

UPDATE ON GOVERNMENT PROPOSALS TO CURB COUNTER TERRORISM IN THE CONTEXT OF BRITISH VALUES AND SCHOOLS

(08/12/15)

EXECUTIVE SUMMARY

- In the context of threats from Islamic extremist movements such as ISIS, the government's proposals to considerably expand its *Prevent* Strategy in order to curb terrorism, are examined and conclusions drawn. Particular attention has been given to the Counter-extremism strategy as it could affect education and the Christian Church in the United Kingdom.
- Whilst the counter-extremism strategy is to prevent the propagation of any teaching that could lead to indoctrination and commitment to Islamic terrorism, its scope has been widened to incorporate any organisation or individual who publically contradicts *British Values* even though what is said has nothing to do with incitement to Islamic terrorism, or even extreme Right Wing political movements. It can affect law-abiding citizens who disagree with aspects of its social policies.
- Of particular concern is the government's definition of a hate crime, with the bar so low that any person or organisation that believes critical opinions publically expressed could be motivated by hatred, for example, to be homophobic, could initiate police interventions. A further concern is how extremism is defined as the vocal or active opposition to fundamental British Values. The proposals go so far as to force the closure of radio or TV stations which are deemed to contradict any of the British Values, which again can have nothing to do with Islamic propaganda.
- The government's repeated references to sexuality make plain that the Extremism Strategy will put further pressure on organisations and individuals who are publically critical of same-sex-marriage, and other behaviour contrary to biblical teaching. The intention to further strengthen Ofsted, in order to ensure British Values are well taught in the education system, must impact Christian Faith schools as to their capacity to resist Stonewall and other activist movements.
- The proposed strategy will affect Christian leaders, firstly in requiring their adherence to all British Values (including LGBT influences) before they will be allowed to take assemblies or otherwise engage with schools receiving public funds. They may have to undergo training to ensure submission. However, should church leaders be found to preach doctrine contrary to British Values, such as conserving the moral integrity of children and opposing LGBT indoctrination within schools, a further sanction could be imposed. Because

their views fall under the government's definition of 'extremism', steps could be taken through the police and the High Court to ban them. The same argument could apply to large organisations such as Christian Concern and the Christian Institute, because of the extremist nature of their websites.

- Finally, because the government has created a template of policy that must not be opposed in the public square, the foundation is being laid whereby amendments and additions could be made in the future. If the same principle of acceptance and the banning of debate is applied, then a route has been established which not only erodes freedom of speech, but will set the country on a pathway of totalitarianism,

1.0 INTRODUCTION

Terrorism and the feeder routes for young people to be radicalised has become a serious parliamentary concern. However, the strategy adopted is extending the scope of extremism far beyond Islam, covering any organisation or individuals that commit 'hate crimes'. The approach also may classify as extremist the same people for publically challenging government directives found within *British Values*. Because the latter incorporates significant elements of the Equality Act (2010), the Counter-extremism Strategy has the potential of greatly dampening free speech, and making it increasingly illegal to teach traditional values in the schoolroom. This Briefing therefore particularly explores whether the government's Counter-extremism Strategy could bring about restrictions on individuals or organisations that do not agree with same-sex marriage and related LGBT dogmas. Such restrictions are to be imposed on the grounds that they contradict British Values (BV).

Will the government's efforts to curb Islamic terrorism have an impact on other Faith bodies? Could there be considerable interference with evangelicals, both as individuals and bodies, who publically oppose the promotion of homosexuality in schools and other public institutions? Will schools with a Christian foundation be particularly vulnerable when policies to curb resistance to Equality Law within Islam are similarly forcibly applied to church based schools and academies?

This study first briefly considers the emergence and application of Equality legislation within the schools system and how the terrorism Prevent Strategy was attached to existing teaching requirements for community cohesion. Starting with the first public announcement by the Home Secretary in 2014 of major changes to address Islamic threats, there is a review of government statements. Finally, the October release of the Counter Extremism Strategy paper is analysed to determine where ministers are going.

2.0 EMERGENCE OF EQUALITY LEGISLATION WITHIN SCHOOLS

The first traceable reference to equality legislation is found in a 2007 document, *Guidance on the duty to promote Community Cohesion, 2007*,¹ when Community Cohesion became a part of the requirement to develop pupils Spiritual, Moral, Social and Cultural Development (SMSC). SMSC was first introduced in the Education Reform Act (1988), and then in the Education Act 2002 S78.² Whilst Ofsted's *Community Cohesion Guidance (2009)*³, does not specifically refer to LGBT, it does refer to 'the promotion of equalities and the elimination of discrimination'. However, the inclusion of Equality legislation was confirmed in the *SMSC Framework 2012*⁴ which refers to several 'protected characteristics' that are a central part of the 2010 Equality Act.

