
CARELESS OR UNCARING?

HOW FAITH SCHOOLS IN WALES TURN
AWAY CARE EXPERIENCED CHILDREN



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WHAT DO WE MEAN BY 'CARE EXPERIENCED CHILDREN'?

We use the term 'care experienced children' to refer to children who are or have been in care, or are classed as 'looked after' by the local authority.



EXECUTIVE SUMMARY

In Wales, all state-funded schools are required by the School Admissions Code¹ to prioritise the admission of care experienced children (formally known as 'looked after' and 'previously looked after children') in their admission arrangements. This requirement is a reflection of the fact that many children who are or have been in care start from a position of considerable disadvantage, which places a duty on schools and other public institutions to promote their education and development as much as possible.

However, faith schools are exempt from the requirement to prioritise the admission of these children. More specifically, faith schools can prioritise children from backgrounds that match the faith of the school but aren't care experienced, over care experienced children whose backgrounds do not match the faith of the school. This is laid out in sections 2.31 and 2.32 of the School Admissions Code as follows:

'2.31 ...Subject to the exceptions in paragraphs 2.32 to 2.34 all admission authorities must give highest priority in their oversubscription criteria to looked after children as required by the Education (Admission of Looked After Children) (Wales) Regulations 2009 and previously looked after children as required by this Code.

'2.32 Admission authorities for schools with a designated religious character (faith schools) may give first priority to all looked after children and previously looked after children, whether or not of the faith but must give first priority to looked after children and previously looked after children of their faith above any other children of their faith. If they give first priority to looked after children and previously looked after children of the faith, then they must give a higher priority to looked after children and previously looked after children not of the faith than other children not of that faith.'²

In other words, state-funded faith schools, unlike the vast majority of other schools, have a choice as to whether they give priority in their admissions policies to all of these highly vulnerable children or just to those whose backgrounds match their designated faith.

¹ Welsh Government, School Admissions Code (July 2013) p.13.

² Ibid.

This report investigates the extent to which state schools with a religious character in Wales discriminate against care experienced children in their admissions policies.

The policies outlined above are not unique to Wales. As a previous report by Humanists UK illustrates, 41% of state secondaries with a religious character in England discriminate against care experienced children in this way (including 76% of Catholic state secondaries and 100% of Jewish state secondaries).³ However, unlike in England – where there are schools run by most of the major religious denominations – only two religious groups are responsible for running state-funded schools in Wales. These are the Church in Wales and the Roman Catholic Church, and the proportion of schools that discriminate against care experienced children differs greatly between the two. Our findings indicate that while Church in Wales schools are predominantly inclusive and fair in their policies towards all care experienced children, irrespective of religious background, Catholic schools consistently favour all prospective pupils from backgrounds that match their own faith, to the detriment of the care experienced whose backgrounds do not match their faith.

OUR RESEARCH FINDS THAT:

- **16% of all state schools with a religious character discriminate against care experienced children from backgrounds that do not match the faith of the school.**
- **A total of 43% of Catholic schools and 1% of Church in Wales schools discriminate against care experienced children from backgrounds that do not match the faith of the school.**
- **At primary level, 50% of Catholic schools and 1% of Church in Wales schools discriminate against care experienced children from backgrounds that do not match the faith of the school.**
- **At secondary level, 13% of Catholic schools discriminate against care experienced children from backgrounds that do not match the faith of the school, but there are no Church in Wales schools that do this.**

These figures increase when a distinction is made between ‘full discrimination’ (policies according to which all children from faith backgrounds that match the school are prioritised over care experienced children from backgrounds that do not match the school) and ‘partial discrimination’ (policies according to which only care experienced children from faith backgrounds that match the school are prioritised over care experienced children from backgrounds that do not match the school).

³ Humanists UK, *Careless or Uncaring? How Faith Schools Turn Away Children Who Are or Were in Care* (2021) https://humanists.uk/wp-content/uploads/Humanists_FaithSchools_V2_web.pdf [accessed 5 June 2023].



- **31% of Catholic schools and 7% of Church in Wales schools have policies that involve partial discrimination.**
- **At primary level, 33% of Catholic schools and 7% of Church in Wales schools have partially discriminatory admissions policies.**
- **At secondary level, 25% of Catholic schools have partially discriminatory policies. However, there are no Church in Wales schools that discriminate in this way.**

When all forms of discrimination are taken into account

- **74% of Catholic schools and 8% of Church in Wales schools discriminate against care experienced children from backgrounds that do not match the faith of the school in some way.**

RECOMMENDATION:

We recommend that the law should be changed to make sure that all care experienced children are treated equally in school admissions policies, and are able to secure the best school place available irrespective of their faith or belief background.

CONTEXT

CARE EXPERIENCED CHILDREN IN WALES

There were 7,080 children in care in Wales in 2022.⁴ This number has almost doubled over the past two decades.⁵ In fact, Wales has the second highest proportion of children in care in the UK, with 112 looked after children per 10,000 of the population aged under 18 compared to 70 per 10,000 in England and 82 per 10,000 in Northern Ireland.⁶ Only Scotland has a higher proportion at 124 per 10,000.⁷

Care experienced children represent some of the most vulnerable people in society. 62% of children starting to be looked after in Wales in 2022 were placed in care due to being at risk of abuse and neglect. A further 26% are in care as a result of family dysfunction or family in acute stress (both 13%), with additional causes listed as absent parenting (5%), socially unacceptable behaviour (3%), disability (2%), and parental illness or disability (2%).⁸ Given these disadvantages, educational outcomes for children who are or were in care have been traditionally poorer than the national average. In 2019, only 17% of children in care achieved 5 GCSEs at grade A*-C including maths and English or Welsh first language compared to 28% of children eligible for free school meals and 54% of all other children.⁹ Although the Welsh Government doesn't appear to publish specific information on rates of exclusion among care experienced children, data from England suggests that these rates tend to be higher than for other pupils. According to Ofsted, children in care in England are eight times more likely to be permanently excluded than their peers.¹⁰

⁴ Welsh Government, 'Children looked after by local authorities: April 2021 to March 2022' (November 2022) <https://www.gov.wales/children-looked-after-local-authorities-april-2021-march-2022-html> [accessed 9 September 2024].

