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# **A RESPONSE BY THE NATIONAL SECULAR SOCIETY TO THE SCHOOL ADMISSIONS CODE OF PRACTICE DRAFT 2005**

18 October 2005

## Preface

The National Secular Society (NSS) does not consider that the state should be subsidising religious schools with taxpayers' money, and has been opposing this since it was founded in 1866. Given that this broader question is outside the scope of this Submission, the Society responds to the current draft proposals as follows.

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## Terminology:

**State-funded schools without religious affiliation are referred to below as "community schools" and state-funded schools with religious affiliation are referred to as "religious schools".**

Recommendations are shown in **bold**.

## **EXECUTIVE SUMMARY**

**Religious schools discriminate in favour of members of some religions and against those of other faiths/denominations or none. Many Church of England schools attract mainly white children with aspiring parents. This impedes social and racial integration and causes a disproportionately high concentration of children from ethnic minorities and less well-off families to attend community schools**

**We recommend the suspension of religious entry criteria, resulting in a much more representative mix of children in both religious and community schools, with significant benefits for the education of the latter. We have included below evidence of this from the USA which we believe would apply equally to the UK.**

**If religious communities are committed to teaching children their beliefs, then this should not be funded by taxpayers, most of whom do not share those beliefs. As stated below, according to Christian Research, the C of E's membership is 3%. This means that 97% of the population are not practising Anglicans. As only 7.4% of the English population attend churches of all denominations on an average Sunday, this means that 92.6% of the population are not regularly practising Christians. And yet one in three state-funded schools is a religious school.**

**The NSS suggests that local religious communities should take religious teaching out of state-funded schools and set up a network of Sunday schools or their equivalent for other religions. The onus should be on the Church (mosque, etc) and on parents to pass on their religion, not on state-funded schools. Morals and social behaviour should be taught separately from religion.**

**The NSS has strong concerns: that children of non-religious parents are being discriminated against, that the growing number of religious schools does not reflect the reality of belief and affiliation in the population, that religious schools will promote rather than decrease division in society and that admissions policies are inconsistent, discriminatory and open to abuse.**

**The NSS would like to see all religious schools and city technology colleges (which also have admissions privileges) become community schools, especially in areas where a religious school is currently the only practical choice. Until this is achieved, admissions policies must be mandatory, standardised, non-discriminatory, clear and easily accessible. All religious schools not under LEA control (broadly, voluntary aided schools) should be transferred to LEA control, including admissions policy. The schools must state, in easily accessible form, what the over-subscription rates have been in recent years, to give parents a clear understanding of what chance their child has of gaining a place.**

**Religious schools should not be allowed to select on religious criteria at all. In the current situation, schools must provide parents with full information on how decisions regarding proportions of religious and other children are reached, what proportion of the various categories of children have been accepted in previous years, and how children not of the designated religion will be treated in the school.**

**We also recommend that the Code set in place a means of enforcing equality of admissions and treatment within schools, close up loopholes and establish clear guidelines for monitoring that the above requirements are being practiced. Above all, it should place a statutory duty on all admission authorities (be they a single religious school or an LEA) to follow the Code.**

**We would seek to work towards equality by converting religious schools into community schools. This might be done in stages, initially by making continued public funding of each religious school contingent on removing religious stipulations from its entry criteria. Priority would also be given to transferring control for Voluntary Aided schools to the Local Education Authorities, and this might trigger a reimbursement to the religious organisations of money paid by them towards capital costs.**

**Secular schools are the only long-term answer to the rapidly changing demographics of Britain. In them the needs of every pupil can be catered for, without any religion or life-stance being promoted as superior.**

## **DISCRIMINATION AGAINST THE NON-RELIGIOUS**

That a third of maintained schools are of a religious character (referred to below as “religious schools”) is a relic of a time when religion was much more widely practised than it is today. Practically all religious schools now open were already founded by 1930. Since then, membership of the Church of England, responsible for a quarter of maintained schools, has fallen by two thirds<sup>1</sup>.

The high proportion of religious schools, often even higher in sparsely populated rural areas, often results in those not wishing their child to be educated in a religious school being forced to do so. We receive calls from parents distressed at being forced into this predicament.

Most religious schools have admissions policies weighted, often heavily, in favour of children of parents who are, or who purport to be, Christian – and this is particularly so if they belong to and/or attend a church of the denomination of the school concerned. If religious schools are to persist, the **NSS recommends as an interim measure that no more than 75% of places be offered to children of the designated religion.** This broadly reflects LibDem policy.

In addition to its concerns about discrimination against pupils, the NSS also has concerns about the potential for discrimination against teachers who are not of the designated religion. For example, one former teacher of Cardinal Wiseman RC School (Ealing, London) who was a (non-practising Catholic) agnostic, made it clear at their interview that they would not want to take part in religious observance but was constantly pressurized to attend Mass and to display religious material in the classroom.

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<sup>1</sup> *RELIGIOUS TRENDS* Published by Christian Research Ed. Dr Peter Brierley 2001/2002 and later editions Tables 8.2.

Parents who choose to send their children to a community school rather than a religious one that is closer to their home, are likely to suffer discrimination by their LEA in the provision of subsidised transport. This is another privilege enjoyed by many of those attending religious schools: subsidised transport is generally available for pupils travelling to a school of their own religion. Yet, in our experience, children whose non-believing parents wish them to travel to community schools, are discriminated against, in that they are not afforded the same subsidised transport arrangements.

