



Response from British Humanist Association (BHA) to the schools white paper
The Importance of Teaching

December 2010

1. **About the British Humanist Association**

The British Humanist Association (BHA) is the national charity representing the non-religious and campaigning for an end to religious privilege and discrimination. The BHA is an active member of many organisations working in education and responds to every relevant consultation. We also provide materials and advice to parents, governors, students, teachers and academics.

For more detail and evidence on our position, please contact us:

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2. **Introduction**

The BHA welcomes this chance to respond to *The Importance of Teaching* and values the opportunity to highlight our concerns relating to a number of its proposals, and in particular to what is omitted from it. In their current form, the measures proposed within the white paper represent a serious threat to children's rights, while a number of opportunities to protect those rights seem to have been missed.

3. We believe there is strong evidence to suggest that legislation enacting these proposals will lead to:

- an increase in religious and socio-economic segregation
- more pupils being exposed to extremist religious views
- increased levels of religious discrimination
- lack of scrutiny and accountability within the religious schools sector.

4. This submissions will cover the following areas:

- The role of Ofsted
- Religious discrimination in admissions and employment
- Changes to the admissions code
- Religious education
- Sex and relationships education
- Compulsory collective worship
- The risk of religious extremism in 'free schools' and Academies
- Changes to the school competition process
- Appointments to governing bodies

5. **Ofsted**

The proposed reforms to the way Ofsted inspects schools are perhaps the most significant contained within the white paper. The BHA believes that scaling back Ofsted's role could lead to greater religious segregation and discrimination in state-funded schools.

6. *Community cohesion*

The BHA strongly opposes the government's intention to remove Ofsted's obligation to report on schools' contribution to 'community cohesion'. The judgement is particularly important in relation

to religious schools which can often discriminate widely on religious grounds, in some cases excluding the majority of people who live or work in that area. Many faith schools can teach their own syllabus of Religious Education (RE) which is not required to cover other beliefs, while religious Academies and free schools are not bound by the national curriculum at all.

7. As the Ofsted guidance says, 'where the pupil population is less diverse or predominantly of one socioeconomic, ethnic, faith or non-faith background, more will need to be done to provide opportunities for interaction between children and young people from different backgrounds.'¹This interaction is vital for building strong communities with shared values, yet it is often undermined by highly discriminatory admissions and employment policies and narrow RE and will be further jeopardised by the exemptions given to religious academies and free schools.
8. The Runnymede Trust's *Right to Divide Report?* found that 'faith schools are much more effective at educating for a single vision than they are at opening dialogue about a shared vision'.² Research by other academics has supported the view that faith schools may have a negative impact on community cohesion. Professor Ted Cante, author of a report into community relations in Blackburn, described religious schools as 'automatically a source of division' in the town.³
9. Schools have a vital role in building strong, dynamic communities. It is therefore of the utmost importance the Ofsted continues to evaluate how well faith schools contribute to community cohesion. Indeed, we would urge a review of whether the criteria currently used by Ofsted in judging schools' contributions to community cohesion are sufficient.
10. *Bullying*
The BHA welcomes proposals for Ofsted to focus on bullying and particularly sexist and homophobic bullying. We would urge the government to ensure that in any official guidance to Ofsted inspectors, the particular problems that faith schools experience in this area are taken into consideration. This would mitigate some of the deleterious effects of removing the inspection judgment on community cohesion.
11. A survey by Stonewall found that 75 per cent of young gay people in faith schools experience homophobic bullying - compared with 65 per cent in community schools - and are significantly less likely than pupils in other schools to tell someone about it. Only four per cent of gay pupils felt able to tell their local religious leaders about bullying.⁴ The same report found 47 per cent of young gay people who attended faith schools disagreed that their school is an 'accepting, tolerant place where they feel welcome'. This compares with 35 per cent of young gay people in community schools.
12. Other concerns have been raised about the promotion of gender equality in faith schools, which may create a conducive context for sexist bullying. The *Right to Divide?* report found that 'there are some particular challenges that exist for faith schools in confronting gender inequalities that exist within faith traditions.' Those faith schools whose religious views strongly advocate traditional

¹ *Inspecting maintained schools' duty to promote community cohesion: guidance for inspectors*, Ofsted, February 2009

² *Right to Divide?: Faith schools and community cohesion*, Runnymede Trust, 2008

³ Comment reported in 'Cante report: Blackburn a divided town', *Lancashire Telegraph*, May 8 2009

⁴ *School Report: The experiences of young gay people in Britain's schools*, Stonewall, 2007

gender roles and family structures may particularly struggle in this regard, so it is crucial that these issues inform the inspection process.

