

POWER GRAB:

**ACADEMISATION
AND THE THREAT
TO SECULAR
EDUCATION**



national
secular
society

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EXECUTIVE SUMMARY

This report highlights how academisation and the development of mixed multi-academy trusts has enabled religious groups to increase their influence over all schools, including gaining influence in those with no religious character. With little public attention or debate, large swathes of the education system have come under religious governance, at a time when secular oversight has diminished.

Schools should be run by and in the interests of school communities, not faith interest groups. Particularly in non-faith (community ethos) schools there is no justification for senior leaders to be selected based on faith or for religious organisations to have any privileged input in deciding policy. Faith-based governance at a multi-academy trust level can support policies which seriously, though informally, undermine a school's community ethos. This can deepen inappropriate ties between churches and schools, and include everything from a more evangelical approach to collective worship, to influencing the resources selected for subjects like relationships and sex education (RSE) or religious education (RE).

This report highlights five specific problems arising from academisation:

1. **Community-ethos academies being subject to faith-based governance**
2. **Community schools becoming faith schools through academisation**
3. **Faith-based governance in community-ethos MATs**
4. **Decreased non-religious oversight of faith academies**
5. **Lack of protection for community school ethos**

KEY FINDINGS

- **Almost half of all non-faith academies in multi-academy trusts (2,652 or 48%), are in trusts with religious governance.**
- **One in 15 former community schools which are now academies in multi-academy trusts (265 schools or 6%) have acquired an official faith designation or ethos.**
- **An estimated 19 to 38 academy trusts with no religious designation and only community-ethos schools have direct religious involvement in their governance.**
- **Seven in 10 (515 or 71%) former voluntary controlled schools now in multi-academy trusts, are in trusts where a majority of trustees are appointed on religious grounds, as opposed to a minority in voluntary controlled faith schools.**
- **Short term solutions such as better transparency, clearer guidance on protecting community school ethos and a review of current governance arrangements might address these problems. However fundamental changes are necessary to protect secular education in the age of academisation.**

RECOMMENDATIONS

1. **The Department for Education (DfE) and regional school commissioners (RSCs) should ensure greater transparency over which trustees and governors are appointed on religious grounds and which are appointed through a secular process, either meritoriously or democratically.**
2. **The DfE should review all faith-based governance in non-faith academies and bring in new guidance to strengthen the protection of their community school ethos.**
3. **Guidance should strengthen the role of school communities over academisation decisions and end the diocesan veto.**
4. **Community schools should not be expected to compromise on their secular governance structures.**

BACKGROUND

When the first three academies were introduced in 2002, secularists were primarily concerned with the suitability of certain sponsors, teaching of creationism and the attractiveness of schools free from local authority oversight for those that wanted more evangelical schools.¹ Since 2010, in a period when academies increased from 200 to over 7,000,² concerns have shifted towards the increased religious influence over state-funded schools, whether or not they have religious ethos or character.

Many aspects of the current academisation pose a threat to secular education. However, there is no single model for a secular education system, and we do not take a position for or against academies.

THE PROBLEMS WITH FAITH-BASED GOVERNANCE

“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.” – The Church School of the Future Review³

Like any interest group, religious bodies might seek to influence education policy through rigorous lobbying in the public sphere. However, when they are able to extend their institutional influence through state schools it undermines such public involvement.

Schools should be run by and in the interests of school communities. The National Secular Society (NSS) opposes religious groups having a privileged role in governance or deciding policies for any state schools, but particularly those that do not have a religious designation or ethos. It is a simple point of principle that leaders of state schools should be selected, whether meritoriously or democratically, on a secular but above all non-discriminatory basis.

The governing body of a school exercises huge influence over the school’s ethos, institutional culture, policies and syllabi – everything from plans for school visits to the textbooks selected.

TYPES OF ACADEMY TRUSTS (MATS)

1. **Mixed (Majority) MAT:** A trust containing a mix of faith and community-ethos academies, including at least one former VA faith school. These adopt a model where a majority of trustees are appointed on religious grounds – similarly to foundation governors in traditional VA faith schools.
2. **Mixed (Minority) MAT:** A trust containing a mix of faith and community-ethos academies, including at least one former VC faith school, but no former VA faith schools. These adopt a model where a minority of trustees are appointed on religious grounds – similarly to foundation governors in traditional VC faith schools.
3. **Mixed (Other) MAT:** A trust containing a mix of faith and community-ethos academies, but where it is not clear whether they have VA or VC predecessors, perhaps because they are new faith-based academies. These may adopt a majority or minority model.
4. **Mixed (Community) MAT:** A trust containing only community-ethos academies, but which has adopted some form of faith-based governance at the trustee or member level.

