



Faith schools: admissions and performance

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This note gives some background on the number and type of maintained faith schools in the UK and then goes on to look in more detail at the intake and performance of maintained faith schools in England. The final section describes current arrangements for admission to faith schools in the maintained sector, recent developments and proposed changes to the school admission system in England.

A limited amount of data is regularly published on faith schools. Other than the background information, most of the statistics in this note are based on responses to written questions and a combination of the school performance tables and the database of educational establishments¹. The Library has access to the National Pupil Database and has some capacity to carry out more detailed analysis using this resource.

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Summary

- Around one-third of maintained primary and secondary schools in England are faith schools and just under one-quarter of pupils attend such schools.
- Overall faith schools perform better in headline GCSE results, but they have a lower proportion of pupils who are eligible for free school meals and lower rates of Special Educational Needs
- More advanced analysis of pupil progress to GCSE show that on average pupils at faith school progress slightly faster than similar pupils at non-faith schools.
- Results at Jewish secondary schools are better than those at any other type of faith school and consistently well above average even when pupil background and prior attainment are taken into account
- Specific research into the performance of faith schools has found that pupils at Church of England schools progress very slightly faster than non-faith schools in the first years of secondary school. Progress at Roman Catholic Schools was found to be very slightly slower than at non-faith schools at this stage and very slightly faster in the remaining secondary school years. Again performance at Jewish schools was found to be significantly better than at any other type of faith or non-faith school.

¹ Provided by EduBase

- Recent research on primary schools suggests that performance difference can largely be explained by prior attainment and background. The remaining differences are due to parental self-selection and selection methods used by some faith schools.
- Further analysis of GCSE results shows a different pattern of results for faith and non-faith schools with similar governance arrangements and control over admissions. Non-faith schools perform better in certain categories, faith schools do best in others and there is no clear difference in some.
- Proposed changes to the school admission system in England are currently out for consultation.

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A. Number of faith schools²

In 2006/07 there were 6,867 maintained faith schools in England,³ 263 in Wales⁴ and 395 in Scotland⁵.

1. Religion

The number of state funded faith schools in England broken down by stage and religion is given in the table at the end of this note. This shows that just under one third of schools had a religious character and just less than one quarter of pupils attended such schools. A greater proportion of primary schools were religious (36% against 18%). Church of England schools were the most common type among primary schools (26%); Roman Catholic schools the most numerous type of faith school at secondary level (10%). Non-Christian schools were very much in the minority; there were 38 Jewish, 9 Muslim and 3 Sikh schools in January 2008. A further two Muslim state schools opened in September 2008 and as did the first Hindu school.⁶

In 1995 a slightly higher proportion of both primary (35%) and secondary schools (21%) were religious. These figures were very similar to those 10 years previously.⁷ There have been Jewish state schools since the establishment of the 'modern' primary and secondary systems in the first half of the 20th century. The first Muslim state school was established in 1997 and opened in 1998, the first Sikh school opened in 1998 and the first Hindu school opened in 2008.⁸

2. Status

The vast majority of faith schools have a status of either voluntary aided (62%) or voluntary controlled (37%). A voluntary aided school has a foundation (generally religious) that appoints most of the governing body. This governing body controls its admissions. The governing body of these schools also has to make a 10% contribution to capital expenditure. A voluntary controlled school also has a foundation, which is normally religious, that appoints some, but not most, of the governing body. The Local Education Authority controls admissions to such schools. The 1% of faith schools not in these categories have either foundation or academy status.⁹

3. Region and local authority

At primary level the North West and South West regions had the highest proportion of faith schools in 2008 at 48% and 42% respectively. Outer London (23%) and the North East (29%) had the lowest. At secondary level inner London (33%) and the North West (29%) had the highest proportion of faith schools and the East Midlands (12%), East of England, South East and South West (all 13%) had relatively low levels. At a local authority level more than

² Sections A, B and C were written by Paul Bolton, Social & General Statistics Section

³ EduBase

⁴ *Faiths Schools*, BBC News Online -The Politics Show Wales

⁵ *Pupils in Scotland, 2006*, Scottish Executive

⁶ EduBase

⁷ *Schools in England 1995*, and earlier versions, DfEE

⁸ HC Deb 31 January 2006 c344w; Edubase.

⁹ EduBase

60% of primaries in Blackburn, Lancashire, Wigan, Rutland, Shropshire, Westminster, Dorset and Wiltshire had a religious character. In Leicester, Nottingham, Luton and Portsmouth 11-13% of primaries were religious. The smaller number of secondary schools means that patterns tend to be more extreme. There were a number of authorities that had no religious secondary schools in 2008.¹⁰

Only just over half of independent schools in England reported their religious character (including those with none) to the DfES. There were just over 950 religious independent schools, 40% of the total.¹¹ While the large majority of these schools were Christian there was a greater representation of other faiths than among state schools.¹²

B. Intake of pupils

1. Free school meal status

Children whose parents receive one or more of a range of income-related benefits are entitled to free school meals. It is frequently seen as an indicator of poverty/deprivation of a school's intake.

In January 2008 11.2% of pupils at primary faith schools and 11.0% at secondary faith schools were eligible for free school meals. These rates compare to national averages of 15.6% and 12.9% for primary and secondary schools respectively. Alternatively, faith schools had just over 60,000 fewer pupils from these lower income backgrounds than would be expected if their intake was the same as the national average. The table below summarises eligibility by religion and stage.

Percentage of pupils known to be eligible for free school meals by religious character of school, January 2008, England

	Primary	Secondary
No religious character	17.4%	13.2%
Church of England	10.0%	9.8%
Roman Catholic	13.7%	12.1%
Methodist	13.0%	..
Other Christian faith ^(a)	12.1%	5.7%
Jewish	2.7%	4.9%
Muslim	34.0%	26.7%
Sikh	6.9%	12.4%
Other	13.9%	8.0%
Total	15.6%	12.8%

(a) Church of England/other Christian or just 'Christian'

Sources: Spring Census 2008, DCSF; Edubase, DCSF

This shows that, among religions with more than a handful of schools, Methodist and Catholic schools had the highest proportion of pupils with free school meals and Jewish, Church of England and 'other Christian' the lowest. None had rates that were above those of

¹⁰ *Pupil Characteristics and Class Sizes in Maintained Schools in England: January 2008 (Provisional)*, DCSF. Additional Local Authority Tables

¹¹ Total includes those with 'unknown' denomination

¹² EduBase

schools with no religious character, or above national averages. The small number of Muslim primary and secondary schools had rates that were well above average. There is no evidence that this pattern has changed in recent years.¹³

There are a number of factors that could be responsible for this difference including location of schools, income and employment differences between religions, school admission policies and the ability of 'middle class' parents to gain places for their children at what they believe are better schools. There are differences in employment and socio-economic status by religion, but no central information is collected on the religion of pupils and therefore we cannot say what proportion of the intake have the same religion as their school. School admission policies and parental actions can be classed together as an unquantifiable 'other' reason for the patterns shown. These reasons are frequently cited as the primary cause of the differences in intake and performance between faith and non-faith schools.

2. Special Educational Needs (SEN)

Overall faith schools have a lower proportion of pupils with SEN. In 2008 1.2% of pupils at mainstream state¹⁴ faith schools had stated SEN and 15.9% unstatemented. This compares to 1.7% statemented and 18.9% unstatemented schools with no religious character. This pattern has remained broadly the same over the previous seven years. There was some variation between religions with 'other' Christian and Methodist schools having higher SEN incidence, although neither were above the overall figure for non-faith schools.¹⁵

3. Religion and other pupil characteristics

The Department does not collect information on the religion of pupils so it is not possible to say what proportions of pupils attend faith schools from a different religion. It has been suggested that Roman Catholic schools cater largely for Catholic families and the majority of their pupils will have links with the Catholic Church. Church of England schools have been said to have less close religious ties and more links to their local communities.¹⁶ This difference may be an oversimplification, but if true it does have implications for the character of these schools. Faith schools that have closer links to their religion are more likely to take their pupils from a wider geographical area. This is more likely to be the case for secondary schools where intakes are more widespread geographically to start with. It should follow that the intake of the relatively small number of schools from other religions should be even more widespread geographically.

