

# **SCHOOLS THAT WORK FOR EVERYONE**

## **GOVERNMENT CONSULTATION**

### **A SUBMISSION FROM RT HON CHARLES CLARKE AND PROFESSOR LINDA WOODHEAD**

#### **1. Introduction**

This submission is a response to the Government consultation, '***Schools that work for everyone***'. Our submission responds particularly to Pages 30-34 of the Consultation document, dealing with 'faith schools'.

Over the past 5 years we have run, from Lancaster University, the 'Westminster Faith Debates'<sup>1</sup> and in June 2015 published 'A New Settlement: Religion and Belief in Schools'<sup>2</sup> which addresses the current legal relationship between religion and schools in England, including the position of 'faith schools'.

We have discussed these issues widely with faith organisations, teaching professionals, SACREs, OFSTED, politicians, academics, trades unions and many others and this response is based on these discussions. However it represents only our own views.

#### **2. Executive Summary**

We believe that faith schools have an important place in our society and school system, and welcome the proposed measures for supporting such schools whilst encouraging greater inclusivity.

We believe that the proposed measures can be strengthened to achieve this goal. To this end we urge the government to:-

- Extend the proposed measures for promoting inclusivity on the basis of religion or belief to all faith schools which use faith criteria for admissions;
- Distinguish clearly in its approach between faith schools in general and those less inclusive ones which admit pupils on the basis of faith criteria;

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<sup>1</sup><http://faithdebates.org.uk>

<sup>2</sup> <http://faithdebates.org.uk/wp-content/uploads/2015/06/A-New-Settlement-for-Religion-and-Belief-in-schools.pdf>

- Strengthen implementation of the measures proposed to promote inclusivity in faith schools in the ways we set out;
- Consider carefully the removal of the 50% 'cap' on faith-based admissions, given that there is doubt about the reasons given for removal;
- Establish a national, high quality and professional RE syllabus which should be taught in all schools;
- Fund and support local SACREs to provide professional assistance for twinning and the development of stronger relationships between schools and local faith communities.

### **3. Overall Comments**

We agree with the Consultation Paper's view (Paras 2 and 5-10 of the Faith Schools section) that faith schools make a very important contribution to our national education system.

The aim of government policy should be to help these schools to flourish, in a way that promotes a religiously-literate, tolerant and inclusive society.

And so we strongly agree with the statement (para 12) that faith free schools should:

*'promote inclusivity, enhance understanding of other faiths and those with no faith; promote community cohesion and properly prepare children and young people for life in modern Britain'*

And that they should be required to:

*'act inclusively by enabling pupils of all faiths and none to play a full part in the life of the school and not disadvantage pupils or parents of any faith (or none); and actively promote the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs.'*

Indeed, as we argue below, this approach should inform government policy in relation to *all* faith schools, and not only faith-based free schools.

## **Distinguishing types of faith school**

However we want to emphasise the salient difference between more inclusive and more exclusive faith schools.<sup>3</sup> Though there is a range of types of faith school, the distinction between those whose admissions criteria include faith, and those which have no such criteria seems to us particularly significant.

There is a considerable difference between the majority of Church of England schools which exist to serve the whole community, and Roman Catholic and many other faith schools which exist primarily to educate the children of parents who share that faith, and to pass on that faith. As the Revd Nigel Genders, Chief Education Officer for The Church of England, wrote on September 9<sup>th</sup> this year:

*'Our (i.e. Church of England schools are not faith schools for the faithful, they are Church schools for the community, and we don't propose to change that.'*

This does not prevent these schools having a clear faith ethos, but they are open to all.

In a letter to The Times on December 7<sup>th</sup> Mr Genders said 'more than half the 4,700 Church of England schools have no faith criteria for admissions' and goes on to say A proposed 'lifting of the faith cap' will not change our approach.

This approach distinguishes most Church of England schools from many (though not all) other 'faith schools', and this important difference needs to be understood in considering the appropriate policy options, and made clearer in talk and policy about 'faith schools' which can be misleadingly general.

The Consultation Paper does not sufficiently recognise this distinction in its policy suggestions. The greatest concerns about inclusivity arise in relation to schools which use faith criteria to select their pupils. As it seeks to promote inclusivity the government's central focus should therefore be upon those schools, and not faith schools in general.