13. The BHA would also recommend that Ofsted inspectors consider the impact of bullying on the grounds of religion and belief. Many faith schools do admit small numbers of pupils from other religious and non-religious backgrounds. Little is known about the experiences of these pupils, such as how their own beliefs are presented in RE lessons and whether real efforts are made by the school to include them. These factors could lead to a situation in such bullying is inadvertently overlooked or even encouraged.

14. **Religious discrimination**

Disappointingly the white paper contains no proposals to end religious discrimination against pupils and teachers in state-funded schools.

15. *Employment*

Many faith schools, including new religious Academies and free schools, are also able to appoint, remunerate and promote staff on the basis of religion or belief. These schools can even reprimand and dismiss staff members for conduct outside school which governors deem 'incompatible' with the school's religion. Staff in these schools therefore do not enjoy the same protections from religious discrimination as other employees. The Joint Committee on Human Rights has previously found that these exemptions are likely to contravene rights legislation⁵ – any moves to expand the number of religious schools risks violating the rights of thousands more employees.

16. The BHA calls for the elimination of all religion and belief discrimination against staff in religious schools, and we would like to see provisions to this effect included in the forthcoming education bill. Our position is supported by a majority of the public. In a recent poll, 72% 'agreed or strongly agreed' that "all state funded schools should operate recruitment and employment policies that do not discriminate on grounds of religion or belief".⁶

17. *Admissions*

The admissions policies of voluntary-aided faith schools, and those which convert to academy status, can discriminate on the basis of parental belief and religious practice. This severely limits the rights of young people to be autonomous and hold different beliefs to their parents.

18. Furthermore, discrimination by faith schools can cause segregation along both religious and socio-economic lines. 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 authority⁷. Separating children by religion, class and ethnicity is totally antithetical to aims of social cohesion.

19. It is also disappointing that the white paper contains no further detail on the '50 per cent rule' - a measure to prevent religious free schools from selecting more than half of their pupils on religious grounds. The government has still not explained how this rule would be enforced, neither has it said whether it will apply to the actual school population or simply to available places. It is likely

⁵ *Legislative Scrutiny: Equality Bill*, JCHR, October 2009, HL Paper 169, HC 736

⁶ YouGov poll, 2009

⁷ *School Admissions: Fair choice for parents and pupils*, IPPR, 2007

that the quota will be a tokenistic gesture which will do nothing to prevent segregation along religious lines (it is highly unrealistic to expect an Islamic or Orthodox Jewish school, for example, to attract 50 per cent of its pupils from families which have different or no religious beliefs).

20. Ultimately, 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, including Academies and free schools, should be permitted to discriminate in their admissions on religious grounds in any circumstances. The forthcoming education bill is an ideal opportunity to introduce measures to end such discrimination, and the deleterious impact it has on both individuals and the wider community.

21. **Enforcement of the admissions code**

The Importance of Teaching includes plans to remove the duty on local authorities to report on schools' compliance with the admissions code. The duty to produce the reports, which are submitted annually to the office of the schools adjudicator, was introduced in 2008 after government research found that many schools – voluntary-aided faith schools in particular - were breaking the code.

22. While the code still allows faith schools to discriminate on religious grounds, it forbids them from interviewing applicants, requesting donations or asking questions about parents' marital status, provisions which faith schools have consistently been accused of flouting. The white paper also proposes that the admissions code will be simplified and made 'less prescriptive'.

23. The BHA is greatly concerned that these moves will lead to greater discrimination by faith schools. Local authority reports play an important part in monitoring compliance with the admissions code, which is one of very few positive measures to curb the discrimination experienced by children applying to faith schools.

24. While the BHA calls for religious criteria to be abolished from admissions procedures altogether, the code does at least provide some protection for pupils and their families. Faith schools have for many years been accused of flouting the code by prioritising more able or better off pupils, practices confirmed recently by the chief schools adjudicator⁸ and earlier this year by Barnardo's, whose *Unlocking the Gates* report found that faith schools 'seemed to take disproportionately fewer pupils entitled to free school meals, compared to their local population' and that complex questions related to religious observance could 'put off parents who lack confidence in writing, particularly the 16 per cent of adults in the UK who are estimated to lack functional literacy.'⁹ An additional concern is the call from some influential religious figures for the power to allocate school places on the basis of parents' marital status.¹⁰

25. To remove local authorities' duty to report on compliance with the code – and to thin down the code itself – is likely to increase the number of breaches and as a consequence extend discrimination and covert selection to many more children and families. We strongly urge the government to reconsider these proposals and will raise these concerns in more detail when the new admissions code is published for consultation in the New Year.