⁵ StatsWales, 'Children looked after at 31 March by local authority, gender and age' <https://statswales.gov.wales/Catalogue/Health-and-Social-Care/Social-Services/Childrens-Services/Children-Looked-After/childrenlookedafterat31march-by-localauthority-gender-age> [accessed 5 June 2023].

⁶ Scottish Government, 'Children's Social Work Statistics Scotland: 2021 to 2022' (25 April 2023) <https://www.gov.scot/publications/childrens-social-work-statistics-scotland-2021-22/pages/looked-after-children/> [accessed 5 June 2023]

⁷ Ibid.

⁸ StatsWales, 'Children starting to be looked after during year to 31 March by local authority and need for care' (2022) <https://statswales.gov.wales/Catalogue/Health-and-Social-Care/Social-Services/Childrens-Services/Children-Looked-After/childrenstartingtobelookedafterduringyearto31march-by-localauthority-needforcare> [accessed 5 June 2023].

⁹ Welsh Parliament/Senedd Research, *Care Experienced Children: Statistical Briefing* (January 2023) p.16 <https://research.senedd.wales/media/bkditkus/23-01-care-experienced-children-web.pdf> [accessed 5 June 2023].

¹⁰ Ofsted, *Looked after children – good practice in schools* (May 2008) p.6 <https://dera.ioe.ac.uk/8180/1/Looked-1.pdf> [accessed 5 June 2023].



In the introduction to *Making a Difference*, statutory guidance setting out the responsibilities of ‘the designated person for looked after children in schools’, the Welsh Government acknowledges that ‘educational outcomes for looked after children rarely compare favourably with other children and young people’ and that ‘many of these learners will have suffered disrupted learning and may have missed extended periods of school.’¹¹ It also recognises that ‘the gaps in their learning – and in many cases the emotional impact of their experiences – are likely to have become significant barriers to their progress.’¹²

¹¹ Welsh Government, *Making a Difference: A guide for the designated person for looked after children in schools* (2017) p. 2 <https://www.gov.wales/sites/default/files/publications/2018-11/making-a-difference-a-guide-for-the-designated-person-for-looked-after-children-in-schools.pdf>. [accessed 15 June 2023].

¹² Ibid.

Children from other traditionally disadvantaged groups are also more likely to be in care than other children. 90% of care experienced children are white (compared with 93.8% of the Welsh population as a whole), 1.5% are black (compared to 0.9% of the population as a whole), 2% are Asian (compared to 2.9% of the population), 4% are mixed, and 2% are from other ethnic backgrounds (compared to 1.6% and 0.9% of the total population respectively).^{13 14} This means that black children are two thirds more likely to be in care than the rest of the population and children from mixed or other ethnic backgrounds are more than twice as likely to be in care. A further 2% of children who were in care as of 31 March 2022 were unaccompanied asylum seekers,¹⁵ yet further illustrating just how vulnerable these children are likely to be.

Welsh Government data on adoption is not broken down by the ethnicity of the child, but statistics from England show that black children and children with mixed ethnicity are both more likely to be in care and less likely to be adopted compared with their share of the population of under 18 year olds.¹⁶ Similarly, there is evidence to suggest that disabled children, who are more likely to experience abuse and neglect than children without disabilities,¹⁷ are more likely to enter the care system.¹⁸ According to the Welsh Government, as of March 2022, 7% of children in care were disabled compared to 4% of the general population aged under 16.^{19, 20}

In the interest of promoting their educational achievement, it is fundamental, therefore, that the education of care experienced children is prioritised, particularly with respect to accessing a suitable school place. Care experienced children have varying and often complex and poorly met needs. However, this report focuses solely on ensuring such children can have privileged access to all state funded schools. This is because of our long-standing expertise regarding school admission arrangements and because there is already a wide consensus that care experienced children should enjoy this advantage.

¹³ ONS, 'Ethnic group, England and Wales: Census 2021' (2022) <https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/bulletins/ethnicgroupenglandandwales/census2021> [accessed 12 June 2023].

¹⁴ StatsWales, 'Children looked after at 31 March by local authority and ethnicity' (2023) <https://statswales.gov.wales/Catalogue/Health-and-Social-Care/Social-Services/Childrens-Services/Children-Looked-After/childrenlookedafterat31march-by-localauthority-ethnicity> [accessed 12 June 2023].

¹⁵ Welsh Government 'Children looked after by local authorities: April 2021 to March 2022' (November 2022) <https://www.gov.wales/sites/default/files/pdf-versions/2022/11/2/1669109416/children-looked-after-local-authorities-april-2021-march-2022.pdf> [accessed 28 July 2023].

¹⁶ Department for Education, 'Adopted and looked-after children – GOV.UK Ethnicity facts and figures' (2 November 2020) <https://www.ethnicity-facts-figures.service.gov.uk/health/social-care/adopted-and-looked-after-children/latest> [accessed 2 June 2023].

¹⁷ L. Hill, C. Baker, B Kelly & S Dowling, 'Being counted? Examining the prevalence of looked-after disabled children and young people across the UK'. Child and Family Social Work, (2015), 22(1), 287.

¹⁸ Claire Baker, 'Permanence and stability for disabled looked after children' (31 May 2011) <https://www.iriss.org.uk/resources/insights/permanence-stability-disabled-looked-after-children> [accessed 2 June 2023].

¹⁹ Welsh Government, *Children looked after by local authorities: April 2021 to March 2022* (2022) <https://www.gov.wales/sites/default/files/pdf-versions/2022/11/2/1669109416/children-looked-after-local-authorities-april-2021-march-2022.pdf> [accessed 12 June 2023].

