

Schools that work for everyone: response of the British Humanist Association

12 December 2016



About the BHA

The British Humanist Association is the national charity working on behalf of non-religious people who seek to live ethical and fulfilling lives on the basis of reason and humanity. We promote Humanism, support and represent the non-religious, and promote a secular state and equal treatment in law and policy of everyone, regardless of religion or belief. Founded in 1896, we have around 45,000 members and supporters, and over 70 local and special interest affiliates.

The BHA has a long history of work in education, children's rights and equality, with expertise in the 'religion or belief' strand. We have been involved in policy development around the school and the curriculum for over 60 years. We also provide materials and advice to parents, governors, students, teachers, and academics, for example through <http://understandinghumanism.org.uk/> and our school volunteers programme. We have made detailed responses to all recent reviews of the school curriculum, and submit memoranda of evidence to parliamentary select committees on a range of education issues.

31. Are these the right alternative requirements to replace the 50% rule?

We do not believe the 50% rule should be replaced and outline why in our response to question 32.

These four alternatives are in no way adequate substitutes for the 50% rule. In summary:

- The first suggestion (prove that there is demand for school places from parents of other faiths) is not an alternative as it is already a rule. It is also in any case directly incompatible with schools being able to select 100% on religion.
- The second (establishing twinning arrangements with other schools not of their faith) is a sensible proposal which we welcome in general but there is no good evidence to suggest it would work. Moreover, there is no detail about how or to what extent this would be enforced, nor whether it will apply to existing schools as well as new ones.
- The third (consider setting up mixed-faith multi-academy trusts, including becoming a sponsor for underperforming non-faith schools) and the fourth (consider placing an independent member or director who is of a different faith or no faith at all on the governing body of new faith free schools) are entirely tokenistic. Religious groups are already free to 'consider' these suggestions and, besides, there is no evidence that they will in any way mitigate the divisiveness of exclusive faith schools. Furthermore, the third is actively harmful in extending religious influence over a greater range of state schools and so increasing religious discrimination across the system.

We urge the Government to keep, strengthen, and enforce the first proposed requirement; keep, strengthen, and enforce the second; drop the third altogether; and above all, keep the 50% rule in place.

Prove that there is demand for school places from parents of other faiths

The first point to make here is that **this requirement already exists**. Current guidance on applying to set up a free school states that 'the limit on faith admissions in particular should make clear the

need for you to demonstrate that your free school will appeal to a wide range of parents and pupils, including those of other faiths or none'. It also states that the Department will look for evidence 'that your school will provide for and be attractive to parents and pupils from outside your faith community'.¹ We fully support this guidance and hope it remains, but it is difficult to see how the Government can seriously contend that the requirement, already in existence, is a) a replacement for the cap, and b) will work more effectively in the absence of the cap.

Furthermore, the proposal to require evidence that parents would be happy to send their children to a school which, by virtue of it being fully religiously selective, they are effectively barred from attending does not make sense and it has not been explained how this would improve integration. This could well be seen as an insult to the many families whose access to their local schools will be adversely affected by the cap's removal.

More than that, however, it ignores the inevitable consequences of allowing religious schools to religiously select 100% of their intake. Schools seek to select 100% of places on the grounds of religion explicitly because it allows them to only admit families of one particular religion, and so espouse a distinctive religious ethos that caters exclusively for those families. Removing the 50% cap on religious selection means that schools will have far less incentive to make their ethos more inclusive of children from other backgrounds due to the smaller proportion of their intake that will come from such backgrounds. This is bad for integration on its own, but it will also have the corollary effect of making the school and its ethos less appropriate, less attractive, and less hospitable to families from different religious or non-religious backgrounds. This, in turn and over time, will result in fewer families from different backgrounds applying to such schools in the first place, regardless of what their religious selection policies are.

In sum, removing the 50% cap will bring about a vicious cycle of exclusivity and segregation which can only detract from the Government's stated aim of improving integration. The requirement to prove that there is demand for school places from parents of other faiths can only be effective if it is put in place alongside the cap, as is the situation now.

Establishing twinning arrangements with other schools not of their faith

Our views on this proposal are much the same as our views on most of the other integration measures proposed in the consultation document. Introduced alongside a cap on religious selection, twinning arrangements may have some effect, and certainly twinning arrangements plus a cap would be more effective than twinning arrangements without a cap. This is the clear conclusion that can be drawn from what little evidence exists on school twinning. However, the fact that such little evidence does exist casts doubt on how confident we can be that twinning has any substantial effect.

Whilst school twinning has been tried on a limited number of occasions over the years in different parts of the country, it rose to particular prominence as an idea following the race riots in Oldham, Bradford, and Burnley in 2001. The subsequent Cattle report, which looked into the causes of the riots, stated that 'immediate steps should be taken to address the problems of mono-cultural schools', suggesting as one of its recommendations that 'the twinning of schools with predominantly different cultures' be tested. This would include 'the development of joint sports, arts and cultural

¹ 'How to apply to set up a free school: guidance', DfE, July 2016: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/541945/How_to_apply_to_set_up_a_free_school_guidance.pdf

programmes between these schools', 'teacher exchanges and joint working', and 'joint curriculum activities and learning programmes'.²

On the back of this, funding was provided in 2007 for a few twinning programmes through the Schools Linking Network and the findings of these trials were presented in 2011. The evaluation found that 'school linking can have a positive impact on many aspects of pupils' skills attitudes, perceptions and behaviours, particularly their respect for others, their self-confidence and their self-efficacy, as well as broadening the social groups with whom pupils interact'. This is encouraging, and it is undoubtedly a shame that the programme was not extended beyond 2010, but the overall effectiveness of the twinning arrangements is far from clear. The evaluation also found that 'schools faced some issues' finding suitable partners, and presented 'mixed evidence for the programme's impact on pupils' knowledge and understanding, their willingness to express their opinions, and perceptions of school and wider community climate'.

