



FSU
FREE SPEECH UNION

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The Rt Hon Gavin Williamson MP
Secretary of State for Education
Department for Education
20 Great Smith Street
London SW1P 3BT

27th May 2021

Dear Secretary of State,

I am writing to you as General Secretary of the Free Speech Union, a non-partisan, mass-membership public interest body that stands up for the speech rights of its members and campaigns for free speech more widely.

This letter is a request that you investigate Trent College in Nottingham (URN 113004) to establish whether its treatment of its former chaplain, Dr Bernard Randall, constituted a failure to meet the applicable educational standards. If you agree that the relevant standards have been breached, we ask that you take appropriate action under section 114 of the Education and Skills Act 2008.

The facts

Dr Randall, a former chaplain at Christ's College Cambridge, was appointed to provide 'prophetic, pastoral and priestly duties' at Trent College in 2015. The College is an independent Church of England school.

In early September 2018, Dr Randall was concerned at aspects of the College's new "LGBT+ inclusive curriculum", in particular a presentation provided by inclusivity training provider Educate & Celebrate. During the presentation, which was attended by teachers only with Dr Randall among them, the slogan 'smash heteronormativity' was repeated several times. Teachers were exhorted to shout out the slogan when it appeared. They did.

Dr Randall was disturbed by the presentation. As he commented to the [Daily Mail](https://www.dailymail.co.uk) on 9 May 2021, he felt the language used by the instructor was 'revolutionary Marxist' in style. 'There seemed,' he said 'to be an emphasis on instruction rather than suggestion.' In response to a request from a pupil, Dr Randall delivered a sermon to pupils in June 2019 on the possibility of reasonable disagreement, even on the most contentious topics:

By all means discuss, have a reasoned debate about beliefs, but while it's OK to try and persuade each other, no one should be told they must accept an ideology. Love the person, even where you profoundly dislike the ideas. Don't denigrate a person simply for having opinions and beliefs which you don't share....

So I want to say to everyone, but especially to those who have been troubled, that you are not obliged to accept someone else's ideology. You are perfectly at liberty to hear ideas out, and then think, 'No, not for me'...

Whichever side of this conflict of ideas you come down on, or even if you are unsure of some of it, the most important thing is to remember that loving your neighbour as yourself does not mean agreeing with everything he or she says; it means that when we have these discussions there is no excuse for personal attacks or abusive language.

The full text of the sermon is enclosed with this letter. It is a fine example of humane, liberal reasoning. It attests the high quality of teaching found in many of our schools.

The College in response, and quite incomprehensibly, suspended and then dismissed Dr Randall for gross misconduct because of his sermon and referred him to Derbyshire Constabulary under the Prevent duty. The police rightly dismissed the referral. Dr Randall's job was initially saved when the board of governors overturned the dismissal. However, he was subsequently made redundant on 31 December 2020. He is now bringing proceedings against the College in the Employment Tribunal.

In the week following Dr Randall's sermon, the Deputy Head (Pastoral) told pupils in chapel that caring for the school is like gardening. Sometimes, he said, one has to check that all is well. Dr Randall understands this to have been a veiled reference to his dismissal – he was, it was implied, a weed to be removed or, indeed, a serpent to be banished from the Garden of Eden.

This letter does not concern the lawfulness of Dr Randall's dismissal, but the lawfulness of the College's actions. We believe these facts call for an investigation, either by yourself or by the relevant inspectorate, into the College's abuse of the Prevent function, and its failure to secure balanced treatment of a controversial issue.

Furthermore, we believe this case is illustrative of systemic problems at English schools which call for your urgent attention.

The Prevent referral

Under section 26(1) of the Counter-Terrorism and Security Act 2015, the College must 'have due regard to the need to prevent people from being drawn into terrorism'. Under section 29(2) of that Act, the College also 'must have regard' to the statutory [Prevent Duty Guidance](#) issued by the Home Office.