Those keen to retain, or even increase, the high proportion of religious schools, argue that the religious are taxpayers and entitled to education of their choice. This argument fails to recognise that the parents given preference in religious school admissions policies have privileged access to religious schools, whereas other parents, who are also taxpayers, do not. Given that there is no counter-balancing admission preference for non-religious parents in community schools, they are disadvantaged and discriminated against, compared with religious parents.

We share the concern expressed in the *Education and Skills Committee Report on Secondary School Admissions* (2004) about the shift in the balance of power from parents (choosing schools for their children) towards schools as their own admission authorities (choosing the children they wish to admit). This shift appears to apply most acutely to religious schools.

## **SUMMARY OF CONCERNS**

### **1. Religious Observance**

The current proportion of religious schools is excessive relative to the level of religious observance. The proposed increases in the number of religious schools exacerbate this imbalance. As noted above, this leads to those parents not wishing to send their children to a religious school, often being forced to do so.

### **2. Ghettoization**

While the government expresses concern about the growing 'ghettoization' of Britain, it appears to be ignoring the evidence that religious schools contribute to this. We are convinced that religious schools create a more divided community. This particularly applies to minority (non-Christian) faith schools, whose admissions tend to have a very high proportion of children from minority ethnic groups. The existence of most religious schools leads directly to admissions to nearby community schools failing to reflect the community's ethnic, religious, non-religious and socio-economic balance.

### **3. Admissions policies**

a. Admissions policies in most religious schools are biased against local children whose parents are not of the "appropriate" religion or of any religion, even though they live within the catchment areas, and in some cases practically next door. These discriminatory admission policies often apply even where there is no community school within a reasonable distance. This causes hardship.

b. It has been widely reported that parents frequently feign religious faith, and also attend church when they would not otherwise do so, in order to secure admission for their children to religious schools.

c. It has been reported that some schools have opted for conversion from community to religious school status to make it easier for the schools to exclude 'difficult' or

disadvantaged pupils. This is an abuse of the system that further privileges religious schools to the direct disadvantage of community schools to which such pupils will normally be transferred.

This document will deal with these three points and propose measures for further consultation. In addition, it will comment on the relevant sections of the School Admissions Code of Practice Draft 2005.

It should be noted that, apart from the 150 local authority admission authorities, every other admission authority is an individual school.

In more detail, these three areas of concern are as follows:

## 1. RELIGIOUS OBSERVANCE

A Home Office report shows that religion is now only the ninth most important attribute of people's identity, and two major surveys have shown that two thirds of secondary school children identify themselves as agnostic or atheist. An NOP survey of 18-year-olds (November 1999) showed that 77% had no religious beliefs. In a 1994/5 survey on the values and religion of 13-15 year-olds, 61% declared themselves to be atheist or agnostic, with only around 25% believing in God.<sup>2</sup> The figures for secondary school children are even more revealing. "Two thirds [of 12-19 year-olds] did not regard themselves as belonging to any religion"<sup>3</sup>

Statistics produced by Christian Research demonstrate just how few adherents the Church of England has. As a percentage of the adult population in England, normal Sunday attendance is currently less than 2%, and the C of E's membership is 3%.<sup>4</sup>

Worshippers under 20 years old represented 36% of Anglican churchgoers in 1979, but by 1998 this had dropped to 22% of churchgoers. Because the total number of churchgoers itself had declined substantially, the drop in numerical terms for those under 20 is even more dramatic: from 602,000 to 216,000 - by 65%.<sup>5</sup>

A respected Christian statistician with experience in the seat of government, Dr Peter Brierley, has predicted that in the UK over the 35 years to 2040, church attendance will drop by two thirds and church membership by a half.

Roman Catholic decline is following a similar path from 4.3% to 2.6% of the adult population on an average Sunday<sup>6</sup>.

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<sup>2</sup> by the Revd Professor Leslie Francis and Revd Dr William Kay (Trinity College Carmathen), also referred to in Religious Trends Table 5.9.2

<sup>3</sup> National Centre for Social Research 2004 ISBN 1 84478 291 3 Research Report No 564 *Young People in Britain: The Attitudes and Experiences of 12 to 19 Year Olds*

<sup>4</sup> *UK Christian Handbook – Religious Trends 2002/2003* published by Christian Research ISBN 1 85321 145 1, Tables 2.14.1 and 8.4.3

<sup>5</sup> *ibid* Table 4.9.1

<sup>6</sup> *ibid* Table 2.14.1

In total, only 7.4% of the English population attend churches of all denominations on an average Sunday, and this is officially estimated to drop to 6.6% in 2005.<sup>7</sup>

The statistics for non-belief, however, are a mirror of those quoted above. Disbelief in God increased from around 2%<sup>8</sup> in the 1940s and 1950s to 27%<sup>9</sup> in the 1990s and is over 30% now, with 45% saying they have no religion<sup>10</sup>.

Given that the proposal is to increase the number of religious schools while the proportion of non-believers is rising, the discrimination suffered by non-believers is set to increase very substantially indeed - a prospect that we find greatly disturbing.

