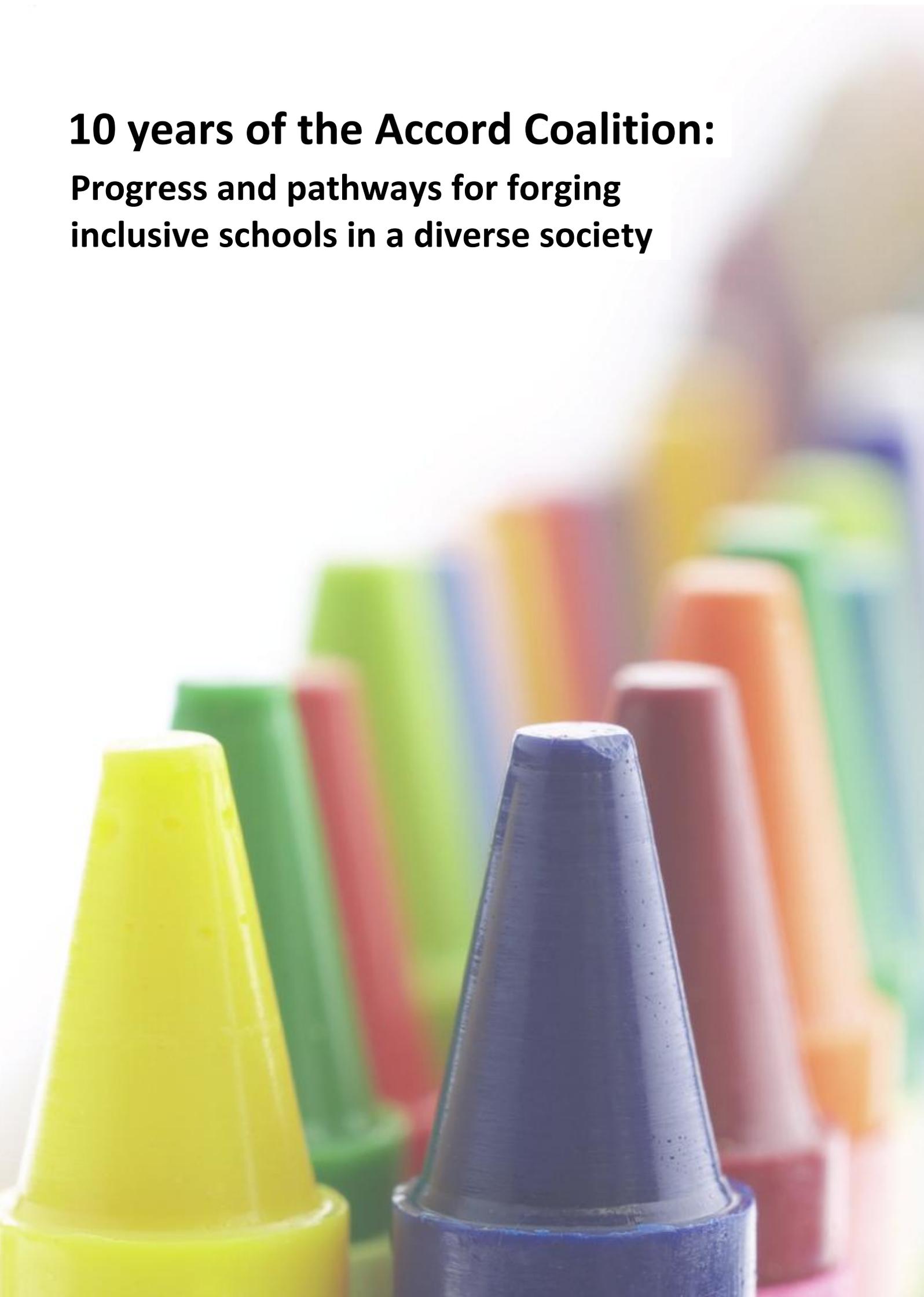


**10 years of the Accord Coalition:
Progress and pathways for forging
inclusive schools in a diverse society**



Forewords

Rabbi Dr Jonathan Romain MBE
President and founding Chair of the Accord
Coalition for Inclusive Education (2008-2017)

There have always been people who had worries about the way many faith schools divide society and segregate children, but as lone individuals they found it hard to make an impact. The great achievement of the Accord Coalition has been to unify those disparate concerns and ensure their voices were heard in the corridors of power.



Accord has also changed the tone of the debate, which had been viewed previously as a simple fight between atheist groups and religious institutions. We showed that it could be much more nuanced and that, for instance, one could be in favour of faith but completely against religious discrimination by schools. The fact that a Rabbi was the first Chair, and has been succeeded by a Priest, totally undermined the other side's standard and dismissive claim that opponents of faith schools were 'the godless brigade'. Instead, it forced them to confront the social and educational issues at the heart of the matter. What's more, that put them at a disadvantage!

It is equally apparent that Accord has punched way above its weight: with a permanent staff of one (initially Alex Kennedy, then Paul Pettinger) and a small Steering Group, we have appeared on numerous television programmes, done countless radio interviews, spoken at the annual conferences of the Conservative, Labour and Liberal Democrat parties, held events at Church of England Synods, did panel debates at University College London, the Spectator and Institute of Ideas, written articles for virtually every broadsheet and quality magazine, ran a major seminar at Portcullis House, met with both Cabinet and Shadow ministers, had sessions with civil servants, education unions and Ofsted, and were invited to 10 Downing Street for a private consultation. We were everywhere and firing on all cylinders. It is little wonder that those who favour the status quo were dismayed at both our energy and reach.

The achievements so far are listed below in the 'Key Wins' section, but the report makes clear there is much work to be done if the goal is to be achieved that schools educate rather than indoctrinate, and bring together children of different backgrounds rather than isolate them. Unfortunately, we also need to ensure that those gains are not lost, as was nearly the case had we not defeated the Government's attempt to reverse the 50% cap on admissions.

I hope the next ten years will be as much a triumphant rollercoaster as the first decade. Although much will change in the political landscape, I am sure that our *crie de coeur* will remain the same: that if we want an inclusive and tolerant society, then we have to have an inclusive and tolerant educational system that produces it.



The Revd Stephen Terry
Chair of the Accord Coalition for Inclusive
Education (2018-)

I was initially surprised and am honoured to have been asked to succeed Jonathan Romain as Chair of Accord, and wish to take this opportunity to pay tribute to his vision and drive in establishing Accord's voice in the educational arena. I look forward to developing the work, based on the firm foundations that have been laid. I hope to prove a worthy successor, and am delighted that we have Jonathan serving as our President.

