

Consultation on the Changes to the Admissions Framework

Consultation Response Form

The closing date for this consultation is: 19 August 2011
Your comments must reach us by that date.

THIS FORM IS NOT INTERACTIVE. If you wish to respond electronically please use the online response facility available on the Department for Education website www.education.gov.uk/consultations

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

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

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

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

Please tick if you want us to keep your response confidential.

Reason for confidentiality:

Name **Keith Porteous Wood**
Organisation (if applicable) **National Secular Society**
Address: **25 Red Lion Square**
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WC1R 4RL

Contact Details

If your enquiry is related to the content of the consultation, you can contact the PCU telephone help line on: 0370 000 2288.

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Consultation Unit by e-mail: consultation.unit@education.gsi.gov.uk or by telephone: 0370 000 2288.

Please tick the box below that best describes you as a respondent.

<input type="checkbox"/> Parent	<input type="checkbox"/> Local Authority	<input type="checkbox"/> Parent Governor
<input type="checkbox"/> Governor	<input checked="" type="checkbox"/> National Representative Group	<input type="checkbox"/> Local Representative Group
<input type="checkbox"/> Headteacher/teacher	<input type="checkbox"/> Faith Organisation	<input type="checkbox"/> School
<input type="checkbox"/> Other (please specify)		

Please Specify:
Keith Porteous Wood
Executive Director
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We have sought to remove all duplication and sections of the Codes that were open to misinterpretation, so it is clearer what admission authorities must and must not do within the new Codes as well as making them easier to read and understand.

One of the aims of reviewing the Codes was to reduce the burdens and bureaucracy that schools face by removing unnecessary prescription and elements that drove cost into the process.

The revised Codes should ensure that all school places can continue to be offered in a fair and lawful way, and that school admission appeals can be administered in a more effective way and at lower cost.

Q1) Do you agree that the new Codes achieve these aims?

Agree

Disagree

Not sure

Comments:

'Faith school' admissions

Sections 1.30 and 1.32 of the draft code (Faith based oversubscription criteria in schools with a religious character) are inconsistent with the stated intention of seeking to ensure school places can be offered in a fair way.

Admissions policies in many faith schools disadvantage local children whose parents are non-religious or of the 'wrong' religion, even though they live within the catchment areas. This means many parents are unable to send their children to the most appropriate school for their needs. Such discrimination is unfair and creates real victims.

We are unaware of any other area of policy where blatant religious discrimination of this nature would be permitted, particularly given that the service provided is on such a large scale and at public expense. For such widespread exemptions to the Equality Act to be justified, there should be compelling evidence of their necessity. However, the justification used by religious organisations – and successive Governments – is that faith schools need control over their admissions in order to preserve their 'religious ethos'. Even taking this justification as a 'given', it is seriously undermined by many faith schools, particularly voluntary controlled schools, being judged by church inspectors as have a satisfactory, even outstanding 'religious ethos' despite not discriminating in admissions.

Another argument often used for faith schools is that the diversity of provision they offer gives parents the maximum amount of choice within the education system. However, only parents of Christian children receive the greatest choice. Given there is no counterbalancing admission preference for non-Christians in community schools (not that we are advocating that),

those who meet, or purport to meet, the religious school selection criteria have a far greater choice of schools than those who do not. In effect, faith schools that discriminate in admissions on religious grounds limit the provision available to the non-religious and to a lesser extent, those Christians whose observance falls short of the admissions criteria and those that follow minority faiths who often fall into a lower category in admissions criteria. Access to community schools is, of course rightly, non-discriminatory for both groups, but the religious have greater access to faith schools, so, overall have a demonstrable advantage.

It is widely acknowledged that parents frequently feign religious faith, and attend church (often contributing to the church financially and practically) when they would not otherwise, in order to secure admission for their children to religious schools. The current system puts such parents under great pressure to dissemble as the only route to secure their children's admission into local publicly-funded schools¹. It therefore penalises parents who fail to stoop to deception, or who do not have the time and the means to 'play the system' in this way.

