

Labour Party Policy Review Consultation Devolving Power in Education: School Freedom and Accountability



Response from the British Humanist Association

About the BHA

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. It is the largest organisation in the UK campaigning for an end to religious privilege and to discrimination based on religion or belief, and for a secular state.

The BHA has a long history of contributing towards and improving state education. We provide materials and advice to parents, governors, students, teachers and academics. We also work closely with others on wider equalities issues in a range of forums. The BHA is a member of the National Children's Bureau Sex Education Forum (SEF), the Children's Rights Alliance for England and the Religious Education Council for England and Wales.

Our response to this consultation is focused on our interested in state-funded schools with a religious character.

Parental power

Parental participation at school level is promoted through school governing bodies and PTAs. However, there may be other vehicles by which parents could influence and shape their child's school. And there are currently limited opportunities for parents to influence the school system in their local community. Whilst there are important policy debates on governance within schools, they will be addressed elsewhere in Labour's policy review process.

Respondents are encouraged to submit proposals on the options for parental voice and influence to be strengthened.

Traditionally, local authorities have provided a vehicle for democratic accountability and scrutiny, and will continue to do so. However, with the expansion in school autonomy, how can we strengthen parental voice and influence at the level between schools and central government?

Comments (max 400 words)

We are concerned that when it comes to proposals to establish new religious schools, close schools or amalgamate schools, parents are often left with only a choice between either a 'faith' school or no school at all. This problem has likely been exacerbated by changes made by the Education Act 2011.

The issue surrounding new schools is discussed in more detail in our response to the question on commissioning places.

With regards to amalgamating or closing schools, from the commencement of the Education and Inspections Act (EIA) 2006 on 25 May 2007, through to its amendment by the Education Act 2011 on 1 February 2012, there were 32 instances where a school with no religious character gained one as a

result of amalgamation – but no instances where a ‘faith’ school lost its religious character.¹ This is likely due to Dioceses being able to veto changes to their schools.

In addition, the national guidance on school closures states that ‘[t]he Decision Maker (either the council or the schools’ adjudicator) 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 denominational places in the area.’² This led to one incident last year in the Isle of Wight, where the council proposed to close the only community school within twelve miles, leaving just two religious schools open, in order to adhere to this guidance.³

Research shows that most parents do not want new religious schools in their area. Opinion polls consistently show the public is against state funded ‘faith’ schools;⁴ and in addition, when parents are given a list of 12 factors to consider when choosing where to send their children, and asked to pick their top three, only 9% pick the religion.⁵

It is, therefore, clear, that the system is biased in favour of religious schools, and this is against parental wishes. This imbalance needs to be addressed.

Admissions

Ensuring a fair admissions system is essential to raising attainment across the board. The current Admissions Code sets a statutory framework. The implementation of the Code rests within defined geographical regions, leading to a lack of coherent oversight.

Respondents are encouraged to give suggestions on the role of a middle tier component, which sits between schools and central government, to ensure the implementation of the Admissions Code.

Comments (max 400 words)

We note that it is no longer compulsory for local authorities to have admissions forums, and the statute around them has subsequently been withdrawn. However, before this happened, it was required that the forum included representatives of voluntary aided schools, voluntary controlled schools, and each religious body which has schools in the area.

We are concerned that these arrangements overrepresented religious points of view. Religious individuals are more likely than not to be represented through the voluntary school places, just as likely as non-religious individuals to be represented through the places for other types of school and the parent representatives, and certain to be represented through the places for religious bodies.

¹ See the BHA’s ‘Freedom of Information report on organisation of ‘faith’ schools in the maintained sector’, April 2012: <http://www.humanism.org.uk/uploads/documents/freedom-of-information-report-on-organisation-of-faith-schools-in-the-maintained-sector.pdf>

² DfE, ‘Decision Makers’ Guidance for: Closing a Maintained Mainstream School’: <http://www.iwight.com/education/news/2011/WestWight-Primary-Provision/Decision-Makers-Guidance.pdf>

³ BHA, ‘Isle of Wight community school threatened with closure because of need to maintain “the proportion of denominational places”’, 21 July 2011: <http://www.humanism.org.uk/news/view/856>

⁴ See the Accord Coalition’s Databank of Independent Evidence on Faith Schools: <http://accordcoalition.org.uk/wp-content/uploads/2012/06/Databank-of-Independent-Evidence-on-Faith-Schools-June-2012.pdf>

⁵ YouGov survey of 2,108 British adults, conducted 12-13 September 2010: <http://today.yougov.co.uk/sites/today.yougov.co.uk/files/YG-Archives-Life-YouGov-DaybreakReligion-130910.pdf>

If a new admissions forum-like body is introduced, steps should be taken to ensure a fairer balance of religious and non-religious views are represented. Removing the places specifically for religious bodies would seem to us to solve this issue.

Performance and standards

Greater autonomy and partnership work has delivered advances in performance and standards in many schools. However, it is generally agreed that there needs to be a robust mechanism in place to monitor performance and standards in the gap between the level of the school and central government. International evidence also shows the middle tier has a crucial role to play in driving up school standards.

