

Consultation on the Changes to the Admissions Framework

Consultation Response Form

The closing date for this consultation is: 19 August 2011
Your comments must reach us by that date.

THIS FORM IS NOT INTERACTIVE. If you wish to respond electronically please use the online response facility available on the Department for Education website www.education.gov.uk/consultations

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Please tick if you want us to keep your response confidential.

Reason for confidentiality:

Name

Organisation (if applicable)

Address:

Contact Details

If your enquiry is related to the content of the consultation, you can contact the PCU telephone help line on: 0370 000 2288.

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Consultation Unit by e-mail:

consultation.unit@education.gsi.gov.uk or by telephone: 0370 000 2288.

Please tick the box below that best describes you as a respondent.

<input type="checkbox"/> Parent	<input type="checkbox"/> Local Authority	<input type="checkbox"/> Parent Governor
<input type="checkbox"/> Governor	<input checked="" type="checkbox"/> National Representative Group	<input type="checkbox"/> Local Representative Group
<input type="checkbox"/> Headteacher/teacher	<input type="checkbox"/> Faith Organisation	<input type="checkbox"/> School
<input type="checkbox"/> Other (please specify)		

Please Specify:

Naomi Phillips
Head of Public Affairs
British Humanist Association
020 7079 3585
07540 257101
naomi@humanism.org.uk
www.humanism.org.uk

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

We have sought to remove all duplication and sections of the Codes that were open to misinterpretation, so it is clearer what admission authorities must and must not do within the new Codes as well as making them easier to read and understand.

One of the aims of reviewing the Codes was to reduce the burdens and bureaucracy that schools face by removing unnecessary prescription and elements that drove cost into the process.

The revised Codes should ensure that all school places can continue to be offered in a fair and lawful way, and that school admission appeals can be administered in a more effective way and at lower cost.

Q1) Do you agree that the new Codes achieve these aims?

Agree

Disagree

Not sure

Comments:

We are responding to this question and question 9 only.

'Faith' school admissions criteria

We would like to object to sections 1.30 and 1.32 of the draft code (*Faith based oversubscription criteria in schools with a religious character*).

Many state-funded 'faith' schools use their legal privileges to have highly selective admissions criteria, giving preference to the children of parents with particular religious beliefs. These can include discrimination in favour of pupils whose parents are of the same denomination of the school; whose parents are of the same religion of the school, but of a different denomination; or even those whose parents are religious, but of a different religion to that of the school.¹

The British Humanist Association wants all schools to include and educate pupils of all religions and non-religious beliefs together, so that they can learn about and from each other, instead of being segregated by their religion. Any religious discrimination in admissions is against the ideal of an open and inclusive school system. It is our firm position that no state-funded 'faith' school should be permitted to discriminate in their admissions on religious grounds in any circumstances.

¹ To give one example of this last case, Guru Nanak Sikh Academy's 'September 2012 Admission Criteria and Guidance Notes' states that '...places are then allocated to children whose parent(s)/guardian/carers demonstrate a commitment to the Sikh faith, up to 50 places. 10 places are then allocated to children whose parent(s)/guardian/carer attend worship in the tradition of any other faith. If places are still remaining children living closest to the academy are admitted.'
[http://www.gurunakschools.org.uk/docstore/Admissions%202012-13\(1\).pdf](http://www.gurunakschools.org.uk/docstore/Admissions%202012-13(1).pdf)

Religious and socio-economic segregation

Discrimination by 'faith' schools can cause segregation along both religious and socio-economic lines. Focussing on religious segregation, Professor Ted Cattle, author of the Cattle Report into community cohesion in Oldham, Burnley, Bradford and elsewhere, describes religious schools in Blackburn as '*automatically a source of division*' in the town.² 2007 research by the IPPR found that in other areas, 'faith' schools which are their own admission authorities are ten times more likely to be highly unrepresentative of their surrounding area than 'faith' schools where the local authority is the admission authority.³

