



Department
for Education

Consultation response form

Consultation closing date: 11 January 2016
Your comments must reach us by that date

Out-of-school education settings: registration and inspection

If you would prefer to respond online to this consultation please use the following link: <https://www.education.gov.uk/consultations>

This call for evidence follows the announcement to introduce a new system for registering and inspecting out-of-school education settings providing intensive tuition, training or instruction to children. The proposed system is intended to avoid imposing unnecessary burdens on the great number of such settings which are positively enhancing children's education. It would, however, enable action to be taken where settings fail to safeguard and promote the welfare of children.

We are inviting education providers, local authorities, and interested parties including parents and children, to help broaden our evidence base on out-of-school education settings.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Please tick if you want us to keep your response confidential.	<input type="checkbox"/>
Reason for confidentiality:	

Name: Andrea Williams	
Please tick if you are responding on behalf of your organisation.	✓
Name of Organisation (if applicable): Christian Concern Christian Legal Centre	
Address: 70 Wimpole Street London W1G 8AX	

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Ministerial and Public Communications Division by email: consultation.unit@education.gsi.gov.uk or by telephone: 0370 000 2288 or via the department's ['Contact Us'](#) page.

We welcome responses from anyone wishing to offer their views, however, we appreciate some of the questions may be more relevant than others to certain respondents. If that is the case, please do not feel you have to answer all of the questions that follow.

1. Please select the item from the list below that best describes you and your interest in this call for evidence?

<input type="checkbox"/> Local authority	<input type="checkbox"/> Out-of-school setting	<input type="checkbox"/> Parent
<input type="checkbox"/> Child/young person	<input checked="" type="checkbox"/> Faith group	<input type="checkbox"/> Community group
<input type="checkbox"/> Accreditation or support organisation for out-of-school settings	<input type="checkbox"/> Inspectorate	<input type="checkbox"/> School or college
<input type="checkbox"/> Registered childcare provider	<input type="checkbox"/> Other	

Please Specify: Christian Concern is a policy and legal resource centre that identifies changes in policy and law that will affect the Christian heritage of our nation. The team of lawyers and advisers at Christian Concern conduct research into, and campaign on, legislation and policy changes that may affect Christian freedoms or the moral values of the UK. Christian Concern serves a network of 80,000 individuals and over 500 churches and Christian ministries. We have over 350,000 annual visits to our website and our staff speak at over a hundred churches or conferences every year where we interact with tens of thousands of Christians. www.christianconcern.com

Christian Concern is linked to a sister and separate organisation, the Christian Legal Centre, which takes up cases affecting Christian freedoms.
www.christianlegalcentre.com

2. What local authority area do you live in (respondent)?

Comments: Christian Concern and the Christian Legal Centre are UK-wide organisations with clients and supporters located throughout England.

3. What local authority area(s) do the providers you know about operate in?

Comments: The providers listed are in most cases active across the UK, whereas others are local initiatives in England.

Characteristics

When answering questions under this heading:

- If you are responding to the consultation in respect of a particular out-of-school setting, e.g. the setting your child attends or the setting in which you work, please answer all questions, except questions 6-8.*
- If you are responding with information concerning a number and type of setting across a particular area, please answer all questions, except questions 1-5.*

1 What type(s) of setting are you providing information about? Please select one or more from the following list and provide details in the box below:

<input type="checkbox"/> Religious setting	<input type="checkbox"/> Extra-curricular activities (e.g. music, sport or art)	<input type="checkbox"/> Academic tuition in core curriculum subjects
<input type="checkbox"/> Cultural	<input type="checkbox"/> Language	<input type="checkbox"/> Other

Comments:

2 How many hours do individual children attend the setting for each week? Please provide a number of hours or state "do not know".

Comments:

3 How many children receive instruction at this setting and how many staff work in this setting?

Comments:

4 What is the nature of the premises at which tuition, training or instruction is provided?

Comments:

5 What subjects are taught in this setting?

Comments:

6 How many out-of-school settings do you know about in this area? Please state a number or "do not know". Can you tell us whether there are likely to be many more out-of-school settings in this area?