More importantly, however, the evaluation concluded that 'the programme is likely to have more of an impact if there is sustained involvement of pupils in the programme', and that 'sustained involvement was associated with pupils being more inclined... to feel respect for the rights of others. This included believing that "everyone who lives in Britain should have the same rights", independently of age, race, ethnicity, religion or financial circumstances'.³

Evidence from similar programmes is difficult to find, but what other examples there are reveal similarly mixed results. The Schools Linking Project, for instance, undertaken in Bradford between 2001 and 2004, was inconclusive. Those evaluating the project said that whilst they were 'often delighted by the work of the project', there were 'difficulties both in terms of practicalities, for example transport, timings and planning meetings, and more crucially at the level of emotional engagements of all concerned'.⁴ There is currently no reason to expect that similar difficulties would not be experienced if the Government was to promote twinning alongside a removal of the 50% cap.

On the other hand, there is a significant body of evidence supporting mixed schooling, dating back a number of years. In 2006 a report by Professor Irene Bruegel of London South Bank University found that 'Friendship at primary schools can, and does, cross ethnic and faith divides wherever children have the opportunity to make friends from different backgrounds. At that age, in such schools, children are not highly conscious of racial differences and are largely unaware of the religion of their friends'.⁵ In 2008, in their paper 'Identities in Transition: A Longitudinal Study of Immigrant Children', Brown, Rutland & Watters from the Universities of Sussex and Kent concluded that 'the effects of school diversity were consistent, most evidently on social relations: higher self-esteem, fewer peer problems and more cross-group friendships. Such findings show that school ethnic composition can significantly affect the promotion of positive intergroup attitudes. These findings speak against

² Cantle, Ted, 'Community Cohesion: a report of the independent review team', Home Office, 2001: <http://dera.ioe.ac.uk/14146/1/communitycohesionreport.pdf>

³ Kerr, David; Keating, Avril; Poet, Helen; Spielhofer, Thomas; Lopes, Joana; Mundy, Ellie, 'Evaluation of the Schools Linking Network: final report', National Foundation for Education Research, March 2011: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/182402/DFE-RR090.pdf

⁴ Ackroyd, Claire; Grant, Pauline; Kershaw, Janice; Kotter, Angie, 'Building Bridges – Making Links: Bradford's linking school's project, 2001-2004': <http://www.schoolslinking.org.uk/wp-content/uploads/2011/07/ACKROY1.pdf>

⁵ Bruegel, Irene, 'Social Capital, Diversity and Education Policy', London Southbank University, Aug 2006: <http://www.lsbu.ac.uk/research/research-interests/sites/families-social-capital-research-group>

policies promoting single faith schools, since such policies are likely to lead to reduced ethnic diversity in schools'.⁶

More recently, in 2014 the University of London surveyed 247 pupils from South Asian backgrounds and found that a higher number of cross-ethnic friendships moderated prejudice and the negative effects of ethnic discrimination.⁷ Similarly, in 2015 a survey collected data from over 100,000 13 and 14 years old in 38 countries in order to investigate the effect that ethnically diverse classrooms had on promoting inclusive attitudes towards immigrants and those from other backgrounds. The researchers found that 'the results of this study are welcome news for the advocates of desegregation, as they suggest that ethnically mixed schools are well positioned to promote inclusive out-group attitudes among native students ... in sum, this study suggests that policy makers should consider ethnic mixing as a strategy to promote more inclusive out-group attitudes among the native majority'.⁸

It should also be noted that the Casey Review, published in December 2016, contains an entire section on 'The benefits of meaningful contact and interaction', in which it states that 'there is strong evidence around the benefits that can derive from high levels of meaningful contact between people from different backgrounds'. The review further states that 'when children being educated in segregated schools are also growing up in an area where all of their neighbours are from the same ethnic and/or faith background, it vastly reduces opportunities for them to mix with others from different backgrounds. It deprives them of the benefits - individually and to society as a whole - that are known to derive from mixing with people from different backgrounds.' The review goes on to conclude that '[religious] admission policies do seem to play a role in reinforcing ethnic concentration' and it therefore recommends that the Government 'work with schools providers and local communities... to ensure that children from different communities learn alongside those from different backgrounds'.⁹

We are aware, of course, that the review also states that on the basis of 'the Department for Education's analysis for the review, the Free Schools policy on admissions appears not to have been having a positive effect on integration'. As we set out below, however, this analysis is flawed and evidently does not accurately reflect the effectiveness of the cap in promoting integration. Furthermore, it is significant that the review stops short of endorsing the removal of the 50% cap despite its apparent (and erroneous) finding that it is not being effective, and Dame Louise Casey herself was on record prior to the publication of the review to say she opposed the cap's removal.¹⁰ Given this, and the fact that removing the 50% cap flies in the face of almost everything the report

⁶ Brown, Rupert; Rutland, Adam; Watters, Charles, 'Identities in transition: a longitudinal study of immigrant children', Economic and Social Research Council, 2008 <http://accordcoalition.org.uk/wp-content/uploads/2010/11/Identities-in-Transition.-A-Longitudinal-Study-of-Immigrant-Children.pdf>

⁷ Bagci, Rutland, Kumashiro, Blumberg, 'Are minority status children's cross-ethnic friendships beneficial in a multiethnic context?', British Journal of Development Psychology, Jan 2014: <http://onlinelibrary.wiley.com/doi/10.1111/bjdp.12028/abstract;jsessionid=F7D2E9268E1233DAF9AB578D91B4967C.f02t01>

⁸ Janmaat, Germ, 'Do ethnically mixed classrooms promote inclusive attitudes towards immigrants everywhere? A study among native adolescents in 14 countries', Institute of Education, Dec 2015: <http://eprints.ioe.ac.uk/21124/>

⁹ Dame Louise Casey DBE CB, 'The Casey Review: A review into opportunity and integration', December 2016: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/574565/The_Casey_Review.pdf

¹⁰ McCann, Kate, 'Teach integration to prevent extremism, Government-backed review expected to say', September 2016: <http://www.telegraph.co.uk/news/2016/09/14/teach-integration-to-prevent-extremism-government-backed-review/>

says about integration in schools, we would question the independence of this section of the final report and the extent to which it accurately reflects the views of the author and the findings of the review.