The increase in pupils studying RE at GCSE is not necessarily an indication of increased religious interest. One former teacher at Cardinal Wiseman RC school in Ealing borough (London) stated that: "Children are keen to take RE at GCSE because it is an easy course that can be done in one year. The schools are keen to offer this subject because good results will bump up their overall performance figures. Course work is an important part of GCSE now and it is easy for the teachers to 'spoon-feed' pupils to make sure their course work is of a high enough standard. "

This expansion in religious schools flies in the face of public opinion. The Guardian led with an article 'Two thirds oppose state aided religious schools' (23 August, 2005). It reported an OCM poll in which 64% of respondents agreed that "The Government should not be funding religious schools of any kind". A poll in the New Statesman asked (29 August 2005): "Should Blair end his support of faith schools?" The result extracted from the website on 6 September showed 96.2% answered 'yes'. Among the reasons put forward to justify the existence of religious schools, or their expansion, are claims that they achieve above-average academic success, and are popular with parents, often being oversubscribed and with long waiting lists.

However, some religious schools do not perform well in the league table and have a poor record on discipline and behaviour. These poorly performing religious schools tend not to be as popular, suggesting that what parents are looking for is good schools rather than specifically religious schools.

That the Government should be contemplating a programme of expanding religious schools at all is highly questionable given that the demographic trends point to a reduction in school places. The more religious schools that are opened, presumably the more community schools will have to be closed to help match the oversupply of places. This will substantially increase the proportion of religious school places at a time when religious adherence is dramatically declining.

The former Archbishop of Canterbury, Lord Carey of Clifton, believes according to The Times "that the churches of Britain are approaching terminal decline, and that the last rites could soon be administered. . . . Membership was declining so fast that if the church were a shop, it would have been declared bankrupt long ago. Unless it reformed from top

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<sup>7</sup> ibid Table 2.14.1

<sup>8</sup> ibid Table 5.9.2

<sup>9</sup> ibid Table 5.9.2

<sup>10</sup> British Social Attitudes Survey 1998

to bottom.” He is quoted in the same article as believing that the Church would become “an irrelevancy in the nation and a club for the old, the resigned and those tired of life”.<sup>11</sup>

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<sup>11</sup> Statement on 11 October 2005 reported in [http://www.ekklelesia.co.uk/content/news\\_syndication/article\\_051014carey.shtml](http://www.ekklelesia.co.uk/content/news_syndication/article_051014carey.shtml) and <http://www.timesonline.co.uk/article/0,,1062-1823273,00.html>

## 2. GHETTOIZATION

Despite the Government's recently expressed concern about the creation of 'ghettos' in this country, the proposed code does nothing to address this problem. There is, on the contrary, evidence that religious schools and religious leaders are colluding in perpetuating and deepening existing divisions.

We did note a very recent, if belated, recognition of the problem in a speech the Work and Pensions minister, Margaret Hodge reportedly gave on 15 October 2005<sup>12</sup> to the Labour think-tank Progress. *The Guardian* report was headed: "Faith schools warned: open gates to all or be shut down. ... Faith schools should be shut down unless they agree to engage with pupils from other faiths."

**We recommend that practical initiatives should be quickly introduced to reflect the concerns expressed by Margaret Hodge on 15 October 2005 on the exclusion of those of other faiths (and, we assume, none) from religious schools.**

We are alarmed that expansion is directly leading towards a racially segregated education system. Proposals for more minority religious schools have been criticised in Burnley and Birmingham, both multi-cultural areas.

Probably the greatest concern, however, is of a wholesale expansion of the minority religious sector - which equity will demand, especially if the Christian sector is being augmented. Far more minority religious schools will not just expand the proportion of religious schools, they will lead in most conurbations to a splintering of education provision down religious, and thus often racial, lines - to the detriment of both majority and minority communities.

We believe that the more religious schools there are, the more children will be separated by religious (and therefore often racial, and sometimes sectarian) categories at a very formative time in their lives. This separation denies pupils from both minority and majority communities the best, and perhaps the only, opportunity to learn about each other and to live together. Our concern is reinforced by research published in *Science* on 29 July 2005. As is seen in Section 3a below, Church primaries are often the only option and children who do not attend them will be segregated from those who do.

Many religious schools claim to be "inclusive", but this generally falls a long way short of being non-discriminatory. Sometimes this empty word simply means that a few pupils from another religion (or – less frequently - none) are eligible for admission. Even in this case, while admission is technically open to such pupils, there may be none of them.

It is entirely unrealistic to expect parents who are not of minority religions to send their children to minority religious schools in anything other than minimal numbers. The headteacher of Islamia Infant School in Brent has pointed out several times in broadcast interviews that his school has an open admissions policy, but admits when pressed that no non-Muslim pupil has ever been admitted.

Some Jewish, Muslim, Sikh and Greek Orthodox schools already receive state funding. Orthodox Jewish schools are not keen to admit non-Orthodox pupils, and a correspondent to *London Jewish News* reported that some Jewish children are being refused entry to Jewish schools if one of their parents (especially the mother) is not Jewish. The more

<sup>12</sup> <http://www.guardian.co.uk/frontpage/story/0,16518,1592886,00.html> *Guardian* 15 October 2005

Orthodox such schools are, the less likely they are to wish to admit children from less Orthodox families. This is highly divisive, even within a relatively small community.