Comments: Christian Concern does not know the precise number of settings, but as an organisation we serve a network of 80,000 individuals and over 500 churches and Christian ministries who engage in numerous activities to serve their local communities, many of them in England. There are thousands of different out-of-school settings across England.

7 What types of settings do you know about? Please choose from the following list. If your information covers a mixture of settings, please choose all applicable types and provide comments in the box below:

<input checked="" type="checkbox"/> Religious setting	<input checked="" type="checkbox"/> Extra-curricular activities (e.g. music, sport or art)	<input checked="" type="checkbox"/> Academic tuition in core curriculum subjects
<input checked="" type="checkbox"/> Cultural	<input checked="" type="checkbox"/> Language	<input checked="" type="checkbox"/> Other

Comments: A small sample of the range of activities available:

The churches and Christian ministries we work with unanimously and sacrificially serve their local communities. They do this in a wide variety of ways, including providing Sunday schools, holiday clubs and youth groups. Services are given without motive for profit, but out of a desire to fulfil the Christian duty to love our neighbour. The vast majority of the resources provided to enable this are from church funds initially donated by church members, along with a significant amount of voluntary time spent enabling the work in the community to happen.

There are approximately 51,000 churches in the United Kingdom,¹ with 16,000 in the Church of England alone,² providing valuable services to their communities in the form of Sunday schools, holiday Bible clubs and youth groups. Churches not only provide valuable education and service for the young people who are members of their congregations, but serve their wider communities as well:

In a sample of churches across the UK, 42.7% were involved in youth work outside of church youth ministry, 31.7% were involved in primary school and summer clubs, and 31.7% were also involved in Arts - drama, media, music and similar activities - for non-church members. 10.6% were teaching English as a foreign language.³

In addition to churches, many other groups provide numerous out-of-school activities:

- Scouts take part in activities as diverse as kayaking, abseiling, expeditions overseas, photography, climbing and zorbing. Scouts also learn survival skills, first aid, computer programming - even how to fly a plane.⁴
- The Victoria and Albert Museum runs a programme called Create! especially for young people.⁵
- The United Kingdom Mathematical Trust runs both summer schools for children aged 14 to 16⁶ and Mathematical Circles⁷ for children aged 14 to 15.
- RISE⁸, a young people's group for St John Ambulance, runs many activities, including a one-day introduction to first aid and managing incidents, in addition to

¹ <http://www.eauk.org/church/research-and-statistics/how-many-churches-have-opened-or-closed-in-recent-years.cfm>

² <https://www.churchofengland.org/media/2112070/2013statisticsformission.pdf>, p. 18

³ <http://www.jubilee-plus.org/Publisher/File.aspx?ID=148583>, (downloadable PDF) p. 8

⁴ <http://scouts.org.uk/what-we-do/>

⁵ <http://www.vam.ac.uk/page/c/create>

⁶ <https://www.ukmt.org.uk/outreach/summer-schools/>

⁷ <https://www.ukmt.org.uk/outreach/mathematical-circles/>

a 6-hour first aid course.

8 What proportion of settings provide tuition, training or instruction for individual children who attend for more than: (a) 2 hours; (b) 4 hours; (c) 6 hours; (d) 8 hours; and (e) 10 hours per week?