3.0 TERRORISM AND THE PREVENT STRATEGIES

In 2011 the government added the *Prevent Strategy* to the schools *Community Cohesion* policy, and made it a part of SMSC⁵. The Trojan Horse scandal that emerged in early summer 2014, brought to the fore the concept of *British Values*, first referred to by the former Education Secretary Michael Gove on June 15th 2014⁶. This led to a further step: a Department for Education document (*Promoting Fundamental British Values as part of SMSC in Schools – Departmental advice for Maintained Schools*.⁷) equated *British Values* back to the Education Act (2002),⁸ even though this description was absent at that time. Of course, today British Values is firmly embedded within the education system.

4.0 THE EMERGING COUNTER EXTREMISM STRATEGY

During the 2014 Conservative Party Conference, Theresa May announced that its manifesto would include the introduction of '*banning orders for extremist groups and extremism disruption orders for extremists who spread hate but do not break existing laws*'⁹. A *Guardian* journalist reported that the threshold was not necessarily breaking the law of the land, The test would be "harmful activities", such as 'a risk of public disorder or even a risk of harassment, alarm or distress or the vague-sounding "threat to the functioning of democracy"'.¹⁰

The breadth of prohibition through these *Extremist Disruption Orders*, would allow judges to ban people deemed extremists from broadcasting, protesting in certain places or even posting messages on Facebook or Twitter without permission. This was confirmed when on May 13 2015 Theresa May, interviewed on the *Today* programme, confirmed there would be banning orders: "*for groups and disruption orders for individuals –for those who are out there actively trying to promote this hatred and intolerance, which can lead to division in our society and undermines our British Values*".

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The *Daily Telegraph* carried a report on October 31 2014 that Chancellor George Osborne that the activities of those who "spread hate but to not break laws", would be curtailed. They would extend to "any activities that "justify hatred" against people on

the grounds of religion, sexual orientation, gender or disability”¹². It draws together British Values with the application of Equality Legislation generally, and the approach would include the education system.

In March 2015 Theresa May in a speech to the RICS in London referred back to the October 2014 announcement of a new counter-extremism strategy: *“This strategy aims to tackle the whole spectrum of extremism, violent and non-violent, ideological and non-ideological, Islamist and neo-Nazi – hate and fear in all their forms”*¹³. The minister also rejected the opinion that within our society there aren’t really any fundamental rules or norms: *“the foundation stone of our new strategy is the proud promotion of British values”*. This would set out a national ‘template’ against which behaviour would be judged.

The minister also brought to the forefront ‘equality’.¹⁴ Although superfluously this could refer to Islamic attitudes, the overall context of the speech was to address the political importance of equality across the culture, including education. This element of the strategy was confirmed on July 20th when David Cameron, at Ninestiles School in Birmingham, addressed the government’s strategy towards extremism. The speech focussed clearly on Islamic values. However, it appeared to give prominence to only three areas of British Values: democracy, freedom and sexual equality, which is defined further on in the speech in the speech as sex.¹⁵

David Cameron also referred in his speech of his intention to bring forward a Counter Extremism Strategy (CES) in the Autumn 2015. Although the context was clearly the ISIL threat, this strategy will have several components. A very important element will be the *Extremism Analysis Unit (EAU)*. This was referred to by Theresa May in her speech of 23rd March 2015. It had already been set up to provide *“better evidence base for dealing with extremists and extremist organisations”*.¹⁶ This had been promised in her Conservative Conference speech in 2014, but was now functioning in advance of the government’s promised strategy paper.

An attachment ‘Note to Editors’ to a government press release on 17 Sept. 2015 stated the EAU *“has been established to support all government departments and the wider public sector to understand extremism so they can deal with extremists appropriately”*.¹⁷ The context of the government press release suggested the EAU remit was largely towards college and university campuses. However, further evidence from a response in the Commons to a written question showed its functions were much wider.

“The Extremism Analysis Unit (EAU) was established with a remit to analyse extremism in this country, and abroad where it has a direct impact on the UK and/or UK interests. The EAU is a cross-government resource, with government departments able to commission research and analysis. The EAU and Home Office officials engage widely with partners across government, academia and, communities. The Unit currently has 14 staff and is

intended to grow by a further 10. This is met out of existing budget. The Home Secretary is accountable to Parliament for the work of the EAU. The EAU does not blacklist individuals or organisations.”¹⁸