Accord's member groups



At a glance

Key wins:

- ✓ a 50% religious discrimination cap in admissions at new faith schools
- ✓ Government backed down on key Election pledge to scrap the cap
- ✓ highlighted problem of religious selection causing indirect racial discrimination
- ✓ Government now publically acknowledges the importance of ethnic mixing in schools for integration
- ✓ attitudinal change within the Church of England, but discovered support for inclusive admissions is not backed by action
- ✓ provided the Equality and Human Rights Commission (EHRC) with evidence to conclude Britain's teacher discrimination laws are legally flawed, give too little protection to staff and need replacing
- ✓ faith schools must teach about another religion at GCSE, embedding a key principle that faith schools can and should teach about other beliefs
- ✓ Relationships and Sex Education to become compulsory in England in 2020 and in Wales in 2022
- ✓ major shift in how schools, including faith schools, tackle bullying of lesbian, gay and bisexual people
- ✓ ending a culture of excessive deference of practices at faith schools by Ofsted
- ✓ Government again requires schools' contribution towards social cohesion to be an inspection priority
- ✓ overwhelming public support for key goals maintained

Next battles:

- ❖ prevent the opening of a new wave of discriminatory voluntary aided schools
- ❖ translate recognition by Government of dangers of school segregation into changes in national policy
- ❖ as stepping stones towards phasing out religious selection in admissions, support the 50% cap's extension to existing faith schools and prevent any new ones from selecting
- ❖ support faith school providers in steering their schools away from discrimination in admissions
- ❖ in particular, encourage the CofE to issue fresh national admissions guidance and encourage domestic Catholic authorities to recognise inclusive schools are good both for them and for society
- ❖ have government act upon the EHRC's concern about the illegitimacy of the teacher discrimination laws via legislative reform
- ❖ in the meantime, encourage government and faith school providers to issue employment advice to faith schools in accordance with the EHRC's concerns
- ❖ monitor progress in ensuring Relationships and Sex Education is accurate, balanced and inclusive
- ❖ monitor schools in their upholding of best practice in terms of LGBT inclusivity, particularly treatment of transgendered people by schools in the Catholic sector
- ❖ help maintain and sustain momentum behind overhauling the legal framework around RE and assemblies, so Government and Parliament finally act
- ❖ challenging Ofsted to operate more meaningful inspection measures regarding integration and wider equality issues, and to better tackle unregistered schools
- ❖ ensuring that Ofsted can specifically inspect the provision of denominational RE and Worship at faith schools



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Introduction

Schools have a bigger role than any other state funded institution in helping mould the kind of society we are and may become. They have enormous potential to broaden individual horizons and, as the academic evidence base in recent years has made even more apparent, a remarkable capacity to undermine or boost the growth of mutual understanding between people from different backgrounds.¹ Put simply, if schools are not inclusive then society won't be.

This document has been released to coincide with the Accord Coalition for Inclusive Education's tenth anniversary. Using as a guide Accord's key aims for forging inclusive schools, it reviews the campaign's achievements over the last ten years, and sets out practical suggestions for further progress.

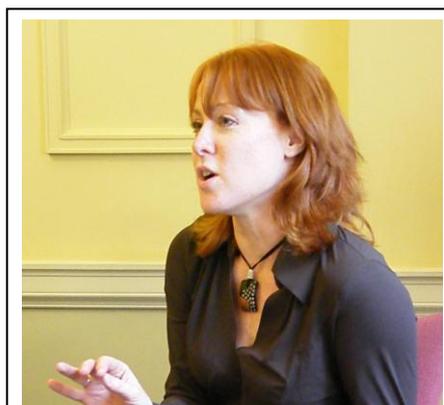
Accord's aims

The Accord Coalition brings together and amplifies the voice of a wide range of groups and individuals in civil society who wish to see school systems in England and Wales that are open and suitable to staff, pupils and families, regardless of their religious or non-religious beliefs. Currently many state funded schools fail to meet this goal.

Many do not properly respect the beliefs and autonomy of pupils and staff through the curriculum and assemblies they provide. Meanwhile current exemptions from equality legislation allow faith schools, which comprise over a third of state funded schools in England and Wales, to discriminate on religious grounds in pupil admissions and staff employment, which in turn make the school system more segregated and divided.

Launched in September 2008, Accord campaigns for faith schools to be non-discriminatory and for all state funded schools to provide pupils with a broad and balanced curriculum. Its six key goals for state funded schools are:

1. to end religious selection in pupil admissions at faith schools
2. to end religious selection in staff employment at faith schools
3. to ensure all schools follow a broad and balanced syllabus for teaching about religious and non-religious beliefs
4. to bring Religious Education, Citizenship and Personal, Social, Health and Economic education (PSHE) under a single inspection regime, to uphold consistency, breadth and quality of provision
5. for schools to provide pupils with inclusive assemblies in place of compulsory acts of worship
6. for Ofsted to again inspect schools on their promotion of community cohesion



ATL Section of the National Education Union Senior Policy Advisor, Alison Ryan, at Accord's 2008 launch event

In advancing these aims Accord seeks to ensure schools better uphold the rights and opportunities of pupils and staff and, more generally, better promote the growth of mutual understanding, which it views as key to the future happiness of society.

Historical background to the campaign

The Accord Coalition may have only been established ten years ago, but it inherits a much longer tradition. For almost 200 years there have been calls for schools in the UK not to religiously discriminate, indoctrinate or undermine social cohesion. Observations that ethnic mixing in schools aids integration and that segregation should be avoided are far from new. Speaking eloquently before a Committee of the UK Parliament in 1830 the Catholic emancipation campaigner and Roman Catholic Bishop of Kildare and Leighlin, Dr James Doyle, told MPs:

*'I do not see how any man, wishing well to the public peace, and who looks to Ireland as his country, can think that peace can ever be permanently established, or the prosperity of the country ever well secured, if children are separated at the commencement of life on account of their religious opinions. I do not know any measure which would prepare the way for a better feeling in Ireland than uniting children at an early age, and bringing them up in the same school, leading them to commune with one another, and to form those little intimacies and friendships, which often subsist through life. Children thus united know and love each other, as children brought up together always will; and to separate them is, I think, to destroy some of the finest feelings in the breasts [hearts] of men.'*ⁱⁱⁱ

While Bishop Doyle's gender biased vocabulary has dated, it is hard not to conclude that relations on the island of Ireland today would be stronger and its history since more peaceful, had his prescient comments been heeded. Over 90% of pupils in Northern Ireland today are still educated in either Roman Catholic or notionally protestant schools. When President Obama visited Northern Ireland in 2013 he too criticised the province's 'segregated schools' for 'encouraging division' and 'discouraging co-operation'.ⁱⁱⁱ His remarks about dangers of segregating children of different backgrounds into separate schools applies to the rest of the UK and these, along with Bishop Doyle's lessons, are ones that Accord seeks to ensure today's policy makers no longer ignore.

