

# The Case for the Retention of the 50% Cap on School Selection

## Response to the Government Consultation

Ted Cattle CBE, The iCoCo Foundation

The proposal to remove the fifty per-cent cap on new faith schools<sup>1</sup> will dismay those working hard to ensure that young people grow up with a knowledge and understanding of children from other backgrounds. The proposal was unfortunately made during the review of integration undertaken by Dame Louise Casey and has clearly circumscribed that Review. More importantly still, it will reverse the Government's previous signs of leadership and vision on this crucial issue and create a negative mind set in which faith schools are encouraged to retreat into their own comfort zones.

Less than eighteen months ago, the Government expressed a very clear desire to tackle school segregation and help to create a society which was at ease with itself:

*'It cannot be right, 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.'*

And

*"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."*<sup>2</sup>

Nothing has changed in the last eighteen months to suggest that this perspective is no longer relevant. Just the opposite. We have seen a dramatic increase in hate crime following the referendum in July and a clear indication that the divisions in society have grown. The referrals under the Counter Terrorism *Prevent* programme are also at an all-time high, from both religious and Far Right extremes – and mainly from young people. The largest increase is in respect of schoolchildren.

---

<sup>1</sup> HM Government 2016. Schools that Work For Everyone: Government Consultation. HM Government 2016 (Respond on line at <https://consult.education.gov.uk/school-frameworks/schools-that-work-for-everyone/>)

<sup>2</sup> David Cameron 2015. Speech by Prime Minister David Cameron, Birmingham July 2015

So why has the Government had such a change of heart? The reason that can be drawn from the *Consultation*: the Government appears to have been bullied into the proposal by the Catholic Church. They have made it quite clear that they will not build any new faith schools unless the Government accede to their demand that the 50% cap is dropped. They claim that the 50% cap is unworkable, though they have never actually tried to make it work. They also claim that it cannot be adopted by the Catholic Church because 'they say it contravenes religious rules' (page 31) although there is no evidence in support of this contention, nor any indication that a change in such rules would not be possible (and different arrangements for Catholic schools do exist in other countries; and even in the UK, mixed intakes can be found).

The proposal appears to be justified on the basis that 'Catholic schools have a far better record on diversity' (page 31) but the only evidence provided is in respect of the ethnic diversity of just 36 'Other Christian' 'Faith Designated Free Schools'. Furthermore, these statistics are not related in any way to the areas which they serve and there is simply no way of assessing whether their diversity begins to represent those areas. Even if this were true it does nothing to undermine the 50% cap requirement, rather it suggests that the Catholic Church would not find this a difficult to meet.

Even if the Catholic Church were able to show that the proposal would not impact on their schools' diversity, it clearly impacts on all other faiths whose record is clearly unacceptable in some cases.

The Government fails to set any context for its proposals and therefore seems to underplay the importance of this issue and the wider concern about intolerance and extremism. David Cameron's speech – and the reasons behind it – are completely ignored. Quite apart from the evidence of rising hate crimes and intolerance, the Government should acknowledge the way in which so many different school types have the potential to further segment the school population. Whilst it is true that schools are generally becoming more diverse, largely as a result of the growing minority population, it is also case that a good number of schools are becoming more differentiated by ethnicity, faith and social class.<sup>3</sup>

The relationship between residential segregation and school segregation is clearly evident, particularly at primary level. The latest examination of residential trends by Cattle and Kaufmann will be extended as a result of the forthcoming research on school populations<sup>4</sup> though the Government is clearly already aware of the way in which the proportion of White British pupils in schools is well below the total White British population in many urban zones and indicates a continuing decline.

---

<sup>3</sup> A forthcoming study of all 22,000 schools in England will set out this position in greater depth, though a number of existing studies have also shown increased segregation in some areas. School populations are also closely related to residential patterns and these have also shown increased polarisation between White British and minority populations (Cattle and Kaufmann, 2016 <https://www.opendemocracy.net/wfd/ted-cattle-and-eric-kaufmann/is-segregation-on-increase-in-uk> )

<sup>4</sup> *ibid*

Community cohesion facilitated the re-emergence of ‘contact theory’ with a plethora of recent studies showing that contact helps to reduce fear and intolerance and develop a more positive regard for ‘others’<sup>5</sup>. It is essential that the opportunity for contact is now provided for younger people at an impressionable time.

### **Proposed Alternative Arrangements**

The Government propose that instead of enforcing, what is a very limited mixed intake requirement, on what are almost entirely state-funded schools, they will try to engineer regular contact between those of different backgrounds, rather than allow children and their parents to mix together naturally on a day to day basis,

In place of the 50% rule, they propose the following requirements for new faith free schools:

‘Establish twinning arrangements with other schools not of their faith, creating links between young people in different schools in structured programmes, including sharing teachers and resources and conducting joint lessons and assemblies.

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

‘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 to help ensure that there is independent input into the governance of the school and will help ensure that they have a wider perspective beyond their own faith.