Comments: It is completely normal for settings to exceed six hours of education:

- A child attending church on a Sunday and church youth groups during the week at one of the churches we serve could have a cumulative total of six hours in any given week.
- Any university society could fall under this threshold, because students who may be only 18 could take part, bringing them within the scope of paragraph 1.2 of the consultation document, as they are under 19. University Christian Unions run mission weeks, where a series of talks take place over the course of a week where 18-year-olds would be present.⁹
- Sports societies and clubs often practise for many hours each week.
- Bridgewater Salford Amateur Boxing Club holds a number of sessions throughout the week which could easily see an individual child exceeding six hours of teaching.¹⁰
- Scouting groups often take part in training that exceeds six hours, like hiking or overnight camping, as outlined above.
- Gold Duke of Edinburgh residentials involve young people completing training away from home for five days and four nights.¹¹
- A children's choir practising for a concert could easily meet for more than six hours a week to practise for that concert.
- Grimethorpe Youth Band, part of the world-famous Grimethorpe Colliery Band, holds intensive workshops for young people three times a year.¹²
- The Sutton Trust Summer Schools operate in various universities throughout the UK and are open to 16 to 17-year olds. They include a series of lectures and seminars over the course of a week.¹³
- The Victoria and Albert Museum's programme for young people, Create! often runs daily courses lasting longer than six hours.¹⁴
- Aireview Equestrian Centre in Keighley, West Yorkshire runs a day camp for children.¹⁵

⁸ <https://www.sja.org.uk/sja/young-people/rise.aspx>

⁹ <https://www.uccf.org.uk/mission-training/students-reaching-students.htm>

¹⁰ <http://www.bridgewateralsfordabc.co.uk/gym-times.html>

¹¹ <http://www.dofe.org/residential-section>

¹² <http://www.grimethorpeyouthband.com/>

¹³ <http://summerschools.suttontrust.com/about-2015/faqs/programme-faqs/>

¹⁴ <http://www.vam.ac.uk/page/c/create>

- Camp Wilderness runs camps for children that teach them basic survival skills, including fire-lighting and shelter-building, as well as archery and wild swimming.¹⁶
- Likewise, the Christian charity Titus Trust¹⁷ is responsible for a number of young people's holiday groups, which would meet the threshold.
- As outlined above, RISE, a young people's group for St John Ambulance, runs lots of activities, including a one-day introduction to first aid and managing incidents, as well as a 6-hour first aid course.

9 How many staff, on average, work in these settings?

Comments:

The settings listed above are both UK-wide bodies and completely local bodies in England. To give some idea of the range, in 2009, 89,995 adults were serving in the Scouts in the UK,¹⁸ with local sections varying in size; Aireview Equestrian Centre has just four staff¹⁹ and the smaller churches we serve also have small staff teams.

10 How many children, on average, attend these settings?

¹⁵ http://www.aireviewec.co.uk/horse_riding_day_camp_keighley_west_yorkshire.php

¹⁶ <https://www.campwilderness.co.uk/>

¹⁷ <http://www.titustrust.org/about.php>

¹⁸ <http://members.scouts.org.uk/f103781> (downloadable PDF), p. 1

¹⁹ http://www.aireviewec.co.uk/aireview_equestrian_centre_team.php

Comments:

Again, there is quite a range. In 2010 there were 23,845 Scout Section units of varying sizes in operation, involving over 390,000 young people in what is described as the UK's biggest co-educational youth movement.²⁰ Other groups, like some of the churches we serve, will be entirely local, with few children.

11 Which settings that you are aware of subscribe to voluntary accreditation schemes with regard to curriculum development and/or safeguarding children? Please provide details of the schemes.

Comments:

St John Ambulance has been accredited by the SAFEcontractor scheme, a programme which recognises excellent standards of health and safety practice amongst UK companies and organisations.²¹

Settings such as those listed above require staff to undergo the appropriate Disclosure and Barring Service (DBS) checks, except for settings which work with those of 18-years-old and above or where children are not in a 'regulated activity'.²² This is typical of arrangements in numerous settings across the country and of the churches and Christian ministries we serve.