²⁰ The population data here is drawn from the 2011 Census. The proportion of disabled children and young people (aged under 15) recorded in the 2021 Census is 5.6% (rising to 7.2% amongst those aged 19 and under). See ONS, 'Disability by age, sex and deprivation, England and Wales Census 2021' (2023), p.5-6, figure 5 <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/articles/disabilitybyagesexanddeprivationenglandandwales/census2021> [accessed 15 June 2023].



To facilitate the process of finding a school place in as timely a manner as possible, Welsh schools are generally required to prioritise care experienced children in their admissions policies by the School Admissions Code.²¹ But, despite this requirement, faith schools remain able to prioritise not just care experienced children whose backgrounds match the faith of the school but all other children whose families hold that faith above care experienced children from other faith or non-religious backgrounds.

It should not matter what, if any, faith the families of care experienced children belong to. All such children deserve to attend the school that would best suit them and, as is largely reflected in government policy in this area, be given a higher priority in admissions than a child who has not suffered the same disadvantages but whose family happens to share the faith of the school.

RELIGIOUS SELECTION

State-funded schools in Wales can be legally designated with a religious character.²² Schools so designated are sometimes called ‘denominational schools’ but they are more commonly referred to as ‘faith schools’. Whereas most schools are not allowed to discriminate on the basis of religion or belief, faith schools are allowed to do so in a number of ways, including in who they admit.

This is due to an exemption in equality law. It generally provides that schools ‘must not discriminate against a person – (a) in the arrangements it makes for deciding who is offered admission as a pupil; (b) as to the terms on which it offers to admit the person as a pupil; (c) by not admitting the person as a pupil.’²³ However, it then further provides that this ‘does not apply in relation to... a school designated... with [a] religious character’.²⁴

There are currently 224 state-funded schools with a designated religious character in Wales.²⁵ This is 16% of all mainstream state schools. The majority of these are primary schools, with 203 primaries designated as having a religious character compared to 21 secondaries.²⁶

²¹ Welsh Government, *School Admissions Code* (July 2013) p.13.

²² School Standards and Framework Act 1998, Section 68A <https://www.legislation.gov.uk/ukpga/1998/31/section/68A> [accessed 19 June 2023]

²³ Equality Act 2010, Part 6, Chapter 1, Section 85 (1) <https://www.legislation.gov.uk/ukpga/2010/15/section/85> [accessed 22 June 2023].

²⁴ Equality Act 2010, schedule 11, part 2, paragraph 5 <https://www.legislation.gov.uk/ukpga/2010/15/schedule/11/paragraph/5> [accessed 22 June 2023].

²⁵ Welsh Government, ‘Address list of schools in Wales’ <https://www.gov.wales/address-list-schools> [accessed 19 June 2023].

²⁶ Throughout this report, data relating to secondary schools includes middle schools.

The Church in Wales is the largest provider of faith-based primary education, accounting for 68% of denominational primaries. However, the Catholic Church is the largest provider of faith-based secondary education, with Catholic schools making up 76% of faith schools at secondary level.

Although the number and proportion of faith schools is significantly smaller in Wales than it is in England (where schools with a religious character make up 34% of state schools²⁷), many Welsh faith schools are located in rural areas and may be the only option for local families.

As mentioned above, the School Admissions Code allows for schools with a religious character to discriminate in favour of children from backgrounds which match their faith. This is true not only with regard to care experienced children, but in their wider admissions, with the majority of faith schools in Wales making use of faith-based admissions criteria.²⁸

Countries that permit religious discrimination in state school admissions, as the United Kingdom does, are highly unusual. Research conducted by the OECD in 2012 found that, aside from the United Kingdom, only three other countries allow religious discrimination in state school admissions.²⁹ These are Estonia, Israel, and the Republic of Ireland. However, in 2018 Ireland abolished the so-called 'baptism barrier' ending such discrimination in Catholic primaries – in other words, the vast majority of schools where faith-based selection was a problem.³⁰

²⁷ GOV.UK, 'Schools, pupils and their characteristics' (June 2023) <https://explore-education-statistics.service.gov.uk/find-statistics/school-pupils-and-their-characteristics> [accessed 22 June 2023].

²⁸ Not all faith schools are permitted to use religious admissions criteria. Some, known as Voluntary Controlled (VC) schools, have their admissions determined by the local authority, and most local authorities set them without religious selection – i.e. in line with other schools in the area. In fact, only three Welsh LA's (Denbighshire, Newport, and Cardiff) allow religious selection in their VC schools. However, most of the faith schools in Wales are Voluntary Aided schools which set their own admissions policies. They are therefore able to take advantage of the relevant exemption to equality law that enables them to select on religious grounds.

²⁹ Pauline Musset, *School Choice and Equity: Current Policies in OECD Countries and a Literature Review*, 31 January 2012. https://www.oecd-ilibrary.org/education/school-choice-and-equity_5k9fq23507vc-en [accessed 28 July 2023].

³⁰ Humanists UK, 'Ireland scraps religious selection in Catholic primary school admissions' (5 October 2018) <https://humanism.org.uk/2018/10/05/ireland-scraps-using-religion-as-a-selection-criteria-in-catholic-primary-schools/> [accessed 25 June 2023].



ADMISSIONS POLICIES

As mentioned above, most state schools in Wales are bound by the School Admissions Code to prioritise all care experienced children over all other applicants, with admission arrangements made by their local authorities.