In a BBC2 programme called *God and the Politicians* on September 28, 2005, the presenter David Aaronovitch looked at religious diversity in religious schools. The most telling comments came, unwittingly, from Cardinal Cormac Murphy O'Connor who claimed that Catholic schools are diverse and welcoming, and even have Muslim pupils who would rather come to a Catholic school than go to a school with no religious ethos at all. But when David Aaronovitch challenged the Cardinal to reciprocate and welcome Catholic children being educated in Muslim schools, he stated that he would not like Catholic children raised in that kind of ethos. Neither would the Anglican Bishop of Southwark, Tom Butler, who was also interviewed.

Mr. Aaronovitch then confronted Iqbal Sacranie of the Muslim Council of Britain, with what the Christian prelates said. He responded that if he wanted a Muslim education for his children, they should be equally happy with it for their children.

The general attitude from Christian prelates appears to be that children from other religions are welcome in Christian schools because they will be exposed to 'Christian values' and teaching, presumably in the hope that they will rub off. This is missionary work in the guise of education. It does not respect other religions as being of equal value. Such blatant double standards do nothing to promote integration within society. Schools that cannot teach and respect all religions should endorse none. Admitting children from other religions also keeps up attendance figures, thus justifying the schools' continued existence.

However, other religious intellectuals and politicians are openly critical of educational segregation by religion. For example, leading liberal rabbi Jonathan Romain has stated that single faith schools are "a recipe for social disaster". In an article in *The Times* on Saturday: [http://www.timesonline.co.uk/article/0,,3933-1805415\\_1,00.html](http://www.timesonline.co.uk/article/0,,3933-1805415_1,00.html), he wrote: "The problem with faith schools is not their purpose but their consequences. They may be designed to inculcate religious values, but they result in religious ghettos, which can destabilise the social health of the country at large." Former Cabinet Minister Edwina Currie said: "Jewish schools will make children ignorant about what's going on in different societies."<sup>13</sup>

A former Church of England Bishop wrote to *The Times* in support of Rabbi Romain: "I wrote to you when I was Bishop of Repton saying that 'it saddens me that the churches and the state (in my native Northern Ireland) continue to acquiesce in the sectarian divide by allowing aided (faith) schools to continue'. " He added: "We ... saw the terrible scenes of Catholic children having to run the gauntlet of screaming Protestants to reach Holy Cross School in Belfast. Had those Protestant parents mixed with Catholic children 30 years ago, they might have grown up knowing that Catholics are not demons but ordinary kids. My hope and prayers are that both politicians and church leaders will increasingly campaign for schools where faith is cherished but not isolated."

On the Sunday Programme on BBC Radio 4 on October 2 2005, Rabbi Romain said. "You can get your religious education from the home, from Sunday classes, from mid-week classes. I think schools should build bridges not erect barriers. Frankly as a parent, as a Jewish parent, I want my children to sit next to a Muslim in school, to play football in the break with a Hindu, to walk home with a Methodist, and actually get to know them, and

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<sup>13</sup> Ham and High (Hampstead) 14 October 2005

them to get to know my children. And I think that the result will be a better and more harmonious society.”

The Sunday Programme then ran a viewers' poll on its website asking “Do faith schools breed segregation?” At the time of writing, 583 responded ‘Yes’, while 23 said ‘No’.

It is clearly not just secularists who are alarmed at the prospect of more faith schools. If both secularists and religious leaders (and religious parents) are concerned, the government is risking a highly unjustified and very unpopular move.

Ghettoization is not just a concern in the context of race or belief. Admissions policies also make it possible to exclude 'difficult' children: under-achievers or the disadvantaged who may be difficult to teach and who may affect a school's exam results. Religious schools only make the basic problem of under-achieving schools worse. In many cases, they cultivate an air of exclusivity that results in them attracting the better pupils to the detriment of other non-religious schools in the area.

The NSS contends that it is because of privileged pupil intake that many religious schools (especially C of E) perform well in the league tables and are, consequently, very popular. This explains why some parents of other religions or none would want to send their child to a religious school.

The backgrounds of pupils in religious schools tend to be substantially more affluent than in their community counterparts. This is revealed by a dramatically lower proportion of pupils in religious schools in all categories taking free school meals, compared with pupils in community schools. Combined figures for religious schools are not available, but the largest single category is C of E Primary, for which the take-up rate for free school meals is 12.2%. This compares with 20.2% for community primary schools.<sup>14</sup>

We acknowledge that some religious schools have high numbers of children from poor and/or minority ethnic families. But these tend generally to be undersubscribed schools where the Church has no option but to admit them. It also means that the school meals disparity in the remaining schools is even greater.

A similarly privileged or elitist picture emerges over special needs. The average percentage of children with special needs was 1.5% for religious schools, around 2.2% for the maintained community schools, and 2.0% for all maintained schools.<sup>15</sup>

If it is claimed that a significant proportion of religious schools do *not* have a lower than average proportion of SEN children, then this simply means that the remainder have a very low rate indeed, so low as to merit independent investigation.

It is implausible to argue that such disparities are accidental or insignificant, and they do not sit comfortably, in this instance at least, with the claims made by the proponents of religious schools that their schools somehow exercise greater compassion. It is rather easier to contend, however, that this greater affluence (or lesser poverty) of the families of pupils in religious schools creates significant advantages for those schools, while community schools are commensurately disadvantaged.