It is an important unit that feeds into government policy, and it is noteworthy in that the EAU does not recommend the blacklisting of individuals or organisations through *Extremism Disruptive Orders* (see S2, footnotes 9,10). Yet this contradicted an article in the Guardian (29 June 2015) where the Prime Minister endorsed “*the blacklisting of extremists from appearing on the airwaves and speaking at universities*”¹⁹ However, a press release issued from the government on September 17th 2015, two weeks later, appears to contradict the answer to the Parliamentary Question, and confirm the original position. “*Public institutions...have a duty to protect impressionable young minds and ensure that our young people are given every opportunity to reach their potential. There will be legal duties, such as the HEFCE as the lead regular for HE in England having to monitor universities so that there is compliance...continued failure to comply could ultimately result in a court order*”.²⁰

It confirmed Theresa May’s proposals in March that: “*The unit (EAU) will help us to develop a new engagement policy – which will set out clearly for the first time which individuals and organisations the government and public sector should engage and should not engage*”²¹

The Prime Minister in his important Birmingham speech of 20th July referred to a *Counter Extremism Bill* coming out in the Autumn, which would incorporate measures “*to guard against the radicalisation of children in some so-called supplementary schools or tuition centres*”. This Extremism Bill will address leaders and facilitators, as well as strengthening Ofcom “*...to enable us to take action against foreign channels that broadcast hate preachers and extremist content.*” This was a clear reference to the Education System, brings the focus of counter-extremism and potential banning orders to schools and other bodies. But perhaps even to individual teachers and heads.

A further policy announced was that “*all new faith academies and free schools must allocate half their places without reference to faith*”. The PM suggests this could be through shared sites and facilities, or more teaching across sites, which will have a profound effect on schools with a Christian foundation. The published Counter-extremism Strategy did not refer to this proposal, but it may well arise in the forthcoming Bill. The context is Islam, but the foundation is British Values, which is applicable across religions.

5.0 COUNTER-EXTREMISM STRATEGY HOME OFFICE PUBLICATION

On 19th October, the government released its strategy paper, which could be summarised within the Prime Minister’s Foreword: “*But the threat posed by extremists is not limited to violence,*

nor to Islamist extremism. This strategy therefore addresses the full spectrum of extremism: violent and non-violent, Islamist and neo-Nazi – hate and fear in all their forms. (Para 6) We will disrupt all those who seek to spread hate and we will prosecute all those who break the law (para 7). In other words the strategy is wider than defending the nation against ISIS and other Islamic terrorism, but it is to halt “extremism” wherever it emerges.

5.1 Chapter One: The Threat from Extremism

Within the first chapter –The Threat from Extremism – extremism is associated with equality: *“Our belief in equality followed a history in which we have seen injustice, misery and damage caused by discrimination on the basis of religion, race, gender, disability or sexual orientation(1.3).These values are under attack from extremists operating at a pace and scale not before seen (1.4).” Where extremism takes root and our values are undermined the consequences are clear. The social fabric of our country is weakened. Violence goes unchallenged. Women’s rights are fundamentally eroded. There is discrimination on the basis of gender, race, religious belief or sexual orientation (1.7)*

Extremism is associated with ‘hate Crimes’: *“Many hate crimes are motivated by extremist ideologies, often propagated by individuals who make a careful effort to stay just within existing legal parameters (1.11)”*. It is useful to provide the government’s definition of a hate crime, which is defined as ‘any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice towards someone based on a personal characteristic.’²² Such a definition undermines debate for fear of a reader, or listener interpreting discussion in the press or on radio or television *perceiving* it is motivated by hostility or prejudice. It is also a catch-all to shut down open air preachers.

5.2 Chapter Two: Our Strategic Response

The second chapter ‘Our Strategic Response’ refers to an expansion of the Statutory Prevent Duty, which has been in place for several years to counter Islamic sourced terrorism. It is to: *“to stand with and build the capacity of mainstream individuals, community organisations and others in our society who work every day to challenge extremists and protect vulnerable individuals (2.40).”* Although the immediate context is Islamic terrorism, from the overall context of the paper this must cover all shades, including under the equality law (2010) those having ‘protected characteristics’. The government paper refers to police records of ‘hate crimes’ as race or ethnicity, religion or beliefs, sexual orientation, disability and transgender identity,²³ leaving no doubt as to the breadth of the Counter Extremism Strategy.

There is confirmation of the Extremism Analysis Unit across all government departments, although it is made clear its work is also to regulate the wider public sector (2.46), which will embrace the education sector at all levels. It is also pointed out that there is a regular Cabinet level Implementation Taskforce, chaired by the Prime

Minister (2.51), which reinforces the government's commitment to continuously apply its strategy prior to any future Bill.

5.3 Chapter Three: Countering Extremist Ideology

The Third chapter -Countering Extremist Ideology- in the context of schools separates out extremism and entryism. The latter term is particularly defined in the paper as "when extremist individuals , groups and organisations consciously seek to gain positions of influence to better enable them to promote their own extremist agendas"(footnote). Of course this refers primarily in context to the Trojan Horse efforts discovered in 2014, but it could now be applicable to a Christian organisation seeking to encourage Faith schools to resist Ofsted and Stonewall, in order to protect children from LGBT influence. The latter has Education Department legitimacy, but resistance could be called extremism.