Evidence of the very significant scale of the disadvantage to the non-religious and non-attending Christians is shown starkly by independent figures produced by Christian Research about those age ranges with most parents. In 2005, only 3.4% of 20–29s and 4.4% of 30–44s are in church on an average Sunday in England². These figures will be already boosted by those attending solely for the purpose of securing admission to church schools. The trend figures also reveal that the equivalent percentages for 1979 were 9.2% and 9.9%. Other work by the same author³ shows the steep decline is forecast to continue, even from the 2005 levels. This trend should be borne carefully in mind in making policy decisions affecting the future.

Selection and social segregation

Sections 1.30/1.32 (Faith based oversubscription criteria in schools with a religious character) of the draft code are at odds with section 1.6, which requires that: 'Admission authorities must ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group.' A wealth of evidence suggests that discriminatory admissions policies of some faith schools lead to socio-economic segregation.

Research by the London School of Economics in 2009⁴ found that most of the apparent advantage of faith school education could be explained by

¹ <http://www.independent.co.uk/news/education/schools/i-faked-religion-to-find-a-school-2093403.html>

and <http://www.guardian.co.uk/education/2010/nov/01/faith-schools-admissions-unfair>
and <http://crerar.standard.co.uk/2010/07/i-dont-want-to-find-god-to-find-a-good-school.html>

² UK Christian Handbook – Religious Trends 6 – 2006/2007 edited by Dr Peter Brierley published by Christian Research ISBN 978-1-85321-174-4 Table 12.3.4

³ Major UK Religious trends 2010 to 2020 published by Brierley Consultancy in 2011

⁴ Faith Primary Schools: Better Schools or Better Pupils? (2009)
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1369835&

differences between the pupils who attend these schools and those who do not. Further research by the Institute of Education⁵ found that faith schools create “social sorting” of children not only along lines of religion, but also class and ability too.

The fact that a smaller proportion of children at faith schools are in receipt of free schools meals⁶ offers further evidence that religious based selection, whether intentional or not, results in social segregation of children.

In 2007, Rebecca Allen of the Institute of Education and Professor Anne West, Professor of Education Policy at the London School of Economics, studied the intake of faith schools across London⁷. Again, their research found that, in general, religious secondary schools in London educated a smaller proportion of pupils eligible for free school meals than non-religious schools and that their intakes were 'significantly more affluent' than the neighbourhoods in which they are located.

Barnados ‘Unlocking the Gates’ report⁸ came to very similar conclusions and criticised the previous School Admissions Code for allowing practices, such as complex criteria relating to religious observance, which can discriminate against disadvantaged children.

A paper from The Institute for Public Policy Research (IPPR)⁹ recommended that no school should have the ability to apply selection criteria to its pupils. The paper argued that schools have no reason to be their own admissions authorities, other than to select students by ability or socio-economic background’. Researchers found that faith schools which were their own admission authorities were ten times more likely to be highly unrepresentative of their surrounding area than faith schools where the local authority was the admission authority. The IPPR suggested that “letting any school be its own admissions authority is like letting pupils mark their own essays.”

Even when adhering absolutely to the admissions code, schools of a religious character and religiously designated academies have an advantage over their non-religious counterparts because the selection process is much more likely to result (whether deliberately or not) in less desirable pupils being screened out – something community schools cannot do.

⁵ Can Competition Improve School Standards? The Case of Faith Schools in England (2009)
By Dr Rebecca Allen and Dr Anna Vignoles

[http://www.secularism.org.uk/uploads/kresearchvignoles-faith-schools-\(2\).pdf](http://www.secularism.org.uk/uploads/kresearchvignoles-faith-schools-(2).pdf)

⁶ *Percentage of pupils known to be eligible for free school meals*

<http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm090225/text/90225w0009.htm#09022629004812>

⁷ <http://www.leeds.ac.uk/educol/documents/167585.pdf>

⁸ http://www.barnardos.org.uk/unlocking_the_gates.pdf

⁹ <http://www.ippr.org/publicationsandreports/publication.asp?id=546>

The failure of "faith" schools to follow the codes exacerbates the unfairness. Research carried out in 2008 by the then Children's Secretary Ed Balls¹⁰ found that some religious schools bend even these privileged rules far more than other schools do.

