

Update on VA school proposals

Prepared by the National Secular Society's No More Faith Schools campaign, 21 May 2019

Section 1: Confusion over Local authority and DfE role

Background

In March 2019 the DfE announced provisional approval for 14 voluntary aided (VA) faith schools in 11 local authorities. These represent the first wave of new VA faith schools in over a decade.

VA faith schools act as their own admissions authority, can teach denominational religious education and apply a religious test in appointing a majority of governors, recruiting up to 100% of teachers and admitting up to 100% of pupils. Not all VA faith schools take advantage of this full range of powers. In VA schools the running and capital costs are state funded along with 90% of the capital costs. The remaining 10% typically comes from a religious organisation or other sources.

Despite the controversy over these proposals, little information is available in the public domain.

How should the process work?

Local authorities should have a significant involvement in the process of approving plans for new VA schools.

The DfE's official [position](#) is that "Local authorities will play a key role in supporting and approving any new voluntary aided school to ensure it fits well with our (the DfE's) integration and community cohesion objectives".

Regarding those integration and community cohesion objectives, the DfE's own equality impact assessment has [found](#) that the proposals will disadvantage families who do not share these schools' religion and that the policy risks undermining community cohesion.

An official in the School Infrastructure and Access Division has confirmed to the National Secular Society that "the approval process for all VA schools including those for the new capital scheme will be as for all existing VA schools and be led by the local authority" and that they "would generally expect local authorities to decide VA school proposals".

This is consistent with the [detailed process overview](#) in the guidance on establishing new VA schools, which states that local authorities will be heavily involved in at least stages 10, 11 and 12:

Stage 8: In March 2019 the DfE [announced](#) the 14 projects which had been approved in principle.

Stage 9: Each project which is moving forward should publish its proposal and begin the statutory consultation process. The DfE has not provided copies of the proposal and as yet the local authorities have not been able to provide details of the proposals or statutory consultations.

Stage 10: For 4 weeks after the publication of the proposal, the local authority is supposed to run a "representation period" where any person can send objections or comments. As of yet no local authority has been able to provide details of the representation period.

Stage 11: In summer 2019, following the consultations, the statutory decision maker (the local authority or if they don't make a decision the Office of Schools Adjudicator) decides whether to approve proposals to establish the VA school.

Stage 12: In autumn 2019, if the statutory decision maker agrees and the feasibility study is approved, then the DfE will approve the proposal and set things like the funding schedule and opening date.

Confusion

As part of this research, the No More Faith Schools campaign has been in contact with hundreds of councillors. Large numbers were either not aware of the process for VA school proposals or believed that local authorities would have no role in the process. This is likely because most local authorities have not opened a VA school in over a decade and councillors are likely to be more familiar with the process for free schools than for academies, where they are not involved in the approval process.

Two councils have reported that “the decision maker will be the Department for Education” in May 2019 and that the LA will only be considering how 10% of capital funds not directly from the DfE will be sourced. In other words, the LAs may be limiting their decision to whether religious foundations can put forward this contribution or it will be found from other sources.

Once the DfE announces whether they are approving the capital funds (likely in the next few weeks) the Councils will need to decide how they manage the representation period.

The democratic deficit and *fait accompli*

Local authorities have a statutory responsibility to monitor school provision and ensure sufficient school places. Where there is demand for new school places, they have a duty to publish a competition seeking proposals for a new academy - the [free school presumption](#) process. In this competition the local authority can specify what they are looking for in the school. For example, they can specify that they are looking for a faith-based school. In reality the vast majority don't.

The democratic deficit is that these competitions can be supersede/superseded by opening an academy through the central free school route or, if following the local authority route, simply ignore an LA's recommendations.

So while the 11 local authorities where VA faith schools are proposed could theoretically bring forward a competition seeking alternative free school proposals, few would be willing to do so where they would be simply overruled by the DfE/regional school commissioner.

The second perhaps larger democratic deficit is simply that local authorities and councillors, despite their personal/professional views, would find it difficult to block a proposal when it is supported by the DfE and presented as a *fait accompli*. If a local authority were to block a VA school proposal, but alternative proposals had already been blocked by the DfE/regional schools commissioner, then when the matter is referred to the Office of Schools Adjudicator, the OSA is likely to overrule the local authority.

Section 2: Details on the proposals

Northstowe (Cambridge) and Hampton Waters and Great Haddon (Peterborough)

If these three schools are approved then three proposed non-faith schools would not be able to open.

These three Catholic primary schools from the Diocese of East Anglia are among the few that we have many [details](#) about. The Catholic Education Service was the principal organisation lobbying for an end to the 50% cap on discriminatory admissions to faith based academies and had refused to open new schools which did not have the option of 100% religious selection if oversubscribed.