Governors of schools will all have to uphold British Values, and if they fail other governors will have the power to remove them (3.71). Increasing rigour by Ofsted is referred to: "*Ofsted inspections now routinely assess schools on how well they promote fundamental British values and safeguard pupils from the risk of extremism. All Ofsted inspectors are trained so that they understand the link between extremism and the general safety and wellbeing of children and young people (3.73)*". There is a particular reference to faith groups and leaders, which will cover Islamic managed schools, but also will extend to schools identified as having a particular Christian ethos.

The paragraph begins positively: "Faith groups and leaders continue to play a vital role in standing up against extremism. The Government's role will be to harness their expertise and support them to continue this important work (3.85)". It then moves on to announce that *the Department for Communities and Local Government is therefore commissioning a new programme of support to help faith institutions²⁴ to establish strong governance (3.86).*" It is already clear how strong governance must incorporate support for a schools ethos of teaching British Values, including all the Equality Act protected characteristics, but this programme of support suggests all elements of British Values will be rigorously enforced as government policy.

In the same paragraph are ominous proposals that appear to contradict the Home office assurances of freedom of the church.²⁵ "*The programme aims to strengthen and support places of worship of all faiths in order to improve governance, increase their capacity to engage with women and young people, challenge intolerance and develop resilience to extremism The programme will provide training on key issues alongside support for faith institutions facing specific challenges. (3.86).*" The reference to 'places of worship of all faiths' makes extremely clear that the government is not only focusing on mosques, but on places of worship associated with Christianity.

Taking the second important phrase of challenging intolerance and developing resilience to extremism, this could infer that church leaders will be forcibly required to

be 'trained' if they will not accede to all British Values, including issues around same-sex-marriage the traditional family and protection of young people from LGBT influences. This would be contrary to the long cherished Magna Carta right of freedom of the Church, which is an article supposed to be in place today. The government appears to clarify the statement by appearing to link places of worship to public sector institutions: *"It is not government's role to regulate faith leaders, but government does have a responsibility to ensure that those working in the public sector are suitably trained.²⁶ The Government will therefore work in partnership with faith groups to review the training provided to those who work as faith leaders in public institutions (3.87)".*

However, the phrase 'places of worship' is ambiguous and threatening. Churches attached to Faith Schools would have the church leaders regularly officiating, and also are likely to have classroom teaching roles, and it is not unusual for classes to meet for worship within a church, such as at harvest time, Christmas and Easter. Many free churches now worship within public institutions on a rental basis, and they also could be stopped if the Local Authority was not satisfied its leaders supported and taught contentious parts of British Values. All public institutions are implicated: *"the Government will therefore work in partnership with faith groups to review the training provided to those who work as faith leaders in public institutions (3.87)".* This would include prison and hospital chaplains, as well as those ministering within the armed forces.

5.4 Chapter Four: Building a partnership with all those opposed to Extremism

The Fourth Chapter –Building a partnership with all those opposed to Extremism–brings to the fore prior hints by ministers of discriminating with whom the government will engage: *"We will therefore set out publicly the principles that will guide the whole of government when deciding whether to engage with individuals and groups in this country. This work will primarily be led by the Home Office, in consultation with other departments, and will help to build capacity across Whitehall and the wider public sector (4.97)".* What this could imply is not given, but one presumes this would relate to contracts to NGOs, Christian or Islamic, but also perhaps to businesses who seek work from government departments.

4.5 Chapter Five: Disrupting Extremists

Chapter Five –Disrupting Extremists – has a particular focus on broadcasting: *"Ofcom is strengthening the Broadcasting Code to ensure that broadcasters are clear about their responsibilities to tackle extremist content and we will legislate in this Parliament to ensure Ofcom's existing powers to immediately suspend TV services that broadcast unacceptable extremist material also extend to all radio services (5.109)".* Again, there are issues regarding family, natural marriage and any criticism of, say, indoctrination within schools by Stonewall and other activists. Because the definition of hate crimes is so person centred, and organisations representing LGBT groups can also make complaints, Christian broadcasting bodies working from within the country, such as UCB and the

God Channel could be effected. Additionally Christian bodies such as Care, the Christian Institute and Christian Concern may find themselves outside the law because of their internet content.