¹ secularism.org.uk/churchstungbynssattack.html | secularism.org.uk/labourmpsaysreligiousextremismis.html

² gov.uk/government/uploads/system/uploads/attachment_data/file/175429/CM-7980.pdf

³ churchofengland.org/sites/default/files/2017-10/2012_the_church_school_of_the_future_review_web_final.pdf

5. **Faith MAT:** A trust containing only faith-based academies of a specific type, e.g. only former VA faith schools, only former VC faith schools, or only new faith-based academies. These may adopt a majority or minority model, though in the case of only VC faith schools it should be a minority model.
6. **Community MAT:** A trust containing only community-ethos academies, which has adopted a governance model similar to community schools i.e. with no trustees appointed based on or expected to promote a specific religious ethos.

MIXED MULTI-ACADEMY TRUSTS (MIXED MATS)

In the early days of academisation, problems emerged in creating articles for MATs containing a mix of former voluntary controlled (VC) and voluntary aided (VA) faith schools, and community schools. Each had different statutory restrictions covering topics such as religious education, collective worship and religious discrimination in employment and admissions.

The government responded to pressures to make Mixed MATs a more formal arrangement. Whether feigned or not, religious groups expressed concerns that ‘their’ schools might find themselves controlled by secular trusts. The Church of England was concerned about being ‘barred’ from taking over community schools, and the barriers to consolidating VC and VA faith schools in the same areas into the same MATs.⁴

Issues with Mixed MATs primarily, though not exclusively, concern Church of England faith schools and diocese-backed trusts. There are several reasons for this.

Firstly, Church-backed institutions taken together are the largest faith school and academy providers, and have ambitions for wide religious influence over the education system.⁵ Other faith school providers such as the Catholic Education Service (CES) have a greater focus on maintaining the religiosity of ‘their’ schools and would not want to risk this being diluted by Mixed MATs, even if it increased their influence over community-ethos schools.

Secondly, most VC faith schools are affiliated with the Church of England, meaning all or almost all Mixed (Minority) MATs will be.

Thirdly, there are privileged institutional relationships between the Church of England and the Department of Education which entrench their influence in Mixed MATs.

The model articles of association for Mixed MATs⁶ produced by the DfE in consultation with the Church of England grant various special powers to the Diocesan Board of Education to ensure the promotion of a religious ethos. They contain no comparable protections for community school ethos.

Although the articles maintain the definition of “Foundation Governors” – meaning those trustees directly appointed by the diocese to promote their interest and the trust or schools’ religious ethos – it is important to note that the diocese also has a range of soft tools to ensure that trustees appointed are supportive of their interests. It is made clear that “local clergy and other church-connected individuals could be members” provided they aren’t appointed specifically to “represent the interests of the Church of England”.

Compare this to “Local Authority Associated Persons” – which the DfE wants to heavily restrict as part of ‘freeing’ academies from local authority control.⁷ A “Local Authority Associated Person” includes anyone who has been associated with a local authority in the last four years, whether they are appointed to act in the LA’s interests or not. Such appointees must usually be less than 20% of members, trustees or local governing body (LGB) members.

⁴ assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/260376/mixed_multi_academy_trusts.pdf

⁵ secularism.org.uk/news/2012/03/church-of-england-proposes-large-scale-expansion-of-its-influence-in-education

⁶ gov.uk/government/uploads/system/uploads/attachment_data/file/254858/multi_model_cofe_vc_nonfaith_articles_v2.doc

⁷ governingmatters.wordpress.com/2015/01/13/known-how-to-avoid-influenced-company-status-matters/

In a Mixed MAT (even one containing only one VC faith school) the model articles of association, Article 107, provides that the trust must consult the diocese when appointing a Chief Executive, who may apply religious selection criteria to the role. The Chief Executive has the responsibility for “the internal organisation, management and control of the academies (including the implementation of all policies approved by the directors and for the direction of the teaching and curriculum at the academies).”

The diocese has a special veto over specific decisions for which the articles otherwise require a simple majority vote, e.g. co-opting trustees (Article 58), or adding members (Article 16). The diocesan members of the trust cannot be removed – unlike other members (Article 15A) – and the diocese can veto any changes to the Articles (Article 10).

The trust appoints the principal of each academy, and in the case of any faith-academies can only do so with the “agreement of the Diocesan Director of Education”. The statement “**shall** make use of any relevant powers under section 124AA of the School Standards and Framework Act 1998” rather than “**may** make use...” could suggest that the trust must require the principal of each academy to be a practising Christian⁸ – a discriminatory power that VC schools have, but don’t always exercise. Article 5D helps underpin a trust’s ability to create religiously restricted roles at the trust level.

