



POLITICAL IMPARTIALITY IN SCHOOLS

DfE GUIDANCE, FEBRUARY 2022

OVERVIEW

There are 2 new documents from the Department for Education (DfE):

- A 4-page summary pdf [‘What you need to know about political impartiality in schools’](#)
- The full guidance, published as a webpage [‘Political impartiality in schools’](#)

This C4M briefing includes extracts from both documents. The summary contains some useful statements not present in the full version.

The DfE guidance doesn’t impose anything new, but explains sections 406 and 407 of the 1996 Education Act and similar provisions in the Independent School Standards and Academy Funding Agreements.

The guidance is for England only but sections 406 and 407 also apply to maintained schools in Wales.

1996 Education Act

Politics

406 Political indoctrination.

1. The local authority, governing body and head teacher shall forbid—
 - a) the pursuit of partisan political activities by any of those registered pupils at a maintained school who are junior pupils, and
 - b) the promotion of partisan political views in the teaching of any subject in the school.
2. In the case of activities which take place otherwise than on the school premises, subsection (1)(a) applies only where arrangements for junior pupils to take part in the activities are made by—
 - a) any member of the school’s staff (in his capacity as such), or
 - b) anyone acting on behalf of the school or of a member of the school’s staff (in his capacity as such).

...

407 Duty to secure balanced treatment of political issues.

1. The local authority, governing body and head teacher shall take such steps as are reasonably practicable to secure that where political issues are brought to the attention of pupils while they are—
 - a) in attendance at a maintained school, or
 - b) taking part in extra-curricular activities which are provided or organised for registered pupils at the school by or on behalf of the school,they are offered a balanced presentation of opposing views.

EXTRACTS FROM THE DfE GUIDANCE

Key extracts are set out below, organised under headings according to our particular concerns. Whilst there is no explicit mention of marriage in the guidance, the statements in the guidance make clear that marriage is well within scope. The courts have upheld an opinion about same-sex marriage – either for or against – as a political view (see our Appendix). It is also worth noting that schools in England are legally required to teach about marriage through the Education Act 2002, s.80A 2(a)(i).

The DfE guidance is lengthy, but a great deal of it is helpful. External agencies are often a cause of problems in schools, so we have quoted extensively on that point and included that as the last heading.

Understanding and respect for legitimate differences of opinion

*'Teaching about political issues, the different views people have, and the ways pupils can engage in our democratic society is an essential part of a broad and balanced curriculum. It is an important way in which schools support pupils to become active citizens who can form their own views, whilst having an understanding and respect for legitimate differences of opinion.'*¹

Scope of 'political'

'Determining whether a topic constitutes a 'political issue' may require careful consideration...

Some political issues do not relate directly to government policy at all, for example, campaigns for companies and other organisations, education settings or individuals to change their own policies, practices, and behaviours.

Not all areas of ethical debate are political issues. There are some concepts and views that can be considered as shared principles that underpin our society and not political issues in this context. Examples include a belief in upholding certain rights, such as freedom

¹ <https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#secretary-of-state-foreword>

of speech and protection from violence and criminal activity - or challenging discrimination and prejudice, including racism.

It is important to note that many ongoing ethical debates and topics will constitute a political issue. This can be the case even when the main political parties and other partisan groups agree on a view, but there is not a wider consensus in public opinion. Instead, there is continued debate, where different legitimate views are expressed.

...

Where schools remain unsure if a topic is a 'political issue' it is advisable to avoid promoting a particular view to pupils. Instead give a balanced factual account of the topic, in line with the legal duties on political impartiality.²

'Political issues are particularly important to cover in certain subjects, for example, citizenship or history. However, this might also be necessary in other subjects where there are fewer and less obvious political issues in the curriculum.