Had the government followed through on plans to remove the cap, the Diocese planned to open around eight academies.

In Cambridge there is also an ongoing application under the free school programme to open a primary school without a religious designation/ethos.

In Peterborough there are proposals for two new primary schools at both without faith designations, Hampton Gardens Primary School and Greater Haddon Primary Academy. Should these three schools be approved then the VA faith schools would not open as the proposals appear to be in direct competition for the Northstowe, Hampton and Haddon sites.

The NMFS campaign has been in contact with councillors who are opposed to the new faith schools and is writing to the government to urge it to approve these alternative inclusive proposals.

Update 16 May: None of the three proposed non-faith schools are included on a [list of academies in the pipeline for pre-opening](#) updated 15 May, indicating that they may not be moving forward. However the results of the Wave 13 free school applications have not been announced and the applications may still be under consideration.

Archbishop Romero (Bromley)

We have been advised that the Catholic Diocese of Southwark has withdrawn its interest in this new school. No public statement has been made.

This would have been a Catholic VA secondary school so would have sought to have 100% religious selection in admissions. The NMFS campaign had been in contact with councillors opposed to the school. Bromley in the "0 or less" category for the estimated number of new secondary school places needed.

Runnymede St Edward's (Liverpool)

This is the final Catholic VA school proposal and involves bringing the independent preparatory school into the state sector at which time the running and 90% of the capital costs of the school will pass to the state. A religiously selective secondary school (St Edward's College) already operates on the site.

Unnamed Christian faith school (Cornwall)

It was unclear when the proposals were announced whether this was affiliated to the Catholic or CofE diocese or another independent Christian organisation.

But the CofE Diocesan Education Board has consulted with the Council on a number of occasions over their desire to open a new faith school. According to the Council, there is no need for a new mainstream school (although Cornwall does need more special educational needs schools).

This has been reported in [Cornwall Live](#).

There are 4 primary schools in the area that are already expected to reduce pupil numbers due to excess capacity, including an existing CofE VA school (Bishop Cornish). Consequently the proposal is unlikely to move forward.

The NMFS campaign has been in touch with councillors opposed to the plan.

Avanti Manor (Hertfordshire) and Avanti Redbridge (Redbridge)

Little information is currently available on these Hindu faith school proposals, an 'all through' and secondary school respectively. The NMFS campaign have been in contact with local councillors and is monitoring developments. Both schools are likely to be largely non-religious if approved.

There is a proposal for a non-faith-based secondary school in Hertfordshire (Michaela Community School Stevenage), though it is not clear whether this proposal would be in competition with the faith school proposal.

Elstree and Borehamwood (Hertfordshire)

Little information is currently available on this Jewish faith based primary school. The NMFS campaign have been in contact with local councillors and is monitoring developments.

There is also a proposal for a new Jewish secondary school in Hertfordshire, rather than a VA one.

Update 16 May: The New Jewish High School (academy) is not moving forward. It is not clear whether this will affect the VA proposal.

There is a divide between Jewish school groups, some of who are willing to accept the mix of open and faith based admissions required by academies. The purpose of opening a VA school would be to have the option of fully religiously selective admissions.

Leeds Girls' Academy (Leeds) Al-Noor Secondary (Redbridge)

Little information is currently available on these secondary Islamic based schools, though the NMFS campaign is in contact with the Councils involved and seeking more information. Both are likely to be largely mono-religious.

St Stephen's (Hammersmith and Fulham)

Little information is currently available on this CoFE faith based secondary school proposal. A representative of the council has indicated that the borough does not need a new school. The government [data on new secondary school needs](#) in the next wave of free school applications puts Hammersmith and Fulham in the "0 or less" category for the estimated number of places needed.

The NMFS campaign is monitoring the situation.

Kingston Church of England Secondary School (Kingston)

The proposed school will have a mix of 50% religiously selective and 50% open admissions similar to that used by academies. The NMFS campaign have been in contact with councillors opposed to another new faith school in the area.

St.Cuthbert's (South Tyneside)

This 420 place CoFE faith based secondary school proposal has been announced and there have been two stories in the [Shields Gazette](#). *Unusually for a VA faith school it is not proposed to have a religiously selective admissions system.*

Section 3: Next steps

As detailed in section 2, there are perhaps four situations where a proposed free school academy (without a religious designation/ethos) would be in competition with the proposed VA faith school. The decision on these proposals will be made and announced by the DfE in May 2019 as part of wave 13 of the free school programme. In any of those cases, if the free school proposal were accepted it would for now prevent the corresponding VA faith school proposal from moving forward.

The NMFS campaign is contacting the DFE regarding these proposals.

The NMFS campaign remains in contact with Councils and supportive councillors and will establish when/how the representation periods will be managed by the local authorities over the coming months.