In 2007 just under half of secondary school pupils attended their nearest school, the figure was not much lower for pupils attending Church of England Schools (39%), but was much lower for Roman Catholic (19%), Muslim (11%) and Jewish (6%) schools. In general we would expect a lower figure for faiths with a smaller number of schools. But, more than half of all religious secondary schools were Catholic. This supports the earlier assertion about the differences in the ties of Catholic and Church of England schools.¹⁷

¹³ See for instance HC Deb 28 November 2005 c177-8w

¹⁴ Maintained primary and secondary schools, academies and City Technology Colleges

¹⁵ Schools Census Spring 2008, DCSF; Edubase, DCSF; HC Deb 18 October 2005 c944-50w

¹⁶ SCHAGEN, S., DAVIES, D., RUDD, P. and SCHAGEN, I. (2002). *The Impact of Specialist and Faith Schools on Performance* (LGA Research Report 28). Slough: NFER.

¹⁷ *The composition of schools in England*, DCSF (June 2008)

Pupil intake can also be analysed by ethnicity and whether pupils have English as an additional language. There was relatively little difference in these indicators by religious character, but any patterns are likely to be more affected by the location of schools and therefore may not reflect and real difference in application/admissions. In January 2008 24.8% of pupils at maintained mainstream state faith schools were not from the white British ethnic group compared to 24.2% at non-faith schools. 89.5% of pupils at faith schools had English as a first language compared to 86.5% at non-faith schools.¹⁸

The recent DCSF statistical bulletin *The Composition of Schools in England* looked in depth at issues of pupil intake for various classifications of schools, including faith schools: <http://www.dcsf.gov.uk/rsgateway/DB/SBU/b000796/TheCompositionOfSchoolsInEnglandFinal.pdf> This compared actual pupil intake with the characteristics of pupils in each school's local area and the characteristics of pupils in the each school's catchment area¹⁹. It found that the proportion of pupils eligible for free school meals at all types of secondary faith schools was less than the proportion of pupils in their local area. The largest gap was for Jewish schools (around 4% eligibility compared to just over 20% in their local area). The gap was smaller when compared to the free school meal eligibility levels in their catchment areas, but all types of faith schools took a lower proportion apart from the small numbers of schools form 'other' faiths. There were smaller gaps when prior attainment was compared, but all faith schools other than Muslim schools took pupils with a higher level of prior attainment than their local area.²⁰

C. Performance

Examination results for faith schools are better, on average, than those for non-faith schools. This sections outlines the headline results and summarises work that attempts to make more meaningful comparisons by allowing for the differing intake of such schools.

1. GCSE and equivalent

a. Headline results

In 2007/08 71.3% of pupils at the end of Key Stage 4 in faith schools achieved five or more grades A*-C at GCSE or equivalent. 64.5% of pupils at non-faith schools met this standard.²¹ The gap between faith schools and the average for all maintained schools was 5.7 percentage points in 2007/08, down slightly from 6.4 points in 2006/76. This gap has varied over time, but shows some signs of falling as it stood at 8.9 points in 2003.²²

There are a number of different attainment measures in the secondary school performance tables. Performance on five or more grades A*-C including English and Maths was 55.7% and 47.9% at faith and non-faith schools respectively.²³ The following table summarises 2006/07 results by religion. Equivalent data for 2006/07 are given in Table 2 at the end of this note.

¹⁸ Schools Census Spring 2008, DCSF; Edubase, DCSF

¹⁹ Results based on non-selective schools only

²⁰ *The composition of schools in England*, DCSF (June 2008)

²¹ DfES performance tables and EduBase. These figures are the weighted average of results by the number of pupils in Key Stage 4. As they are based on rounded data they may differ slightly from figures based on unrounded data.

²² HC Debs 28 April 2004 c1042w and 7 March 2006 c1432-3w

²³ DCSF performance data

Attainment in 2007/08 GCSE performance tables^(a) by religious character of school

Maintained schools in England

	5+ grades A*-C	5+ grades A*-C inc. English and Maths
No religious character	64.5%	47.9%
Church of England	68.0%	54.2%
Roman Catholic	72.8%	55.9%
Other Christian ^(b)	69.6%	56.0%
Jewish	89.0%	81.2%
Muslim	86.5%	70.4%
Other/unknown	68.5%	50.1%
Total	65.6%	49.1%
<i>Faith schools</i>	<i>71.3%</i>	<i>55.7%</i>

(a) Includes equivalent examinations. Figures are based on unrounded data weighted by the number of pupils in Key Stage 4 at the start of the year. The averages are therefore approximate.

(b) Church of England/other Christian or just 'Christian'

Sources: EduBase, Database of educational establishments, downloaded September 2008; DCSF performance data

These results need to be viewed alongside the numbers of secondary schools of each religion given in the table at the end of this note. On average Jewish and Muslim secondary schools had the best results on the headline measures. However, these results were based on just over 1,000 pupils at the end of Key Stage 4 in such schools. Roman Catholic schools scored better than Church of England schools on both measures although the difference was much smaller on the one including English and Maths; 'other Christian' schools performed better than both on these measures.

While the difference between faith and non-faith schools is clear there is a greater disparity between the headline results by school status. As mentioned earlier, most faith schools are voluntary controlled or voluntary aided. In 2007/08 73.4% of pupils at voluntary aided schools achieved 5 or more grades A*-C, 67.3% at voluntary controlled schools and 62.0% at community schools which are all non-denominational.²⁴

Attempts have been made in the past to analyse these results by looking at performance for pupils who are eligible for free school meals across the school types. When 2005 results were analysed this way the difference was greatly reduced. 31.1% of pupils at faith schools who were eligible for free school meals achieved this standard compared to 30.1% at other schools. Results for the remaining pupils were also around one percentage point higher in faith schools. When analysed by status, pupils eligible for free school meals did best on this measure at voluntary aided schools (38.5%), those at community schools did noticeably less well (29.0%), but better than those at voluntary controlled schools (27.1%).²⁵

²⁴ GCSE and Equivalent Results in England, 2007/08 (Revised), DCSF

²⁵ Trends in attainment gaps: 2005, DfES. Tables A9.2 and A9.3

b. Contextualised Value Added (CVA) scores

CVA measures were first published for all English maintained secondary schools in the 2006 performance tables. They follow on from earlier 'simple' value added measures which looked at prior attainment as well as GCSE performance. CVA also takes into account a number of elements that are outside a school's control by adjusting for such factors as gender, special educational needs, movement between schools and various socio-economic factors -all of which are known to affect pupil performance. The aim is to make comparisons between schools more meaningful, even those with very different pupil intakes or local factors. CVA scores are given at school level and presented as a number based around 1,000. A score of 1,000 is the expected level of progress nationally -pupils at such a school make the same progress as similar pupils nationally. If a school's CVA score is above 1,000 its pupil make more progress than similar pupils nationally and vice versa.

It should be noted that the CVA gives as near a like-for-like comparison as possible, but it is not perfect. Data for individual schools is given as a score, or central estimate, and as a confidence interval.²⁶ This is a range within which we can be reasonably certain that the 'true' value lies. This reflects the underlying uncertainty in the calculation of the CVA scores. The results for groups of schools (below) include an average score not confidence intervals. A general rule is that the interval will be smaller the greater number of results (pupils) are included.