In sum, given the limited and mixed evidence available on the merits of twinning, and the significant body of evidence on the merits of mixing, it is impossible to conclude that integration and mutual understanding would be nearly as well served by twinning arrangements as by inclusive admission arrangements. This is especially the case given the evidence that the admissions cap has led to a significant increase in diversity in a great many free schools, and therefore to an increase in the number of pupils from different backgrounds that are involved in the kind of long-term interactions that are sought.

Recognising that the body of evidence is not sufficient to conclude that school twinning will act as an effective replacement to the 50% cap, we do not see how the Government can justify a decision to remove the cap on these grounds. The Government is not even suggesting to trial twinning arrangements while the cap is still in place, which would allow for an assessment of how successful they were in practice and under what conditions before a decision on whether or not to allow a school to turn to 100% religious selection (if indeed it wanted to). As we have set out, the evidence strongly supports leaving the cap in place, with or without additional measures on top, but even if this was not the case it seems only logical to allow schools to drop the cap only once they have demonstrated a commitment to improving integration, rather than allowing them to become fully selective before such commitment has been demonstrated. This is especially true given some of the fears that have been expressed both about certain religious communities deliberately using the removal of the cap to further isolate their pupils from wider society, and about opposition from within those communities even to the tokenistic integration requirements suggested in the green paper.¹¹

Beyond this, it seems obvious that the reason for promoting twinning arrangements is to mitigate the damage done by separate schooling and, in future, bring about a system in which twinning may not be necessary. Twinning is designed to ensure that children are having meaningful interactions with those from other backgrounds, 'developing closer ties and understanding', to use the words in the consultation document. In this respect, educating children from different backgrounds alongside one another for the entirety of their learning is clearly preferable to holding the odd joint lesson, assembly, or school trip. Twinning, if successful, must have the effect of fostering a preference among children and parents for diverse and inclusive schools. If twinning is successful in achieving this (and it is important to acknowledge that it will inevitably take time to test this), it falls on government to ensure that such schools are readily available. Removing the 50% cap and allowing more schools to become fully religiously selective clearly runs counter to this and limits the overall effectiveness that twinning arrangements can have.

Furthermore, the Cante report was explicit in favouring open admission arrangements above all else. The report states that 'ideally admissions policies should avoid more than 75% of pupils from one culture or ethnic background in multi-cultural areas' and that 'by offering, at least 25% of, places to other faiths or denominations', schools 'would immediately be more inclusive and create a better representation of all cultures or ethnicities.'¹² Professor Cante has since become an active campaigner against any form of religious selection.

¹¹ Rucker, Simon, 'Demands on new faith schools opposed', Jewish Chronicle, December 2016: <http://www.thejc.com/news/uk-news/166669/demands-new-faith-schools-opposed>

¹² Cante, Ted, 'Community Cohesion: a report of the independent review team', Home Office, 2001: <http://dera.ioe.ac.uk/14146/1/communitycohesionreport.pdf>

Our firm recommendation is therefore that, in line with the recommendations of the Cattle report, the cap be kept in place and twinning arrangements introduced alongside.

Consider setting up mixed-faith multi-academy trusts, including becoming a sponsor for underperforming non-faith schools

We are deeply concerned by the proposal to allow religious academy trusts to run ‘non-faith’ schools. We have many reasons for this concern, and these are based on experience where this already happens.

First and foremost, it is not appropriate for a religious organisation to be involved in running schools with no religious character. These schools are not legally designated as having a religious character, and parents are entitled to expect that the education provided at them is not influenced by any distinctive religious ethos. When religious organisations assume control over a school, they are free to impose religious influences in a wide variety of ways. We will briefly outline the areas of school life that are subject to this influence now:

Ethos – currently, academies with no religious character can simply choose to declare themselves as having a religious ethos. They can do this without any consultation or even announcement. It is our understanding that they do not even need to report the fact to the Department for Education. Having a religious organisation as sponsor obviously makes adoption of a religious ethos more likely.

Senior staffing – academies with a religious ethos can use a religious genuine occupational requirement in appointing not just the head teacher but also other senior staff. They can, in other words, discriminate on the basis of religion in their employment policies. Given that this is possible without a legal religious designation and without consultation with the local community, such discrimination is entirely unwarranted. Also, academies within MATs sometimes share senior staff (executive principals for instance), and so even if an academy does not declare a religious ethos, it may still find itself with religiously appointed senior staff as a result of it being part of religious MAT.

Collective worship – schools without a religious character are legally (or contractually in the case of academies) required to hold a daily act of broadly Christian collective worship. Requiring schools with no religious character to hold daily acts of religious worship is entirely inappropriate and undermines their inclusivity to those of all religions and beliefs. In practice the damage this does is minimised because a significant proportion of schools ignore the requirement - but it is reasonable to expect that when a religious MAT assumes control of a school without a religious character it will seek to enforce it.

Religious education – while religious education in schools without a religious character cannot be ‘faith-based’ in any way, the ability of academies to set their own RE syllabuses allows MATs to influence that RE. This naturally leaves scope for religious MATs to influence the RE within a school without a religious character in a way that may not preserve the objective, critical, and pluralistic approach that children deserve and parents are entitled to expect.

PSHE and SRE – there is no requirement at all to teach PSHE or SRE in academies, so schools are free to teach whatever they like. Allowing a religious organisation to dictate the SRE policy of a school without a religious character presents several obvious risks. Comprehensive, age-appropriate, and inclusive SRE should be compulsory in all schools so that, regardless of their school they are in, children can be equipped with the knowledge and skills they need to stay healthy, happy, and safe. In sum, the rules and regulations that govern schools without a religious character are not sufficiently robust or secular to protect against the encroachment of religion when they become run

by religious organisations. Allowing religious MATs to assume control of or influence over schools without a religious character therefore presents a number of risks.¹³

Already over 350 schools with no religious character are part of religious MATs of one kind or another, and many of the concerns identified above have already been realised.¹⁴

For instance, in 2010 Tudor Grange Academy entered into an affiliation agreement with a local church primary at the request of the diocese. There was no consultation on this proposal with parents or staff and no other mention than this one paragraph in a news item posted on its website that was primarily about something else entirely. The affiliation agreement included commitments by Tudor Grange Academy to 'seek to celebrate and acknowledge the importance of spirituality and faith to our school life', and to 'acknowledge the affiliation with the Diocesan Board of Education in material produced and published by the school'. Even worse, Tudor Grange then designated the church primary as a feeder school, alongside another church primary in the area, giving children attending these schools priority in admissions. Both these primary schools were religiously selective so that, by giving them feeder status, Tudor Grange essentially became a religiously selective school despite not being designated with a religious character. There is nothing in the law to prevent this from happening.