Some topics may not directly require the presentation of a political issue, but teaching may lead to presenting political issues that relate indirectly to the curriculum content.³

Meaning of 'balanced'

'The term 'balanced presentation of opposing views', does not mean that pupils must be taught about an opposite view to every view which is covered, or that different views are always given equal time in teaching or cannot be critically assessed. Instead, it means that in presenting views on political issues, teachers and staff should take a 'fair and dispassionate' approach - in accordance with the judgement of the court in the case law mentioned earlier. See the section on [balance in teaching](#) for more information.⁴

C4M comment: also see 'Campaign groups in schools' below

Meaning of 'promoting'

'What is prohibited in the legal duties is promoting partisan political views to pupils. This means encouraging their support for, or the adoption of, these views.'⁵

School leaders and employers will need to judge whether it is necessary or helpful to have a school wide policy on teachers expressing personal opinions on political issues in the classroom, or whether this is best left to teachers' own judgement on a case-by-case basis.⁶

² <https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#understanding-terminology>

³ <https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#identifying-political-issues>

⁴ <https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#understanding-terminology>

⁵ <https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#understanding-terminology>

⁶ <https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#expressing-personal-opinions>

C4M comment: also see helpful statements protecting teachers' free speech in the DfE Advice on the Equality Act⁷

Taking concerns seriously

*'Where concerns do arise, from parents and carers, or others in the school community, it is important that these are treated seriously and handled with the necessary sensitivity.'*⁸

*'It is important that all schools treat concerns about impartiality from parents, carers, or others seriously. Schools should take steps, where necessary and proportionate, to rectify any breaches of these legal duties on impartiality that are brought to their attention.'*⁹

Teaching resources

*'Select resources carefully, being mindful of bias and imbalance that might not be immediately obvious. Make sure you review materials and assess the organisations that produced them, before they are used with pupils.'*¹⁰

'Schools and teachers should choose the resources they use when teaching about political issues carefully.'

Before using any resources in teaching, teachers should review these thoroughly. They should consider whether, without specific additional context, the resource may undermine a balanced presentation or promote partisan political views.'

*Schools should be conscious of resources from external agencies that might initially appear appropriate but may contain bias and undermine a balanced account of the political issues being taught. See the section on [using external agencies](#) for more information.'*¹¹

Younger pupils

'Decisions about how to teach about a political issue in line with legal duties on political impartiality should consider the age, developmental stage, and existing knowledge of pupils.'

It may not be possible to offer a balanced presentation of opposing views or avoid inadvertently promoting partisan political views, where pupils are not old enough to understand the distinction between relevant contested views and facts.'

In these instances, it is important for schools to use their reasonable judgement as to whether teaching would be age-appropriate. This does not mean that schools cannot teach younger pupils about political issues. Most can and will be taught in a balanced manner for pupils of all ages.'

⁷ The Equality Act 2010 and schools: Departmental advice for school leaders, school staff, governing bodies and local authorities, Department for Education, 3.28-3.32

⁸ <https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#secretary-of-state-foreword>

⁹ <https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#introduction>

¹⁰ Department for Education, What You Need to Know about Political Impartiality in Schools, p.3

¹¹ <https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#choosing-resources>

Where political issues are covered with younger pupils, it may be advisable to consider how they might be taught differently compared to older age groups. This could include teaching younger pupils about more general factual content, whilst older pupils could be presented with a more comprehensive overview, including contested partisan political views and claims – with both being taught in a balanced manner.¹²

Recent contentious historical events (e.g. LGBT History)

'This is particularly important when teaching about historical events, including those which may have constituted political issues at the time they happened. Such topics should only be considered as political issues - and in scope of legal duties on balance - where relevant to current political issues and debate.

...