Long after Bishop Doyle's warning to MPs, religious discrimination in education remained a salient issue in the UK, culminating with Parliament passing two Acts during the first Gladstone ministry. The Elementary Education Act 1870 established state schools in England and Wales for the first time. It prevented the newly state funded schools from selecting pupils on the grounds of children's religious observance or belief.^{iv} Meanwhile the Universities Tests Act 1871 brought to an end Universities discriminating in student admissions and employment on religious grounds for all non-theological courses, and brought to an end requirements for staff and students to engage in compulsory worship.^v Up until that point most Universities in the UK were open only to Anglicans.

'It shall not be required, as a condition of any child being admitted into or continuing in the school, that he shall attend or abstain from attending any Sunday school, or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere'

**Elementary Education Act 1870,
Chapter 75, Section 7.1. (since
repealed)**

It is startlingly that nearly 150 years later, the same rules applied to Higher Education have not been extended to state funded faith schools. Worse, these faith schools can discriminate against children in admissions because of religious beliefs and practices. It is an awkward reflection on today's education policy that, while major advances in the freedom of religion have been achieved in society since the 1870s, protections from religious discrimination in state funded schools have actually regressed.



Accord Chair, the Reverend Stephen Terry (far left), speaking with former Education Secretary Charles Clarke (centre right), along with University College London academics who co-organised a 2011 event with Accord marking the passing of the Universities Tests Act.

The religious rivalries which informed and too often overflowed into education policy in the nineteenth century abated somewhat during the twentieth century. However, as ecumenical relations broadly improved, the religious, ethnic and cultural profile of British society changed, becoming far more diverse.

The series of race riots that occurred in a number of towns in Northern England during the summer of 2001 were key events for the formation of Accord. 'The Cantle Report', which was subsequently commissioned by the Home Office to investigate the causes of the riots, identified religious and ethnic segregation in local schools as one of the underlying factors, with some faith schools perpetuating such division via '... operating discriminatory policies where religious affiliations protect cultural and ethnic divisions'.^{vi}

'An essential aspect of the reconciliation process is the promotion of a culture of tolerance at every level of society, including initiatives to facilitate and encourage integrated education'

1998 Good Friday Agreement, p20

These and other factors (such as experience in Northern Ireland) highlighted major risks to community cohesion from religious segregation in the school system. However, rather than reforming existing schools to make them more inclusive and thus likely to facilitate ethnic mixing, central government continued to support the opening of new waves of faith schools that could operate discriminatory and segregationist policies. The lack of concern over religious discrimination by schools was further highlighted in 2006 when the Government *extended* the ability of most faith schools in England to discriminate in the employment of staff on religious grounds.^{vii}

As a consequence of these policies Accord's founders decided to set up a campaign to try and ensure state funded schools in Britain did not help to further fragment a diversifying society, but instead become safe spaces where children, staff and families from different backgrounds could come together and learn from one another. They wanted schools in a multi-belief Britain to become centres of cohesion rather than division. The future health of society demanded coordinated action.

What has been achieved and how policy makers can do more

1. Religious discrimination in faith school admissions

Getting the issue on the Government's agenda and pressing upon it to act

The biggest change in this area over the last ten years has come from a change in Government policy in 2010 regarding new faith schools. Soon after the Conservative/Lib Dem Coalition took office in May that year it announced that new academy faith schools would not be able to select more than half of their pupils by faith. The cap's impact was further strengthened by the introduction of a legal presumption in 2011 that almost all new state funded schools should be an academy, meaning that from then onwards almost every new faith school has been limited in the number of pupils it can select by faith.^{viii}

While Accord would have preferred the cap to go further, it did at least send a clear signal that new faith schools should cater for pupils from different backgrounds. It also confirmed that encouraging greater ethnic mixing in the school system was now a long term goal. Accord not only helped create the conditions for the cap to be implemented (such as through providing ongoing comment in the media and holding behind the scenes meetings with public officials about the desirability of making reforms), but directly supported the policy come to fruition.

Accord's contributions included having advised and supported a Liberal Democrat policy working group in successfully getting wide-ranging faith schools policy adopted back in 2008/09, which in turn gave the Coalition cover to implement the 50% cap.

Later in the autumn of 2014 the campaign met the Number 10 Policy Unit which, among our other activities, helped ensure the 50% cap was kept in place when the Conservatives become the sole party in Government in May 2015.

Further breakthroughs seemed likely when in July 2015 the then Prime Minister, David Cameron, launched a review into integration and hinted the Government would look at stronger and more ambitious measures to promote ethnic mixing in the school system. He warned that:



Accord's stand at the Lib Dem 2009 Spring Conference, which adopted wide-ranging policies to reform faith schools.



Accord at Downing Street in 2014. From left to right, Jonathan Bartley, current Green Party co-leader; Revd Jeremy Chadd, Vicar of St Chad's Church, Sunderland; Derek McAuley, Unitarians Chief Officer; Rabbi Dr Jonathan Romain.

'It cannot be right, for example, that people can grow up and go to school and hardly ever come into meaningful contact with people from other backgrounds and faiths. That doesn't foster a sense of shared belonging and understanding – it can drive people apart ... But it is right to look again more broadly at how we can move away from segregated schooling in our most divided communities. We have already said that all new faith academies and free schools must allocate half their places without reference to faith.'^x

Saving the 50% cap

Perhaps because of the reformist intentions of the Cameron ministries and their association with the cap, the post-Brexit referendum Government soon announced (alongside plans to open more grammar schools) that it would scrap the 50% cap. Accord and its allies expended a great deal of effort to oppose this proposal. One way Accord helped save the cap was to highlight simply how unpopular removing it would be. A poll Accord commissioned during the 2017 General Election found the Government's proposal was opposed by 80% of voters.^x

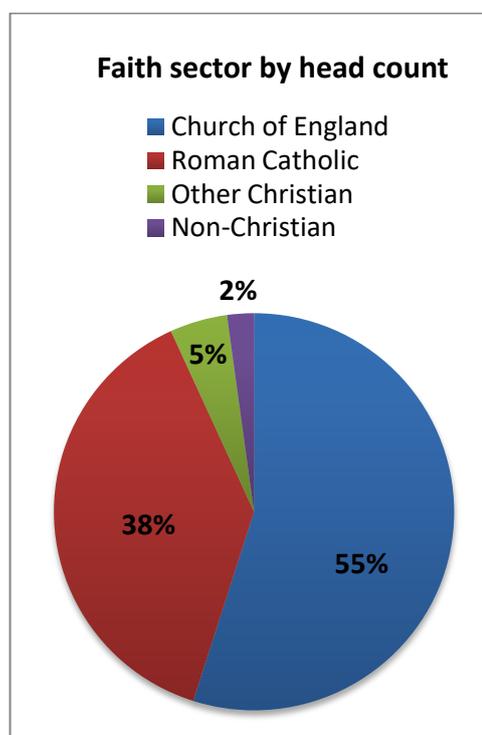
In May 2018 the Government announced that it would keep the cap after all, and instead seek to open more local Authority maintained Voluntary Aided (VA) faith schools, which can be fully selective in admissions. On one level getting the Government to back down on what became a high profile 2017 General Election manifesto commitment was a significant victory, but it is disappointing that a loophole is to be exploited as a means to open a wave of VA faith schools where the cap will not apply.