Each trust decides through its “Scheme of Delegation” the powers, functions and procedures of a local governing body. In the case of LGBs covering formerly VC schools within a Mixed MAT, the diocese appoints 25% of the members. This does not include the principal of the academy, who is appointed by the diocese and an *ex-officio* member of the LGB.

The diocese also requires all members to sign an undertaking promising to “uphold the designated religious character of the said Academy”. The model “Scheme of Delegation” for CofE and Catholic academies requires their local governing bodies to enact policies directed to them by ‘their’ diocese/archbishop.⁹ Dependent on the specific articles and the Scheme of Delegation, this might give the diocese the power to remove any local governor that challenges them.

The model articles contain no comparable requirement for the members of a community-ethos school’s LGB to uphold its non-religious ethos. Regardless, there is no equivalent organisation to the diocese to which the governors can make such a declaration.

OTHER TERMINOLOGY

This is an area where many different terms are used inconsistently, so it is necessary for us to set out our terminology. Wherever possible we have used existing widely used and understood terms, albeit with our own clarifications. In some cases, we have had to introduce terms in order to add clarity.

Faith schools

Due to its wide public use and understanding, we use the term ‘faith school’ to cover all state schools with a formal religious designation or ethos. This includes:

- **Current and former voluntary controlled (VC) schools**
- **Current and former voluntary aided (VA) schools**¹⁰
- **New faith-based academies:** These are new academies (including free schools) which do not have a local authority-controlled predecessor, and have a registered religious ethos, designation or character.

Some proponents of faith schools reject the term because of its negative connotations, or broadness. However, there is clear utility in such a widely understood term.

⁸ Following a May 2017 freedom of information request from the NSS, the DfE confirmed that no use had yet been made of this power.

⁹ gov.uk/government/uploads/system/uploads/attachment_data/file/254850/scheme_of_delegation_oct_2011_v1.doc

¹⁰ An extremely small number of VA/VC schools do not have a religious character but have VA/VC status for historic reasons.

Non-faith schools (Community-ethos schools)

While the term ‘non-faith school’ and to a lesser extent ‘secular school’ are widely used and understood by the public, they have been criticised by both secularists and proponents of faith schools. We use the term ‘community-ethos schools’ or ‘community-ethos academies’ to cover all state schools without a religious ethos or designation. This includes:

- **Current and former community schools**
- **Current and former foundation schools¹¹**
- **New community-ethos academies:** These are new academies (including free schools) which do not have a local authority-controlled predecessor, and do not have a registered religious ethos, designation, or character.

As is conversion

New academies can open as a result of new provision, including ‘free schools’, or ‘conversion’, where an existing local authority-maintained school converts to become an academy.

A key government commitment is that schools will convert to academies on an ‘as is’ basis. E.g.:

- Schools should not lose or acquire a religious character as a result of conversion.
- The proportion of foundation governors should not be increased or decreased as a result of conversion, i.e. there should remain none in community schools, a minority in VC faith schools and a majority in VA faith schools.
- The special arrangements, including exemptions from equality laws, made for VC or VA faith schools, and the limits on these, should not be increased or decreased as a result of conversion.

LACK OF TRANSPARENCY

There have been several attempts over the last five years by the National Secular Society to quantify the extent of these problems, using a mix of research and freedom of information requests to the DfE and individual MATs.

However, the DfE do not hold centralised information on which MATs have a faith ethos or which Mixed MAT model they use. Religious organisations’ roles, particularly in community MATs, can be obscured and finding information on individual MAT’s funding agreements, articles of association and governing structures can be difficult.

¹¹ An extremely small number of foundation schools have a religious character.

THE PROBLEMS

Problem #1: Community-ethos academies being subject to faith-based governance

Through academisation, thousands of community-ethos schools are now governed by multi-academy trusts with a faith ethos. This means that members and trustees or governors appointed on religious grounds, explicitly to promote a faith ethos, are making decisions regarding the operation and policies of non-faith schools.

Examples of this are numerous, affecting almost half of all non-faith academies in multi-academy trusts.¹² In 2017, two community schools (totalling 670 pupils) were taken over by Unitas Multi-Academy Trust, along with two Church of England faith schools (totalling 230 pupils). The trust had three of its five members appointed by the Church.¹³ Also in 2017, the Tynedale Community Learning Trust announced that it would have a majority of church appointed members, despite nine of its 10 schools being community schools.¹⁴

CASE STUDY: Bath and Wells Multi-Academy Trust¹⁵

In 2017, the NSS was contacted by a parent at Bathampton Primary who was concerned that the community school was joining the Bath and Wells Multi-Academy Trust – a MAT run by the diocese, which promotes a “distinctively Christian ethos”.

The school had co-opted a community governor who happens to be local priest – said by one parent at the school to be “particularly evangelical”. He regularly leads assemblies and the school website stated that “in particular he wants to maintain and strengthen good links between the church and school”.