<sup>14</sup> Commons Written Answers 12 July 2001 No. 3164 answered by Stephen Timms

<sup>15</sup> Answer to Parliamentary Question 28609, 222/1/02, Hansard, column 823W (s/b 819 W) answered by Ivan Lewis W. The figures relate to those with statements in the year 2000.

Religious schools are then held up as producing 'superior' performance. In reality much of this performance results from the pupil mix - the higher proportion of more gifted pupils in religious schools stemming directly or indirectly from the privileged selection methods employed in those schools. These could include interviewing both prospective pupils and their parents; something that community schools are not permitted to do for admission purposes.

### **3A ADMISSIONS POLICIES AND OTHER DISCRIMINATIONS**

The Government should look again at its admissions Code to eliminate the various forms of discrimination that inevitably arise when religiously motivated and other concerns intrude on what should be a fair, open and understandable process for parent and child.

Admissions policies penalise local children whose parents are not of the designated religion or of any religion, even though they live within the catchment areas and even though in rural areas there may not be an alternative choice within a reasonable distance. While in London and some, but only some, major conurbations, eleven years olds are able to travel to any one of a number of schools, the reality for many children in smaller towns and rural areas is that their nearest school is the only realistic option.

Admissions policies in most religious schools are biased against local children whose parents are not of the appropriate religion or of any religion, even though they live within the catchment areas, and some cases practically next door. These discriminatory admission policies often apply even where there is no community school within a reasonable distance. This causes gratuitous hardship.

This must be a particular problem in rural areas with a high proportion of religious schools. In the following counties the proportion of CofE and RC Primaries is 50% or more (in descending order of proportions<sup>16</sup>:

Lancashire  
 Wiltshire  
 Somerset  
 Dorset  
 Hereford & Worcs

Many schools surveyed by the NSS do not have their admissions policies publicized on their websites, which is the first port of call for many parents, the most obviously public face of the school. Some schools have a general admission policy, others are far more specific.

The NSS is concerned that the following children are denied admission, or at least discriminated against over admissions:

- those of non-believing parents,
- those of parents who have a religion but do not regularly participate in public acts of worship
- those of other religions.

Also of concern is the fact that children of other religions are frequently expected to attend religious classes and services. This is tantamount to state-funded proselytizing. There is

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<sup>16</sup> Prepared from Christian Research's *Religious Trends 3*, table 5.3.1

no provision for other worship, religious instruction or alternative activities for these groups.

The National Secular Society is receiving an increasing number of complaints from parents that their children are being exposed to often quite aggressive religious proselytising in lessons. Children are being pushed by visiting vicars and priests into accepting the assumption that they are Christians, whether they have made their minds up or not. This is not religious education, it is indoctrination, and the government is making it increasingly easy for this to happen.

One complainant against this indoctrination wrote: "I would rather my son was not exposed to the story of Jesus Christ being nailed to the cross. But the school is very good, and the alternative is just not as suitable. It's bigger, there are more children with English as a second language, and it's just a more threatening environment."<sup>17</sup> It is outrageous that parents forced into this distressing position are in effect forced to sit through hours of religious worship against their will, as well as being expected to contribute both financially and in other ways to the benefit of the church.

The only option for resistance is for parents to take their children out of these lessons. They can do so without giving a reason. The NSS feels strongly that children who are exempted/excused should be given creative alternatives and are not just asked to sit in a corridor and entertain themselves, which has happened to some children.

One of our members who lives in a small rural community on the Fylde Coast reported that, despite taking the matter up with his MP and copious correspondence with his LEA (in which he even quoted the relevant article of the UN Charter of Human Rights), the LEA refused to provide a bus pass for his daughter. She attended a community school eight miles away, yet an RC neighbour's child who travelled 12 miles to an RC school received a pass.

Another discriminatory situation arose in Droitwich when the local council decreed that non-Catholic children could not travel to school on the school bus. The children who went to the Blessed Edward High School in Worcestershire are from Christian families, but they are not Catholics. The council decided that 'to be considered for denominational transport, you have to adhere to the denomination of the school in question'.

We do not believe parents can have full freedom of choice in their children's education if they are financially penalized in this way.

### **3B PLAYING THE SYSTEM**

Current admissions policies are open to hypocrisy, abuse and cynical manipulation.

It is well known that many parents feel the need to pretend to have a religion and even attend church solely in order to secure admission for their children to religious schools. The church knows and accepts this. It is unacceptable that parents should be placed in a position where they feel they have to do this in order to secure education in a maintained school or to avoid sending their children to poorly performing local schools.

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<sup>17</sup> Schools: spoilt by choice? As manipulative parents learn to work the system to get their children into their preferred school, Steve McCormack looks at the consequences for the losers *Independent* 3 June 2004

Given that parents often move to a different area to be in a good school's catchment area, attending church is hardly a sacrifice for them. A recent article in *The Telegraph* proves this point and, more worryingly, the collusion of the local religious leaders that makes nonsense of the schools' policies.

In an article entitled '*You're an atheist? We'll still back your child for church school, say vicars*' by Daniel Foggo (*The Sunday Telegraph* 18/09/2005) the following was revealed:

"Clergymen across the country admitted that having atheist parents would not affect the child's prospects of gaining entry to the primary schools attached to their churches. They were all willing to sign a form or letter confirming the attendance of such parents at church, regardless of whether they were Christian or not, thus facilitating the child's application to a C of E school.