So, while saving the 50% cap is a big achievement and highlights the impact Accord is having, it is no time for complacency. Given that VA schools currently need the approval of their local authority to open, it is likely that there will be opportunities to oppose plans for new discriminatory VA schools by supporting campaigns at the local level in the coming months and years.

Changing terms of debate within faith school providers

Groups that provide faith schools have been a key audience that Accord has sought to influence. This has been achieved in a variety of ways including publicising evidence of the practical consequences of religious selection in admissions, empowering the voice of those within these groups that share Accord's concerns and (as with politicians) demonstrating how popular Accord's aims are, including amongst their co-religionists. For example, another poll Accord commissioned in the autumn of 2016 found religious selection in admissions to state funded schools was opposed by a ratio of almost five to one.^{xi} This included opposition to such selection from a large majority of adherents of all major world faiths and each of England and Wales' largest Christian denominations.

Accord's campaigning has sometimes fallen on deaf ears. For example in 2015 Accord released a report



that demonstrated how religiously selective admission policies had become a major source of indirect racial discrimination towards families of South Asian heritage.^{xii} 98% of faith schools in England and Wales are Christian, whereas the very large majority of families of South Asian heritage are not, meaning they have difficulty gaining admittance to popular Church schools. The report found that because faith schools tend to achieve better results than other schools (due to their socially advantaged intakes) and because the chances of children of South Asian heritage getting into most of these schools was so reduced, the English school system was systemically disadvantaging this group. It is frustrating that providers of religiously selective faith schools continue to refuse to acknowledge the problem of indirect racial discrimination, let alone take steps to actively prevent it.

There are signs however that more general attitudes towards religious selection amongst some faith school providers is changing. The Church of England (CofE) runs more faith schools than any other group and in the last few years many of its spokespersons have repeatedly felt the need to frame their schools as 'not faith schools for Christians but Christian schools for all'.^{xiii} In 2017 Accord released a report which highlighted however that many CofE schools operated a religiously selective admissions policy and showed that the very large majority were not being advised or encouraged by Church authorities to refrain from such selection.^{xiv}

'I have always been against selection by faith, and I am very pleased that the majority of our new schools do not have it.'

The Archbishop of Canterbury, Justin Welby, speaking in the House of Lords in December 2017

Accord was extremely pleased in December 2017 when the Archbishop of Canterbury revealed (in a House of Lords debate on education that he sponsored) that he opposes schools selecting pupils by faith. During the debate he added that he wished CofE schools would be 'homes and nurseries of integration' and have a 'laser-like focus on the poorest and most deprived'.^{xv} When Accord began it was *de rigueur* for senior CofE officials to defend the ability of their state funded schools to religiously select pupils. For the Chief Primate of the CofE to declare that he thinks schools should not select by faith indicates significant attitudinal change could be taking place.

Accord has attended numerous conferences and events in its first ten years. These included the 2014 bi-annual assembly of the United Reformed Church, where Accord organised a fringe meeting discussing faith schools' contribution to society. The United Reformed Church (URC) runs (mainly in co-operation with other Churches) a small group of state funded faith schools, none of which have religiously selective admission arrangements. Kick-started by the fringe event, the URC's Equalities Committee decided in 2015 to formally commend Accord's work to the Joint Public Issues Team, which coordinates public comment on behalf of Britain's largest non-conformist Churches.



Accord at the 2014 United Reformed Church General Assembly. Rabbi Dr Jonathan Romain, with the Revd Ian McDonald (left) and the Revd Tim Meachin (right).

Catholic Church of England and Wales officials have reacted somewhat differently to efforts to make faith school admissions more inclusive. Although two Catholic academies that were subject to the 50% admissions cap had already opened, in 2012 Church authorities decided to oppose the opening of anymore such schools. They sought to justify their position on the grounds that limiting a Catholic school's ability to prioritise Catholics '... contravenes Canon Law'.^{xvi} This stance is curiously

intransigent given that there are varying views on school inclusivity within the Catholic Church, and that many of their schools *do not* religiously select pupils. This includes most private Catholic schools in England and Wales and many Catholic schools across the globe.^{xvii}

The inclusivity of many Catholics was highlighted in November 2016 by the Catholic International Education Office/ Office International De L'Enseignement Catholique (OIEC) who issued an inclusive and non-discriminatory mission statement for Catholic schools, which it produced for a Council of Europe education seminar. The short briefing noted that a Catholic school should be:

'• A school that joins forces with other bodies of formal and informal education at local and national level for the benefit of local populations, young and old, without any discrimination. ... A non-discriminatory school, open to all ... In conclusion, the Catholic school is anything but a communitarian school. It is open to all ... It must constantly promote intercultural and interreligious dialogue, if it is to continue its mission. This is in any case a motto of the OIEC, all over the world.' (p3/4)^{xviii}

Concerns about the risk of social and cultural division in education have also been expressed by Pope Francis. Speaking in 2015 at an international Catholic education conference, Pope Francis said Catholic educators should overcome a tendency of schools to be selective, and work to restore broken links in society. He stated 'This is a shameful global reality. It is a reality that leads us toward a human selectivity that, instead of bringing people together, it distances them; it distances the rich from the poor; it distances one culture from another.'^{xix}

The unyielding and sometimes antagonistic opposition from domestic Catholic authorities to the reform of school admissions badly misunderstands the challenge. Firstly, far from being a threat to religious beliefs or identities, forging a religiously inclusive education system helps create the conditions in society where such diversity and difference is better accepted. Secondly, calls to make their schools more inclusive offers them an opportunity, because a failure to tackle discrimination and segregation threatens to diminish their authority as moral guides and guardians in a modern society.

As Accord's polling confirms, religious discrimination by faith schools is unpopular and out of step with the values of mainstream society, including among most lay Catholics. For religious bodies to operate in ways that are widely considered unfair or anti-social, when they exist to do good, presents them with a reputational risk that threatens their standing and ultimate ability to advance their long term mission. As Accord's Roman Catholic supporters recognise, for domestic Catholic authorities to support and require their schools to pursue exclusionary practices is damaging for both the Church and society. The Catholic authorities in the UK should heed these considered and enlightened voices and Accord will continue to support these voices in getting heard.

Phasing out religious selection

The UK is in the unenviable position of being one of a very small number of developed countries that permit state funded faith schools to religiously select pupils.^{xx} There are encouraging signs however that Parliament and the current Government are recognising the dangers of religious and ethnic segregation in the school system.