In their 2008 report into 'faith' schools and community cohesion, the Runnymede Trust concluded that '*existing levels of ethnic segregation between schools will continue to be exacerbated by selection on the basis of faith*', and so '*if faith schools are convinced of their relevance for society, then that should apply equally for all children. With state funding comes an obligation to be relevant and open to all citizens.*'⁴

Focussing on socio-economic segregation, speaking at the publication of the Office of the Schools Adjudicator Annual Report in November 2010, Chief Schools Adjudicator Dr Ian Craig said, '*We are bothered by the complexity of some faith schools' points systems. We have come across points that benefit white middle-class areas and don't benefit the immigrant children in the community.*'⁵

Additionally, voluntary aided 'faith' schools have, on average, 50% fewer pupils requiring free school meals than community schools.⁶ Pupils starting at 'faith' schools are also, on average, more academically able than pupils starting at inclusive schools.⁷ This is because 'faith' schools' selection criteria mean that they usually take a less than representative sample of deprived children and more than their share of the children of ambitious and wealthier parents.

We believe there is a tension between sections 1.30/1.32 of the draft code

²Comment reported in

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

³ 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>

⁴ Rob Berkley, 'Right to Divide? Faith Schools and Community Cohesion', Runnymede Trust (2008) <http://www.runnymedetrust.org/uploads/publications/Summaries/RightToDivide-Summary.pdf>

⁵ Comment reported in <http://www.guardian.co.uk/education/2010/nov/01/faith-schools-admissions-unfair>

⁶ Prof Rebecca Allen in corrected transcript of oral evidence taken before the Children, Schools and Families Committee on 'Diversity of Schools: Faith Schools', 12 March 2008 <http://www.publications.parliament.uk/pa/cm200708/cmselect/cmchilsch/c311-iii/c31102.htm>

⁷ Stephen Gibbons and Olmo Silva, 'Faith Primary Schools: Better Schools or Better Pupils?', IZA Discussion Paper No. 4089 (2009) <http://ssrn.com/abstract=1369835>

and section 1.16, which requires that: ‘Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group.’ The evidence shows that faith-based admissions criteria discriminate along both ethno-religious and socio-economic lines, and we believe this tension must be resolved in favour of removing such criteria. Separating children by religion, class and ethnicity is totally antithetical to aims of social cohesion.

The previous code, in section 2.53, emphasised that ‘Admission authorities for faith schools **should** consider how their particular admission arrangements impact on the communities in which they are physically based and those faith communities which they serve.’ We can see no justification at all for the removal of this recommendation, and if faith-based selection criteria are to continue, we want to see it reinstated.

Non-compliance with admissions criteria

The Office of the Schools Adjudicator Annual Report 2010 found that with regards to primary schools that are their own admission authorities, ‘The main area of non-compliance [with the admissions code] regards clarity about how an admission authority will objectively ascertain whether a child meets faith related admissions criteria. This is especially so in relation to some Church of England schools. Unclear references are made to the importance of membership of a faith, the existence of links between a family and a church, being a practising member of a faith, regular attendance at services, commitment, support for a Christian ethos, and commitment to faiths other than that in the school’s formal designation. A related point is that it is frequently not clear whether a [Supplementary Information Form] is also required and, if it is, how to access one. All of this is confusing to parents and is an area which would benefit from much clearer definitions.’⁸

The previous admissions code, in section 2.48, emphasised that ‘As with all oversubscription criteria, those that are faith-based **must** be clear, objective and fair. Parents **must** easily be able to understand how the criteria will be satisfied.’ The removal of this emphasis from the new code seems likely, if anything, to exacerbate this problem of unclear admissions requirements. If faith-based admissions requirements are to continue, then the admissions code should make as clear as possible that faith-based admissions criteria must be precise in specifying what is required.

It is also unacceptable when ‘faith’ schools apply subjective and unfair criteria. The admissions code should be more specific in what it is and is not permissible for religious schools to evaluate in making judgements under faith-based criteria.