Somerton Infant School in Somerset is a similar example. In March 2014 it was announced that it would be entering into a multi-academy trust with neighbouring Montclefe Academy. As Montclefe is a Church of England Academy it was decided that Somerton Infant School should be converted into a Church of England academy as well. The school subsequently closed and became the infant site of King Ina Church of England Academy. Again, there is nothing in law to prevent this from happening.

To mitigate against these risks, we recommend that religious multi-academy trusts be barred from sponsoring schools with no religious character, whether they are underperforming or not.

Finally - and this in itself should be conclusive - there is no evidence base that religious MATs sponsoring non-religious schools in any way helps foster diversity or inclusive attitudes in schools - rather (as indicated above) the exact contrary.

Consider placing an independent member or director who is of a different faith or no faith at all on the governing body of new faith free schools

We would have no objection to this requirement being enforced in addition to the 50% cap. Indeed, given that the cap increases the likelihood that there will be children at the school from different religious or non-religious backgrounds, recognising this in the form of a governor whose remit is to ensure that the school sufficiently caters for them does seem appropriate.

Clearly, however, in the face of 100% religious selection this is nothing more than a token gesture. First, the requirement is only to 'consider', rendering it toothless. Further, the influence a lone independent governor can have on a 'faith' school governing body is likely to be minimal. There is no evidence base in support of this proposal, and we no reason for any expectation that such a minor change would be sufficient to have any influence in offsetting removal of the cap, let alone match its

¹³ Further details of the concerns surrounding 'mixed multi-academy trusts', including case studies, can be found here: <https://humanism.org.uk/wp-content/uploads/2016-08-30-Final-Briefing-on-mixed-MATs-oral-evidence.pdf>

¹⁴ <https://humanism.org.uk/2016/09/07/exposed-religious-organisations-gain-control-over-hundreds-of-state-schools/>

contribution to improving integration, even alongside the other integration measures that are proposed in the green paper.

This view is one shared by the current Vice President and founding chair of the National Governors Association, Professor John Adams, who has stated 'I think even the word "tokenistic" rather flatters the proposal, especially when you remember that the invitation to join the governing board will likely come from the board itself. Who will determine whether or if the recruited governor is truly of a different or independent mind? Will there be guidelines as to how and from what types of constituencies the appointment might be made? It seems almost pointless and merely an attempt to cloak the whole proposal in an air of representative respectability.'

In fact it could have the opposite effect – it is easy to imagine the independent spot being taken by someone more strictly religious than the existing governors and so working to make the school more religious overall.

Schools become more inclusive and widen their perspective not when their governing bodies contain tokenistic representation from just one different religious or non-religious community. Rather, religious schools are forced to become more inclusive when they admit a more diverse set of children. The best way to achieve this diversity, preferably along with other integration measures, is by reducing the extent to which schools religiously select, and that is why the 50% cap is so important.

32. How else might we ensure that faith schools espouse and deliver a diverse, multi-faith offer to parents within a faith school environment?

In the absence of an explicit opportunity to comment on the merits or otherwise of dropping the 50% cap to begin with, we will set out why we believe it should stay in place here.

In what follows we set out the evidence around religious selection being bad for ethnic and socio-economic integration, look at the popularity of religious selection and the demand for religious school places, and question whether it is true that religious rules have meant that the cap has presented some groups from opening new schools. We then turn to other areas the Government should consider to improve diversity within religious schools.

More generally however, we would also question whether the Government has considered the equality impact that the proposals will have not just on ethnic and socio-economic integration but also on religion or belief, and the particular disadvantages that further religious selection would cause to individuals whose religion or belief does not have any religiously selective schools.

Ethnic integration

The first point to make is in challenge to the claim made in the consultation document that the 50% cap 'does not promote diversity' and 'has not resulted in a mixed ethnic intake' to religious free schools. This simply is not the case.

It is somewhat true to say that the cap has had little impact on boosting integration in the small number of minority religious schools (i.e. non-Christian schools), and this is unsurprising given that very few parents from different religions or with no religious affiliation are likely to choose a minority religious school for their children, regardless of what religious selection criteria are in place. However, to focus on these figures is to miss the point.

Even if the cap is having no or a very limited impact in minority religious schools, a) it certainly is not doing any harm; b) it has not been in place for long so it may very well have an impact in the future (especially if other integration measures are introduced in addition to it); and c) the very fact that the possibility exists for children from other religious or non-religious backgrounds to attend these schools makes it more likely that their ethos and teaching will be open and inclusive.

More pertinently, however, and contrary to the claims made in the green paper, **the 50% cap is having a very significant impact on improving integration in Christian free schools, which of course make up the overwhelming majority of religious free schools.** To drop the cap on the basis that it is (supposedly) not working in a handful of religious free schools, when it is working in most is the very opposite of evidence-based policy making.

Turning to those figures on ethnic diversity in religious schools that are presented in the green paper, it is evident that they do not in any way suggest that the cap has been largely ineffective. What the figures do is to set out the ethnic make-up of each type of free school, but this is clearly insufficient. What needs to be done in assessing the effectiveness of the 50% cap is to compare the figures for ethnic diversity in religious free schools to the figures for ethnic diversity in religious schools that select 100% of their places with reference to religion. This is what we have done.

Using the same underlying data presented in the green paper (from the January 2016 school census), we have drawn together the figures on the ethnic make-up of all 100% religiously selective secondary schools.¹⁵

The headline figures are these:

- 63% of pupils at CofE free schools are white, compared to 78% at fully religiously selective CofE schools.
- 55% of pupils at 'other Christian' schools are white compared to 85% at fully religiously selective 'other Christian' schools.

