

In recent years, there have been a number of changes to the way Ofsted conducts its inspections. Despite reforms in 2009, shortcomings remain. These need to be addressed in order to ensure that Ofsted fulfils its role of holding schools to account and raising standards — and that it is also capable of discerning extremist teachings in schools. Has the capacity of the state to detect extremism perhaps been affected collaterally by these reforms?

### Changes in 2005

Major changes were introduced to the operation of Ofsted during the tenure of David Bell (Chief Inspector 2000-2006) — most of which were in operation until recently.

Under Bell's reforms in September 2005, a 'lighter touch' section 5 inspection<sup>58</sup> was introduced which discarded several elements in the school inspection process, including:

- a pre-inspection visit by the lead inspector to the school and governors,
- a meeting for parents, and
- questionnaires for parents and pupils.<sup>59</sup>

A number of other changes were made:

- The grade scale awarded to a school was reduced from 7 points to 4 (outstanding, good, satisfactory and inadequate).
- Schools were to have two days notice of an inspection — it was six to ten weeks previously.
- Inspection time in schools was reduced, shortening the time that inspectors had to check what was said in schools' paperwork against the education that the pupils were actually receiving.<sup>60</sup>
- The category of high-achieving schools requiring only a single-day visit by one inspector ('light touch inspections') was extended to embrace 30 per cent of all schools from April 2007.<sup>61</sup>

57 Ofsted, Our Structure and Leadership, <http://www.ofsted.gov.uk/Ofsted-home/About-us/Our-structure-and-leadership>

58 Education Act 2005, Part 1, Chapter 1, Section 5. Duty to inspect certain schools at prescribed intervals. [http://www.opsi.gov.uk/acts/acts2005/en/ukpgaen\\_20050018\\_en\\_1.htm](http://www.opsi.gov.uk/acts/acts2005/en/ukpgaen_20050018_en_1.htm)

59 The New Ofsted Framework 2005. [http://agworkforce.co.uk/files/1AGXXX0001/1StartingPoints/1b/School\\_Inspection\\_Framework.pdf](http://agworkforce.co.uk/files/1AGXXX0001/1StartingPoints/1b/School_Inspection_Framework.pdf)

60 The Future of Inspection, A Consultation Paper, Ofsted, 10 February 2004. [http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Other/General/The-future-of-inspection-A-consultation-paper/\(language\)/eng-GB](http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Other/General/The-future-of-inspection-A-consultation-paper/(language)/eng-GB)

61 Ofsted. 'Ofsted to reduce inspection for top schools after strong support from the education sector', 22 June 2007, [http://www.ofsted.gov.uk/Ofsted-home/News/Press-and-media/2006/June/Ofsted-to-reduce-inspection-for-top-schools-after-strong-support-from-the-education-sector/\(language\)/eng-GB](http://www.ofsted.gov.uk/Ofsted-home/News/Press-and-media/2006/June/Ofsted-to-reduce-inspection-for-top-schools-after-strong-support-from-the-education-sector/(language)/eng-GB)

- Much of the work was transferred to senior school staff who were required to keep self-assessment reports to which Ofsted could refer — and which were then checked by inspectors.<sup>62</sup>
- Inspection reports were made much shorter.

The intention of these changes was to reduce the burden on schools posed by inspections and to improve their efficacy. The previous inspection process had been highly criticised, particularly by teachers, who argued that it caused high levels of stress among staff under pressure to ensure their schools performed well.<sup>63</sup> The amendments to the inspection regime were therefore aimed at reducing regulation on good schools, while taking tougher action on those that were underperforming. This inspection framework was extended to the independent school sector in January 2007, where much of it still applies. The unwelcome consequences of reducing inspection time, shortening reports and relying on school self-assessment are that the unfamiliar nuances of theological extremism may be more likely to go undetected.

## Changes in 2009

However, many of the above changes were in some measure reversed by Christine Gilbert, Her Majesty's Chief Inspector, in the 2009 inspection Framework. The light touch inspections were abandoned in maintained schools<sup>64</sup> and the number of lessons observed by inspectors was substantially increased. Parents' views were to be taken into account more systematically, with annual surveys of their opinions; and pupils were to fill in questionnaires with their views during an inspection. Informal quotas were applied to increase the proportion of inspectors from minority ethnic backgrounds.

## The quality of the current inspection regime

In a report published by the House of Commons Children, Schools and Families Committee in January 2010, MPs called for the Government to focus on improving the quality of its inspectors.<sup>65</sup> The House of Commons Children, Schools and Families Committee's report supported, in general terms, the approach to inspection set out in the revised 2009 Ofsted inspection framework. But the Committee noted that if visits to schools were to be as short as two days, then the inspectors needed to be highly trained and well qualified if they were to make an accurate evaluation of educational provision.

Ofsted's response to the House of Commons Children, Schools and Families Committee's suggestions was to argue that it places a high priority on training inspectors — and that a comprehensive training programme had been inaugurated in the months before the implementation of the new inspection framework. The Education and Inspections Act Schedule 12 contains a requirement that the Chief Inspector must ensure that inspectors have the qualifications, experience and skills necessary to perform required functions in

62 Statutory Instruments 2006, No 2661, The Education (School Teacher Performance Management) (England) Regulations 2006: These regulations have revised arrangements for performance management of teachers, allowing up to three hours' observation per teacher per cycle. This in effect transferred responsibility for observing teaching from Ofsted to senior staff in schools. The only requirement on observation was that it should be done by a qualified teacher and not that the person should be trained.

63 Ofsted, politics.co.uk, 22 June 2005. <http://www.ofsted.gov.uk/Ofsted-home/Publications-and-research/Browse-all-by/Documents-by-type/Thematic-reports/Departmental-report-2005-06/%28language%29/eng-GB>

64 Framework for the Inspection of maintained schools in England from September 2009, Ofsted, 6 August 2010, <http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Other/General/Framework-for-the-inspection-of-maintained-schools-in-England-from-September-2009>

65 Report by House of Commons Children, Schools and Families Committee: House of Commons – School Accountability – Children, Schools and Families Committee, <http://www.publications.parliament.uk/pa/cm200910/cmselect/cmchilsch/88/8807.htm#a11>

an effective manner. There are tight contractual arrangements with the Inspection Service Providers: one of their key Performance Indicators relates to their capacity to provide a suitable trained inspection workforce.<sup>66</sup> According to Adrian Gray, Ofsted Divisional Manager – Inspection Development “all inspectors who inspect independent schools are required to have the broad range of professional expertise to make effective and rigorous judgements within the context of the school; this would include sensitivity to the promulgation of extremist views liable to conflict with Government requirements for independent schools. Inspectors with particular specialist skills, for example in understanding of specific religious faiths, are allocated to specific schools accordingly. Any extremist practice would fall well within the threshold of inspectors’ extensive training in areas such as equalities and independent school regulations, so specialist training for preventing violent extremism is not a specific requirement for additional inspectors (AIs).”<sup>67</sup> It is appropriate to ask: is this approach of relying on training in the areas of equalities and independent school regulation sufficient in the face of such sustained challenges from ideological extremism?

The House of Commons Children, Schools and Families Committee report also called on a representative from HM Inspectorate to lead all inspections of schools causing concern, and to aspire to lead all inspections.<sup>68</sup> The response of both the then Labour Government and Ofsted was that this was not necessary as the quality of HMI inspectors and those inspectors supplied by external contractors was not significantly different. As it is, HMIs supervise and ‘sign off’ all additional inspectors (AIs) as being suitable to deliver inspections and to ‘quality assure’ reports.

## Community Cohesion

Religious schools cater mainly for pupils of parents sharing their particular faith and religious ethos. But this does not mean that they should be inward-looking institutions, without a wider community outlook. This was highlighted by the official central Government inquiry into the summer 2001 riots in the north of England.<sup>69</sup> Community cohesion became the dominant principle for the government’s response to the racial tensions and integration issues that spurred the riots. The Education and Inspections Act 2006<sup>70</sup> placed a legal duty on governing bodies of maintained schools to promote community cohesion — and gave Ofsted powers to inspect how governing bodies were carrying out these duties. These duties were specifically focused on community cohesion and not on extremism. The Department for Children, Schools and Families<sup>71</sup> defined community cohesion as:

- a) working towards a society in which there is a common vision and sense of belonging by all communities;
- b) a society in which the diversity of people’s backgrounds and circumstances is appreciated and valued;
- c) a society in which similar life opportunities are available to all;
- d) and a society in which strong and positive relationships exist and continue to develop in the workplace, in schools and the wider community.

66 Commons Debates, 5 January 2010, Column 294 W, Ofsted. <http://www.parliament.the-stationery-office.co.uk/pa/cm200910/cmhansrd/cm100105/text/100105w0070.htm>

67 Email from Adrian Gray to Policy Exchange, dated 10 November 2010.

68 House of Commons, Children, Schools and Families Committee, ‘School Accountability: Responses from the Government and Ofsted to the First Report of the Committee, Session 2009-10’. <http://www.publications.parliament.uk/pa/cm200910/cmselect/cmchilsch/486/486.pdf> p. 25

69 Cante, T (2001) *Community Cohesion – A Report of the Independent Review Team* London: Home Office.

70 The Education and Inspections Act 2006 inserted a new section 21 (5) to the Education Act 2002, s 33 and 38.

71 DCSF Guidance on the duty to promote community cohesion, 2007, is based on the Local Government Association/Home Office definition.

It has been indicated that one of the areas of inspection which is going to be relaxed by the new Government is community cohesion.<sup>72</sup> This will be part of the reduction of the inspection criteria from the current 18 down to a consolidated four; the quality of the teaching, the standard of leadership, the behaviour and safety of the pupils and the academic results. There will be less focus on criteria that are difficult to grade, so a school's contribution to community cohesion will no longer be part of an inspection. Community cohesion needs to be replaced by a sharper anti-extremism focus, combined with a clearer sense of British identity.

## Inspection of Independent Schools

Independent schools either have a shorter 'light touch inspection' (LTI)<sup>73</sup> or a standard inspection — depending on what standard the school had reached against all the necessary criteria in its previous inspection. If a school met at least 90% of all regulations for independent schools in its last inspection, its next inspection would be a light touch inspection.<sup>74</sup> The number of inspectors on a team is determined by the size and individual circumstances of each school. In a *standard* inspection in a school of up to 199 pupils, the inspection team usually consists of two inspectors. In the case of large schools, other inspectors may augment the team: two additional team inspectors are employed when there are over 200 pupils. Similarly additional inspectors are employed where there is 'complex provision' — such as schools on split sites; or where there are a substantial number of boarders or nursery pupils; or where a particular expertise is required. These include ballet, special educational needs or a foreign language. In a *light-touch* inspection of up to 199 pupils there will usually be only one inspector who will visit the school for a day. Over 200 pupils would require one additional inspector.<sup>75</sup>

An inspector who is looking at an independent faith school may request an inspector of that faith to accompany him or the faith school may request that an inspector of their faith is also present. The Association of Muslim Schools UK and the Jewish organisation, Pikuach, for example, provide respectively trained Muslim and Jewish inspectors for this purpose — in addition to carrying out the inspection of denominational religious education in voluntary aided schools [Section 48 inspections].

Before an inspection, inspectors must complete a 'Declaration of Interest' form to disclose interests that may be in conflict or perceived to be in conflict with the provision of inspection services.<sup>76</sup> Sharing the same religion is not considered a reason for conflict of interest. However, if the one inspector carrying out an inspection for an independent school is a strongly committed member of the same religion as the school, there could be a conflict of interest if that inspector does not have the opportunity to 'triangulate' his judgements against those of other inspection team members. 'Triangulation' involves checking one piece of evidence against other evidence at each stage. For example, this might mean checking reported evidence (i.e. what is noted on school analysis forms) against observed evidence (what is seen and heard on an inspection visit).

72 'Schools inspections slimmed down', <http://www.bbc.co.uk/news/education-11400774>; see also Letter from the Secretary of State for Education to Christine Gilbert HM Chief Inspector, 22 September 2010, available at <http://www.education.gov.uk/int/henews/pressnotices/a0064895/education-secretary-michael-gove-sets-out-the-next-stage-in-a-programme-of-reducing-bureaucracy>

73 'The Framework for inspecting education in independent schools', September 2009, still allows for light touch inspections: section 1, note 27. <https://ofsted.gov.uk/content/download/9780/113345/file/Framework%20for%20inspecting%20independent%20schools%20Sep%2010.pdf>

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76 Ofsted, 'Inspection service provider's protocol for managing conflicts of interest.' 3 November 2009, <http://www.ofsted.gov.uk/content/download/10281/117880/file/Inspection%20service%20providers%20protocol%20for%20managing%20conflicts%20of%20interest.pdf>



## Investigating the spiritual, moral, social and cultural development of pupils

In a 2005 speech on citizenship to the Hansard Society, David Bell expressed concerns that many young people were being educated in faith-based independent schools with little appreciation of their wider responsibilities and obligations to British society.<sup>77</sup> He said that “many [Muslim] schools must adapt their curriculum to ensure that [they provide] pupils with a broad general knowledge of public institutions and services in England and help them to acquire an appreciation of and respect for other cultures in a way that promotes tolerance and harmony”. His comments were based on evidence from Ofsted on meeting the requirements on citizenship<sup>78</sup> specifically regulations 2d and 2e of the Independent Schools Regulations Standard<sup>79</sup> which state that:

*‘Independent schools, including independent faith schools, are required to meet the following regulations: The spiritual, moral, social and cultural (SMSC) development of pupils at the school meets the standard if the school promotes principles which –*

- (2a) enable pupils to develop their self-knowledge, self-esteem and self-confidence;
- (2b) enable pupils to distinguish right from wrong and to respect the law;
- (2c) encourage pupils to accept responsibility for their behaviour, show initiative and understand how they can contribute to community life;
- (2d) provide pupils with a broad general knowledge of public institutions and services in England; and
- (2e) assist pupils to acquire an appreciation of and respect for their own and other cultures in a way that promotes tolerance and harmony between different cultural traditions.’

In March 2009, the then Secretary of State for Children, Schools and Families, Rt Hon Ed Balls MP, requested that Ofsted conduct a thematic survey of independent faith schools in England.<sup>80</sup> The survey examined whether the standard relating to the spiritual, moral, social and cultural development of pupils, together with the five regulations underpinning it (referred to above) was fit for purpose, and also to check that these schools were promoting tolerance for other cultures, as well as what the contribution of faith schools was to preparing children and young people for life in Britain.

