

*Response to  
Government consultation*

# **Out-of-school education settings: call for evidence**

To inform the development of the Government's proposals for requiring certain out-of-school education settings to register and be subject to risk-based inspections.

January 2016



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### **1. Introduction**

In his speech to the Conservative Party Conference on 7 October 2015, the Prime Minister of the United Kingdom, David Cameron, spoke on the issue of extremism, and drew attention to Muslim supplementary centres of education. He then promised to require all such centres of learning to register, be inspected and be forced to close if it is deemed that they promote extremism. This speech was followed by the publication of the government's Counter-Extremism Strategy on 19 October 2015. On 26 November 2015 the government produced a proposal for consultation on how the policy on supplementary centres of education should be formulated, titled 'Out-of-school education settings: call for evidence' published by the Department for Education.

This response document has been prepared by the British Muslim Forum, which is an independent, national representative umbrella body with over 500 national and local member organisations, mosques, madrassahs and charities. The BMF seeks to promote coordination, consultation and cooperation regarding matters affecting the general Muslim community as well as wider British society in the United Kingdom.

The British Muslim Forum was responsible for the issuance of the landmark religious decree (*fatwa*) that gained global prominence condemning terrorism and suicide bombings on 18 July 2005, following the July 7 London bombings. The decree was signed by 500 Imams and Muslim clerics from the United Kingdom.<sup>1</sup> Regarding the present phenomenon of Daesh, the first book in the world to provide the theological narrative to counter extremism, 'ISIS: State of Ignorance' (ISBN 978-0-9569388-6-2)<sup>2</sup>, is also a contribution of a founder trustee of the BMF.

### **2 Countering extremism**

To promote peace, cohesion and co-existence in the world today, it is indeed necessary to recognise the challenges of the day. Terrorism stems from unchecked extremism, and extremism certainly is required to be countered. It is important to stress, however, that extremism knows no religion and can affect an individual or group from any faith group or of no-faith. No single religion can be singled out as being a proponent of extremism, for that would be unjust and historically inaccurate.

As far as the Muslim community is concerned, its faith – Islam – stands against extremism, and hence it has within its teachings the concept of moderation to counter religious extremism. And this would be the case with other religions too. Appreciating this notion, it is important to recognise that any religious community, and the British Muslim

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<sup>1</sup> See news report at [http://news.bbc.co.uk/1/hi/uk\\_politics/4694441.stm](http://news.bbc.co.uk/1/hi/uk_politics/4694441.stm).

<sup>2</sup> 'ISIS: State of Ignorance: A reflection on Islam and moderation, extremism and terrorism, and the *fitnah* of ISIS (Daesh)' is available from [www.alkarampublications.com](http://www.alkarampublications.com) and via [www.amazon.co.uk](http://www.amazon.co.uk). (ISBN 978-0-9569388-6-2).

community in particular, should not be treated as a target. This only creates the perception that it has only the flaw of extremism and intolerance inherent within it and as such the whole community is treated with suspicion. Rather it should be seen as an effective and respectful partner with ability and understanding to assist in the eradication of such evils within society.

It is in this regard that this response has been formulated. Together as members of the British people, it is our shared responsibility to communicate and seek ways of eradicating intolerance and promoting cohesion, as well as stamping out extremism and upholding moderation, in order to continue to build a peaceful and great society in this country.

It is agreed in principle that extremism and potential harm coming to children requires attention and counter measures and policies need to be put in place. Nonetheless, it cannot be the case that hopeful ends justify the means, for if the means are improper, the desired ends may not materialise and further crises emerge that may be contrary to the common good. The consultation document proposed by the government represents the means that need to be deliberated and carefully considered by the people, and the government will need to deliberate and carefully consider the responses too.