In other words, religious free schools opened while the 50% cap has been in place are significantly less likely to be overwhelmingly 'white' than religious schools that are fully selective. Further:

- Only 3% of pupils at 'other Christian' schools that are fully religiously selective are Asian, while nearly a fifth (19%) of pupils at 'other Christian' free schools are Asian.
- Only 6% of pupils at CofE schools that are fully religiously selective are Asian, while 15% of pupils at CofE free schools are Asian.

The cap on religious selection at free schools has led to a remarkable increase in the access of Asian families to their local schools, and as a result to a big improvement in the ethnic diversity of Christian schools. It is bizarre that the Government, rather than celebrate the evident success of a policy it helped to introduce, has chosen to massage the figures in a way that misleadingly presents the cap as a failure. This champions the will of the religious lobby over the better interests of children.

Given this, removing the existing cap would be a significant step backwards in the effort to promote integration in religious schools. Indeed, the figures suggest that were the cap to be rolled out to all religious schools as opposed to just religious free schools, tens or even hundreds of thousands of non-white pupils would gain access to Christian schools where they haven't had access before.

Socio-economic integration

It is now widely accepted that religious selection almost always acts as a proxy for socio-economic selection too. In other words, wherever religious selection criteria are employed, the access of children from poorer backgrounds is negatively affected.

In 2013 the Fair Admissions Campaign compared the proportion of children eligible for Free School Meals (FSM) in schools to the proportion of FSM-eligible children in their local area. A clear correlation was found between the degree of religious selection and how socio-economically exclusive schools are. Comprehensive schools with no religious character were found to admit 5% more pupils eligible for free school meals than would be expected given their areas, while 'faith schools' whose admissions criteria allow religious selection for all places typically admit 30% fewer. This correlation even held when focusing on comprehensive CofE schools alone: those that don't select admit 1% fewer than would be expected, while those that fully select admit 35% fewer.¹⁶

¹⁵ 'Ethnic diversity in religious free schools', British Humanist Association, Sept 2016:

<https://humanism.org.uk/wp-content/uploads/2016-09-15-FINAL-Ethnic-diversity-in-religious-Free-Schools.pdf>

¹⁶ Groundbreaking new research maps the segregating impact of faith school admissions', Fair Admissions Campaign, 3 December 2013: <http://fairadmissions.org.uk/groundbreaking-new-research-maps-the-segregating-impact-of-faith-school-admissions/>

The wider academic literature supports this. In 2012 Shepherd and Rogers found similar patterns of low numbers of pupils eligible for FSM in English faith schools. 76% of Catholic primary schools and 65% of Catholic secondary schools were found to have a smaller proportion of pupils eligible for FSM than was representative of their postcode. The same was true in 63.5% of Church of England primary schools and 40% of Church of England secondary schools. Both Catholic and Church of England secondary schools were therefore significantly more likely than secondary schools without a religious character to have student bodies which under-represent students eligible for FSM.¹⁷

Extensive research on this issue has also been conducted by Dr Rebecca Allen and Professor Anne West. In August 2011, they reported that ‘schools with a religious character (or faith schools) have fewer FSM pupils and more top ability pupils and that, in general, they are more affluent in their intake than the neighbourhoods they are located in.’¹⁸ In 2009, they concluded that ‘It is clear from our analysis that many religious secondary schools in London are not serving the most disadvantaged pupils. Overall, religious schools educate a much smaller proportion of pupils eligible for free school meals and their intakes are significantly more affluent than the neighbourhood in which they are located.’¹⁹ And in 2008, when being interviewed by the House of Commons Children, Schools and Families Committee, Rebecca Allen noted that ‘In my most recent research... I was able to show that religious schools have higher ability and lower free school meal intakes compared with the neighbourhoods in which they are located. To give you an idea of the magnitude of those effects, if we take a community school and a voluntary-aided religious school, both located in a neighbourhood with exactly the same levels of deprivation, the community school is likely to have about 50% more free school meal children than the voluntary-aided school... We can show that there really is a direct correlation between the number of potentially selective admissions criteria that schools use, and the extent to which their intakes are advantaged.’²⁰

More recently, in 2016, statistical analysis conducted by the education data website SchoolDash revealed that school admission policies are playing ‘a greater part than local [residential] deprivation in the uneven distribution of poorer pupils’ between schools. The analysis found that while many ‘faith’ schools are disproportionately located in poorer areas, they tend to cream off children from more affluent families within those areas. This is especially the case, the research concluded, in ‘those [schools] affiliated with Roman Catholicism and the small number associated with various non-Christian faiths’.²¹

The clear message of all this research is that religious selection should be restricted rather than extended. Our present recommendation is therefore that the 50% cap be kept in place.

Furthermore, regardless of whether or not the cap is retained, further measures should be introduced to ensure that religiously selective schools are open to lower income families. We note that the section of the consultation document on selective schools states that ‘selective schools also

¹⁷ Shepherd, Jessica and Rogers, Simon, ‘Church schools shun poorest pupils’, *The Guardian*, 5 March 2012: <http://www.theguardian.com/education/2012/mar/05/church-schools-shun-poorest-pupils>

¹⁸ Allen, Rebecca and West, Anne, ‘Why do faith secondary schools have advantaged intakes? The relative importance of neighbourhood characteristics, social background and religious identification amongst parents’, *British Educational Research Journal*. Vol. 37, 4, pp. 691-712, August 2011: <http://eprints.lse.ac.uk/32192/>

¹⁹ Allen, Rebecca and West, Anne, ‘Religious schools in London: school admissions, religious composition and selectivity’, *Oxford Review of Education*, Vol. 35, 4, pp. 471-494, August 2009: <http://eprints.lse.ac.uk/25635/>

²⁰ Oral evidence by Rebecca Allen to the House of Commons Children, Schools and Families Select Committee on Diversity of Schools: Faith Schools, 12 March 2008: <http://www.publications.parliament.uk/pa/cm200708/cmselect/cmchilsch/c311-iii/c31102.htm>

²¹ ‘Poverty of opportunity?’, SchoolDash, August 2016: <https://www.schooldash.com/blog.html#20160802>

need to ensure that the pupils they admit are representative of their local communities' and proposes 'to require all selective schools to have in place strategies to ensure fair access. Legislation would require selective schools to prioritise the admission of, or set aside a number of specific places for, pupils of lower household income in their oversubscription criteria'.