The clergymen also told an undercover reporter from *The Sunday Telegraph*, posing as an openly atheist parent, that his lack of belief was typical of many who attended church services simply to qualify their children for places at school.

Like many CE primaries across the country, all the schools concerned have high educational standards and are oversubscribed. The school governing bodies stipulate that preference would be given to the children of parents who attended worship regularly over a set period.

The priests who were questioned openly accepted that a significant number of parents attend church services purely to fulfil that requirement, then later drop out.

The revelation makes a mockery of the admissions criteria, which are intended to test the devoutness of parents.

Asked if not having spiritual beliefs would be a bar to the priest signing a form to say the parent was a regular churchgoer, the Rev Antony Lane, of St Paulinus Church in Crayford, Kent, which is attached to St Paulinus School, said: "No, [the criterion] is attendance at worship. You put your bum on the seat for six months and you stand a good chance." >>>

The Church of England, which benefits financially from the contributions these parents will make to the church, acknowledges that this occurs, and appears to see nothing wrong in it.<sup>18</sup> We consider it perhaps the greatest iniquity of the discriminatory admissions policies that some parents feel forced to resort to such subterfuge in order to secure a place at a maintained school.

### **3C 'DIFFICULT' CHILDREN**

Conversion to voluntary aided status with a religious ethos has been suggested illegitimately by schools themselves as a convenient way of excluding such children.

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<sup>18</sup> Sky News 9 August 2005 10.30 a.m. Canon John Hall, Secretary to C of E Board of Education. Also *You're an atheist? We'll still back your child for church school, say vicars* Daily Telegraph 18 September 2005

<http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2005/09/18/ngod18.xml&sSheet=/news/2005/09/18/ixhome.html>

The practice of requiring letters from religious leaders makes it easy to exclude 'problem' children, as a letter can be a form of guarantee of good 'character', especially if the school is over-subscribed.

This system excludes children and is open to abuse. It is also a way of inflating illegitimately the school's reputation for good behaviour and exam results, thus attracting applications from the 'right' kind of parent and pupil in future years. It also ignores the potential for children blossom in the right environment. The admission criteria for religious schools tend to disadvantage potentially 'difficult' children and also children from poorer families. in community schools.

A US school district has produced dramatic improvements in the achievement in children from economically disadvantaged families by ensuring that they are *not* concentrated in the same classes. It is reported in *The New York Times*:<sup>19</sup>

*'Over the last decade, black and Hispanic students here in Wake County [North Carolina] have made such dramatic strides in standardized reading and math tests that it has caught the attention of education experts around the country.*

*The main reason for the students' dramatic improvement, say officials and parents in the county, which includes Raleigh and its sprawling suburbs, is that the district has made a concerted effort to integrate the schools economically.*

*Since 2000, school officials have used income as a prime factor in assigning students to schools, with the goal of limiting the proportion of low-income students in any school to no more than 40 percent.'*

There is a plethora of evidence from the UK of the link between poverty and poor educational performance, so it is likely that the US experience is relevant to the UK. Yet the schools admissions criteria for Church of England schools tends to concentrate children from less well of families in community schools..

**We recommend the removal of all religious entry criteria to religious schools be phased in over the next three years. Those schools not wishing to comply should be faced with withdrawal of their maintained status.**

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<sup>19</sup> *As Test Scores Jump, Raleigh Credits Integration by Income* New York Times September 25, 2005

## 4. COMMENTS ON SCHOOL ADMISSIONS CODE OF PRACTICE

### Draft 2005

The present draft Code of Practice is inconsistent and unclear, leaving loopholes for religious schools and parents to pursue their own agendas. Despite the Code's stated aims to promote harmony and integration, segregation, lack of respect for other religions and prejudice against non-believers are, in effect, built in.

### SCHOOL ADMISSIONS CODE OF PRACTICE

#### Draft 2005

(Numbers refer to sections in the Code).

2.2 School admission arrangements should work for the benefit of all parents and children in an area.

NOTE: We believe that religious schools and in particular their admissions policies run counter to this stated aim.

3.2 Regulations require that membership of forums should comprise representatives nominated by the following groups:

Group	Number of Representatives
LA (any representative of the authority)	1 to 5
Schools - community and voluntary controlled (VC)	1 to 3
Schools - foundation	1 to 3
Schools - voluntary aided (VA)	1 to 3
Diocesan Board Church of England representatives	1 to 3
Roman Catholic Diocese representatives	1 to 3
Parent Governor Representatives	1 to 3
Representatives of the local community	up to 3
Academies	1 per Academy
CTC	1 per CTC

NOTE: Regarding religion, some of these categories allow 'double entry'. For instance a VA school's representatives are themselves likely to be RC or C of E, thus increasing that religion's representation.

The above figures imply that there are equal numbers of VC, VA and Community schools (1 to 3 reps each) whereas usually there is a high preponderance of community schools over VC and VA, particularly at secondary level.

3.5 The LA should also consider the extent to which the membership should include representatives from religious groups other than the Church of England and Roman Catholic Church, or ethnic minority groups, and make appointments accordingly. It would be good practice for a LA to do this where a particular religious or ethnic group comprises a significant proportion of the population covered by the forum and is not otherwise represented.

**NOTE: We recommend a complete review of the composition of forums to reduce the number of religious representatives to one C of E and one RC. There are still likely to be religious people among the other representatives.**

4.6 Published admissions information should:

explain the admission arrangements of all maintained schools and Academies in the area; explain what tests will be used and when (where appropriate); give information on the number of applications for places at each school the previous year, the number which were successful and the criteria under which they were accepted.