### **3. Recognising achievement**

Although Great Britain historically has had many connections and interactions with the Muslim communities around the world, the British Muslim community is relatively young in this country in the present era as migration was welcomed and encouraged during the second half of the last century. It has no doubt contributed positively in many spheres of life and moved forward in changing societal dynamics. Whilst recognising their new home, members of the community for the past two to three generations, despite their limitations, have worked for the good of the country as a multi-cultural society and also kept the free spirit of their faith intact. Great Britain, which has a rich faith tradition, offered the Muslim community a place for their faith within its multi-faith and multi-ethnic society. The very existence of churches, synagogues, temples, gurdwaras, and mosques around the country are testimony to this fact. All people in Great Britain have a fair place in Great Britain. The country is a beacon for the world.

Out-of-school education settings play a crucial part in a child's upbringing, experience and education. A sense of belonging and identity, a faith tradition, a code of ethics and moral character, as well as the sense of a cultural and religious community within a wider multi-cultural and multi-religious society are developed in these surroundings. This positive development somewhat formally comes through mosques/madrassahs, churches/Sunday schools and synagogues/yeshivas; and informally through families and within the home, community and voluntary projects, and so on.

Important to note that the vast majority of the British Muslim community developed these institutions without support or funding, rather with their own savings and community donations. The faith and its institutions have been set up by members of the community themselves and as such a sense of pride and ownership is at their heart. Moreover, they have faced difficulties and continue to do so as regards resources and professional support in order to further develop these institutions and settings to bring them and their processes in line with the general norm of governance and professionalism. A lot has been achieved on their own by the community, and to further enrich these community endeavours support and appreciation is required, rather than further burdens imposed that may well threaten their existence. It would be very damaging for the country if these centres and the

whole community is penalised and held to account for the crime and sin of some extremists. The British Muslim community has potential to further enrich itself and become a solution towards eradicating extremism.

#### **4. Some general points**

Prior to looking at the proposal and consultation document in finer detail, there are some general points that need to be raised, as follows:

##### *4.1 Timescale and objective - from consultation to legislation*

This government consultation is indeed welcomed, and it is a positive step in furthering mutual communication and the gathering of evidence. However, on a matter of such significance that will impact this country and its people, as well as its institutions and governmental interactions, it is important to caution that such consultation and legislation cannot be hurriedly pushed through. The consultation that seeks to collect data of actual settings on the ground, on the one hand, and at the same time seeks opinions about how to regulate them on the other hand, suggests that two objectives are being placed together, yet one is dependent on the other. The collection of data as evidence is first, upon which the government can forward a proposal that can then be consulted on. In section 2.8 of the consultation, it is acknowledged that in this area the 'evidence base is less strong'. It would, therefore, make sense that a robust system of acquiring data as regards out-of-school education settings should be carefully pursued initially from all faith and no-faith communities, and upon that evidence a proposal for regulation later forwarded for consultation purposes.

Moreover, for a period of only around 6 weeks or so for this consultation covering a holiday season too, it seems quite a brief time for acquiring the necessary information from a broad representation including 'local authorities, supplementary schools, tuition centres, other out-of-school education settings, schools, accreditation bodies, parents, young people, any other interested organisations and individuals'. It is crucial that there is faith in this consultation process, and that from this process and its findings, there is further interaction and consultation, rather than quick legislation, in order to avoid further alienation and mistrust.

##### *4.2 Perception – the Prevent context*

For government policies and actions to be welcomed and cooperated with, the perception of such endeavours are of critical importance. The British Muslim community already feels targeted and isolated as Islamophobia increases and anti-Muslim hatred continues to rise. The language being used and hurried endeavours of this kind are furthering the stereotype that there is a problem with the British Muslim community and their education. Even if the efforts are sincere, the government ought to give special attention to the perception of its actions and the effect they have on society. It will be an equally terrible tragedy if the government itself has a perception of the British Muslim community that is incorrect and not based upon evidence. Is there enough evidence to suggest that hundreds of such community-based, and in many cases voluntary, education settings warrant direct governmental scrutiny in the specific context of countering extremism?