A second area in this chapter covers legal steps to stop extremism, which has been hinted at in the past. *“We will therefore introduce new powers to: ban extremist organisations that promote hatred and draw people into extremism; restrict the harmful activities of the most dangerous extremist individuals; and restrict access to premises which are repeatedly used to support extremism. (5.112).”* Perhaps the key phrase is action being taken against those that ‘promote hatred’, which using the accepted definition could be far reaching in its application. The government promises that action will need to be approved by the High Court, but the parameters have yet to be clarified: *“We will also produce guidance for the police, prosecutors and local authorities which will clearly set out the exceptional nature of the powers and the circumstances in which they can be used (5.114). This will ensure that they are narrowly focused, and proportionate to the harm extremism causes (5.115).”*

The breadth of the extremism strategy, not confined to fighting Islamic militancy, could lead to considerable discrimination against those holding publically traditional values. It is particularly a matter of concern that *“Local people have a key role in identifying extremist behaviour and alerting the relevant authorities (5.116)”*, with police and local authorities having a legal duty to review complaints about extremism (5.117). Employers will also be required to stop ‘extremists’ working with children (5.119), which could affect the future employment of Christians not only within the State, but also private businesses such as play groups.

5.0 CONCLUSION

The revelations from the Counter-Extremism Strategy government paper is transparent in addressing the threat from Islamic extremists as one element among many, although the text appears superficially to deal only with Islam. Extremism is defined by the Home Office as: *The vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs. We also regard calls for the death of members of our armed forces as extremist.*²⁷ It does not make clear that those who actively oppose teaching and practicing homosexuality in schools, or that traditional marriage and the family are ‘extremist’, and acting contrary to British Values.

Prior to the release of the government paper, Jonathan Edwards, the former head of MI5 was highly critical, reporting that *“The forthcoming Counter-Extremism Bill aims to crack down on extremism but definitions will be crucial, and implementation of the new powers will be fraught with risk. One can imagine already the powers being used against harmless evangelical street preachers or the like, out of misplaced zeal and a desire to demonstrate that they are not directed against one religion alone.”*²⁸

It does appear clear that there will be a legal requirement across all sectors, including schools, colleges and universities, that extremism includes public criticism of equality issues. In particular this will address homosexuality, certainly within Islam, but also among bible believing Christians. The comments by Jonathan Edwards are pertinent in that LGBT activist movements, such as Stonewall and Schools Out, will vigorously pursue schools and organisations that oppose same-sex marriage and the philosophy of so-called sexual freedom. Because Ofsted is aligned to LGBT, and particularly because the latter has a statutory responsibility to pursue DfE policy, school heads, governors and staff may well come under sanctions beyond those existing already.

The definition of 'hate crimes', agreed in 2007 by the police, Crown Prosecution Service and Prison Service is directly associated with the 'protected characteristics' under the Equality Act (2010).²⁹ Because this definition places the onus on the accused to show there was no motivation by hostility or prejudice towards the plaintiff, it will make it very difficult to be acquitted. When this is placed alongside the government's definition of extremism as given by the Home Secretary : *"the vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs"*,³⁰ a double whammy can occur. For example, a minister of religion whose blog defends traditional marriage and the family over against same-sex marriage, could face allegations of hostility or prejudice, and so be accused of a hate crime. In addition, under the government's extremism legislation, the minister could be blocked using a blog, and have to undertake 're-education' before being allowed to engage with the local school or other public education facilities.

The intention to strengthen Ofsted's powers to ensure all elements of British Values are adhered to by school staff, and how governors who do not subscribe to the same can be removed by other governors, could have serious consequences for Christian faith schools. Existing Ofsted powers already allow a school to come under special measures if it fails to apply properly British Values.

The history of the development of *Prevent* and subsequent policies within educational establishments, points to political pressure intended to remove their Christian content and uniqueness. It is also perhaps not beyond the horizon that church leaders and organisations such as Christian Concern, Care and the Christian Institute will be forcibly closed, with its leaders banned from the public square unless they conform to all the requirements of British Values. Ministers will argue- why should they escape when other Faiths are legally censured.

ISIS has demonstrated its capacity to kill and destroy in its quest for world supremacy. But the government's insistence on focusing on 'extremism' wherever it can be discovered – and subsequently punished through banishment from the public square, has not only watered down the efficacy of its approach, but created significant legal and social issues –not least for the Christian community.

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APPENDIX: A LEGAL OPINION

1. There are two major dangers inherent in the government's proposals for dealing with extremism. The first concerns the definition of British Values:

- a. For centuries, the core values of our nation have included freedom, democracy and rule of law. Amongst other things, rule of law encompasses equality before the law.
- b. Equality before the law is emphatically not the same thing as equality (certainly not in the sense that this word is used in the Equality Act and much modern parlance) - the two concepts have grown out of differing and mutually exclusive philosophical traditions.
- c. Equality before the law belongs to English common law, which recognises that the validity of a law is dependent on its moral content (traditionally to be determined by reference to the Bible and Christian teaching).
- d. Equality belongs to an Enlightenment tradition (Rousseau, the Declaration of the Rights of Man and of the Citizen) which makes the General Will of the People the determinant of law and has no regard to its moral content.
- e. This confusion matters because, as you say, to elevate Equality into a fundamental British Value will tend to stifle debate on a wide range of issues - equality and freedom are in fact antagonistic, if not mutually exclusive.