For more recent historical events including those which are particularly contentious and disputed, political issues may be presented to pupils.¹³

Balancing views expressed by other pupils

In classroom discussions that arise unplanned:

'Teachers may also wish to present opposing views to help pupils in the classroom receive a balanced account of the issue. In some cases, this may not be practical, but teachers and staff should be mindful of the risk that some pupils are influenced by the partisan political views expressed by their peers. They should ensure pupils are at least aware of opposing views on political issues that are brought to their attention.'¹⁴

Pupil-led activities

'Schools should ensure that any pupil-led activity is conducted sensitively, this means that it:

- is not targeted at specific groups of pupils or staff
- does not create an atmosphere of intimidation or fear for other pupils and staff
- avoids pupils feeling that they would be stigmatised for holding or sharing alternative views

...

When political issues are brought to the attention of pupils, including by the activity and political expression of other pupils, and schools are aware of this, they should offer pupils a balanced account of opposing views. This means that where there is the widespread political activity by pupils, it may be appropriate for schools to proactively address and teach about the issues being raised. This should be done in line with this guidance and requirements on impartiality.'¹⁵

12 <https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#age-appropriate-teaching>

13 <https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#balance-in-teaching>

14 <https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#discussing-political-issues>

15 <https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#political-activity-by-pupils>

C4M comment: It is common for 'pupil councils' or 'Pride Youth Networks' to be involved in promoting Stonewall-type agendas in schools.

LGBT History Month etc.

'External agencies may market resources and support to schools as part of popular awareness-raising events, for example, annual history months or historical anniversaries. Schools should continue to be mindful of legal duties on political impartiality during these events and thoroughly assess both the organisations in question and any materials they provide.

In line with the guidance on [sensitive political issues](#), a distinction should be drawn between basic shared principles, such as tolerance and opposition to discrimination and prejudice, and contested partisan political views.¹⁶

Schools with a religious designation

*'Schools designated with a religious character are free to teach according to the tenets of their faith. We do not consider principles or views in line with these tenets to be covered by statutory requirements on political impartiality.'*¹⁷

Schools where a significant number of pupils come from faith

C4M comment: Church schools and faith schools remain free to teach what they believe about marriage

backgrounds

*'Any measures or policies implemented should consider the specific circumstances of the school, for example... prevalent issues within the school community.'*¹⁸

C4M comment: schools need to be sensitive as world faiths disagree with same-sex marriage

¹⁶ <https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#choosing-external-agencies>

¹⁷ <https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#introduction>

¹⁸ <https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#understanding-terminology>

School social media

In the context of pupil-led activities:

*'School resources, including school-branded social media, should not be used for partisan political purposes.'*¹⁹

and generally:

'Schools should consider their requirements on political impartiality in public displays, such as banners and posters in public view and other communications. This includes electronic communications such as school-branded social media.'

*'There is no reason that schools cannot have public displays and communications, to mark significant awareness-raising or community events or for other reasons, provided they do not promote partisan political views.'*²⁰

C4M comment: schools must not pretend that their pupils support same-sex marriage

Teacher training

*'In some cases, it may be appropriate to consider how...teachers and staff can best be supported in this area through training or other means'*²¹

Policy and process

*'Identify political issues covered in the curriculum in advance, so that you can structure your teaching to ensure balance.'*²²

*'In some cases, it may be appropriate to consider how to ensure political impartiality as part of a school's existing processes...'*²³

*'Given the changing nature of political issues and how they are taught, schools may wish to consider reviewing their approach to political impartiality even where issues have not already emerged.'*²⁴

¹⁹ <https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#political-activity-by-pupils>

²⁰ <https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#public-displays-and-communications>

²¹ <https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#introduction>

²² Department for Education, What You Need to Know about Political Impartiality in Schools, p.3

²³ <https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#introduction>

²⁴ <https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#introduction>

*'Schools will need to teach about political issues in many areas of the curriculum. When planning this, teachers should consider how to ensure teaching aligns with schools' duties on political impartiality.'*²⁵

Other considerations

'Legal duties on political impartiality do not supersede schools' other statutory requirements. Schools should take a reasonable and proportionate approach to ensuring political impartiality, alongside their other responsibilities.

