# Government consultation on faith designation reforms for new and existing free schools and special academies

## Response of the Association of School and College Leaders

### A. Introduction

1. The Association of School and College Leaders (ASCL) is a trade union and professional association representing over 25,000 education system leaders, heads, principals, deputies, vice-principals, assistant heads, business leaders and other senior staff of state-funded and independent schools and colleges throughout the UK. ASCL members are responsible for the education of more than four million children and young people across primary, secondary, post-16 and specialist education. This places the association in a strong position to consider this issue from the viewpoint of the leaders of schools and colleges of all types.

2. ASCL welcomes the opportunity to contribute to this consultation.

3. When considering the impact of any proposals on different groups, it is ASCL's policy to consider not only the nine protected characteristics included in the Equality Act 2010, but also other groups which might be disproportionately affected, particularly those who are socio-economically disadvantaged. We have therefore answered the equality impact questions on this basis.

### B. Key points

4. While ASCL recognises that the government is able to consider multiple policy changes simultaneously, we question its focus on this relatively small-scale issue at a time when many aspects of our education system are in crisis. Staff recruitment and retention is extremely difficult in most schools and colleges, funding is increasingly stretched, many school and college buildings are in a state of disrepair, and the wider support services for children and young people are crumbling. We would like to see the government focusing all its energies on addressing those major issues.

5. The calling of the general election during this consultation period also raises questions about whether the incoming government would be likely to act on the proposals it contains. This is particularly pertinent given the extent to which these proposals relate to the current government's ambition for all schools to be part of strong multi-academy trusts – an ambition which may not be shared by the incoming government. A potential shift in this overarching ambition may render obsolete the underlying reason behind these proposed changes, i.e. that the vast majority of new schools are expected to open as free schools or academies, rather than as maintained or voluntary aided schools, and that the policies being reviewed here therefore make some providers feel they are unable to open new schools at all.

6. We have answered the questions below in the context of these two points.

## C. Answers to specific questions

### *Part one: Faith admissions reform for new and existing free schools*

**Question 10: Do you support the proposal to remove the 50% faith admissions cap for new and existing free schools?**

7. Agree.

**Question 11: Please provide further details to your answer for question 10.**

8. This is a qualified 'agree'. It is important, particularly given the increasing religious and racial tensions in the UK, that our education system does everything it can to foster understanding and respect between different communities. Any policy which could reduce diversity within individual schools therefore needs to be approached extremely cautiously.

9. We note, however, the evidence presented in the consultation document which suggests that that the 50% faith admissions cap policy has not been particularly successful in achieving high levels of diversity within faith free schools as originally intended.

10. We also recognise that the current approach to faith-based admissions is inconsistent and appears somewhat arbitrary. The document states that almost all (99%) of existing state-funded faith schools in England designated with a religious character can give priority for admission for children on the basis of faith within their oversubscription criteria, though many choose not to do so. This change would therefore only bring the tiny number of faith schools to which the cap currently applies into line with the policies which already apply to the vast majority of faith schools. For this reason, we would not oppose it going ahead.

11. We note that the application process for new free schools will continue to require applicants to consider how the school will promote cohesion, integration and tolerance in the school community. We would strongly encourage the government, whether or not it introduces the changes in this consultation, to ensure that those considerations are given significant weight in deciding whether or not to approve a free school application.

**Question 12: Do you think the proposal is likely to have an impact on equality and/or on those who share a protected characteristic under the Equality Act 2010?**

12. Negative effect.

**Question 13: Please explain why you answered in this way.**

13. By its very nature, this proposal will have an impact on those with the protected characteristic of religion or belief. Because of the strong correlations between religion and ethnicity (which are explicitly referenced in the consultation document), it is also likely to have an impact on people with the protected characteristic of race. And, as faith schools are more likely to be single-sex, the proposal could also have an impact on people with the protected characteristic of sex.