⁸ 'Faith school admissions "unfair to immigrants"', *The Guardian*, November 1 2010

⁹ *Unlocking the Gates*, Barnardo's Policy and Research Unit, August 2010

¹⁰ 'Children of married couples "should be given priority for Catholic school places"', *The Daily Telegraph*, October 15 2010

26. Religious Education

The white paper appears to propose retaining the current arrangements for RE, despite consistent criticism from religious and secular groups and bodies such as Ofsted. The BHA has long held that the current arrangements for RE, whereby most schools teach a locally agreed syllabus set by an Agreed Syllabus Conference (ASC) and monitored by Standing Advisory Councils on Religious Education (SACREs), while faith schools instruct pupils in the tenets of their own religion, lead to poor quality teaching and risk violating the rights of pupils.

27. Curriculum and teaching

In many faith schools, RE is confessional instruction from which the competent child should be able to withdraw themselves. In community schools RE is broader but teaching has consistently been found to be patchy¹¹ and many syllabuses still exclude secular philosophies such as Humanism, despite the National Framework for RE¹² and the most recent government guidance¹³ recommending its inclusion.

28. The current arrangements for RE have attracted continual criticism for leading to patchy and uneven provision, with local syllabuses being overly prescriptive and cluttered with incidental detail. A recent report by Ofsted also found that non-religious beliefs such as humanism are frequently excluded or dealt with poorly and that RE teachers are often uncertain what they are trying to achieve in the subject. In faith schools, 'confessional' RE has been linked to problems with community cohesion and the teaching of creationism.
29. Properly taught and examined, RE has the potential not only to be a rigorous introduction to the diverse philosophical heritage of humanity but also a subject where young people can refine their developing worldviews. RE has the potential to greatly enrich young people's lives, but the current arrangements prevent it from doing so. All too often pupils are denied the opportunity to really engage with the subject, which is frequently delivered by teachers who are unsupported and unsure what they are trying to achieve.
30. It is for these reasons that we propose radically reforming RE and bringing it into the national curriculum. The reformed RE that the BHA proposes would be called Belief and Values Education, Philosophy or (as in Scotland) Religious and Moral Education and would be characterised by inclusiveness, impartiality, objectivity, fairness, balance and relevance. If it were genuinely educational (as opposed to confessional) there would no longer be any need for the right to be excused on grounds of conscience from RE.
31. *Membership and administration of SACREs and ASCs*
- Whereas representatives of Christianity and other religions are guaranteed full membership of SACREs and ASCs, Humanists are often only able to sit on these committees as co-opted members. Many local authorities are under the mistaken belief that to admit Humanists as full members would actually be illegal.

¹¹ See, for example, *Transforming religious education*, Ofsted, June 2010

¹² *National Framework for RE*, QCDA, 2004

¹³ *Religious education in English schools: Non-statutory guidance*, DCSF, January 2010

32. The omission of non-religious beliefs from RE syllabuses, and the exclusion of non-religious people from the bodies that set and monitor them, is discrimination on the grounds of religion and belief, contravening both national and European equality law.
33. Furthermore, administering SACREs and ASCs is expensive. Freedom of Information requests by the BHA revealed that the total cost of the current system is approximately total annual cost for RE, including central government expenditure, is approximately £2.3m a year, compared to £1.8m for History and £0.8m for Geography. As Ofsted noted in its 2004 investigation into the work of SACRES, much of this expenditure is related to external professional advice: 'None of the agreed syllabus conferences (ASCs) in the LEAs inspected had the capacity to carry out an agreed syllabus revision without significant support from an adviser or consultant'.¹⁴
34. We hope that the curriculum review currently underway will eventually lead to this vision becoming a reality. When the government's stated aim is to give greater freedom to schools, it is an anomaly to leave the overly prescriptive and wasteful arrangements for RE intact.
- 35. Compulsory collective worship**
- The BHA is disappointed that *The Importance of Teaching* contains no plans to repeal the law requiring all maintained schools in England and Wales to provide a daily act of collective worship which is 'wholly or mainly of a broadly Christian character'.
36. The law on collective worship is both impractical and discriminatory. We believe that the best way to ensure the right of children to freedom of conscience, religion and belief would be for the current law requiring collective worship to be repealed and for assemblies not to contain any religious practice. The current opt-out system is not a satisfactory solution as it provides no entitlement to alternative educational provision for those who opt out, is inherently divisive and risks stigmatising children.
37. The BHA's position on collective worship is now shared by a wide range of religious and secular organisations including the National Union of Teachers, the Association of School and College Leaders, the Association of Teachers and Lecturers, Ekklesia, Muslims for Secular Democracy and the Accord Coalition. If the government wishes to repeal laws which needlessly restrict personal and professional freedom, then it is difficult to see why compulsory collective worship should not be one of the first to go.
- 38. Sex and relationships education**
- The BHA warmly welcomes the commitment given within the white paper to good sex and relationships education (SRE). However, we note that there is no clear commitment to introducing SRE as a statutory entitlement and are disappointed to learn that PSHE will not be included in the review of the national curriculum.
39. We believe that the provision of a compulsory SRE syllabus and removal of the parental right of withdrawal would both enhance children's rights and lead to positive outcomes for students. As the objectivity of SRE in faith schools has been widely questioned, we would also strongly urge the government to remove all religious opt-outs and exemptions in this area. The forthcoming

¹⁴ An evaluation of the work of Standing Advisory Councils for Religious Education, Ofsted, 2004

education bill offers the opportunity to introduce these reforms, which are very widely supported by campaigners, academics and practitioners in the fields of sexual health and children's rights.

