

Accord Coalition briefing a) on amendments to the Education Bill at the House of Lords Committee Stage



About the Accord Coalition

The Accord Coalition is a campaign coalition, launched in 2008, which brings together a wide range of organisations, both religious and non-religious, who want state funded schools to be open and suitable to all children of every background, no matter what their parents' or their own beliefs, and who are concerned that restrictive legislation around admissions, employment and the curriculum in state funded faith schools can serve to undermine community cohesion and not adequately prepare children for life in our increasingly diverse society.

Accord's growing list of members and supporters includes the Association of Teachers and Lecturers, the British Humanist Association, the Christian think tank Ekklesia, the British Muslims for Secular Democracy, The General Assembly of Unitarian and Free Christian Churches and the race equality think tank The Runnymede Trust.

Overview

Accord regrets that the Bill does not actively seek to ensure that schools operate in more inclusive ways and we are delighted that Peers have tabled amendments to reform the laws on Collective Worship, as well as to stop religious discrimination in pupil admissions and to reduce religious discrimination in teacher employment at faith schools, which will be covered in this briefing.

However, in the Government's eagerness to reduce bureaucracy and give schools greater freedom and autonomy, the Bill currently proposes to take away some very important safeguards that would risk empowering those who would mitigate against social cohesion in our schools. We believe this is especially unwise given that schools are currently being given more freedoms, while new and untested education providers are coming into the state sector through the Academies programme. Accord's biggest concerns in relation to the Bill as it currently stands are as follows:

- the removal of Ofsted's duty to inspect how school's promote community cohesion
- less scrutiny of admissions practices by removing the responsibility of local authorities to establish an admissions forum , and by taking away the freedom of the school adjudicator to reword school admission arrangements when it finds them to have breached the School Admissions Code

Although unintended consequences, the Bill would make the problems of schools undermining social cohesion and breaking the School Admissions Code worse. We therefore urge the Committee to amend the Bill to retain the above protections, in addition to reforming the arrangements for Collective Worship in state funded schools and pupil admission and staff employment polices in state funded faith schools.

Amendments

Clause 40 – Requiring Ofsted to inspect school's contribution to community cohesion, by Baroness Flather

Baroness Flather

Page 36, line 28, at end insert—

“() the contribution made by the school to community cohesion.”

The 2006 Education and Inspections Act introduced a duty upon all maintained schools in England to promote community cohesion and on Ofsted, to report on the contributions made in this area when undertaking a Section 5 school inspection. Clause 40 of the Bill proposes to remove Ofsted's duty to inspect community cohesion in schools entirely, while Baroness Ffletcher's amendment simply reinserts it.

Evidence in recent years has repeatedly given cause for concern about the way that many schools, and very often schools with a religious character, operate in narrow and exclusive ways, such as in their pupil admissions and the assemblies, Religious Education and Citizenship they provide, and the negative consequences that this has for wider society.

We know that schools that are inclusive of others help to create communities more trusting and at ease with them self. 'The Cantle Report'¹ was commissioned by the Home Office and published in 2001 after race riots in Bradford, Oldham and Burnley that year. The report noted how riots had not arisen in diverse areas, such as Southall and Leicester, where pupils learnt about different religions and cultures in local schools.

There is still a real problem of schools advocating narrow or obscurant agendas. The report 'Faith Schools We Can Believe In'² from the centre-right think tank Policy Exchange released last November maintained that schools were increasingly vulnerable to extremist influences that promoted a divisive and exclusivist ideology. However, this is not a peripheral issue only relevant to a small minority of schools. In our increasingly diverse society all schools should help ensure that they are trying to promote better community cohesion.

Ofsted's current inspection regime on community cohesion risks appearing cursory and Accord believes its scope should be made much wider, so that it looks at a range of factors that can have a big impact upon how a school contributes towards community cohesion, such as a school's admissions and teacher employment policy and what is taught in the curriculum. Inspections such as these would encourage many schools to make a far more meaningful contribution towards promoting better cohesion, represent a better use of inspectors' time and produce information that is of far greater benefit to parents and government.

Ofsted's duty to inspect community cohesion was introduced to address widespread public concern about how schools, and particularly faith schools, serve to undermine social cohesion. If parliament removes Ofsted's duty altogether then they would be backtracking on a vital obligation, take away the principal means of ensuring that schools actually do try to promote better cohesion and risk making school's own cohesion duty almost meaningless.

The promotion of better community cohesion in schools is widely supported among the teaching profession.