Over the past years of countering extremism, the perception of related policies has not been positive, and vast sections of the British society have felt that their concerns are not addressed and the government continues to push through on its agenda, which may well

be an outcome of its own pre-conceived perception. The Prevent strategy has been at the heart of all governmental counter extremism efforts, yet it is greatly suspected. One cannot see why, therefore, this important step of regulation and governance of out-of-school education settings is still being presented under the Prevent strategy. If one is told that the Prevent strategy is to counter all forms of extremism including ‘the far right’ and ‘white supremacy’, then this definition should be made quite clear persistently and repeatedly, and the predominant actions of Prevent in public view should correspond to this too.

Furthermore, section 3.1 of the consultation makes clear that ‘the announcements were made in the context of countering extremism’, yet the government is ‘concerned more broadly about the wider welfare of children who attend these setting’. One may ask then, why is not the wider welfare of children the subject of discussion and the fundamental premise of this endeavour? Such subtleties further alienate and promote mistrust.

To achieve the desired aims that will build trust among communities and the wider society, it would be more appropriate if simply the endeavour of registration and inspection was developed from the premise of ‘supporting and capacity building out-of-school education settings’ and ‘promoting welfare of children in out-of-school education settings’. Going down the route of Prevent and countering extremism can only increase suspicion which is clearly counter-productive.

#### 4.3 *Freedom of religion*

There is a growing concern at the implications for freedom of religion in Great Britain when a government attempts to scrutinise every aspect of religious life of any community. Freedom of religion as it has historically evolved in Great Britain has become one of its prominent national characteristics on the world stage. It is, therefore, essential that measures taken by the government do not result in the state itself losing some of its very impressive character traits on the world stage; the fundamental one of which is freedom. Registration and inspection of institutions and service providers may be necessary for the proper functioning of all sections of society, however these processes must be within the framework of religious freedom and take due care to protect the fundamental freedom of religion in this country. A careful balance in this regard is necessary.

#### 4.4 *Terminology*

In the present time, terminology is key but requires clear meaning to avoid ambiguity. A lot of terms are used that form part of statements from politicians, rhetoric of ministers and discussions of media outlets. If terminology is not correctly defined, it opens up ample space for misinterpretation and abuse, which then has a negative impact on communities and the country. One would expect that such terms that then become the basis of legislation and policy would be correctly defined, and the amount of effort exerted in policy making is also exerted in defining these terms.

There has been a long standing debate as to what is defined with the term ‘terrorism’. Even the past few months and years have shown that the words ‘act of terror’ are used in certain instances, whilst for other incidents simply the language of ‘mass killing’, ‘lone wolf’ and ‘mentally ill’ is used. It is this kind of rhetoric and widespread use of language that results in the phrase ‘war on terror’ being questioned. In the same scenario, the terms ‘Islamist’, ‘extremist’ and ‘radicalisation’ are in need of clear and precise meaning, though the Counter-Extremism Strategy sheds some light on this. Policies based upon loose meaning are open to abuse, which leads to mistrust, and then the break-up of society. So what

precisely do the terms 'Islamism', 'extremism' and 'radicalisation' actually refer to, and what defines an 'Islamist', an 'extremist' and a 'radical'? If the object is not precisely determined, how can a society be expected to counter it? Could it be the case that the goal post may be shifted as and when needed? Terminology is critically important.

Moreover, in this view, the phrases 'British values' and 'fundamental British values' are in use and again repeatedly the definitions have been asked for. The closest interpretation could be the Department of Education's advice document titled 'Promoting fundamental British values as part of SMSC in schools', which does shed light on this somewhat. In light of terminology, it would be appropriate to provide a precise and acceptable definition to such terms with input from faith and no-faith representation, as well as the use of wording that forms part of important legislation.