The October 2009 Ofsted survey looked at 51 independent religious schools. It found that overall, the standard for spiritual, moral, social and cultural development and the five regulations underpinning the standard were “fit for purpose”. But, it argued that there was a lack of clarity in the language of the regulations. Of the five regulations, ‘respect for their own and other cultures’ (regulation 2e) caused the most concern. Most of the 51 schools treated other religions with respect, but they did not teach the detail of religious belief outside their own faith. However, 8 schools were found to be displaying teaching materials that had a bias in favour of one group. A Muslim school, for example, used inflammatory language to describe the situation in Palestine; and a pupil’s writing in a Jewish school similarly used strong language in describing events in the Middle East. Some of the published teaching materials contained biased or incorrect information about the beliefs of other religions.<sup>81</sup> These findings led Ofsted to suggest that provision for citizenship should be more clearly defined in legislation, and independent faith schools should

<sup>77</sup> Full text of speech available online at: <http://www.guardian.co.uk/education/2005/jan/17/faithschools.schools>

<sup>78</sup> The Annual Report of Her Majesty’s Chief Inspector of Schools 2004/05, <http://www.guardian.co.uk/education/2005/jan/17/faithschools.schools>

<sup>79</sup> Education (Independent School Standards) (England) Regulations 2003.

<sup>80</sup> DCSF, ‘Balls: Ofsted to survey independent schools’ spiritual, moral, social and cultural development of pupils’, 9 March 2009. [http://www.departmentforchildrenschoolsandfamilies.gov.uk/pns/DisplayPN.cgi?pn\\_id=2009\\_0055](http://www.departmentforchildrenschoolsandfamilies.gov.uk/pns/DisplayPN.cgi?pn_id=2009_0055)

<sup>81</sup> Ofsted survey, Independent Faith Schools, 22 October 2009, p.11 <http://www.Ofsted.gov.uk/Ofsted-home/Publications-and-research/Browse-all-by/Documents-by-type/Thematic-reports/Independent-faith-schools>

ensure that all resources used to teach about other faiths are accurate and unbiased. In taking forward these suggestions, a practitioner group was set up – consisting of teachers and headteachers from independent schools, officers from Ofsted and other inspectorates, and representatives from faith associations — and, as a result, non-statutory guidance for independent schools, ('Improving the Spiritual, Moral, Social and Cultural (SMSC) Development of Pupils') was produced by the Department for Children, Schools and Families to clarify for schools the intention and interpretation of the SMSC regulations.<sup>82</sup>

## Independent Inspectorates

By tradition, the independent sector has been less regulated than the maintained sector. Oversight of independent schools is split between Ofsted and three approved independent inspectorates. This situation, when combined with the latitude afforded by the Independent School Standards, means the system is ill-equipped to both prevent, and inspect for, extremism.

All independent schools in England are inspected by Ofsted, but until 1999 most of these inspection reports were not published. Those schools affiliated to the Independent Schools Council (ISC) were also subject to accreditation inspections by their own inspectorate — reports of which were published. These inspections had substantial overlap with the unpublished Ofsted reports. In 1999 the then Labour Government and the ISC agreed to have a single published report based on inspections carried out by the Independent Schools Inspectorate (ISI), with a sample checked by Ofsted to ensure common standards were applied across the independent school sector. The monitoring by Ofsted was a condition for the approval of the ISI. The ISI inspects around 50% of independent schools (1,150) which educate around 80% of pupils in that sector. These inspections were given statutory basis in the Education Act 2002 with Sections 162A and 163 of the Act making it possible for inspectorates to seek approval from the relevant registration authority in the UK (the Secretary of State for Education in the case of England). Since 2002, two further inspectorates have been approved, the School Inspection Service (SIS) in 2006 and the Bridge Schools Inspectorate (BSI) in 2008. The SIS was approved to inspect schools associated with the Focus Learning Trust for the Exclusive Christian Brethren Communities — then numbering 26 schools. The BSI was approved to conduct inspections in 110 specified Muslim and Christian schools in England. Ofsted monitors a sample of the inspections and reports published by the other inspectorates and reports to both the chief inspectors of these inspectorates and the Department for Education, about their quality.

As noted previously, all independent schools must meet the Independent School Standards. The regulations cover the quality of education provided; the spiritual, moral, social and cultural development of pupils; the welfare, health and safety of pupils; the suitability of proprietors and staff; the premises and accommodation; and the provision of information and the way in which complaints are handled. Before an application for registration as an independent school is approved — and during the first year of operation — these standards are examined by Ofsted. Thereafter, they are examined by the relevant inspectorate during the regular cycle of inspections that all independent schools are required to undergo to ensure they continue to meet the standards for registration.

82 DCSF, 'Improving the Spiritual, Moral, Social and Cultural (SMSC) Development of Pupils. Non-statutory guidance for independent schools', 2010. <http://www.dcsf.gov.uk/reg-independent-schools/downloads/SMSC-independent-schools-guidance.pdf>

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# 4

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the Christian Schools Trust and  
the Association of Muslim  
Schools."

### The Bridge Schools Inspectorate (BSI)

The main umbrella for Muslim schools in Britain is the Association of Muslim Schools-UK (AMS-UK). This organisation (which is an affiliate of the Muslim Council of Britain)<sup>83</sup> received £100,000 from Ruth Kelly, when she was the Secretary of State for Education and Skills, 'to review its schools to identify those which might be ready to enter the maintained sector as voluntary aided schools'.<sup>84</sup> AMS-UK was to 'identify the generic barriers to maintained status for independent Muslim schools... identify potential schools that wish to become voluntary aided schools and have a reasonable chance to succeeding' and select five target schools for such a transition.<sup>85</sup>

In September 2006, it was reported that Muslim schools were demanding to opt out of Ofsted and conduct their own inspections.<sup>86</sup> At the request of AMS-UK, and the Christian Schools Trust (CST), a new 'inspection partner', the Bridge Schools Inspectorate<sup>87</sup> (BSI), was established in 2008. According to the BSI, the inspectorate 'provides an opportunity for cooperation between faith groups to establish a specialist faith schools inspectorate which respects their distinctive ethos'.<sup>88</sup> BSI inspections are led by former HMI, with team inspectors trained by the organisation and drawn from the staff of member schools.

The foundation of the BSI was criticised by Lord Baker, the former Conservative Secretary of State for Education, as "outrageous and extraordinary... If there is a separate inspectorate for Muslim schools it'll be much easier for extremists to infiltrate them and to radicalise the students... It's the way towards a more divided society, an independent Muslim community in our country. If we're going to have a harmonious society where extremists are brought within the fold this is not the way forward".<sup>89</sup> Barry Sheerman MP, Labour Chairman of the Commons Select Committee, said that local councils were finding it "difficult to know what is going on in some faith schools — particularly Muslim schools".<sup>90</sup>

Christine Gilbert, HMCI, commented: "We believe it would be difficult for an organisation to form an objective view of the quality of schools inspected if it dealt with only one type of school and therefore lacked a broad perspective."<sup>91</sup> Similarly, the then Secretary of State for Children, Schools and Families stated that "We cannot have different rules for different schools".<sup>92</sup> Despite these concerns, the DCSF endorsed the BSI.

On the same day that the BSI was approved by the Government the then DCSF launched a consultation covering proposed future arrangements and criteria for appointing inspectorates other than Ofsted to investigate independent schools.<sup>93</sup> One of the consultation criteria for future inspectorates was 'independence and objectivity' — which stated that inspectorates applying for approval should be

able to show that inspectors are not biased. The only other independent inspectorates in existence were the Independent Schools Inspectorate and the School Inspection Service. Despite approving the BSI on that day, the criteria agreed upon in the consultation were only to be applied to future inspectorates and therefore were not applicable to the BSI.<sup>94</sup>

Christine Gilbert reiterated her concerns in a letter to the Secretary of State for Children, Schools and Families in June 2008 — stating that inspectorates should embrace at least five distinctive types of school, taking account of individual schools' membership affiliations, religious character, distinctive ethos or educational philosophy, or specific curriculum. In addition, she argued that a minimum complement of 350 schools would guarantee that an inspectorate has a core of inspectors large enough to ensure that it does not become over familiar with the body of schools inspected, and would secure diversity of member schools covering a range of faiths and philosophies. The BSI was approved to inspect only 110 schools which were associated with just two organisations – the CST and AMS-UK. It seems that the DCSF, however, justified the approval of the BSI on the grounds that 'there are strong arguments for specialised inspectorates that are capable of combining inspection against the independent schools standards with an incisive assessment of the ethos/philosophy or specialism of the school.'<sup>95</sup>

The regulations and criteria stipulated in the Independent School Inspectorates Consultation were never actually enacted — and, consequently, do not apply to any current independent inspectorates. Certainly, the inspectors must sign a conflict of interest clause; nevertheless few schools are being inspected and the pool of inspectors is perforce relatively small. Even though Ofsted has judged the overall quality of BSI inspection during the first two years to be good,<sup>96</sup> there is a potential for over-familiarity, which could compromise the objectivity of the process. Although an HMI is always the lead inspector on a BSI inspection, the inspectorate is still based largely upon the principle of mutual inspection of two confessional blocs: CST inspectors often inspect AMS-UK schools and AMS-UK inspectors often inspect CST schools. This was recorded in Ofsted's most recent Annual Report on the BSI, which states: 'In most cases one Christian and one Muslim inspector, normally serving headteachers, are deployed to each inspection to ensure that inspection teams arrive at a secure and well-balanced view of the school's secular and faith provision.'<sup>97</sup>

## The School Inspection Service (SIS)

The School Inspection Service is an independent body which was established to carry out school inspections under Section 162A of the Education Act 2002. It inspects registered, independent schools and is supervised by Ofsted and the Department for Education.

The SIS was approved by the Secretary of State in 2006<sup>98</sup> to inspect schools affiliated with the Focus Learning Trust for the Exclusive Christian Brethren communities.<sup>99</sup> This numbered 26 member schools when it was set up; it is now in excess of 30. As of 2009, Steiner schools were also included within the inspectorate's remit.<sup>100</sup>

It is staffed by a Co-ordinating Inspector, approved by the Department for Education and a team of inspectors most of whom are ex HMIs (Her Majesty's Inspectors).<sup>101</sup> Included within the team are a number of HMIs who have

94 *ibid*

95 DCSF, 'Independent School Inspectorates – a consultation document', See point 2.15.

96 Ofsted, Annual report letter on the quality of inspections and reports by the Bridge Schools Inspectorates (BSI), 17 September 2010 <http://www.Ofsted.gov.uk/Ofsted-home/Publications-and-research/Browse-all-by/Education/Providers/Independent-schools/Annual-report-letter-on-the-quality-of-the-inspections-and-reports-by-the-Bridge-School-Inspectorate-BSI>

97 Annual Report on the quality of inspections and reports by the Bridge Schools Inspectorate 2009/2010, Ofsted, p.2 [http://www.ofsted.gov.uk/Ofsted-home/Publications-and-research/Browse-all-by/\(year\)/2010/\(month\)/09](http://www.ofsted.gov.uk/Ofsted-home/Publications-and-research/Browse-all-by/(year)/2010/(month)/09)

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specialised in particular educational disciplines such as special needs, post 16 education, primary class specialists, and school management. As noted in Ofsted's 2008 report on the work of the SIS:

*'A school inspection generally takes four days for a team of two or three inspectors to conduct. A special feature of an SIS inspection is the addition of a lay inspector from the Brethren community, who inspects and reports on the management of the school.'*<sup>102</sup>

Ofsted monitors a certain proportion of the SIS inspections every year to ensure that they are carried out with sufficient rigour and according to Ofsted's regulations of inspection and reporting. Similar to the BSI, Ofsted has judged the overall quality of SIS inspection reports to be 'good'.<sup>103</sup>

102 'Annual report on the quality of School Inspection Service inspections and reports 2007/08'; Letter from HMCI Christine Gilbert to the SIS Coordinating Inspector, September 2008. p.2.

103 Annual report letter on the quality of the inspections and reports by the School Inspection Service (SIS), Ofsted, September 2010, <http://www.ofsted.gov.uk/Ofsted-home/Publications-and-research/Browse-all-by/Education/Providers/Independent-schools/Annual-report-letter-on-the-quality-of-the-inspections-and-reports-by-the-School-Inspection-Service-SIS>

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106 Ofsted, *'Protocol on the inspection of schools with a religious character in England'*, From September 2010

107 AMS UK Section 48 Inspection Reports, <http://www.ams-uk.org/services/section-48>

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110 Dr Helena Miller, 'Accountability through Inspection: Monitoring and Evaluating Jewish Schools conducted between September 2003 and April 2007. An overview of 25 inspections', Pikuach Report, Published by the Board of Deputies of British Jews and the United Jewish Israel Appeal, Available at: <http://www.boardofdeputies.org.uk/page.php/Pikuach/345/342/1>

## Section 48 Inspections — the Education Act 2005

There is a separate system (known as Section 48) of inspection for denominational religious education and content of collective worship in maintained schools with a religious character.<sup>104</sup> This is explained in the Ofsted protocol on the inspection of schools with a religious character in England:<sup>105</sup>

*'If a school has a religious character, as determined by the Secretary of State for Education and Skills under section 69(3) of the School Standards and Framework Act 1998, denominational religious education and the content of collective worship are inspected under section 48 of the Education Act 2005. Where religious education is required to be provided using the locally agreed syllabus relevant to the school, religious education is inspected under section 5 of the Education Act 2005.'*

In practice, in Church of England and Roman Catholic schools, a Section 48 inspection is often carried out at the same time as an Ofsted Section 5 inspection, by inspectors nominated by the governing body.<sup>106</sup> AMS-UK has provided one trained independent inspector to carry out Section 48 inspections for voluntary aided Muslim schools;<sup>107</sup> whilst for Jewish schools, these are conducted by a body called Pikuach.<sup>108</sup> There is no independent inspectorate for independent Jewish schools and they all undergo Ofsted inspections, together with the denominational inspection by Pikuach.

## Pikuach

Pikuach was launched by the Board of Deputies of British Jews in 1996 — as the UK Jewish community's response to the Government's requirement that religious education is systematically inspected under Section 69(3) of the School Standards and Framework Act 1998.<sup>109</sup>

Pikuach has four main objectives:<sup>110</sup>

- To provide Jewish schools with a framework for evaluating their Jewish education programmes.
- To enable Jewish voluntary aided schools to satisfy statutory requirements.
- To help Jewish schools evaluate the spiritual development of their pupils.
- To contribute to the development of quality Jewish education in Britain.

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# 5

## The Ethos of Faith Education in the UK

### The Muslim Council of Britain

The Muslim Council of Britain (MCB) is one of the country's most high profile Islamist lobby groups. The MCB's aspirations for Muslim education are set out in a document, published in 2007, entitled, 'Towards Greater Understanding: Meeting the Needs of Muslim Pupils in State Schools' which outlined the framework they envisage.