CASE STUDY: Diocese of Ely Multi-Academy Trust¹⁶

In 2016, The Diocese of Ely Multi-Academy Trust decided to close their only non-faith school, then one of 22 in the trust and the nearest community ethos school in 6 miles.

Campaigners trying to save the school told the local paper that “Many people believe that Ten Mile Bank is being threatened with closure because it is a non-faith school – it’s the only school in DEMAT’s history which is not a faith school.”

No local community wants to lose its school and decisions over closing or consolidating small schools are always difficult. But where this process is led by religiously motivated academy trusts rather than local communities, there is a real democratic deficit – with local people left out of the decision-making.

Problem #2: Community schools becoming faith schools through academisation

This can often take place as a result of school reorganisations which can accompany academisation, e.g. two or more existing local authority-maintained schools merging to become one new academy. In 2018 the NSS published research showing this contributed to a systemic bias in favour of faith schools at the expense of community-ethos schools.¹⁷

¹² See below

¹³ secularism.org.uk/news/2017/01/latest-religious-takeover-will-see-two-community-schools-run-by-the-church

¹⁴ secularism.org.uk/news/2017/05/church-to-gain-influence-over-nine-secular-schools-in-northumberland

¹⁵ secularism.org.uk/opinion/2017/05/casework-focus-community-schools-and-religious-takeovers

¹⁶ secularism.org.uk/news/2016/11/church-academy-chain-to-close-only-secular-school

¹⁷ secularism.org.uk/news/2018/01/research-reveals-systemic-bias-against-secular-schools

During the passage of the 2015 Education and Adoption Bill, the Church of England's representative in the House of Commons, Caroline Spelman, drew attention to the Pilgrim Federation and Trinity Federation as examples of Church-led Mixed MATs which demonstrated "how the individuality of each school has been maintained". But at the time, all schools in both MATs, including former community schools, were faith designated.¹⁸

Problem #3: Faith-based governance in community-ethos MATs

Even when a MAT contains no faith schools, there is no guarantee that it does not have religious ethos or governance structure which will impact on community-ethos schools. Community MATs can be encouraged to adopt a Mixed (Minority) MAT or similar structure in order to work closely with a religious organisation or preserve the option of admitting faith schools in the future.

For example, in 2016 the NSS was contacted after Fulham, Sullivan and Queen's Manor primary schools launched plans to form a MAT. Despite all being community schools, the London Diocesan Board for Schools was invited to appoint two of the eight members who would oversee the trustees. The LDBS already provided commercial services (ranging from headteacher appraisals to human resources and legal services) as part of their outreach to community schools, including encouraging collective worship and offering advice on "the interface between religion and school life".¹⁹

CASE STUDY: Wolds Learning Partnership

Chris and his family moved to Stamford Bridge, in Yorkshire in 2015 and their child soon started at the local community primary school. Along with a number of other community schools they formed the Wolds Learning Partnership MAT in 2017, retaining their community ethos status. Though none of the schools had an official religious ethos, Chris soon started to notice inappropriate religious influence at the school. The local vicar and her visits to the school were regularly featured in the newsletter, the children were regularly taken to Easter and Christmas services at the local church without reference to parents, and on one occasion an evangelical group called 'The Prayer Bus' visited the school.

Chris became a committed and diligent parent governor on the local governing body but was disappointed with the fact that at the central MAT level, a key player is the Diocese of York Educational Trust. The Diocese state that "it's only right that there is a Church of England presence within the range of academies nationally" and their website state their goals to include "Reaching those we currently don't" and "Growing in numbers, discipleship and influence".

Unlike other members of the Wolds Learning Partnership MAT the representative of the diocese can't be removed and has a veto over the appointment of other members. When Chris raised the inappropriateness of religious governance in a community-ethos MAT with the chair of trustees, he was told that it was hoped that a number of CofE schools would join and that to encourage them to the Diocese was involved and the standard CofE Articles of Association had been adopted. That was two years ago and despite there being no religious schools on the horizon, the Diocese retains its privileged position on the Trust.

Problem #4: Decreased non-religious oversight of faith academies

Governors or trustees appointed to promote a religious ethos²⁰ vary in proportion in different faith schools. Academisation has removed or reduced many of the other types of governors or trustees, such as local authority representatives or parent governors, who might provide counterbalance. Where a religious organisation runs a Multi-Academy Trust, it can have a far more direct role in controlling the policies and operation of member academies than it would have in local authority-maintained schools.

¹⁸ publications.parliament.uk/pa/cm201516/cmhansrd/cm150622/debtext/150622-0002.htm#150622-0002.htm_spnew106

¹⁹ secularism.org.uk/opinion/2016/07/when-is-a-community-school-not-a-community-school

²⁰ Still often referred to as "foundation governors" even in academies.

