

BHA BRIEFING 2010: Academies Bill **Commons 2nd Reading, 19th July 2010**



Briefing from the British Humanist Association (BHA): ***The Academies Bill***

The Academies Bill

The Academies Bill has completed its passage through the House of Lords and has its Commons 2nd Reading on Monday 19th July, with Committee days scheduled for Wednesday 21st and Thursday 22nd July.

The Academies Bill represents a step-change in policy, allowing existing state-maintained schools automatically to become Academies – state-funded but independent schools. The government has also confirmed that the Bill can be used to establish ‘free schools’, new Academy schools that can be set up by a range of groups including religious organisations¹. Unlike present policy, there is no need for a sponsor and this process will happen with the minimum of public consultation. For the first time, primary schools will also be able to apply to become Academies in their own right.

This briefing details our key areas of concern, which include discrimination in admissions, employment, curriculum, and that “faith schools” that wish to take on Academy status are forced under the Bill to become religious Academies, with no choice to become inclusive schools, even if they wish to.

Our position

This Academies Bill is a massive de-regulation of public education which will significantly increase the power and influence of religious groups in our schools. It risks permanently entrenching religious segregation in our education system through irreversible changes which will permit wide discrimination in admissions and employment. By “freeing” religious Academies from the national curriculum without sufficient safeguards, the Bill also risks exposing children to extreme religious views, including creationism.

The BHA is opposed to religious Academies for the reasons we are opposed to any kind of “faith school”: they are divisive, discriminatory and unpopular. However, unlike maintained “faith schools”, religious Academies do not have to follow the national curriculum, are not covered by general education law and are outside local authority control. They are therefore removed from the moderating influence of the state and local community.

There are an estimated 63 Academies with religious sponsors², some of which are highly evangelical and extreme in their positions. The BHA estimates that over 300 maintained “faith schools” have registered their interest in converting to Academy status since 26th May 2010.³

Unamended and without clarification the Academies Bill will allow Academies run by religious organisations to:

- teach their own curriculum, with few effective safeguards to ensure it is broad and balanced
- discriminate in admissions against children on the basis of their parents’ beliefs
- discriminate against staff on the basis of their beliefs and behaviour outside school.

¹ See letter from Lord Hill to Lord Greaves (27th June 2010) <http://www.parliament.uk/deposits/depositedpapers/2010/DEP2010-1397.pdf>

² Figure sourced from <http://www.edubase.gov.uk>

³ The list of schools registering their interest in applying for Academy status is available to view online at <http://www.education.gov.uk/Academies/schools-registering-interest>

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The Bill could also risk a proliferation of new “faith schools”, not only in the form of free schools established by religious groups but also existing community schools which will not be prevented from taking on a religious character after they become Academies.

Key areas of concern

Automatic transfer of religious character

Clause 5, Subsection (8) of the Bill forces a state-maintained school with a religious character – a “faith school” – automatically to become an independent school *with* that religious character, permanently removing the possibility for state-funded religious schools to choose to become inclusive Academies.

There is no analogous guarantee that community schools becoming Academies will automatically become secular and inclusive. This is a new provision which is unnecessary, and removes choice and freedom from schools and their governing bodies. It permanently removes the possibility for state-funded religious schools to choose to become inclusive Academies – and they are not permitted to return to maintained school status of any kind.

Automatic transfer of the religious character of the school removes choice and freedom from governing bodies, running counter to the spirit of the Bill which aims to increase schools’ autonomy. It also risks entrenching, and possibly exacerbating, all the problems associated with “faith schools” described elsewhere in this briefing.

Many state-funded “faith schools” use their legal privileges to have highly selective admissions criteria, discriminate in employment against teachers and non-teaching staff and teach narrow religious curricula. The Academies Bill will not take away these privileges.

However some, particularly voluntary controlled “faith schools”, do not currently discriminate in their admissions or curriculum. In some cases the law does not allow them to. In others they will be only nominally of a ‘religious character’ and that religious character is a residue of former connections. **When taking on Academy status with the possibility of growth, these schools may wish to free themselves of the restrictive status of being ‘of a religious character’ which has ceased to be relevant to them. Under the Bill, even these schools, if they wish to become Academies, will be forced to become religious Academies, leaving parents and pupils dramatically less protected from discrimination than at present.**

The BHA believes that all religious schools – some of which are secular and inclusive in all but name – should at least have the opportunity to become inclusive community schools when converting to Academy status. Doing so would almost certainly prove popular with the local community – a recent poll found that 64% agreed that “the Government should not be funding faith schools of any kind”.⁴

Community schools transforming into religious Academies

The Academies Bill as it stands includes no provision to prevent inclusive community schools adopting a religious character when converting to Academy status.

The BHA believes there is a real risk that the Bill could lead to a proliferation of new “faith schools” by allowing community schools under religious influence – e.g. from religious governors or religious organisations offering financial support – to take on a religious character at the point of conversion. This would be a hugely retrograde step, extending the discriminatory and divisive effects of “faith schools” to many more areas of the country and removing inclusive schools from local communities.