The Prevent Duty Guidance states clearly its aim:

[5] The aim of the Prevent strategy is to reduce the threat to the UK from terrorism by stopping people becoming terrorists or supporting terrorism. In the Act this has simply been expressed as the need to "prevent people from being drawn into terrorism".

The Court of Appeal, in *R (Butt) v Secretary of State for the Home Department* [2019] EWCA Civ 256, has provided a clear statement of the meaning and purpose of the guidance:

[155] The Guidance concerns the section 26 duty: it is directed to preventing people being drawn into terrorism through non-violent extremism. As the judge [at first instance] put it (at para 129): "Non-violent extremism which carries no risk of drawing people into terrorism is not subject to the guidance."

It is beyond even the smallest doubt that the College misdirected itself as to its duties under Prevent, and as a result caused Dr Randall serious distress and reputational harm. One need only read his sermon to see that it could not conceivably have drawn anyone into terrorism. The matter speaks for itself.

The only explanation for the College's approach – that a sermon on loving thy neighbour constitutes an inducement to terrorist violence – is that, contrary to the requirements of the Act, it had no regard to the requirements of the statutory guidance. The College seems to have disregarded the sensible guidance that, in complying with the Prevent duty, it should 'understand what radicalisation means' and 'be aware of what we mean by the term "extremism" and the relationship between extremism and terrorism' (para. 18).

Indeed, the statutory guidance carefully sets out the need to permit debates about difficult topics while also remaining vigilant against extremist propaganda:

[64] Being drawn into terrorism includes not just violent extremism but also non-violent extremism, which can create an atmosphere conducive to terrorism and can popularise views which terrorists exploit. Schools should be safe spaces in which children and young people can understand and discuss sensitive topics, including terrorism and the extremist ideas that are part of terrorist ideology, and learn how to challenge these ideas. The Prevent duty is not intended to limit discussion of these issues. Schools should, however, be mindful of their existing duties to forbid political indoctrination and secure a balanced presentation of political issues.

The government has further emphasised this important balance in its non-statutory Departmental Advice for Schools and Childcare Providers of June 2015:

It is important to emphasise that the Prevent duty is not intended to stop pupils debating controversial issues. On the contrary, schools should provide a safe space in which children, young people and staff can understand the risks associated with terrorism and develop the knowledge and skills to be able to challenge extremist arguments. ...

[S]chools can build pupils' resilience to radicalisation by providing a safe environment for debating controversial issues and helping them to understand how they can influence and participate in decision-making. Schools are already expected to promote the spiritual, moral, social and cultural development of pupils and, within this, fundamental British values.

We can only conclude that the College believed it was free to use the Prevent duty for its own preferred ends, and to disregard its purpose as stated by Parliament, the courts and the government – that is, to protect the public from violent extremism while safeguarding the freedom to think, speak and argue.

It will be for the Employment Tribunal to determine if Dr Randall's treatment by the College calls for a remedy. The concern of the Free Speech Union is that the College, along with other schools, has re-purposed the Prevent duty as a means of policing speech that it considers distasteful, with no regard to whether it constitutes extremism. We fear that in some cases the purpose, and/or effect, of invoking the duty, and with it the security forces of the state, is to tarnish or intimidate the person being referred.

Will the government consider taking steps which would restate the proper purpose of Prevent, resist attempts to misappropriate it for ideological purposes and thereby safeguard free speech in schools? We suggest that those steps need only be modest:

- amendment of section 31(1) of the Counter-Terrorism and Security Act 2015 to extend the obligation to 'have particular regard to the duty to ensure freedom of speech' to all schools;
- amendment of the Prevent statutory guidance and the DfE's Departmental Advice on Prevent to clarify that the Prevent duty must not 1) inhibit free discussion, by teachers and pupils, of legitimate controversies, and 2) be invoked to denigrate, punish or suppress the expression of beliefs protected by the law; and
- a review of the process of accrediting organisations that deliver Prevent training to schools.