The admissions policies of faith schools that discriminate against care experienced Children look very different. As an example, in the 2022 cluster admissions policy for all the Catholic schools in Newport, the oversubscription criteria were listed as follows:

- 1. Baptised Roman Catholic Looked After Children... or previously Looked After Children.**
- 2. Baptised Roman Catholic children who have siblings in the school at the time of admission.**
- 3. Baptised Roman Catholic children.**
- 4. All other Looked After Children... or previously Looked After Children of other Christian, Non-Christian faiths or no Faith.**
- 5. Children of other Christian denominations who have a sibling in the school at the time of admission.**
- 6. Children of other Christian denominations whose parents have demonstrated a wish for a Catholic education. Each application should be supported by a letter or evidence of practice of worship from their religious leader.**
- 7. Children of other faith traditions who have a sibling in the school at the time of admission.**
- 8. Children of other faith traditions whose parents have demonstrated a wish for a Catholic education. Each application should be supported by a letter or evidence of practice of worship from their religious leader.**
- 9. Other children with a sibling in the school at the time of admission whose parents demonstrate a wish for Catholic education.**
- 10. Other children whose parents demonstrate a wish for Catholic education.³¹**

³¹ Newport Roman Catholic Primary Schools Admissions Policy, 2022-23, p. 8
<https://primarysite-prod-sorted.s3.amazonaws.com/stdavids-rcps/UploadedDocument/d6641bb9-1242-4a58-bc5c-a07419b86cd7/cluster-admissions-policy-2022-2023-1.docx>. [accessed 22 June 2023].

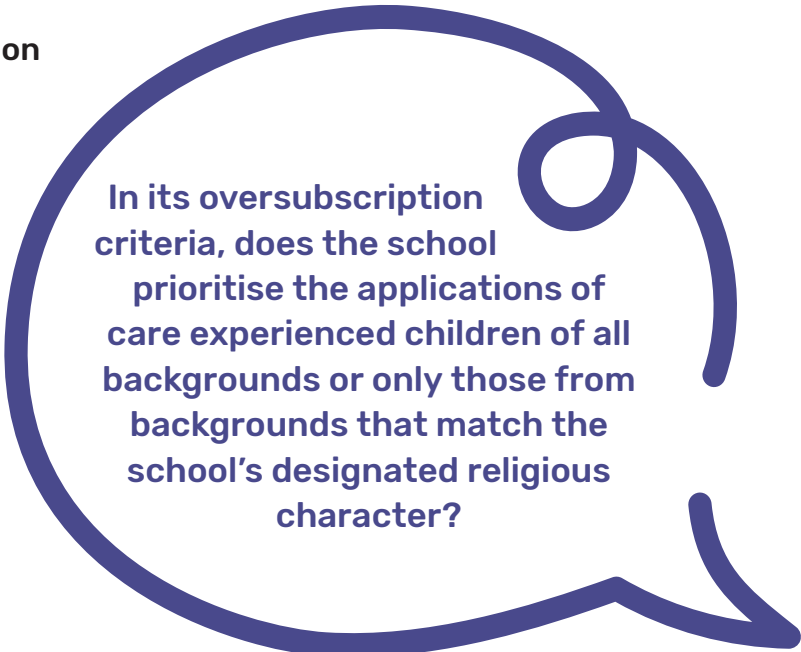
SURVEY

This report sets out the results of an examination of the admissions policies of all the state-funded denominational primary and secondary schools in Wales.

All 224 faith schools were investigated. Of these, 143 are Church in Wales, 80 are Catholic, and one is mixed Roman Catholic and Anglican.

In order to carry out the survey, we examined the most widely available admissions policy of each school, which, in the majority of cases, was the policy for entry into the 2022-23 academic year. If this was not available, then the next most recent policy was used (usually 2021-2022). Statutory guidelines mandate that these policies must be available in each school's prospectus and that this must be updated on an annual basis.³² Nevertheless, the relevant policies were often difficult to find on school websites and, in some instances, altogether absent. Where this was the case, it was generally possible to locate the relevant policy via the local authority website, but there were 7 schools which we were unable to assess due to missing or incomplete policies.³³

One research question was investigated:



In its oversubscription criteria, does the school prioritise the applications of care experienced children of all backgrounds or only those from backgrounds that match the school's designated religious character?

³² Circular 14/01: School Prospectuses – Guidance for Headteachers and Governing bodies, p. 23 <https://www.gov.wales/school-prospectuses-guidance-headteachers-and-governing-bodies>

³³ This included two schools which did not appear to have websites.



In England, surveys of this nature have been carried out to examine discrimination against non-religious applicants to faith schools,³⁴ the extent of faith-based admissions policies,³⁵ and other similar topics.³⁶ Humanists UK has also conducted similar research focusing on English secondaries.³⁷ However, no survey directly focusing on the approach taken towards care experienced children in the admissions policies of Welsh state schools has previously been published.

³⁴ Humanists UK, *Non-religious need not apply* (May 2018) <https://humanism.org.uk/wp-content/uploads/2018-05-10-LW-FINAL-Non-religious-discrimination.pdf> [accessed 14 September 2023].

³⁵ Humanists UK, *No Room at the Inn* (December 2017) <https://humanism.org.uk/wp-content/uploads/2017-12-18-LW-v6-FINAL-No-Room-At-The-Inn.pdf> [accessed 14 September 2023].

³⁶ Fair Admissions Campaign, *An Unholy Mess: How virtually all religiously selective state schools in England are breaking the law* (October 2015) <https://fairadmissions.org.uk/wp-content/uploads/2015/09/An-Unholy-Mess.pdf> [accessed 14 September 2023].

³⁷ Humanists UK, *Careless or Uncaring? How Faith Schools Turn Away Children Who Are or Were in Care* (2021) https://humanists.uk/wp-content/uploads/Humanists_FaithSchools_V2_web.pdf [accessed 5 June 2023].