In addition, diversity of ethnic minority background within schools should not be equated with diversity of religious belief (for example

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<sup>3</sup> 'Faith schools' are defined by their admissions policy, governance arrangements and sponsorship, employment policy for selecting senior staff on the basis of religion, ethos and educational practice.

many Catholic schools have high ethnic diversity because of migration of Catholics from many countries, especially Eastern Europe but low religious diversity). The characteristics may be related but are not the same.

We think that the government is right to make the stated values of inclusivity on the basis of religion or belief the test of policy in regard to less inclusive faith-based free schools, and that it can strengthen and extend this approach, and that is the basis of our further comments.

#### **4. 'Other measures'**

In relation to schools which use faith criteria in deciding who to admit, the Consultation Paper argues (Paras 5, 6 and 12) that other measures are likely to be more effective in promoting inclusivity and community cohesion than capping admissions from a particular faith to 50%. The Paper concludes that therefore the cap should be removed.

We broadly agree that other measures are likely to be more successful than capping but **only** if proper steps are taken to ensure that the other measures are in fact well conducted and effective, as well as being focused upon schools which use faith criteria to admit pupils. The measures proposed in the Consultation Paper (Para 13) would require free schools that select on the basis of faith to:-

#### **Prove that there is demand for school places from parents of other faiths**

The intention is a good one, but 'prove' is a strong word and the process of trying to do so might well be unwieldy and expensive. We are therefore sceptical of the practicality of this proposal, but not opposed in principle.

#### **Establish twinning arrangements with other schools not of their faith.**

We strongly support this and agree with the emphasis on 'structured programmes' to promote this. It needs to be done in a professional way and should involve professional training for the teachers involved, preferably with input from the most successful existing twinning programmes such as Schools Linking,<sup>4</sup> based in Bradford.

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<sup>4</sup> <http://schoolslinking.org.uk>

We think that this would be an excellent future role for properly-resourced local SACREs even if, as we propose in our 'New Settlement' report, their work in relation to the locally agreed RE syllabus ceases as academisation proceeds and when the RE syllabus is replaced by a nationally agreed syllabus.

Any requirement in this area would only be really successful if implemented by structural arrangements across the whole local school community, for example through the local SACREs as we suggest.

### **Set up mixed-faith multi-academy trusts**

We support this for the reasons stated in the Consultation Paper. However success in this area would require close attention to the governance arrangements of the multi-academy trust. In particular it would be particularly important that governance of such a mixed-faith MAT should ensure the full involvement and representation of parents and local communities, including both different faiths and no faith.

### **Place an independent member or director who has a different religion or belief on the governing body**

We strongly support this for the reasons stated in the Consultation Paper.

In addition to these four measures, suggested in the Consultation Paper, we would strongly recommend adding two more which reflect the importance of high-quality Religious Education teaching, in a way which is balanced and respects the fundamental values set out in the Consultation Paper. We therefore recommend that (faith) free schools:-

### **Follow an agreed and well taught Religious Education syllabus**

The way in which religion is taught in a school is absolutely central to the promotion of inclusivity and community cohesion to which the government rightly gives priority. We have argued that, in place of the current locally agreed syllabuses, there should be a nationally agreed syllabus which builds upon the non-statutory national framework for RE, published in 2004.

But even before that, we think that it is essential that a faith-based free school follows an RE syllabus which does indeed reflect the

values set out by the government, and that the school is funded, and then inspected, on that basis.

We note the considerable difficulties of inspecting at the moment where there is no set curriculum and therefore no clear targets against which to assess; hence our concern that a nationally agreed syllabus be introduced as soon as possible.

### **Remove the right of withdrawal of pupils from the RE syllabus**

All pupils at a school should be taught about religion in a way that follows the agreed RE syllabus. However there is evidence that some children are being withdrawn from RE (and even other subjects) at many schools because their parents fear that their children will be exposed to faiths other than their own.

We believe this form of intolerance is unacceptable and in such cases the right of withdrawal should be removed, with the aim of removing the right altogether once a national syllabus is established which secures the place of RE as a professional subject on the same basis as all others.

