

Proposed changes to faith-based admissions and new faith-based academies

This briefing addresses the Government's plan to change the rules surrounding admissions to, and the opening of, new faith-based free schools and academies, including allowing new and existing faith-based free schools to religiously select their entire pupil intake.

Summary of NSS response to the proposals

Religious selection in schools is discriminatory, entrenches religious segregation in wider society, and often leads to ethnic and socio-economic segregation too.

In a society as diverse as ours, rather than facilitating segregation along religious lines, the Government should be doing everything it can to ensure that children of all faiths and none are educated together in inclusive schools.

Schools can play a pivotal role in fostering social cohesion. Inclusive schools break down barriers and mistrust, and promote genuine understanding between children (and parents) from different backgrounds. Instead these proposals needlessly foster sectarianism. We reject the Government's bizarre assertion that the proposals will "promote inclusivity". Facilitating a new generation of 100% religiously selective schools is, by definition, inimical to this aim.

The proposals are intended to increase capacity by generating a new wave of faith-based schools. A proliferation of faith schools will impede the integration of religious minorities, damage social cohesion, increase levels of discrimination in state funded schools, undermine children and young people's religious freedoms and further undermine the ability of many parents to find a suitable school for their children.

Parents from minority religions (or the non-religious majority) increasingly face two problems. Either (1) they are unable to find a local school for their child without being excluded because of their religion or belief or (2) they are left with little option other than to send their child to a local school with a religious ethos that runs counter to their beliefs.

Please oppose these proposals and encourage the Government to instead ensure that all schools are open and inclusive, catering for all local children regardless of their religious or non-religious beliefs.

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What is being proposed?

In September 2016 the Government announced plans to change many of the rules surrounding admissions to and the opening of new faith-based free schools and academies.¹ Including:

1. Allowing 100% religious discrimination in school admissions (previously capped at 50%)
2. Requiring faith schools to prove that there is demand for school places from parents of other faiths
3. Requiring faith schools to establish a twinning arrangement with other schools, either of different religions or of none
4. Encouraging faith-based organisations to take over non-faith community schools through mixed multi academy trusts
5. Encouraging faith-based academy trusts to have a member or director of a different or no faith.

The 50% cap of faith-based admissions is applied to free schools via their funding agreement with the Secretary of State. Therefore, any changes to the 50% cap that ministers may wish to make following the consultation would not require legislation.

Furthermore, the Education Select Committee has confirmed to the NSS that it will not be able to accommodate an inquiry into faith-based admissions in the foreseeable future.

We regard it as a serious democratic deficit that the shift towards 100% religious selection in free schools could be enacted without Parliamentary oversight or approval.

This briefing will examine each of the proposed changes, the background to them and their potential problems.

1.1 Proposal: Allowing new faith schools to become 100% religiously selective (previously capped at 50%)

1.2 Background

Most faith schools are granted exemptions from equality legislation which would otherwise proscribe religious discrimination against pupils and teachers. With the introduction of academies and free schools the Government hoped to expand the number of faith-based providers in the state education system.

Since 2010 all new academies and free schools with a religious designation have had a 50% cap on the number of places where they can apply religious discrimination in admissions.

A Catholic free school, for example could therefore religiously discriminate against children of non-Catholic parents in favour of children from Catholic families in 50% of the places at their school. But the remaining 50% of places must be offered equally to children of all faith and belief backgrounds. The cap doesn't prevent schools from allocating all places with pupils of the same faith background; it just means 50% of places cannot be allocated on that basis.

The cap was intended to allow faith schools "to support inclusivity and tolerance" while preventing segregation.² The Government now wants to scrap the cap so that new faith-based academies can apply 100% religious discrimination.

The Government argues that the cap has failed in 2 ways.

1. Catholic and some Jewish Orthodox organisations were reluctant to open schools unless they could apply 100% religious discrimination in admissions. This led to a shortfall in the number of faith-based providers the Government could find.
2. The cap did not encourage integration or inclusion in minority faith schools. Due to the low demand for these schools (and reluctance of parents from other faith/belief backgrounds to accept places there) they remain undersubscribed and ethnically segregated.

