

October 2020

A response to the 'Changes to the School Admissions Code' consultation

Submitted by email to: AdmissionsCode.CONULTATION@education.gov.uk and via online survey.¹

About us

1. The National Secular Society (NSS) is a not-for-profit non-governmental organisation founded in 1866, funded by its members and by donations. We advocate for separation of religion and state and promote secularism as the best means of creating a society in which people of all religions and none can live together fairly and cohesively. We seek a diverse society where all are free to practise their faith, change it, or to have no faith at all. We uphold the universality of individual Human Rights, which should never be overridden on the grounds of religion, tradition, or culture.

Question 5.1: The purpose of the minor policy and technical drafting changes, as set out in Annex A, is mainly to improve clarity, with a few amendments to policy.

Please provide any comments you have on the proposed minor policy and technical drafting changes.

2. The amended section 2.14, is presented as a 'clarification' which simply makes clear that schools with a religious character may, within the criteria of looked after children, prioritise children from a religious background over those who are currently, or who were, in care, but are not from a religious background. Whether this is framed as a clarification or a new power is immaterial. This change will increase the prospect of looked after and previously looked after children being discriminated against on grounds of religion or belief.
3. We are profoundly disappointed that the first review of the admissions code since 2014 has ignored the opportunity to address the unfairness and inequities facilitated by the current code. Religiously discriminatory admissions arrangements disadvantage local children whose parents are non-religious or of a different religion to the school's religious designation. Many parents find that because of their lack of religious belief, they are unable to send their children to their local state school, which is often the most appropriate school for their needs.
4. The evidence also indicates that religiously discriminatory admissions arrangements entrench religious segregation in wider society, and often lead to ethnic and socio-economic segregation too, by unfairly advantaging middle class and better-off families.
5. For many years the government has pledged to undertake a review of school admissions policy. While no review has materialised, opportunity after opportunity has been missed to address the impact of discriminatory religious admissions on children and families locked out of their local schools.

¹ <https://consult.education.gov.uk/home-to-school-transport-and-admissions-team/changes-to-the-school-admissions-code/consultation/intro/>

Question 6.1: Do you agree that the proposed Code changes will not have a negative impact on any children with one or more protected characteristics?

6. No.
7. The consultation document suggests that the Department for Education erred in its equality impact assessment with regards to the proposals to amend section 2.14. A change has a negative impact on people with one or more protected characteristics, regardless of how that change is framed or whether it negatively impacts all those or only a subset of those with that protected characteristic, as in the case of the amended 2.14.
8. The current admissions code permits widespread direct and indirect discrimination on grounds of religion and belief within the state school system. While the limited nature of the changes proposed limit the new direct discrimination facilitated by the admissions code, any increased discrimination should be a source of concern.