We can see no reason why similar legislation should not be introduced for all schools that apply religious selection criteria and we recommend that this is done.

Demand for 'faith' school places

Since this question concerns demand for places, it is worth pointing to the evidence that, contrary to the claims in the green paper, demand for 'faith' school places is not particularly high at all. A number of incorrect assumptions have led to this idea that religious schooling is popular among parents and that there is high demand for it.

The first assumption, and perhaps the most important one, is that since 'faith' schools are often oversubscribed, there must be high demand for religious schooling. This is not correct. The Government will be aware that a significant number of schools, both with and without a religious character, are oversubscribed. In order for the oversubscription of 'faith' schools specifically to imply demand for 'faith' school places specifically, rather than demand for school places in general, it has to be demonstrated that something distinctive to 'faith' schools is driving parents to apply to them. In other words, to demonstrate demand for 'faith' schools, you have to demonstrate that parents apply to 'faith' schools because they are 'faith' schools. But the evidence does not point to this being the case.

Two recent polls carried out by YouGov offer clear evidence of this. Both polls asked parents to pick the top three factors for choosing which school to send their children to, and in both polls very few parents chose religion. In the first, just 9% of parents picked 'religion of the school' as one of their three main reasons,²² and in the second only 5% chose 'grounding of pupils in a faith tradition' and 3% chose 'transmission of belief about God'.²³ It will come as a surprise to no one that the reasons that overwhelmingly came out on top were 'academic standards', 'location of the school', 'facilities', and 'class sizes'.

None of these factors is distinctive to 'faith' schools in any way and therefore when a 'faith' school is oversubscribed, just as when a school with no religious character is oversubscribed, the reason is almost always that the school is high-performing, or convenient for parents to get to, or has good facilities, and so on.

Yet the green paper implies that 'faith' schools are better than schools without a religious character, attributing their performance to their religious ethos. The evidence shows that this is not the case.

While it is true that the performance of some 'faith' schools can be higher than other schools in their areas, the difference in performance can be explained entirely with reference to the intakes of such schools. As set out above, the evidence shows that religious selection has the effect of socio-economically skewing the intake of 'faith' schools, favouring children from more affluent families

²² YouGov / Daybreak Survey Results, 13 September 2010: http://cdn.yougov.com/today_uk_import/YG-Archives-Life-YouGov-DaybreakReligion-130910.pdf

²³ YouGov/University of Lancaster Survey Results, 5-13 June 2013: http://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/4n6d3tnayp/YG-Archive-University-of-Lancaster-Faith-Matters-Debate-results-180613-faith-schools.pdf

and disproportionately turning away children from poorer backgrounds. The evidence on the impact of this on school performance, is unequivocal.

In 2010, for instance, Allen and Vignoles from the Institute of Education found that religiously selective schools are associated with high levels of 'pupil sorting', stating that '[religious] schools can best ensure they survive and prosper simply by concentrating their effort on securing an advantaged intake through the application of certain admissions policies and procedures (i.e. by cream-skimming more able or easier to teach pupils)'.²⁴ In 2011, in their paper 'Faith Primary Schools: Better Schools or Better Pupils?', Steve Gibbons and Olmo Silva found that 'pupils progress faster in faith primary schools, but all of this advantage is explained by sorting into faith schools according to pre-existing characteristics and preferences'. They concluded that 'there is no unambiguous performance advantage that cannot be attributed purely to pupil-side sorting into these schools or to school-side selection of pupils likely to show the fastest progress'.²⁵ More recently, in November 2016, a report published by the Education Policy Institute also found not only that 'the average faith school admits fewer pupils from poor backgrounds than the average non faith school', but also that there is no academic difference between state religious schools in England and other schools once pupils' backgrounds and prior attainment are taken into account. The report concluded that, with respect to the current proposals, 'if the objective of government policy is to increase social mobility, this policy intervention is unlikely to be effective'.²⁶

Indeed, even Christian think tank Theos, in their report 'More than an Educated Guess: Assessing the evidence on faith schools', stated that 'the research seems to support the claim that students in faith schools, generally do fare better academically than their counterparts in non-faith schools. At the moment, the body of evidence appears to suggest this is probably primarily the outcome of selection processes'.²⁷

This effect has also been conclusively illustrated by the Fair Admissions Campaign, which conducted an analysis of the intakes of the top performing state-funded 'faith' schools in terms of GCSE grades. Discounting grammar schools, 'faith' schools made up 47 of the top performing 100 schools in 2014. However, analysis of the Free School Meals (FSM) eligibility of the intakes of these 47 schools found that they took on average 44% fewer pupils eligible for FSM than would be representative of their area. In other words, they took a far smaller proportion of poorer children than they should have. When the 10 top-ranked schools within the 47 were examined, the figure stood at 56% fewer children eligible for FSM, and for the top five the figure was 68% fewer.

This demonstrates that the demand is not for 'faith' schools but for high-performing schools, and that 'faith' schools are higher performing than other schools only because of the socio-economically skewed intakes that religious selection causes. Removing the 50% cap and increasing the extent of religious selection in the system will therefore have the effect not of satisfying any particular

²⁴ Allen, Rebecca and Vignoles, Anna, *Can school competition improve standards? The case of faith schools in England*, Department of Quantitative Social Science, Institute of Education, 29 June 2010: <http://repec.ioe.ac.uk/REPEc/pdf/qsswp0904.pdf>

²⁵ Gibbons, Stephen and Silva, Olmo, 'Faith Primary Schools: Better Schools or Better Pupils?', *Journal of Labor Economics*, Vol. 29, No. 3, pp. 589-635, July 2011: <http://www.jstor.org/discover/10.1086/659344?uid=3738032&uid=2&uid=4&sid=21102555699737>

²⁶ Andrews, Jon and Jones, Rebecca, 'Faith Schools, Pupil Performance and Social Selection', Education Policy Institute, December 2016: http://epi.org.uk/wp-content/uploads/2016/11/Pupil_characteristics_and_performance_at_faith_schools.pdf

²⁷ Oldfield, Elizabeth, Hartnett, Liane, and Bailey, Emma, *More than an Educated Guess: Assessing the evidence on faith schools*, Theos, 30 September 2013: <http://www.theosthinktank.co.uk/files/files/More%20than%20an%20educated%20guess.pdf>

demand, but rather of promoting the access of more affluent families to good local schools over the access of families that are not so well-off. This will significantly harm social mobility, exactly contrary to the Government's stated intention.