### The MCB's Education Policy

Although aimed at maintained schools, the MCB's 2007 document on the needs of Muslim pupils<sup>111</sup> also provides a window into the ethos of schools that are part of the MCB-affiliated<sup>112</sup> AMS-UK. The document promotes the view that faith commitments encompass all aspects of life.<sup>113</sup> The word 'should' is used over ninety times, mostly in demands for concessions. These include:

- permitting girls to wear full-length loose school skirts or loose trousers, long-sleeved shirts, and headscarves to cover the hair
- permitting girls to wear tracksuits and headscarves for sport
- permitting boys to grow beards
- providing single-gender swimming classes
- providing halal food
- providing time and space for obligatory ablutions and prayer
- adapting school life to the obligatory fast of Ramadan
- avoiding sex and relationship education (SRE) during Ramadan
- making SRE consistent with Islamic teaching which considers girlfriend/boyfriend as well as homosexual relationships as unacceptable
- marking Eid holidays as authorised absences
- allowing parental withdrawal of children from dance lessons on grounds of religious conscience
- accepting Muslim refusal to shake hands with members of the opposite sex
- offering Arabic as an option in primary and secondary schools
- buying relevant and authentic books on the Islamic heritage and civilisation for the school library and for class use
- ensuring that pupils in schools where there are no Muslims nonetheless learn about Islam
- not encouraging Muslim pupils to produce three dimensional imagery of humans

111 Towards Greater Understanding: Meeting the needs of Muslim pupils in state schools. Information & Guidance for Schools, Muslim Council of Britain, February 2007. <http://www.mcb.org.uk/downloads/Schoolinfoguidance.pdf>

112 The Muslim Council of Britain, list of MCB affiliates – March 2009. <http://www.mcb.org.uk/affiliates.php>

113 Towards Greater Understanding: Meeting the needs of Muslim pupils in state schools. Information & Guidance for Schools, Muslim Council of Britain, February 2007. <http://www.mcb.org.uk/downloads/Schoolinfoguidance.pdf>

- not serving alcohol at social events and avoiding other activities that might make Muslims feel excluded.

The MCB concedes that Muslim pupils may participate in farm visits — provided they do not touch or feed the pigs, and that they may visit non-Muslim places of worship for purely educational purposes. In general however, it gives the impression that the onus is on schools to adapt to Muslims, rather than the other way round. Moreover, it encourages Muslim parents to make maximal use of their legal rights. For instance, after acknowledging that music is part of the National Curriculum and that consequently there is no right of withdrawal, the document goes on to state:

‘However, parents may ask to see the syllabus and schemes of work. If they have consequent moral or religious concerns these can be raised with the headteacher who may be able to resolve them. Failing this the matter can also be taken up with the governors, who must have in place a formal arrangement for dealing with complaints relating to the curriculum.’

‘The Useful Links and Resources’ in Appendix 4 of the MCB publication includes seven items. With the exception of a booklet by Kirklees Metropolitan Council, and one produced by ‘1001 Inventions’, the others are produced by MCB affiliates.<sup>114</sup> Two of them are produced by the Muslim Educational Trust, a registered charity which the RE Directory describes as:

‘Britain’s oldest national Muslim educational organisation dealing with the concerns of Muslim parents and children. The Trust aims to support religious education, both by advising on special concerns of Muslim children and by giving authentic information about Islam.

The MET publishes a range of books and posters on Islam for use by pupils and teachers. The publications of the MET are used worldwide, making the trust truly international in nature and influence.

It can also advise on the accuracy of resources about Islam and answer general queries about Islam (for instance for GCSE course work).

It liaises with the DfES, QCA, LEAs and schools on educational matters. MET representatives serve on SACREs around the country’.<sup>115</sup>

The following extract can be found in an MET school text-book:

‘Religion and politics are one and the same in Islam. . . . The Islamic state is duty bound to implement the laws of the Qur’an and the Sunnah. . . . There is not a perfect Islamic state in the world today. . . . However, organised efforts are being made in many parts of the world to bring about total change in society by setting up an Islamic system of government to implement the laws of Qur’an and Sunnah. Notable among the organisations which have been working to Islamise society are: Al-Ikhwānūl Muslimūn [the Muslim Brotherhood] in the Middle East, Jama‘at-e-Islami in Pakistan, Bangladesh and Kashmir. . . .’<sup>116</sup>

## Christian ethos in education

The independent sector contains many schools with a Christian ethos. While most of these schools offer mainstream provision, others seek through the curriculum and life of the school to promote particular forms of Christian belief and practice. They may, for instance, promote Creationism and reject evolution. This is certainly true of the Christian Schools Trust (CST).<sup>117</sup>

114 <http://www.mcb.org.uk/affiliates.php>

115 The Muslim Educational Trust, [www.theredirectory.org.uk/org.php?n56](http://www.theredirectory.org.uk/org.php?n56)

116 Ghulam Sarwar, *Islam: Beliefs and Teachings*, (London: The Muslim Educational Trust, 1980), 5th Edition 1998, pp. 177-179. Sarwar is also author of *Sex Education: The Muslim Perspective*. This book is not included in Appendix 4.

117 Ofsted, *Guidance on types of independent schools*, 2008. [http://www.Ofsted.gov.uk/content/download/4739/38630/file/Guidance%20on%20types%20of%20independent%20schools%20\(Wor%20format\).doc](http://www.Ofsted.gov.uk/content/download/4739/38630/file/Guidance%20on%20types%20of%20independent%20schools%20(Wor%20format).doc)

### Case study: the Christian Schools Trust

The CST is a group of independent Christian schools which work together with the aim of ‘putting God back in His rightful place’ in education. According to their website, the CST was formed in 1985 after headteachers of those Christian schools established in the 1970s and 1980s began to meet together to support one another.<sup>118</sup> There are now around 50 member schools — all autonomous in their government, but which work together across many aspects of education. The CST provides training for Headteachers and Deputies as well as resources.

The CST has three stated aims:<sup>119</sup>

1. To lay foundations of Biblical Christian truth in the area of education.
2. To develop networks that support and strengthen Christian schools of quality.
3. To serve others by promoting Christian education across the UK as well as in other nations.

The sympathetic stance towards Creationism is evident from the CST’s website as well as associated articles. The second person listed under CST Leadership is Sylvia Baker.<sup>120</sup> She is the author of *Bone of Contention*, a popular introduction to the creation/evolution debate which has sold over 250,000 copies in 10 languages.<sup>121</sup> In an article in *The Independent*, written by Tim Walker, Baker stated:<sup>122</sup>

“I tell children that I believe in a six-day creation, a matter of thousands, not millions of years ago. But that is an individual belief, and there is no policy on it running through the new Christian schools. If you don’t mention evolution to the children at a young age, they are naturally creationist. It fits how they see the world. There’s no doubt that God is the creator and the Bible is reliable. We introduce evolution to them as part of the debate at secondary age.”

The article continues: ‘Creationism has been taught in the classrooms of the Christian Schools Trust for about 30 years’, and further records that Baker ‘has taught evolution and Creationism alongside one another for 25 years, and now advises other Christian schools on the teaching of Creationism.’<sup>123</sup>

Creationism is the belief in the literal interpretation of the account of creation recorded in the book of Genesis Chapter 1 – that God created the world and all life in six days.<sup>124</sup> Creationism therefore denies the theory of the evolution of species. Teaching Creationism in a religious education lesson is not controversial. Controversy arises when Creationism is taught in science lessons alongside scientific theories: it clashes with the secularist foundation of modern education, which finds expression in the evidence based approach underpinning the National Curriculum. Thus the teaching of Creationism in science lessons has been vigorously opposed by organisations such as the British Centre for Science Education,<sup>125</sup> the British Humanist Association (BHA)<sup>126</sup> and the National Secular Society,<sup>127</sup> as well as the Archbishop of Canterbury, Dr. Rowan Williams.<sup>128</sup>

The BHA has been especially concerned about the teaching of controversial issues in science, in particular intelligent design and Creationism. It has, therefore, been at the forefront of a campaign to ask the Government for ‘improved guidance’ on science lessons. This culminated in 2007 when the DCSF published its ‘Guidance on the place of Creationism and intelligent design in science lessons’.<sup>129</sup> The Guidance stated that neither Creationism nor Intelligent Design can be taught in science lessons as they have “no underlying scientific principles, or explanations, and are not accepted by the scientific community as a whole”, clearly affirming the evidence basis of the National Curriculum.

118 [http://www.christianschoolstrust.co.uk/our\\_development](http://www.christianschoolstrust.co.uk/our_development)

119 [http://www.christianschoolstrust.co.uk/who\\_we\\_are](http://www.christianschoolstrust.co.uk/who_we_are)

120 [http://www.christianschoolstrust.co.uk/cst\\_leadership](http://www.christianschoolstrust.co.uk/cst_leadership)

121 [http://www.christianschoolstrust.co.uk/cst\\_leaders\\_gallery/image/67](http://www.christianschoolstrust.co.uk/cst_leaders_gallery/image/67)

122 Tim Walker, ‘Creationism debate moves to Britain’, *The Independent*, 18 May 2006. <http://www.independent.co.uk/news/education/education-news/Creationism-debate-moves-to-britain-478576.html>

123 Ibid.

124 Eugenie Carol Scott, ‘Evolution vs. creationism: an introduction’, University of California Press, 2005

125 British Centre for Science Education. <http://www.bcseweb.org.uk/>

126 British Humanist Association. <http://www.humanism.org.uk/home>

127 National Secular Society. <http://www.secularism.org.uk/about.html>

128 Alan Rusbridger, Interview: Rowan Williams, *Guardian*, 21 March 2006. <http://www.guardian.co.uk/world/2006/mar/21/religion.uk>

129 DCSF Guidance on the place of Creationism and intelligent design in science lessons. [www.teachernet.gov.uk/docbank/index.cfm?id=11890](http://www.teachernet.gov.uk/docbank/index.cfm?id=11890)



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# 6

## Case Studies of How Other Countries Tackle the Problem

Virtually every country in Europe is, on some level, grappling with the challenge of safeguarding education in increasingly diverse, multi-faith societies. In each case this has entailed a fragile balancing act between effective oversight and the preservation of educational and bureaucratic freedom. Within this broad similarity of context, the nature and scale of the threats differs greatly in each country, and

“Virtually every country in Europe is, on some level, grappling with the challenge of safeguarding education in increasingly diverse, multi-faith societies”

Government responses have been anything but uniform. Some European countries with relatively underdeveloped oversight frameworks have rushed to establish regular, blanket inspections; whilst others with longer traditions of regulation (and, in some cases, greater domestic threats), have sought to

implement more targeted and nuanced strategies. In recent years, there has been a notable shift towards ‘risk-based’ inspections which rely on various indicators and trigger mechanisms to identify the minority of schools in need of close observation. These regimes seek to minimise the bureaucratic burden for schools trusted to perform well — but reserve the right to engage in detailed, long-term interventions where risk is detected. In addition, those countries with the most complex and entrenched problems of extremism and radicalisation have developed separate programmes, sometimes led by ministries of the interior and domestic security services, to protect schools and children from these threats.

### Case study: Denmark

#### Introduction

Denmark puts much emphasis on self-evaluation, parental intervention and targeted risk-based inspections. Danish education provision is based on a two-tiered system of municipality-run — on the one hand, state schools, and, on the other hand, state-funded ‘private independent schools’, with each subject to highly differentiated regulatory requirements.

#### Inspection of state schools

The mainstay of the Danish education system is the ‘Folkeskole’: the comprehensive school available to all children, from age six to sixteen. The state

schools are governed by local municipal councils and are bound by law to a common framework of educational standards and objectives. According to the Danish Ministry of Education, the Folkeskole Act of 1993 spells out the aim of the Folkeskole — which is to imbue pupils with the necessary knowledge and skills to:

*“prepare them for further education and training and instil in them the desire to learn more; familiarise them with Danish culture and history; give them an understanding of other countries and cultures...”*<sup>130</sup>

*Further, the Folkeskole must encourage intellectual inquiry based on initiative and imagination, and conduct its daily activities in “a spirit of intellectual freedom, equality and democracy”.*<sup>131</sup>

The level of monitoring and regulation applied to the Folkeskole to ensure these standards is, by European standards, very slight. There is no ‘Inspectorate’ as such, and little in the way of external inspection takes place on school grounds. Rather, quality assurance is based to a large extent on self-evaluation and parental oversight, with an emphasis on outcomes – examination results, drop-out rates and higher education and employment destinations – rather than content. Each municipal council is required to produce a collective annual report on public schools in their purview, detailing academic performance, measures taken to evaluate it and steps taken in response to the previous annual report. In turn, these reports inform the work of the ‘Skolestyrelsen’ (The School Agency), a department of the Ministry of Education, which checks for indications of below-standard schooling. Where necessary, the Skolestyrelsen then engages with such schools and establishes a plan for improvement.

### Inspection of independent schools

Denmark also has a long parallel tradition of Government-funded private education, including denominational schools and those with a particular pedagogical ethos, such as Steiner or Montessori. The first of these private independent schools (also known as ‘frie skoler’, ‘free schools’) was founded in 1852. In return for a ‘per pupil per year’ Government grant, two overall conditions are placed on funding: that educational attainment meets or exceeds the average achieved in municipal schools; and, crucially, that the school must “prepare its pupils to live in a free democratic society respecting human rights and equality”.<sup>132</sup>

Private schools are also subject to a markedly more rigorous regulatory system than their counterparts in the Folkeskole, based on progressive tiers of scrutiny.

#### Level 1

In addition to producing self-evaluation reports similar to those required of municipalities, parental oversight is encouraged in independent private schools as an initial layer of external monitoring. Notably, this takes place on the school’s terms: in many private schools, parents are invited to attend lessons throughout the year. In other cases, parents rely on the school’s own evaluation reports. Where concerns arise, parents will normally raise them directly with the school board.

130 <http://www.eng.uvm.dk/Uddannelse/Primary%20and%20Lower%20Secondary%20Education/The%20Folkeskole/The%20Aims%20of%20the.aspx>

131 ‘The Inspectorate of Education of Denmark’, The Standing International Conference of Inspectorates, June 2009, [http://www.sci-inspectorates.org/c/document\\_library/get\\_file?uuid=b68503c7-a41e-4efb-b990-be8c77e3a4b0&groupId=10321](http://www.sci-inspectorates.org/c/document_library/get_file?uuid=b68503c7-a41e-4efb-b990-be8c77e3a4b0&groupId=10321) p.6.

132 ‘The Inspectorate of Education of Denmark’, The Standing International Conference of Inspectorates, June 2009, pp.5-7 [http://www.sci-inspectorates.org/c/document\\_library/get\\_file?uuid=b68503c7-a41e-4efb-b990-be8c77e3a4b0&groupId=10321](http://www.sci-inspectorates.org/c/document_library/get_file?uuid=b68503c7-a41e-4efb-b990-be8c77e3a4b0&groupId=10321); <http://www.skolestyrelsen.dk/frie%20skoler.aspx>

#### Level 2

A further mechanism allows parents to elect an ‘external inspector’ on an annual basis. Parents can elect either a municipal inspector – usually an educational consultant or a headmaster at a local Folkeskole – or a suitably-qualified individual of their own choosing. The elected external inspector must not be the parent of a school pupil, a member of the school board or a school employee. The external inspector must also be fluent in both oral and written Danish. By law, this inspector must visit the school at least once a year and attend classes – in humanities, science and art – amounting to at least one school day. The inspector then compiles a report, to be submitted to the parents and published on the school’s website, based on the following assessments:

- Academic performance in Danish, English and Maths.
- Whether the school has achieved overall academic parity with the Folkeskole.
- Whether the language of instruction in the school is Danish.
- The quality of teaching materials used.
- Whether the school prepares the pupils for life in a democracy with equal rights and freedoms.

