



The School Standards

Draft Government guidance contains an alarming statement restricting teachers' freedom to disagree with same-sex marriage. The focus of concern at the moment is independent schools. But, since they have more freedom than publicly-funded schools, it's only a matter of time before Ofsted's Common Inspection Framework applies the same approach to all schools.

Independent schools must meet the [Independent School Standards](#). Ofsted is ultimately responsible for enforcing these standards in all independent schools, and directly inspects a significant minority of them.

Paragraph 2 of the standards says that the school curriculum must include Personal, Social, Health and Economic education (PSHE) which "encourages respect for other people, paying particular regard to the protected characteristics set out in the 2010 [Equality] Act". This is used to justify a statement in the new guidance blocking freedom to disagree with same-sex marriage.

New draft guidance

The Government is consulting on [new guidance](#) on the Independent School Standards, telling schools what is expected.

The new draft guidance says the standards will not be met "if, for example, the PSHE curriculum... suggests that same-sex marriages or civil partnerships should not be recognised as being lawful unions under civil law" (paragraph 20).

The other examples given in this paragraph are all about respecting *people*, which is fine. Schools must not encourage negative views of "particular races or religions", "women and girls", "disabled people" and "women who are pregnant". We have no problems with this.

But the guidance makes same-sex marriage an *idea* that cannot be contradicted.

It is wrong to use same-sex marriage as one of these examples. It is a political issue that schools should treat in a balanced way.

Later in the guidance, it is clear that schools with appropriate documentation can still be failed:

“Even if the school’s curriculum documents are acceptable in relation to the fundamental British values, it is possible for teachers to convey in their teaching that either the values are wrong, or that they do not apply to the community served by the school... In order to assess compliance with the standard inspectors will check pupils’ understanding, in an age-appropriate way, of the concepts listed.” (paragraph 39)

Schools will be assessed for their support of same-sex marriage based on what pupils say about it.

Ofsted inspectors have asked pupils inappropriate questions as part of British values inspections

There are many accounts of Ofsted inspectors asking schoolchildren questions about same-sex marriage without parents’ knowledge or consent. Inspectors at Orthodox Jewish schools in September 2014 asked secondary school girls: ‘Do you know two men can marry?’ Please see our [recent briefing](#) on Ofsted’s treatment of Jewish schools for more information.

It has also been alleged that teachers at one Christian school were systematically questioned about their personal views on same-sex marriage.

It will affect schools with a religious ethos

Para 21 of the guidance claims that a faith school can “teach that its particular faith has teachings relevant to these matters, and explain to pupils what those teachings are”. But it is hard to see how a Roman Catholic school could explain the teachings of its faith on marriage without suggesting that the law is therefore wrong to allow same-sex marriage. This is an obvious contradiction in the guidance.

Free speech assurances are being ignored

When the same-sex marriage legislation was going through, C4M warned about the implications for freedom of speech, including for teachers. Clear ministerial assurances given at the time must be honoured.

“...no teacher is under any duty to promote or endorse a particular view of marriage, and neither would they be as a result of any revised guidance in the future. The wording of section 403(1A) is clear. The Secretary of State issues guidance to ensure that pupils ‘learn’—it is worth paying attention to that word— ‘the nature of marriage and its importance for family life and the bringing up of children.’”¹

“...teaching in this area should always be balanced and sensitive to pupils’ backgrounds, which for many will be reflected in the school’s ethos. Guidance contrary to that ethos would not meet those criteria. If Members want further

reassurance, I draw their attention to Lord Pannick [QC], who I think is universally recognised to be an expert in this area. He said that it is 'inconceivable' that a teacher could be lawfully disciplined for explaining to a child of an appropriate age that the law allows for same-sex marriage but that many religions—or indeed the teacher—do not believe in it.”²

Hugh Robertson MP, Minister of State at the Department of Culture, Media and Sport in 2013.

“...it is perfectly clear that there will be no requirement on any teacher to promote a view or doctrine with which they feel any discomfort... There is a key difference between denying a fact and a law of the land—if the Bill passes, equal marriage will be a fact and a law of the land—and requiring someone to promote it. It is on that distinction that the liberty of conscience of teachers—and, indeed, of anyone in public service—rests.”³

The Rt Hon Michael Gove MP, Secretary of State for Education in 2013.

How could the Department for Education justify its language?

Paragraph 20 says that schools will breach the standards if the PSHE curriculum “suggests that same-sex marriage or civil partnerships should not be recognised as being lawful unions under civil law”. The DfE might try to load a lot on the word “being”, and say that the sentence only catches someone who doesn’t acknowledge the existence of same-sex marriage. But that’s not how most people will read it, or how it will be applied in practice. The sentence must be removed, or changed drastically.

¹ House of Commons Public Bill Committee, Hansard, 28 February 2013, col. 311

² House of Commons, Hansard, 20 May 2013, col. 963

³ House of Commons Public Bill Committee, Hansard, 12 February 2013, col. 6