## **5. The consultation**

Section 3 of the consultation provides an outline of the proposals and the questions fall under the headings of 'characteristics', 'thresholds', 'registration and investigation', 'prohibited activities', and 'sanctions'. The section on 'characteristics' seeks to collect data as regards out-of-school education settings which is a separate exercise, and a discussion regarding this aspect of the consultation has already passed in section 4.1 of this response document. In view of the other headings, thoughts are presented as follows:

### *5.1 Thresholds*

The consultation acknowledges that out-of-school education settings are very broad and different in their functioning and objectives. Some centres are quite small and tuition based, some provide additional education support coupled with recreation and youth club work, some run on a voluntary basis, some have weekly sessions whilst others on weekends or simply during holiday or school exam seasons, etc. And indeed some are based in large mosques and have a structured framework.

Intensive education is proposed to be where a child attends a setting for more than between 6 to 8 hours per week. It needs to be clarified whether intensive education is simply based upon hours or should the nature of activity too be considered and not just time spent at a setting. In addition, correlation with other government guidelines should too be taken into consideration for approved education according to the Home Office is described as 12 hours per week and UKBA Tier 4 states education to be 16 hours per week. Moreover, with the variety of such settings, it should be considered whether this threshold should be an average number of hours per week based upon the total number of hours per year, or rather a fixed amount of hours per year that such education is provided.

Furthermore, in section 1.2 of the consultation it states that this consultation is for where education is provided for children up to the age of 19 years. Again this should be carefully considered for compulsory school age stands up to 16 years and safeguarding children measures considers them up to 18 years. It would hence be appropriate to re-examine this 19 years threshold, and consider it up to 18 years in view of safeguarding children.

As regards education settings within places of worship, these already fall under the Local Authority for it has responsibility to seek registration of places of worship and provides planning permission for sites to be used as places of worship and for educational purposes. It would be fair to suggest that Local Authorities may have failed in providing capacity

building support to these centres in view of rendering them compliant with legal expectations and standards.

The threshold represents the fundamental basis of this regulatory process. It is important that proper data is collated first, and the uniqueness and individual characteristics of out-of-school education settings are identified. This exercise must be at a very grass root level. Further consultation and detailed discussion with all necessary representatives will need to be pursued. It cannot be overstated as to the importance of getting the threshold right.

## 5.2 *Registration and inspection (and sanctions)*

Prior to any discussion on registration, it is the criterion and the threshold for registration that needs to be clear. Registration itself is not entirely a negative pursuit if it provides for support and capacity building. The purpose for which registration is being proposed needs to be streamlined in order to then suggest the bodies with whom registration takes place.

In order to promote the welfare of children and quality of practical premises and provision of services, it may be the case that registration with the Local Authority as 'place of worship' and/or 'place of out-of-school education' is appropriate, which to some degree already exists. However, the threshold for registration needs to be quite clear, the registration process itself needs to be very simple so as not to put a strain and burden on settings so as to threaten their very existence, and the expectation from the Local Authority too needs to be made clear. Registration should not become an obstacle in the path of positive community endeavour, rather it should be a source of support and professional help with guidelines and resources to enrich these settings. The openness and transparency of this process and working partnership needs to be the incentive, if the greater common good is perceived to be the desired outcome.

As regards risk-based inspections due to concern regarding welfare and safety of children, the Local Authority itself and its safeguarding departments as well as the Police have powers to intervene and investigate, and where a crime has been committed close if necessary. Criminal matters are subject to the police and prosecution, and health and safety related matters are referred to the Local Authority (fire service, safeguarding, children's services, environmental services, planning and building control, etc.).

There has been a suggestion to move towards formulating a body in which resources could be placed that comprises of representation from faith communities such as Muslims, Jews, Christians, Hindus, Sikhs and from other faiths. Central to the targeted out-of-school education settings are those that come from a faith tradition and in which their faith values and ethos play a central and basic role. With Ofsted's wide-reaching and expanding role, the central essence within these settings will naturally be pushed aside and not given due regard and consideration. Ofsted will become the state's arm in scrutinising faith institutions and groups as well as the teaching of faith, without the necessary expertise of understanding the role of faith and keeping within a framework that stands to protect freedom of religion. A body that is independent from the state and is well-resourced and funded, with a faith-based approach, will be able to play a far more effective role in capacity building, regulation and inspection of these settings.