When any of these criteria are not satisfied, the inspector can hand down an injunction that the area be improved within three months. If the school remains sub-standard by the time of this deadline, the inspector submits a report to a specially-convened hearing between the school board and parents. If, after the hearing, there is reason to doubt the school’s capacity to improve, the inspector files a report to the Ministry of Education.<sup>133</sup> All independent schools are subject to levels 1 and 2.

#### Level 3

A final layer of supervision is supplied by the Skolestyrelsen in the form of targeted investigation and inspection in response to specific concerns. This ‘Superior Monitoring’ can be triggered as a result of shortcomings identified in schools’ self-evaluation reports – but also in response to direct requests from the Minister of Education and the appeals of ‘whistleblowers’ (whether parents, teachers or neighbours). As a first step, the school is contacted by the Skolestyrelsen and given an opportunity to comment on the agency’s concerns. This is usually followed up by an onsite inspection involving the observation of a number of lessons.

#### Level 4

In a small number of cases, uncertainty over the school’s capacity or desire to improve can lead to ‘Intensive Inspection’ – a detailed, long-term exercise designed to gain a deep insight into not merely the school’s educational profile, but also its values and ethos.<sup>134</sup> Interviews are conducted with teachers, the school board and management, and the school is asked to submit details of its education and activity plans, teachers’ qualifications and teaching materials used. A protracted observation phase ensues, whereby two Skolestyrelsen teams monitor a large number of lessons – all teachers and all subjects – and other school activities over an indeterminate period that can often last over a year. The

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133 <http://www.skolestyrelsen.dk/frie%20skoler/tilsyn/skolens%20eksterne%20tilsynsfoerende.aspx>.

134 ‘The Inspectorate of Education of Denmark’, The Standing International Conference of Inspectorates, June 2009, p.25, [http://www.sici-inspectorates.org/c/document\\_library/get\\_file?uuid=b68503c7-a41e-4efb-b990-be8c77e3a4b0&groupId=10321](http://www.sici-inspectorates.org/c/document_library/get_file?uuid=b68503c7-a41e-4efb-b990-be8c77e3a4b0&groupId=10321)

inspectors are led by a Head of Division, and each team consists of a Chief Adviser, three Pedagogical Advisers and a Legal Adviser.

The teams do not stick to a prescribed list of risk indicators – the ‘box-ticking’ approach. Rather, they assess the school as the circumstances demand. Typically, observation focuses on a range of pedagogical features, such as teaching methods and materials and teacher-pupil interaction, as well as the school’s obligation to prepare pupils for life in a democratic society. The final report must either exonerate the school, set a deadline for improvement in specific areas, or rule that the school has failed to match the standard of the Folkeskole – and then recommend that it forfeits its right to receive public funds. Pending a ‘hearing phase’ (in which the school is given an opportunity to respond to the report), the final decision lies with the Minister of Education. The Minister may end the inspection period without further comment. They can also demand improvement within a set timeframe or terminate the school’s status as an independent private school. In practice, the loss of state funds invariably results in the school’s closure.

That said, the power of Intensive Inspection is rarely invoked. Between 2004 and 2008, five Intensive Inspections were conducted by the Skolestyrelsen, resulting in three schools losing their public grant and two being ordered to improve certain defined areas. Timed improvements are evaluated by Skolestyrelsen follow-up visits – and failure to comply with these results in the initiation of a new Intensive Inspection. Private schools can lodge complaints with the Ministry of Education over any aspect of the monitoring process, and can have recourse to the Education Ombudsman to challenge the rulings of the Skolestyrelsen or the Minister of Education. The Ombudsman, for its part, can criticise official rulings and recommend reassessment; but it cannot overrule the Education Minister’s decision.<sup>135</sup>

### Tackling extremism

The Danish Government has recently made the question of radicalisation in schools an urgent national priority. In January 2009, the Government published *A Common and Safe Future: An action plan to prevent extremist views and radicalisation among young people*. The strategy put forward a framework for enhanced cooperation between schools, social services and the police (SSP), including tailor-made courses and teaching materials on extremism and the development of local network meetings between a broad spectrum of actors to better prevent and identify radicalisation in schools.<sup>136</sup> Subsequently, the Skolestyrelsen, in conjunction with the Ministry of Integration, announced a ‘monitoring exercise’ focusing on the promotion of freedom and democracy in private independent schools. Over three years, the initiative pledged to engage with 25 schools selected on the following criteria:

1. Schools that have not outlined clear goals for how they will ensure that students are prepared to live in a society like the Danish with freedom and democracy.
2. Schools where there is a concern that students (primarily or predominantly circulate in communities in and around the school) isolate themselves and/or exclude other individuals or groups on the basis of religion, skin colour and political views.
3. Schools in which the Board [i.e. Skolestyrelsen], based on information about the institution in question, already has a concern that it does not ensure that students are prepared to live in a society based on Danish freedom and democracy.

135 ‘The Inspectorate of Education of Denmark’, The Standing International Conference of Inspectorates, June 2009, pp.27-28, 32.

[http://www.sici-inspectorates.org/c/document\\_library/get\\_file?uuid=b68503c7-a41e-4efb-b990-be8c77e3a4b0&groupId=10321](http://www.sici-inspectorates.org/c/document_library/get_file?uuid=b68503c7-a41e-4efb-b990-be8c77e3a4b0&groupId=10321),

136 Government of Denmark, *A Common and Safe Future: An action plan to Prevent extremist views and radicalisation among young people*, January 2009, p.13. [http://www.nyidanmark.dk/NR/rdonlyres/58D048E7-0482-4AE8-99E8-928753EFC1F8/0/a\\_commo\\_n\\_and\\_safe\\_future\\_danish\\_action\\_plan\\_to\\_prevent\\_extremism.pdf](http://www.nyidanmark.dk/NR/rdonlyres/58D048E7-0482-4AE8-99E8-928753EFC1F8/0/a_commo_n_and_safe_future_danish_action_plan_to_prevent_extremism.pdf)

The Skolestyrelsen is to review the websites of the selected schools, hold interviews with headmasters and teachers and conduct on-site monitoring visits, including lesson observation. The schools involved will also submit written statements to the Skolestyrelsen detailing their current efforts to ensure pupils are prepared ‘to live in a society of freedom and democracy’. The first five schools were visited in March 2010.<sup>137</sup>

In 2006 the Danish Ministry for Education published *Learning Democracy* — a pamphlet designed to provide ‘inspiration for teaching democracy’<sup>138</sup> in Danish schools. The publication included a section on ‘Extremism and Democracy’ explaining that ‘Extremism has become a factor in the daily life of some schools. Although actual extremist behaviour is rare, an increasing number of schools experience problematic tendencies’.<sup>139</sup> The publication is clear that the onus is on school management to prevent extremist tendencies and for taking adequate measures when problems occur as it says, ‘It is the task of the school management to prevent extremist tendencies, to keep an eye on the situation if these tendencies occur and if so, be ready to take action’.<sup>140</sup> Such measures can include ‘the school formulating a set of social norms and values regarding social contact between students, and seeing to it that all students are familiar with these standards’.<sup>141</sup>

137 <http://www.skolestyrelsen.dk/frie%20skoler/frihed%20og%20folekestyre.aspx>

138 *Learning Democracy*, Danish Ministry for Education, 2006, p.2 <http://pub.uvm.dk/2008/learningdemocracy/>

139 *Ibid.* p.33

140 *Ibid.* p.33

141 *Ibid.* p.33

142 Stephan Gerhard Huber and Bettina Gördel (2006), ‘Quality Assurance in the German School System’, *European Educational Research Journal*, Vol 5, pp.196-209 (p. 199).

143 The Inspectorate of Education of Saxony, The Standing International Conference of Inspectorates, October 2008, p.6. [http://www.sici-inspectorates.org/c/document\\_library/get\\_file?uuid=4eb4b7e2-012c-439f-9b5a-f75f1f09ef9b&groupId=10321](http://www.sici-inspectorates.org/c/document_library/get_file?uuid=4eb4b7e2-012c-439f-9b5a-f75f1f09ef9b&groupId=10321)

144 Stephan Gerhard Huber and Bettina Gördel (2006), ‘Quality Assurance in the German School System’, *European Educational Research Journal*, Vol 5, pp. 196-209 (p. 199).

145 The Inspectorate of Education of Saxony, The Standing International Conference of Inspectorates, October 2008, p.1 [http://www.sici-inspectorates.org/c/document\\_library/get\\_file?uuid=4eb4b7e2-012c-439f-9b5a-f75f1f09ef9b&groupId=10321](http://www.sici-inspectorates.org/c/document_library/get_file?uuid=4eb4b7e2-012c-439f-9b5a-f75f1f09ef9b&groupId=10321)

146 Stephan Gerhard Huber and Bettina Gördel (2006), ‘Quality Assurance in the German School System’, *European Educational Research Journal*, Vol 5, pp. 196-209 (p. 199).

## Case study: Germany

The sixteen Länder of the Federal Republic of Germany each have fully devolved responsibility for their respective education systems. Yet, despite this, certain characteristics of inspection are shared across the nation. In the Länder, ‘inspectors not only observe the relevant areas of school quality and report the results to the ministry of the respective school supervisory authority, and/or the legal body in charge of the maintenance of the school; but they also discuss the problems and possible areas of school development with the head teacher and the teacher’.<sup>142</sup> It is therefore possible to draw out a number of similarities in the process of inspection:

- The first, and most significant similarity, is the relatively recent establishment of the external evaluation system and, therefore, its limited scope. The aim of external evaluation is to ‘support the schools on their way to quality development and – on a long term basis – to improve results’.<sup>143</sup> External evaluation in Germany is similar to the inspection process conducted by Ofsted – that is, external inspectors visit the schools and measure school standards against a set of criteria. However, there are significant differences to the Ofsted system — as demonstrated below.
- Secondly, the marked emphasis on school autonomy which finds expression in the incorporation of school self-evaluation into the overall evaluation process.
- Thirdly, the extensive use of questionnaires and interviews by the Inspectorates.
- Fourthly, the external evaluation reports drawn up on the schools are not published but are simply given to the schools for them to establish a programme for improvement.<sup>144</sup> Moreover, in contrast to Ofsted, the reports do not invoke sanctions on the school. This is because the role of the external evaluations is to appraise school performance against a set of criteria; they do not bring the judgements together ‘in an assessment of the school as a whole. Consequently, the inspectorate cannot speak about “weak schools” or “schools that need to be brought into special regimes”’.<sup>145</sup> In addition, neither public achievement tables nor school league tables exist.<sup>146</sup> The mission statement of the Inspectorate of Saxony regarding external evaluation specifically notes that

‘The aim of the external evaluation is to stimulate a future-oriented development and is not a justification for “measures” or “ranking”...The analysis of possible reasons or backgrounds for or of the results and the discussion about that analysis; and the decisions about the starting points for a development, must be done or taken by the headmaster and the teachers of a school...this is not the task of the external evaluation...there is no global rating about a school and thus there are no “weak” or “very weak” schools’.<sup>147</sup>

- Finally, the evaluation systems are not ‘risk-based’ and do not operate on an ‘early-warning’ system such as in the Netherlands and Denmark. In risk-based inspections, the inspectorate relies on early warning monitoring systems — for example, if the school obtains low scores on the monitored quality standards. Only if there is such a warning are schools selected for a quick scan. If the quick scan confirms that something is not satisfactory, a full inspection may be done. In a system that is not risk-based, there is a routine full inspection of all schools on a regular basis.<sup>148</sup>

### Inspection of public schools

In Saxony, for example, compulsory education is provided by both public schools and state-maintained independent schools — which may be organised according to a particular religious or educational philosophy. An inspectorate within the Sächsisches Bildungsinstitut, the SBI (or the Saxon Education Institute, legally subject to the state Ministry of Education but operating independently), was established in 2004, and external evaluations were implemented on a Länder-wide basis only in 2007/8.<sup>149</sup> The SBI conducts a full evaluation of public schools in Saxony and reports to the Sächsischen Bildungsagentur, (SBA or Saxon Education Agency). This in turn, discusses the results of the evaluation with the relevant schools. Again, the SBI reports are not published but do contain specific conclusions and recommendations. The Saxon system is broadly representative of inspection regimes across Germany: all Länder have developed measures for assuring quality of education and specifically ‘the extension of external evaluation’. Schools in the Länder are evaluated by external evaluation agencies and inspection systems in accordance with criteria laid down by the Standing Conference of the Ministers of Education and Cultural Affairs in 2003 and 2004.<sup>150</sup>

Evaluations are carried out against this set of criteria<sup>151</sup> with judgements made on a five point scale. Intrinsic to the evaluation process is the school’s own self-evaluation, which is in keeping with the emphasis on school autonomy. The following areas are evaluated by the SBI:

- Results
- Teaching and learning: organisations and processes
- School culture: values and standards of the school
- Management and leadership: administrative and resources management, quality assurance and development
- Co-operation: pupil and parent participation in the school
- Development of professionalism: systematic co-operation among teachers

The inspection consists of a three day visit (four days for larger schools), with observation of between 20–40 lessons across the spectrum of lessons and teachers available; an interview with the headteacher; as well as questionnaires for, and

147 The Inspectorate of Education of Saxony, The Standing International Conference of Inspectorates, October 2008, p.15. [http://www.sici-inspectorates.org/c/document\\_library/get\\_file?uuid=4eb4b7e2-012c-439f-9b5a-f75f1f09ef9b&groupid=10321](http://www.sici-inspectorates.org/c/document_library/get_file?uuid=4eb4b7e2-012c-439f-9b5a-f75f1f09ef9b&groupid=10321)

148 ‘The Inspectorate of Education of Saxony’, The Standing International Conference of Inspectorates, October 2008, p.19. [http://www.sici-inspectorates.org/c/document\\_library/get\\_file?uuid=4eb4b7e2-012c-439f-9b5a-f75f1f09ef9b&groupid=10321](http://www.sici-inspectorates.org/c/document_library/get_file?uuid=4eb4b7e2-012c-439f-9b5a-f75f1f09ef9b&groupid=10321)