Accord strongly agrees with the All-Party Parliamentary Group on Social Integration's observation in its 2017 report 'Integration not Demonisation' which (in keeping with recommendations that were made to them by Accord) stated that 'whilst ensuring that young people meet and mix with others



from different cultures at school arguably represents our best hope of building a Britain in which we are truly of looking beyond our differences, our country's school system too often reinforces and replicates division between communities.' (p43)^{xxi}

The publication of the Government's first draft integration strategy in the spring of 2018 offers more promising signs.^{xxii} The strategy, which draws upon the 'Integration not Demonisation' report, cited segregation between schools as a major challenge to improving integration in society. It stated that the Government should explore how new schools can better promote integration, and proposes to undertake trials with state funded schools in five local authority areas to ensure pupils at those schools are more representative of their local community.

Separate plans by Government to open more discriminatory VA schools fly in the face of this strategy and for the first time different parts of Government are openly articulating positions about faith schools policy that are mutually contradictory. Accord and all anti-discrimination campaigners should emphasise this contradiction and use it to argue in favour of inclusivity.

One way that progress could be advanced is by extending the current 50% cap to all state funded schools. The cap has worked well and extending it would communicate a strong signal about the direction of travel. Ideally religious selection should also be phased out completely over a set period. Such a move should ultimately be underlined by Parliament removing the legal exemptions that permit state funded faith schools to religiously discriminate. However, in the meantime, phasing out the selection might be achieved via changes to the Statutory Admissions Code.

Meanwhile, senior officers of groups that provide faith schools should also be urged to show greater leadership. The School Admissions Code gives a faith school's religious authority the ability to determine how the school religiously selects pupils, if at all. Religious authorities can therefore have a major role in encouraging and guiding their schools in becoming progressively less, and then non-religiously selective.

This appears especially relevant for the Church of England, given recent and repeated public comments from senior office holders about how their schools should be inclusive. The Church's current national admissions guidance was published in June 2011 and empowers schools that want to reserve places for children whose parents have a record of Church attendance.^{xxiii} It is high time this was replaced. New admissions guidance should be issued which is clear about what the Church thinks about faith-based admissions and sets its dioceses on a path towards providing 'Church schools for the community'.



2. Religious discrimination in employment at faith schools

Highlighting legal uncertainty over the teacher discrimination laws and bad practices by schools

Accord believes school staff do not need to be employed on faith grounds - they can respect and uphold a faith school's ethos without being religiously discriminated against. However, teachers and prospective teachers are uniquely vulnerable to religious discrimination by state funded faith schools in England and Wales.

Other organisations with a religious ethos can treat persons differently in recruitment and employment on the grounds of religion where it can be shown to be 'a genuine, legitimate and justified occupational requirement'. Most faith schools in contrast can religiously select in the recruitment and employment of all teachers. This is regardless of whether a teacher has a pastoral role, teaches instructional RE, leads worship, or if any regard was given to their religion or beliefs when they were originally appointed. Worse, most faith schools have the power to discipline and even dismiss teachers due to any conduct which is deemed incompatible with the precepts or upholding of the tenets of the school's religion or religious denomination as defined by the school (rather than by any central religious authority). As most teachers at state funded schools are women (74% in England and 75% in Wales), teacher discrimination disproportionately affects women.^{xxiv}

Accord believes that UK laws that grant faith schools such blanket freedom to religiously discriminate in the employment of teachers are not just wrong, but overdrawn and unlawful for breaching Article 4.2 of the European Council Directive 2000/78/EC. This concern was shared by Parliament's Joint Committee on Human Rights back in 2010 who concluded that UK law '... may be in breach of the Framework Equality Directive 2000/78/EC, on the basis that the reservation of such posts is not restricted to circumstances where it can be shown that a genuine, legitimate and justified occupational requirement to adhere to a particular religious belief can be said to exist' (p6/7).^{xxv} While European Union law supersedes UK law, this legal incompatibility is only set to continue because existing EU law that the UK is subject to is set to be absorbed into UK law as part of the Government's Brexit strategy.

The main way Accord has sought to promote reform of the teacher discrimination laws has been by highlighting to policy makers what has been happening in practice. It has been challenging to gather evidence beyond the anecdotal. Government does not actively monitor the situation, while disciplinary matters are by their nature usually treated confidentially and teachers have little incentive to be open about them. Staff and applicants are also very unlikely to take issues around religion and belief to Employment Tribunals when it is widely considered that faith schools are not in fact acting unlawfully. However, over the last ten years Accord has collated a steady stream of press reports and personal testimonies that highlight the disproportionality of current arrangements.

'As an unmarried woman, I was told I was not allowed to talk to the children about my "condition", and that I would struggle to gain a promotion in any local school. I was also advised to wear a pretend wedding ring. I didn't do this. I applied for other jobs and now work in a non-faith school.'
(p38)^{xxvi}

A pregnant teacher working in a Catholic school



Accord has been especially keen to share these examples with the Equality and Human Rights Commission (EHRC) who have themselves highlighted the problem of a lack of evidence in this area. In a September 2012 report into equality issues around religion and belief, the EHRC noted that 'there is a [unmet] need to monitor the practical impact of discrimination that is permitted within the education system, in relation to ... employment' (p xvii).^{xxix} Their call has sadly been ignored by the Department for Education.

In December 2016 the EHRC published a review into religious discrimination laws which name checked Accord as having provided it with evidence showing how teachers were being negatively affected by current arrangements.^{xxx} The EHRC agreed that the discrimination laws are overdrawn and incompatible with EU law. It further recommended the Scottish, Welsh and UK Governments should change the law so that faith schools are brought into line with normal employers with a religious ethos and be required to show that any religious discrimination in employment is required, legitimate and proportionate. Such an approach would only permit religious discrimination in very limited circumstances.

It is hard to foresee when Parliament will address the teacher discrimination laws (such as via the next Education Bill) due to the current gridlock being experienced at Westminster because of having a minority Government consumed by Brexit. Meanwhile Accord will continue to press for legal change by highlighting how unsatisfactory current arrangements are, support when possible any appropriate test cases, and press government and faith school providers to issue guidance to schools to curtail such practices. Government and faith school providers can and should have a key role in helping bring about change by issuing fresh guidance about religious selection in employment (before Parliament acts or the courts confirm how many current practices are not lawful).