2. The second danger concerns further moves away from objective standards of reasonableness in determining whether offences have been committed. Increasingly we see the subjective feelings and perceptions of the putative victim(s) being used in place of any objective test. Coupled with this is a tendency to do away with the traditional two-stage approach of English law in determining whether a crime has been committed. Formerly this always required not just a criminal act (*actus reus*) but also a criminal state of mind (*mens rea*). Under the Equality Act (section 26(1)), it is possible to be guilty of a crime without having *mens rea*. This has weakened one of the fundamental protections of the law.

3. Overall, the government's approach is muddled at best, downright dangerous at worst. Presumably in an attempt to convince Muslims that they are not the subject of a

witch-hunt, it adopts a scatter-gun approach which threatens everyone's freedoms. To say that you are defending society's freedoms whilst simultaneously undermining some of the most basic is a curious approach, to say the least.

(anon)

BIBLIOGRAPHY

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<http://webarchive.nationalarchives.gov.uk/20130401151715/http://www.education.gov.uk/publications/eOrderingDownload/DCSF-00598-2007.pdf>

'Race and faith are often seen as the most frequent friction points between communities, and the most visible sources of tension. However, discrimination and prejudice can be experienced by other groups – including the disabled, Lesbian, Gay, Bisexual, and Transgender communities and different age and gender groups. Schools should therefore design their programmes to recognise where other strands of the equalities agenda – including gender, sexual orientation, disability and age – are interconnected with the aspiration to promote community cohesion, but should note that the main focus of the duty is cohesion across different cultures, ethnic, religious or non religious and socio-economic groups.' (p5: *Community from a school's perspective*)

² <http://www.legislation.gov.uk/ukpga/2002/32/section/78>

General requirements in relation to curriculum

(1) 'The curriculum for a maintained school or maintained nursery school satisfies the requirements of this section if it is a balanced and broadly based curriculum which—

- (a) promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and
- (b) prepares pupils at the school for the opportunities, responsibilities and experiences of later life'.

³ *Ofsted Community Cohesion Guidance: Evaluation*, February 2009:

http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCEQFjAA&url=http%3A%2F%2Fwww6.plymouth.ac.uk%2Ffiles%2Fextranet%2Fdocs%2FSOPEPS%2FcommunityCohesion_Guidance_Feb09.doc&ei=jc7DVMaHLMnxUsGmgYAG&usq=AFQjCNFVsdC3-kUfq6Z3zi6p9LaFWyjsQ&bvm=bv.84349003,d.d24

'Outstanding: Learners have a strong sense of common values, integrate actively with learners from other groups, and are respectful of others' differences. Learners themselves make a strong contribution to the promotion of equalities and the elimination of prejudice and discrimination.(*Evaluating how well the school contributes to community cohesion: characteristics of 'outstanding' p8*).

⁴*Ofsted 2012 SMSC Framework:*

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/prevent-strategy-review.pdf

'How well the school promotes all pupils' spiritual, moral, social and cultural development by providing positive experiences through planned and coherent opportunities in the curriculum and through interactions with teachers, other adults and the local community as shown by pupils:

developing awareness of, and respect towards, diversity in relation to, for example, gender, race, religion and belief, culture, sexual orientation, and disability.'

(Ofsted 22012 Framework Definition p5.)

⁵ Prevent Strategy:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/prevent-strategy-review.pdf

The context is to protect against terrorist threats:

'All the terrorist groups who pose a threat to us seek to radicalise and recruit people to their cause. But the percentage of people who are prepared to support violent extremism in this country is very small. It is significantly greater amongst young people.' (Context 3.3)

⁶ Extracts from Hansard. Michael Gove.

<http://www.publications.parliament.uk/pa/cm201415/cmhansrd/cm140609/debtext/140609-0001.htm#1406095000002>

'We need to strengthen our inspection regime even further...' (Column 266) Context is to counter Islamist ideology.

'We already require independent schools, academies and free schools to respect British values. Now we will consult on new rules that will strengthen this standard further, requiring all those schools actively to promote British values, and I will ask Ofsted to enforce an equivalent standard on maintained schools through changes to the Ofsted framework.'

'And we will put the promotion of British values at the heart of what every school has to deliver for children. What we have found was unacceptable, and we will put it right. I commend this statement to the House.'