149 ‘The Inspectorate of Education of Saxony’, The Standing International Conference of Inspectorates, October 2008. [http://www.sici-inspectorates.org/c/document\\_library/get\\_file?uuid=4eb4b7e2-012c-439f-9b5a-f75f1f09ef9b&groupid=10321](http://www.sici-inspectorates.org/c/document_library/get_file?uuid=4eb4b7e2-012c-439f-9b5a-f75f1f09ef9b&groupid=10321)

150 Organisation of the Education System in Germany, Eurydice, p.240: [http://eacea.ec.europa.eu/education/eurydice/eurybase\\_en.php](http://eacea.ec.europa.eu/education/eurydice/eurybase_en.php)

151 [http://www.sachsen-macht-schule.de/schule/download/download\\_sbi/beschreibung\\_qualitaetskriterien.pdf](http://www.sachsen-macht-schule.de/schule/download/download_sbi/beschreibung_qualitaetskriterien.pdf)

discussion, with teachers, parents and pupils. A similar external evaluation system exists in Rhineland-Palatine. The inspection agency, the Agentur für Qualitätssicherung und Selbstständigkeit von Schulen (AQS) was established in 2006 and, as in Saxony, operates as an independent body from the School Supervisory Authorities (Schulaufsicht).<sup>152</sup> AQS has no powers to implement sanctions on schools, since it merely undertakes evaluations. Rather, it is the Schools Supervisory Authorities which, in conjunction with individual schools, decide upon the measures to be implemented as a response to an AQS report.<sup>153</sup> The School Supervisory Authorities exercise academic supervision (Fachaufsicht), legal supervision (Rechtsaufsicht) and staff supervision (Dienstaufsicht). Academic supervision concerns ‘the teaching and educational work carried out by the schools....supporting and fostering the work of the school, ensuring that curricula and other legal provisions are being adhered to and that teaching and education are being conducted appropriately’.<sup>154</sup> Legal supervision ‘involves monitoring the legality of management of external school affairs (for example, the construction and maintenance of school buildings)’; and staff supervision ensures that teaching staff carry out their duties as required.<sup>155</sup> AQS is due to inspect 1600 state schools by 2011, yet at present it does not inspect independent schools. Once again, school autonomy is an important factor — which the AQS lays down as one of its guiding principles.<sup>156</sup>

The framework for evaluation is provided in the Orientierungsrahmen Schulqualität which outlines the areas of inspection.<sup>157</sup> These are broadly the same as in Saxony although the focus on school culture and values is less explicit:

- Preconditions and conditions: educational and legal requirements, school location, personnel and material support, pupil and school environment
- School management and teaching/learning process: school leadership and management, professionalism of personnel, school life, quality of lessons
- Achievements and effects – subject area competence, satisfaction of participants

The evaluation process is similar to that conducted by the SBI (with interviews and lesson observation). But the AQS implements a more extensive pre-inspection phase, which could provide a useful model for Britain. Before an external evaluation all pupils, parents and teachers complete an online questionnaire on the quality of the school; the quality of the lessons provided; values and standards; lifelong learning; co-operation between staff; participation of parents and pupils and co-operation with other educational facilities. This forms part of the overall evaluation of the school.

As in Saxony, the final inspectors’ report is not published but is delivered to the school for the school to analyse and determine improvements based on the recommendations from the AQS. Again, no sanctions are made on schools as a consequence of an AQS report.<sup>158</sup> Individual schools analyse the AQS report and in consultation with the schools supervisory authorities decide on which areas the school will focus its development. These target areas form the basis of a target agreement (Zielvereinbarung) between the supervisory authorities and the school. The task of the supervisory authorities is to ‘accept the chosen targets and measures and to support and supervise the whole process’.<sup>159</sup>

152 <http://aqs.rlp.de/gehezu/startseite.html>

153 <http://aqs.rlp.de/gehezu/startseite.html>

154 Eurydice, *Organisation of the Education System in Germany 2007-2008*, p. 240, [http://eacea.ec.europa.eu/education/eurydice/eurybase\\_en.php#germany](http://eacea.ec.europa.eu/education/eurydice/eurybase_en.php#germany); See also Stephan Gerhard Huber and Bettina Gördel (2006), ‘Quality Assurance in the German School System’, *European Educational Research Journal*, Vol 5, pp.196-209 (p.198).

155 *Ibid.* p.240.

156 [http://translate.googleusercontent.com/translate\\_c?hl=en&sl=de&tl=en&u=http://aqs.rlp.de/externe-evaluation/gesetzliche-grundlagen.html&rurl=translate.google.co.uk&usg=ALkJrhjODI29-o7kSrhgqXhlgxekuuQKmw](http://translate.googleusercontent.com/translate_c?hl=en&sl=de&tl=en&u=http://aqs.rlp.de/externe-evaluation/gesetzliche-grundlagen.html&rurl=translate.google.co.uk&usg=ALkJrhjODI29-o7kSrhgqXhlgxekuuQKmw)

157 [http://www.sici-inspectorates.org/c/document\\_library/get\\_file?uuid=e7f983cd-e4f7-4606-8936-ad6302015016&groupId=10321](http://www.sici-inspectorates.org/c/document_library/get_file?uuid=e7f983cd-e4f7-4606-8936-ad6302015016&groupId=10321) p.2

158 P.14 [http://www.sici-inspectorates.org/c/document\\_library/get\\_file?uuid=e7f983cd-e4f7-4606-8936-ad6302015016&groupId=10321](http://www.sici-inspectorates.org/c/document_library/get_file?uuid=e7f983cd-e4f7-4606-8936-ad6302015016&groupId=10321)

159 *Ibid.* p.7.

## Independent Schools

Across all the Länder, independent schools can be established by private individuals, associations and organisations with considerable freedom in terms of ethos, teaching methods, timetables and curriculum — although teachers and school governors must meet the minimum professional qualifications of their counterparts in the public sector. In Saxony, the remit of the inspectorate has yet to be extended to independent schools, which fall under the broad supervision of the SBA.<sup>160</sup> (In Rhineland-Palatine, the AQS does not inspect independent schools, either — reinforcing the fact that external evaluation of schools is relatively recent). However, in Saxony, independent providers must submit an application to the Saxon Education Agency, providing details of their proposed curriculum, school rules, timetable and calendar. The qualifications and curriculum vitae of all teaching staff and the school governing body must also be submitted for approval, along with the specifications of the school buildings and site. Finally, the SBA is provided with a comprehensive financial proposal. If all of the criteria meet the minimum standards of the public sector, the school receives official recognition. Independent schools are only eligible for public funds after being operational for three years. The level of funding is based on an “education-specific calculation”, proportional to the size of the student body and faculty and the number of lessons per year.<sup>161</sup>

## The Standing Conference of Ministers of Education

While education provision and regulation are under the control of the Länder, policy subjects of national import — such as integration and the role of faith in education — traditionally fall to federal collectives such as the Standing Conference of Ministers of Education in the Federal Republic of Germany (KMK). Established in 1948 and reconstituted in 1990, the Standing Conference brings together ministers responsible for education, higher education and cultural affairs from across the Länder.<sup>162</sup> The KMK has recently become involved in the sensitive subject of integration. This has particularly been the case since the Turkish Prime Minister Recep Tayyip Erdogan called in March 2010 for an increase in Turkish secondary schools in Germany, stating, “One must first have a firm command of one’s own language, that is to say, Turkish.”<sup>163</sup> The statement was strongly criticised by Minister of State Dr. Ludwig Spaenle, President of the Standing Conference.<sup>164</sup> Erdogan had previously earned a rebuff from Chancellor Angela Merkel for describing assimilation as “tantamount to a crime against humanity” during a speech in Cologne. Merkel stated that she supported more German schools teaching Turkish as a second language, “just like they offer English or French or Chinese” — as opposed to “a child here going to a Turkish-language school where they learn German as their fifth foreign language.”<sup>165</sup>

## German Islam Conference

The German Islam Conference (DIK), inaugurated by then Federal Minister of the Interior Dr Wolfgang Schäuble in September 2006, has formed another outlet for national debate. The Islam Conference is made up of thirty permanent participants, half of whom are representatives of the German government at Federal, Länder and local level, while the other half are “representatives of Muslims living in Germany”.

160 <http://www.sachsen-macht-schule.de/sba/index.htm>

161 <http://www.sachsen-macht-schule.de/schule/2216.htm>; <http://www.sachsen-macht-schule.de/schule/1730.htm>

162 Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany <http://www.kmk.org/information-in-english/standing-conference-of-the-ministers-of-education-and-cultural-affairs-of-the-laender-in-the-federal-republic-of-germany.html>

163 ‘Erdogan calls for Turkish schools in Germany and dual citizenship’, *Deutsche Welle*, 25 March 2010. <http://www.dw-world.de/dw/article/0,5388475,00.html>

164 <http://www.kmk.org/presse-und-aktuelles/meldung/kmk-praesident-dr-ludwig-spaenle-haelt-erdogans-vorschlag-in-deutschland-tuerkische-gymnasien-einz.html>

165 ‘German Chancellor rejects Turkish view on integration’, *Deutsche Welle*, 11 February 2008, <http://www.dw-world.de/dw/article/0,3121091,00.html>



Of the latter, most are prominent individuals, with only four organisations initially represented: the Turkish-Islamic Union (DITIB), the Central Council of Muslims in Germany (ZMD), the Islamic Council, the Association of Islamic Cultural Centres (VIKZ) and the Alawite Community in Germany. Schäuble described the project as “intercultural dialogue with Islam... not only a key component of a successful integration policy, it also serves to prevent and combat racism, anti-Semitism and extremism.”<sup>166</sup> In 2008, after heated debate, the German Islam Conference declared its commitment to the German legal and value system, and agreed on a common understanding of integration – including the learning and use of the German

“ In 2008, after heated debate, the German Islam Conference declared its commitment to the German legal and value system, and agreed on a common understanding of integration – including the learning and use of the German language ”

language. The German Islam Conference also recommended to the Länder that ‘Islamic education’, provided by German-trained teachers, be mainstreamed into state schools.

In 2009, the German Islam Conference released a further declaration which emphasised, beyond mere obedience to the law, the

centrality of schools and families in promoting tolerance. It also affirmed the necessity of language learning and greater educational awareness on the part of Muslim parents. The consensus, however, was not quite complete: the declaration was signed by only four of the now five Islamic organisations at the Conference. The Islamic Council for the Federal Republic of Germany – abstained after individual delegates criticised some Islamic organisations as hostile to integration.<sup>167</sup>

166 [http://web.archive.org/web/20070819143857/http://www.bmi.bund.de/nn\\_211020/Internet/Navigation/EN/Topics/German\\_\\_Islam\\_\\_Conference/German\\_\\_Islam\\_\\_Conference\\_\\_node.html\\_\\_nnn=true](http://web.archive.org/web/20070819143857/http://www.bmi.bund.de/nn_211020/Internet/Navigation/EN/Topics/German__Islam__Conference/German__Islam__Conference__node.html__nnn=true)

167 German Islam Conference, <http://www.deutsche-islam-konferenz.de/SubSites/DIK/EN/InDeutschland/MuslimOrganisationen/Organisationen/organisationen-node.html>

168 Standing International Conference of Inspectorates, [http://www.sici-inspectorates.org/web/guest/bluebook;jsessionid=37F5427BF18D372F9FC02D088D7A3ACA?p\\_p\\_id=NewBlueBook\\_WAR\\_siciportlet&p\\_p\\_lifecycle=1&p\\_p\\_state=normal&p\\_p\\_mode=view&p\\_p\\_col\\_id=column-2&p\\_p\\_col\\_count=1&\\_NewBlueBook\\_WAR\\_siciportlet\\_action=%2FviewArticle&\\_NewBlueBook\\_WAR\\_siciportlet\\_articleId=26686](http://www.sici-inspectorates.org/web/guest/bluebook;jsessionid=37F5427BF18D372F9FC02D088D7A3ACA?p_p_id=NewBlueBook_WAR_siciportlet&p_p_lifecycle=1&p_p_state=normal&p_p_mode=view&p_p_col_id=column-2&p_p_col_count=1&_NewBlueBook_WAR_siciportlet_action=%2FviewArticle&_NewBlueBook_WAR_siciportlet_articleId=26686)

169 The Inspectorate of Educational Inspection of Sweden, p 1 [http://www.sici-inspectorates.org/c/document\\_library/get\\_file?uid=5e6e3abc-c82c-4aee-8ecd-4f23977a5395&groupid=10321](http://www.sici-inspectorates.org/c/document_library/get_file?uid=5e6e3abc-c82c-4aee-8ecd-4f23977a5395&groupid=10321)

170 *Ibid*, p.1.

## Case study: Sweden

### Introduction

The Swedish inspection model was created to respond to the needs of national evaluation, audit and accountability in a decentralised system with a high degree of local responsibility. The curriculum, national objectives and guidelines for the public education system are laid down by the Swedish Parliament. Within this framework, the individual responsible authority – a municipality or a board of an independent school – may determine how its institutions are to be run. The headteacher of the school controls the budget and employs teachers and staff. The teachers are given a large amount of pedagogical freedom and make decisions on content and methods.<sup>168</sup>

### Inspection

The Swedish Schools Inspectorate was established as a new central governmental agency on 1 October 2008 after the Swedish Government announced in 2006 that it wanted to create an independent inspectorate.<sup>169</sup> The Swedes deemed that it was:

1. Desirable to separate the body responsible for steering and support from the body responsible for evaluation and control and also sought,
2. to emphasise the importance of national inspection and to encourage a more forceful and rigorous inspection, carried out more frequently.<sup>170</sup>

The Government decides the Inspectorate's 'objectives, guidelines and distribution of resources'; but it 'does not control the application of laws or the Inspectorate's decisions on specific matters concerning the exercise of official authority towards an individual or a local authority'.<sup>171</sup>

The Swedish Schools Inspectorate is responsible for:

- Educational inspection, carried out through regular supervision and thematic quality evaluations. In the regular supervision, the main focus is on conformity with the laws to ensure the right of each individual under the Education Act 1985 (Skollagen). In the thematic quality evaluations, the focus is on teaching quality and performance of schools.
- Investigation of complaints.
- Approval of independent schools, involving the assessment of organisations that want to start a school. The Inspectorate has decisive powers in such circumstances.<sup>172</sup>

### Inspection of Municipal Schools

In 2003 the National Agency for Education was given a Government mandate to inspect all schools in the country by 2009. During these six years, the full inspections involved both legal and quality aspects. From 2010, a distinction is being made between regular supervisions and thematic quality evaluations. The Inspectorate also conducts investigations of parental complaints.<sup>173</sup>

The full inspection targeted three key areas:

- Results, standards of achievement, learning and teaching.
- Success in teaching students the norms and values of a democratic society.
- Management and internal audits at the municipal and individual school level.<sup>174</sup>

