

Mr Ed Humpherson
 Director General for Regulation
 UK Statistics Authority
 1 Drummond Gate
 London SW1V 2QQ

23 November 2016

Dear Mr Humpherson,

I am writing in reference to the statistics on ethnic diversity in religious free schools published in the Government's green paper '[Schools that work for everyone](#)'. As we explain below, both the statistics and the commentary that accompanies them are clearly misleading, and in the interests of the consultation on the green paper, the Department for Education should issue a clarification. Given that the consultation closes in just a few weeks on 12th December, this needs to be done as soon as possible.

Among other proposals, the green paper proposes to remove the existing requirement that religious free schools keep at least half of their places open to local children irrespective of religion or belief. This is known as the 50% cap on religious selection. The Government have stated that, though well-intentioned, the 50% cap has not boosted diversity or improved integration in religious free schools. Specifically, the section on faith schools in the green paper states the following:

9. As can be seen in the table below, whilst free schools are currently limited to admitting a maximum of 50% of their pupils on the basis of faith when oversubscribed, this has not resulted in a mixed ethnic intake. In minority faith schools (Islam, Judaism, Sikhism and Hinduism) the ethnic make-up is formed of pupils from predominantly similar ethnic (and very likely religious) backgrounds.

10. By contrast, Catholic schools have a far better record on diversity, in spite of the fact that no new Catholic school has been established since the 50% rule was imposed because they say it contravenes religious rules. As set out below, "Other Christian" schools have nearly a fifth of pupils of Asian origin and nearly a tenth from black ethnic families, with just 55% of White ethnic origin. While ethnicity data is not a perfect match to religious affiliation, it does demonstrate a high degree of diversity not apparent in other faith settings that apply the 50% rule.

Ethnicity data for faith designated free schools

	Number of schools	Proportion of pupils classified as white ethnic origin	Proportion of pupils classified as mixed ethnic origin	Proportion of pupils classified as Asian ethnic origin	Proportion of pupils classified as black ethnic origin	Proportion of pupils classified as any other (including Chinese) ethnic origin	Proportion of pupils unclassified	Total pupil count (including those with unclassified ethnicity)
Church of England	10	63%	8%	15%	8%	5%	1%	1,538
Other Christian	36	55%	7%	19%	9%	3%	7%	6,818
Hindu	2	2%	5%	91%	0%	1%	1%	887
Jewish	6	84%	5%	2%	2%	3%	4%	456
Muslim	11	1%	4%	80%	9%	5%	1%	2,630
Sikh	11	2%	3%	89%	1%	4%	0%	1,887
Total	76	36%	6%	43%	7%	4%	4%	14,216

We have two issues with these figures.

First, setting aside the statements involving the cap's effectiveness in minority religious schools (which on the whole we accept), it is our firm view that paragraph 10 is worded in such a way as to deliberately mislead.

The category "other Christian" free schools' does not include Catholic free schools, because there are no Catholic free schools. As the green paper states 'no new Catholic school has been established since the 50% rule was imposed'. Despite this, paragraph 10 is clearly worded in such a way as to suggest that Catholic schools *are* included in the 'other Christian' category and to therefore convey the following: that Catholic schools have a better record on diversity, demonstrated by the fact that 'other Christian' schools are very inclusive of Asian origin pupils and pupils from black ethnic families. This is obviously not the case.

This reading of the paragraph is then further compounded by the final sentence which claims that what has gone before 'demonstrate[s] a high degree of diversity not apparent in other faith settings that apply the 50% rule'. On reading this, one is encouraged (or, more accurately, directed) to believe that Catholic schools (and by implication schools more generally) can and do achieve diversity irrespective of the cap, and it is therefore a pointless requirement. However, all this paragraph actually does is state that schools opened under the cap are diverse, while passing absolutely no comment and providing no evidence on the ethnic diversity within Catholic schools. This is a clear misrepresentation of the figures and one that is very likely to mislead those wishing to respond to the consultation.

The second issue is in the broader use of these figures to demonstrate that the cap has not been effective in promoting diversity and integration in schools. The figures do not demonstrate this at all. Indeed, by virtue of offering no point of comparison, they demonstrate very little.

For instance, the table does not compare the ethnic make-up of each type of school to the make-up of its local area, which is clearly an important detail when assessing how well a school is performing on integration and diversity. The area in which a school is situated will have a significant impact on its ethnic make-up.

More pertinently, however, the table does not compare the figures for religious free schools to the figures for religious schools that select all their places on the basis of religion. Since the Government is proposing to remove the 50% cap and instead allow 100% religious selection, this is the important comparison to make. It is a very straightforward comparison to make.

Using the same school ethnicity data from the January 2016 census that the Department used in the green paper, we have gathered the ethnicity figures for 100% religiously selective schools. Notwithstanding the fact that, unsurprisingly, the cap has had little impact on boosting integration in minority religious free schools, the figures demonstrate that the cap has had a very significant impact on improving diversity in Christian free schools, which of course make up the majority of religious free schools. To use the example highlighted in the green paper, in 'other Christian' schools that are fully religiously selective just 3% of pupils are classified as Asian ethnic origin, while in 'other Christian' free schools nearly a fifth (19%) of pupils are of Asian origin. The full figures can be found here: <https://humanism.org.uk/wp-content/uploads/2016-09-15-FINAL-Ethnic-diversity-in-religious-Free-Schools.pdf>

We would be grateful if you could make contact with the Department for Education to discuss either or both of these issues with their figures, and to request that they clarify the statements made in the green paper before the consultation closes on 12th December. If the consultation process is to be worth anything, it is vital that respondents understand the evidence that is being set out.

Please do let me know if you would like to discuss this further.

Yours sincerely,

Pavan Dhaliwal
Director of Public Affairs and Policy