FINDINGS

The results of the survey were as follows:

All schools:

Type Of Faith School	% that do not give all care experienced children first priority in their admissions
Catholic	74%
Church in Wales	8%
Mixed Catholic and Anglican	0%
Total	32%

Primary schools:

Type Of Faith School	% that do not give all care experienced children first priority in their admissions
Catholic	83%
Church in Wales	9%
Total	32%

Secondary schools:

Type Of Faith School	% that do not give all care experienced children first priority in their admissions
Catholic	38%
Church in Wales	0%
Mixed Catholic and Anglican	0%
Total	29%



32% OF FAITH SCHOOLS IN WALES FAIL TO PRIORITISE ALL CARE EXPERIENCED CHILDREN ON AN EQUAL FOOTING

74% OF CATHOLIC SCHOOLS (83% AT PRIMARY LEVEL) DISCRIMINATE AGAINST CARE EXPERIENCED CHILDREN FROM BACKGROUNDS THAT DO NOT MATCH THE FAITH OF THE SCHOOL

That nearly three-quarters of Catholic schools discriminate against care experienced children (and an even higher proportion at primary level) is unacceptable but unsurprising. Of all the faiths that run schools across the UK, Catholic schools are the strictest in enforcing faith-based admissions criteria. A previous report by Humanists UK found that ‘almost every state Catholic school in England discriminates in allocating all of their places on the basis of religious selection’ when sufficiently oversubscribed.³⁸ The current survey found the same situation in Wales. Catholic schools set out to admit children from Catholic backgrounds, and to largely exclude all others unless there are surplus places once all such children have been accommodated.³⁹

This is despite the fact that, like the majority of the faith groups who operate schools across the UK, the Catholic Church claims to run their schools on the basis not only of religious ideals but also broader values like inclusion, diversity, and fairness. Values that would suggest enlightened, open admissions policies, particularly with regard to care experienced children.

³⁸ Humanists UK, *No Room at the Inn*, (December 2017).

³⁹ To put it another way, Catholic schools seem happy to admit pupils from other backgrounds when it will help them to avoid closure due to lack of demand but not otherwise. This was not always the case. In a Parliamentary debate relating to the 1988 Education Reform Act, then Education Secretary Kenneth Baker tried to ease Church leaders’ fears that they may no longer be able to ‘limit the number of non-Catholic pupils entering a Catholic school... even where there is space left in the school because their admission might dilute the essentially Catholic ethos’ by proposing that local authorities would be able to make such agreements with school governors (Kenneth Baker, HC Deb, 23 March 1988, c423 <https://www.theyworkforyou.com/debates/?id=1988-03-23a.398.3#g423.4> [accessed 14 September 2023]). However, since the Act also linked school budgets to the number of pupils admitted, Catholic schools gradually began to be ‘driven by a need to survive and expand rather than... a need to preserve the school’s character’ (James Arthur, *The ebbing tide: Policy and Principles of Catholic Education*, Leominster; Gracewing, 1995). By the early 2000’s (following the introduction of the School Admissions Code) the Catholic Education Service appears to have been more welcoming to regulation of admissions (see e.g. Select Committee on Education and Skills Fourth Report, 2004 <https://publications.parliament.uk/pa/cm200304/cmselect/cmmeduski/58/5805.htm#note41> [accessed 14 September 2023]) but was still staunchly defending faith based admissions (Memorandum submitted by the Catholic Education Service (SA 34) to Select Committee on Education and Skills, 17 November 2003 <https://publications.parliament.uk/pa/cm200304/cmselect/cmmeduski/58/3111707.htm#n6> [accessed 14 September 2023]).

For instance, Paul Barber, Director of the Catholic Education Service (CES), said in 2016 that he was pleased ‘to see Catholic schools acting as beacons of diversity and integration up and down the country.’⁴⁰ This positioning of Catholic schools, and faith schools in general, as places of integration and diversity regardless of their designated religious character is widespread across the UK and seems to be increasing as the idea of religious selection becomes more unpopular. However, some of the schools operating in Wales seem less persuaded by the idea. For example, the website of the Archbishop McGrath Catholic High School proudly proclaims that:

‘A Catholic school is never simply a school for those who choose it. A Catholic school is always, first of all, a school for Catholics. Of course, others who seek a place at the school are most welcome as long as space permits. They are fully part of the school community and greatly treasured.’⁴¹

The school’s suggestion that they ‘treasure’ non-Catholic care experienced children is undermined by the fact that they place them after all baptised Catholic children, regardless of whether they are or have been in care, in their oversubscription criteria.⁴²

Our findings would suggest, therefore, that the CES’s assertion that their schools are inclusive and cater to the disadvantaged in society is inaccurate, particularly with respect to care experienced children. In reality, the vast majority of state-funded Catholic schools think first of faith and then, belatedly, of the disadvantaged. This is despite the fact that they are free to set their own admissions policies and face no legal or theological barriers to becoming more inclusive of all care experienced children, from Catholic backgrounds or otherwise.

The number of Catholic schools with discriminatory admissions criteria is especially disappointing given that the majority of Catholics are not in favour of high levels of religious selection in school admissions, or indeed any at all. According to a poll of British adults conducted in 2016, 63% of Catholic respondents were opposed to religious selection altogether.⁴³ On this basis, it seems likely that an even higher proportion of Catholics, including many of those who see a place for some degree of religious selection, would want to limit it amongst the most disadvantaged and vulnerable children in society.

⁴⁰ Ruth Gledhill, ‘Growing Number Of Muslim Children Being Sent To Catholic Schools’, *Christian Today* (1 December 2016) <https://www.christiantoday.com/article/growing-number-of-muslim-children-being-sent-to-catholic-schools/102616.htm> [accessed 14 September 2023].

⁴¹ Archbishop McGrath Catholic High School, ‘Christ at the Centre’ <https://sites.google.com/view/archbishopmg-catholic-life/christ-at-the-centr> [accessed 29 June 2023].

⁴² Archbishop McGrath High School Admission Policy <https://www.archbishopmg.co.uk/page/?title=Admission+Policy&pid=71> [accessed 29 June 2023].

⁴³ Humanists UK, ‘Strong majority opposed to plans for school admissions on basis of religion’ (2 November 2016) <https://humanism.org.uk/2016/11/02/strong-majority-opposed-to-plans-for-school-admissions-on-basis-of-religion/> [accessed 14 September 2023].



Only 8% of Church in Wales schools discriminate against care experienced children from backgrounds that do not match the faith of the school.

Just 12 of the 143 Church in Wales schools have admissions policies that fail to prioritise all care experienced children. This largely inclusive approach is to be celebrated, particularly at secondary level where none of the Church in Wales schools operates a discriminatory admissions policy.