1.3 Criticisms of the changes

Religious discrimination in the provision of education is an undesirable practice that should be eliminated. Allowing more fully religiously selective schools will increase levels of discrimination in our schools. The greater the proportion of school places allocated on a discriminatory basis, the greater the discrimination against those pupils (and teachers) not of the religion of these schools, including the majority who are not religious.

In November 2016 a Populus poll commissioned by the Accord Coalition and the British Humanist Association questioned voters and found overwhelming opposition to selection by faith, including among all religion and belief groups³. Overall 72% of voters opposed religious selection, including 68% of Christians. Opposition to religious selection was overwhelming among minority religious groups – 82% of Muslims and Hindus⁴.

The London Assembly passed a motion in November 2016 opposing the abolition of the 50% admissions cap and called on the Mayor of London "to make representations to the Government to keep the 50% cap in place."

Professor Ted Cantle, widely regarded as the UK's leading authority on community cohesion and intercultural relations, has described the proposal to drop the 50% cap as "incredibly worrying", calling it "the only measure of any substance, really in the history of the modern education system, that has directly sought to address the segregation that has been and continues to be caused by religious selection in schools".

Since its introduction the cap has been strongly opposed by the Catholic Education Service. They have argued (and the Government has recently accepted) that opening a Catholic school which only allows 50% (rather than 100%) religious discrimination would

be a breach of canon law. This is disputed by canon law scholars and by the fact that Catholic schools operate in many countries without religious discrimination in admissions.⁵

The cap was originally criticised by secularists for not going far enough, and secularists will naturally be opposed to any measures that increase religious discrimination in schools. Schools are one of the last bastions of religious discrimination. We are unaware of any other area of policy where blatant religious discrimination of this nature would be licensed, particularly given that the service provided is on such a large scale and at public expense.

In a society as diverse as ours, rather than facilitating segregation along religious lines, the Government should be doing everything it can to ensure that children of all faiths and none are educated together in inclusive schools.

The wish to discriminate is not universally shared amongst faith communities. Lobbying from the Catholic Education Service and the Chief Rabbi for the cap to be removed prompted a group of 68 Rabbis to publish an open letter to the Secretary of State for Education not to remove the cap⁶. As Linda Woodhead, Professor of Sociology of Religion at Lancaster, has argued, the government's changes to faith schools side with hard-line religion whilst undermining the religious centre ground.⁷

Although the moral argument against faith-based admissions stands on first principles (it is wrong for the state to discriminate against people because of their religion or belief) there are also serious concerns about religiously selective schooling leading to religious (and ethnic) segregation.

A wealth of evidence also suggests that faith-based selection leads to social selection which unfairly benefits middle class and better-off parents, and has the indirect result of disadvantaging community schools.⁸

In 2007 the Institute for Public Policy Research found that where schools apply religious selection criteria "they are ten times more likely to be highly unrepresentative of their surrounding area"⁹, concerns repeated the next year by the Runnymede Trust in their report into faith schools and community cohesion.¹⁰

More recently, in 2016, research by SchoolDash showed that after accounting for local social economic variances, faith schools (including CofE but to a lesser extent) have an under representation of poorer pupils.¹¹

In 2011 Dr John Pritchard, formerly Bishop of Oxford and then Chair of the Church of England's Board of Education, admitted that religious schools only outperform others due to their selection policies favouring better-off families. He even suggested that the Church should move towards a 10% cap on religious discrimination in admissions.¹²

In 2013 the Fair Admissions Campaign published a map of all state schools in England, which demonstrated that faith-based schools were socially selecting pupils that were less likely than the local average to be on free school meals (a standard measurement for social selection) and that this trend was stronger in schools with higher levels of religious selection. In the same year a report found that parents of more affluent backgrounds were

more than 80% more likely than average to fake religiosity in order to get into good selective faith schools.¹³