In the United States, the local school commissioners' model has been used to address the 'gap', generating some discussion in education circles in England on the applicability of a form of this model. Another model to have been suggested is the trust model, forms of which already exist in England. Respondents to this consultation are asked to submit their views on the options for a model of 'middle tier' accountability to monitor performance and promote high standards and innovation.

Views are sought here on forms that a middle tier could take and the scope and remit for proposed models.

Comments (max 600 words)

No comment.

Commissioning places

The current primary school place shortage highlights the need to address the weaknesses in local and central government planning.

Respondents are encouraged to put forward suggestions on the role for the middle tier in the strategic oversight of planning and commissioning.

Comments (max 400 words)

We are concerned that when it comes to proposals to establish new religious schools, religious groups are at an unfair advantage in terms of being able to establish schools outside of competition. This problem has likely been exacerbated by changes made by the Education Act 2011.

Currently, there are three principle routes through which schools may open: competition between proposals for Free Schools, invited by the local authority under section 6A of the Education and Inspections Act (EIA) 2006, where it believes new schools are needed; proposals for Voluntary Controlled/Voluntary Aided/Foundation schools outside of competition (sections 10/11); or Free School proposals under the annual 'waves' organised by central Government.

Prior to 1 February, local authorities were able to invite different groups to bid to establish a new school through a local competition, and this school could include different types of maintained school – including community schools (section 7). Since 1 February, this process is only possible if demand is not met through the section 6A process, and it cannot include community schools.

The BHA does not take a position on the principle of competition in setting up new schools. However, we are concerned that the changes, in reducing parental choice, may lead to more 'faith' schools being established against parents' wishes. Opinion polls are discussed in our response to the question on parental power.

With regards to school organisation, from the commencement of the EIA 2006 through to 1 February, there were 17 occasions when faith-based proposals competed with other proposals; the religious school was successful in only six of them. However, over the same period, 14 religious schools were established outside of competition, by the back door – almost two-thirds of new maintained 'faith' schools across this period. What is more, only 14 religious schools were proposed this way – meaning this represents a 100% success rate.⁶

It is therefore clear that when given a choice between a 'faith' school and another school, parents often pick the other school. We are resultantly concerned to see parental choice removed in the annual Free School 'waves', and in the continuance of sections 10/11.

Shared services and collaboration

Shared services and collaboration between schools and partnership work are important vehicles for improving standards and performance and driving innovation on the one hand, and for maximising efficiency on the other. The constraints on public spending make this agenda as important now as it has ever been. There are various different models of 'middle tier' currently in operation that seek to strengthen this agenda.

Respondents are encouraged to identify examples and make suggestions for sharing best practice.

Comments (max 400 words)

The BHA does not take a position on Academies, nor the role of a 'middle tier'. However, we are deeply concerned that the way in which the decline of local authorities has created a huge opportunity for faith groups to make massive gains in their share of the education system.

As schools without a religious character become Academies, many find themselves looking for alternative sources of support that could fulfil a similar role to that which the local authority provided.

By far the largest providers of state schools aside from local authorities are religious groups, in particular the Church of England and Catholic Church, who have a very big head start on Academy chains in providing and running state schools.

In addition, for a maintained school to become a 'faith' school, it must close and re-open. However, for an Academy to become a 'faith' school, it simply has to hold a consultation. This can happen at the same time as a school consults on converting to an Academy.

The Church of England has, unsurprisingly, identified that it has a particular opportunity in capturing former Community schools into its sphere of influence as a result of the Academies process.

⁶ See the BHA's 'Freedom of Information report on organisation of 'faith' schools in the maintained sector', April 2012: <http://www.humanism.org.uk/uploads/documents/freedom-of-information-report-on-organisation-of-faith-schools-in-the-maintained-sector.pdf>

Archbishop of Canterbury Rowan Williams has said that there are ‘many, many’ former community schools looking to join the Church of England, and that ‘We are looking at the middle-term future, where the Church of England will be quite conceivably the largest sponsor and provider of secondary education in this country, which is a rather startling and breathtaking proposal.’⁷

In addition to Academies becoming designated as Church of England schools, they can also adopt an Anglican ethos without formally designating as a ‘faith’ school. This allows them to religiously discriminate in some aspects of the curriculum and in appointing senior staff. It does not require consultation by the school.

Finally, Dioceses are looking for opportunities to partner with schools without a religious character in order to pool buying power – and increase their influence. This has been seen in places like Canterbury and Oxford.⁸

The BHA is concerned that the Academies programme may therefore lead to an increase in the proportion of state-funded religious schools, against the wishes of the public at large; and is concerned that sufficient safeguards need to be put in place to ensure that the Church is not able to take advantage of these changes in this way.

Space for further comments

Comments (max 400 words)

For more details, information and evidence, contact the British Humanist Association:

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⁷ BHA, ‘Church of England looks to being “largest sponsor and provider of secondary education” as BHA calls for dismantlement of the grip of Church on state’, 30 September 2011 – <http://www.humanism.org.uk/news/view/903>

⁸ See ‘An answer from above?’, TES, 23 December 2011 for details of the situation in Kent: <http://www.tes.co.uk/article.aspx?storycode=6158763>