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Sir Theodore Agnew  
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Dear Sir Theodore,

### **Statutory guidance for school reorganisation, maintenance of inclusive provision**

This week we will publish research that shows systemic bias against preserving religiously neutral school provision in school reorganisation/amalgamation. Our research, looking at schools which closed and re-opened between 2010 and 2017, shows that **70% of all schools that changed their status between 2010 and 2017 went from being religiously-neutral schools to faith schools, 93% of which were under the control of the C of E.**

**Furthermore, despite making up a third of schools, faith schools account for only 16% of those closed “as a result of amalgamation” since 2010.**

The minority of cases featuring a religiously designated school losing that designation, most maintained a religious ethos of some sort.

The most common reason for a school to take on a religious designation was it being the subject of an amalgamation. This brings us to the systemic shortcomings of the [statutory guidance for decision-makers deciding prescribed alteration and establishment and discontinuance proposals](#) (updated April 2016).

Under the section ‘Balance of denominational provision’, the guidance states: **“The decision-maker should not normally approve the closure of a school with a religious character where the proposal would result in a reduction in the proportion of relevant denominational places in the area.”** There is no such protection for secular provision. This makes the guidance biased towards at the minimum maintaining, and in practice increasing, the proportion of denominational school provision regardless of local circumstances or the impact on equality and community cohesion.

School reorganisations/amalgamations are among the most potentially fractious issues local education authorities (LEAs) must navigate in their duty to ensure adequate school provision. They are likely to involve decisions on which many members of the community have strong opinions. That LEAs are required to privilege one section of the community (those that wish for specifically denominational school provision) over other concerns undermines their ability to carry out their statutory responsibilities in an effective and equitable manner.

The April 2016 version of the guidance states that it will be reviewed in April 2017. Has this review taken place?

The current guidance states that decision-makers must have regard to the Public Sector Equality Duty. But this is contradicted by the assumption that denominational school provision, which disproportionately disadvantages non-Christians, should be preserved.

If a denominational school is closed in order to maintain a non-denominational school, there is no increase in discrimination or in protection of freedom of religion and belief, as non-denominational schools cannot discriminate on religious grounds and have higher protections for freedom of religion and belief. Any loss in 'choice' to some parents caused by the loss of a denominational school is simply a reversion to the equilibrium. There is no increase in schools that discriminate against families with a protected characteristic, while there is a decrease in the proportion of schools which do discriminate against other families with a protected characteristic.

According to NatCen's latest BSA Survey, 71% of Britons aged 18-24 (tomorrow's parents) are non-religious, with just 3% identifying as Anglican. Even putting aside the question of whether people of faith really want or need faith-based educational provision, these social changes must render the idea of preserving current denominational school levels (approximately one-third of schools in England, with approximately one quarter of schools being Anglican) hopelessly anachronistic, leading to an increasing secular deficit.

When independent faith schools join the maintained sector, the guidance states that decision makers should consider whether "there is genuine demand/need for this type of school place in the local community". However, when making decisions over amalgamation of existing schools, the 'need' for denominational schools is simply assumed.

We therefore urge you to:

**Review the Statutory guidance for decision-makers and remove the assumption that there should not be a reduction in the proportion of relevant denominational places.**

**Revise the guidance to ensure that decision makers:**

- a. Have regard to the need to ensure school provision is (to the maximum possible extent) inclusive and suitable for pupils from all backgrounds.**
- b. Are required to carry out an equality impact assessment as part of any consultation over school closure/amalgamation.**
- c. Demonstrate genuine need for a denominational school to be maintained, where this is at the expense of non-denominational provision.**

We also urge you to consider strengthening the first of these recommendations through a positive duty on decision makers to ensure that every child has the right to a suitable secular school free from discrimination within a reasonable distance.

We thank you for your time on this matter and look forward to your response.

Yours sincerely

Stephen Evans  
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