Popularity of religious selection

In addition to there not being any particular demand for 'faith' schools among the population as a whole, the practice of religious selection itself is not popular with the overwhelming majority of people.

A poll conducted by Populus in November 2016 found that 72% of the population are opposed to any religious selection whatsoever in state-funded schools. More important, however, the poll found that nearly two thirds (63%) of Catholic respondents are opposed, 68% of all Christian respondents, and 82% of Muslim respondents.²⁸ Evidently, then, though some religious organisations may claim that their opposition to the 50% cap reflects the collective view of the religious community or group they represent, this is not necessarily the case. Indeed, this is also demonstrated by the open letter recently sent to the Prime Minister on this issue, signed by leading figures from all of the UK's major religions and calling for the 50% cap to remain in place.²⁹

Removing the cap would not only be bad for integration and social mobility, it would fly in the face of public opinion too.

Preventing new schools from opening

The 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'. We have issues with this, and believe the claims of certain religious organisations are both unsubstantiated and dishonest.

First and foremost, we do not think it is 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. But even if this wasn't the case it is clear that some of the claims made by the religious groups are disingenuous.

By way of example, the green paper mentions that Catholic schools are unable to open under the cap, ostensibly because it 'contravenes religious rules'. But this claim is contradicted by the facts:

- 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 do not religiously select at all,³⁰
- b) many Catholic state schools in Scotland do not religiously select their pupils

²⁸ http://accordcoalition.org.uk/wp-content/uploads/2016/10/OmFaith-Schools_Q2.pdf

²⁹ 'Religious leaders, parliamentarians, and education experts call for Government u-turn on "faith" school admission proposals', open letter to the Prime Minister, Nov 2016: <https://humanism.org.uk/2016/11/07/religious-leaders-parliamentarians-and-education-experts-call-for-government-u-turn-on-faith-school-admission-proposals/>

³⁰ 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/>

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;³¹

d) The Catholic International Education Office (OIEC), which is the umbrella body for over 100 national catholic education organisations, including the CES, is opposed to the use of religious selection in Catholic schools. In a paper recently circulated at the Council of Europe, the OIEC stated that a 'Catholic school is an inclusive school, founded in intercultural and inter-religious dialogue, a non-discriminatory school, open to all, especially the poorest'. It went on to say that a 'Catholic school 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 pupils, Buddhists, animists, or pupils of other religions, even those without religion. It must constantly promote intercultural and inter-religious dialogue'.³²

e) lastly, and 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,³³ St Paul's Academy in Greenwich,³⁴ and The De La Salle Academy in Liverpool³⁵ all leave a third of their places open to non-Catholic children.

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.'³⁶ Rather, the Catholic Education Service's pretence of a religious objection based on unspecified canon law appears to be an insidious political tactic to try to force through a policy change favourable to the Church that even the director of its own education service regards as potentially detrimental to wider society.³⁷

We now turn to the other ways that government might ensure that faith schools espouse and deliver a diverse, multi-belief offer to parents.

Religious Education

In schools that are already largely single-faith, and in those religious schools that may become increasingly so if the cap is removed, it is vital that children are taught about the beliefs of people from religious and non-religious backgrounds different from their own.

While all schools are required to teach religious education (RE) to their pupils, and in schools without a religious character this RE must be balanced, critical, and pluralistic, schools designated with a

³¹ 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

³² 'Catholic schools committed to an integral education of the human person, in the service of society', Catholic International Education Office, November 2016: <https://humanism.org.uk/wp-content/uploads/2016-11-23-OIEC-paper-on-Catholic-schools.pdf>

³³ <http://www.strichardreynolds.org.uk/admissions>

³⁴ <http://www.stpaulsacademy.org.uk/parents/admissions-arrangements-year-7-september-2017>

³⁵ <http://www.de-la-salle.co.uk/files/policies/admissions%20policy.pdf>

³⁶ 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/>

³⁷ 'Exclusive: Catholic education chief says total religious segregation in schools is "dreadful": <https://www.tes.com/news/school-news/breaking-news/exclusive-catholic-education-chief-says-total-religious-segregation>

religious character are entitled to teach a narrow, faith-based RE syllabus. This risks leaving children ill-informed about the beliefs of others and ill-equipped to understand, respect, and tolerate those from different religious and non-religious backgrounds.

This is not to say, of course, that the RE provided in all 'faith' schools is narrow and exclusive (though we would maintain that however broad in its content, any RE which seeks to impose a particular set of beliefs on children rather than allow them to form their own beliefs is inadequate (and correspondingly that however nominally objective a religious education is that concentrates predominantly on a single faith, that also is inadequate). However, as long as the legal freedoms exist there will always be schools that will provide this narrow form of RE and this is something that the Government needs to address. It stands to reason, too, that such schools are likely to also be the ones that will seek to select all their places with reference to religion. Allowing them to do so by removing the 50% cap will therefore have the effect not simply of making schools in general less integrated, but of making the schools most naturally disposed to isolation and exclusivity more able to achieve this.

To tackle this we recommend that the Government introduces a statutory core curriculum for religious education which all state-funded schools, including 'faith' schools, must be obliged to follow. This curriculum should allow children and young people to develop an understanding of beliefs and values different to their own, contribute to their knowledge of the rich make-up and heritage of humanity, and include detailed study of both the major religions and the major non-religious worldviews like Humanism.

This move would be to the benefit of children and society with or without the 50% cap on religious selection, but if the cap were to be removed, and as a result the classrooms within our schools were to become less diverse, the importance of good, balanced, and inclusive RE would only become more important.