As early as 2011, the Bishop of Oxford, John Pritchard, predicted that academisation could allow the Church to take an increasing role in providing services and governance previously provided by local authorities to both community and faith schools as local authorities “wither on the vine”.²¹

Voluntary controlled (VC) faith schools traditionally have a lighter touch religious ethos. Only a minority of governors are appointed on religious grounds to promote a faith ethos (foundation governors). By default, they do not practise religious discrimination in admissions and teach the locally agreed, rather than denominational, religious education syllabus.²² There is normally a 20% cap on the teaching posts subject to religious tests.

Over the last decade, the Church of England²³ has attempted to increase the rigour with which VC schools promote faith.²⁴ This can be at odds with the school community, who might wish for a more community ethos. Where a school is less traditionally faith-oriented, and has open selections, staff and parent governors might wish to be more independent from the diocese. Academisation gives Diocesan Boards of Education (DBEs) increased leverage.

DBEs often dictate to VC and VA faith schools which MATs they can and cannot consider.

For example, in 2016 the Diocese of Winchester announced that all ‘its’ VC schools had to join the diocese’s academy chain when the schools become academies, dramatically increasing the power of the Church over the schools. VC schools were prevented from joining any other academy chain and were required to sign up to the diocese’s “King Alfred Trust” even though the governors of one affected school were “unanimously” opposed “as they feel it will erase the distinction between VC and Voluntary Aided schools.” A similar situation occurred in Norwich, where the diocese stated VC schools would be required to “adopt a VA model of governance before being admitted to the Trust”.²⁵

In 2017, The *Times Educational Supplement* (TES) reported²⁶ on concerns raised by headteachers and staff that religious leaders were seeking to steamroll faith schools into massive academy chains, centralising church control over the state-funded schools. Rob Kelsall of the NAHT headteachers’ union told TES that headteachers were worried about a loss of autonomy. The Roman Catholic Diocese of Westminster proposed to headteachers and governors that 180 schools join 12 multi-academy trusts (MATs), with each trust governed by a single board which would act “as the governing body for up to 15 schools”. One governor of a Catholic primary school said she was “gobsmacked” by the plans and that the balance was “right” at the moment, but that under the plans “I worry about what is coming” because of the diocese gaining more control over the school. The diocese argued that academisation would allow the promotion of “Catholic mission and identity” in schools.

²¹ bbc.co.uk/news/education-13314266

²² Though there are exceptions.

²³ Almost all VC schools have a Church of England religious designation.

²⁴ nomorefaithschools.org/testimonials/2018/06/teachers-perspective-the-growing-evangelism-in-c-of-e-faith-schools1

²⁵ secularism.org.uk/news/2016/06/church-using-academisation-to-increase-religious-influence-in-schools

²⁶ <https://www.secularism.org.uk/news/2017/01/faith-school-heads-and-governors-raise-concerns-about-academy-religious-takeovers>

CASE STUDY: A headteacher's perspective

During my time as a Headteacher of a VC junior school near Nottingham the DBE had a strict policy of only sanctioning academisations into Majority Church-led Multi Academy Trusts thereby vastly increasing their influence over VC Schools at Governance level.

Our governing body was constituted with three Foundation Governors (governors appointed by the local Diocese) out of 15 governors in total. Bearing in mind that the school was entirely maintained by taxpayers money via the Local Authority and served a village community whereby no other schools were within reasonable walking distance, there was, in my opinion, never any argument for any religious influence within the Governing Body. However, the rules laid down by the local diocese meant that any academisation would result in the church having a majority of its appointees.

Furthermore, the Diocese were not prepared to stretch their resources beyond the MATs that had already been set up so in practice our school had a choice of 4 MATs to choose from – all with boards of directors and members dominated by Church appointees.

We were severely disadvantaged by this restriction – opportunities to join MATs set up by local schools that we had enjoyed fruitful partnerships with came and went. Furthermore, because our feeder infant school was not a church school and nor was the secondary school we fed into, the opportunity to work more closely with these vital stakeholders was closed to us (although the diocese did point out that the infant school could always join the Diocesan MAT alongside ourselves – not surprisingly this was not an option they were interested in).

We spoke to the DBE on several occasions about this matter and were asked to prepare a document for discussion at one of their meetings – we called this a request for ‘Self-determination’. Our request was turned down but no explanation was offered and the arguments raised in support of our request were not answered. This being the case, I followed this up a year later with a suggestion that I attend a DBE meeting both to put our case in person and to better understand the Diocesan position – my request was denied.