The Association of Teachers and Lecturers do not want the changes proposed by the Bill to Ofsted school inspections to lead to the importance of community cohesion in education to be downgraded (which Accord believes would be inevitable), while the NASUWT noted in their submission³ to the House of Commons Education Bill Committee that the 'removal of the duty to inspect community cohesion will mean that this important duty will be ignored'. Meanwhile, the National Union of Teacher openly

¹ Cantle, T (2001) *Community Cohesion: A Report by the Independent Review Team*, last accessed 28/03/11, <http://image.guardian.co.uk/sys-files/Guardian/documents/2001/12/11/communitycohesionreport.pdf>

² Bald J, Harber A, Robinson N and Schiff E (2010) *Faith Schools We Can Believe In: Ensuring that tolerant and democratic values are upheld in every part of Britain's education system*, Policy Exchange, last accessed 28/03/11, http://www.policyexchange.org.uk/assets/PX_Faith_Schools.pdf. 02/12/10.

³ Available at <http://www.publications.parliament.uk/pa/cm201011/cmpublic/education/memo/e23.htm>. Last accessed 22/06/11.

supports Baroness Flather’s amendment. We believe a leading teachers group urging that an inspection measure should be retained should send an important signal.

Clause 34 - Freedom of the school adjudicator to amend school admissions arrangements, by Lord Avebury

Lord Avebury

Page 33, line 25, leave out subsection (3)

Clause 34 of Bill proposes to take away the power of the school adjudicator to reword school’s admission arrangements if it finds them to have breached the School Admissions Code. This would leave the school adjudicator with only the power to merely highlight to a school which part of its admission arrangements needed to be amended.

Successive annual reports of the Chief Schools’ Adjudicator have shown particular problems with the admission policies at schools that are their own admissions authority, and as more and more schools are set to control their own admissions through the academies programme, we believe the freedom of the school adjudicator to change schools admission arrangements is a sensible safeguard that should be retained.

New clause – to remove compulsory collective worship in non-religious schools, by Baroness Massey of Darwen

Baroness Massey of Darwen

Insert the following new Clause—

“Entitlement to spiritual, moral, social and cultural education in inclusive assemblies

(1) Chapter 6 of SSFA 1998 (religious education and worship) is amended as follows...

... (8) Schedule 20 (collective worship) to the SSFA 1998 is repealed.”

The law currently requires all state maintained schools in England to provide daily collective worship for their pupils of a “wholly or mainly of a broadly Christian character”.

A school can do many things collectively, but by lacking a shared religious faith it cannot worship collectively. The current laws around collective worship fail to respect the beliefs of a great many children and their families in society, and infringe pupils own right to freedom of belief as set out in the European Convention of Human Rights, by forcing them to take part in worship regardless of what they personally believe.

The current law is also so inflexible that a great many schools simply do not provide assemblies. Ofsted’s ‘2002-03 annual report – secondary education’⁴ stated that four fifths of secondary schools do not hold a daily act of collective worship for all pupils.

⁴ Ofsted’s 2002-03 annual report – secondary education can be found at <http://www.ofsted.gov.uk/content/download/2233/14298/file/Annual%20Report%202002-03%20->

School assemblies should consider spiritual and moral issues and reinforce positive attitudes, but this can be far better achieved through the provision of inclusive assemblies that instead focus on shared values, which this amendment will allow in maintained schools, while giving the freedom to voluntary aided faith schools to continue to hold assemblies that reflect the school's religious character.

New clause - ensuring PSHE is taught in maintained schools, by Baroness Massey of Darwin and Lord Knight of Weymouth

Baroness Massey of Darwin and Lord Knight of Weymouth

Insert the following new Clause—

“PSHE in maintained schools

(1) In section 84 of EA 2002 (curriculum requirement for first, second and third key stages), in subsection (3), at end insert “, and...

... (7) The third principle is that PSHE should be taught in a way that—

- (a) endeavours to promote equality,**
- (b) encourages acceptance of diversity, and**
- (c) emphasises the importance of both rights and responsibilities.””**

Personal, Social, Health and Economic (PSHE) education aims to help children and young people deal with real life issues they face as they grow up and the best schools already provide it and to a good standard.

There is widespread support for making PSHE, which includes age appropriate Sex and Relationship Education (SRE), part of the compulsory National Curriculum among educationalists, religion and belief groups, health organisations, as well as among parents, schools and young people. Both the Catholic Education Service of England and Wales and the Church of England supported the inclusion of SRE in the National Curriculum at both primary and secondary levels during passage of the Children, Schools and Families Act 2010.

The continued failure to ensure that all schools provide PSHE, including thorough, accurate and balanced SRE, undermines the future health and wellbeing of our children and Accord therefore hopes this uncontroversial measure will be supported.

Baroness Walmsley and Baroness Tyler of Enfield have also tabled amendments on PSHE, which are arguably preferable to the status quo. However, these amendments will allow faith schools to teach PSHE in a way that reflects the school's religious character, even if it means that the PSHE provided is not accurate and balanced and appropriate to the ages and backgrounds of pupils, or does not fully promote equality and encourage acceptance of diversity. The Accord Coalition therefore urges the Committee to show preference to the PSHE amendment from Baroness Massey of Darwin.

Clause 34 and a new clause – stopping religious discrimination in pupil admissions in faith schools, by Baroness Massey of Darwin

Clause 34, Baroness Massey of Darwin

Page 33, line 33, at end insert—

“() Schedule 11 of the Equality Act 2010 is amended as follows.