UNLAWFUL BREACHES OF THE ADMISSIONS CODE

Of the schools we surveyed, 13 Catholic primaries and two Church in Wales primaries are not only discriminating against care experienced children whose families do not share the faith, but are currently doing so in a manner that is unlawful because it breaches the Admissions Code. Some of these policies mention the need to prioritise looked after children, but they stipulate that such priority will be given within each of the other categories or criteria set out in the policy.

For instance, the 2022-2023 oversubscription policy for St David's Roman Catholic Primary School in Cwmbran is as follows:

- 1. Children who are baptised into the Roman Catholic Church of Our Lady and St David's Parish, Cwmbran**
- 2. Other baptised Roman Catholic children**
- 3. Children of other Christian denominations whose parents have demonstrated a wish for a Catholic education**
- 4. Children of other Faith traditions whose parents have demonstrated a wish for a Catholic education**
- 5. Children for whom application is made in special circumstances may be admitted at the Governors' discretion. Each application must be accompanied by a letter from the appropriate professional person. Please supply full details concerning applications. The Governors will treat all information as confidential. Special circumstances include medical and social reasons.**
- 6. Any other children**

It then states that 'In each category above... Looked after children and previously looked after children will be given highest priority.'⁴⁴

⁴⁴ *St David's Roman Catholic Nursery and Primary School Admissions Policy, 2022-23*, p.1-2 https://www.stdavidsprimarycwmbran.com/_files/ugd/aaeed3_f694485a35eb49d1a7f0eb6def60507b.pdf [accessed 31 August 2023].

Here, because care experienced children are given priority ‘in each category’ rather than overall, children who have never been in care and whose families do not share the Catholic faith of the school (e.g. those from other Christian denominations or other faith traditions) may be given a higher priority when the school is oversubscribed than care experienced children from non-religious backgrounds. Non-care experienced children from Christian backgrounds may also be prioritised over care experienced children from other faith backgrounds. This directly contravenes the Admissions Code which clearly states that:

‘2.32 Admission authorities for schools with a designated religious character (faith schools) may give first priority to all looked after children and previously looked after children, whether or not of the faith but must give first priority to looked after children and previously looked after children of their faith above any other children of their faith. If they give first priority to looked after children and previously looked after children of the faith, then they must give a higher priority to looked after children and previously looked after children not of the faith than other children not of that faith.’⁴⁵

St Winefride’s Catholic Primary School and St David’s Catholic Primary School, Mold, both in Flintshire, make a different mistake. In their policies, ‘Children who have a brother or a sister at the school at the time of likely admission’ are prioritised over looked after children who have not been baptised.⁴⁶ Although it may be reasonable to assume that, due to a shared background, siblings will share a faith affiliation, this is not necessarily the case (e.g. in blended families). For this reason, these policies also risk prioritising non-care experienced children from faith backgrounds that do not match the faith of the school over some care experienced children and are unlawful.

The oversubscription policy for Ysgol San Siôr, a Church in Wales school in Conwy, breaches this part of the Admissions Code in a slightly different way. The first three of its oversubscription criteria are as follows:

1. **‘Looked-after’ children who have been baptised in the Church in Wales, or another Anglican Church.**
2. **‘Looked after’ children either from other Christian denominations which are a member of CYTUN or from another faith group.**
3. **Other ‘Looked-after’ children.⁴⁷**

⁴⁵ Welsh Government, *School Admissions Code* (July 2013) p.13.

⁴⁶ Flintshire County Council, *Guide to Education Services* (2023), p. 51 <https://www.flintshire.gov.uk/en/PDFFiles/Lifelong-Learning/Schools/School-Admissions/Guide-to-Education-Services-2023.pdf> [accessed 20 September 2023].

⁴⁷ Admissions policy of Ysgol San Siôr in Conwy <https://www.sansior.wales/our-policies> [accessed 6 June 2023].



Again, although the policy prioritises looked after children, it not only gives preference to care experienced children whose families share the faith of the school but also to those from other faith backgrounds over those whose families are non-religious. This approach is not permitted under the Code.

FULL DISCRIMINATION VERSUS PARTIAL DISCRIMINATION

The figures above relate to the proportion of faith schools that fail to prioritise all care experienced children in their admissions. However, there are different ways in which this can be done, some which are more discriminatory than others. To get a better understanding of the barriers care experienced children might face when applying for a school place in Wales, once we had analysed the data relating to any kind of discrimination, we drew a distinction between full discrimination and partial discrimination. Schools described as fully discriminatory are those with policies according to which all children from backgrounds that match the faith of the school are automatically prioritised over care experienced children from backgrounds that do not match the faith. Schools described as partially discriminatory are those with policies according to which only care experienced children from backgrounds that match the faith are prioritised over care experienced children from backgrounds that do not match the faith.

Here, we found that:

All schools:

Type Of Faith School	% that partially discriminate in admissions	% that fully discriminate in admissions
Catholic	31%	43%
Church in Wales	7%	1%
Mixed Catholic and Anglican	0%	0%

Primary schools:

Type Of Faith School	% that partially discriminate in admissions	% that fully discriminate in admissions
Catholic	33%	50%
Church in Wales	7%	1%

Secondary schools:

Type Of Faith School	% that partially discriminate in admissions	% that fully discriminate in admissions
Catholic	25%	13%
Church in Wales	0%	0%
Mixed Catholic and Anglican	0%	0%

43% OF ALL CATHOLIC SCHOOLS DISCRIMINATE IN THIS WAY, COMPARED TO JUST 1% OF CHURCH IN WALES SCHOOLS

50% OF CATHOLIC PRIMARIES HAVE ADMISSIONS POLICIES THAT FULLY DISCRIMINATE AGAINST CARE EXPERIENCED CHILDREN FROM BACKGROUNDS THAT DO NOT MATCH THE FAITH OF THE SCHOOL.