14. As stated in paragraph 3 above, when considering the impact of any proposals on different groups, it is ASCL's policy to consider not only the nine protected characteristics included in the Equality Act 2010, but also other groups which might be disproportionately affected, particularly those who are socio-economically disadvantaged. Given that more complex admissions arrangements tend to favour more

socio-economically advantaged families, this proposal also raises concerns about its potential impact on disadvantaged children and young people.

15. Given our previous points about the very small number of schools this change would affect, its impact on equality is likely to be extremely limited. However, it is nevertheless important this this aspect of the policy is considered when deciding whether or not to go ahead.

## *Part two: Religious designation of special academies*

**Question 14: Do you agree with the proposal that special academies should be permitted to have a religious designation?**

16. Agree.

**Question 15: Please explain why you answered in this way.**

17. There are mixed views among ASCL members on this proposal. However, there is universal concern about the current sparsity of specialist provision, and the need to rapidly increase this.

18. The consultation document says that the government anticipates that this proposal would be of interest to, and therefore affect, a relatively small number of schools. This may be the case, but it also has the potential to enable religious MATs with an interest in setting up special schools to do so. We do not have a clear sense of how many MATs a) would like to set up new specialist provision, and b) feel unable to do so because of the policy this consultation seeks to change, but it's possible that this is a significant number.

19. Also in favour of the proposal is the fact that it would give more parents with children who require specialist education the opportunity to send them to a faith school, thus increasing parity.

20. ASCL would, however, be deeply concerned by any proposal which would allow specialist settings to admit any pupils or prioritise the admission of any pupils based on faith. We are therefore pleased to see the commitment in this document that this would not be permitted in any circumstances. This is essential to ensuring that places in specialist provision are allocated to the children who most need them.

**Question 16: Do you think these changes would affect how easily local authorities find it to place children and young people?**

21. It would not make a difference.

**Question 17: Please explain why you answered in this way.**

22. It is impossible to answer this question with any certainty without having seen the modelling behind the proposal. If it were to result in a significant increase in specialist provision, then LAs would likely find it easier to place children and young people in appropriate settings. If, however, it led to some parents preferring not to send their children to special academies with a religious character, it could have the opposite effect.

**Question 18: Would the designation of a special academy with a religious character, affect parents' choice of which school they prefer their child to attend?**

23. We would assume so, for some parents, as this is the case with mainstream settings.

**Question 19: Please explain why you answered in this way.**

24. See paragraphs 22 and 23 above.

**Question 20: What are your views on the overall impact of this proposal?**

25. Again, it is hard to answer this question without having seen the government's modelling. As we said in paragraph 18 above, if this change were to result in a significant number of MATs which wish to establish specialist provision now feeling able to do so, then it could have a positive impact on the current dearth of specialist provision for many children and young people – a situation which desperately needs addressing.

**Question 21: Do you think the proposal is likely to have an impact on equality and/or on those who share a protected characteristic under the Equality Act 2010?**

26. No effect on equality.

**Question 22: Please explain why you answered in this way.**

27. Once more, it is impossible to answer this question with any certainty without better understanding the modelling behind the proposal. If the proposal were to lead to a significant increase in specialist provision, it's possible that it might have a positive effect on those with the protected characteristic of disability. It may also, though, have a negative effect on those with the protected characteristics of religion or belief, race and sex, and those living with socio-economic disadvantage – for the same reasons as given in paragraph 13 above.

## D. Conclusion

28. As will be clear from our answers above, ASCL has mixed views on the proposals in this consultation. On balance we would support their implementation, on the assumption that the incoming government will continue to use the free schools route as the principle vehicle for the establishment of new schools. If this were to change, then our support for these proposals may also change.

29. Our over-arching view remains that these proposals are highly unlikely to make any significant contribution to the major issues currently facing our education system.

30. I hope that this response is of value to your consultation. ASCL is willing to be further consulted and to assist in any way that it can.

Julie McCulloch
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