'As far as independent schools are concerned we are consulting on toughening independent school standards, as I mentioned to my hon. Friend the Member for Chippenham (Duncan Hames).' (Column 280)

'Clear requirements apply to all voluntarily aided faith schools. They are, of course, allowed to make provision for appropriate worship and for freedom of conscience, but they must also offer a broad and balanced curriculum, as has always been the case. They must also respect British values, and, as a result of the proposals on which I intend to consult from today, they will always be required to promote those values actively in the future as well.' [Column 284]

Note: *this part of the debate is in the context of faith schools.*

⁷ Promoting fundamental British values as part of SMSC in schools –Departmental advice for maintained schools (November 2014):

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/380595/SMSC_Guidance_Maintained_Schools.pdf

'This is *non-statutory advice* from the Department for Education.....Maintained schools have obligations under Section 78 of the Education Act (2002)... (Summary About this departmental advice)

'All maintained schools must meet the requirements set out in section 78 of the Education Act 2002 and promote the spiritual, moral, social and cultural (SMSC) development of their pupils.' (Introduction Page 4)

Note: *although this advice is therefore 'guidance', it is within an established legal framework –*

“Through ensuring pupils’ SMSC development, schools can also demonstrate they are actively promoting fundamental British values (*ibid*)

‘Actively promoting the values means challenging opinions or behaviours in school that are contrary to fundamental British values...’ (*fundamental British Values p5 para. 2*).

Note: this underlines the point that ‘actively promoting’ is the amended Standard.

⁸ Ibid

‘...which requires schools, as part of a broad and balanced curriculum, to promote the spiritual, moral, cultural, mental and physical development of pupils at the school and of society. This guidance relates specifically to the requirements to actively promote fundamental British values in schools and explains how this can be met through the general requirement in the 2002 Act.’ (*Summary: About this departmental advice p3*)

Note: This reiterates the historical underlying principles behind SMSC.

⁹ Theresa May Conservative Party Conference

2014 <http://press.conservatives.com/post/98799073410/theresa-may-speech-to-conservative-party>

“And I want to tell you about another change we intend to make. As part of the Government’s counter-terrorism strategy, Prevent has only ever been focused on the hard end of the extremism spectrum. So the Home Office will soon, for the first time, assume responsibility for a new counter-extremism strategy that goes beyond terrorism.

“This strategy will be devised and overseen by the Home Office, but its implementation will be the responsibility of the whole of government, the rest of the public sector, and wider civil society. It will aim to undermine and eliminate extremism in all its forms - neo-Nazism and other forms of extremism as well as Islamist extremism - and it will aim to build up society to identify extremism, confront it, challenge it and defeat it.”

“The home secretary’s manifesto plan to silence extremists by banning their access to the web and television is cast far wider than the Islamist “preachers of hate” of tabloid headlines. As David Cameron pointed out, the Conservatives now want to look at the “full spectrum of extremism” and not just the “hard end” of that spectrum that counter-terrorism policy has focused on up to now.’

¹⁰ Guardian 30 September 2014: Alan Travis Home Affairs Editor

<http://www.theguardian.com/politics/2014/sep/30/theresa-may-extremism-disruption-orders> ‘

“The home secretary’s manifesto plan to silence extremists by banning their access to the web and television is cast far wider than the Islamist “preachers of hate” of tabloid headlines. As David Cameron pointed out, the Conservatives now want to look at the “full spectrum of extremism” and not just the “hard end” of that spectrum that counter-terrorism policy has focused on up to now.

“So what would an “extremism disruption order” involve? The police will be able to apply to the high court for an order to restrict the “harmful activities” of an extremist individual. The definition of harmful is to include a risk of public disorder or even a risk of harassment, alarm or distress or the vague-sounding “threat to the functioning of democracy”. These are very low thresholds. The restrictions would include a ban on broadcasting and a requirement to submit to the police in advance any proposed publication on the web, social media or in print. Taking part in public protests or speaking at any public event would also be banned.”

¹¹ Family Education Trust Issue 159, July 2015.

¹² John Bingham, Social Affairs Editor Daily Telegraph 31/10/2014
<http://www.telegraph.co.uk/news/politics/11202290/Sharia-law-or-gay-marriage-critics-would-be-branded-extremists-under-Tory-plans-atheists-and-Christians-warn.html>

¹³ A Stronger Britain, Built On Our Values. Theresa May 23/3/2015.
<https://www.gov.uk/government/speeches/a-stronger-britain-built-on-our-values>

¹⁴ Ibid. "These values – such as regard for the rule of law, participation in and acceptance of democracy, equality, free speech and respect for minorities are supported by the overwhelming majority of British people. They are sustained by our most important local and national institutions. And they are the means by which we have made our multi-racial, multi-cultural and multi-religious society succeed".