The Independent School Standards Regulations 2014

We believe that invoking the Prevent duty did not only unfairly malign Dr Randall as an extremist – it also resulted in the College potentially falling foul of its obligation to take such steps as are reasonably practicable to ensure balanced presentation of political issues (Education (Independent School Standards) Regulations 2014, schedule, para. 5(d)).

We accept that balance in teaching must be assessed in the round, and that this letter concerns a specific incident. However the imbalance in this case is so striking, we believe it gives *prima facie* grounds for investigation. The matter can be stated bluntly. Educate & Celebrate presented the message ‘smash heteronormativity’, and it was endorsed – indeed, teachers were told to shout it out. Dr Randall presented the message that pupils are free to disagree with contentious ethical propositions about sexuality, and the College called the police.

Although the Educate & Celebrate session did not involve the teaching of pupils, we fear that the disparity of treatment is illustrative of an indifference to the need for balance.

Moreover, the College’s conduct provides further evidence that it may not be meeting the standards set out in the ISS Regs 2014.

Paragraph 3(i) of the schedule to the ISS Regulations states:

The standard in this paragraph is met if the proprietor ensures that the teaching at the school... does 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.

The College seems to have directly contradicted this standard – it has punished Dr Randall precisely because he spoke, with eloquence and erudition, on the pressing need for mutual respect and tolerance of those with different faiths and beliefs. This British value was the explicit and consistent theme of his sermon. By dismissing Dr Randall and denouncing him to the police for endorsing that value, the College quite clearly undermined it.

The Deputy Head’s implication that Dr Randall was a weed, to be removed by a conscientious gardener, clearly insinuated that adverse consequences would befall any colleague or pupil holding incorrect beliefs. Dr Randall believes, and we agree, that those listening would have well understood this warning as to the limits of the College’s tolerance of diverse beliefs.

We consider, consequently, that the College has fallen well short of the standard set out at paragraph 5(a) of the schedule – the College ought to ‘actively promote’ the value of mutual respect and tolerance of those with different faiths and beliefs.

Paragraph 5(b)(i) of the schedule requires that the College:

ensures that principles are actively promoted which enable pupils to develop their self-knowledge, self-esteem and self-confidence.

We believe that, once again, that was *exactly* what Dr Randall was doing, and his dismissal and denunciation undermined rather than promoted this principle. The sermon encouraged pupils to examine their conscience over contentious matters, and to have the self-confidence to defy the pressures of consensus if they disagreed. The College instead seems to have preferred to reinforce consensus, by quite literally repeating a shouted mantra.

We bring your attention also to paragraph 2(2)(d) of the schedule, which states that an independent school curriculum must provide for:

personal, social, health and economic education which–

- (i) reflects the school's aim and ethos; and
- (ii) encourages respect for other people, paying particular regard to the protected characteristics set out in the 2010 [Equality] Act

As Dr Randall rightly pointed out in his sermon, his message was entirely in keeping with the school's charitable object of educating boys and girls 'according to the Protestant and Evangelical principles of the Church of England'. Nor could it plausibly be argued that his sermon failed to encourage respect – on the contrary, it encouraged love for all.

We respectfully suggest that the requirement to carry out PHSE according to a school ethos is meaningless if a teacher can be dismissed and denounced for doing so.

We respect the fact that the College is likely to take a very different view of this matter. However, we believe that there is a clear case for investigating whether the College has fallen short of the standards demanded of it by the ISS Regulations.

If we may, we also believe that Dr Randall's case highlights certain omissions in the 'Independent School Standards – Guidance for independent schools'. Correcting these omissions is made all the more urgent by cases such as these, and we believe this government is well-placed to do it.

First, it is uncontroversial that freedom of speech is an integral British value. We hope you agree that the guidance for independent schools should state as much. Paragraph 3.6 could easily be amended to include promotion of free expression.