**NOTE: We recommend that schools be required to make public the number of religious parents applying in previous years so that parents of other religions and none can see how much of a chance they stand. Schools generally do not publicize such figures. The onus should be on the school to make public these figures, not on the parents to find this information.**

4.12 Schools and LAs have a duty to promote racial equality under the Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000), and need to bear this in mind when deciding their oversubscription criteria. The criteria should be, as far as possible, inclusive of all elements in the school's local community. Admission authorities should consider how best to monitor school admission applications, refusals of places, and admission appeals to ensure that the admission process is fair and offers equal opportunities to all pupils.

**NOTE: Racial equality is a stated aim, but religious equality is not. In some cases, children of certain ethnic origins (for example, Punjabi) are almost guaranteed to be of a different religion. It is impossible to ensure racial harmony without religious harmony and respect. No religious school promotes religious harmony if children are required to attend specific religious services and teaching.**

4.14 Commonly used and acceptable criteria include distance from the school, ease of access by public transport, transfer from local feeder schools, fair banding, and sibling links. These largely give priority to children who live locally, and are usually expressed in terms of children who live closest to the school, live in a defined catchment area, in certain parishes or attend named local schools. Most parents regard these criteria as fair and objective. All these can be considered good practice.

4.24 It is poor practice for admission authorities to stipulate conditions which affect the priority given to a particular application because this would mean that parents would not feel free to express their true preferences. For example it would not be appropriate to give higher priority to one applicant on the grounds that their higher preferences for other schools are for schools of the same religion over others whose preferences are not. Neither would it be appropriate to give lower priority to some parents because they have named a particular kind of school, such as a grammar school, as a higher or lower preference.

**NOTE: We recommend that it should also be noted as 'poor practice' to make children of other religions or none a lower priority as their parents 'would not feel free to express their true preferences'. The NSS endorses the idea that parents should not be given preference because all their choices are for religious schools, but would like to see clear guidelines on how this will be enforced.**

4.27 Schools designated by the Department as having a religious character may give preference in their admission arrangements to members of a particular religious or denomination (as may be required by their Trust Deed), providing this does not conflict with other legislation, such as race relations legislation.

NOTE: The meaning of this is not clear. A religious school that can fill its annual intake with children of its own religion will, for example, exclude Muslim children who are, in the vast majority, of a different race. The meaning of 'give preference' needs to be clarified. Does this mean that the majority are of the designated religion or that all children may be of the one religion? In the interest of avoiding ghettoization, **the NSS recommends that a certain mandatory percentage (of at least 25%) of places be given to children of other or no religion as a transitional provision, but that all discrimination on religion/belief grounds should be prohibited within two years. We do not accept that the Trust Deed should override such changes. If the school wishes to continue discriminating, it should be free to do so, but without the benefit of public funds.**

4.27 (cont) Where they do, their published admission arrangements should make clear how religious affiliation or commitment is to be demonstrated - for example by a simple statement of affiliation, or through a reference from the family's priest, Minister, or other religious leader. It should be sufficient to evidence that the applicant and/or family are practising members of the religion.

**NOTE: The definition of what constitutes 'practising' varies from school to school. This can vary from one visit a month for one year, to once a week for two years, plus regular involvement in other church activities. Most religious schools surveyed did not publicize criteria. We do not consider that the way parents practise their faith (or do not have one) should have any bearing on their access to publicly funded education, so such criteria should be withdrawn within two years. Until then, the Code should define that 'published' should mean that detailed information is available on the school and LEA websites.**

Also, as mentioned above, this system is open to abuse, with parents paying lip-service by attending church or having children baptised. Evidence of religious leaders colluding in deception has also been cited above.

4.28 Admission authorities for religious schools should consider how their particular admission arrangements impact on the local community. Religious schools can contribute to community cohesion by having admission arrangements that are inclusive of other religions (and none) and of all elements of the population of their local area.

NOTE: as stated above, concerning section 4.12, admission of other religious children alone does not ensure cohesion or true inclusiveness if these children's religions are effectively ignored by the schools in favour of forced attendance at religious services and education. Unless other religions are clearly seen to be respected, and those of no religion equally welcome, pupils will not feel included in the school community. The NSS would like to see a proposal of how cohesion can be achieved without this happening.

**We recommend that it be made clear what 'all elements of the population of their local area' refers to. If non-religious children are included in this category, then their lack of religion should also be respected. This should be reflected in not forcing them to attend religious services or teaching, and by ensuring that religious children understand what non-religious children think.**

4.28 (cont) Some religious schools already achieve inclusiveness by designating a proportion of places for which children of their own religious or denomination will be given priority, and the remainder as community or open places for which local children will be given priority. This is quite different from 'quotas' which would reserve places solely for particular groups, and would mean leaving places empty if not enough members of those groups apply. Schools designated by the Department as schools with a religious character may not keep places empty if they do not have enough applications from their particular religious or denomination.

NOTE: Just because the school is not allowed to leave places empty, this does not mean that a quota system is not in force.

