School admissions and school admission appeals

Consultation response form

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Please comment as fully as possible to help us with the guidance.

Responses should be returned by 4 January 2013 to:

Schools Management and Effectiveness Division
Department for Education and Skills
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

or completed electronically and sent to:

e-mail: SchoolsManagementDivision3@wales.gsi.gov.uk

Section 1 – School admissions code

Question 1 – Is the draft Code structure and wording logical and easy to follow?

We have responded to question 13 only.

Question 2 – Are there any other areas which you think should be covered in the Code?

Question 3 – Admission authorities other than local authorities **must** supply their relevant local authority with a copy of their admission arrangements for publication. We are proposing that individual local authorities **must** set a specified date (paragraph 2.22). Is this appropriate? If not, why not? Or would you prefer the Code to specify a particular date?

Question 4 – We have set out further circumstances whereby it may be necessary for admission authorities to vary their admission arrangements (paragraph 2.19). Are these appropriate? Can you think of any other circumstances which would also be appropriate?

Question 5 – Do you agree that there should be a common offer date for primary and secondary admissions across Wales (paragraph 2.23)? If so, are the dates given appropriate?

Question 6 – If common offer dates are adopted across Wales would this be an appropriate time to introduce co-ordinated admission arrangements?

Question 7 – We have extended the timeframe for the operation of waiting lists from 31 August to 30 September (paragraph 3.26). Is this appropriate? If not, do you have any other suggestions?

Question 8 – The revised Code takes into account several new exceptions for the purposes of infant class sizes relating to: previously looked after children, children of armed forces personnel and children from multiple births. These children will remain an 'excepted pupil' for the remainder of the academic year (paragraph 3.47 to 3.48). We propose that these exceptions will also be incorporated into Regulations in due course. Please tick one of the following boxes to indicate whether or not you believe these exceptions and the time limit for which they will apply are:

Previously looked after children

desirable ☐ undesirable ☐ necessary ☐

Children of armed forces personnel

desirable ☐ undesirable ☐ necessary ☐

Children from multiple births

desirable ☐ undesirable ☐ necessary ☐

What are the reasons for your choice?

Section 2 – School admissions appeals code

Question 9 – Is the draft Code structure and wording logical and easy to follow?

Question 10 – Are there any other areas which you think should be covered in the Code?

Question 11 – We would like to see panel members trained at least every three years (paragraph 2.8). Is this appropriate? If not, why not?

Question 12 – Admission authorities are responsible for ensuring the venue for holding appeals is appropriate. To help with costs we would like to see admission authorities utilise their own buildings so long as they are not associated with the work of admissions staff. Is this appropriate? If not, why not? (paragraph 4.19)

Section 3 – Other comments

Question 13 – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

The British Humanist Association (BHA) is the national charity working on behalf of non-religious people who seek to live ethical and fulfilling lives on the basis of reason and humanity. We promote Humanism, support and represent the non-religious, and promote a secular state and equal treatment in law and policy of everyone, regardless of religion or belief. Founded in 1896, we have around 30,000 members and supporters, and over 70 local and special interest affiliates.

We would like to make a number of general comments about faith-based school admissions, as well as make specific points about certain portions of the codes

'Faith' school admissions criteria

We would like to object to sections 2.40-2.45 of the draft admissions code (*Faith based oversubscription criteria* and *Guidance provided by church or religious authorities*).

Many state-funded Church schools use their legal privileges to have highly selective admissions criteria, giving preference to the children of parents with particular religious beliefs. These can include discrimination in favour of pupils whose parents are of the same denomination of the school; whose parents are of the same religion of the school, but of a different denomination; or even those whose parents are religious, but of a different religion to that of the school.

The British Humanist Association wants all schools to include and educate pupils of all religions and non-religious beliefs together, so that they can learn about and from each other, instead of being segregated by their religion. Any religious discrimination in admissions is against the ideal of an open and inclusive school system. It is our

firm position that no state-funded school should be permitted to discriminate in their admissions on religious grounds in any circumstances.