In 2014 research by the Institute of Education into primary and secondary education found that “Children from disadvantaged families are less likely to attend a faith school even if they come from a religious family. Therefore, faith schools are likely to exacerbate educational inequalities.”¹⁴

In 2016 the social mobility charity The Sutton Trust found that: “Church schools are shunning the poorest children as the middle classes tighten their grip on the best school places”. Their report found that religiously-selective schools were more likely to be highly socially selective – having at least 10% fewer pupils on free school meals compared to their local area, and that generally the higher the level of religious selection the more likely they were to be highly socially selective.¹⁵

Many minority faith schools are effectively mono-ethnic. In 2015 Demos found that “some (minority) faith schools effectively exclude other ethnic groups”.¹⁶

The Government’s own consultation shows that in minority faith schools (Islam, Judaism, Sikhism and Hinduism) the ethnic make-up is formed of pupils from predominantly similar ethnic (and very likely religious) backgrounds. Hindu (91% | 97%), Muslim (80% | 98%) and Sikh (89% | 98%) schools are disproportionately made up of pupils from Asian and BME backgrounds – (Asian% | BME%).

As well as segregating ethnic minorities in some schools, this harms social cohesion and reduces opportunities for intercultural education by removing them from mainstream community schools.¹⁷

Evidence suggests that more ethnically balanced and non-segregated classrooms promote greater inclusion of and tolerance to ‘out groups’.¹⁸ A 2014 survey of more than 10,000 13 to 17-year-olds found that “Providing opportunities to get to know other pupils with a range of faith values, is good preparation for later life, including going to university. Mixing at school or college also encourages an interest in diversity and helps to reduce prejudice.”¹⁹

Although some Christian faith schools (particularly Catholic schools) are more ethnically diverse than the national average, this masks that they tend to be less religiously diverse than (and more likely to exclude ethnic minority pupils from) their local areas.

In 2013, research revealed that religiously selective Church of England schools admitted far fewer children from ‘Asian’ backgrounds than their local areas would have suggested. In Catholic schools (all of which are religiously selective) one in eight had no children from ‘Asian’ backgrounds at all. Whilst religiously selective schools make up 16% of the education system in England, they make up 59% of the 100 worst performing schools in terms of inclusion of children who don’t speak English as first language.²⁰

While not all faith schools directly discriminate in admissions, some faith groups claim that if faith schools are not permitted to apply 100% religious selection that they would, “lose their distinctive character” and popularity with some parents.²¹ However, analysis of

Church groups' own assessment of how 'their' schools promote their religious ethos shows that many faith schools with little or even no religious discrimination in admissions are regularly judged to be satisfactory, even outstanding in this regard.²²

While religious discrimination has long been part of the UK school system, this is very unusual internationally. The UK is one of only 4 OECD countries (along with the Republic of Ireland, Estonia and Israel) to allow state schools to discriminate on religion in admissions.²³ The UN Committee on the Rights of the Child has criticised discriminatory school admissions.²⁴

Removal of the cap may have a number of additional negative consequences, including:

- Making future efforts to tackle religious discrimination more difficult.
- Precipitating an increase in faith-based schools (an increase in up to 40 new Catholic schools has been reported). Such schools further increase discrimination against children and teachers not of the faith of the school.
- If faith schools are permitted to turn their schools into exclusively religious communities there are concerns that this could lead to them promoting a more aggressive religious ethos, undermining parental rights and children and young people's religious freedoms.

Secularists do acknowledge that the cap has not prevented minority faith schools from being religiously and ethnically segregated. However the answer to this is not to have more divisive faith schools, and removing the 50% cap will do nothing to address this issue. Neither will the other ineffective and tokenistic measures suggested.

1.4 What do we want?

The 50% cap isn't perfect but it is the only meaningful effort to promote diversity and address the problems of religious discrimination in school admissions. The existing cap should be protected, with serious consideration given to it being extended to other faith-based schools. Ultimately, all publicly-funded schools should to be open, inclusive and equally welcoming to all children, irrespective of their religious and philosophical backgrounds.