"Head must quit school he saved because he's not Roman Catholic" *The Brighton and Hove Argus*, 15/09/14

Jewish nursery 'sacked teacher for living in sin' after telling her co-habiting 'would not be tolerated' *The Daily Mail* 3/10/17

"Headteacher to leave post due to being remarried" *The Portsmouth Herald* 01/12/16

"Non-Muslim teachers 'forced to wear veil' at faith school" *The Daily Telegraph*, 20/9/13

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'Our Council finds the notion of discrimination on the grounds of one's religion abhorrent. It is on record as saying that. We do not believe that, in 2013, there is a place for that exemption of teachers from fair employment. We, as a council, are quite happy for that exemption to be removed'. (p7)^{xxviii}

Chief Executive of the Council for Catholic Maintained Schools, in front the Northern Ireland Assembly Committee for Education

3. An inclusive school curriculum

Accord seeks to apply pressure on government to ensure all schools provide a curriculum that adequately prepares pupils for life in an increasingly diverse society, and to create conditions where it becomes even easier for government to act. Too often the school curriculum is a stage where religious rivalries are played out and (particularly in the case of some faith schools) attempts made to control the moral and social horizons of pupils. More often than not there is a broad consensus about what the curriculum should provide for pupils. For decades however central government has shown reluctant timidity in tackling areas of the curriculum where there are religious disagreements, despite evidence that current arrangements have become more and more unsatisfactory and unpopular.

Education about religious and non-religious beliefs

The provision of broad, balanced and high quality Religious Education (RE) in schools can make a major contribution in giving pupils the analytical tools and developing human sympathies needed to appreciate and understand beliefs and values of people from different backgrounds, as well as to develop and adhere to their own life-stance. Such RE should provide pupils with an important path to good citizenship.

RE is currently in the anomalous position of being the only compulsory subject in state-maintained schools in England and Wales that is not part of the National Curriculum. Most state funded schools, including a minority of faith schools (mainly Church of England), follow a locally agreed RE syllabus produced by their local authority responsible for education. Most academies and all other faith schools can determine the RE syllabus they provide.

While other parts of the school curriculum have witnessed significant and repeated reforms, the legal framework around the provision of RE has stayed broadly the same since the 1940s. The subject is long overdue major overhaul. Currently two major weaknesses are that faith schools which determine their own RE syllabus are not required to teach about other religions and beliefs, while the provision of RE is declining, especially at non-faith schools.

A September 2017 report by the Religious Education Council of England and Wales (REC) and the National Association of Teachers of Religious Education (NATRE) found 28% of secondary schools did not provide RE for all pupils at Key Stage 4. This included 9% of secondary schools that provided no RE teaching for any pupils at that stage (p20).^{xxxix} According to a report published in July 2018 by Professor Linda Woodhead, and former Secretary of State for Education, the Rt Hon Charles Clarke, many schools consider the good teaching of RE an 'irksome appendage', with longstanding inaction by Government to reform the 'outdated' legislative framework around RE putting the subject at risk of a spiral of decline.^{xxxix}

RE was not included in the government's last curriculum review, which culminated in a new National Curriculum in 2013. However, a later change in 2014 to the subject content criteria of RE GCSEs upheld an important principle that faith schools can and should teach about other beliefs.^{xxxix} Until then pupils at faith schools could be entered for a RE GCSE that only focused on a single faith. The new RE GCSE subject criteria require the study of at least two religions.

Accord has long urged that RE in schools should have a broad scope, and so it welcomed this as a small but welcome recognition of some of its concerns. However, the GCSE subject content criteria



do not allow for a systematic study of non-religious worldviews. This highly partial decision by the Government is contrary to the provision of high quality RE but is, sadly, not unusual. To Accord's displeasure, many local authorities exclude humanist representatives from their committees that monitor and determine their locally agreed RE syllabus. In 2016 Accord lambasted Birmingham City Council for refusing an application to join the local authority's RE committee from the City's Ahmadiyya Muslim Community.^{xxxiv} The application was rejected on the grounds that Ahmadiyya Muslims were described as Muslims, which might offend some Muslim committee members (some Muslims consider Ahmadis as heretics and not co-religionists).

Fortunately there is a broad consensus that RE should be balanced and religiously inclusive. In parallel with the Government's last National Curriculum review, the Religious Education Council of England and Wales (REC), of which Accord is an associate member, conducted its own two year-long review into RE, culminating in October 2013 with the publication of a new subject framework for RE.^{xxxv} The REC brings together all the main religious and belief groups and professional bodies directly concerned about RE. Its subject framework built upon 'The non-statutory national framework for Religious Education' (2004), which was produced for the Secretary of State for Education (and also with the support of England's main RE professional organisations and religion and belief groups).^{xxxvi} Both documents offer broad, inclusive and widely accepted frameworks about what primary and secondary schools should cover in RE, with the REC's framework being looser and more up-to-date.

An important intervention is expected in the coming months from the final report into improving RE by the Commission on Religious Education.^{xxxvii} The Commission is looking into the legal, education and policy frameworks for RE in England and Wales and is being produced by an expert and diverse range of commissioners. Its interim report published in September 2017 recommended that a national entitlement statement be produced setting out the purpose of RE and what pupils at all state funded schools should experience during their study of the subject.^{xxxviii} The final report should provide Ministers with even more impetus to act. Inclusivity campaigners must ensure the momentum it provides is not ignored, so that the next Education Bill passed by Parliament finally makes reforms to the framework of RE, which is decades out of date.

Relationships and Sex Education success

Accord has consistently campaigned for pupils to have an entitlement to receive Relationships and Sex Education (RSE) and thankfully in England in 2020 RSE is to become compulsory in all secondary schools and Relationships Education compulsory in all primary schools. The Welsh Government has announced that RSE for both primary and secondary school pupils will become compulsory in 2022.^{xxxix}

RSE is vital for the health and wellbeing of children and an important safeguarding measure. As the then Deputy Children's Commissioner for England Sue Berelowitz warned the House of Commons Select Committee on Home Affairs in 2012, child abuse takes place in every 'town, village and hamlet'.^{xl} Unfortunately making RSE a compulsory part of the curriculum has long been thwarted by reactionary groups that seek to delay the age at which information regarding how human reproduction occurs is delivered to pupils. Religious arguments are sometimes misapplied to justify such approaches.

Accord continues to campaign to ensure that the RSE schools provide is accurate, balanced and inclusive. It is concerned that schools, and especially in the faith sector, could restrict information about accessing sexual health services. The campaign's position is that schools should be able to



teach about a range of religious and cultural perspectives, but that this must not come at the expense of teaching core knowledge or promoting an acceptance of diversity. Homo-, bi- and transphobia have also been a consistent problem in schools (and shown to be worse within the faith school sector).^{xli} Without sufficient safeguards, schools that largely avoid talking about LGBT people could begin to address LGBT content, but in ways that mean efforts to tackle prejudice are undermined. The campaign has made numerous public interventions in support of these concerns and, thankfully, they have to some extent been taken on board.