¹⁵ 20 July 2015 David Cameron, Speech delivered at Ninestiles School, Birmingham.
<https://www.gov.uk/government/speeches/extremism-pm-speech>

"But you don't have to support violence to subscribe to certain intolerant ideas which create a climate in which extremists can flourish. Ideas which are hostile to basic liberal values such as democracy, freedom and sexual equality. Ideas which actively promote discrimination, sectarianism and segregation. Ideas – like those of the despicable far right – which privilege one identity to the detriment of the rights and freedoms of others.... We are all British. We respect democracy and the rule of law. We believe in freedom of speech, freedom of the press, freedom of worship, equal rights regardless of race, sex, sexuality or faith."

¹⁶ Ibid. Theresa May 23/3/2015 "The starting point is, of course, the need for a better evidence base for dealing with extremists and extremist organisations. The Government's new Extremism Analysis Unit is already up and running and helping to inform not just this strategy but government decision making on matters such as visa applications. As the Unit grows and develops it will inform more and more of what government and the wider public sector does."

¹⁷ Notes to Editors . Government PR. 17/9/2015.
<https://www.gov.uk/government/news/pms-extremism-taskforce-tackling-extremism-in-universities-and-colleges-top-of-the-agenda>

¹⁸ 7 Sept. 2015 Answer to Parliamentary Question
<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-07-20/7940>

¹⁹ June 29th 2015 Guardian Article. <http://www.theguardian.com/politics/2015/jun/29/cameron-backing-theresa-may-counter-extremism-strategy-fundamental-shift>

The home secretary set out its terms in her "game is up" speech in March, some of which was confirmed by the prime minister on Monday: "The unit will help us to develop a new engagement policy – which will set out clearly for the first time which individuals and organisations the government and public sector should engage and should not engage.

"This will make sure nobody unwittingly lends legitimacy or credibility to extremists or extremist organisations and it will make very clear that government should engage with people directly and through their elected representatives – not just through often self-appointed and unrepresentative community leaders."

²⁰ Press release 17 September 2015 PM's Extremism Taskforce: tackling extremism in universities and colleges top of the agenda

<https://www.gov.uk/government/news/pms-extremism-taskforce-tackling-extremism-in-universities-and-colleges-top-of-the-agenda> "All public institutions have a role to play in rooting out and challenging

extremism. It is not about oppressing free speech or stifling academic freedom, it is about making sure that radical views and ideas are not given the oxygen they need to flourish. Schools, universities and colleges, more than anywhere else, have a duty to protect impressionable young minds and ensure that our young people are given every opportunity to reach their potential. That is what our one nation government is focused on delivering.”

Note to Editors: “The Extremism Analysis Unit (EAU) has been established to support all government departments and the wider public sector to understand extremism so they can deal with extremists appropriately. In 2014 there were at least 70 events involving speakers who are known to have promoted rhetoric that aimed to undermine core British values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs, held on university campuses.” *The latter phrase has to include criticism of homosexuality and its LGBT outworkings, as support is included within British Values.*

²¹ <http://www.theguardian.com/politics/2015/jun/29/cameron-backing-theresa-may-counter-extremism-strategy-fundamental-shift>

²² Hate crime is defined as ‘any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice towards someone based on a personal characteristic.’ This common definition was agreed in 2007 by the police, Crown Prosecution Service, Prison Service (now the National Offender Management Service) and other agencies that make up the criminal justice system. There are five centrally monitored strands of hate crime: race or ethnicity; religion or beliefs; sexual orientation; disability; and transgender identity. Police Hate Crime Records

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/467366/hosb0515.pdf

²³ All hate crimes make up around 1% of all crimes based on police recorded crime figures for 2014/15
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/467366/hosb0515.pdf

²⁴ For the purposes of this programme a faith institution is a place of worship: its leaders, trustees, staff and volunteers. It does not include faith schools Ref:43 p28

²⁵ All people living in Britain are free to practise a faith or to decide not to follow any faith at all. We are free to build our own churches, synagogues, temples and mosques and to worship freely. We are free to establish our own faith schools and give our children – boys and girls alike – the best education possible. (1.2)

²⁶ This review will focus on faith groups that do not have structured training in place for their faith leaders.

²⁷ <http://www.bbc.co.uk/news/uk-32723881>

²⁸ Daily Telegraph July 1st 2015. Article by Jonathan Edwards.

<http://www.telegraph.co.uk/news/worldnews/africaandindianocean/tunisia/11708903/To-defeat-terrorism-police-and-spies-need-the-right-tools.html>

²⁹ Hate crime is defined as ‘any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice towards someone based on a personal characteristic.’ This common definition was agreed in 2007 by the police, Crown Prosecution Service, Prison Service (now the National Offender Management Service) and other agencies that make up the criminal justice system.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/467366/hosb0515.pdf

³⁰ <http://www.bbc.co.uk/news/uk-32723881>