It appears that our local DBE could not justify their hardline position and were either not able to or unprepared to justify it. The consequences of this has been that long standing and natural collaborations have had to be disbanded or dismissed as maintained schools without such restrictions have forged ahead with their Trusts and other structures. To disadvantage Church Schools in this way is in my view a gross dereliction of their duty to do the best they can for our children. It appears that the desire to increase the power and influence of the Church in ‘their’ schools is stronger than the desire to provide the best possible education and life chances for pupils.

Problem #5: Lack of protection for community school ethos

While faith schools have faith-based governance structures, staffing appointment, inspections, and powerful lobbying groups to protect their faith ethos, there are no comparable protections for community-ethos schools. While the general public might have a sense of what makes up a community ethos, schools and trusts have huge leeway. Though there are significant legal hurdles to imposing an official religious designation on a faith school, an informal religious ethos can be introduced piecemeal.

For example, in 2018 Lee and Lizanne Harris complained about the inappropriate evangelism at Burford Primary School, a community-ethos academy, after it joined a Christian MAT.

CASE STUDY: Oxford Diocesan Schools Trust²⁷

The Harris family purposefully chose a community ethos academy, Burford Primary School, in 2018. They felt that it joining a Christian MAT undermined this ethos and contributed to inappropriate evangelism. Regular assemblies started being held in the church and the Harris family were encouraged to participate in active prayer. Christianity was positioned as truth and Bible stories were ‘acted out’ including beatings and crucifixion.

The school argued they were just following the legal requirement for collective worship, although the school interpreted this requirement rigorously, more in the way of a faith school than the approach most would associate with a community school.

Bizarrely the head claimed “we do not have, and never have had, a ‘secular ethos’,” claiming this “would imply a lack of connection to religious or spiritual matters, which would not be legal”.

After a legal challenge, the trust eventually agreed to provide alternative inclusive secular assemblies.

Due in part to the problems with transparency discussed below, this problem does not lend itself to quantitative analysis and is not examined in depth within this report.

²⁷ secularism.org.uk/opinion/2018/12/my-childrens-school-has-become-christian-by-default

QUANTITATIVE ANALYSIS

In April 2020, we carried out a new analysis of academies in MATs.²⁸ Along with existing data on linked predecessor schools, we attempted to match current academies with predecessor local authority-controlled schools, using postcodes.

FINDINGS

Problem #1: Community-ethos academies being subject to faith-based governance

- Almost half of all non-faith academies in multi-academy trusts (2,652 or 48%) are in Mixed MATs with faith-based governance including religious authorities.
- Of all non-faith academies in MATs:
 - Almost one in five (941 or 17%) are in *Mixed (Majority) MATs*, where a majority of trustees will be appointed on religious grounds.
 - One in ten (556 or 10%) are in *Mixed (Minority) MATs*, where a significant minority of trustees will be appointed on religious grounds.
 - One in five (21%) are in *Mixed (Other) MATs*, where it is not clear what proportion of trustees will be appointed on religious grounds.

Problem #2: Community schools becoming faith schools through academisation

- One in 15 former community schools which are now academies in multi-academy trusts (265 schools or 6%) now have an official faith designation or ethos.²⁹

Problem #3: Faith-based governance in community-ethos MATs

To examine this problem, we looked at the 762 (54%) of MATs that should be non-faith.³⁰ We examined the funding agreements and governance of 40 selected at random and sent follow up freedom of information requests for clarification.

- We found that *Tarka Learning Partnership* had adopted a Mixed (Minority) MAT model, despite not having any faith schools.^{31 32}
- That trust represented 5% of the 20 responses to our information request and 2.5% of the total sample. A range of 2.5–5% of all academy trusts containing only non-faith schools would mean 19–38 had adopted a Mixed (Minority) MAT model, giving religious authorities as at least as much influence in their governance as in a voluntary controlled faith school.³³

²⁸ Some academy trusts are set up as MATs despite currently containing only a single academy; the minority of academies organised into single-academy trusts (SATs) and MATs which do yet contain any academies are excluded from this report.

²⁹ Some might have acquired these in changes prior to academisation.

³⁰ From those with at least 2 member academies and excluding any with ambiguities.

³¹ Of the remaining 20, none contained references to religious interests in the governance documents available on their websites, though this is not conclusive.

³² The trust told us that they had adopted this model so that faith schools could join in future, and there would be no question that they might be the ones to compromise on their governance.

³³ Given the small sample size, further research at a larger scale might be necessary.

Problem #4: Decreased non-religious oversight of faith academies

- Seven in 10 (515 or 71%) former voluntary controlled schools now in multi-academy trusts are in *Mixed (Majority) MATs*, where a majority of trustees will be appointed on religious grounds, as opposed to fifth in traditional VC faith schools.