The table opposite gives averages by religion. Overall faith schools performed better than non-faith schools by just under five points (six points is equivalent to an average of one grade improvement per pupil in one exam). The results follow a similar pattern as with headline results -Jewish and Muslim schools performed best, followed by Roman Catholic and 'other Christian' schools. Church of England schools performed the same as non religious schools on this measure in 2007/08. It should be noted that with only five Muslim schools we can be less confident about the 'true' value of this average, although DCSF guidance on pupil numbers and confidence intervals suggests that the progress made by pupils at these schools was significantly better than average.²⁷

2007/08 average CVA score^(a) by religious character of school

<u>Maintained schools in England</u>	
No religious character	1,000.2
Church of England	1,000.2
Roman Catholic	1,006.6
Other Christian	1,005.3
Jewish	1,032.6
Muslim	1,021.3
Other/unknown	995.7
All schools	1,000.9
<i>All faith schools</i>	<i>1,004.8</i>

(a) Figures are based on unrounded data weighted by the number of pupils in Key Stage 4 at the start of the year and the CVA coverage indicator. The averages are therefore approximate.

'Other Christian' includes Church of England/other Christian or just 'Christian'

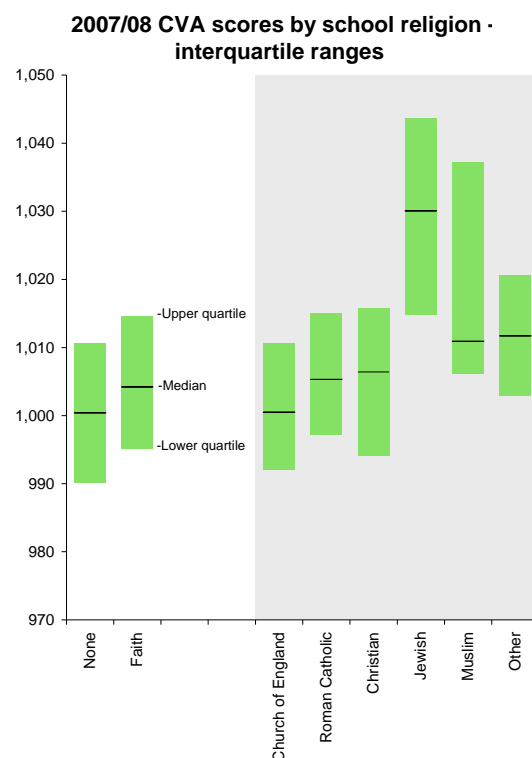
Sources: *EduBase, Database of educational establishments, downloaded September 2008; DCSF performance data*

²⁶ For more background on confidence intervals see the statistical literacy guide [Confidence intervals and statistical significance](#)

²⁷ http://www.dcsf.gov.uk/performance/tables/schools_07/KS24_2007_Mainstream.xls.

The chart opposite compares the interquartile ranges of CVA scores by religion. It shows the median (mid-point when ordered by value), upper quartile (level above which 25% of schools' CVA scores lie) and lower quartile (level above which 75% of schools' CVA scores lie). This gives more information about the distribution of results, rather than just simple means. The difference in interquartile ranges between (all) faith and non-faith schools were broadly in line with their respective means.

The distribution of results for Jewish schools is most notable. Even their lower quartile figure was well above the upper quartile figures for Church of England and Catholic schools. These data highlight the variation in results within all these groups. The interquartile ranges for non-faith, Church of England and Roman Catholic schools were all around 20 points. This means that average progress for similar types of pupils in the 'middle 50%' of schools was covered by the equivalent of around one grades difference in three exams per pupil.



CVA scores by school status show mean scores of 1,006.1 at voluntary aided, 998.2 at voluntary controlled and 999.5 at community schools.²⁸

2. Other analyses of results

The ideal way to assess the relative performance of any different types of schools is to conduct research with that specific intention. Such a study would use statistical techniques to isolate the difference in question from all other factors and test whether such difference is statistically significant. There has been little research of this kind into faith schools. The improvement in pupil level data available to academics and the recent increase in interest may change this situation in the future. The rest of this section summarises results from two studies.

A National Foundation for Education Research study²⁹ into faith and specialist schools from 2002 commented on the scarcity of earlier research on the subject. From a review of the evidence from the previous two decades they found some evidence to support the view that Roman Catholic schools have a 'distinctive and positive ethos'. Studies of achievement and progress were found to rely on limited data/methods and any differences found were small and often not statistically significant. Their analysis aimed to address this gap.

The authors found that after adjusting from background and prior attainment³⁰ the four groups of faith schools studied (Church of England, Roman Catholic, other Christian, and

²⁸ GCSE and Equivalent Results in England 2007/08 (revised), DCSF

²⁹ Schagen, S., Davies, D., Rudd, P. and Schagen, I. (2002). The Impact of Specialist and Faith Schools on Performance (LGA Research Report 28). Slough: NFER.

³⁰ These results look at progress from Key Stage 3 to GCSE

Jewish) all performed significantly better than non-religious schools on total GCSE points score. This difference was less on average points score and only remained significant for Roman Catholic and Jewish schools. This suggests that religious schools tend to enter their pupils for more GCSEs. Although the differences on average were statistically significant they were still slight. Jewish schools scored best on all measures, but the advantage on average points score was half a grade. At Roman Catholic schools the difference was equivalent to one grade improvement for every 33 pupils.

Results of progress from Key Stage 2 to 3 (11 to 14 years of age) showed some different patterns with pupils progressing less in Roman Catholic schools than in non-faith schools³¹. Pupils at Church of England schools did better, but the difference was very slight. Again Jewish Schools performed best.

Analysis of different ability groups of pupils showed that those with lower initial attainment did similarly well on their total GCSE scores at all school types. There were differences for pupils with better earlier attainment levels. Again it is suggested that this may be due to faith schools encouraging their more able pupils to take additional examinations. Finally some evidence was found to support the hypothesis that faith schools succeed at the expense of non-faith schools in their local area.

More recent research into faith primary schools by academics at the LSE Centre for the Economics of Education looked into the specific area of higher academic performance in faith schools.³² They looked at performance in Key Stage 2 tests (at age 11) using a database of around one million pupils taking past achievement, location, family background and schools attended into account. They constructed a statistical model in order to identify how much of the higher attainment at primary faith schools was *caused* by their faith status rather than underlying differences in intake. They found that:

- Faith primary schools offered a 'very small' advantage in English and Maths scores that would on average improve a pupils' performance by around one percentile.
- The difference was due to the more autonomous admission and governance arrangements of Voluntary Aided schools –pupils at Voluntary Controlled schools did not progress faster than average.
- On further analysis of matched groups of pupil by neighbourhood and secondary school, all of the apparent advantage of faith schools could be explained by unobserved differences between pupils who apply and are admitted to Faith schools and those who do not. These differences are said to be observable by schools and could be used in covert selection of pupils.
- There was no unambiguous performance advantage of faith schools, even those that were Voluntary Aided, which could not be explained by school-side or pupil-side selection.

While these results are for primary schools, the research was specifically aimed at looking at the impact of faith schools. The greater difference between schools by status rather than by faith has been mentioned already. The table below presents headline GCSE and CVA scores for 2007/08 by status and faith.

³¹ All figures are on average Key Stage 3 results

³² S Gibbons & O Silva, *Faith Primary Schools: Better Schools or Better Pupils?* LSE CEE November 2006

GCSE performance table results by school status and faith, 2007/08

	% of pupils achieving 5+ grades A*-C or equivalent			CVA scores			Number of schools		
	Faith	Non-faith	All	Faith	Non-faith	All	Faith	Non-faith	All
Community	..	62.2%	62.2%	..	999.7	0.0	0	1,759	1,759
Voluntary controlled	63.9%	70.0%	67.3%	998.1	998.3	0.0	38	46	84
Voluntary aided	73.1%	83.2%	73.7%	1,005.8	1,007.7	0.0	480	35	515
Foundation	64.7%	69.4%	69.3%	994.9	1,000.7	0.0	11	643	654
Academy	52.8%	64.6%	60.7%	998.5	1,009.4	0.0	25	49	74
City Technology College	..	95.4%	95.4%	..	1,020.9	0.0	0	5	5
All	71.3%	64.5%	65.6%	0.0	1,000.2	0.0	554	2,537	3,091

Note: Figures are based on unrounded data weighted by the number of pupils in Key Stage 4 at the start of the year for schools included in both measures. The averages are therefore approximate.