We also recommend that Ofsted inspects RE in all 'faith' schools. This would not have to be instead of the existing section 48 (i.e. faith-based) inspections, it could be in addition. But this would ensure that an impartial agency has a role in establishing that the RE is sufficiently broad to prepare pupils for life in a diverse society.

Collective worship

For much the same reasons, we believe that the requirement for a daily act of collective worship at schools should be replaced with a requirement to hold inclusive assemblies, which should be acceptable for children from a wide variety of religious and non-religious backgrounds and focus on furthering mutual understanding and emphasising shared values. A requirement for inclusive assemblies would be a useful tool in encouraging religiously selective and open-admission schools alike to be more inclusive in their outlook and promote integration both within and outside of school.

Prioritising other religious families over non-religious families in school admissions

One of the many inequalities of the system of religious selection in school admissions is that 'faith' schools often prioritise children from religious backgrounds other than that of the school over children from non-religious backgrounds. Even if it were to be accepted that it was justifiable to allow a 'faith' school to prioritise children belonging to the religion of the school, this secondary form of discrimination still seems entirely unreasonable. We do not see that 'faith' schools have a legitimate reason to discriminate in this way and we do not believe that the exemptions in the

Equality Act 2010 allowing religious selection in the first place were intended to allow additional discrimination of this kind.

Given that the priority afforded to children of other religions is often a long way down the list of oversubscription criteria in schools' admission arrangements, we would not anticipate this change having significant implications in practice, but it is nonetheless important to address the presence of this discrimination in principle, and to make clear that it is not appropriate.

33. Are there any other ways in which we can effectively monitor faith schools for integration and hold them to account for performance?

We already have one very effective way of monitoring the performance of 'faith' schools on integration and that is in the annual school census, which collects data on the ethnicity of children. As we point to above in our analysis of the ethnic diversity within different types of school, we can very easily see which schools are more integrated: those that religiously select to a lesser extent or not at all.

It would be beneficial if more data were to be collected and published, however. Until 2010 local data on ethnicity and free school meal eligibility was published, allowing comparisons to be made between school intakes and local populations. We believe this data collection should be re-introduced so that integration can be more accurately assessed.

Further, if the cap is to be removed, we propose that any religiously selective school that fails to achieve religious, ethnic, or socio-economic diversity commensurate with its local area should lose the right to religiously select. Or, at the very least, not be allowed to religiously select to the same extent. These proposals are similar to those made in the consultation document, only going a little further, and would ensure that religiously selective schools take seriously their obligations to be open, inclusive, and representative of the local community.

It should be said, however, that given the natural impact that religious selection has on limiting diversity within schools, religiously selective schools will have to work very hard to ensure that their admission arrangements are capable of producing a diverse intake in spite of religious selection criteria. In many cases this will prove impossible. We would stress again, therefore, that it would be more logical to maintain the requirement that schools keep at least half of their places open to local children regardless of religion or belief.

34. Are there other sanctions we could apply to faith schools that do not meet this requirement?

The exemptions from equalities legislation that entitle 'faith' schools to religiously select pupils, to religiously discriminate in their employment policies, to teach confessional, faith-based RE, to hold confessional collective worship, and to imbue the school with a distinctive religious ethos, all allow (indeed, encourage) these schools to be exclusive. Not all 'faith' schools are exclusive in the same way or to the same extent, but if they avail themselves of any of the freedoms listed above, they are not being as inclusive as they ought to be.

In providing these freedoms and, in these latest proposals, extending them, the Government betrays a total lack of commitment to taking meaningful action to improve integration and diversity in our schools. If the Government is genuinely committed to inclusivity, it should entirely remove the exemptions from the Equality Act 2010 that 'faith' schools enjoy so that no child is excluded or discriminated against on account of their beliefs or the beliefs of their parents. It is not clear if this is what the green paper is suggesting as a sanction in the case of individual schools failing to meet the requirements for integration. More detail is required on what 'become a non-faith school' means in practice, not least who would run such schools and what freedoms they would continue to enjoy. Without this detail, it is difficult to have confidence that the suggestion has any teeth.

Lastly, we see no reason why these requirements and sanctions should not apply to all 'faith' schools rather than simply new ones. If integration is important, it must be promoted in every school, and we would therefore encourage the Government to extend its proposals to every school.

Summary and recommendations

Our firm view is that the 50% cap should remain in place. The evidence is clear that it has contributed significantly to improving integration in religious free schools, and that increasing the extent to which schools religiously select always leads to greater religious, ethnic, and socio-economic segregation. Religious selection is the very antithesis of integration.

With the exception of the proposal that religious multi-academy trusts sponsor schools without a religious character, we would welcome the introduction of the other integration measures suggested in the green paper. However, we would only welcome them as measures introduced alongside the 50% cap, rather than as replacements to it, as they seem almost entirely tokenistic and appear to be designed simply to give the illusion that the Government is interested in integration. As it stands there is little evidence on the effectiveness of these measures in promoting integration, and certainly nothing to suggest that they will be as effective as the 50% cap. Further, they are undoubtedly more likely to be effective if they are introduced in addition to the cap rather than instead of it.

In addition to our comments on the measures suggested in the green paper, we have proposed the following:

- A national curriculum for religious education which is broad, balanced, critical, and pluralistic, and compulsory in all schools, including 'faith' schools
- Replacing the requirement for collective worship with a requirement for inclusive assemblies
- Religious education in all 'faith' schools to be inspected by Ofsted

- Clarification that schools cannot prioritise children from other religious backgrounds over children from non-religious backgrounds
- Collection of local data on ethnicity and free school meal eligibility, as was the case until 2010, so as to allow for better monitoring of schools' promotion of integration

Again, these measures are intended to work with the 50% cap to improve integration and not to replace it. As we have said, whatever other measures are introduced, integration cannot be meaningfully achieved unless schools are open to and inclusive of all children, regardless of their religious or non-religious backgrounds. We strongly recommend that the Government recognises this by dropping its proposals to remove the cap.

For more details, information and evidence, contact the British Humanist Association:

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