## 5.3 *Prohibited activities*

The prohibited activities identified in section 3.19 bring to light important areas in order to keep children safe and promote their welfare. However, 'undesirable teaching' requires

great clarity so its interpretation is not open to any individual's judgement and cannot be abused. In view of these concerns, it would be an idea to simply provide a guidance document for out-of-school education settings towards which centres can build their capacity. Support and resources towards this end can come through an independent body as mentioned in section 5.2, as a suggestion. In addition, training and support material too can be provided.

## 6. Recommendations

In view of the comments and discussions presented in this response document, the British Muslim Forum strongly recommends the following:

- a. In the process of the proposed legislation and in light of the detailed comments presented in this response document, registration and inspections must be applicable to all out-of-school education settings, religious and non-religious, belonging to any and every faith and to no faith. Such measures cannot be exclusive to Muslims or perceived to be targeted at only Muslims. Otherwise suspicion will increase, and such proposed measures will not inspire community confidence.
- b. Mosques and madrasahs need to be clearly seen as being solution providers to the problem of extremism and radicalisation, rather than being a problem. According to the research carried out by MI5's behavioural science unit, titled 'Understanding radicalisation and violent extremism in the UK',<sup>3</sup> it challenged many of the common stereotypes surrounding pathways to violent extremism. The MI5 report found that 'far from being religious zealots, a large number of those involved in terrorism do not practise their faith regularly. Many lack religious literacy and could actually be regarded as religious novices. Very few have been brought up in strongly religious households.' MI5 further stated that there is evidence that a well-established religious identity actually protects against violent radicalisation.
- c. Mosques, madrasahs and Islamic institutions face a growing threat from far right extremism, Islamophobia and anti-Muslim hatred. Islamic centres have been attacked and mosques petrol-bombed. The government should set aside funds and provide funding and support for a mechanism to protect and increase security measures around mosques and places of worship under threat.
- d. The proposed consultation highlights that in this registration and inspections process, there is the involvement of the Local Authority, Ofsted and central government. This is a huge task in terms of registration, inspections and regulations for all out-of-school education settings. An independent commission should be established that has the representation of all faiths and of no faith within it. The role of the independent commission should be to oversee this entire process as well as the registration and inspections being carried out. It should oversee measures of providing support and building capacity of mosques and madrasahs.
- e. The inspection body, whether Ofsted or otherwise, should include inspectors from different faith groups, including Muslim inspectors who have the necessary knowledge, knowhow and understanding of these faith settings.

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<sup>3</sup> 'MI5 report challenges views on terrorism in Britain', *The Guardian*, 20 August 2008: <http://www.theguardian.com/uk/2008/aug/20/uksecurity.terrorism1>.

- f. It is quite clear that there is no real mechanism and channel for the government's interaction and communication with mosques and madrasahs. This open consultation is a step towards this end. In view of this lack of a dialogue channel, an advisory group should be formulated that can be overseen by the independent commission suggested above (recommendation d.). This advisory group can take the role of channelling communication in order to build mutual understanding between mosques and madrasahs, and the government.

## **7. Ending note**

There is a sense of disproportionate focus on British faith communities. It is of crucial significance that equality is maintained and discrimination, whether against an individual or a community, based upon their beliefs and faith is eliminated. A negative targeting pursuit will always be counter-productive, and a positive capacity-building pursuit will bear positive results. Governance and welfare within settings can be improved through capacity-building measures, and extremism can be defeated through considering such settings to be part of the solution and not the problem.

This consultation has highlighted many areas that require much deliberation and further consultation in view of building a cohesive approach. It is hoped that quick consultation and legislation will not be an immediate outcome, but rather that a positive partnership based approach between the government and the British people will be pursued in order to tackle the challenges together with mutual respect and appreciation.