In addition, the Government propose that schools ‘Prove that there is demand for school places from parents of other faiths.....faith schools should be required to prove, through local consultation and signatures, that parents of other faiths would be happy to send their children there’. Ironically, this seems to suggest precisely the sort of arrangement that the Catholic Church (and other faith school sponsors) should have been prepared to enter into to establish support for the retention of the 50% cap. Any attempt to make schools – of any type – more mixed, requires the support of the local community and the Catholic and other faith authorities should be required to employ independent community based teams to build such support before any new school intake is considered.

The Government asks: ‘Are these the right alternative requirements to replace the 50% rule?’ As indicated above this is clearly not the case and engineered and indirect contact

---

<sup>5</sup> Although there are now many such individual studies in the UK and elsewhere, a meta-analysis provides overwhelming evidence to this effect: Pettigrew T. and Tropp L. (2006) ‘A Meta-Analytic Test of Intergroup Contact Theory’. *Journal of Personality and Social Psychology*, 2006, Vol. 90, No. 5, 751–783 (American Psychological Association 0022-3514/06/\$12.00 DOI: 10.1037/0022-3514.90.5.751)

between schools is unlikely to be sustained. Experience from the twinning organised by the 'School Linking Network' (which itself was under-resourced and dependent upon charitable funding) shows that only a few schools will continue to incur such costs and commit their staff to undertaking what is an ongoing extra burden. The second and third proposals are tokenistic and dependent upon unmeasured voluntary effort. And in any event the *Consultation* concedes that enforcement will only be undertaken 'in the first two years of the school's operation in the run up to their first Ofsted inspection'. This is all clearly inadequate.

### **The Casey Review<sup>6</sup>**

The Casey Review of integration has clearly been undermined by this pre-emptive proposal.

The Casey Review was set up in large part, as a result of concerns about the lack of integration and the growth of extremism in schools, and followed the so called Trojan Horse affair and a number of other school based concerns (see earlier reference to David Cameron's July 2015 speech) and yet this consultation exercise has effectively set the parameters for the Casey Review.

This is clear from the recommendations of Dame Louise. On the one hand she urges the Government to "focus on de-segregation" and recognises that "some children's experience of school marked by segregation" and also that "some communities are becoming more divided". But Casey appears to be become very non-specific in her call "for radical change and a new approach across all schools" and only to hint at the need for firm proposals "to encourage a range of school provision and projects to ensure that children from different communities learn alongside those from different backgrounds".

The logic of Casey's position would have been to propose a programme to establish more mixed schools in the first place as these would be more effective as children would naturally learn about each other. Instead, the emphasis is put on to 'out of school' mixing, which will have to be carefully engineered and carried on indefinitely. She also suggests that schools have to do more to give children a wider view of the world, through a new British Values curriculum to "build integration, tolerance, citizenship". Dame Louise rightly notes that teachers' skills in this area will have to be developed and the effectiveness needs to be tested in the school Ofsted inspection. However, such teaching would be much easier through the experiential learning process in mixed schools.

---

<sup>6</sup> The Casey Review of Opportunity and Integration London: DCLG

<https://www.gov.uk/government/publications/the-casey-review-a-review-into-opportunity-and-integration>

## **Conclusion**

The proposal is wrong in principle, ill-conceived and has undermined and circumscribed the Casey Review of integration. It has been brought forward as a result of the vested interest of the Catholic Church who has failed to even try to make the 50% cap work. It fails to recognise the impact on all other faiths.

It replaces the positive vision set out by the Prime Minister just 18 months ago and sends clear signals to the faith authorities that mixed intakes are no longer important, despite the rising problems of hate crime and community tensions.

The proposed replacements are no substitute for mixed intakes in which children – and their familial networks which grow out of school friendships - gain an understanding and respect for people who are different from themselves. The proposed replacements are also resource intensive and rely on a continuing programme and commitment which are unlikely to be sustained, especially as the Consultation makes it clear that enforcement would only be ‘in the first two years of the school’s operation in the run up to their first Ofsted inspection’. (page 34). The monitoring of faith (and most other) schools is in any event inadequate in respect of integration and cohesion.

One of the most effective forms of future monitoring should be the consideration of the representative nature of intakes in relation to the areas that each school serves.

It is rather ironic that the proposals include the suggestion that the faith authorities should work with local communities to ‘prove, through local consultation and signatures, that parents of other faiths would be happy to send their children’ to the new school – this was exactly the sort of arrangement which would have enabled parents to have had the confidence that a faith school would be able to cater for a diverse range of children.

It is also rather ironic that the Government should now be seeking to create a programme of ‘checking how well these schools meet the requirements relating to inclusivity and fundamental British values and how well they promote community cohesion’ (page 35) having themselves removed the ‘duty to promote community cohesion’ from the Ofsted regime in 2010. The obvious step now is for this to be restored.

Whether or not the Government do withdraw this proposal, they should impose a clear requirement on new faith schools (and perhaps on all schools generally in the light of their removal of the Ofsted inspection of the community cohesion duty) to develop a curriculum based intercultural programme which is agreed following a consultation process and drawn up by an independent groups of educators.

### **On line responses to**

<https://consult.education.gov.uk/school-frameworks/schools-that-work-for-everyone/>

or by email to: [schoolsystem.consultation@education.gsi.gov.uk](mailto:schoolsystem.consultation@education.gsi.gov.uk)