2.1 Proposal: Requiring faith schools to prove that there is demand for school places from parents of other faiths

2.2 Background

Previously, when making an application to open a new faith school, religious groups were supposed to show how their school would be inclusive and attractive to parents from other religious groups. However there was no stipulation as to how this should be done, and there were no meaningful mechanisms to ensure that the school would actually be suitable for families from other religious or non-religious backgrounds. By definition, faith schools can't be truly inclusive.

The new proposals include the need for new faith schools to "prove that there is demand for school places from parents of other faiths... Faith schools should be required to prove, through local consultation and signatures, that parents of other faiths would be happy to send their children there."

2.3 Criticisms of the changes

On the surface this presents an opportunity for local parents to challenge new religiously based/discriminatory schools. However, caution should be advised.

There is something rather incongruous about asking local parents if they would like to send their children to a new school, in order that the school can then open and then exclude those same children, on the basis of their parents' religion or belief.

In practice this proposal will largely affect minority faith schools - for which there is less demand. This requirement will do little, if anything to encourage parents (whether of another religion or none) to send their children to minority faith schools. Hardly any do now, and this curious proposal will not change this. Indeed the NSS has more commonly had to act to assist parents assigned such schools (normally due to already insufficient places in community schools) against their wishes. Although the Government has encouraged symbolic/tokenistic inclusion efforts it refuses to recognise that any school based on partisan religious beliefs or discrimination will have inherent problems being "tolerant" or "inclusive".

In practice it is usually easy for local consultations to receive the desired result. A preferred tactic is to conflate support for any new good school with support for a specifically faith-based one. Generally speaking, the vast majority of parents want a good school, rather than one with a religious ethos.

Due to their selective admissions arrangements, some church schools have managed to gain a good reputation for being "high-performing". Parents indicating support for a church school are likely to be indicating their desire for a school with good academic standards rather than a school that seeks to transmit a particular religious ethos.

In 2013 YouGov asked more than 4,000 adults what factors would influence their school choice. "Academic standards" and "Location of the school" (77% and 58%) came top. Meanwhile "Grounding of pupils in a faith tradition" and "Transmission of belief about God" (5% and 3%) came last.²⁵

We regard this proposal as deliberately vague window-dressing and are sceptical as to whether it will be enforced.

2.4 What do we want?

We simply don't see how requiring schools to demonstrate that some families of other religions/beliefs would want to access the school can possibly be consistent with allowing the school to exclude 100% of those families.

If these proposals are enacted, then they must be rigorously rather than tokenistically adhered to. It shouldn't be enough for proposed schools to gather a few signatures, they

must genuinely demonstrate that there is demand for their type of school specifically rather than a good school in general.

3.1 Proposal: Requiring faith schools to establish a twinning arrangement with other schools, either of different religions or of none.

3.2 Background

The Government proposes that new faith-based academies be required (through their funding agreements) to form twinning agreements with other schools. They don't prescribe what form they could take, but they could include exchange trips, joint lessons or assemblies.

3.3 Criticisms of the changes

These tokenistic initiatives are mere window dressing and will have no significant impact. There simply is no substitute for ongoing real world interactions between pupils in integrated schools. Drawing on the large body of research into the social psychology of prejudice, a study on social cohesion, diversity and education policy by Professor Irene Bruegel of South Bank University concluded that "day-to-day contact between children who can more easily see each other as equals has far more chance of breaking down barriers between communities, than school twinning and sporting encounters".

There is a danger that such schemes might encourage pupils to see each other as members of separate (religiously defined) groups.²⁶

We would also be concerned if such twinning agreements were used as yet another avenue for religious organisations to exert influence over non-faith-based secular schools. We have already seen examples of this through affiliation agreements, which do not appear to be subject to any outside approval, that have been used by the Church of England to increase consultancy services to schools, encourage Christian collective worship and even appoint members of trusts.²⁷

3.4 What do we want?

We want to see genuine interaction between pupils in inclusive schools that are equally welcoming to all pupils of all faiths and none.