**We recommend that all places should be made open within two years. Until then it should be made clear, and published (i.e. publicly available) how the proportions of religious and open places are decided, and whether they reflect the proportion of church-goers and others in the local community. This should not be left to the individual schools, but agreed by the LEA, subject to a transitional mandatory minimum of 25% open places.**

4.31 It is poor practice for admission authorities to set or seek to apply oversubscription criteria that have the effect of disadvantaging certain groups in the local community, including social groups or disabled pupils. Examples would be explicit or implicit discrimination on the basis of parental occupation, employment, income range, standard of living or home facilities.

**NOTE: The NSS strongly recommends the children of non-religious parents be included in the list of groups ('certain groups in the local community, including social groups or disabled pupils') not to be disadvantaged through the application of oversubscription criteria. There are also plenty of parents who are nominally of one religion but who do not attend worship, who should also be included.**

4.36 It is poor practice to interview parents or children as any part of the application or admission process, in any school except a boarding school. Interviews are a subjective way of determining admission. It follows that it is also poor practice to use the results of - or any information gained through - any interview or other meeting as part of oversubscription criteria.

NOTE: In religious schools, especially in smaller communities, parents and children will be known to school staff and religious leaders through their attendance at worship. Parents who already have older children at a religious school will have met with staff many times at parents evenings, etc. It is unrealistic to expect that such prior knowledge can be conveniently 'forgotten'.

**We recommend that no recommendations from vicars or other religious officials should form part of acceptance criteria at religious schools.**

4.37 When meeting parents or pupils before admission, for example at an open evening, it should be made clear that the meeting forms no part of the admission process.

NOTE: See comments above.

**5.16** Adjudicators are not able to consider objections about aspects of admission arrangements for which other statutory procedures are required. Adjudicators [cannot] decide objections to admission criteria relating to religious or denominational issues: they pass these on to the Secretary of State to decide.

NOTE: Religious leaders can influence who attends a school by giving letters of recommendation. This gives them more power than the adjudicators. (As noted above) **We recommend that no recommendations from vicars or other religious officials should form part of acceptance criteria at religious schools.**

6.9 Where applications greatly exceed the admission number, it may not be necessary to rank individually the children in the lowest priority group(s) according to the oversubscription criteria, because there is no likelihood of a place becoming available for them even if quite a few higher-priority applicants leave the rankings as potential multiple offers are eliminated.

NOTE: **We recommend that figures on application levels in the various criteria for previous years should be published. As children of other religions and no religion are the lowest priority, these will be the ones excluded by this ranking system, so parents should know if they stand no chance of getting their child accepted.**

7.13 When parents are refused a place at a school, they should be told the reason for that refusal. It is poor practice just to cite 'prejudice' as the reason for a refusal, as parents rarely understand the term or what it means in law.

NOTE: **We recommend that if a child is excluded because their parent is not of the "right" religion, they be told specifically this rather than just that they failed to meet 'the criteria'. The word 'prejudice' (above) in this context should be clarified.**

7.24 Head teachers or other school officials should be careful not to give parents an expectation that their application will be successful, or tell them that their child has been given a place at the school, before an offer of a place has been made formally. Case law has established that where there is evidence that parents have been told by a head teacher, or other school official, that their child will be given a place at a school, they can reasonably expect that the person making the offer had authority to do so. In these circumstances the admission authority should normally honour the offer, even though in fact it may not have authorised that person to make it.

NOTE: **The NSS recommends that the DfES should publish instructions to LEAs to prevent this happening, and set out sanctions against head teachers or other officials. Unless this is done, there may be no effective enforcement procedure. If case law has established that a promise is sufficient, entry criteria and religious quotas could otherwise be subverted with impunity.**

## ANNEX A

A.5 The Race Relations Act 1976 makes it unlawful for admission authorities to discriminate against applicants on the basis of race, colour, nationality or national or ethnic origin or lack of a religion. shouldn't 'religion' be on this list?

**NOTE: Children of non-religious families are routinely discriminated against in religious school admission policies. Children of 'other religions' are discriminated against in many schools by being placed in a lower priority category, in most cases, so low down that applications are guaranteed to fail. In rural and small urban areas, the religious school may be the only choice, regardless of parents' beliefs or preferences. In some cases, race and religion are closely linked, so children from certain ethnic groups (for example, Bengali) will be almost entirely excluded. We recommend that religious schools should lose their right to set their own criteria immediately.**

A.6 The Human Rights Act 1998 confers a right of access to education. This right does not extend to securing a place at a particular school. Admission authorities, however, do need to consider parents' reasons for expressing a preference when they make decisions about the allocation of school places, to take account of the rights of parents under the Act, though this may not necessarily result in the allocation of a place. These might include, for example, the parents' right to ensure that their child's education conforms with their own religious or philosophical convictions or lack of them (so far as is compatible with the provision of efficient instruction and the avoidance of unreasonable public expenditure).

NOTE: '*religious or philosophical beliefs or lack of them*'

We believe that the admissions policies of schools that prioritise the children of believers are inconsistent with A6.

## ANNEX B

## Appropriate and Acceptable Oversubscription Criteria

This list provides examples of commonly used and acceptable oversubscription criteria, which all admission authorities are encouraged to use as appropriate.

Religious affiliation and/or links to local parish (in the case of a designated religious school), although this should not judge levels of devotion.

**NOTE: We recommend that parents' religious and philosophical positions are a private matter and should have no bearing on the allocation of publicly funded facilities such as schools.**

**All religious entry criteria should be abolished.**