

# Careless or Uncaring? How faith schools turn away children who are or were in care

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# CARELESS OR UNCARING?

HOW FAITH SCHOOLS TURN AWAY  
CHILDREN WHO ARE OR WERE IN CARE

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## WHAT DO WE MEAN BY CHILDREN WHO ARE OR WERE IN CARE?

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We use the term 'children who are in care' as analogous to 'looked after children', and the term 'children who were in care' as analogous to 'previously looked after children'.

The term 'looked after child' is defined by the School Admissions Code and relevant Acts of Parliament as referring to 'a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions.' The term 'previously looked after child' refers to 'children who were looked after, but ceased to be so because they were adopted (or became subject to a child arrangements order or special guardianship order)'<sup>1</sup>

More informal language used to refer to such children includes 'children in care', 'foster children', 'adopted children', and, for young adults moving out of the care system, 'care leavers'. According to the NSPCC, 'children in care [is] a term which many children and young people prefer.'<sup>2</sup> For that reason, we use the term 'children who are or were in care' as much as possible throughout this report.



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<sup>1</sup> Department for Education, *School Admissions Code: Statutory guidance for admission authorities, governing bodies, local authorities, schools adjudicators and admission appeals panels* (December 2014) p.10 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/389388/School\\_Admissions\\_Code\\_2014\\_-\\_19\\_Dec.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/389388/School_Admissions_Code_2014_-_19_Dec.pdf) [accessed 7 February 2020]. These definitions are in turn based on section 22(1) of the Children Act 1989, section 12 of the Adoption Act 1976, and section 46 of the Adoption and Children Act 2002.

<sup>2</sup> NSPCC, 'Looked after children' <https://learning.nspcc.org.uk/children-and-families-at-risk/looked-after-children> [accessed 22 September 2020].



# EXECUTIVE SUMMARY

In England, all state-funded schools are required by the School Admissions Code<sup>3</sup> to prioritise the admission of children who are or were in care (formally known as looked after and previously looked after children) in their admission arrangements. This requirement is a reflection of the fact that many children who are or have been in care start from a position of considerable disadvantage, which places a duty on schools and other public institutions to promote their education and development as much as possible.

However, faith schools are exempt from the requirement to prioritise the admission of these children. More specifically, faith schools can prioritise children from families who share the faith of the school, regardless of whether they are or were in care, over children who are or were in care who do not share the faith of the school. This is laid out in sections 1.7 and 1.37 of the School Admissions Code as follows:

**'1.7 All schools must have oversubscription criteria for each "relevant age group" and the highest priority must be given, unless otherwise provided in this Code, to looked after children and all previously looked after children...**

**'1.37 Admission authorities for schools designated with a religious character may give priority to all looked after children and previously looked after children whether or not of the faith, but they must give priority to looked after children and previously looked after children of the faith before other children of the faith. Where any element of priority is given in relation to children not of the faith they must give priority to looked after children and previously looked after children not of the faith above other children not of the faith'.<sup>4</sup>**

In other words, state-funded faith schools, unlike the vast majority of other schools, have a choice as to whether they give priority in their admissions policies to all of these highly vulnerable children or just to those who adhere to their faith.

<sup>3</sup> Department for Education, School Admissions Code: Statutory guidance for admission authorities, governing bodies, local authorities, schools adjudicators and admission appeals panels (December 2014) [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/389388/School\\_Admissions\\_Code\\_2014\\_-\\_19\\_Dec.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/389388/School_Admissions_Code_2014_-_19_Dec.pdf) [accessed 7 February 2020]. An updated version of the Code will come into force from September 2021, but this provision remains the same (see Department for Education, *School Admissions Code Mandatory requirements and statutory guidance for admission authorities, governing bodies, local authorities, schools adjudicators and admission appeals panels* (May 2021) [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/989176/School\\_admission\\_code\\_2021\\_slip.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/989176/School_admission_code_2021_slip.pdf) [accessed 1 June 2021]).

<sup>4</sup> Ibid.

This report investigates the extent to which state secondary schools of a religious character discriminate against children who are or were in care in their admissions policies.

Across the various religious groups who run state-funded secondary schools, the proportion of those who discriminate against children who are or were in care differs greatly. Our findings indicate that while some religious groups are very inclusive and fair in their policies towards them irrespective of religious background, others consistently favour all prospective pupils of their own faith, to the detriment of children who are or were in care.

We conclude that the policy to grant faith schools the power to decide whether or not to prioritise all children who are or were in care over less disadvantaged children is one that the Government ought to reconsider at its earliest convenience.