Proposed statutory guidance on the teaching of Relationships Education and RSE in England which was released in July 2018 proposes that all schools should teach about contraception and as well as accessing confidential sexual and reproductive health-care services. The draft guidance also prevents schools from ignoring issues of sexual diversity. It requires them to all "... in a clear, sensitive and respectful manner" explore stable and healthy same-sex relationships alongside same sex ones, and recognise young people may be discovering or coming to terms with their sexual orientation or gender identity (paragraph 71).^{xlii} The guidance appears to ignore that schools are still a setting where a great deal of homophobic and transphobic bullying takes place, and Accord is urging the Government to amend its guidance to better promote the acceptance of LGBT people by schools. However, the campaign welcomes the significant progress being made.

There have also been encouraging signs from some faith school providers. In November 2017 the Church of England issued impressive guidance to its schools on actively promoting the acceptance of LGBT people and prevent LGBT bullying.^{xliii} It followed guidance in May 2017 from the Catholic Education Service on challenging homophobic and biphobic bullying in Catholic Schools guidance.^{xliiv} The Catholic Education Service's guidance stands in some contrast with a letter it sent to Catholic secondary schools back in 2012 asking that they encourage their pupils to sign an online petition opposing civil marriage equality.^{xliv} Worryingly the guidance still ignored transphobia, with Pope Francis having previously made public comments attempting to delegitimize the acceptance of transgendered people by schools.^{xlvi} While a lot of progress has been achieved, there is still more to do to ensure all state funded schools are inclusive spaces for LGBT people.

Collective worship

Every state-maintained school in England and Wales is required to hold a daily act of worship. In the case of schools with a religious character this worship must be 'in accordance with the tenets and practices of the religion or religious denomination' of the school. At other schools the worship must be 'wholly or mainly of a broadly Christian character', meaning that a majority of the assemblies must be broadly Christian in nature, and that *all* can be. The same requirement is made of academies through their funding agreements.

Many schools find the collective worship rules unworkable. In 2004 Ofsted stopped asking its inspectors to consider it, citing at the time that 76% of secondary schools were non-compliant with the law - either not having worship every day or not having worship at all.^{xlvii} An opinion poll in July 2011 commissioned by the BBC suggested that only 28% of children took part in a daily act of collective worship at their school, while most thought the Collective Worship laws should not be enforced (60% to 36%).^{xlviii}

Currently therefore many schools are simply not providing assemblies while some are, but in ways that fail to properly respect the autonomy of all staff and pupils. As with RE, reform of the collective worship laws is long overdue and inaction by Parliament is leading to assemblies withering on the vine.



Accord has promoted reform by highlighting to government how unsatisfactory the legal arrangements around assemblies are and by promoting positive case studies. One case study includes in 2014 the Church of Scotland and Humanist Society of Scotland issuing a joint call for the laws requiring Religious Observance in Scottish schools to be replaced with a 'Time for Reflection' to make school assemblies 'more inclusive and clearly not gatherings where one faith or belief system is promoted over another'.^{xlix}

Another case study is the approach of Brent Council in North West London, which in 2017 was awarded first place in an annual award that Accord administers celebrating innovative and inclusive practices in school age education. Local authorities in England and Wales have the ability to grant local maintained community schools a determination which frees them from having to provide Christian assemblies. The power was created with non-Christian majority community schools in mind and to enable them to provide worship in keeping with a different world faith better suited to the background of pupils. However, Brent Council uses its power to grant determinations which allow local schools to provide multi-belief assemblies that draw on material and practices from different religious and non-religious views. It is willing to grant such a determination to all local maintained schools that seek one.^l

Brent Council highlights the flexibility that exists under the current law to provide inclusive assemblies that draw upon a range of sources and seek to forge shared values, in ways genuinely appropriate for all pupils and staff. This is not however what the law ordinarily provides for, and the worship laws need to be changed and ideally repealed, to be replaced by guidance on providing inclusive assemblies. This must be addressed by Parliament, and unless assemblies are to become even more disregarded, inclusivity campaigners should make sure it is considered by Parliament when it considers changes to the legal framework around RE.



4. Inspections

School inspections are a key way of ensuring schools create an environment fit for those of different backgrounds and are preparing pupils for life in a diverse society. Though mindful that inspections place a significant burden on staff, and risk being too punitive or superficial, Accord believes they are an underutilised tool. It has therefore consistently campaigned to ensure the inspection system becomes a more reliable way of ensuring schools are providing an inclusive education.

Challenging complacency

In response to anxieties about the contribution schools were making towards integration, a duty was introduced in 2007 for all state funded schools to promote community cohesion. Correspondingly, a duty for Ofsted to inspect schools' contribution in this area came into force in 2008. Though well-meaning, Ofsted's community cohesion inspection criteria took no account of a school's admission policies or of the RE provided in faith schools, despite these frequently being considered among the most important issues around schools and community cohesion.

Rather than reforming how Ofsted inspected the promotion of community cohesion, the Government decided in 2011 to simply remove Ofsted's duty. As Ofsted inspections were the principal way government ensured schools met their duty to promote community cohesion, this made schools' duty far less significant. Accord vocally opposed the move and aided its supporters on both Government and Opposition benches in Parliament to try and resist it. An amendment to save the duty (from Accord distinguished supporter, Baroness Flather) was only defeated in the House of Lords by 181 votes to 141.ⁱⁱ

The Government quickly realised the error of its laissez-faire approach following the so-called 'Trojan Horse' scandal of 2014 in Birmingham, where a significant number of community schools in the city were found to be providing and placing pressure on staff and pupils to conform to conservative Islamic teachings. Within a few months the Government introduced a new requirement for all schools in England '... to promote the values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs', which it defined as 'British values'.ⁱⁱⁱ

It is unfortunate that the Government had previously in 2011 defined opposition to these values as an example of 'extremism' in its counter terrorism strategy.ⁱⁱⁱⁱ Religiously motivated violence and fundamentalism were therefore equated with religious conservatism. In turn, this made some groups feel unnecessarily persecuted and under suspicion, at a time when relationships and trust with public officials needed to be stronger. However, requiring schools to promote these values was a roundabout means of achieving what the community cohesion duty sought.

Challenging excessive deference towards practices within the faith school sector

The Birmingham schools' scandal highlighted double standards regarding the relationship between religion and schools. The Government compelled all schools to promote 'mutual respect and tolerance of those with different faiths and beliefs', whilst allowing the ability of state funded faith school to exclude people on the grounds of faith and not teach about other beliefs to continue. Had the schools in Birmingham simply been faith schools then many of the practices condemned would have been considered acceptable.



One effect of the Birmingham schools' scandal was that it led to much greater consistency in how Ofsted treats gender segregation within schools. Several of the schools in Birmingham were found to routinely segregate pupils by gender. Faith school inspection guidance issued by Ofsted in 2013 had listed mixed gender faith schools where boys and girls were taught separately and noted that 'this should not be taken as a sign of inequality between different genders'.^{iv} Soon after the Birmingham schools' scandal broke this guidance was taken down from Ofsted's website, and the inspectorate has since taken the issue much more seriously. This culminated in 2017 with it successfully taking a case to the Court of Appeal regarding a faith school that was routinely separating children in lessons and break times. The Court of Appeal upheld Ofsted's approach, ruling that the school's policy amounted to unlawful gender discrimination because it denied individual pupils opportunities to mix socially and interact with other pupils of the opposite sex.