This includes legal requirements under the:

- *Equality Act 2010 (including the Public Sector Equality Duty for state-funded schools)²⁶*
- *Human Rights Act 1998 [helpful to us on compelled expression, religious liberty, parental rights]*
- *Prevent duty*

Schools are also required to actively promote the fundamental British values of:

- *democracy*
- *the rule of law*
- *individual liberty*
- *mutual respect and tolerance of those with different faiths and beliefs*²⁷

C4M comment: Respect for people, doesn't mean agreeing with their beliefs. The legal requirements to promote 'British values' reinforces the existence of different beliefs and the need to respect the people who hold them. It means people with philosophical or religious beliefs opposed to same-sex marriage must be respected.

Campaign groups in schools (such as Stonewall, Proud Trust, Mermaids etc.)

'... forbid the promotion of partisan political views

In relevant case law - Dimmock v Secretary of State for Education and Skills [2007] - the court considered that the best synonym for the term 'partisan' is 'one-sided' and suggested that 'political views' are those expressed with a political purpose, such as to further the interests of a particular partisan group, change the law or change government policy.

This could be on a wide range of matters such as economic and social issues at a local, national, or international level.

²⁵ <https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#teaching-about-political-issues>

²⁶ The content of the curriculum is exempt from the Equality Act. See section 89(2) '89(2) Nothing in this Chapter ['Schools'] applies to anything done in connection with the content of the curriculum.' But the Public Section Equality Duty (PSED) is in a different chapter.

²⁷ <https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#the-law>

Schools should be aware that 'partisan political views' are not limited to just political parties. They may also be held by campaign groups, lobbyists and charitable organisations.

...

Some political issues do not relate directly to government policy at all, for example, campaigns for companies and other organisations, education settings or individuals to change their own policies, practices, and behaviours.²⁸

'Schools can work with organisations that engage in political activity or hold partisan political views, but you should make sure that they do not promote these views to pupils. You should also take steps to offer pupils a balanced account of the political issues external agencies may cover with them. This might require additional teaching about different views and their contested nature.'²⁹

'External agencies, including charitable organisations, can help to enhance and supplement both the delivery of the curriculum and wider school activity.

Particular care should be taken to ensure that the external agencies used, as well as any materials and communication with pupils, are appropriate and in line with schools' legal duties on political impartiality.

Whilst the legal duties in question do not apply directly to external agencies themselves, they do apply to any teaching and extra-curricular activity arranged by a school. Ultimately, schools remain responsible for what is said to their pupils.

Schools can work with external agencies that hold partisan political views or are engaged in political activity, provided they do not undermine fundamental British values or take [extreme political positions](#).

Schools should be aware of this information in advance of any engagement involving pupils. This will allow any necessary steps to be taken to ensure this engagement does not risk breaching schools' legal duties on political impartiality.

Under no circumstances should an external organisation attempt to engage pupils in political activity. Schools should be confident that working with an external agency will not compromise the prohibition on promoting partisan political views to pupils.

In some circumstances, it may be appropriate for external agencies to express partisan political views to pupils. Pupils must understand that these are contested views and still receive a balanced account of the political issue in question. This may require additional teaching, ideally in advance of engagement with the external agency. If pupils are unlikely to be able to understand the contested nature of such views, for example, if they are too young or no additional teaching is possible, external agencies should not express them to pupils.

Where different external agencies are frequently invited to speak to pupils, schools may wish to consider whether the organisations presented to pupils represent a fair cross-section of different political views.

²⁸ <https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#understanding-terminology>

²⁹ Department for Education, What You Need to Know about Political Impartiality in Schools, p.3

One step which could be taken is to create and implement a clear school policy that sets out how visiting speakers are chosen and how political balance is to be achieved, over a period of time.

Choosing external agencies

When considering working with external agencies, either to support the delivery of the curriculum or extra-curricular, schools should thoroughly assess external agencies before agreeing to any work with them.