In the regular supervision the main focus will be conformity with the laws. The Inspectorate has latitude to be forceful but, for the time being, it cannot close down schools or issue penalty fines. In the thematic quality evaluations, the focus is on 'quality aspects in the teaching and learning processes in relation to the results and performance of schools'.<sup>175</sup> Examples of thematic quality evaluations from 2008-2009 include 'education for newly arrived immigrant pupils', 'bilingual children's language and knowledge development' and 'bullying, harassment and discrimination in schools'.<sup>176</sup>

### Inspection of Independent Schools

Independent schools in Sweden are open to everyone. Authorised independent schools are financed by a voucher system, by which the municipality provides resources to the school equivalent to those provided to its own schools, on a per-pupil basis.<sup>177</sup> Education at independent schools has the same basic objectives as municipal schools. However, independent schools may have a particular religious character or use a special educational approach — such as Montessori or Steiner-Waldorf. In 2007-08, 9% of all Swedish pupils in compulsory education (ages 6-15) were enrolled in independent schools. So were 17% of pupils in secondary education (ages 16-18) — and the numbers are still growing.<sup>178</sup>

171 Ibid, p.7.

172 Ibid, p.2.

173 Standing International Conference of Inspectorates, p.9. [http://www.sici-inspectorates.org/web/guest/bluebook;jsessionid=37F5427BF18D372F9FC02D088D7A3ACA?p\\_id=NewBlueBook\\_WAR\\_siciportlet&p\\_p\\_lifecycle=1&p\\_p\\_state=normal&p\\_p\\_mode=view&p\\_p\\_col\\_id=column-2&p\\_p\\_col\\_count=1&\\_NewBlueBook\\_WAR\\_siciportlet\\_action=%2FviewArticle&\\_NewBlueBook\\_WAR\\_siciportlet\\_articleId=26686](http://www.sici-inspectorates.org/web/guest/bluebook;jsessionid=37F5427BF18D372F9FC02D088D7A3ACA?p_id=NewBlueBook_WAR_siciportlet&p_p_lifecycle=1&p_p_state=normal&p_p_mode=view&p_p_col_id=column-2&p_p_col_count=1&_NewBlueBook_WAR_siciportlet_action=%2FviewArticle&_NewBlueBook_WAR_siciportlet_articleId=26686),

174 Ibid. p.9-10.

175 Ibid. p.16.

176 Ibid. p.17.

177 Ibid. p.7.

178 Standing International Conference of Inspectorates, p.6. [http://www.sici-inspectorates.org/web/guest/bluebook;jsessionid=37F5427BF18D372F9FC02D088D7A3ACA?p\\_id=NewBlueBook\\_WAR\\_siciportlet&p\\_p\\_lifecycle=1&p\\_p\\_state=normal&p\\_p\\_mode=view&p\\_p\\_col\\_id=column-2&p\\_p\\_col\\_count=1&\\_NewBlueBook\\_WAR\\_siciportlet\\_action=%2FviewArticle&\\_NewBlueBook\\_WAR\\_siciportlet\\_articleId=26686](http://www.sici-inspectorates.org/web/guest/bluebook;jsessionid=37F5427BF18D372F9FC02D088D7A3ACA?p_id=NewBlueBook_WAR_siciportlet&p_p_lifecycle=1&p_p_state=normal&p_p_mode=view&p_p_col_id=column-2&p_p_col_count=1&_NewBlueBook_WAR_siciportlet_action=%2FviewArticle&_NewBlueBook_WAR_siciportlet_articleId=26686)

A limited supervision is carried out within the first year after a school has started to ensure that it is working in accordance with its authorisation. A full inspection is then performed by the same methods and the same regularity as municipal schools. If an independent school does not comply with applicable regulations, the inspectorate may withdraw its approval.

### Vetting of Independent Schools

The Swedish Schools Inspectorate examines ‘applications for approval of a school, focusing on the organiser’s ability to run the school in a stable and long-term manner’. At the same time, ‘the municipality is entitled to state its opinion on the application, concerning the consequences of the school being set up’ and ‘the municipality may also report local knowledge about the independent organiser and its ability to run a school’. After reviewing the application, the Inspectorate may reject it in two ways; the entire application can be rejected, or the school can be refused funding.<sup>179</sup>

The Inspectorate reviewed 635 applications in 2008; 268 were approved but 257 applications did not meet the demands for approval mostly due to the risk of negative consequences to the school system in the municipality. A further 110 applications were withdrawn mostly because the conditions for the organiser were significantly changed.<sup>180</sup> Negative consequences to the school system in the municipality can refer to ‘having to close an existing school, which can lead to some pupils having a considerably longer journey to school than previously or municipalities incurring considerably increased costs in the short and the long term’.<sup>181</sup>

### Legal basis

The Inspectorate can inspect — whenever and however it decides — all municipal and independent schools. It cannot lift sanctions imposed by municipal authorities on municipal schools; but it can demand that inspected schools and municipalities take measures to rectify shortcomings identified by inspectors. There are plans to increase the powers of the Inspectorate. For example, in June 2009 the Swedish Government presented a proposal for a new Education Act which would ‘give the Schools Inspectorate greater opportunities to impose sanctions if schools neglect their duties’.<sup>182</sup> The most important sanctions will be:<sup>183</sup>

1. The ability to issue conditional financial penalties
2. The power to take action by itself to rectify unsatisfactory conditions in a municipal school
3. The ability to withdraw the permits of schools that receive repeated action orders in the same circumstances
4. The ability to close a school with immediate effect in particularly serious cases.

The new Education Act was proposed in March 2010 and is due to take effect on 1 July 2011. In addition to the planned reforms to the Inspectorate, the new Education Act will place ‘an even greater emphasis than before on human rights as one of the fundamental values on which the school system is founded. The new Education Act and the national curriculum both stipulate that everyone who works in schools is obliged to promote respect for human rights and to very clearly disassociate themselves from anything that conflicts with these values’.<sup>184</sup>

179 Ibid. p.21.

180 Ibid. p.21.

181 Ibid. p.21.

182 [http://www.sweden.se/eng/Home/Education/Basic-education/Facts/Education-in-Sweden/#idx\\_2](http://www.sweden.se/eng/Home/Education/Basic-education/Facts/Education-in-Sweden/#idx_2)

183 Swedish Ministry of Education. <http://www.regeringen.se/sb/d/1317/a/129198>

184 Council of Europe Standing Conference of Ministers of Education, 23rd session, 4-5 June 2010, ‘Education for Sustainable Democratic Societies: the Role of Teachers’. <http://www.coe.int/t/dg4/education/standingconf/Rapports%20des%20Etats/Med-23-41-Latvia.pdf>

For independent schools, Chapter 9 § 12 of the Education Act 1985 states that the Inspectorate can withdraw approval and the right to public funding if the school does not fulfil its obligations in accordance with those rules and regulations listed in Chapter 9 § 2 of the same Education Act:

*‘An Independent school, whose education provides knowledge and skills which as to character and level essentially correspond to the knowledge and skills which Compulsory Comprehensive School, School of the Mentally Disabled and Special School respectively are to provide, shall be approved if*

- 1) *the school also otherwise corresponds to the general objectives and fundamental values that apply to education within the national school system*
- 2) *the school is open to all children who under this Act are entitled to education in an equivalent type of school within the national school system, with the exception of children whose admission would cause considerable organisational or financial difficulties for the school*
- 3) *the school has at least 20 pupils, unless there are special reasons for a lower number of pupils*
- 4) *the school, if it is equivalent to School for Mentally Disabled or Special School, provides the children with the care needed and*
- 5) *the school meets other conditions prescribed by the Government in respect of education in Independent Schools and concerning admission to and management of such schools.’<sup>185</sup>*

According to information from the Swedish Ministry of Education and Research, ‘there are some cases every year where the school’s licence has been withdrawn. Most often it is because the school doesn’t get enough pupils to make ends meet, and therefore must close down or even go bankrupt. But there have also been a few cases when the Inspectorate has found out that the teaching is based on religious grounds. This is not permitted under Swedish law: schools may have a religious profile, but teaching is not allowed to be confessional’.<sup>186</sup> However, the Education Ministry does not distinguish between faith and non-faith schools — so it could not provide any further information as to how many schools had their licence withdrawn on religious grounds.

#### Further issues

In the proposed new Education Act, the Swedish Government also wants to alter the position of religious education in both independent and municipal schools,<sup>187</sup> to ensure that religious ideas are not taught as though they are objectively true. Swedish Education Minister Jan Bjoerklund said that religious activity “can take place ... but only outside of coursework”. He said that teaching should “not be influenced” by religious beliefs. He used the example of the origins of human life, which, he said, must be taught from a “scientific” point of view, not a religious one. The proposals would make it illegal for faith-based schools to teach that religious doctrines are objectively true/scientifically acceptable on the grounds that this would be “proselytising”. Prayer, including religious services or assemblies, would remain legal, as long as no teacher in a classroom teaches that there is any reality behind it. In addition, schools would be required to report their funding sources. Schools that fail to adhere to the new standards would face fines or closures.

<sup>185</sup> Chapter 9 § 2 of the Education Act 1985. <http://www.sweden.gov.se/sb/d/574/a/21538>

<sup>186</sup> Private correspondence from the Swedish Ministry of Education and Research to Policy Exchange, 23 July 2010.

<sup>187</sup> Swedish Parliament, [http://www.riksdagen.se/debatt/visadok.aspx?spec=visa\\_stort\\_dokument&dokid=GX03165](http://www.riksdagen.se/debatt/visadok.aspx?spec=visa_stort_dokument&dokid=GX03165)

## Case study: The Netherlands

### Introduction

The defining principle of the Dutch schools system is freedom of education, enshrined under Article 23 of the 1848 Constitution. This extends to the right to found schools, to organise teaching and determine the principles on which both are based. As a result, private schools run by private trusts and foundations overwhelmingly outnumber state schools — yet both receive public funds in equal measure.<sup>188</sup> While the Ministry of Education, Culture and Science sets basic standards (prescribing subjects to be studied, the number of teaching periods per year, teacher qualifications, examination syllabuses, planning and reporting obligations) that apply to both state and private schools, the latter are nevertheless free to teach according to their own religious, ideological and educational ethos. They are also permitted to turn away pupils whose parents hold different beliefs.<sup>189</sup>

“As a matter of course, all schools are subject to at least one form of inspection every four years, but since 2007 the Inspectorate has focused on risk detection in three areas: academic results, school self-evaluation reports and immediate ‘signals’”

### Inspection

To regulate this relatively permissive educational environment, the Dutch Inspectorate of Education, under the authority of the Minister of Education, operates risk-based inspections that attempt to distinguish those schools with need of supervision from those without: ‘If the school proves capable of monitoring and improving its own quality, the Inspectorate keeps its distance’.<sup>190</sup> Nevertheless, around 200 inspectors make approximately 10,000 visits to schools every year — in a system that applies equally to state and private schools.<sup>191</sup>

The Inspectorate of Education conducts ‘Quality Inspections’, which constitute broad evaluations of pedagogic and academic criteria; ‘Thematic Inspections’, which are investigations of a particular aspect of the education system as a whole; and ‘Incidental Inspections’, which relate to specific concerns raised in relation to individual schools. As a matter of course, all schools are subject to at least one form of inspection every four years, but since 2007 the Inspectorate has focused on risk detection in three areas: academic results, school self-evaluation reports and immediate ‘signals’ (as described below).

Schools submit data annually on student performance, and formal reports evaluating their quality and achievements, as well as financial records. On the basis of this information, the need for an inspection is assessed. If there are no ostensible irregularities, schools are placed under a so-called ‘basic arrangement’, whereby the Inspectorate effectively ‘trusts the school to perform adequately until the next risk analysis’.<sup>192</sup> At the same time, the Inspectorate is alert to risk ‘signals’ — for instance in the form of complaints or media reports — which might require further investigation.<sup>193</sup>

This further investigation is initially conducted by desk-based due diligence, reviewing the school’s website and other open-source material — and tapping into the organisational memory of the Inspectorate to assess performance in past inspections and any history of concern. If this analysis phase fails to dispel or

188 Over three quarters of Dutch schools are private: <http://www.netherlands-embassy.org.uk/culture/index.php?i=103>

189 Available on The Netherlands Ministry for Education, Culture and Science, Eurydice, ‘The Education System in the Netherlands, 2007’, p.8. <http://english.minocw.nl/english/education/index.html>

190 The Dutch Inspectorate of Education, <http://www.onderwijsinspectie.nl/site/english>

191 <http://english.minocw.nl/english/organisation/371/Structure-of-the-organisation-OCW.html#A1381>

192 ‘The Inspectorate of the Netherlands’, The Standing International Conference of Inspectorates, January 2009, p.12. [http://www.sici-inspectorates.org/c/document\\_library/get\\_file?uuid=0f2e6760-265e-4c18-ad76-1edc11bf8db6&groupId=10321](http://www.sici-inspectorates.org/c/document_library/get_file?uuid=0f2e6760-265e-4c18-ad76-1edc11bf8db6&groupId=10321)

193 ‘The Inspectorate of the Netherlands’, The Standing International Conference of Inspectorates, January 2009, p.8, 10-11. [http://www.sici-inspectorates.org/c/document\\_library/get\\_file?uuid=0f2e6760-265e-4c18-ad76-1edc11bf8db6&groupId=10321](http://www.sici-inspectorates.org/c/document_library/get_file?uuid=0f2e6760-265e-4c18-ad76-1edc11bf8db6&groupId=10321)

indeed supplements existing concerns, an inspector contacts the school for more information, and interviews the school board to determine its awareness of the problem — and ability to improve. A ‘Quality Inspection’ can be triggered at this stage.