Sources: EduBase, Database of educational establishments, downloaded September 2008; DCSF performance data

This shows a number of interesting patterns. Voluntary controlled non-faith schools clearly outperformed voluntary controlled faith schools on the headline measure. The difference was much smaller on the CVA measure. There was a similar pattern for voluntary aided schools, although the gaps on both measures were greater. The relatively small number of faith foundation schools were also outperformed by non-faith foundation schools on both the measures included in the table.

There are a disproportionately large number of non-faith foundation and voluntary aided schools which are grammar schools. However, the patterns above still hold (with smaller gaps) if these schools are excluded. Among comprehensive schools the headline GCSE results were higher for non-faith schools in each of the relevant school types (Voluntary controlled, Voluntary Aided, Foundation and Academy). All community schools are non-faith. They clearly have the lowest average attainment levels and they make up the majority of non-faith schools.

These results all highlight the importance of school status³³. This suggest that it may be the additional autonomy of Voluntary Aided, rather than faith school status that is more closely associated with the overall difference in performance between faith and non-faith schools. It is not clear whether this is due to the various methods of selection cited by the authors of the second report mentioned above, their 'distinctive and positive ethos', or some other reason. The majority of secondary schools are community schools and not religious. It is these schools where attainment and, to a lesser degree, school effectiveness lags behind.

D. Admission to faith schools³⁴

1. Outline of current arrangements and guidance

All admissions authorities must consider and decide on applications for places in accordance with their published admission arrangements. Local authorities are the admission authorities for community and voluntary controlled schools, unless the function has been delegated to the school governing body. For foundation schools, voluntary aided schools and academies, the school governing body is the admission authority.

³³ The relationship need not be causal. For instance the desire to change status may signify some *a priori* difference in a school, rather than automatically cause any school to improve its results.

³⁴ Section D of this note was written by Christine Gillie, Social Policy Section and was last updated in August 2008

If a school, including a faith school, is undersubscribed then, generally speaking, all applications must be accepted unless applicants do not meet academic standards where the school is selective. Where a school is oversubscribed the admissions authority must apply its published oversubscription criteria. Guidance on this is provided in the DfES *School Admissions Code*:

<http://www.dfes.gov.uk/sacode/docs/DfES%20Schools%20text%20final.pdf>

The Code was revised following the *Education and Inspections Act 2006*. Chapter 2 of the Code deals with setting fair oversubscription criteria. This imposes mandatory requirements on admission authorities in setting oversubscription criteria.

Section 49 of the *Equality Act 2006* made it unlawful for maintained or independent schools to discriminate against a child on the grounds of the child's religion or belief for school admission purposes. However, those schools designated by the Secretary of State as having a religious character³⁵ are exempt and are permitted to use faith-based oversubscription criteria in order to give higher priority in admissions to children who are members of, or who practise, their faith or denomination. This only applies if a school is oversubscribed.

Paragraphs 2.41 to 2.53 of the *School Admissions Code* cover faith-based oversubscription criteria. Like other oversubscription criteria, faith-based oversubscription criteria must be clear, objective and fair. Paragraph 2.43 makes it clear that it is primarily for the relevant 'faith provider group' or religious authority to decide how membership or practice is to be demonstrated. In determining faith-based oversubscription criteria, admission authorities for faith schools should only use the methods and definitions agreed by their faith provider group or religious authority. Religious authorities may provide guidance on this. Published admission arrangements must make clear how membership or practice is to be demonstrated in line with guidance issued by the faith provider group or religious authority.

Section 44 of the *Education and Inspections Act 2006* prohibits the interviewing of parents and/or children as a method for deciding whether a child is to be offered a place at a school. The only exceptions where interviews are permitted are for assessing a child's suitability for a boarding place, or to ascertain a child's aptitude in a permitted form of selection. Although interviews are not permitted to test religious membership or practice, asking parents to complete forms giving information about their religious membership or relationship with a church (paragraph 1.76 of the Code) is permitted. Asking for a reference from a priest or other religious minister is also acceptable (paragraph 1.73 of the Code).

2. Faith schools' admissions and social cohesion

In 2006 during the passage of the then *Education and Inspections Bill* through Parliament there was much debate about how best to ensure that faith schools could be more inclusive. In particular, Lord Baker of Dorking (Kenneth Baker) criticised the Government's policy to encourage faith schools to join the maintained sector, and argued for new faith schools to be required to reserve a proportion of their places for children from other faiths.³⁶

On 18 October 2006, Alan Johnson, the then Secretary of State for Education and Skills announced that the *Education and Inspections Bill* would be amended to enable local

³⁵ Under section 69 of the *School Standards and Framework Act 1998*

³⁶ HL Deb 18 July 2006

authorities to ensure that up to 25% of places in new faith schools be available to pupils of other faiths or no faith, where there was a local demand.³⁷ Following strong opposition from religious bodies, the Secretary of State announced on 26 October 2006 that he had decided not to proceed with the proposals. Instead he said that voluntary agreements had been reached.³⁸ Ministers subsequently stressed that the Government was not proposing any changes to the admission arrangements for new or existing faith schools to require them to open a proportion of their places to children of no or other faiths.³⁹ On 1 November 2006, Jim Knight, the Schools Minister, referred to the voluntary agreements as follows:

Last week my right hon. Friend the Secretary of State for Education and Skills announced a historic agreement reached with the Catholic Church. As now, new Catholic schools will be planned to meet Catholic need, and it is right that they should be, but there will also be scope for them to take on a new dimension. Where there is local demand, up to 25 per cent. more places will be added, with local agreement, to cater for non-Catholic families who would like their children to benefit from Catholic education. That follows the Church of England's decision to offer 25 per cent. of places at new Church of England schools to those of other faiths or no faith. The consultations that we have had with the Sikh community suggest that it strongly welcomes those from other faiths coming to their schools, as do those of Muslim faith.⁴⁰

During the Third Reading of the *Education and Inspections* Bill in the Lords, Lord Sutherland of Houndwood moved an amendment to require the governing bodies of maintained schools to promote social cohesion, which was agreed.⁴¹ When the Bill returned to the Commons on 2 November 2006 that amendment was agreed, and the Secretary of State explained his position not to proceed with the earlier proposals on admissions to faith schools:

There has been considerable media interest in and several misplaced accusations about and misinterpretations of our intentions and our decision not to proceed with an amendment on admissions to new faith schools. Perhaps I can set the record straight.

On 3 October, the Church of England announced its decision to offer places in its new schools to children in the local community in addition to those made available for Anglican children. We welcomed that. Our position was that, if sufficient consensus existed, we would be prepared to introduce a local authority power for admissions to other new faith schools. I emphasise that it was a power, not a duty. We undertook to consult the key representatives of the faith communities before deciding our way forward. Having done that and having listened to the concerns of all the faith groups and many colleagues in all parties, but especially Labour Members, including my hon. Friend the Member for Mitcham and Morden (Siobhain McDonagh), and after agreeing with the Archbishop of Birmingham that a voluntary way forward to ensure up to 25 per cent. of places in new Catholic schools for pupils from other faiths or no

³⁷ DfES Press Notice, *Making places in faith schools available to other faiths*, 18 October 2006: http://www.dfes.gov.uk/pns/DisplayPN.cgi?pn_id=2006_0149

³⁸ BBC News Education, *Faith schools quota plan scrapped*, 26 October 2006: <http://news.bbc.co.uk/1/hi/education/6089440.stm>

³⁹ e.g. HC Deb 1 November 2006 c441W; HC Deb 2 November 2006 cc 593-4W

⁴⁰ HC Deb 1 November 2006 c129WH:

<http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo061101/halltext/61101h0009.htm#06110150000580>

⁴¹ HL Deb 30 October 2006, c 63

faith, additional to the demand from Catholic pupils, we decided that it would be wrong to press ahead with our amendment.