To give some examples of safeguarding:

Any of the youth workers in the churches we serve, or any volunteer on a camp, is required to have passed a DBS check. To give some examples:

- All leaders and volunteers on Titus Trust²³ and Scripture Union²⁴ activities must have received an Enhanced Disclosure Certificate.
- The Church of England has a very thorough child protection policy.²⁵

²⁰ <http://members.scouts.org.uk/f103781>, p. 1

²¹ <http://www.sja.org.uk/sja/about-us/latest-news/news-archive/news-stories-from-2009/march/top-safety-accreditation.aspx>

²² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/316179/Regulated_Activity_in_relation_to_Children_DfE_.pdf (PDF)

²³ For example, <https://www.lymingtonrushmore.org/safety>

²⁴ [http://www.scriptureunion.org.uk/Uploads/Documents/SU%20Safeguarding%20Policy%202015-16\(final\)_1_.pdf](http://www.scriptureunion.org.uk/Uploads/Documents/SU%20Safeguarding%20Policy%202015-16(final)_1_.pdf) (PDF), p. 3

- Churches from across the church spectrum use the Churches Child Protection Advisory Service (CCPAS) ²⁶ to ensure the safety of children in their youth work.
- The Scouts have a thorough safeguarding policy, and all volunteers must have undergone the appropriate police checks.²⁷

12 Please give details of any positive benefits that you think out-of-school settings provide for children and the local community, including any case studies.

Comments: Out-of-school settings provide numerous benefits to children and the local community.

The services given by Christian Concern's network of individuals, churches and Christian ministries strengthen social cohesion and care for some of the most vulnerable members of society.

Among the top 10 activities provided by churches are children's clubs and youth work (12 to 18-year-olds). These activities take up, on average, over 500 volunteer hours in a church, according to the National Church Social Action Survey Results 2014.²⁸ These allow young people to learn, develop social skills and friendships, gain confidence and grow in character.

The Scouts allow young people to learn and experience a diverse range of activities, as outlined in the response to question 7, above. These generally allow them to have fun, make friends, get outdoors, express creativity and experience the wider world.²⁹

The Salvation Army works in the most deprived areas of the United Kingdom, running camps and youth groups,³⁰ which provide vital services for children and families. In Aston in north Birmingham, one of the most socio-economically deprived areas in the country, the group provides three open youth clubs a week, a variety of mentoring programmes, classroom support in the local school and community sports teams.³¹

The Gold Duke of Edinburgh Award allows young people to engage in residential activities where they serve their community and learn new skills, spending five days and four nights working away from home.³² For example, Waterway Recovery Group (WRG)

²⁵ <https://www.churchofengland.org/media/37378/protectingallgodschildren.pdf> (PDF)

²⁶ <http://www.ccpas.co.uk/about>

²⁷ <http://scouts.org.uk/what-we-do/child-protection/>

²⁸ <http://www.jubilee-plus.org/Publisher/File.aspx?ID=148583>, p. 13

²⁹ <http://scouts.org.uk/what-we-do/>

³⁰ <http://www.salvationarmy.org.uk/youth-groups>

³¹ *Ibid.*

³² <http://www.dofe.org/residential-section>

residential working holidays, called 'Canal Camps', allow young people to learn skills such as bricklaying, stonemasonry, machine operation and restoration techniques, whilst helping restore the derelict waterways of England & Wales.³³

13 Do you have any concerns about any of the settings you know about? These might be general or specific and in relation to safeguarding, extremism, physical punishment or suitability of premises. Please provide as much detail as possible.

Yes No Don't Know

Comments: We have no concerns about these settings. The only concern Christian Concern has is that such beneficial settings will be shut down by this policy, including those of the churches and Christian ministries we serve.

14 We are keen to understand more about what advice and assistance is available to out-of-school settings and what additional support would be welcome. Please provide as much detail as possible.

Comments:
The settings thus far described have been flourishing for decades and do not require any assistance from the government. Despite its enormous contribution to the public good, the Church in Britain today has faced significant hostility from those in the establishment. The censorship of some forms of Christian expression has created a culture where Christians sometimes face exclusion. The Church is increasingly aware of this cultural hostility, which can unfortunately undercut the confidence Christians need to undertake the service in their local communities that has given so much to wider society.