⁸ Office of the Schools Adjudicator Annual Report 2010
<http://media.education.gov.uk/assets/files/pdf/o/osa%20annual%20report%202010.pdf>

Discrimination in favour of other faiths

As highlighted earlier, 'faith' schools are able to discriminate in their admissions criteria in favour of parents of faiths other than that of the school, at the expense of those with no religious belief. It is wholly unclear on what possible grounds this can be justified; this is tantamount to saying that any faith is better than no faith, and is therefore discrimination of the worst kind. While the British Humanist Association would like to see an end to all faith-based admissions criteria, it would be a significant step in the right direction if the code were to prohibit this specific practice of discriminating exclusively against the non-religious.

Role of the schools adjudicator

We welcome the fact that the schools adjudicator can now make decisions on admissions arrangements of Academies, which simplifies the process in putting one body in charge of scrutinising admission arrangements for all state-funded schools.

But we are disappointed that the adjudicator will be unable, in the future, to modify a school's admission arrangements, which was previously the case. As mentioned earlier, many 'faith' schools, when left to their own devices, fail to comply with the admissions code in setting unreasonable faith-based admissions criteria. As a result, should a school's admissions criteria be found to be unlawful, it is hugely important that a neutral party other than the school, such as the schools adjudicator, is able to alter the school's admissions criteria to bring it into line with the law.

Q2) Do you agree with the proposals to allow all popular and successful schools to increase their Published Admission Number?

Agree

Disagree

Not sure

Comments:

Q3) Do you agree that Academies and Free Schools should be able to give priority to children attracting the Pupil Premium in their admission arrangements?

Agree

Disagree

Not sure

Comments:

Q4) Do you support the proposal to remove the requirement for local authorities to co-ordinate in year applications?

Yes

No

Not Sure

Comments:

Q5) Do you support the proposed change to the use of random allocation?

Yes

No

Not Sure

Comments:

Q6) Do you support proposals to add twins (and multiple births) and children of service personnel to the list of excepted pupils?

Yes

No

Not sure

Comments:

Q7) Do you agree with the proposal that admission authorities who are making no change to their arrangements year on year should only be required to consult once every seven years, rather than once every three years?

Agree

Disagree

Not sure

Comments:

Q8) Do you agree with the proposal to allow schools to give priority to applications for children of staff in their over-subscription criteria?

Agree

Disagree

Not sure

Comments:

Q9) Do you agree that anyone should be able to raise an objection about the admission arrangements they consider unfair or unlawful, of any school?

Agree

Disagree

Not sure

Comments:

We agree with these proposals as we share the belief of the Government that it is important that school admission arrangements are accountable to the entirety of the local community.

Furthermore, we have experienced many cases where a parent has complained to us about a school's admissions arrangements, but for whatever reason, does not feel in a position to object to them. Therefore, allowing others to object on their behalf will enable increased scrutiny of admissions arrangements and hopefully lead to a fairer system.

Q10) Do you agree that the deadline for objections to the Schools Adjudicator should be moved to 30 June from 31 July?

Agree

Disagree

Not sure

Comments:

Q11) Do you agree with the less prescriptive requirements around the operation, governance and training of appeals panels?

Agree

Disagree

Not sure

Comments:

Q12) Do you agree that the proposed appeals timetable will give more certainty to parents and reduce the number of appeals overall?

Agree

Disagree

Not sure

Comments:

Q13 Do you agree that the proposed new timetable for lodging and hearing appeals will reduce costs and bureaucracy for admission authorities?

Agree

Disagree

Not sure

Comments:

Q14 Do you agree that the new three stage process will provide a more effective process for appeals panels to consider multiple and individual appeals?

Agree

Disagree

Not sure

Comments:

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply

Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

Yes No

All DfE public consultations are required to conform to the following criteria within the Government Code of Practice on Consultation:

Criterion 1: Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2: Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3: Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4: Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5: Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6: Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7: Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

If you have any comments on how DfE consultations are conducted, please contact Carole Edge, DfE Consultation Co-ordinator, tel: 01928 438060 / email: carole.edge@education.gsi.gov.uk

Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 19 August 2011

Send by post to:
Consultation Unit
Area 1C
Castle View House
Runcorn
Cheshire
WA7 2GJ

Send by e-mail to: admissions.consultation@education.gsi.gov.uk