It became clear from our discussions with faith groups that there was no consensus in support of the amendment. Not only the Catholic Church, but the Sikh community, the Hindu community, the Church of England—although it agreed a voluntary route—and the Muslim community believed that it was unnecessary to legislate. All the faith communities did not support the amendment, but they were all in favour of the far more important and profound proposition to place a duty to promote community cohesion on the governing bodies of all maintained—faith and non-faith—schools and to ask Ofsted to inspect and report on schools' response to that obligation.⁴²

Section 38 of the *Education and Inspections Act 2006* inserted a new section 21(5) to the *Education Act 2002* introducing a duty on the governing bodies of maintained schools in England to promote community cohesion. The duty took effect from 1 September 2007. Guidance for schools was published on 19 July 2007.⁴³ From September 2008, Ofsted will be required to report on what schools do to promote community cohesion. Further details on the requirements are given on the Department for Children, Schools and Families website: <http://www.teachernet.gov.uk/wholeschool/Communitycohesion/>

3. Recent developments and Government policy on faith schools

On 10 September 2007 the Government published *Faith in the system - the role of schools with a religious character in English education and society*.⁴⁴ This was a joint declaration of the Government and religious bodies setting out their shared vision of the role faith schools play in the English education system and wider society. It set out their commitment to continue to work together with all schools to contribute to a just and cohesive society.

Some commentators saw the document as paving the way for an expansion of faith schools.⁴⁵ The Government reiterated its policy towards faith schools in a written answer to a PQ on 13 November 2007 stressing that it is committed to a diverse system of schools driven by parental needs and aspirations; that the Government does not have targets for faith schools but remains committed to supporting the establishment of new schools by a range of providers, including faith organisations, where local consultation has shown that that is what parents and the community want, and where greater diversity would help raise standards.⁴⁶

Comments made by Ed Balls, Secretary of State for Children, Schools and Families have been interpreted by some as a step back from the previous administration's support for faith schools.⁴⁷ The Select Committee on Children, Schools and Families took evidence from the Secretary of State on 9 January 2008. During this session Mr Balls commented on the Government's policy towards faith schools. In particular he stressed that it is not the policy

⁴² HC Deb 2.11.06, c 481

⁴³ DCSF Press Notice, *Building Links across communities*, 19 July 2007: http://www.dfes.gov.uk/pns/DisplayPN.cgi?pn_id=2007_0137

⁴⁴ www.dfes.gov.uk/publications/faithinthesystem/index.shtml

⁴⁵ E.g. "Faith schools on the road to expansion", *Times Educational Supplement*, 14 September 2007, p16

⁴⁶ HC Deb 13 November 2007, cc 173-4W

⁴⁷ *Daily Telegraph*, 11 January 2008, p16:

<http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2008/01/11/nschool411.xml>

of the Government to expand the number of faith schools (see the last answer given in the quote below):

Q10 Chairman: When the previous Committee conducted a major inquiry into Building Schools for the Future-"Sustainable Schools"-we drew some significant lessons about how important the visioning process was in every local authority in England. It is absolutely crucial because this is one opportunity for a local authority area to say, "This is the kind of educational provision for our people into the middle, and perhaps even to the end, of the 21st century". Certainly, the Committee got the feeling that that was of the utmost importance. Very rarely do you get the opportunity to say, "We applaud the fact that local authority areas were given that chance." Would you agree that if every partner in that delivery of education in a local authority area is not part of that process, it is a much weaker one?

Ed Balls: I would, and I think that that is the conclusion of the Children's Plan.

I spoke to the Association of Directors of Adult Social Services and Association of Directors of Children's Services annual conference a few months ago-early on in the job-and said that I thought that sometimes in the past the Government had not sent a clear enough message to local government about its role.

I think that local government has an important strategic role in the delivery of education and children's services, and in driving performance. One very important part of that is planning school and wider services' infrastructure. When we talk about the collocation of services, it is not about only schools and education. We are saying in the report that we want Building Schools for the Future to create expectations and to remove any barriers that get in the way, in local areas, of being able to plan schools and wider children's services in a more collocated way. That could only be done from the local area, based around a director of children's services working closely with schools.

Q11 Chairman: Does it worry you that a very important part of the faith community-the Roman Catholic Church-seems to have taken a very different view from that at the time when we visited the academy of St. Francis of Assisi in Liverpool? We saw a successful academy-a joint Anglican and Catholic academy-and many of us thought that it was a model to be looked at and perhaps used in other parts of the country. Is it not disturbing that we are told-certainly I have been told-by many of the leading Catholic educationalists that that experience will not be repeated and, secondly, that in certain areas of the country, the local authorities are finding it difficult to engage with the educational hierarchy of the Catholic Church in their diocese?

Ed Balls: When I arrived in the job, I inherited an advanced piece of work called "Faith in the system", which was about the role of faith education in our country. My experience, from the work that I did with all faiths in the final preparation of that document, including the Catholic faith with Cardinal Cormac Murphy-O'Connor and also the Archbishop of Birmingham, was that there was a commitment in the Catholic faith, as in other faiths, for those schools to play their proper role as part of the wider community. That can be through individual multi-faith academies, which I have supported myself, or more generally through faith schools playing their part in the wider community and the delivery of children's services. If messages are being sent, within any faith, that individual schools should go it alone, I would certainly be concerned.

Q12 Chairman: Thank you for that. Lastly, have you seen the Runnymede research? It is not complete yet, but you have certainly had the first draft. It suggests looking at

a school system that includes faith schools successfully and prepares young people for living in a multicultural society. However, the initial research suggests that faith schools can have a negative effect on community cohesion. How do you react to that research?

Ed Balls: I have not studied the details of that research, although my officials will have done. I know that a year ago there was substantial concern about whether faith schools were playing their proper part in promoting community cohesion, and my predecessor had discussions on that. As a result, alongside "Faith in the system", we made a commitment to produce guidance for all schools on how they should promote community cohesion. One thing that came out of that work was many examples of faith schools that were leading efforts to promote community cohesion in their areas. There are therefore some very good examples in both the non-faith and faith systems of schools that are promoting community cohesion. I want that best practice to apply to all schools, and that must mean all faith schools as well as all non-faith schools

The obligations regarding community cohesion should also be mirrored in, for example, fair admissions. In my discussions with faith leaders, they all agree that the admissions code has an important role to play and that they have an important role to play in ensuring that admissions policy is fair across all schools, including all faith schools. I know that in recent weeks you have expressed concerns about sex and relationship education, and that is also an area where I think it is important that, consistent with the views of individual faiths, all children in all schools, including all faith schools, are being given the proper support and guidance.

Chairman: Thank you for that.

Ed Balls: May I say, to be absolutely clear-there is sometimes confusion about this-that it is not the policy of the Government or my Department to promote more faith schools? We have no policy to expand their numbers. That should be a matter for local communities. In some local communities, there is support for faith schools and in some there is support for schools moving from the independent sector into the state sector. In other areas, from contact that I have had with both faith leaders and local Members of Parliament, I understand that faith communities are clear that faith schools are not the right thing for their communities. We want to support those communities to make their own decisions, but we are not leading a drive for more faith schools.