³³ www.waterways.org.uk/wrg/canal_camps/working_holidays

Christian Concern would therefore welcome the government ensuring that no interference takes places in law-abiding, beneficial settings like the churches and Christian ministries we serve.

Thresholds

15 Do you agree that intensive education is where a child attends a setting for more than between 6 to 8 hours per week? Please provide details of whether further reference should be made to the frequency of that attendance (e.g. number of times during a week or number of weeks over a year etc.), including views on how to ensure settings do not simply amend their provision to evade regulation

Yes

No

Don't Know

Comments: Christian Concern is completely opposed to this policy. The threshold for the classification of 'intensive education' could catch a massive number of different groups and clubs operating in England, including the churches and Christian ministries we serve. See responses to Questions 7-12.

16 Do you agree that private providers of alternative provision catering exclusively for children who have been referred to them by local authorities and/or schools should be exempt from the requirement to register? We welcome views on whether it would be appropriate to exclude any other providers with reference to any of their defining characteristic, for example their educational offer, physical premises, affiliations with professional bodies, etc.

Yes

No

Don't Know

Comments: The churches and Christian ministries we serve, together with our large network of individuals, willingly sacrifice their time and money to serve their local communities; they should not be targeted for registration.

Providers of any sort that have caused no concern in the past should be left alone. It is also highly improbable that providers really causing concern would register anyway, so the move would have the opposite of the intended effect, penalising the innocent and not the guilty.

Some bodies are already required to go through a registration process, such as charities under section 30 of the Charities Act 2011, so it is unnecessary for such bodies to re-register on this scheme. The Charity Commission already has significant safeguarding responsibilities for charities.³⁴

Charities that work with young people include the Titus Trust,³⁵ which runs four holiday groups – Iwerne & Forres Holidays, for those at the larger boarding schools and associated prep schools in the South of England, Lymington Rushmore Holidays, for those at a mixture of day and boarding schools in the South, Gloddaeth Holidays, for those at independent day and boarding schools in the North, and LDN Holidays for those at London day schools; Scripture Union England and Wales, another charity, also runs similar holidays, as well as midweek and holiday clubs and other initiatives for young people;³⁶ St John Ambulance is another charity providing extensive education to young people.

Inspection and registration

17 Do you agree that settings meeting the proposed threshold should be required to register with their local authority?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Don't Know
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³⁴ <https://www.gov.uk/government/publications/safeguarding-children-and-young-people/safeguarding-children-and-young-people>

³⁵ <http://www.lymingtonrushmore.org/titus-trust>

³⁶ <http://www.scriptureunion.org.uk/126879.id#communities>

Comments: Christian Concern completely opposes this. The churches and Christian ministries we work with have been self-sacrificially serving their communities for decades and do not need to register.

18 Do you agree that, when registering, settings should provide details about the proprietor, location(s), education offer and numbers of children? Please provide details of any further information that settings should provide.

Yes

No

Don't Know

Comments: Christian Concern is completely opposed to the registration of out-of-school settings. The churches and Christian ministries we work with have been self-sacrificially serving their communities for decades and do not need to register.

19 Do you agree that settings required to register should be eligible for investigation and possible intervention where concerns arise? Please provide comments.

Yes

No

Don't Know

Comments: As stated above, out-of-school education settings should not be required to register. The churches and Christian ministries we work with have been self-sacrificially serving their communities for decades and do not need to register.

20 Do you agree that Ofsted should be able to investigate concerns that arise in out-of-school settings that meet the proposed threshold for registration? Please provide comments.

Yes

No

Don't Know

Comments: No. Ofsted should not be inspecting what are in many cases voluntary activities provided with the permission and at the request of parents – the government has indicated that it will respect the right of parents to home educate their children in a number of settings,³⁷ yet it wishes to undermine their choice to have their children educated in accordance with their faith, whether in holiday clubs or summer camps or numerous other settings.