Half of Catholic primary schools (43% of all Catholic schools) have fully discriminatory admissions policies which prioritise all baptised children irrespective of whether they are care experienced or not. By comparison, just 1% of Church in Wales schools (2 primaries) have this kind of oversubscription policy.

The 31% of Catholic schools and 7% of Church in Wales schools that operate partially discriminatory policies (i.e. those which only prioritise care experienced children from religious backgrounds that match the faith of the school over other care experienced children) are clearly treating vulnerable children more fairly than those with fully discriminatory policies. Indeed, since it is extremely unlikely that tie-breaker situations will ever arise between care experienced children, in practice, they will usually be in a position to admit all such children regardless of background. Nevertheless, given the rationale for prioritising care experienced children is to take seriously the disadvantages they face, particularly with respect to securing an adequate education, it is inappropriate to introduce a hierarchy among such pupils. While primarily symbolic, this practice still sends the message that those with a particular religious background are, in some sense, more deserving of a school place. Given that the



practical ramifications of changing such a policy would be negligible, we see no reason why any of the schools currently operating this practice could object to changing it to ensure that all care experienced children are granted explicit parity of esteem.

IMPLICATIONS FOR THE ADMISSION OF CARE EXPERIENCED CHILDREN

One of the main reasons the results of this research are so concerning is the impact discriminatory admissions policies have on the ability of vulnerable children to secure a quality school place. The evidence suggests that school quality (which is often closely associated with academic performance) is a key determinant in parental choice.⁴⁸ For instance, in England, when rated 'good' or 'outstanding' by Ofsted, schools are far more likely to be oversubscribed, allowing them to be more selective,⁴⁹ than schools with lower ratings. Although the Welsh school inspectorate, Estyn, no longer includes summative gradings (e.g. 'Excellent', 'Good' or 'Adequate'),⁵⁰ parents and carers are still more likely to choose schools with positive reports and good examination results. This matters because the policies we considered only apply when there are more applicants than places available at the school.

Although there are no equivalent reports in Wales, the English Office of the Schools Adjudicator (OSA) Annual Report for 2022 repeats a concern (previously highlighted in reports from 2019, 2020, and 2021) that, 'where schools with a religious character give the highest priority only to looked after children of their own faith (as is permitted) looked after children not of that faith may well not gain places.' It goes on to say that, 'where there are many such schools and they together represent most of the good or outstanding schools in an area this can limit the scope for looked after and previously looked after children to gain admission to a good or outstanding school.'⁵¹

CONCLUSION

Fundamentally, these findings demonstrate that an alarming proportion of faith secondary schools in Wales are failing to consider the needs of some of the most vulnerable children in society. Of these schools, Catholic schools are by far the most discriminatory, with some discrimination also occurring at Church in Wales primaries. Furthermore, both groups run schools with oversubscription policies that actually breach the School Admissions Code.

⁴⁸ Simon Burgess, Ellen Greaves, Anna Vignoles and Deborah Wilson, 'What Parents Want: School Preferences and School Choice' (2015) *The Economic Journal*, Volume 125, Issue 587, September 2015, p. 1262-1289.

⁴⁹ Rebecca Allen and Meenakshi Parameshwaran, *Research brief: Caught out*, The Sutton Trust (14 April 2016) p.3 https://www.suttontrust.com/wp-content/uploads/2019/12/Caught-Out_Research-brief_April-16-1.pdf [accessed 3 July 2023].

⁵⁰ Estyn, 'Inspection explained' (15 December 2022) <https://www.estyn.gov.wales/inspection-process/inspection-explained> [accessed 3 July 2023].

⁵¹ Office of the Schools Adjudicator, *Annual Report 1 January 2022 to 31 December 2022* (April 2023) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1150996/Office_of_the_Schools_Adjudicator_annual_report_Jan_to_Dec_2022.pdf [accessed 3 July 2023].

The Catholic Education Service maintains that ‘Church teaching places a duty on Catholic schools to care for the poor and educate those who are socially, academically, physically or emotionally disadvantaged’.⁵² On this basis, the fact that the majority of Welsh Catholic schools do not give priority to all care experienced children is particularly outrageous. If Church teaching calls for these schools to care for the disadvantaged, then most Catholic schools are failing.

Legally speaking, faith schools are free to choose whether to open their doors to the most underprivileged and many have chosen to be particularly inclusive in this regard. However, as this report highlights, others have not, risking the educational opportunities and development of some of the most vulnerable in our society.

Setting aside the moral case, public opinion also provides little support for these discriminatory policies to continue. According to polling carried out by YouGov on behalf of Humanists UK in 2020,⁵³ just 27% of British parents with school-aged children (those aged 5-16) supported the statement that state-funded faith schools should be allowed to prioritise the admission of children from faith backgrounds over care experienced children from backgrounds that do not match the faith of the school. Indeed, 45% of religious people – most of those polled – were of the view that schools should not have this power, with a further 17% saying they were unsure. The number favouring discriminatory admissions rose to 45% amongst Catholics. However, this still means a considerable proportion of those identifying as Catholic oppose such policies. What’s more, a 2020 report by the Sutton Trust found that 80% of parents believe that state schools should admit a broad mix of children from different backgrounds,⁵⁴ suggesting limited support amongst parents for selective admissions more generally.

The law granting faith schools the power to decide whether or not to prioritise all care experienced children over less disadvantaged children who happen to come from a faith background is one that the Welsh Government ought to abolish as soon as possible. This is particularly pressing given the commitment to children’s rights set out in the Rights of Children and Young Persons (Wales) Measure 2011⁵⁵ that was recently reaffirmed in the Curriculum and Assessment Wales Act 2021. This introduced a duty to promote knowledge and understanding of such rights as they are set out in the UN Convention on the Rights of the Child.⁵⁶

Until the requisite changes to the law take place, the faith groups themselves need to do more to match reality to their rhetoric. Catholic schools in particular must change their admissions policies.

⁵² Catholic Education Service, ‘Catholic Education FAQs’ (2020) <http://www.catholiceducation.org.uk/about-us/faqs> [accessed 14 September 2023].

