

## **Written evidence to the Education Committee's inquiry into the performance, accountability, and governance of Multi-Academy Trusts (MATs)**

19 April 2016

### **About the National Secular Society**

1. This submission is made by the National Secular Society (NSS). The NSS is a not-for-profit organisation founded in 1866, funded by its members and by donations. It campaigns for a diverse society where all are free to practise their faith, change it, or to have no faith at all. The NSS advocates separation of religion and state and promotes secularism as the best means of creating a society in which people of all religions or none can live together fairly and cohesively.

### **Summary**

2. A MAT is expected to promote a vision, ethos and strategy for all its academies. One potential conflict arises where an MAT has a religious ethos but contains schools that do not have a religious ethos or designation.
3. Although MATs may choose to appoint a limited number of local authority influenced trustees, the removal of all automatic and most meaningful local authority oversight may leave local authorities without meaningful mechanisms to fulfil their statutory duties. These include protecting diversity of school provision.

4. A lack of local oversight may remove barriers to and open up further opportunities for religiously affiliated MATs to impose a greater religiosity over academies, regardless of the wishes of local parents.
5. Given that the Church of England is the biggest sponsor of academies in England, a large number of schools converted into academies status are likely to find themselves under the umbrella of CofE affiliated MATs.
6. We believe this has serious implications for secular education provision, leading to concerns over parental rights, children and young people's religious freedom and employment discrimination.

### **Multi-Academy Trusts and protection of community school ethos**

7. The Church's intention to expand its missionary work through non-Church schools is evidenced by a quote from a Diocesan Secretary in the Church of England's *Church School of the Future Review*<sup>1</sup>:

*"We have moved forward with affiliation and we do have some affiliated schools. We are keen to see such schools as part of our mission and we feel that we don't have to own these schools. So, through having affiliated schools with a clear link between diocese, school and parish, we are doing what we want to do, which is to promote the Christian ethos."(Diocesan Secretary)*

8. Furthermore, a 2015 keynote report<sup>2</sup> presented to the Church of England General Synod said that the Church had an "urgent need" to focus evangelism on children, young people and their parents in light of a catastrophic collapse in adult church attendance.

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[https://www.churchofengland.org/media/1418393/the%20church%20school%20of%20the%20future%20review%20-%20march%202012\[1\].pdf](https://www.churchofengland.org/media/1418393/the%20church%20school%20of%20the%20future%20review%20-%20march%202012[1].pdf)

<sup>2</sup> [https://www.churchofengland.org/media/2442380/gs\\_2015\\_-\\_evangelism\\_tg\\_report.pdf](https://www.churchofengland.org/media/2442380/gs_2015_-_evangelism_tg_report.pdf)

9. The earlier *Church School of the Future* report<sup>3</sup> set out a strategy of expanding the number of Church schools to "intensify the religious input into lesson", calling for a new "concordat" between the Church and the Government to "reinforce and enhance" the Church's influence throughout the education system.
10. The Church of England has been very clear that schools under its control "must include a wholehearted commitment to putting faith and spiritual development at the heart of the curriculum and ensuring that the Christian ethos permeates the whole educational experience."
11. Speaking in her capacity as Second Church Estates Commissioner at the third reading of the Education and Adoption Bill 2015, Caroline Spelman told MPs that the Church will continue to develop diocesan and Church school-led MATs which include community schools.
12. Seeking to allay fears expressed by the National Secular Society, that the Church may take control of previously non-Church schools, Ms Spelman told MPs (at the Bill's second reading) that Church federations, such as the Trinity federation and the Pilgrim federation, two MATs in the Norwich diocese, "demonstrated how the individuality of each school has been maintained."<sup>4</sup>
13. All schools within the Trinity federation and the Pilgrim federation are, in fact, religiously designated. In the case of the Pilgrim federation, two of its four schools – Kelling CE Primary and Walsingham CE Primary – were in fact community schools until as recently as 2011.
14. Rather than allay our fears, this example demonstrates that by joining faith-based academy chains, community schools will be at risk of taking on a religious designation or ethos.

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<https://www.churchofengland.org/media/1418393/the%20church%20school%20of%20the%20future%20review%20-%20march%202012%5b1%5d.pdf>

<sup>4</sup> 22 Jun 2015 : Column 659

[http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm150622/debtext/150622-0002.htm#150622-0002.htm\\_snew106](http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm150622/debtext/150622-0002.htm#150622-0002.htm_snew106)

15. Another situation that gives cause for great concern with regard to parental choice and children's rights to religious freedom is a current proposal to form a Church of England controlled MAT for Central Walker Church of England School and four non-religiously designated schools – West Walker Primary School, Walkergate Primary School, Tyneview Primary and Benfield School, all in the East End of Newcastle.
16. The MAT will have five trustees, three appointed by the diocese and none by the local authority. Guidance which encourages MATs and LGBs to appoint small boards<sup>5</sup> in the interests of efficiency further incentivises boards to be formed without any local authority influenced trustees and undermines diversity of oversight.
17. One local Councillor has described the plans as “undemocratic” and against the wishes of parents who have their children at (or intend to send their children to) the non-religious schools. Local MP Nick Brown has also indicated his opposition to the proposals. Newcastle City Council has expressed "concerns about the impact that these changes could have across the family of schools within the city and on the ability of the local authority to carry out its statutory duties, such as responding to and meeting future and changing needs of the local population."<sup>6</sup>
18. In July 2013 the DfE set out guidance<sup>7</sup> on protecting the secular nature of community schools when they entered into a MAT which also contained VA and VC schools. This included the requirement for the MAT to establish a local governing body (LGB) to preserve the non-religious nature of the former community school(s). This guidance claimed that therefore, “It is not possible as part of the academy conversion process for a community school to become a faith school.”