40. The white paper states that the Department will 'work with teachers, parents, faith groups and campaign groups, such as Stonewall'. While we support the principle of consulting with a full range of interested individuals and groups, we are concerned that there is no specific mention of secular organisations such as the BHA or academics and practitioners in the field of SRE. We hope that these are simply omissions in error and do not indicate a deliberate policy.
41. The BHA strongly believes that it is only as part of the national curriculum - following an impartial, evidence-based syllabus - can SRE deliver its proven benefits to the health, wellbeing and safety of children and young people.

42. **Religious extremism in 'free schools' and Academies**

The BHA is disappointed that the schools white paper contained very little further detail on the free schools and academies programme and particularly how pupils in these schools will be protected from religious extremism. The BHA has continually warned that the free school and academy models will be particularly attractive to fringe religious groups while offering inadequate safeguards against indoctrination, discrimination and religiously distorted teaching.

43. Free schools and Academies do not have to follow the national curriculum, are not covered by general education law and are outside local authority control. They are therefore removed from the moderating influence of the state and local community. The BHA knows from experience that there are curriculum concerns specific to existing Academy schools with religious sponsors, including the teaching of creationism.

The Policy Exchange think-tank has recently undertaken a detailed investigation into religious extremism in relation to state-funded schools, a process culminating in last month's *Faith Schools We Can Believe In* report.¹⁵ The report highlights many of the problems associated with the Academy model and demonstrates how few safeguards currently exist against extremism.

44. We would particularly support the report's recommendation to establish a 'due diligence unit' within the Department for Education to scrutinise all free school proposals and applications for academy status to identify any connections to religious extremism. The current process for free school applications makes obfuscation easy and allows little opportunity for members of the local community to raise concerns. This unit could also monitor the compliance of academies and free schools with their funding agreements - the Young People's Learning Agency (YPLA) in our view does not have the necessary expertise or experience in these issues to regulate free schools and Academies effectively.

45. **School competition process**

The Importance of Teaching describes the government's intention to 'legislate in the forthcoming Education Bill to simplify significantly the bureaucratic competition process currently required to open a new school'. The BHA believes there is a real risk this could mean fewer opportunities for local people to raise objections to new schools and to fully participate in decisions about school

15 *Faith Schools We Can Believe In*, Policy Exchange, 2010

provision. This is particularly important in relation to proposals for new faith schools, which are opposed by a majority of the general population and are often controversial locally.

46. The present statutory competition process gives local people just two opportunities to raise objections or support proposals for new schools – once in a public meeting and again in writing during a six week consultation period. Given the government's stated commitment to involving parents and communities in education, it would seem appropriate to increase rather than decrease the influence of local people in decisions on new schools, for example by extending the period for representations to be made, increasing the number of statutory public meetings and placing a responsibility on local authorities to widen participation in consultation processes.

47. **Appointments to governing bodies**

The white paper contains proposals to allow school governing bodies to appoint governors on the basis of their skills and expertise. The BHA takes no position on these proposals but would question why faith schools will not enjoy this freedom. If it is a freedom that will build the capacity of governing bodies, and therefore lead to better school management, it should be extended to all schools regardless of their religious character.

48. **Conclusion**

The forthcoming education bill is a valuable opportunity to make the schools system fairer, more inclusive and more responsive to the voice of local communities. It also offers the chance to radically improve the contribution schools make to community cohesion and their role in tackling discrimination of all kinds. The aims could be advanced by:

- ending all religious discrimination in the schools system, against pupils, their families and teachers
- enhancing schools' role in promoting community cohesion and tackling bullying of all kinds
- giving greater power to local people in decisions about new schools
- introducing safeguards to protect pupils from religious extremism
- giving all children a statutory entitlement to impartial and non-judgemental SRE
- bringing RE into the national curriculum, so that pupils engage meaningfully with a range of religious and non-religious beliefs
- repealing the law on compulsory collective worship.

49. Unfortunately the white paper contains many proposals which run directly counter to our vision of a fully inclusive schools system, while omitting measures which could help realise it. We sincerely hope our concerns will be considered as the bill is drafted and look forward to working with humanist parliamentarians to influence the legislation when it is introduced next year.