

BHA briefing: Religious lobbying around the 50% cap on religious selection

The Government's green paper states that 'some faiths have felt unable to open new schools through the free schools route because they say it contravenes religious rules'. There are issues with this.

Government policy should not be dictated by religious rules

First and foremost, it is not appropriate for the Government to introduce a change in policy that will result in more discrimination and more segregation in the education system simply because some religious organisations for allegedly religious reasons are not willing to cater for all children, regardless of religion or belief, when operating schools paid for by public money. Government policy should clearly not be dictated by canon law any more than it should be dictated by sharia.

The correct response when faced with these demands is to defend the importance of religious and ethnic integration in the education system and of schools being open, inclusive, and diverse. Instead, the Government has bowed to these demands and accepted the primacy of religious rules over the better interests of children and schools.

Catholic objections to the 50% cap are disingenuous and politically motivated

The green paper mentions that Catholic schools are unable to open under the cap, ostensibly because it 'contravenes religious rules', and the Catholic Education Service (CES) has said this means canon law - and boycotted the free school programme as a result. This appeal to canon law is contradicted by the facts, however:

- a) the vast majority of Catholic private schools in England (78 out of 101 according to a recent survey) do not select all their places with reference to religion, and many openly celebrate the fact that they do not religiously select at all;¹
- b) many Catholic state schools in Scotland do not religiously select their pupils
- c) around the world allowing state-funded schools (Catholic or otherwise) to religiously discriminate in admissions is extremely rare. A recent OECD survey identified only the UK, Ireland, Israel and Estonia as permitting discrimination of this nature;²
- d) devastatingly, there are already Catholic state schools in England that do not select all their places on religion. For example, St Richard Reynolds Catholic Primary School in Richmond,³ St Paul's Academy in Greenwich,⁴ and The De La Salle Academy in Liverpool⁵ all leave a third of their places open to non-Catholic children.
- e) the Catholic International Education Office - the umbrella body for over 100 national catholic education organisations around the world, including the CES - stated in an official paper circulated at the Council of Europe in November 2016 that a 'Catholic school is an inclusive school, founded in intercultural and interreligious dialogue. A non-discriminatory school, open to all, especially the poorest... [It] is anything but a communitarian school. It is open to all. In many European, American, Arab, African or Asian countries, the Catholic school welcomes mainly, or even exclusively, Muslim

¹ Survey of the admission arrangements of Catholic private schools in England, BHA, Sept 2016: <https://humanism.org.uk/2016/09/09/exposed-catholic-hypocrisy-in-calls-for-end-to-restrictions-on-religious-selection-in-schools/>

² Musset, Pauline, 'School Choice and Equity: current policies in OECD Countries', OECD Education Working Papers, Jan 2012: http://www.oecd-ilibrary.org/education/school-choice-and-equity_5k9fq23507vc-en

³ <http://www.strichardreynolds.org.uk/admissions>

⁴ <http://www.stpaulsacademy.org.uk/parents/admissions-arrangements-year-7-september-2017>

⁵ <http://www.de-la-salle.co.uk/files/policies/admissions%20policy.pdf>

pupils, Buddhists, animists, or pupils of other religions, even those without religion. It must constantly promote intercultural and interreligious dialogue’.

Clearly, the idea that the Catholic Church cannot open free schools under the cap is not at all supported by the current situation. As Professor Linda Woodhead, Professor of Sociology of Religion at Lancaster University, puts it: ‘There is in fact no such canon. It’s the subtlety and openness of canon law on this matter which allows the Catholic Church across the world to operate in a wide variety of educational and legal situations with maximum flexibility.’⁶

Furthermore, a recent poll found that 63% of Catholics, and 68% of Christians more generally, are opposed to any and all religious selection in state schools, suggesting that the CES’ position is not supported by the wider Catholic population it claims to represent.⁷

It seems evident that the Catholic Education Service’s pretence of a religious objection based on unspecified canon law appears to be a political tactic to try to force through a policy change favourable to the Church but unpopular with the public and incredibly detrimental to integration and fairness in the education system.

Dropping the 50% cap is a green light to further religious segregation

The only other significant organisation that has lobbied for the 50% cap to be removed is the Office of the Chief Rabbi (OCR). In July, a [spokesperson for the OCR](#) stated that the value of Jewish schools lies in providing ‘a completely immersive Jewish environment – something which is far more challenging if the 50 per cent rule associated with free schools is applied’. This runs entirely counter to the stated aims in the green paper around integration, and raises serious questions about the commitment to integration held by those who will seek to open fully selective schools.

It seems very likely that certain religious communities will see this as a green light to further isolate themselves and their children from wider society, and given that the alternative integration measures proposed in the green paper are entirely tokenistic and piecemeal, there will be very little to stop them from doing so. This is detrimental not only to the children involved, but to social cohesion more generally.

Further reading:

- BHA briefing on ethnic diversity in religious free schools: <https://humanism.org.uk/wp-content/uploads/2016-09-15-FINAL-Ethnic-diversity-in-religious-Free-Schools.pdf>
- BHA briefing on decision to remove the 50% cap: <https://humanism.org.uk/wp-content/uploads/FINAL-Briefing-on-50-religious-selection-cap.pdf>

**British Humanist Association
November 2016**

⁶ Woodhead, Linda, ‘The government’s changes to faith schools side with hardline religion’, London Schools of Economics and Political Science, Sept 2016: <http://blogs.lse.ac.uk/religionpublicsphere/2016/09/the-governments-changes-to-faith-schools-sides-with-hardline-religion/>

⁷ ‘Strong majority opposed to plans for school admissions on basis of religion’, BHA, Nov 2016: <https://humanism.org.uk/2016/11/02/strong-majority-opposed-to-plans-for-school-admissions-on-basis-of-religion/>