While the government's concern for the welfare of children is laudable, the fact that some schools were found to be teaching a worldview which was aggressively Islamic³⁸ should not be used as an excuse to investigate settings like the ones listed. The services provided by the churches and Christian ministries we serve are given without motive for profit, but out of a desire to fulfil the Christian duty to love our neighbour. This sort of activity should not be hindered or interfered with in any way.

Children are already protected under the Safeguarding Vulnerable Groups Act 2006, which allows for any person to be barred from working with children under sections 2-3 and Schedule 3 of the Act. Moreover, the Health and Safety Executive already has

³⁷ Department for Education, Out-of-school education settings: call for evidence, 26 November 2015, para 2.4

³⁸ Out-of-school education settings: call for evidence, 26 November 2015, para 2.3

powers to inspect, investigate and prosecute those who do not comply with health and safety requirements,³⁹ so it is completely unnecessary for any other inspections to happen on this basis.

21 What impact do you think the proposed system for registration and inspection will have on out-of-school settings? Please provide as much detail as possible.

Comments:

Many of the churches and Christian ministries we represent already have stretched resources. The vast majority of these groups would not be able to continue to maintain their current level of service to local communities if they had to comply with increased regulation, and their local communities would be adversely affected, being deprived of the 'enriching activities' the consultation document affirms.⁴⁰

The government still has not defined clearly what 'fundamental British values' ⁴¹are, leaving open the real possibility that perfectly law-abiding citizens could be targeted by state officials who have been given very broad powers, and perfectly innocuous and highly beneficial settings could be closed down.

Even when inspections find no issue, the difficulty of fulfilling the extra burden of paperwork that registering and preparing for inspections would impose would mean that many people who have sacrificed their time to serve their communities would find it difficult to continue, and many more would be deterred from starting similar schemes. Young people would lose out and the innocent would be punished.

Moreover, the government hopes to ensure that those who 'work in positions of trust and influence' with children do not, in 'expressing their individual beliefs, promote intolerance against others'.⁴² This is censorship of free speech. As long as no criminal activity is being promoted, the setting should be left alone.

Furthermore, the concept of 'emotional harm'⁴³ is an ill-defined concept – it would be possible that any child claiming to be finding work difficult, or disagreeing strongly with perfectly innocuous teaching, could claim to be 'harmed' and ask for action to be taken against a teacher or teachers. This in turn could lead to the censorship of ideas and the destruction of real and enriching education, which teaches young people to think through things that some might disagree with. Clarity is a key component of the rule of law, and so the use of such vague terms actually undermines the very 'British values'

³⁹ <http://www.hse.gov.uk/enforce/enforce.htm#enffinp>

⁴⁰ Out-of-school education settings: call for evidence, 26 November 2015, para 2.5

⁴¹ HM Government, Counter-Extremism Strategy, 19 October 2015, Chapter 1, p. 9

⁴² Out-of-school education settings: call for evidence, 26 November 2015, para 2.4

⁴³ Out-of-school education settings: call for evidence, 26 November 2015, para 2.1

the government seeks to protect.

Moreover, although the government claims it is not 'regulating religion or infringing people's freedom to follow a particular faith or hold particular beliefs',⁴⁴ that is precisely what it will be doing – limiting the rights of British citizens as expressed in Article 9(1) of the European Convention on Human Rights, which states that everyone 'has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.'

This right can only be limited by government in ways that are 'necessary in a democratic society'⁴⁵– these proposals are completely unnecessary and undermine democracy.

Prohibited Activities

22 a) Do you agree that the prohibited activities should focus on the failure of out-of-school settings to adequately ensure the safety of the children in their care, as set out in paragraph 3.19?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Don't Know
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Comments:

The out-of-school settings discussed above have sufficient measures in place to ensure the safety of children. The churches and Christian ministries we serve have been serving their communities for decades without issue. See response to Question 11.

