

11KBW

Fundamental British Values

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FBVs: what the talk covers

- 1. Where will I find them defined?**
- 2. What are the features of the definition?**
- 3. To which education institutions do FBVs apply, and how?**

FBVs defined by legislation (1)

Education (Independent School Standards) Regulations 2014, r 3 and Sched 1 para 2:-

Proprietor must have a curriculum policy and schemes of work which

do not undermine the fundamental British values of **democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs.**

FBVs defined by legislation (2)

Also Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014, r 2 -

prescribed ground for disqualification under s 128 of ESA 2008 is engaging in conduct

aimed at undermining the fundamental British values of **democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs.**

FBVs defined by legislation (3)

Some other legislative mentions:

Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2014

Non-Maintained Special Schools (E) Regulations 2015

School and Early Years Finance (E) Regulations 2014

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Features of the definition

Vague. E.g.(a) how far does rule of law go? In Rota X School v OFSTED 8 Nov 2016, OFSTED said structural sex discrimination amounted to breach of FBVs.

(b) Actively promoting the FBVs of democracy and mutual respect and tolerance of those with different faiths and beliefs”, requires “something more than acknowledging other faiths exist”. It “requires at least an explanation which pupils will understand so that they know that members of different faiths have different beliefs, customs and values, and something about those matters”

Beis Aharon Trust v Secretary of State for Education FTT 26 Apr 2016

They pull in different directions

Are they particularly British?

Are there other fundamental British values?

To which education bodies do FBVS apply, and how?

They apply through various means (on top of the legislation we've looked at already).

- (1) Because of s 26 and 29 of Counter-Terrorism and Security Act 2015 and guidance
- (2) Non-statutory guidance on Prevent for schools
- (3) SMSC guidance
- (4) Academy agreements
- (5) OFSTED Common Inspection Framework

Looking at each of these in turn ...

Counter-Terrorism and Security Act 2015 and guidance (1)

26(1) A specified authority must, in the exercise of its functions, have due regard to the need to prevent people from being drawn into terrorism [defined by Terrorism Act 2000, s1].

“Specified authorities” = schools, and most FE providers and HEIs

S 29, SoS gives have regard guidance and ...

Counter-Terrorism and Security Act 2015 and guidance (2)

... the s 29 guidance refers to FBVs.

- General guidance
- Guidance for schools
- Guidance for FE institutions
- There is HE guidance, but it does not mention FBVs

Non-statutory Prevent guidance

“Schools and childcare providers can ... build pupils’ resilience to radicalisation by promoting [FBVs] and enabling them to challenge extremist views”

“ ‘Extremism’ is vocal or active opposition to [FBVs], including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs ... also calls for the death of members of our armed forces, whether in this country or overseas.

SMSC guidance for maintained schools (1)

... Called “Promoting fundamental British values as part of SMSC in schools”

For maintained schools

Under Education Act 2002, s 78 – the duty to have a curriculum which “promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society.”

SMSC guidance for maintained schools (2)

The SMSC guidance cross refers to FBVs and puts them at the heart of SMSC provision:

- Challenging opinions contrary to FBVs
- No promotion of systems undermining FBVs

This guidance contains the most detailed explanation of what is expected by way of promotion of FBVs:-

SMSC guidance for maintained schools (3)

“The list below describes the understanding and knowledge expected of pupils as a result of schools promoting [FBVs].

- an understanding of how citizens can influence decision-making through the democratic process;
- an appreciation that living under the rule of law protects individual citizens and is essential for their wellbeing and safety;
- an understanding that there is a separation of power between the executive and the judiciary, and that while some public bodies such as the police and the army can be held to account through Parliament, others such as the courts maintain independence; ...

SMSC guidance for maintained schools (4)

“ • an understanding that the freedom to choose and hold other faiths and beliefs is protected in law;

• an acceptance that other people having different faiths or beliefs to oneself (or having none) should be accepted and tolerated, and should not be the cause of prejudicial or discriminatory behaviour; and

• an understanding of the importance of identifying and combatting discrimination.

It is not necessary for schools or individuals to ‘promote’ teachings, beliefs or opinions that conflict with their own, but nor is it acceptable for schools to promote discrimination against people or groups on the basis of their belief, opinion or background”

Academy agreements

Standard single academy trust funding agreement on DfE website

“2.47. The Academy Trust must ensure the Academy actively promotes the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs.”

Common Inspection Framework: judgment on effectiveness of leadership and management will consider whether leaders

“actively promote British values”

There is then a footnote referring to the Prevent strategy, which defines British values in different ways, and including more broadly than FBVs

Final thoughts

Guidance and statute gives FBVs an important role.

But ...

they are not clearly defined; and

there is lack of clarity about the scope of providers' duties in respect of them.

A tricky combination.

FBVs defined in Education (Independent School Standards) Regs 2014: social, spiritual, moral and cultural development must actively promote, and teaching must not undermine,

*“the fundamental British values of democracy, the rule of law, individual liberty, **and mutual respect and tolerance of those with different faiths and beliefs.**”*

See ***Beis Aharon Trust v SoS (FTT 2016)***

But relevant to all schools because of:-

- (1) Prevent duty under the Counter-Terrorism and Security Act 2015 – guidance under s 29 cross refers to FBVs
- (2) DfE guidance cross refers to FBVs
- (3) OFSTED guidance cross refers to FBVs

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