Chairman: Thank you for those opening answers.⁴⁸

Some commentators have suggested that faith schools are using covert selection practices that lead to social segregation in education.⁴⁹ In particular, there were reports of some religious schools asking parents for financial contributions in breach of the *School Admissions Code*.⁵⁰

Two Written Ministerial Statements on schools admissions were made on 11 March 2008.⁵¹ The first was about school admissions and the extent to which parental preferences were

⁴⁸ <http://www.publications.parliament.uk/pa/cm200708/cmselect/cmchilsch/uc213-i/uc21302.htm>

⁴⁹ e.g. *Guardian*, 13 March 2008, p6:

<http://education.guardian.co.uk/schools/story/0,,2264529,00.html>

⁵⁰ e.g. *Times*, 13 March 2008, p2:

http://www.timesonline.co.uk/tol/life_and_style/education/article3542954.ece

⁵¹ <http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm080311/wmstext/08031195000009>

met for 2008; the second referred to non-compliance with the *School Admissions Code*, and outlined measures to strengthen the admissions system. The Secretary of State said that the DCSF had analysed published admission arrangements for 2008 in three local authority areas - Northamptonshire, Manchester and Barnet - in order to sample the level of compliance with the Code. Although the evidence across the three areas suggested that the large majority of schools appeared to be complying with the Code, a significant number of schools appeared to be flouting the rules; breaches were found disproportionately in voluntary-aided and foundation schools:

School Admissions (Strengthening the System)

The Secretary of State for Children, Schools and Families (Ed Balls):

Today the Schools Minister has made a statement on parental preferences and school admissions for 2008, and published for the first time local authority by local authority data on the allocation of school places by parental preference.

This is the first year that places have been allocated under the new school admissions code that was introduced by the Education and Inspections Act 2006 and came into force in February 2007.

The new school admissions code prohibits those criteria and practices that could be used by schools to unfairly select children. The new code has been widely welcomed across the education sector and by faith groups.

All admission authorities, which comprise local authorities and the governing bodies of schools which are their own admission authority, are required to act

in accordance with the code. This means they must comply with its mandatory provisions and take account of its guidelines when setting their arrangements. Admission authorities must also comply with other aspects of the law, such as the prohibition on interviews and the requirement to give highest priority to children in care.

Under the School Standards and Framework Act 1998, schools have a duty to publish their admissions arrangements for consultation, and under the code, local authorities have duties to refer arrangements they believe to be unlawful or unfair to the schools adjudicator. He then has the power to change unfair and unlawful arrangements.

Admission authorities were required to consult on their proposed arrangements for 2008 by 1 March 2007. After this the arrangements had to be determined by 15 April and then published within two weeks to allow any objections to be lodged with the schools adjudicator. The period for objections was six weeks long and expired in June 2007. The schools adjudicator, in his annual report, published on 1 November 2007, revealed that he had received 79 objections about admission arrangements that did not comply with the code or the law.

Under the legislation, the responsibility for ensuring schools comply with the code rests with local authorities and the governing bodies of own admission authority schools. However, in December 2007 we said in our children's plan that we would monitor the impact of the code. In January the Schools Minister Jim Knight wrote to all admission authorities and local authorities reminding them that they must comply fully with their statutory requirements.

In January I also asked officials to undertake, for the first time and for internal purposes, an analysis of the published admission arrangements for 2008 in three local authority areas in order to sample the level of compliance. Having considered the evidence gathered from this sample I believe it is right that it should be made public and acted upon now.

We examined the published admission arrangements for three areas—Northamptonshire, Manchester and Barnet—on the basis that these represented a London borough, a Shire county and a metropolitan authority for which no objections had been referred to the schools adjudicator.

Initial evidence across these three local authorities suggests that the large majority of schools appear to be complying with the code, including an overwhelming majority of academies and schools where local authorities are the admission authority. However, a significant minority of schools in our sample appear not to be compliant with the code, of which a disproportionate number are voluntary aided or foundation schools.

Practices revealed in our survey which are non-compliant with the code include: schools asking parents to commit to making financial contributions as a condition of admission; not giving looked after children the priority required by law; asking about the marital status, occupational or financial status of parents; giving priority on the basis of family members who are not siblings attending the school; and interviewing children.

The Department has now written to each of the three local authorities covered by this initial work, and to the governing bodies of all voluntary aided and foundation schools in these areas who appear not to have complied with the code or the law, asking them to verify what we have found. Once verified, we will present the detailed information to Parliament.

However, it is right, based on this initial evidence that we take immediate steps now to ensure that all schools across the country that are not currently complying with the law are fully compliant for their 2009 admissions; in addition, and based upon advice from leading Counsel, there are steps I can take now affecting the 2008 admissions procedures to ensure greater compliance with the code but without disrupting and delaying the current process of admissions in a way that would be unfair and disproportionate, adversely affecting parents, children and schools across the country.

Strengthening the Admissions System for 2009

All admission authorities should by now have completed consultation on their proposed admission arrangements for September 2009 and must determine their arrangements by 15 April 2008. Local authorities have a duty under the code to refer objections to the schools adjudicator and I expect them to act where it appears that determined admission arrangements do not comply with the statutory requirements.

Other admission authorities, admissions forums and parents also have the power to object, and from this year religious authorities also have the power to object to the admission arrangements of schools for which they are responsible. The major faith bodies welcomed the code, and I know that they want to play their part in ensuring all schools adopt arrangements that are transparent and fair.

We will now take the following steps:

1: Strengthening the role of local authorities

It is right and in keeping with their responsibility as commissioners of children's services that local authorities have oversight of admission policies in their areas. We will introduce an amendment to the Education and Skills Bill at report stage to place a further duty on local authorities to report each year on the legality, fairness and effectiveness of all school admission arrangements in their area. The report will be sent to the adjudicator after the admission arrangements have been determined and before the end of the proposed new statutory objections period. This will ensure that admission forums and parents are properly informed and the schools adjudicator has the information he needs to investigate and ensure compliance with the code.

2: Improving Admission Forums

Admission forums have a vital role in monitoring admission arrangements. We will consult in the coming months on what further steps we can take to ensure that forums operate as effectively as possible.

3: Consulting and engaging communities and parents more effectively

Admission arrangements should be subject to proper scrutiny and discussion at local level while they are being determined. This should include an effective consultation that includes all those who have an interest in admission policies, especially parents and when major changes are proposed. We will also amend the Education and Skills Bill at report stage to take powers to enhance consultation arrangements and will consult on detailed proposals in the summer.

4: Properly informing parents

To ensure all parents are properly informed about their rights in this system, we will publish a guide for parents on the admission and appeals codes early next month. This will set out what parents can expect from the admissions system; give them information on how to object to admission arrangements that appear not to comply with the law; and signpost them to information and support when applying for schools. The guide will also outline the admission appeals process.

5: Extending the role of the Schools Adjudicator

To ensure that parents and local authorities have sufficient time to check proposed arrangements and to refer an objection we will urgently seek to amend regulations to extend the period in which objections may be referred from six weeks to 16 weeks starting from this year 2008. I am also asking the schools adjudicator to report to me on steps he is taking to ensure compliance with the statutory requirements in respect of 2009 admission arrangements and annually thereafter.

Immediate steps for 2008 admissions

There are some important steps we can take now affecting the 2008 admissions across the country.

For any school that is imposing financial obligations on parents I want to be clear that this practice must stop immediately. Parents must not be required to pay any contribution to the school as a condition of admission whatever they may have agreed to do when making their application. Any school that has asked parents to make a financial contribution as a condition of admission must make clear to those parents now that such a payment is not mandatory.

I also expect all local authorities immediately to ensure that the most vulnerable children, those in care or with statements of SEN are placed in the most appropriate school as required by law, whatever admissions criteria may have been used.

The evidence we have collected and are now verifying suggests that the large majority of schools are complying with the code this year. I want to ensure that every school complies with the code in 2009. The measures I have announced today will help ensure that every parent has a fair chance of getting their child a place at a school of their choice, and that no parent or child will be disadvantaged by unfair admission arrangements.⁵²

A further Written Ministerial Statement on the issue was made on 2 April 2008:

The Secretary of State for Children, Schools and Families (Ed Balls): I made a statement on 11 March in which I set out concerns about compliance with the school admissions code and admissions legislation, based on an internal review of the published admission arrangements of schools in a sample of three local authorities. I explained that my Department was verifying the findings with the local authorities and schools concerned, and that we would present the detailed information to Parliament once we had given them the opportunity to respond.

I have today passed the results of this exercise onto the schools adjudicator to inform the work he is doing to ensure full compliance with all statutory requirements for admissions in 2009. A copy of my letter and a report including tables summarising the results of this exercise have been placed in the Library of the House.