Furthermore, charities are already subject to strict safeguarding requirements, as stated above in the response to Question 16, and children are protected under the Safeguarding Vulnerable Groups Act 2006, while facilities may be investigated and action taken by the Health and Safety Executive. See response to Question 20.

22 b) Do you agree that the prohibited activities should focus on the appointment of unsuitable staff, as set out in paragraph 3.19?

⁴⁴ Out-of-school education settings: call for evidence, 26 November 2015, para 2.4

⁴⁵ Article 9(2) ECHR

Yes No Don't Know

Comments: Children are already protected under the Safeguarding Vulnerable Groups Act 2006 – see response to Question 20. The churches and Christian ministries we serve ensure only suitable staff work with children.

22 c) Do you agree that the prohibited activities should focus on accommodating children in unsafe premises, as set out in paragraph 3.19?

Yes No Don't Know

Comments: The churches and Christian ministries we serve have not had problems with unsafe premises.

The Health and Safety Executive already has powers to inspect, investigate and prosecute those who do not comply with health and safety requirements (see response to Question 20), so it is completely unnecessary for any other inspections to happen on this basis. Moreover, activities holidays providers register with the Adventure Activities Network,⁴⁶ which is part of the Health and Safety Executive's Web Communities.

22 d) Do you agree that the prohibited activities should focus on undesirable teaching, including teaching which undermines or is incompatible with fundamental British values, or which promotes extremist views, as set out in paragraph 3.19?

⁴⁶ <http://webcommunities.hse.gov.uk/connect.ti/adventureactivitiesnetwork/grouphome>

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Don't Know
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Comments: As stated in the response to Question 21, the government has refused to properly define what 'fundamental British values' are, leaving every law abiding citizen and every out-of-school setting open to falling on the wrong side of a clumsy and unclear policy, which plays into the hands of those who are intolerant. Any person who holds views considered to be "unusual" or "old-fashioned" could be deemed an "extremist" and subsequently banned from teaching children. Indeed, recently a Conservative MP⁴⁷ indicated that someone holding the biblical view that marriage should be between a man and a woman, an arrangement acknowledged as the only true marriage across the world until very recently, could have anti-terror measures taken against them.

In fact, the government's definition of extremism as opposition to, *inter alia*, 'mutual respect and tolerance of different faiths and beliefs'⁴⁸ means that the government itself is extremist as it seeks to crack down on different faiths and beliefs in its Counter-Extremism Strategy. Such a self-contradictory policy, which is itself contrary to the rule of law for its lack of clarity, could be used to undermine democracy and free speech through the unnecessary closure of thousands of beneficial educational settings, including those of the churches and Christian ministries we serve.

22 e) Do you agree that the prohibited activities should focus on corporal punishment, as set out in paragraph 3.19?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Don't Know
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⁴⁷ <http://www.christianconcern.com/our-concerns/education/new-laws-could-penalise-christian-teachers>

⁴⁸ Counter-Extremism Strategy, 19 October, Chapter 1, p. 9

Comments: No. Christian Concern is completely opposed to this policy. Churches and Christian ministries do not teach or engage in any activity that should be prohibited.

23 Are there additional activities that should be prohibited?

Comments: No. Christian Concern is completely opposed to this policy. Churches and Christian ministries do not teach or engage in any activity that should be prohibited.

Sanctions

24 We welcome views on the proposed sanctions and which body/bodies should have powers to act.

Comments: Christian Concern is completely opposed to this policy. There is no need for this policy and no need for the sanctions to be applied. This would threaten to stop the provision of hours of dedicated community service given by the churches and Christian ministries we serve.

25 Are there any particular groups or people for who the impact of these proposals will be significant? If so, how might these proposals be mitigated or amended in your view to better reflect our duty under section 149 of the Equality Act 2010 to have regard to the need to eliminate discrimination, harassment, and victimisation, to advance equality of opportunity, and to foster good relations between different groups?