⁵³ Sample of 2,077 British adults, conducted on 23-24 November 2020.

⁵⁴ Carl Cullinane, *Fairer School Admissions: Social segregation in schools: the view from parents & teachers*, The Sutton Trust (February 2020) <https://www.suttontrust.com/wp-content/uploads/2020/02/Fairer-School-Admissions-Polling.pdf> [accessed 3 July 2023].

⁵⁵ Rights of Children and Young Persons (Wales) Measure 2011 <https://www.legislation.gov.uk/mwa/2011/2/contents> [accessed 3 July 2023].

⁵⁶ Curriculum and Assessment (Wales) Act 2021 <https://www.legislation.gov.uk/asc/2021/4/enacted> [accessed 3 July 2023].



NOTE ON THE TERMINOLOGY USED IN THIS REPORT

We use the term ‘care experienced children’ to refer to ‘looked after children’ and ‘previously looked after children’.

The term ‘looked after child’ is defined by the School Admissions Code and relevant legislation as referring to ‘a child who is looked after by a LA in Wales or England in accordance with the Children Act 1989 and whom the LA has confirmed will be looked after at the time of child’s admission to the school.’⁵⁷

The term ‘previously looked after child’ refers to ‘looked after children who ceased to be so because they were adopted or became subject to a residence order, or special guardianship order immediately following having been looked after.’⁵⁸

More informal language used to refer to such children includes ‘children in care’, ‘foster children’, ‘adopted children’, and, for young adults moving out of the care system, ‘care leavers’. According to the NSPCC, ‘children in care [is] a term which many children and young people prefer.’⁵⁹ However, NSPCC Cymru,⁶⁰ the children’s rights umbrella body Children in Wales,⁶¹ and the Children’s Commissioner for Wales⁶² also use the term ‘care experienced’. For that reason, we use ‘care experienced’ as much as possible throughout this report.

⁵⁷ Welsh Government, School Admissions Code (July 2013) p.13 <https://www.gov.wales/sites/default/files/publications/2018-03/school-admissions-code.pdf> [accessed 25 May 2023]. These definitions are in turn based on section 22(1) of the Children Act 1989, section 12 of the Adoption Act 1976, and section 46 of the Adoption and Children Act 2002.

⁵⁸ Ibid.

⁵⁹ NSPCC, ‘Looked after children’ <https://learning.nspcc.org.uk/children-and-families-at-risk/looked-after-children> [accessed 25 May 2023].

⁶⁰ See e.g. NSPCC Cymru/Wales, *Manifesto: Our Vision for Children in Wales, Senedd 2021-2026* (2021) p.5 <https://www.nspcc.org.uk/globalassets/documents/policy/nspcc-cymru-wales-manifesto-2021-2026-english.pdf> [accessed 5 June 2023].

⁶¹ See e.g. Children in Wales, ‘Care Experienced Children’ (2023) <https://www.childreninwales.org.uk/professionals/our-work/care-experienced-children> [accessed 5 June 2023].

⁶² See e.g. Children’s Commissioner for Wales, *The Right Way: A Children’s Rights Approach for Social Care in Wales* (2021) https://www.childcomwales.org.uk/wp-content/uploads/2021/04/RightWaySocialCare_Final-Amendments.pdf [accessed 5 June 2023].

APPENDIX 1:

Percentage of faith schools that discriminate against care experienced children by region

Region	% that partially discriminate	% that fully discriminate	% that discriminate total
Blaenau Gwent	50%	25%	75%
Bridgend	0%	67%	67%
Caerphilly	100%	0%	100%
Cardiff	4%	32%	36%
Carmarthenshire	36%	9%	45%
Ceredigion	33%	0%	33%
Conwy	13%	7%	20%
Denbighshire	9%	0%	9%
Flintshire	20%	27%	47%
Gwynedd	0%	18%	18%
Isle of Anglesey	0%	0%	0%
Merthyr Tydfil	0%	0%	0%
Monmouthshire	0%	13%	13%
Neath Port Talbot	67%	0%	67%
Newport	0%	78%	78%
Pembrokeshire	22%	0%	22%
Powys	9%	0%	9%
Rhondda Cyon Taf	38%	25%	63%
Swansea	33%	0%	33%
Torfaen	29%	29%	57%
Vale of Glamorgan	0%	15%	15%
Wrexham	19%	0%	19%



APPENDIX 2:

Full data – primary schools

Type of faith school	Total number primary	Number that partially discriminate against care experienced children	% that partially discriminate against care experienced children	Number that fully discriminate against care experienced children	% that fully discriminate against care experienced children	Total number that discriminate	Total % that discriminate
Church in Wales	139	10	7%	2	1%	12	9%
Roman Catholic	64	21	33%	32	50%	53	83%
Roman Catholic & Anglican	0	0	0	0	0	N/A	N/A
Total	202	31	15%	34	17%	65	32%

APPENDIX 3:

Full data – secondary schools⁶³

Type of faith school	Total number secondary	Number that partially discriminate against care experienced children	% that partially discriminate against care experienced children	Number that fully discriminate against care experienced children	% that fully discriminate against care experienced children	Total number that discriminate	Total % that discriminate
Church in Wales	4	0	0%	0	0%	0	0%
Roman Catholic	16	4	25%	2	13%	6	38%
Roman Catholic & Anglican	1	0	0%	0	0%	0	0%
Total	21	4	19%	2	10%	6	29%

⁶³ Includes middle schools.



APPENDIX 4:

Full data – all schools

Type of faith school	Total number	Number that partially discriminate against care experienced children	% that partially discriminate against care experienced children	Number that fully discriminate against care experienced children	% that fully discriminate against care experienced children	Total number that discriminate	Total % that discriminate
Church in Wales	143	10	7%	2	1%	12	8%
Roman Catholic	80	25	31%	34	43%	59	74%
Roman Catholic & Anglican	1	0	0%	0	0%	0	0%
Total	224	35	16%	36	16%	71	32%



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