But, until this happens, certain faith groups – particularly those who run Catholic and Jewish schools – need to do more to improve their admissions policies or be forced to admit that they willingly discriminate against the neediest in society.

## OUR RESEARCH FINDS THAT:

- **41%** of all state secondary schools of a religious character discriminate against children who are or were in care not of their faith
- **92%** of the schools that discriminate in this way are Catholic
- **76%** of Catholic state secondaries discriminate against children who are or were in care not of their faith
- In some regions, this figure is higher, with **100%** of Catholic state secondaries in Yorkshire and the Humber and in the West Midlands discriminating against children who are or were in care not of their faith, alongside **97%** of those in Greater London<sup>5</sup>
- In Kensington and Chelsea, **50%** of all state secondaries (religious or otherwise) discriminate against children who are or were in care not of their faith. In Barnet, this figure is **29%**, and in Brent and Salford **27%**<sup>6</sup>
- **100%** of Jewish state secondaries also discriminate against children who are or were in care not of their faith
- By contrast with Catholic and Jewish schools, **16%** of Muslim state secondaries discriminate against children who are or were in care not of their faith. This number drops to just **1%** in Church of England state secondaries, and **0%** of other Christian, Sikh, and Hindu state secondaries (i.e. none of these schools) discriminate in this way.

<sup>5</sup> See appendix 1.

<sup>6</sup> See appendix 2.



# CONTEXT

## CHILDREN WHO ARE OR WERE IN CARE IN ENGLAND

There were 78,150 children in care in England in 2019 – a number that was below 50,000 25 years ago. Further, a Freedom of Information request to the Department for Education (DfE) has found that there were 55,224 children who were previously in care attending state schools in January. Finally, the number of children who went into care was 31,680, while the number who left care was 29,460.<sup>7</sup>

Children who are or were in care comprise some of the most vulnerable people in society. 63% of children in care were placed in care due to being at risk of abuse and neglect. A further 14% are in care as a result of living in a family where the 'parenting capacity is chronically inadequate'.<sup>8</sup> Given these disadvantages, educational outcomes for children who are or were in care have been traditionally poorer than the national average. In 2019, only 7.2% of children who are or were in care received a threshold grade of 5 or above in both GCSE English and Mathematics, compared to 40.1% of all other children.<sup>9</sup> According to Ofsted, children in care are eight times more likely to be permanently excluded than their peers.<sup>10</sup> In addition, by the end of secondary school, 53% of children in care have been identified as having Special Educational Needs (SEN), requiring additional support as part of the school curriculum.<sup>11</sup> Children from other traditionally disadvantaged groups are also more likely to be in care. Government statistics show that black children and children with mixed ethnicity are both more likely to be in care and less likely to be adopted compared with their share of the population of under 18 year olds.<sup>12</sup> And there is evidence to suggest that disabled

<sup>7</sup> Department for Education, *Children Looked After in England (including adoption), year ending 31 March 2019* p.1 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/850306/Children\\_looked\\_after\\_in\\_England\\_2019\\_Text.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/850306/Children_looked_after_in_England_2019_Text.pdf) [accessed 7 February 2020].

<sup>8</sup> Ibid. p.5.

<sup>9</sup> Department for Education, *Outcomes for children looked after by local authorities in England, year ending 31 March 2019* p.12 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/884758/CLA\\_Outcomes\\_Main\\_Text\\_2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/884758/CLA_Outcomes_Main_Text_2019.pdf) [accessed 14 August 2020].

<sup>10</sup> Ofsted, *Looked after children – good practice in schools* (May 2008) p.6 <https://dera.ioe.ac.uk/8180/1/Looked-1.pdf> [accessed 7 February 2020].

<sup>11</sup> Department for Education, *Outcomes for children looked after by local authorities in England, year ending 31 March 2019* p.12 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/884758/CLA\\_Outcomes\\_Main\\_Text\\_2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/884758/CLA_Outcomes_Main_Text_2019.pdf) [accessed 14 August 2020].

<sup>12</sup> Department for Education, *'Adopted and looked-after children – GOV.UK Ethnicity facts and figures'* (2 November 2020) <https://www.ethnicity-facts-figures.service.gov.uk/health/social-care/adopted-and-looked-after-children/latest> [accessed 2 June 2021].

children, who are more likely to experience abuse and neglect than children without disabilities,<sup>13</sup> are similarly more likely to enter the care system.<sup>14</sup>

In the interest of promoting their educational achievement, it is fundamental, therefore, that the education of children who are or were in care is prioritised, particularly with respect to accessing a suitable school place.