This can involve challenging or asking for evidence of claims made by external agencies about their work and how this interacts with schools' legal duties on political impartiality.

It is important for schools to look at the wider partisan political views held by the organisation, so they are aware of these. They can then judge whether, and how, they might be covered appropriately with pupils. This can be done as part of a basic online search, which schools will most likely do already. Schools should be mindful that some external agencies may hold more contentious and less appropriate partisan political views than may be initially apparent.

...

The content and materials used in any engagement with pupils should be:

- *reviewed and agreed in advance of any session*
- *age-appropriate*
- *aligned to the developmental stage of pupils*

Schools should not hesitate to explicitly request that external agencies avoid covering certain partisan political views, where they are not deemed relevant or appropriate.

Where partisan political views are relevant, schools should take practical steps to ensure they are not promoted to pupils and that pupils still receive a balanced account of the political issues in question.³⁰

'A school may work with a charity that separately campaigns in favour of partisan political views on welfare, economic and social reform, provided this is on non-partisan activity. This could include charity drives and volunteering in the community.

In these circumstances, schools should ensure that the partisan political views in question are not being inadvertently promoted to pupils. This includes through the distribution of materials or the advertisement of events and campaigns.³¹

³⁰ <https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#choosing-external-agencies>

³¹ <https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#hosting-external-agencies>

C4M APPENDIX:

Is support or opposition to same-sex marriage a political view?

Yes. And it can also be a matter of philosophical or religious belief.

Political opinion

Northern Ireland is the only part of the UK which outlaws discrimination on the basis of political opinion. In the Ashers case, the courts accepted that Mr Lee's belief in same sex marriage was a political opinion protected under discrimination law in NI, given the debate at that time about whether NI should legislate for same-sex marriage. Lee wanted to express in icing on a cake his view about same-sex marriage as part of his political campaign. At the UK Supreme Court, Lady Hale said at [para 41](#):

"The District Judge held that support for gay marriage was a political opinion for this purpose (para 54). There was a political debate going on in Northern Ireland at the time about whether same sex couples should be allowed to marry in Northern Ireland as they are in the rest of the United Kingdom. The Assembly had debated a motion calling for same sex marriage three times over a period of 18 months and had rejected it for a third time only the week before. Political opinion is not defined in the legislation, but in *McKay v Northern Ireland Public Service Alliance* [1994] NI 103, it was defined as "an opinion relating to the policy of government and matters touching the government of the state" (Kelly LJ at p 117) and in *Ryder v Northern Ireland Policing Board* [2007] NICA 43, it was said that "the type of political opinion must be one relating to the conduct of the government of the state or matters of public policy" (Kerr LCJ, at para 15). There is no need for an association with a particular political party or ideology, although no doubt that would also count. **I see no reason to doubt that support for gay marriage is indeed a political opinion for this purpose.**"

It follows that opposition to same-sex marriage is also a political opinion.

Political and religious views

In [Smith v Trafford Housing Trust](#) a housing manager was punished by his employers for saying on his private facebook page that gay marriage in Church was "an equality too far".

The High Court judge said:

"In this context, the relevant passage in the Code of Conduct states that:

'The Trust is a non-political, non-denominational organisation and employees should not attempt to promote their political or religious views'

I consider that the key word in that sentence, for the purpose of understanding it objectively, is 'promote'. The prohibition is plainly not designed to prohibit any discussion of religion or politics, even in the workplace. Rather, it is concerned with proselytising, canvassing and more generally with the advancement of religious or political views, with a view to persuading recipients to accept them. It is in that context to be noted that, save for the opening phrase 'an equality too far', **the expression of Mr Smith's partly religious and partly political views about gay marriage in church** which then followed was prompted by a written invitation from his Facebook friend Ms Stavordale

to explain his viewpoint. It was at that stage part of a Facebook conversation rather than anything which could sensibly be described as promotion. Nor in my view could his earlier unprompted comment about the BBC article sensibly be regarded as promotion.”