Further, to reduce the risk of teachers in all English schools being referred under the Prevent duty for challenging orthodox beliefs, or for encouraging children to debate them, we believe you should amend the [guidance on promoting British values in schools](#) published by the Department for Education in 2014 so schools have an active duty to promote free speech as one of the fundamental values of democracy.

Finally, we are concerned that the definition of 'political purpose' at 3.21 in the guidance for independent schools, which is limited to party politics and changes to law and policy, has been rendered obsolete by the growth of cultural politics and identity politics. We believe that these issues have become integral to political self-identification, and should be treated with the same caution and respect as party politics.

Yours sincerely,



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cc: Rt Hon Nick Gibb MP, Minister of State for School Standards
Mr Iain Mansfield, Special Advisor, Department for Education
Rory Gribbell, Downing Street Policy Unit
William Shawcross, Independent Reviewer of Prevent
Maggie Throup MP

Enc. Full text of Dr Randall's sermon

Enclosure – Dr Randall’s sermon

I have a theory about Brexit. It seems to me that people who voted to leave the European Union voted for largely political reasons – to do with democratic self-determination; and people who voted to remain did so for largely economic reasons – to do with prosperity and jobs.

Of course I’m simplifying here, and both sides claim to consider both, but it seems to me that which set of ideas, which ideology, takes priority determines which way many people voted.

And while we can easily discuss facts, and try to find the truth behind factual claims, ideals aren’t true or false in the same way.

And so the problem with the often very heated and unpleasant debate ever since the referendum is that people haven’t managed to cope with there being two competing sets of ideals – two ideologies.

Now when ideologies compete, we should not descend into abuse, we should respect the beliefs of others, even where we disagree. Above all, we need to treat each other with respect, not personal attacks – that’s what loving your neighbour as yourself means.

By all means discuss, have a reasoned debate about beliefs, but while it’s OK to try and persuade each other, no one should be told they must accept an ideology. Love the person, even where you profoundly dislike the ideas. Don’t denigrate a person simply for having opinions and beliefs which you don’t share.

There has been another set of competing ideals in the news recently. You may have heard of the protests outside a Birmingham primary school over the teachings of an LGBT-friendly ‘No Outsiders’ programme.

In a mostly Muslim community, this has been sensitive, because many parents feel that their children are being pushed to accept ideas which run counter to Islamic moral values.

And in our own school community, I have been asked about a similar thing – and the question was put to me in a very particular way – ‘How come we are told we have to accept all this LGBT stuff in a Christian school?’ I thought that was a very intelligent and thoughtful way of asking about the conflict of values, rather than asking which is right, and which is wrong.

So my answer is this: There are some aspects of the Educate and Celebrate programme which are simply factual – there are same-sex attracted people in our society, there are people who experience gender dysphoria, and so on.

There are some areas where the two sets of values overlap – no one should be discriminated against simply for who he or she is: That’s a Christian value, based in loving our neighbours as ourselves.

All these things should be accepted straightforwardly by all of us, and it’s right that equalities law reflects that.

But there are areas where the two sets of ideas are in conflict, and in these areas you do not have to accept the ideas and ideologies of LGBT activists. Indeed, since Trent exists ‘to educate boys and girls according to the Protestant and Evangelical principles of the Church of England’, anyone who tells you that you must accept contrary principles is jeopardizing the school’s charitable status, and therefore it’s very existence.

You should no more be told you have to accept LGBT ideology than you should be told you must be in favour of Brexit, or must be Muslim – to both of which I’m sure most of you would quite rightly object.

I am aware that there will be a good few in our community who will have been struggling, if they feel they are being told that they must accept ideas which run counter to their faith – or indeed non-faith – based reasoning about the world.

So I want to say to everyone, but especially to those who have been troubled, that you are not obliged to accept someone else's ideology. You are perfectly at liberty to hear ideas out, and then think, 'No, not for me'.

There are several areas where many or most Christians (and, for that matter, people of other faiths, too), will be in disagreement with LGBT activists, and where you must make up your own mind. So it is perfectly legitimate to think that marriage should only properly be understood as being a lifelong exclusive union of a man and a woman; indeed, that definition is written into English law.