When finding a school place for a child in care or care leaver, social workers are required to seek, without delay, a school that is best suited to that child's needs. The wishes of the child should be taken into account during the process, and the school must be deemed to be best able to meet the child's educational needs and allow them to make maximum educational progress.<sup>15</sup> In the interest of educational achievement, schools that have received either an 'outstanding' or 'good' rating from Ofsted must be prioritised.<sup>16</sup> Children in care should only be admitted to an 'inadequate' school in exceptional, evidence-based circumstances.<sup>17</sup> According to a report from the Nuffield Foundation, a poor-quality school was a significant reason behind the failure of many children in care to achieve successful educational outcomes.<sup>18</sup>

To facilitate the process of finding a suitable school place in as timely a manner as possible, schools are required to prioritise children who are or were in care in their admissions policies by the School Admissions Code.<sup>19</sup> Despite this requirement, faith schools remain able to prioritise other children of their faith above both children who are or were in care not of their faith.

It should not matter what, if any, faith children who are or were in care belong to. All such children deserve to attend the school that would best suit them and, as is largely reflected in government policy in this area, be given a higher priority in admissions than a child who has not suffered the same disadvantages but whose family happens to share the faith of the school.

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<sup>13</sup> L. Hill, C. Baker, B. Kelly & S. Dowling, 'Being counted? Examining the prevalence of looked-after disabled children and young people across the UK'. *Child and Family Social Work*, (2015), 22(1), 287.

<sup>14</sup> Claire Baker, 'Permanence and stability for disabled looked after children' (31 May 2011) <https://www.iriss.org.uk/resources/insights/permanence-stability-disabled-looked-after-children#:~:text=Disabled%20children%20constitute%20a%20significant,comparison%20to%20non%20disabled%20children> [accessed 2 June 2021].

<sup>15</sup> Department for Education, *Promoting the education of looked after children and previously looked after children: Statutory guidance for local authorities* (February 2018) p.12 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/683556/Promoting\\_the\\_education\\_of\\_looked-after\\_children\\_and\\_previously\\_looked-after\\_children.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/683556/Promoting_the_education_of_looked-after_children_and_previously_looked-after_children.pdf) [accessed 7 February 2020].

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Judy Sebba et al., *The Educational Progress of Looked After Children in England: Linking Care and Educational Data* (November 2015) <http://www.education.ox.ac.uk/wp-content/uploads/2019/05/301411.pdf> [accessed 26 March 2020].

<sup>19</sup> Department for Education, *School Admissions Code: Statutory guidance for admission authorities, governing bodies, local authorities, schools adjudicators and admission appeals panels*, (December 2014). [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/389388/School\\_Admissions\\_Code\\_2014\\_-\\_19\\_Dec.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/389388/School_Admissions_Code_2014_-_19_Dec.pdf) [accessed 7 February 2020].





## RELIGIOUS SELECTION

State-funded schools in England can be legally designated with a religious character.<sup>20</sup> Schools so designated are colloquially referred to as 'faith schools'. Whereas most schools are not allowed to discriminate on the basis of religion or belief, faith schools are allowed to do so in a number of ways, including in who they admit.

This is due to an exemption in equality law. It generally provides that schools 'must not discriminate against a person – (a) in the arrangements it makes for deciding who is offered admission as a pupil; (b) as to the terms on which it offers to admit the person as a pupil; (c) by not admitting the person as a pupil.'<sup>21</sup> However, it then further provides that this 'does not apply in relation to... a school designated... with [a] religious character'.<sup>22</sup>

According to Government statistics, there are 627 state-funded secondary schools with a designated religious character in England.<sup>23</sup> This is 18% of all mainstream state secondaries and represents an increase of 2% from the turn of the century when 16% of state secondaries were faith schools.<sup>24</sup> 18% of all secondary pupils in England are currently educated in state-funded secondaries with a religious character.<sup>25</sup>

The Catholic Church is the largest provider of secondary education amongst the faith groups, with Catholic schools making up 9% of schools at secondary level, followed by the Church of England with 6%.<sup>26</sup> This is especially concerning given that, aside from the small number of Jewish schools in England, Catholic schools were found to have the most discriminatory policies in comparison to the schools operated by the rest of the faith groups.

As mentioned above, the School Admissions Code allows for schools with a religious character to discriminate in favour of children of their faith. This is true not only with regard to children who are or were in care, but in their wider admissions, with the majority of faith schools operating faith-based admissions criteria.<sup>27</sup>

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<sup>20</sup> School Standards and Framework Act 1998, Section 69 (3) <https://www.legislation.gov.uk/ukpga/1998/31/section/69> [accessed 30 September 2020].