In recent years Ofsted has exercised greater impartiality in its consideration of faith schools, which Accord very much welcomes. The greatest impediments it faces regarding inspecting faith schools are clearly not self-imposed, but due to the current framework within which the inspectorate has to operate. Its 2017 annual report warned that more illegally unregistered schools are being established to avoid teaching 'British values' and that it lacked the necessary legal powers to tackle them.^{iv} Many of the schools have a religious foundation and purport to be part-time schools or out of school settings that complement the education of home educated children. Ofsted lacks enforcement powers and has no right of entry into such suspected schools.

Encouragingly the Government's draft integration strategy states it will better support public agencies in dealing with unregistered schools, including reviewing Ofsted's legal powers regarding them. It also states new inspection arrangements from September 2019 are being developed by Ofsted to ensure there is stronger coverage of schools' promotion of 'British values' and integration. Accord has subsequently urged Ofsted to consider as part of the review new and more tightly defined inspection measures regarding both integration and wider equality issues.

One area where Ofsted is being unnecessarily impeded, and the Government has yet to commit to taking action, is in regard to their inspectors being barred from specifically inspecting denominational RE or Collective Worship in faith schools. Ofsted may only attend these activities as part of a general assessment of a school's contribution to the spiritual, moral, social and cultural development of their pupils. Instead faith schools appoint their own inspectors in these areas, which creates a potential conflict of interest. While faith schools may wish to employ specialist inspectors to consider denominational matters, it is not clear to Accord what public policy outcomes are being achieved by barring Ofsted from RE or Collective Worship. Accord holds that it is in the public interest for the inspectorate to be able to inspect *all* aspects of a school's work, and the campaign will continue to lobby for this change.



Conclusion

When Accord was founded the Government was steering education policy in a direction that would leave future generations with a worsening legacy of fragmentation and division. Since then Accord has repeatedly caused policy makers to think again and take tentative steps towards forging a more inclusive school system. This has been achieved in numerous ways including:

- helping bring together disparate groups and individuals - of varying political, religious and professional backgrounds - concerned about ways the relationship between religion and schools is currently negotiated
- collating and adding to the evidence base about current problems and solutions
- contributing to conferences and events, submitting consultation responses, and holding numerous face to face meetings with policy makers and school providers
- ensuring Accord spokespersons regularly contribute to debate in the media and, in so doing, help maintain pressure on policy makers by maintaining and growing public support for its campaign aims

Accord is now an established presence and go-to organisation for journalists seeking comment or with queries about religion and schools. It has built a reputation that allows it to make authoritative public interventions and secure regular meetings with relevant stakeholders and government agencies.

However, there remain major challenges, including from those with misguided, powerful and entrenched interests that wish to frustrate and even undo reforms, to society's quickly changing religious profile. 98% of state funded faith schools are Christian, and there are simple arguments around equity and fairness in support of opening new waves of minority faith schools. But as the All-Party Parliamentary Group on Social Integration warned in 2017, the school system already '... too often reinforces and replicates division between communities' and opening new waves of schools that can religiously discriminate or narrow the horizon of pupils would be a historic error.

Instead Accord believes the solution lies in the long established tradition in Britain that seeks to ensure schools do not religiously discriminate, indoctrinate or undermine social cohesion. All state funded schools should be steered on to a path towards being truly religiously and culturally inclusive. The coming months and years will present important opportunities to help achieve this, where Accord will:

- encourage and support necessary cultural and attitudinal changes within faith schools and faith school providers,
- hold the Government to account over its ambitions to take boosting integration more seriously,
- seek to ensure progress is achieved through the publication of fresh guidance, policy and regulatory changes, and legalisation, including via a long awaited Education Bill.

It is vital for the health of society, including the more equal life chances of our children, that campaigners should not pull back, but vigorously pursue the establishment of a school system that will help our nation forge an open, tolerant and inclusive society, in which all may flourish and achieve their potential.



Endnotes

ⁱ Accord has previously set out in September 2016 for a then inquiry into immigration and integration by the All Party Parliamentary Group for Social Integration some of the wide academic evidence base showing that ethnic mixing in schools creates conditions for much improved integration. Available at <http://accordcoalition.org.uk/wp-content/uploads/2016/09/Supplementary-information-to-the-All-Party-Parliamentary-Group-for-Social-Integration-immigration-and-integration-inquiry.pdf>.

ⁱⁱ Bishop Doyle's comments are recorded on p427 of the House of Commons publication 'Selection of Reports and Papers of the House of Commons: Poor in Ireland, Volume 46' (1836). A free version of the publication can be found at https://books.google.co.uk/books?id=5SIDAAAACAAJ&printsec=frontcover&source=gbg_summary_r&cad=0#v=onepage&q&f=false.

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^{iv} *Elementary Education Act 1871*, UK. A brief overview of the Act, along with its text, can be found on the Parliament website at <https://www.parliament.uk/about/living-heritage/transformingsociety/livinglearning/school/overview/1870educationact/>.

^v *Universities Tests Act 1871*, UK. Available at <http://www.legislation.gov.uk/ukpga/Vict/34-35/26>.

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^{xiii} In February 2015 the Church's Chief Education Officer, the Revd Nigel Genders wrote in a Church hosted blog post that '... our schools are not faith schools for Christians but Christian schools for all.' This phrase and statements similar to it have been subsequently repeated publicly many times by office holders in the Church to describe the purpose of their schools. The blog post 'No education is neutral' can be viewed at <http://cofecomms.tumblr.com/post/109855559362/no-education-is-neutral>.

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^{xv} Hansard (2017) *Education and Society, 08 December 2017, Volume 787*. Available at <https://hansard.parliament.uk/Lords/2017-12-08/debates/864C5DA0-17B5-4C2F-8A9C-EAC5EB3180FC/EducationAndSociety#contribution-005B4B63-08D0-4564-9EA6-1A426F811D42>.

^{xvi} Gamble, R (2016) 'Church welcomes abolition of cap on faith-school admissions'. *The Tablet*. 15th September [online]. Available at <http://www.thetablet.co.uk/news/6121/church-welcomes-abolition-of-cap-on-faith-school-admissions>.

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- 22% at non-faith schools said staff never challenged homo, bi and transphobic language (rising to 31% of pupils in faith schools)
- only 68% reported that their school said homo and biphobic bullying was wrong (dropping to 57% among faith school pupils)
- only 41% reported that their school said transphobic bullying was wrong (dropping to 29 % of faith school pupils)

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