Discrimination by 'faith' schools can cause segregation along both religious and socio-economic lines. There is substantial evidence from England to attest to these effects; this was outlined by the BHA in our response to question 1 of the UK Government's consultation on school admissions and appeals codes in 2011.[1] In addition, since then, major new research conducted by *The Guardian* has shown that 'faith' schools in England socio-economically select when compared to other schools within their postcode or local authority, as well as when looking at the national picture.[2]

There is a paucity of similar research with respect to Church schools in Wales. It is true that religious schools represent a smaller percentage of the total. Nonetheless, there is no reason to suspect that Church schools do not also socio-economically select, or religiously segregate. And the BHA is frequently contacted by parents in Wales who have been the victim of such selection.

Specific comments

Section 2.27 of the draft admissions code states that '*In setting oversubscription criteria admission authorities* ***must not****: Expressly exclude applicants from a particular social or religious group.*' This should be changed to read 'social, religious or belief-based group', so as to include the non-religious. However, as highlighted earlier, Church schools are legally able to discriminate in their admissions criteria in favour of parents of faiths other than that of the school, at the expense of those with no religious belief. This is never explicit but often highly implicit in that all other groups find themselves higher up the oversubscription criteria. It is wholly unclear on what possible grounds this discrimination can be justified; this is tantamount to saying that any faith is better than no faith, and is therefore discrimination of the worst kind. While the British Humanist Association would like to see an end to all faith-based admissions criteria, it would be a significant step in the right direction if the code were to prohibit this specific practice of discriminating exclusively against the non-religious.

We believe there is a tension between sections 2.40-2.45 of the draft admissions code and section 2.24, which requires that: '*Admission authorities* ***must*** *ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group.*' The evidence shows that faith-based admissions criteria discriminate along both ethno-religious and socio-economic lines, and we believe this tension must be resolved in favour of removing such criteria. Separating children by religion, class and ethnicity is totally antithetical to aims of social cohesion.

[1] British Humanist Association response to the United Kingdom Department for Education's Consultation on the Changes to the Admissions Framework, 19 August 2011: http://humanism.org.uk/wp-content/uploads/british-humanist-association-admissions-response-form.pdf

[2] Jessica Shepherd and Simon Rogers, 'Church schools shun poorest pupils', *The Guardian*, 5 March 2012: http://www.guardian.co.uk/education/2012/mar/05/church-schools-shun-poorest-pupils

Section 2.44 of the draft admissions code states that '*Faith schools can contribute to community cohesion by having admission arrangements that are inclusive of other faiths and of all elements of the population of their local area.*' If this section is to remain in place, this should read 'other faiths and beliefs', so as not to exclude those with non-religious beliefs.

Section 3.47.vi of the draft admissions code and section C.20.vi of the draft appeals code consider '*Children for whom education at a school with a designated religious character is desired where the school concerned is the only such school within a reasonable distance of their home.*' The BHA does not believe that this accommodation should be made. However, there should be accommodation for those simply seeking a secular education, i.e. 'Children for whom education at a school without a designated religious character is desired where the school concerned is the only such school within a reasonable distance of their home.'

Section B.5 of the draft admissions code is quite unclear, and should be rewritten.

Section C.18 of the draft admissions code specifies that admissions authorities must not '*Seek information about parental background, finances, marital status or religion.*' This should read 'religion or belief'.

Section D.10 discusses membership of admissions forums, and states that '*representatives from faith groups not already represented, and minority ethnic groups **should** be appointed.*' Our preference would be for there to be no special representation for religion or belief groups on admissions forums, which are instead appointed entirely along secular lines. This way, they would more closely reflect a cross-section of the society of which they are part. However, we recognise that there is a statutory requirement, not up for consultation, that 1-3 Church in Wales Diocesan representatives and 1-3 Roman Catholic Diocesan representatives are appointed. If the quoted part of section B.5 is to remain, we request that it is amended to 'faith and belief groups', so that representatives of non-religious groups such as Humanist groups can contribute.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept confidential, please tick here: ☐