I have also today published draft amendments to the Education and Skills Bill for consideration at Commons Report. The effect of the amendments will be to require local authorities to report to the schools adjudicator on admission arrangements in their areas; to extend the adjudicator's powers so that he can act where he considers that any admission arrangements are not compliant with the statutory requirements; and to improve the process of consultation on admission arrangements in order to ensure that parents and communities can contribute to the development of admissions policies for their schools. Copies of the draft amendments have been placed in the Library of the House.

We are publishing today a step-by-step guide to the admissions and appeal processes for parents. A copy has been placed in the Library of the House. The guide contains straightforward advice for parents on all aspects of choosing a school place for their child, and sets out what they can do if they have concerns about the legality of a school's admission arrangements. A copy of this guide will be made available for every parent applying for a school place in 2009.

⁵² WMS 11 March 2008

My Department will publish further detailed proposals in the early summer to improve the application and allocation process for parents and to further strengthen the admission system so that it works for all children. This will include an improved process for ensuring that parents and communities are consulted on admission arrangements for their schools and improvements to admission forums.

The steps I have taken today will help ensure that every parent has a fair chance of getting their child a place at a school of their choice, and that no parent or child will be disadvantaged by unfair admission arrangements.⁵³

The verified findings relating to schools in the sample local authorities were deposited in the House of Commons Library on 2 April 2008⁵⁴ and made available on the DCSF website.⁵⁵ A DCSF explanatory note summarised the findings.⁵⁶ This set out the key findings as follows:

Number of schools with non-compliant admission arrangements in 2008

On the basis of the examination and the verification exercise, officials concluded that of the 106 schools in the three areas that responded by 1 April, 96 schools had admission arrangements that did not comply with the statutory requirements in at least one respect. Of the 100 schools, 33 had admission arrangements which did not comply in two or more respects. The total number of schools with non-compliant arrangements in each of the local authorities was as follows:

Barnet: 34; Manchester 13; Northamptonshire: 49

In the case of the four schools which did not respond to the verification exercise by 1 April 2008, we have included details of the areas of concern in the table described below but have not included these in the overall figures above.

Types of non-compliance

The most common type of non-compliance across all three areas was failure to give the correct priority to looked after children as required by regulation 3 of the Education (Admission of Looked after Children) (England) Regulations 2006. Otherwise, much of the non-compliance related to schools seeking information in supplementary forms which is explicitly prohibited by the School Admissions Code. This included information about parents' willingness to make financial contributions and about their personal circumstances. Full details of the types of non-compliance by individual schools are provided in the attached tables.

Non-compliance by category of school

Of all the schools examined in the three local authorities, 324 were community schools, 72 were voluntary controlled, schools, 135 were voluntary aided schools, 32 were foundation schools and 7 were Academies. A disproportionate number of the schools found to have non-compliant admission arrangements were voluntary aided schools and foundation

⁵³ HC Deb 2 April 2008 cc 51-2W

⁵⁴ Library deposited paper 2008-0943

⁵⁵ <http://www.dcsf.gov.uk/sacode/pdf/Tables%20of%20findings%20in%20the%20three%20local%20authorities%2003.pdf>

⁵⁶ <http://www.dcsf.gov.uk/sacode/pdf/Explanatory%20note%20to%20the%20tables%20for%20the%203%20LAs.pdf>

schools, i.e. schools which have their own admission authorities. No voluntary controlled schools or Academies appeared to have non-compliant admission arrangements.

The DCSF note then went on to give further background. Its notes for editors gave more information about the categories of non compliance used in the tables.⁵⁷

The claims relating to faith school admissions were challenged by religious leaders and some MPs criticised the handling of the matter. Some commentators pointed out that the Secretary of State had suggested that many schools were linking admissions to parents making financial contributions but that very few schools were eventually identified as having done so.⁵⁸

A pamphlet written by Cristina Odone, *In Bad Faith*, published by the Centre for Policy Studies in June 2008, accused the Secretary of State of carrying out a witch-hunt against faith schools.⁵⁹ The Secretary of State rejected this, and stressed that one of the first actions he took when he became Secretary of State was to sign the *Faith in the System* document.⁶⁰

On 12 April 2008, the House of Commons Committee on Children, Schools and Families took evidence on the diversity of school provisions and faith schools. Those giving evidence included academics who have carried out research on admissions to faith schools.⁶¹

4. Proposed changes

As noted above, in his Written Ministerial Statement of 2 April 2008, the Secretary of State said that he would propose amendments to the *Education and Skills Bill* to require local authorities to report to the schools adjudicator on admission arrangements in their areas; to extend the adjudicator's powers so that he can act where he considers that any admission arrangements are not compliant with the statutory requirements; and to improve the process of consultation on admission arrangements in order to ensure that parents and communities can contribute to the development of admissions policies for their schools. The amendments

⁵⁷ under the headings: fails to prioritise children in care correctly; interviews children or parents; fails to comply with SEN legislation; priority limited to children of the faith; takes account of behaviour; requests personal information (e.g. marital status of parents); statements of requests regarding financial contributions; requires practical support for the ethos of the school; priority to former family members or siblings no longer attending the school; priority to children of employees; governors exercising discretion over admission of children; Incorrect placing of children on waiting list; balancing intake by gender; fails to publish admission number correctly; compulsory completion of a supplementary form; supplementary form requests inappropriate information; fails to publish admission arrangements; and distance criterion not defined.

⁵⁸ e.g. *Daily Telegraph*, 13 March 2008, p14:
<http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2008/03/13/nschools113.xml>
and, *Independent*, 10 January 2008, p13:
<http://www.independent.co.uk/news/education/education-news/government-loses-faith-in-growth-of-religious-schools-769237.html>

Daily Telegraph, 4 April 2008, p12:
<http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2008/04/04/nschools104.xml>

e.g. *Sunday Times*, 13 April 2008, p5:
<http://www.timesonline.co.uk/tol/news/uk/education/article3736225.ece>

⁵⁹ <http://www.cps.org.uk/latestpublications/>

⁶⁰ *Times*, 4 July 2008, p29 (letter):
<http://www.timesonline.co.uk/tol/comment/letters/article4264264.ece>

⁶¹ <http://www.publications.parliament.uk/pa/cm200708/cmselect/cmchilsch/c311-iii/c31102.htm>

were made to the Bill at Commons Report Stage.⁶² The Bill is currently in the House of Lords.

On 12 June 2008 the Government issued consultation proposals to change the admissions process, including a draft revised School Admissions Code and School Admissions Appeal Code.⁶³ The key proposals in the consultation were summarised in the associated DCSF press release:

• **Clearer Application and Allocation Process**

- All applications for primary or secondary schools, at whatever time of year, whatever the age of the child will be coordinated by their home local authority;
- One point of enquiry and application for all school applications;
- Legal right to apply to at least three primary schools – currently some parents can only apply for one at a time;
- Standardised application form, to be used by every local authority, for parents to express their preferences on – this would ask for basic information so admission authorities to assess an application. Supplementary admission forms would continue to be allowed for oversubscribed schools, but must be available from the local authority as well as the school..

The current system means that parents apply to their own home local authorities for September entry to secondary schools whereas, they apply to the local authority where the school is based for September entry to primary schools - meaning many parents living near their local authority boundary, often have to deal with two or three different councils.

Parents who have moved house and are seeking a primary or secondary school place during the school year often have to deal with individual schools directly.

• **Fairer Admissions**

- The Education and Skills Bill sets out new requirement for local authorities to report annually to the independent watchdog, the Schools Adjudicator, on admissions in their areas. It also gives the School Adjudicator new powers to proactively police the admissions system.
- Draft Regulations and revised School Admission Code sets out the form and content of these reports and require admission authorities to provide information to the Adjudicator and amend their arrangements if required.
- The revised Code now underlines that admission authorities must not ask for voluntary financial contributions or make any reference to them as part of the admission process – as set out in the Education Act 1996.

