

Rt Hon. Nicky Morgan MP
Secretary of State for Education
Department for Education
Sanctuary Buildings
20 Great Smith Street
London SW1P 3BT

28 January 2016

Dear Nicky,

I am writing in response to Monday's announcement that you plan to prevent organisations from making official objections to the admission arrangements of state schools. This would be detrimental to the school admissions system as a whole, and in no way contribute to making the system fairer, more transparent, and easier to navigate for parents and their children. I am, however, not just writing directly on that point but also in relation to your official statements about us.

In the statement published on your Department's website on Monday, you give two main reasons for this proposed change – 'unclogging the admissions system by stopping objections to a school or local authority's admissions arrangements from outside the local area', and 'stopping vexatious complaints against faith schools from secularist campaign groups'. It is clear from this that the ban is largely in response to the objections we submitted in 2014 to the arrangements of a small sample of religiously selective schools in England, detailed in the report *An Unholy Mess: How virtually all religiously selective state schools in England are breaking the law*,¹ which we jointly published with the Fair Admissions Campaign last year.

I write to express our disappointment and surprise at the way you have chosen to characterise the objections we submitted as 'vexatious' both in your official statement and in a leak to *The Sunday Telegraph*.

Responsible cooperation with your Department

Contrary to the impression you are seeking to give to the public, we involved your Department closely at every stage of our actions. As you are aware, before we even began the process of submitting our objections, we met with your officials to discuss them and ensure you were fully informed in advance of our plans. Your officials explicitly reassured us that it was our right to object and – more than that – they welcomed our efforts to expose the problems in the system and uphold both the law and your policy. At every stage of the process we shared our findings with you, we collaboratively discussed potential improvements to our plans with your officials, and we shared our final report well ahead of its publication with you to ensure that you were fully informed of what had occurred and its propriety. We discussed both our objections and the subsequent report detailing the Adjudicator's findings at meetings with your officials in March, April, July, October, and November 2014, and March, July, September, and October 2015, as well as extensively in correspondence. We have behaved with absolute integrity and a strong sense of responsibility throughout.

All the cases we brought were successful and eliminated serious unlawful activity

In using the word 'vexatious' to describe our complaints, you have additionally given a false impression not just of the way in which we lodged our objections and complaints, but of their outcome. Every single

¹ <http://fairadmissions.org.uk/anunholymess/>

one of the 42 cases we brought was successful on the majority of, if not all, grounds. A 'vexatious' case is generally understood to mean a case taken without merit, not a case that was upheld. 'Vexatious' is an entirely misleading description of objections that go through the formal process, are widely upheld by the Adjudicator,² and reveal widespread, endemic illegality. Without our objections, several schools would still be breaking the law by selecting on the basis of race and/or gender; several would still be selecting on the basis of whether or not parents arrange flowers or help clean at church; and one would still be policing whether or not a child's parents are having sex when their mothers are menstruating. Perhaps more pertinently in light of the ban, without our objections most of the schools would still be unlawfully failing to publish their admissions policies, either on time or at all, preventing parents from even being able to object in the first place. Our objections have also led to widespread improvements in schools' admissions policies which will overall cause a drop in the number of admissions appeals, and so lead to an overall decrease in public expenditure in the medium term. I think any reasonable person would find our actions entirely in the public interest for this and many other reasons.

Enforcement of the School Admissions Code

Although you entitle your statement *Parents to get greater say in the school admissions process*, you must know, in truth, that banning civil society organisations from raising concerns about admission arrangements can only give parents less say in the process. The complexity of the Admissions Code means that expertise is required to lodge accurate objections and it is difficult for the average parent to have the time to acquire such expertise, or to see the process through. This, along with fears about anonymity, is why parents regularly come to us and ask us to lodge objections on their behalf. With no body actively monitoring and enforcing compliance with the School Admissions Code,³ objections from civil society organisations represent one of the few means of ensuring that schools adhere to the law and parents are not unfairly denied places for their children at local schools.

We receive thousands of requests for support, advice, and advocacy from parents right across England each year and our work on school admissions is a direct consequence of our ambition and responsibility to help these families. Banning organisations from raising such concerns will drastically limit the extent to which the Code can be enforced, meaning a significant number of breaches, whether intentional or inadvertent, will go unnoticed.⁴ All of our objections directly benefit parents and children, and they will be the only ones to lose out should this proposed change go ahead.

In light of this, I would urge you to reconsider your proposal before a consultation on the wider School Admissions Code is launched, and would be happy to meet with you to discuss this further if you think that would be useful, in light of our unparalleled experience in successfully interpreting and applying the Code.

Yours sincerely,



Andrew Copson
Chief Executive, British Humanist Association

² About 87% of our individual objections were upheld; over 1,300 breaches of the School Admissions Code were found.

³ The creation of such a body, you will note, is one of the main recommendations of the *An Unholy Mess* report.

⁴ Indeed, it was with this in mind that your Schools Minister Nick Gibb, when challenged in 2011 on his introduction of the rule that anyone should be able to object to a school's admission arrangements, stated in the House of Commons that 'anyone means anyone', adding 'so it could be a school or a charity'.