It is particularly important to implement these six measures for all those schools (free, academy, Voluntary Aided) which select pupils on the basis of faith. Moreover we believe that these six measures, properly implemented, would prove more successful, in creating the inclusive environment which is sought, than capping admissions.

To restrict this approach only to faith-based free schools is likely to undermine their importance and effective implementation, given the immense significance of faith schools across the education system.

We believe that there is a strong case for implementing these measures (other than that related to 'proving demand') in relation to all faith schools, *but we do not think that the issues are as pressing for those faith schools whose admissions policies do not use faith criteria*. Such an approach, particularly in relation to the RE syllabus would strengthen progress towards the government's policy objective of inclusivity.

In passing, we note Dame Louise Casey's Review<sup>5</sup>, and believe that our recommendations chime well with her assessment (Para 3.98):-

*'It is clear to us that radical change and a new approach across all schools is required, not just in relation to admissions but also to the fundamentals of what is taught in schools to grow tolerant, resilient pupils, capable of reflective, critical thinking.'*

## **5. Removing the cap on admissions**

As indicated above we agree with the government's suggestion that 'other measures', properly implemented, would be more successful than an admissions cap in promoting inclusivity and community cohesion. And we agree that the cap is generally not working to promote parental choice and access to high-performing faith schools.

However we are not at all convinced by the case made for removing the cap. The claim that there are 'religious rules' which prevent the opening of new free schools is not established, still less the claim that there exists 'canon law' which would stop this. These are referred to both in the Consultation Paper (Paras 5 and 10) and by the Prime Minister in her speech at the British Academy on September 9<sup>th</sup>. However there is in reality a variety of legitimate Catholic practice in this area, even within the nations of the UK.

Catholic canon law is a sophisticated, broad and flexible tradition with considerable room for interpretation. The idea that Catholicism or any of the great religious traditions is bound by a set of fixed and detailed prescriptions is a misleading reading which encourages a fundamentalist approach and marginalizes historic and mainstream interpretation of the great faith traditions. It should not be made the basis of policy.

Consequently, we do not think that the case has yet been made for removing the cap on admissions for faith-based free schools, and we do not think it is wise. However if the government does believe that it is necessary, it is absolutely essential that it both sets out far more clearly its case for removing the cap and implements effectively the 'other measures', including the two additional ones we suggest.

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<sup>5</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/574565/The\\_Casey\\_Review.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/574565/The_Casey_Review.pdf)

## **6. Implementation**

The Consultation Paper proposes (Paras 14 and 15) that the proposed changes to encourage inclusivity and community cohesion are enforced through the funding agreement, with strengthened guidance for applicants, and by visits by DFE advisers for the first two years after a school is established and then inspection by OFSTED.

It is further proposed (Para 15) that DFE powers of intervention should be strengthened where schools do not meet government expectations, including in relation to uniform policy, food policy and curriculum.

We agree that such powers of intervention need to be strengthened (and should indeed cover all schools not just faith-based free schools). Regular OFSTED inspections are the best way of establishing whether there is a need to intervene and we would recommend re-establishing the responsibility of OFSTED to inspect a school's approach to community cohesion.

We also agree that schools that do not meet the requirements which have been set out should lose the right to admit on the basis of faith (Para 16). However, as we argue above, this would not necessarily mean that such schools would become 'non-faith schools' as stated in the Consultation Paper. They would simply not be able to select pupils on the basis of faith.

In the event that 'faith schools', irrespective of their admissions policy, were not correctly carrying out their responsibilities to educate, including in RE, in a way which promotes inclusivity and community cohesion, the normal range of OFSTED sanctions should apply.

## **7. Extension to All Faith Schools**

As we indicate above, the general approach for supporting faith schools and inclusivity proposed by the government is one that we welcome, except that we do not think that the case for removing the cap on admissions on the basis of faith has been made.

We believe that this approach is so important that it should be extended beyond the very small number of free-based faith schools and apply to all faith schools in England (whose significance is accurately described at Para 1 of the Consultation Paper).

The values set out in the Consultation Paper (Para 12) are indeed essential if the country is to have confidence that faith schools can and should legitimately be supported by public funds, and particularly those which select pupils for admission on the basis of their faith or that of their parents. These should be clearly distinguished from those faith schools which are open to all, including a majority of Church of England schools.

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