To examine this problem further, we looked at the 16 VC-only and 96 Mixed (Minority) MATs (totalling 8%). Twenty were randomly selected for examination.³⁴ We examined their funding agreements and governance arrangements.

- Of the 7 MATs which responded to our information request, all had adopted the Mixed (Minority) MAT model, meaning they did not show evidence of this problem. The 13 others with articles of association available online were not all clear on the proportion of faith-based trustees.³⁵

A NOTE OF CAUTION

Data ambiguities

The data for this project was extracted from the “Get information about schools” government service on 7th April 2020. While there are some ambiguities in the data, this is the best currently available and gives a broadly accurate picture.

Much of this data is provided by schools/academies themselves or drawn from disparate sources so errors can creep in.

135 academies (1.7%) had some ambiguity in their predecessor school, either based on postcode (97) or reference number (38).

80 academies (1.0%) were listed as not having a faith ethos or designation, despite their predecessor appearing to be a VC or VA faith school. These were counted as non-faith based on the official data but are ambiguous. This impacted 29 MATs (2.1%), which were counted as not mixed.

Unless there was data to the contrary, foundation schools were assumed to be non-faith as in the vast majority of cases.

MAT type

The government does not make comprehensive data available on what multi-academy trust models are used.³⁶ Despite the risk of some outliers, we think it best to assume the MAT type based on what would be expected based on the best available data on its member academies.

Examples of potential outliers could include:

1. A multi-academy trust using the Mixed (Minority) MAT model, despite having a former VA faith school.
2. A multi-academy trust using the Community MAT model, despite containing one or more faith schools.
3. A multi-academy trust using a faith-based MAT model, despite containing only community-ethos schools.
4. A multi-academy trust using the Mixed (Majority) MAT model, despite containing only former VC, but no former VA faith schools.

³⁴ From those with at least 2 member academies and excluding any with ambiguities.

³⁵ Further research at a larger scale might be necessary.

³⁶ See above.

The first two scenarios are extremely unlikely for the reasons discussed below in under the next subheading. The third and fourth scenarios would be examples of the problems discussed above.

Faith schools in Community MATs

Faith schools are far less likely to be taken over by community MATs than vice versa, due to the privileged protections given to religious organisations, particularly the National Society (Church of England)³⁷ and Catholic Education Service³⁸, the largest and second largest sponsors of faith schools respectively.

The memoranda of understanding (MoU) between the DfE and these organisations, along with the model articles of association, create the expectation that trusts wishing to accept faith schools will adopt Mixed MAT articles to accommodate this, and that the religious organisation's wishes will be accommodated, even at the expense of the school community. These provisions also strengthen a diocese's ability to enforce a more rigorous religious ethos regardless of the school community's views.

For example, in 2018 the Diocese of Guildford forced Ripley C of E Primary School to close rather than join a Community MAT.³⁹

Catholic faith schools

According to the memorandum of understanding with the Catholic Education Service:

"It is only the Diocesan Bishop who can determine whether a school is Catholic and the requirements necessary to secure its religious character and ethos, in relation to which control of governance is essential"

The MoU commits the government to "sustaining the formal and legal partnership between the Catholic Church and the state in education", including the Regional Schools Commissioners (RSCs) meeting with the Catholic Church's representatives at least once per term and for the RSCs to seek to "align" their ways of working with schools with the CES.

The MoU supports the DfE working with the Church where they would like them to take over a non-Catholic school.

If an academy order legally has to be made, the RSC must work with the Church to find a solution supported by the DfE at a national level. The "presumption will be that the Diocese's preferred sponsorship arrangements will be accepted". The guidance makes clear that "the Catholic Church must retain control of governance, in accordance with canon law". The MoU states that "any solution must ensure the protection of the religious character of the school". If an RSC and a Catholic diocese are unable to come to an agreement, they will be expected to go to the Catholic Education Service (the Church's national education body) to mediate.

Funding agreements need to allow the diocesan bishop to issue binding directives to the foundation governors or directors. Even when poor standards or failures of governance necessitate an Interim Executive Board, the CES has its right to appoint governors protected.

³⁷ gov.uk/government/uploads/system/uploads/attachment_data/file/517423/Memorandum_of_understanding_between_the_National_Society_and_DfE.pdf

³⁸ gov.uk/government/uploads/system/uploads/attachment_data/file/517424/Memorandum_of_understanding_between_the_Catholic_Church_and_DfE.pdf

³⁹ secularism.org.uk/news/2018/05/church-forces-school-to-close-rather-than-join-secular-academy-trust

C of E faith schools

The DfE's agreement with the National Society commits the government to "sustaining the formal and statutory partnership between the Church of England and the state in education", and states "It is recognised by the department that any judgements as to the religious character of church schools and the sufficiency of any protection of that character are solely for the DBE". Headteachers, the DfE and academy brokers may not "enter into discussions with a Church of England school or academy about conversions, concerns over standards, movement into a MAT or movement from one MAT to another" without first talking to the DBE (Diocese Board of Education).