It is vital that the Bill contains an explicit provision to prevent inclusive maintained schools from becoming religious Academies in order to protect parents’ freedom to choose a community school for their children.

⁴ ICM faith schools poll (2005), <http://www.guardian.co.uk/uk/2005/aug/23/schools.faithschools>

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Discriminatory admissions policies

The Government has made clear that it does not intend to prevent religious Academies from discriminating in their admissions, giving preference to the children of parents with particular beliefs.

In a formal response to a parliamentary question on 16th June 2010 the Parliamentary Under-Secretary of State for Schools Lord Hill said 'To support our new expansion of the Academies programme we have made it clear that existing faith schools that convert to become Academies will retain the ability to set their own admissions criteria and may continue to use faith based criteria in line with the admissions code.'⁵

Discrimination by "faith schools" can cause segregation along both religious and socio-economic lines. Professor Ted Cante, author of a report into community cohesion in Blackburn, describes religious schools as 'automatically a source of division' in the town.⁶ In other areas, "faith schools" which are their own admission authorities (as religious Academies will be) are ten times more likely to be highly unrepresentative of their surrounding area than faith schools where the local authority is the admission authority⁷.

However, although the Government has stated that existing maintained "faith schools" will be entitled to carry across their current admissions arrangements when becoming Academies, entirely new Academies – free schools – will only be entitled to admit a maximum of 50 per cent with reference to faith. In other words, the Government has suggested a 50 per cent quota for new religious free schools but it is not clear whether this will also apply to maintained "faith schools" converting to Academy status.

If the 50 per cent quota only applies to new free schools and not to Academies that have converted from maintained status, then the vast majority of religious Academies will be free to operate discriminatory admissions policies. However, if the 50 per cent quota applies to all religious Academies then some "faith schools" – such as Voluntary Controlled schools, very few of whom are entitled to discriminate in their admissions policies – may actually be able to discriminate *more* by adopting Academy status.

Urgent clarification is needed on whether the Government's proposed 50% quota will apply only to new free schools or also to "faith schools" converting from maintained status, and whether it will be a statutory requirement.

We believe the Bill should contain provisions to rule out religious discrimination in admissions in all new schools and Academies completely.

Risk of religiously restrictive curriculum

Once a state-maintained "faith school" has become a religious Academy, it will no longer be required to follow the national curriculum.

The BHA believes there is a very significant risk that some religious authorities will use this new freedom to pursue restrictive teaching in line with their religion, and that the duty contained in Clause 1, Subsection (6)(a) to offer a "balanced and broadly based curriculum" will be neglected or evaded. The BHA knows from experience that there are curriculum concerns specific to existing Academy schools with religious sponsors, including the teaching of creationism.

⁵ Hansard HL Col WA124 (16th June 2010)

<http://www.publications.parliament.uk/pa/ld201011/ldhansrd/text/100616w0003.htm#10061668000287>

⁶ Comment reported in

http://www.lancashiretelegraph.co.uk/news/blackburn/4351852.Cante_report_Blackburn_a_divided_town

⁷ Sara Tough and Richard Brooks, 'School Admissions: Fair choice for parents and pupils', IPPR (2007)

<https://www.ippr.org.uk/publicationsandreports/publication.asp?id=546>

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The particular areas of concern are:

Religious Education A recent poll found 75% 'agree or strongly agree' that "all state funded schools should teach an objective and balanced syllabus for education about a wide range of religious and non-religious beliefs".⁸ There is a risk that religious Academies will choose to teach a narrow religious instruction in place of a broad and wide-ranging RE syllabus which includes both religious and non-religious beliefs.

Sex and Relationships Education The national curriculum, while not including statutory sex and relationships education, does ensure that maintained "faith schools" teach sexual reproduction as part of the science syllabus. Nothing in the new, deregulated system proposed by this Bill would oblige religious Academies to do the same. There is a real risk that religious Academies will deny their pupils objective sex and relationships education on religious grounds.

Creationism and Pseudoscience At the Lords Report Stage of the Bill, Lady Massey raised concerns about the risk of creationism being taught in religious Academies. Responding for the Government, Lord Hill said: "I share her concerns about creationism, but one of the core aims of the [Academies] policy is precisely that the Secretary of State should not dictate to Academies what they should teach ... I fully accept that if you trust people things do go wrong, but that is the direction that we want to try to go in."⁹

There is also no requirement for Academies to teach evolution.

We are concerned that the government does not appear to have plans to prevent the teaching of creationism in religious Academies. How will Ministers ensure that pupils at religious Academies receive objective and evidence-based teaching and that creationism is not taught in science lessons or as fact?

We want protections to ensure that new Academies will not be able to teach creationism, unbalanced religious education, have narrow and subjective religious teaching across their curricula.

Religious discrimination against staff

Religious Academies have a different status in law to state-maintained "faith schools". They are able to show preference in connection with the appointment, remuneration and promotion of all their teachers on the basis of religion or belief. These schools can even reprimand and ultimately dismiss a teacher at their school for any conduct which they deem "incompatible" with the tenets of their religion.