() In paragraph 5, omit sub-paragraphs (a) to (e).”

Insert the following new Clause—

“Discrimination on grounds of religion or belief

(1) Section 1 of the Academies Act 2010 (Academy arrangements) is amended as follows.

(2) In subsection (6) insert “and—

(e) the admission arrangements for the school make no provision for selection on the basis of religion or belief.

The above amendments will prevent state funded schools with a religious character in England from discriminating on the grounds of religion and belief in their pupil admissions. Such practices should be stopped because they are discriminatory, but also as religious selection in pupil admissions helps to create a more segregated schools system and ultimately create more divided communities.

Faith schools are not responsible for all segregation and the roots of intercultural tension are often economic, accidental and residential. However, by dividing children on the grounds of religion from a young age, a segregated school system helps to create an environment where mistrust between different groups can more readily grow, potentially storing up problems for generations to come.

In Northern Ireland for example, 95% of children attend Catholic maintained or notionally Protestant state schools, while it should be noted that segregation on the grounds of religion can also lead to segregation on the grounds of race and ethnicity too. ‘The Cattle Report’ from 2001 found that “... faith schools appear to be operating discriminatory policies where religious affiliations protect cultural and ethnic divisions” (P33).

In contrast the ‘Oldham Independent Review Report 2001’⁵, which was commissioned by Oldham Metropolitan Borough Council and Greater Manchester Police and academic reports, such as ‘Social Capital, Diversity and Education Policy’⁶ (2006) and ‘Identities in Transition: A Longitudinal Study of Immigrant Children’⁷ (2008) have all reaffirmed the positive effect that mixed schooling has upon the social relations and growth of mutual understanding between those from different cultural and religious backgrounds.

Clause 60 – reducing religious discrimination in the employment of teachers in faith schools, by Baroness Turner of Camden

Baroness Turner of Camden

Page 48, line 28, at end insert—

“() In section 59(1) of SSFA 1998 (religious opinions etc. of staff), after paragraph (b) insert—

“(c) an Academy that is not religiously designated”.”...

...Page 49, line 38, at end insert—

“() Decisions in regard to engagement or termination under this section must be taken in accordance with the requirements of United Kingdom employment laws.”

⁵ Oldham Independent Review Report 2001 can be found at <http://image.guardian.co.uk/sys-files/Guardian/documents/2001/12/11/Oldhamindependentreview.pdf>. Last accessed May 25th, 2011.

⁶ Bruegel, I (2006) *Social Capital, Diversity and Education Policy* <http://www.lsbu.ac.uk/families/publications/SCDiversityEdu28.8.06.pdf>. Last accessed May 25th, 2011.

⁷ Brown R, Rutland A & Watters C (2008) *Identities in Transition: A Longitudinal Study of Immigrant Children* <http://accordcoalition.org.uk/wp-content/uploads/2010/11/Identities-in-Transition.-A-Longitudinal-Study-of-Immigrant-Children.pdf>. Last accessed May 25th, 2011

Baroness Turner of Camden

Page 48, line 28, at end insert—

“(1) In section 58 of the School Standards and Framework Act 1998 (appointment and dismissal of teachers with a religious character) after subsection (3) insert— ...

...(4) In subsection (6) leave out “in Wales”.”

Faith schools are in the anomalous position of having wide ranging powers to select teachers on the grounds of religious belief and observance, and to punish and dismiss them for conduct that is deemed to be incompatible with the precepts of a school’s religious tenets (as so determined by the school itself), even if a teacher is not to have a pastoral or leadership role, or teach instructional Religious Education. These powers are in stark contrast to those of other organisations with an ethos based on religion or belief, where employers must show that giving preference to staff and applicants on religious grounds is proportionate and justified.

The Accord Coalition asserts that the UK contravenes European Community law by permitting such blanket discrimination and giving faith schools such arbitrary power. Baroness Turner’s amendments above help bring the UK into line by only permitting religious discrimination in the employment of those teachers at faith schools selected for their fitness and competence to give religious education that is in accordance with the tenets of the school’s religion or religious denomination.

Clause 60 – preventing former voluntary controlled faith schools from discriminating on the grounds of religion in the employment of all their teachers when becoming an academy school, by Baroness Massey of Darwen

Baroness Massey of Darwen

Page 49, line 1, leave out “(2) The Secretary of State may by order provide that this section does not apply to a school specified in this order.”

Voluntary controlled faith schools are permitted to select one fifth of their teachers due their suitability to provide Religious Education in accordance with the religion of the school.

However, the Education Bill proposes to give to the Secretary of State for Education the power to allow these schools to show preference in the appointment, promotion or remuneration of all of their teachers on the grounds of religion after they become an academy school. We believe this power is unjustified and so urge Peers to support this amendment.

If you have any queries please contact the Accord Coalition:

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