This gives the Church a powerful tool. If at any point it is unable to assert its agenda in one of 'its' academies or it feels the "academy is failing to maintain and develop its religious character and ethos" it can get the RSC to re-broker the academy, and the RSC is expected to "respond promptly". The DBE can block changes or actions intended to make the school more inclusive or secular, while there is no comparable oversight or organisation to ensure that a non-faith school's community ethos is protected.

The MoU allows the Church to block any conversion/re-brokering "should the DBE have serious concerns about the school's capacity or intention to sustain its religious character". This allows DBEs to control which MATs 'their' schools join – including favouring their own MATs regardless of what the school or parents might consider more suitable.

Although the MoU mainly concerns special protections for Church schools from forced conversion/re-brokering, Section 11 (a) would effectively allow a DBE to force such a move if they feel that the LEA/trust lacks "capacity or intent to act" over "any risk of underperformance". This is likely to chill LEAs'/non-Church MATs' willingness to challenge the Church over schools under their authority.

The MoU commits the Government to work with the Church, "where there is a need for a new Church of England school". But it is unclear who establishes this 'need'.

If an RSC and a DBE are unable to come to an agreement they will be expected to go to the National Society (the Church's national education body) to mediate.

Even when poor standards or failures of governance necessitate an Interim Executive Board, the DBE has its right to appoint governors protected.

Other faith schools

Other religious groups with comparatively less privileged arrangements with the DfE might be more likely to find 'their' faith schools in Community MATs. However, this does not raise comparable concerns for the ethos of these schools as they enjoy far more protections than afforded to community-ethos schools.

CONCLUSIONS AND RECOMMENDATIONS

Academisation and opaque multi-academy trusts have seriously undermined community-ethos education in England. With little public attention or debate, large swathes of the education system have come under religious governance, at a time when secular democratic oversight has diminished.

But it doesn't need to be this way. In the long term, addressing these problems and the others caused by religious privilege in state education requires a commitment to a secular, community-ethos system. There is no one correct model for this, and no inherent reason that academisation can't deliver it, *if* policy makers are willing to challenge religious special interests.

In the shorter term, each of the six problems identified in this report can be mitigated, through practical and evolutionary, rather than revolutionary, changes.

Problem #1: Community-ethos academies being subject to faith-based governance

This needs to be urgently addressed. At a minimum, the DfE should begin a review of all local governing bodies of community-ethos schools to ensure that all appointments are made through a transparent meritorious or democratic process without reference to faith. Regional school commissioners should also ensure such processes are in place before supporting any academisation proposals.

As long as we have faith schools and multi-academy trusts, we do not want to restrict the academisation options of community-ethos schools. However, the assumption that community schools should compromise on their secular governance structure must be flipped on its head.

Problem #2: Community schools becoming faith schools through academisation

A moratorium on new faith schools generally, or on community schools converting to faith schools, would address this problem. Where there is a proposal to convert a community-ethos school, this should be published as soon and as accessibly as possible, to allow consultation and democratic oversight.

Problem #3: Faith-based governance in community-ethos MATs

This urgently needs to be rolled back and there should be a review of the circumstances in which the DfE was ever allowed to agree to such funding agreements. Where a MAT only contains non-faith schools, the DfE should make clear that there is no requirement or reason to adopt faith-based governance structures. Ofsted should be prepared to comment on such arrangements in inspections of MAT governance, and raise concerns where this impacts a school's community ethos.

Problem #4: Decreased non-religious oversight of faith academies

Faith-based governance such as foundation governors and diocesan appointees needs to be checked by secular governance such as parental governors. While VC faith schools exist, this will mean protecting their limited autonomy from religious authorities. The school community should make decisions over the school's future and academisation options, not have these imposed by the diocese, and they should be able to maintain a looser faith ethos.

Faith-based governance of former VC faith schools at the local governing body and trustee level should not exceed the pre-academisation minority level.

Particularly at local governing body level, trustees or governors selected to promote a faith ethos should be set at a minority level, with a majority of governors or trustees selected through a secular process, either meritorious or democratic.

Ofsted should be prepared to comment on such arrangements in inspections of MAT governance and raise concerns where this undermines secular oversight.






Problem #5: Lack of protection for community school ethos

Where a funding agreement commits a MAT to maintain a community school's ethos, these protections must be made meaningful. Robust guidance and training should be provided to all those involved in non-faith schools on what is meant by a community ethos and how this should be developed and maintained. Consideration should be given to Ofsted including inspection of this duty in inspections of multi-academy trusts and individual academies.

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