Comments: Churches, other faith groups and religious organisations would inevitably be side-lined for the reasons stated above and denied their protection to practise and express their beliefs, which are protected by Articles 9(1) and 10(1) of the European Convention on Human Rights. Article 9 states that everyone 'has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance'.

Article 10 states that everyone 'has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises'.

These beliefs are also a protected characteristic under sections 4 and 10 of the Equality Act 2010.

Despite its enormous contribution to the public good, the Church in Britain today has faced significant hostility from those in the establishment. The censorship of some forms of Christian expression has created a culture where Christians sometimes face exclusion. The Church is increasingly aware of this cultural hostility, which can unfortunately undercut the confidence Christians need to undertake the service in their local communities that has given so much to wider society. The Christian Legal Centre exists to ensure that the rights of Christians are protected in the face of this cultural hostility.

Moreover, many more groups in the voluntary sector would reduce their hours of service to their communities to avoid intrusive inspections and could even close down upon the introduction of such a policy. University societies would have to comply, not only with this policy, but also with the already established Prevent Duty Guidance,⁴⁹ which would make it difficult for many to function effectively.

The loss of so many individual providers would actually mean that the government, in many cases, would have to step in and provide the services itself, adding greatly to the cost of the public sector.

The massive scope of this policy was outlined in the response to Question 8. This is a thoroughly invasive, badly drafted and completely unnecessary proposal. The government should drop this policy immediately.

26 The Department for Education may contact you either to discuss the evidence you have provided or to seek your further views. Are you happy for us to do so?



Yes



No

Comments: The Compact,⁵⁰ which is referenced in the Cabinet Office's Consultation Principles,⁵¹ states in paragraph 2.4 that the government will undertake, where appropriate, and where meaningful engagement is enabled, to 'conduct 12-week formal written consultations, with clear explanations and rationale for shorter time-frames or a more informal approach.'

This consultation was launched on 26 November 2015 and is due on 11 January 2016. There has been no explanation as to why such a short time-frame has been given to gather consultations for such an important proposal, and there certainly has not been 'real engagement'⁵² with consultation respondents. Engagement has been further undermined by the fact that there was a discrepancy in the email addresses given for the submission of responses, until this was fixed on 4 January, one week before the submission deadline.

The Principles on Consultation also indicate that '[t]ime frames for consultation should be proportionate and realistic to allow stakeholders sufficient time to provide a

⁴⁹ HM Government, *Prevent Duty Guidance: for higher education institutions in England and Wales*, 16 July 2015, para 29

⁵⁰ The Compact (Cabinet Office 2010), in *Consultation Principles*, 5 November 2013, p. 1

⁵¹ *Consultation Principles*, p. 1

⁵² *Ibid.*

considered response'. Over a holiday period, policymakers are to take 'appropriate mitigating action'.⁵³ There has been insufficient time for many to properly scrutinise the consultation over the busy Christmas period.

The Government is therefore in breach of its own commitment to good practice.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply.	X
Email address for acknowledgement: info@christianconcern.com	

Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, please confirm below if you would be willing to be contacted again from time to time either for research or to send through consultation documents?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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All DfE public consultations are required to meet the Cabinet Office [Principles on Consultation](#)

The key Consultation Principles are:

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before
- departments will need to give more thought to how they engage with and use real discussion with affected parties and experts as well as the expertise of civil service learning to make well informed decisions
- departments should explain what responses they have received and how these have been used in formulating policy
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.

If you have any comments on how DfE consultations are conducted, please email: consultation.unit@education.gsi.gov.uk.

⁵³ *Ibid.* p. 2

Thank you for taking time to respond to this consultation.

Completed responses should be sent to the address shown below by 11 January 2016.

Send by post to: Call for evidence: Out-of-school settings, Department for Education,
Sanctuary Buildings, Great Smith Street, London, SW1P 3BT

Send by e-mail to: Outofschoolsettings.REVIEW@education.gsi.gov.uk