### Quality Inspection

At one month’s notice, a small team (typically between 2-7 inspectors, depending on the size and ‘complexity’ of the school) visits the school to conduct a quality inspection. This will assess its performance against nine educational criteria. These are:

1. The students’ results reach a level that may be expected (taking the characteristics of the student population into account)
2. The school has a system for assuring the quality of its education
3. The subject matter prepares children for follow-up education
4. The students get enough time to familiarise themselves with the subject matter
5. The school systematically evaluates the developments of students
6. The school climate is safe and stimulating
7. The pedagogical behaviour of teachers meets the basic requirements
8. The didactical behaviour of teachers meets the basic requirements
9. Children with specific educational needs receive the care they need

Inspectors may conduct interviews with students, teachers, parents and school governors, and will observe not only lessons but “daily school life in corridors, meeting rooms, libraries”. The Inspectorate eventually arrives at a final judgement: ‘very weak’, ‘weak’, ‘sufficient’ and ‘good’. In 2006/7, the proportion of judgements ran: 1.4% very weak, 9.2% weak and 89.4% sufficient/good for primary education and 1.8%, 11.7% and 86.5% respectively for secondary education. While schools deemed ‘sufficient’ and ‘good’ are returned to the ‘basic arrangement’ and are ‘trusted to perform adequately in the year to come’, those that are deficient are subject to a ‘Quality Improvement Inspection’ after an agreed period, and interim progress inspections.<sup>194</sup>

### Incidental Inspections

In contrast to the broad remit of the ‘Quality Inspection’, specific concerns are addressed by ‘Incidental Inspections’, which can be conducted in response to complaints of a serious nature, tip-offs from ‘whistle-blowers’, media reports or direct requests by the Minister of Education. While Incidental Inspections share the fundamental principles and methods of the Quality Inspection, their specialisation belies generalisation in terms of duration and resources deployed. They may be planned at short notice, and can take place unannounced. The Inspectorate has a dedicated complaints desk, staffed with special confidential inspectors, which deals with serious complaints of the kind that lead to Incidental Inspections. Although the vast majority of the complaints relate to sexual abuse and physical and psychological violence, the complaints desk also deals in issues of ‘religiously oriented extremism’ and ‘radicalisation’.<sup>195</sup>

194 ‘The Inspectorate of the Netherlands’, The Standing International Conference of Inspectorates, January 2009, p.12-15, [http://www.sici-inspectorates.org/c/document\\_library/get\\_file?uuid=0f2e6760-265e-4c18-ad76-1edc11bf8db6&groupId=10321](http://www.sici-inspectorates.org/c/document_library/get_file?uuid=0f2e6760-265e-4c18-ad76-1edc11bf8db6&groupId=10321)

195 ‘The Inspectorate of the Netherlands’, The Standing International Conference of Inspectorates, January 2009, p.17-22, [http://www.sici-inspectorates.org/c/document\\_library/get\\_file?uuid=0f2e6760-265e-4c18-ad76-1edc11bf8db6&groupId=10321](http://www.sici-inspectorates.org/c/document_library/get_file?uuid=0f2e6760-265e-4c18-ad76-1edc11bf8db6&groupId=10321)

Breakdown of complaints<sup>196</sup>

Nature of complaint	2003	2004	2005	2006	2007
Discrimination and religiously-oriented extremism	0	0	27	47	26
Radicalism	0	0	0	5	3

Thematic Inspections

Thematic Inspections by the Inspectorate are research projects which cover issues of relevance to the education sector: the projects both contribute to the Inspectorate’s annual review and result in ‘standalone’ reports. Such studies have regularly focused on social cohesion: in December 2002 the Inspectorate published *Learning to Live Together*, which, in consultation with community organisations and the police service, argued that subjects such as Social Studies and History should be given a greater role in promoting cohesion across the educational sectors. More generally, the report called for greater vigilance and ‘attention [to] safety in and around schools, as well as the prevention of further segregation within education’.<sup>197</sup> The report formed the basis for a further publication *Education and Citizenship*, which argued for the promotion of citizenship in all educational establishments — with the rationale that ‘citizenship goes beyond proper interpersonal communication within the school. It also includes the ability of pupils and students to make an active contribution to society, for example, through local community projects or voluntary work’.<sup>198</sup> A further report in 2007, *A School Culture that Unites*, expounded further on these themes. Amongst other recommendations, it urged denominational schools to teach pupils ‘that other beliefs and religions include elements that correspond with their own’ and foster meaningful relationships – sports tournaments and collaborations on academic projects – with other schools. The report also suggested that the Minister of Education should make extra funding available to schools willing to take the lead in this initiative.<sup>199</sup>

Positive intervention

Some Islamic schools in the Netherlands have been a source of concern for the authorities since their inception. Bad management, fraud, poor performance, and hostility towards the West and Western values (specifically ideas concerning Dutch society as a whole, the position of women, attitudes to homosexuals, Jews and non-believers) are not uncommon. In 2002, the AIVD (the Dutch General Intelligence and Security Service) published a report, *The Democratic Legal Order and Islamic Schools* which said that some school administrations were spreading radical-Islamic ideas and some schools had direct contacts with ‘foreign fundamentalist organisations’ and ‘in some cases sympathisers of radical political organisations such as the Egyptian Brotherhood’.<sup>200</sup> In 2004 the then Minister of Education Maria van der Hoeven presented a memorandum to the Lower House determining that any new Islamic school must have a school board that was comprised only of members of Dutch nationality.<sup>201</sup>

196 Ibid. p.22.

197 *Learning to Live Together*, 20 December 2002.

<http://www.onderwijsraad.nl/upload/english/publications/advies-samen-leren-leven-en.pdf>

Email from Dutch Ministry of Education to Policy Exchange, 8 November 2010 explained that if the Minister of Education expresses a concern about a particular school, the Minister of the Interior can order the AIVD to investigate that school. Further to that, the AIVD routinely looks at a wide variety of institutions which would include schools so if it came across something that necessitated informing the Minister of Education then it would do so as a matter of course.

198 *Education and Citizenship*, 25 September 2003, <http://www.onderwijsraad.nl/english/publications/2003/education-and-citizenship>

199 *A School Culture that Unites*, 6 March 2007. [http://www.onderwijsraad.nl/upload/english/publications/samenvatting\\_schoolcultuur\\_engels.pdf](http://www.onderwijsraad.nl/upload/english/publications/samenvatting_schoolcultuur_engels.pdf)

200 ‘A New School Struggle. The Netherlands in Debate on Islamic Education’, in *Tradition and Future of Islamic Education*, edited by Cok Bakker, Hans-Günter Heimbrock, Robert Jackson, Geir Skeie and Wolfram Weisse; Religious Diversity and Education in Europe, Volume 10, p.23. [www.e-cademic.de/data/ebooks/extracts/9783830921318.pdf](http://www.e-cademic.de/data/ebooks/extracts/9783830921318.pdf)

201 Geert Driessen and Michael S. Merry, ‘Islamic Schools in the Netherlands: Expansion or Marginalisation?’, *Interchange*, Vol 37, Number 3, pp. 201-223.

A report from the Dutch Ministry of Education, published in November 2009, on the primary and secondary schools that provide Islamic education in The Netherlands, found that 86 percent of these schools spent Government subsidies unlawfully and half of the primary schools did not meet the minimum education standard. Yet due to the constitutional freedom of education, any religion can set up its own school at public expense and there is still little possibility of government sanction.

Yusuf Atluntus, the principal of the umbrella organisation of the Islamic educational system in the Netherlands, The Islamic School Boards Organisation (ISBO), recently said that it was time for the Islamic schools to clean up their act.<sup>202</sup> ISBO was founded in 1990 to represent Islamic schools in the Netherlands. By March 2009, it represented 44 Islamic schools (42 primary and 2 secondary).<sup>203</sup> ISBO have also decided to implement a monitoring system<sup>204</sup> to increase the quality of education in Islamic schools. This was outlined in the Annual ISBO speech in January 2010,<sup>205</sup> given by ISBO Secretary Mr Kamal El Addouti<sup>206</sup> as he set out ISBO's Islamic Education Quality Project — Kwaliteit Islamitisch Onderwijs (KIO). This project will put in place a statutory charter outlining the quality criteria which ISBO schools must adhere to. Furthermore, ISBO schools will be held to account for their provision and will be monitored to ensure compliance to the standards required by ISBO; KIO also aims to improve both governance and education quality, with the ultimate aim of ensuring that there are no more failing Islamic schools by 2012.

202 ISBO press release, 26 January 2010:  
<http://www.deisbo.nl/?p=2258#more-2258>

203 ISBO website  
<http://www.deisbo.nl/?cat=66>

204 ISBO press release, 26 January 2010:  
<http://www.deisbo.nl/?p=2258#more-2258>

205 Annual ISBO speech, 27 January 2010, available translated at: [www.deisbo.nl/wp-content/uploads/2010/01/jaarrede-isbo-2010.doc](http://www.deisbo.nl/wp-content/uploads/2010/01/jaarrede-isbo-2010.doc)

206 ISBO February 2010 Newsletter  
<http://www.deisbo.nl/?cat=89>



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# Recommendations

The Department for Education has some existing measures to prevent extremists setting up schools. But, given the new freedoms afforded to parents and providers under the enhanced academies and Free Schools programme, further measures are required to ensure a robust anti-extremism system is in place. To overcome the potential threats set out in this report without deterring or obstructing legitimate applications, effective safeguards are needed in four areas:

1. Structural reforms are needed within the Department for Education.
2. Primary and secondary legislation — combined with better enforcement of existing laws.
3. Contractual safeguards to ensure that providers are corporately and personally bound to the standards.
4. Structural reforms to Ofsted — including retraining of inspectors to identify and deal with extremists and perform ongoing monitoring of schools.

## 1. A Due Diligence Unit

The scrutiny of applications is pivotal in this system of safeguards: it is much better to stop an inappropriate application at an early stage than to incur the expense, disruption to children's education, and negative publicity involved in the subsequent closure of a school.

This requires institutional expression so it is recommended that an in-house Due Diligence Unit (DDU) should be created within the Department for Education, accountable directly to the Secretary of State. All due diligence functions — both conventional due diligence undertaken in recent years by commercial contractors on behalf of the Department for Education and the newer anti-extremism due diligence — should be centralised into one unit.

The Department for Education expects the first of the Free Schools to open by September 2011.<sup>207</sup> It is important that timely and prompt processing of applications does not provide a loophole for extremists. To prevent this, all applications should be evaluated by the DDU at the initial stage. Those that give rise to a suspicion of extremist involvement ought to be subject to further rigorous examination, while those applications that do not give rise to concern would be handed on to the relevant Department for Education unit to process. An application could be referred to the DDU at any stage by Department for Education staff, should concerns arise.

207 Department for Education, Free Schools. <http://www.education.gov.uk/freeschools>

Recommendations for the structure of the Due Diligence Unit:

- The DDU should be staffed by people with the necessary skills — such as knowledge of extremist structures and groups, comparative religion and relevant languages.
- Experienced members of other relevant agencies, including Ofsted, the Charity Commission, and the security services should be seconded. This would give the DDU access to all of the expertise needed to carry out its work, and keep it up to date with evidence and forensic techniques from all available sources.
- The staff of the DDU should be selected to ensure that they do not have any conflict of interest in their work.
- This unit should be headed by an external figure with extensive experience — as was the case with Sir Bruce Liddington, who was brought into the Department for Education in 1999 and subsequently held a number of senior posts in the Academies Team.

Recommendations for the functions of the Due Diligence Unit include:

- The DDU should scrutinise all applications for academy status and new Free Schools. It must carry out both the due diligence covering financial liability and criminal convictions (i.e. that which would usually be carried out by a contracted private company) and the due diligence associated with identifying extremism. It would also identify applications from groups whose religious or political character was not declared.
- The DDU should monitor the compliance of academies and Free Schools with their Funding Agreements — and should ensure that persons who become involved with the schools at a later date are also suitable.
- The Department for Education and the DDU should be informed of any changes to the governing body, trustees and senior management positions as they occur. If there is a sponsor, any changes to the sponsor representation in the school should be communicated, too. The DDU should determine if all new appointments are ‘fit and proper’.
- The DDU should also be informed of which third party contractors are providing education services in the schools and carry out ‘fit and proper’ tests on those directly involved in the school.
- In the proposal forms completed in the second part of the process for setting up a Free School, adjacent to the name of trustees, governors and sponsors etc, there should be a question: “Are you known by any other names such as are listed on the Charity Commission website or held by the Department for Education? This includes the use of informal and formal titles and alternative spellings of your name. Please give details”. Additionally, the proposal form should ask the sponsor/proposer to declare all the schools, charities and companies with which they are or have previously been associated (formally) which would go some way to assisting the work of the DDU. Those trustees/proposers/sponsors found to be providing false information could be disbarred from any further involvement with any types of school.

The DDU should ask the following further questions when scrutinising applicants. This list of questions derives from issues that have arisen over the creation and stewardship of a range of faith schools from all the major religious blocs over a number of years:

1. Is the school a separate entity or is it associated with a place of worship (church, synagogue, mosque, temple, gurdwara etc) or with another organisation?
2. If it is a church, synagogue, mosque, temple, which version of Christianity, Judaism, Islam, Hinduism, Sikhism does it adhere to?
3. If it is a separate entity, is it run by a charity?
4. Find the names behind the school/charity/organisation/church/synagogue/mosque/temple/gurdwara.
5. Are any of the trustees of the church/synagogue/mosque/temple/gurdwara or charity also foreign diplomats?
6. Are any of the individuals involved in local government?
7. Which groups do the individuals belong to e.g. political/religious groupings?
8. Are the groups connected to foreign organisations?
9. Is there any evidence of funding by foreign organisations or Governments?
10. Note the uniform codes for boys and girls.
11. What headdress is required — are boys compelled to wear a yarmulke or a Dastar? Are primary-age girls compelled to wear a hijab?
12. Are secondary-age girls compelled to wear a niqab in school, or to and from school?
13. How much time is devoted to prayers in school hours?
14. What is the balance between time devoted to Christian/Jewish/Islamic/Hindu/Sikh studies, and to the rest of the curriculum?
15. Are the names of the Christian/Hebrew/Islamic/Hindu/Sikh texts used by the school and their authors available?
16. Are music and drama taught at the school?
17. Does the school mention that secular aspects of the curriculum are being Christianised/Islamised/Judaised? Which subjects?
18. Is Creationism taught as a scientific theory?

For existing schools these additional questions should be asked:

1. What events has the school held?
2. Who were the speakers at these events?
3. Were the speakers from abroad, and which organisations do they represent?
4. If the school has a website, look for information on its ethos, curriculum and general outlook.
5. If there is no functioning website, was there one in the past?
6. Can the previous website be accessed on the internet archives?
7. Which scholars are cited on the school website?

Non-violent extremism poses very real threats but it is extremely difficult to pin down and eliminate in a society which is committed to free speech. When considering applications, the DDU should consider if the sponsors, proposers or any associated staff fall foul of the following criteria.<sup>208</sup> Do they:

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208 Based on criteria from Shiraz Maher and Martyn Frampton, 'Choosing Our Friends Wisely', p.8 [http://www.policyexchange.org.uk/images/publications/pdfs/Choosing\\_Our\\_Friends\\_Wisely.pdf](http://www.policyexchange.org.uk/images/publications/pdfs/Choosing_Our_Friends_Wisely.pdf)

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- a) support or condone the deliberate targeting for attack of civilians (as defined by the Geneva Conventions) anywhere in the world.
  - b) call for, or condone, attacks on British service personnel and their allies anywhere in the world or against any forces acting under a UN mandate.
  - c) call for or condone the destruction of UN member states.
  - d) give a platform to deniers of, or apologists for, crimes against humanity, including genocide.
  - e) support or condone terrorism anywhere in the world.
  - f) discriminate or advocate discrimination on the basis of religion, religious sect, race, sexual orientation or gender in any aspect of public life or public policy.
  - g) oppose armed forces' recruitment.
- The DDU should also be responsible for relevant specialist training for Ofsted inspectors.

## 2. Legislation

Contemporary extremism must be met with a legislative framework that is clear, fair, effective, and consistently applied.

