

# Consultation to reduce primary school places in the Abram area: NSS response

Submitted by email to: [consultation@wigan.gov.uk](mailto:consultation@wigan.gov.uk)

1. This submission is made by the National Secular Society (NSS). The 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 campaign for a secular, inclusive education system free from religious privilege, discrimination or control.

## NSS interest in proposals

2. Plans to reduce surpluses school places, particularly where these involves closure or amalgamation, are often complex and emotive. However, [systemic bias against](#) non-faith (community ethos) schools can make such decisions particularly concerning, given the potential to further reduce choice for families who do not want a faith-based education.
3. [Our analysis](#) shows that in September 2021, [81% of postcodes](#) in Wigan experienced high or extreme restrictions on the choice of a non-faith primary school. This affects 90% of postcodes in the Abram ward – a figure that would approach 100% if Abram Bryn Gate were to close, as five of its nearest six schools are faith-based.
4. Despite a surplus of school places in some areas, the same analysis shows that this year 182 pupils across Wigan were assigned faith schools against families preference.
5. Hundreds of local parents have contacted our campaign against closing Abram Bryn Gates and reducing the community ethos provision in Abram. [See Appendix A.](#)

## Human rights implications

6. We believe current proposals to reduce surplus school places in Abram Wigan pose a significant risk of undermining families and children's rights under Article 9, and Article 2 of Protocol 1 of the Human Rights Act, increasing discrimination based on religion or belief.
7. Article 2, Protocol 1 of the Human Rights Act provides that: "the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions." This right is limited, and the case law is clear that this does not require the state to support specific types of schools organised around a religious identity or faith formation. However, it is clearly arguable that a lack of access to a religiously neutral school infringes on this right, whereas a community ethos school respects the rights of all equally.
8. Article 8 is also here engaged because of the impact on the family of accessing a local school as opposed to having to potentially travel (at their expense) to a more distant school.

## Local authority's duty to ensure adequate school provision

9. [Section 14 of the Education Act 1996](#) provides that the Council shall ensure that sufficient schools for providing sufficient school places are available in the Council's area. The Council must also take decisions in light of the Department for Education's [statutory guidance](#) on the opening of closing of maintained schools.
  - Section 14(2) provides that *"schools available for an area shall not be regarded as sufficient for the purposes of subsection (1) unless they are sufficient in number, **character** and equipment to provide for all pupils the opportunity of **appropriate education**."* (Our emphasis).
  - Section 14(3A) provides that the Council *"shall exercise their functions under this section with a view to — (a)securing diversity in the provision of schools, and (b) increasing opportunities for parental choice."*
  - Statutory guidance provides that on the opening of closing of maintained schools provides that: *"Where one school has a religious character and the other does not, or has a different religious character, both proposers and decisions-makers should consider what would best meet the needs of the local community. Decision makers should consider what impact the proposal will have on the **balance of denomination provision** in the area, the quality of the provision available (particularly when proposing a merger) and parental demand in the area for the different types of provision."* (Our emphasis).
10. Taken together, these provisions strongly argue against closing Abram Bryn Gates and the resulting diminishing of secular provision.
11. In addition, when discharging their Section 14 obligation the local authority must interpret it in accordance with, and in any event act compatibly with, Convention rights (Article 8, Article 9, and Article 2 of Protocol 1, see above).

## Impact of the proposed options

12. Two of the three proposed options would exacerbate the current extreme lack of non-faith school provision. This is most clearly seen in Option 2 (Closure of Abram Bryn Gates Community Primary School). Option 1 (the amalgamation Abram Bryn Gates and Holy Family Catholic Primary School) would likely lead to the closure of Abram Bryn Gates while extending the period where both schools in limbo, and increasing disruption for pupils requiring temporary accommodation.
13. We would expect a full equality impact assessment to be carried out by the Council prior to publishing a statutory notice setting out their preferred option.
14. As a voluntary aided faith school, Holy Family has wide leeway to discriminate against pupils and teachers, who do not share the faith, in selection and curriculum.

## Conclusion

15. It is clear that Option 3 (the closure of Holy Family Catholic Primary School) provides the only current option to balance the need to reduce surplus places, with the Council's legal obligations, the human rights of all parties, and desirability of minimalizing disruption or the need for temporary accommodation at other sites.