Many maintained "faith schools", however, are *not* currently permitted to discriminate on religious grounds against staff. **The Bill contains no safeguards to ensure that these schools, when converting to Academies, cannot begin discriminating in their recruitment and employment policies.**

There is very clear public opposition to discriminatory employment practices in "faith schools". In a recent poll, 72% 'agreed or strongly agreed' that "all state funded schools should operate recruitment and employment policies that do not discriminate on grounds of religion or belief"¹⁰.

Our particular concern is that, for some schools, the new employment policies may impose new or much wider religious restrictions on their employment, discriminating against current and potential staff on grounds of their beliefs and behaviour, in and outside of the school context.

⁸ YouGov poll (2009) - <http://www.accordcoalition.org.uk/index.php/2009/07/22/57-think-faith-schools-undermine-cohesion/>

⁹ Hansard HL Col 299 (7th July 2010) <http://www.publications.parliament.uk/pa/ld201011/ldhansrd/text/100707-0003.htm>

¹⁰ YouGov poll (2009) - <http://www.accordcoalition.org.uk/index.php/2009/07/22/57-think-faith-schools-undermine-cohesion/>

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We do not believe that such restrictions can be justified. What assurances can the Government give to staff of new religious Academies, including those currently employed by maintained “faith schools”, that they will not be discriminated against on grounds of their beliefs?

Links with local authorities

A recent Ofsted report on independent faith schools found that only a small minority (7%) had “strong and effective links with local authority children's services”.¹¹ Ofsted concluded that their lack of access to local authorities’ expertise and contacts could pose a risk to community cohesion and mutual understanding. We believe the same risks will apply to the hundreds of “faith schools” which could become Academies.

We want the Government to ensure that, once links with local authorities have been severed, new religious Academies still have access to networks of professionals.

Primary schools

This Bill is likely to have the most profound effect on primary schools, which form the majority of state-funded “faith schools”¹². For the first time, this Bill will permit these schools to become state-funded religious Academies.

The BHA believes that primary-school-age children are uniquely vulnerable to the negative impact of “faith schools” – particularly with regard to discriminatory admissions policies. We fear that the earlier the age at which religious segregation is practiced, the deeper its long-term effects will be.

We are deeply concerned that the education of primary-school-age children may be severely impacted by the effects of this Bill, which would lift many state-funded “faith schools” into a largely unregulated sector, with no public consultation and no entitlement of children to the national curriculum.

Private “faith schools” seeking Academy status

Many private “faith schools” have traditionally resisted state funding, knowing that this would bring restrictions on what they could teach, and some may not have met the criteria required to gain maintained status. The Academies Bill as it stands would remove these restrictions, allowing schools to digress from the national curriculum and teach to their own syllabus.

A number of fee-paying religious schools have already registered their interest in becoming Academies, which would give them complete powers over the curriculum while unburdening them from the need to raise their own funds.

Private Muslim, Buddhist and Jewish schools are all considering Academy status. The list also includes a school that follows the teachings of the Indian guru Sathya Sai.

The BHA is concerned that the Academies Bill does not provide sufficient protection against potentially unsound religious teaching in some former private “faith schools”. This is not an issue which has so far been addressed.

¹¹ *Independent Faith Schools*, Ofsted (October 2009)

¹² DCSF statistics in 2008 on religion and school status find primary schools with a religious character make up nearly 40% of all primary schools in England. <http://www.accordcoalition.org.uk/wp-content/uploads/2009/09/Dossier-of-Independent-Evidence-on-Faith-Schools.pdf>

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Consultation process

The BHA welcomes the Government's recognition, as a result of representations made during Lords Second Reading and Committee stages, that a school should be required to consult parents and the local community before converting to Academy status.

However, the Government's amendment (Clause 4A) would only require schools to consult "such persons as they think appropriate" and will permit them to do so *after* achieving Academy status. In a letter to schools which had registered their interest in Academy status, Lord Hill stated that "Converting schools which have not yet consulted on their proposals will need to do so before Funding Agreements can be signed."¹³ However, the Bill does not contain such a provision.

While the BHA recognises that the stated aim of the Bill is to make the process of achieving Academy status easier, we believe consultation is vital before any conversion to Academy status. There is currently no provision for Academies to revert to maintained status, meaning that all the problems associated with "faith schools" - e.g. restrictive curricula and discriminatory admissions and employment policies - would be made permanent at the point of conversion.

The BHA believes that a more thorough and formal consultation process is required, with a clear statutory procedure that includes an opportunity for all interested parties to make representations. Such a procedure would provide a valuable opportunity for parents, teachers, the local authority and organisations based on faith or belief to raise their concerns. This would also reflect the Government's stated commitment to involving local communities in the school system.

About us

The British Humanist Association (BHA) is the national charity representing and supporting the non-religious and campaigning for an end to religious privilege and discrimination based on religion or belief. Committed to human rights, democracy, equality and mutual respect, the BHA works for an open and inclusive society with freedom of belief and speech.

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¹³ See <http://www.education.gov.uk/Academies>