Any formal twinning or affiliation agreements should be clearly publicised, open to scrutiny and regularly reviewed. While it will be impossible to be proscriptive, all agreements should be in accordance with clear guidelines on best practice.

Safeguards should be put in place to ensure they are not used as a mechanism to facilitate religious influence in non-religious schools. Twinning agreements should never

allow religious organisations to appoint governors or trustees to non-religious schools, and a school entering a twinning agreement with another school should be forbidden from entering a multi academy trust agreement with that school within 5 years.

4.1 Proposal: Encouraging faith-based organisations to take over non-faith community schools through mixed multi academy trusts.

4.2 Background

This proposal will not be binding. The Government are enamoured with faith groups' supposed ability to improve non-faith schools. Along with a shortage of academy sponsors this has led to them encouraging mixed multi academy trusts (MATs) (groups of academies containing both religious and non-religious schools). The Government believes that the opportunities for schools within a MAT to work together could bring together pupils from different backgrounds.

In theory this could see religious schools taken over by non-religious mixed MATs. However the Catholic Education Service and the Church of England have been granted (through memoranda of understanding) the absolute and unchecked right to block 'their' faith schools from doing so.

4.3 Criticisms of the changes

The NSS has been on the forefront of exposing how religious organisations have used academisation to gain control and influence in an increasing number of non-religious schools.²⁸

Despite government assurances, there are no meaningful safeguards to prevent religious organisations to undermine the religiously-neutral ethos of community schools in mixed multi academy trusts.²⁹ Indeed, the Church of England has made clear that it sees such arrangements as an important tool in advancing its interests in community schools.³⁰

4.4 What do we want?

Academisation should not be used to allow religious organisations to exert influence over community schools or to increase religious control of faith schools. The Government's empty rhetoric on protecting community schools' ethos should be backed up by meaningful actions. This should at a minimum include strengthening the local governing bodies of community schools within mixed MATs.

5.1 Proposal: Encouraging faith-based academy trusts to have a member or director of a different or no faith.

5.2 Background

This (non-binding) proposal would see new faith-based academies placing an independent member or director who is of a different faith or no faith at all on the governing body. This would be intended to “ensure that there is independent input into the governance of the school” and that the governors have “a wider perspective beyond their own faith”.

5.3: Criticisms of the changes

An outside perspective on the boards of faith-based schools is important to ensure that religious interests do not totally dominate and that the needs (and education rights) of the whole school community are protected. Academisation has already greatly reduced oversight of religious schools, allowing religious bodies to take a much more direct and less restricted role in the management of schools. Encouraged by the Government for ‘efficiency’, the role of local authority and parental governors has been greatly reduced. This has meant religious influence has been less 'balanced out' than in the past.

We are concerned that this change is tokenistic and could simply lead to religious enthusiasts of different stripes on each other's boards. It could also lead to calls for religiously appointed governors on the boards of community schools – an avenue of influence that is already being opened up by multi academy trusts and partnership agreements.

5.4 What do we want?

A better solution is to protect the role of parent governors and to (as with voluntary controlled faith schools) limit foundation governors (those appointed for religious reasons) to 25%. This will allow the school to promote a religious ethos while ensuring that they also have to take account of other relevant interests. Funding agreements should also restrict religious organisations (or anyone else) from appointing the same governor to numerous school boards – as the Government has already indicated should be discouraged.

Take action!

These changes will herald a new wave of divisive ‘faith’ schools and increase levels of religious discrimination in our education system.

We need your help to oppose Theresa May’s regressive proposals.

- **Respond to the Government’s consultation**
- **Contact your MP and ask them to oppose the plans**
- **Challenge proposals for new faith-based schools in your area.**

For more information visit www.secularism.org.uk/end_it

Footnotes

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- ³ <https://www.secularism.org.uk/uploads/majority-of-all-religious-and-belief-groups-oppose-religious-selection-in-school-admissions.pdf>
- ⁴ Minority religious responders were a small sample size.
- ⁵ www.blogs.lse.ac.uk/religionpublicsphere/2016/09/the-governments-changes-to-faith-schools-sides-with-hardline-religion/
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