In Barnet, for example, while only 5 per cent of community schools were found to have breached the code (and this was slightly), over two thirds of schools that were their own admissions authorities (overwhelmingly faith schools) were in breach, most of them seriously. All LEA areas surveyed showed a similar pattern.¹¹

Successive annual reports of the Chief Schools' Adjudicator have also highlighted that problems are more prevalent in schools that are their own admissions authority. In November 2010, the Chief Schools Adjudicator accused some faith schools of cherry-picking wealthier pupils through points-based systems that benefit families heavily involved in church activities.¹² In February 2011, the Chief Schools Adjudicator informed the Education Select Committee that almost one-third (45 of the 151) cases that his office ruled on in the previous year related to faith schools that were able to set their own admissions.¹³

Schools Adjudicator

We are convinced that the removal of the Schools Adjudicator's power to modify admissions arrangements will result in a greater level of discrimination than the unacceptable level at present. Evidence for our suspicions can be found from existing abuses. As already stated, faith schools which act as their own admission authorities have been found to be much more likely to be found in breach of the code. The power to modify admission arrangements was introduced as part of a package of measures designed to tighten up the admissions process to make it fairer and to prevent what Ed Balls described as a "two-tiered system".

While we are aware that a mechanism still exists for the Adjudicator to report problems, we have serious reservations about allowing the schools in question to rectify the problem themselves.

We therefore recommend that adjudicator's power should be retained.

Community Cohesion

It is widely accepted, apart from by those with a vested interest in promoting faith schools, that religiously restrictive admissions policies applied by single-faith schools can be a threat to community cohesion. This applies particularly to minority denomination and minority religion schools, and even more when

¹⁰ <http://www.telegraph.co.uk/news/uknews/1581480/Ed-Balls-admits-faith-schools-broke-rules.html>

¹¹ <http://www.guardian.co.uk/education/2008/apr/02/schools.uk1>

¹² <http://www.edexec.co.uk/news/1391/faith-school-admission-policies-criticised/> and <http://www.guardian.co.uk/education/2010/nov/01/faith-schools-admissions-unfair>

¹³ <http://www.publications.parliament.uk/pa/cm201011/cmselect/cmeduc/uc782/uc78201.htm>

those in the school come from separated communities and/or are predominantly from a minority ethnic/cultural group. The Government acknowledged this in 2006. Following a recommendation in The Cattle Report (2001)¹⁴ which followed the race riots in Oldham, Burnley and Bradford, the Government announced plans to ensure 25% of their intake from pupils of other faith backgrounds or those with no religious beliefs. The Government of the day backed down in the face of fierce opposition from religious groups, instead opting to place a 'duty to promote community cohesion' on all schools.¹⁵

A report in 2009, again by Ted Cattle, which looked at segregation in Blackburn and Darwen,¹⁶ stated that although the cohesion initiatives undertaken in Blackburn's schools in accordance with the duty were "positive" and "imaginative", they were insufficient. The report went on to say the "level of segregation in schools is high, growing and more extensive than the level of residential segregation would suggest." The report said the number of faith schools was a particular issue, pointing out that half the borough's schools are at least partly segregated on religious grounds. The report called on faith schools to "reconsider their admission policies in light of the impact on cohesion".

Another revealing report into faith schools and community cohesion, entitled *Right to Divide?*¹⁷ was published by the independent race equality think-tank, The Runnymede Trust. Their report found that despite the existence of a statutory duty to promote community cohesion since 2007, many faith schools have done very little to engage with community cohesion initiatives. The report recommended that faith schools should value all young people, do more to serve the most disadvantaged and end selection based on faith. Further criticism followed in 2010 from a former governor of a Church of England school who ran into opposition from colleagues for advocating an open admissions policy. Writing for the Guardian, she said; "I think having a system of state-funded faith schools is actually immoral. We should surely object to how it legitimises discrimination, segregates our children, often fails to embrace the vulnerable with compassion and empowers tiny religious quangos to rule over publicly funded education."¹⁸

Studies show that the younger children from all backgrounds start to be educated together, the more successfully they integrate.¹⁹ If they are very

¹⁴ <http://image.guardian.co.uk/sys-files/Guardian/documents/2001/12/11/communitycohesionreport.pdf>

¹⁵ Faith schools quota plan scrapped BBC, 26 October 2006
<http://news.bbc.co.uk/1/hi/education/6089440.stm>