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<sup>5</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/458632/governance-in-multi-academy-trusts\\_Sept2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/458632/governance-in-multi-academy-trusts_Sept2015.pdf)

<sup>6</sup> <http://www.chroniclelive.co.uk/news/north-east-news/fears-over-plans-turn-five-11011004>

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/260376/mixed\\_multi\\_academy\\_trusts.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/260376/mixed_multi_academy_trusts.pdf)

19. Despite the existing protections in place to protect schools' individual character, we have little confidence that in reality the ethos of the community schools will be effectively protected through the funding agreement with the Secretary of State.
20. School-level governing bodies will ultimately be subservient to the MAT which will remain accountable for the schools and will ultimately take all decisions on how the schools run.
21. Given the almost total freedom given to MATs in establishing, appointing and regulating the authority delegated to LGBs and lack of oversight in this area, it is hard to see how the secular nature of community schools could be adequately protected from an encroaching religious ethos if the most senior people in the trust are all advancing the interests of the Church.
22. We have been advised by the DfE that in such circumstances the funding agreement would stipulate that the LGB should "support the individual ethos of the Academy as a school not designated as having a religious character". Given the lack of external oversight, the interpretation of this requirement would rely on the good will of the LGB and MAT.
23. There does not appear to be any comparable mechanism or requirement to protect the secular nature of community schools when taken over by a MAT that has a religious ethos but is not a mixed MAT.
24. In the long-term, there is nothing to prevent non-religious schools that become part of faith-based MATs from taking on a religious designation provided they gain the approval of the Secretary of State. This is precisely what happened in Plymouth (as referenced above).
25. Although a LGB may have opinions or influence over decisions as to whether an academy may acquire a religious ethos or formal designation, there is no automatic mechanism for these to be expressed as this is a matter for the MAT to agree with the DfE.

### **Multi-Academy Trusts oversight – curriculum**

26. We are concerned that through a MAT's control of its schools' curriculum the diversity and neutrality of religion and belief education may be undermined through a MAT level decision to not use the locally agreed RE syllabus. These concerns would still apply when a MAT's funding agreement would prevent RE being taught in an openly confessional manner.

27. MAT level decisions can be made to teach Sex and Relationship Education (SRE) in a manner consistent with the MAT's religious ethos – potentially undermining young people's rights to accurate, age-appropriate information.<sup>8</sup> MATs' ability to act in this area without oversight is particularly concerning given the freedom afforded by SRE's lack of statutory standing.

28. There are a host of methods by which a MAT could use a lack of oversight to impose an over-zealous religious ethos on schools and use publicly funded education to promulgate a fundamentally dishonest and potentially divisive ideological agenda that seeks to impose a particular religious position or conception of the good, on pupils.

### **Multi-Academy Trusts oversight – other**

29. We recently intervened to resolve a situation whereby a pupil had been kept away from school by her parents over a dispute regarding the presence of external evangelical school visitors. The pupil concerned missed three weeks of school without the school once contacting the local authority. Without our intervention it is not clear at what the point the academy school or Trust would have taken action to resolve the situation.

30. The parents concerned felt completely disempowered by the apparent lack of concern shown by the school to their grievance.

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<sup>8</sup> <https://www.secularism.org.uk/news/2015/07/academy-teaches-abstinence-as-contraception-and-sex-education-in-line-with-the-makers-instructions>

31. This experience echoes the sentiments of many other parents that have contacted us when they have raised concerns with academies.

32. Schools only being accountable for their day-to-day running to private MATs raises significant concerns. The loss of democratic accountability not only disempowers parents and pupils, but given that state education accounts for approximately £102bn of annual public spending, also raises significant issues for democracy itself.

### **Employment equality in religious Multi-Academy Trusts**

33. Given that MATs act as the direct employer of all staff in the trust, and that staff (particularly at a senior leadership level) in a MAT are more likely to work across academies than in the past, we are concerned that religious MATs may seek to apply a religious selection criteria to a greater number of roles – potentially raising conflicts with the European Employment Equality Framework Directive 2000/78/EC.

34. Even when a role is principally based at a non-religious academy, a Mixed Multi-Academy Trust may construct a role so as to include a Genuine Occupational Requirement to be of a particular religion or to otherwise uphold the religious ethos of the MAT.

35. We have already been made aware of one example where a religious selection criteria was applied to a senior leadership role (a multi-academy headteacher) at a non-religious school, on the basis that the role included the responsibility to uphold the trust's religious ethos across their constituent academies.

36. This is particularly concerning as many of the responsibility for functions previously carried out by local education authorities (where applying a religious criteria in staff selection would not be lawful) will be progressively transferred to the senior leadership teams of MAT – where in the case of religious MATs such religious selection criteria are likely to be concentrated.

## **Transfer of land**

37. We are concerned that local authorities are to be stripped of ownership of school land.
38. While the agreed safeguards will prevent MATs from selling or changing the use of school land without consent from the Secretary of State, it will still nevertheless represent the transfer of public land away from elected local authorities to the Secretary of State who will then grant leases to largely unaccountable MATs. With the Church being biggest sponsor of academies in England, in many cases public land will be transferred from local authorities and placed under control of the local diocese for 125 years, and, given the permission of the Secretary of State, the Church could use it however it likes.
39. We regard this as a deeply anti-secular development and we urge the Committee to raise the democratic deficit of this potential 'land grab' with the Department.

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