• **Better Local Consultation and Information for Parents:**

- Local parents and community groups with an interest will be consulted about any change in local admission arrangements;

⁶² HC Deb 13 May 2008; for details see Library Standard note SN/SP/4740

⁶³ <http://www.dcsf.gov.uk/consultations/conDetails.cfm?consultationId=1561>

- Every local authority will have to publish admissions prospectuses for each local school on-line, on a set date - not just on hard-copy. It must give a full and clear explanation of the admission process and how many applications each school got last year – this will build on the national network of Choice Advisers, which will be up and running in every local authority by September.

• **Lifting burdens of Admission Appeals administration:**

- Ensuring transparency and separation of roles in the appeals process, and reducing administrative burdens on schools. Most local authorities ensure that the appeals process for their schools is managed by staff who do not work in their Children's Services Department. For some schools which are their own admission authorities, appeals are managed by other bodies, such as their local Diocese. The consultation seek views on encouraging such arrangements.

• **Supporting The Ethos of a School**

- Clarifying the existing School Admissions Code and setting out guidelines to underline that schools can ask parents to support their ethos on the admission application form, but not ask or infer that they must give up their time or money to support it.

• **Expanding Popular Schools**

- Relaxing rules to make it easier for successful and popular schools to meet parental demand, by allowing them to admit pupils over and above their 'published admission number'.

• **Supporting Armed Forces Families**

- The consultation asks families of armed forces personnel for their experience of the admissions system – particularly when many have to move home at short notice. This will help support the Government's Service Personnel Command Paper to improve access to public services for service personnel.⁶⁴

On supporting the ethos of a school, Jim Knight, the Schools Minister said:

"A strong ethos is at the heart of a good school, including many of our faith schools. Parents want schools to have a distinct identity and set of values so they can understand how their children will be educated and to give them real option.

"The revised School Admissions Code will underline that schools can include a clear statement of their ethos in their published admission arrangements and ask parents to support that ethos when applying.

"We have worked very closely with the major faith groups. We are proposing clear guidelines for schools in preparing their statement of ethos and to reinforce that they cannot prioritise parents according to their willingness to lend practical support to the school – like making financial contributions or giving up their time. "

A new revised School Admissions Code, School Admission Appeals Code and regulations are published today for a four-month consultation until October 2

⁶⁴ http://www.dcsf.gov.uk/pns/DisplayPN.cgi?pn_id=2008_0111

this year, with three major regional conferences over the summer to discuss them with key stakeholders, including local authorities, headteachers and faith groups.⁶⁵

Some commentators have questioned how support for a school's ethos will be judged, and whether such a judgement would be objective.⁶⁶

The draft revised Code includes the following paragraphs of guidance on school ethos⁶⁷:

Supporting the ethos of the school

2.30 The Government encourages schools to develop a distinct ethos in order to create a diverse school system which offers a wide choice of schools to which parents can apply. Admission authorities may include a factual statement in their admission arrangements setting out what the school's ethos is, so that parents can make fully informed choices when deciding which schools to apply for. This statement may also set out the school's expectation that parents will be supportive of their ethos (in the sense that they accept and agree with it, but not asking them to commit to any practical support as a condition of admission). Admission authorities may ask parents to indicate that they support the ethos of the school as set out in the school's published admission arrangements, providing that the statement complies with the mandatory requirements and guidelines in this Code, particularly paragraphs 2.30 to 2.31 and 2.14. They could do this by, for example, asking parents to sign indicating their support for such a statement on a supplementary application form (see also paragraph 1.83). Admission authorities may give priority to children whose parents have indicated that they will support the ethos of the school as set out in its published admission arrangements.

2.31 When putting together an acceptable ethos statement for inclusion in admission arrangements, admission authorities should have regard to the template below which shows how such a statement could be set out:

'The ethos of this school is [insert factual statement here]. We ask all parents applying for a place here to recognize and support this ethos and its importance to the school. This does not affect the right of parents who are not of the faith of this school to apply for and be considered for a place here [Applicable to schools with a religious designation only].'

Examples of acceptable factual statements describing a school's ethos can be found at: www.dcsf.gov.uk/sacode

The draft revised Code is out for consultation until 2 October 2008.

⁶⁵ *ibid.*

⁶⁶ e.g. Advisory Centre for Education (ACE), "New school admissions consultation", *ASK ACE*, Vol. 2. No 1 2008, p18

⁶⁷ http://www.dcsf.gov.uk/consultations/downloadableDocs/3885_SchoolAdmissions_code_aw5.pdf

Table 1

Schools by religious character and pupils attending such schools, maintained schools in England

January 2008

	Primary				Secondary				Total			
	Schools		Pupils		Schools		Pupils		Schools		Pupils	
	number	%	thousands	%	number	%	thousands	%	number	%	thousands	%
No religious character	10,962	63.72%	2,886	70.61%	2,769	81.85%	2,733	83.09%	13,731	66.70%	5,619	76.17%
Church of England	4,411	25.64%	764	18.69%	202	5.97%	175	5.32%	4,613	22.41%	939	12.73%
Roman Catholic	1,692	9.83%	406	9.93%	337	9.96%	316	9.61%	2,029	9.86%	722	9.79%
Methodist	26	0.15%	4	0.11%	0	0.00%	0	0.00%	26	0.13%	4	0.06%
Other Christian ^(a)	56	0.33%	11	0.27%	49	1.45%	43	1.31%	105	0.51%	54	0.74%
Jewish	29	0.17%	9	0.22%	9	0.27%	6	0.19%	38	0.18%	15	0.20%
Muslim	4	0.02%	1	0.03%	5	0.15%	2	0.07%	9	0.04%	3	0.05%
Sikh	2	0.01%	1	0.01%	1	0.03%	1	0.02%	3	0.01%	1	0.01%
Greek Orthodox	1	0.01%	0	0.01%	0	0.00%	0	0.00%	1	0.00%	0	0.01%
Quaker	1	0.01%	0	0.00%	0	0.00%	0	0.00%	1	0.00%	0	0.00%
Seventh Day Adventist	0	0.00%	0	0.00%	1	0.03%	0	0.01%	1	0.00%	0	0.00%
United Reformed Church	1	0.01%	0	0.00%	0	0.00%	0	0.00%	1	0.00%	0	0.00%
Unknown	19	0.11%	5	0.12%	10	0.30%	13	0.38%	29	0.14%	17	0.24%
Total	17,204	100.00%	4,088	100.00%	3,383	100.00%	3,289	100.00%	20,587	100.00%	7,377	100.00%
<i>Faith schools</i>	<i>6,223</i>	<i>36.2%</i>	<i>1,197</i>	<i>29.3%</i>	<i>604</i>	<i>17.9%</i>	<i>544</i>	<i>16.5%</i>	<i>6,827</i>	<i>33.2%</i>	<i>1,740</i>	<i>23.6%</i>

Note: Primary and secondary totals include middle schools as deemed. Secondary includes academies and CTCs

(a) Church of England/other Christian or just 'Christian'

Source: EduBase, Database of educational establishments, downloaded February 2008

Table 2

Attainment in 2006/07 GCSE performance tables^(a) by religious character of school

Maintained schools in England

	5+ grades A*-C	5+ grades A*-C inc. English and Maths
No religious character	60.1%	45.7%
Church of England	65.2%	52.7%
Roman Catholic	68.3%	53.2%
Other Christian ^(b)	69.6%	58.7%
Jewish	87.0%	76.8%
Muslim	90.1%	63.0%
Other/unknown	65.4%	48.6%
Total	61.3%	46.9%
<i>Faith schools</i>	<i>67.7%</i>	<i>53.6%</i>

(a) Includes equivalent examinations. Figures are based on unrounded data weighted by the number of pupils in Key Stage 4 at the start of the year. The averages are therefore approximate.

(b) Church of England/other Christian or just 'Christian'

Sources: EduBase, Database of educational establishments, downloaded November 2007; DCSF performance data