You may perfectly properly believe that, as an ideal, sexual activity belongs only within such marriage, and that therefore any other kind is morally problematic. That is the position of all the major faith groups – though note that it doesn't apply only to same-sex couples.

And it is a belief based not only on scripture but on a highly positive view of marriage as the building block of a society where people of all kinds flourish, and on recognising that there are many positive things in life more important than sex, if only we'd let them be.

This viewpoint is recognised by many people as extremely liberating. And it's an ethical position which could also be arrived at independently of any religious text, I think.

In other areas you are entitled to think, if it makes more sense to you, that human beings are indeed male and female, that your sex can't be changed, that although the two sexes have most things in common, there are some real, biologically based differences between them overall. And if you think that, you would be in accord not only with the tradition of most Christians, and other faiths, but much of the biological and psychological sciences too.

You are entitled, if you wish, to look at some of the claims made about gender identity and think that it is incoherent to say that, for example, gender is quite independent of any biological factor, but that a person's physiology should be changed to match his or her claimed gender; or incoherent to say that gender identity is both a matter of individual determination and social conditioning at the same time, or incoherent to make claims about being non-binary or gender-fluid by both affirming and denying the gender stereotypes which exist in wider society.

And if these claims, which do seem to be made, are incoherent, then they cannot be more than partially true. Yet truth is important as we try to make decisions about the consequences of these ideas.

And you might reasonably notice that some LGBT activists will happily lie about gender identity being a legally protected characteristic (which it isn't), and from that observation wonder whether there are other areas where their relationship to truth is looser than might be ideal.

But, by way of contrast, no one has the right to tell you that you must lie about these matters, to say things you sincerely believe to be false – that is the tactic of totalitarianism and dictatorship.

On a more positive note, Christians will want to have a discussion about human identity which focuses on the things we all have in common, rather than increasingly long lists of things which might divide.

You might be concerned that if you take the religious view on these matters you will be attacked and accused of homophobia and the like. But remember that religious belief is just as protected in law as sexual orientation, and no one has the right to discriminate against you or be abusive towards you.

Remember too that 'phobia' words have a strict sense of extreme or irrational fear or dislike, like arachnophobia, fear of spiders, or triskaidekaphobia, fear of the number thirteen – well, there's nothing extreme about sharing your view with the Church of England, established by law, and of the majority of the world's population who belong to these faiths.

Nor is it irrational to hold these views, since they can be based both on secular reasoning and on scriptures – and if, on other grounds, you are sure that the scriptures reflect the mind of God, then they provide the very best reasons possible for anything.

But 'homophobia' and 'transphobia' have come to be used in a looser sense to mean often simply, 'You disagree with me and I'm going to refuse to listen to you, and shame you to shut you down'. In other words, they have sometimes come to be terms of abuse, used in a dictionary-definition, bigoted and bullying way. You can safely ignore these uses, although that takes real moral courage, I know.

And you may think that LGBT rights are different somehow, because no one chooses to belong to the varied groups represented by these ideas. To which I would remind you that equalities law does not recognise that distinction – all equalities are in fact equal.

So, all in all, if you are at ease with 'all this LGBT stuff', you're entitled to keep to those ideas; if you are not comfortable with it, for the various especially religious reasons, you should not feel required to change.

Whichever side of this conflict of ideas you come down on, or even if you are unsure of some of it, the most important thing is to remember that loving your neighbour as yourself does not mean agreeing with everything he or she says; it means that when we have these discussions there is no excuse for personal attacks or abusive language.

We should all respect that people on each side of the debate have deep and strongly held convictions. And because, unlike Brexit, this is not a debate which is subject to a vote, it is an ongoing process, so there should be a shared effort to find out what real truth looks like, and to respect that that effort is made honestly and sincerely by all people, even if not everybody comes up with the same answers for now.