### Primary Legislation

The main advantage of placing safeguards into primary legislation is that there is no requirement for the academy trust or Free School sponsor to agree to them. Thus, once the changes have successfully been passed by Parliament, the applicable statutory obligation will apply to both academies and Free Schools.

The next Education Act should, therefore, include the provision below:

- A requirement that schools (including academies and Free Schools) adhere to the UK's democratic values and educate their pupils to participate in an open and democratic society. Schools should educate their pupils in British history and culture — to give them a positive feeling about this country and its institutions.

#### *Amendments to the Education Act 1996 sections 406-407*

These sections of the Education Act 1996 prohibit “the pursuit of partisan political activity” by pupils aged under 12 at a maintained school, in or out of school, and “the promotion of partisan political views” in the teaching of any subject. It imposes a duty to “secure balanced treatment of political issues”, within the curriculum and in extra-curricular activity. This Act does not apply to academies or Free Schools.

- The Education Act 2006 Sections 406 and 407 should be extended to include academies and Free Schools.
- The Education Act 2006 Section 406 should be extended to ‘prohibit schools from promoting partisan political activity among pupils of *any age*’ and should also be enforced.

This extension does not, obviously, comprise civic education such as mock elections; its purpose is to prevent a school becoming a platform for indoctrination.

#### Amendments to the Education Act 2002

In the rewriting of the National Curriculum, the following requirements should be included:

- Schools should commit to a spirit of intellectual freedom, equality and democracy.
- Britishness: children should be educated about the history, tradition and values of Britain and taught a positive British identity. Respect for Britain's democratic institutions should be fostered.<sup>209</sup>
- The teaching of narrative British history should be compulsory.

In addition:

- A religious school should dedicate a minimum number of hours each day to the secular curriculum.

#### Secondary Legislation

Independent schools do not have to follow the National Curriculum, and have greater freedom and flexibility than maintained schools; nonetheless where possible, some of the safeguards, suggested for maintained schools should be mirrored in the legislation for independent schools.

#### Independent Schools

The Independent School Standards: Statutory Instrument – The Education (Independent Schools Standards) (England) Regulations 2003 made under the Education Act 2002 Sections 157(1) and 210(7)

The following amendments for Statutory Instrument should be considered for inclusion.

- Paragraph 1 (2) (j) of the Quality of Education standard states that schools shall meet the Independent School standards if they draw up and implement effectively a written policy on the curriculum, supported by appropriate plans and schemes of work, which provides for 'adequate preparation of pupils for the opportunities, responsibilities and experiences of adult life'.

This could be extended to include:

*'...And for participation in an open and democratic society. Schools should educate their pupils with a knowledge of the British history and culture that created these values and develop pupils understanding of British citizenship, society and institutions.'* [Our amendment in italics]

- Paragraph 2 (e) of the standard relates to the spiritual, moral, social and cultural development of pupils. This states that the school meets the Independent Schools standard if the school promotes principles which 'assist pupils to acquire an appreciation of and respect for their own and other cultures in a way that promotes tolerance and harmony between different cultural traditions'

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<sup>209</sup> For a flavour of the thinking specifically on the teaching of British history see Simon Schama (appointed to review the history curriculum in schools) <http://www.guardian.co.uk/education/2010/nov/09/future-history-schools>

This should be amended and extended to say:

‘assist pupils to acquire an appreciation of and respect for their own and other cultures and religions in a way that promotes tolerance and harmony between different cultural and religious traditions and which seek to prevent extremism — in all its various forms’. [Our amendment in italics]

#### Further recommendations for the Department for Education

- The Department for Education should keep clear records of the reasons for the closure or the withdrawal of public funding from schools.
- The Department for Education should ensure that all independent schools register and function under a single name and address, with consistent spelling in all documents.
- The Department for Education must ensure that a registered school remains within its registered parameters in terms of name, address, number and age of pupils — and that inspection is comprehensive.
- The Secretary of State for Education should ask the Home Secretary to request the Joint Terrorism Analysis Centre to conduct thematic and case study inspections of radicalisation in schools and, where appropriate, the parent charities of relevant educational establishments.

### 3. Funding Agreements

A Funding Agreement forms the basis of the legally binding relationship between the Government and the academy or Free School. It is the means whereby the Government can exercise some control over the academy/Free School and the means whereby the academy/Free School is held accountable. The duties imposed in the Funding Agreement take effect in private contractual law between the academy/Free School, the sponsor and the Secretary of State for Education.

The main advantage of putting safeguards into Funding Agreements is that a breach of this particular safeguard would generate a clear right by the Secretary of State to terminate the agreement. This may be immediate, or after the opportunity of a ‘correction period’ to put things right.

The Funding Agreement of an academy/Free School should not be overly burdensome. It is important to specify what is not permitted, rather than a demanding list of mandatory stipulations. It is also easier to identify a negative breach than to assess and quantify the extent to which a requirement has been fulfilled. When adding an obligation to an agreement, the obligation must be capable of being objectively tested to its being breached. By including “thou shalt not...”, then it is an obvious breach if “thou doth”. If this breach is sufficiently material, it would effectuate a right to terminate the agreement.

- Specific assurances against any form of violent or non-violent extremism should be written into all funding agreements, whether or not there is any suspicion of this at first application.

Examples of evidence of non-violent extremism suggested by the Association of Chief Police Officers (ACPO) include:<sup>210</sup>

210 [www.acpo.police.uk/asp/policies/data/Prevent\\_for\\_Schools\\_July\\_2010.pdf](http://www.acpo.police.uk/asp/policies/data/Prevent_for_Schools_July_2010.pdf)

- a) Artwork (or doodles or graffiti) by pupils that appears to glorify violence or extremism.
  - b) Explicit or implicit anti-Christian/anti-Muslim/anti-Semitic/anti-Hindu words or behaviour by pupils or teachers.
  - c) Aggressive or disrespectful behaviour by pupils or teachers.
- The Secretary of State should have the power to require the removal from involvement with an academy/Free School of any person who is not a 'fit and proper' person. A funding agreement could be terminated if such a person was not removed.

In education, a 'fit and proper' person is usually defined negatively – a person is not fit and proper if he or she is involved in improper sexual activity, or behaves in a seriously unprofessional way. There is a more sophisticated definition in the financial services legislation,<sup>211</sup> where the main assessment criteria are honesty, integrity and reputation in addition to competence and capability.

No such provision can, of course, prevent a person who is not 'fit and proper' from exercising covert influence over an academy/Free School – in a way that cannot be detected by normal vetting and monitoring.

- Funding agreements should include a requirement to disclose the source, the amount and any conditions attached to any external funding by private donations.
- The funding agreement should include a warranty confirming the accuracy of the information provided by the sponsor. If this warranty were breached, then that could be grounds for either terminating the funding agreement or requiring the removal/replacement of the sponsor.
- The Department for Education and the DDU — specifically — should be informed of any changes to the governing body, trustees and senior management positions as they occur. If there is a sponsor, any changes to the sponsor representation in the school should be communicated, too.

#### 4. Monitoring and Inspection

Inspection and monitoring will need to be reformed to give a sharper focus on obtaining and analysing reliable, first-hand evidence.

Ofsted (together with its service providers) is the only organisation with the knowledge, skills and understanding to inspect schools. However, the Ofsted framework is not currently designed to facilitate inspection of schools that may have developed links to extremism, or whose teachings oppose the ethos of a democratic British way of life. Shortcomings are evident on multiple levels:

Firstly, Ofsted does not routinely consider the links between schools and extremist groups in its evaluation schedule. This was made clear in Christine Gilbert's (HM Chief Inspector) answer to a Parliamentary Question asked by Baroness Neville-Jones, the then Shadow Security Minister and National Security Advisor to David Cameron, in 2009.<sup>212</sup> She said that "Inspectors are asked to evaluate the extent to which the school has developed an understanding of the religious, ethnic and socio-economic character of its community in a local, national and global context. *There is no specific judgment made relating to links between schools and extremist groups.*" The Department for Education should consider inserting such a judgement into Ofsted's inspection framework.

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211 Financial Services Association, The Fit and Proper test for Approved Persons <http://www.fsa.gov.uk/pubs/hb-releases/rel27/rel27fit.pdf>

212 Letter from HM Chief Inspector, Ofsted, Christine Gilbert, to Baroness Neville-Jones, 15 December 2009, HL587. <http://www.publications.parliament.uk/pa/ld200910/ldhansrd/text/100105w0014.htm>

Secondly, Ofsted may be asked to conduct additional inspections of independent schools where information is received indicating concern about a school having links with extremism. Nonetheless, Baroness Morgan of Drefelin, the then Parliamentary Under Secretary in the DCSF, has said that there have been “no inspections conducted by Ofsted relating to links between independent or maintained schools and proscribed organisations. Two independent schools were, however, inspected by Ofsted in 2007 to ensure they were meeting the independent school standards following allegations of links with Hizb-ut-Tahrir.”<sup>213</sup>

Thirdly, while every year, a number of maintained and independent schools close for various reasons, the former DCSF had not routinely collected the reasons for their closure, nor information about the withdrawal of funding by local authorities from their schools. Consequently the former DCSF had “no record of instances where public funding has been withdrawn as a result of links between a school and extremism”.<sup>214</sup>

Fourth, neither the Department for Education nor Ofsted appears to have a working up-to-date definition of extremism when seeking to assess possible links between schools and extremism. This was specified by the then – Parliamentary Under Secretary of State for Schools Diana Johnson in response to Michael Gove when the latter was Shadow Secretary of State, in April 2010, “There is no statutory definition of extremism or extremist organisations other than those proscribed under the Terrorism Act 2000. Therefore neither Ofsted nor DCSF are able to keep systematic central records of allegations about extremism, nor of alleged links between schools and extremist organisations.”<sup>215</sup> Despite this, she said that “In the last three years Ofsted has conducted inspection work following allegations made in the press about extremism affecting the quality of education at the two schools belonging to the Islamic Shakhshiyah Foundation and at King Fahad School.”<sup>216</sup>

#### Recommendations for Ofsted:

- Ofsted’s schedule of judgements has been reduced from the current 18 to just four (quality of teaching, quality of leadership, behaviour and safety, academic standards). Within this new framework, provision should be made for the inspection of extremism in one of the four judgements. The judgement relating to ‘behaviour and safety’ would be the best place for this to go. Again, this is a function that can only be performed by the state.
- A statutory definition of extremism and extremist organisations should be devised in order to enable Ofsted to assess information on possible links between schools and extremism. Criteria should be developed to classify schools as having links with extremism.
- Independent schools with a religious character should not be inspected by a sole inspector if that inspector is a member of the same religion as the school – even if it is a small school that would ordinarily require one inspector.
- Ofsted should adopt the approach of the German authorities in Cologne and Berlin in increasing school accountability through unannounced inspections. This could provide the basis for sanctions to be imposed by the Secretary of State for Education upon those schools that present a concern because of their affiliations or the nature of their activities.

213 Parliamentary Question by Baroness Neville-Jones on how many schools had been investigated or put in special measures or closed down because of links to proscribed and extremist groups since 1997, HL589. <http://www.publications.parliament.uk/pa/ld200910/ldhansrd/text/100105w0015.htm>

214 Michael Gove MP, Parliamentary Question, Answer from Ms Diana R. Johnson, the then Parliamentary Under Secretary of State for Schools, House of Commons Hansard Written Answers for 7 April 2010 (pt 0022).

215 House of Commons Hansard Written Answers for 08 April 2010 (pt 0027).

216 Ibid.



- In those cases, where the risks are sufficiently grave, long-term intervention and oversight comparable to the Danish ‘Intensive Inspection’ and Dutch ‘Incidental Inspection’ should be an additional category of Ofsted’s inspections at the disposal of the Secretary of State for Education. This should be based on extensive engagement with school staff and management; inspections of a large number of lessons (all teachers and all subjects); and other school activities in order to gain a “deep insight” into a schools ethos and values. It should also be open-ended in duration, and focused on the specific concerns at the institution in question – not generic box-ticking.
- Confessional allegiance is not an appropriate basis upon which to conduct inspections for the totality of the school’s activity.
- Independent inspectorates should examine a large number of schools with diverse philosophies and outlooks. The numerical threshold for independent inspectorates should, therefore, be raised to avoid the potential that the system might become too familiar and narrow. The BSI and the SIS should be wound up.

#### Ofsted training of inspectors

Currently, whilst Ofsted provides training for inspectors about the effectiveness with which a school promotes community cohesion, there is no specific training to detect links to extremist groups. This was made clear in a letter from Christine Gilbert to Baroness Neville-Jones, answering the latter’s Parliamentary Question. Gilbert wrote “In relation to maintained schools, Ofsted has provided extensive training in matters relating to the judgment that inspectors make during inspections about the effectiveness with which a school promotes community cohesion. This does not, however, specifically include training for inspectors to identify links between schools and extremist groups”.<sup>217</sup> HMI training methods typically include genuine (anonymised) school documentation; videoed lessons and interviews for grading and analysis; and exercises where candidates need to see a little beneath the surface, to detect inconsistencies in evidence and to tease them out in order to gain a full picture of a school. This cannot be achieved simply by looking at schools’ self-evaluation forms to see whether the right boxes are ticked. The following recommendations would enhance training for this function:

- Training for inspectors needs to be focused on gathering and assessing first-hand evidence, and on “triangulation”. Statistical analysis and self-evaluation forms are not adequate by themselves.
- Inspectors need to be trained to detect any extremism — and the methods used to disguise and defend extremism.
- For schools of a religious character, an inspection should include how and what pupils learn about other religions and whether there is evidence of any religious bias in the secular curriculum — including the teaching of Creationism in science. The inspection should include analysis of pupils’ written work, discussion with pupils, and observation of lessons and display material.

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<sup>217</sup> Letter from Christine Gilbert to Baroness Neville-Jones, 15 December 2009, answering Parliamentary Question HL588.

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## Conclusion

All the other countries referred to in this report (and many others besides) have more rigorous and integrated systems for combating extremism than does Britain. It is not our problems that are unique; rather, what has been striking has been the belated and minimalistic responses of past British Governments and much of the educational establishment. This report seeks to draw a roadmap for rectifying that lack of direction and urgency. That said, the measures and structures envisaged in this report do not constitute wholesale innovation. Elements of these proposals build upon existing practices currently dispersed across the public sector — but which are not focused upon the extremist challenges at hand. The Due Diligence Unit and an array of related counter-measures will draw from the best of continental methodologies, thus turning Britain into a European centre for excellence. None of this is in any way incompatible with the Government's stated aim of allowing greater freedoms in education. The Department for Education and Ofsted have hitherto interfered in aspects of schooling which they were ill-equipped to deal with; but they failed to act in areas where they had a vital and unique role to play. Their task is now to ensure that minimum standards prevail in the primary and secondary sectors — and, in so doing, to promote the values of a democratic, pluralistic and tolerant society.



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