¹⁶ Blackburn with Darwen Baseline Community Cohesion review
http://www.blackburn.gov.uk/upload/doc/090505_Final_Blackburn_Executive_Summary_12E.doc

¹⁷ Right to Divide? (2008)
<http://www.runnymedetrust.org/uploads/publications/pdfs/RightToDivide-2008.pdf>

¹⁸ A rather unchristian school admissions policy? Guardian, 20 September 2010.
<http://www.guardian.co.uk/education/2010/sep/20/faith-schools-governor>

¹⁹ Social Capital, Diversity and Education Policy (2006)
<http://www.lsbu.ac.uk/families/publications/SCDiversityEdu28.8.06.pdf>

young, this draws in the parents too. The more they integrate, the better their chances of employment and consequently the less the chance of social exclusion.

Regrettably, the Free School model favoured by the Government will inevitably increase the proportion of faith schools, and in particular see a growth in minority faith schools. Religious based admission criteria in these schools will almost certainly divide children down ethnic lines and increase social segregation, isolating further those from minority ethnicities and cultures. There is likely to be a consequent reduction in the proportion of such children in other schools, while demographic trends suggest a growing proportion of children in single faith minority schools. The consequences for community cohesion in Britain are likely to be seriously adverse in the longer term.

Section 2.53 of the previous code emphasised that 'Admission authorities for faith schools should consider how their particular admission arrangements impact on the **communities in which they are physically based** and those faith communities which they serve.' In light of the above evidence it is regrettable that this recommendation has been removed. If faith-based selection criteria are to continue, it should be reinstated.

Q2) Do you agree with the proposals to allow all popular and successful schools to increase their Published Admission Number?

Agree

Disagree

Not sure

Comments:

Q3) Do you agree that Academies and Free Schools should be able to give priority to children attracting the Pupil Premium in their admission arrangements?

Agree

Disagree

Not sure

Comments:

Q4) Do you support the proposal to remove the requirement for local authorities to co-ordinate in year applications?

Yes

No

Not Sure

Comments:

Q5) Do you support the proposed change to the use of random allocation?

Yes

No

Not Sure

Comments:

Q6) Do you support proposals to add twins (and multiple births) and children of service personnel to the list of excepted pupils?

Yes

No

Not sure

Comments:

Q7) Do you agree with the proposal that admission authorities who are making no change to their arrangements year on year should only be required to consult once every seven years, rather than once every three years?

Agree

Disagree

Not sure

Comments:

Q8) Do you agree with the proposal to allow schools to give priority to applications for children of staff in their over-subscription criteria?

Agree

Disagree

Not sure

Comments:

Q9) Do you agree that anyone should be able to raise an objection about the admission arrangements they consider unfair or unlawful, of any school?

Agree

Disagree

Not sure

Comments:

We fully support this proposal, which we believe will improve the accountability of faith schools to the communities in which they are situated. We recommend that this ability be publicised making it specifically clear that area residence or pupil parenthood are not requirements.

Q10) Do you agree that the deadline for objections to the Schools Adjudicator should be moved to 30 June from 31 July?

Agree

Disagree

Not sure

Comments:

Q11) Do you agree with the less prescriptive requirements around the operation, governance and training of appeals panels?

Agree

Disagree

Not sure

Comments:

Q12) Do you agree that the proposed appeals timetable will give more certainty to parents and reduce the number of appeals overall?

Agree

Disagree

Not sure

Comments:

Q13 Do you agree that the proposed new timetable for lodging and hearing appeals will reduce costs and bureaucracy for admission authorities?

Agree

Disagree

Not sure

Comments:

Q14 Do you agree that the new three stage process will provide a more effective process for appeals panels to consider multiple and individual appeals?

Agree

Disagree

Not sure

Comments:

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

Please acknowledge this reply

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

Yes

No

All DfE public consultations are required to conform to the following criteria within the Government Code of Practice on Consultation:

Criterion 1: Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2: Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3: Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4: Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5: Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6: Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7: Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

If you have any comments on how DfE consultations are conducted, please contact Carole Edge, DfE Consultation Co-ordinator, tel: 01928 438060 / email: carole.edge@education.gsi.gov.uk

Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 19 August 2011

Send by post to:
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Castle View House
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Cheshire
WA7 2GJ

Send by e-mail to: admissions.consultation@education.gsi.gov.uk