<sup>21</sup> Equality Act 2010, Part 6, Chapter 1, Section 85 (1) <https://www.legislation.gov.uk/ukpga/2010/15/section/85> [accessed 30 September 2020].

<sup>22</sup> Equality Act 2010, schedule 11, part 2, paragraph 5 <https://www.legislation.gov.uk/ukpga/2010/15/schedule/11/paragraph/5> [accessed 30 September 2020].

<sup>23</sup> Department for Education, *Schools, pupils and their characteristics: January 2020* <https://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2020> [accessed 28 August 2020].

<sup>24</sup> House of Commons Library Briefing Paper, *Faith Schools in England: FAQs* (20 December 2019) p.17 <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SNO6972#fullreport> [accessed 25 March 2020].

<sup>25</sup> Ibid.

<sup>26</sup> Department for Education, *Schools, pupils and their characteristics: January 2020* <https://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2020> [accessed 28 August 2020].

<sup>27</sup> Humanists UK, *No Room at the Inn* (December 2017) <https://humanism.org.uk/wp-content/uploads/2017-12-18-LW-v6-FINAL-No-Room-At-The-Inn.pdf> [accessed 25 March 2020].

Countries that permit religious discrimination in state school admissions, as the United Kingdom does, are highly unusual. Research conducted by the OECD in 2012 found that, aside from the United Kingdom, only three other countries allow religious discrimination in state school admissions.<sup>28</sup> These are Estonia, Israel, and the Republic of Ireland. However, after a change to the law in Ireland in 2018, the so-called 'baptism barrier' was abolished, ending such discrimination in Catholic primaries – in other words, the vast majority of schools where this was a problem.<sup>29</sup>

## HOW MANY CHILDREN WHO ARE OR WERE IN CARE ARE IN DIFFERENT TYPES OF SCHOOL?

As previously explained, there were 78,150 children in care in England in 2019, and 55,224 children who were previously in care attending state schools in January. In the last year the number of children who went into care was 31,680, while the number who left care was 29,460.<sup>30</sup>

Figures providing the number of children in care by type of school are not held by the DfE.<sup>31</sup> However, we know there must be real disparities from the evidence of the Office of the Schools Adjudicator. Its Annual Report for 2018–19 mentions that several local authorities have raised concerns about a small number of their schools rated 'good' or 'outstanding' by Ofsted being under particular pressure to admit children in care, resulting in the concentration of these pupils in a minority of schools. The OSA suggests this occurrence may be explained by a high proportion of 'good' and 'outstanding' schools in these local authorities being faith schools with selective admissions policies, who are thereby turning away children in care who are not of the faith.<sup>32</sup>

<sup>28</sup> Pauline Musset, *School Choice and Equity: Current Policies in OECD Countries and a Literature Review*, (31 January 2012). <https://www.oecd-ilibrary.org/docserver/5k9fq23507vc-en.pdf?expires=1581089235&id=id&accname=guest&checksum=EAF70F2A6E51FD2BB341DC594F3F47>.

<sup>29</sup> Humanists UK, 'Ireland scraps religious selection in Catholic primary school admissions' (5 October 2018) <https://humanism.org.uk/2018/10/05/ireland-scraps-using-religion-as-a-selection-criteria-in-catholic-primary-schools/> [accessed 25 March 2020].

<sup>30</sup> Department for Education, *Children Looked After in England (including adoption), year ending 31 March 2019* p.1 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/850306/Children\\_looked\\_after\\_in\\_England\\_2019\\_Text.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/850306/Children_looked_after_in_England_2019_Text.pdf) [accessed 7 February 2020].

<sup>31</sup> In response to a Freedom of Information request on this matter, the DfE said it 'collects information from schools on schools and pupils and from local authorities on children who are looked after' but 'not all data from the two sources are linked.' Although 'data on a subset of looked after children are linked to their school type via the matched looked after children-national pupil database', it maintains 'a detailed analysis of the schools attended by all looked after children is not possible using this matched data'.

<sup>32</sup> Office of the Schools Adjudicator, *Office of the Schools Adjudicator Annual Report: September 2018 to August 2019* p.14 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/867553/OSA\\_annual\\_report\\_September\\_2018\\_to\\_August\\_2019\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/867553/OSA_annual_report_September_2018_to_August_2019_.pdf) [accessed 30 March 2020].



## ADMISSIONS POLICIES

As mentioned above, most state schools are bound by the School Admissions Code to prioritise children who are or were in care over all other applicants. In this regard, these policies reflect the admission arrangements made by their local authorities.

The admission policies of faith schools that discriminate against children who are or were in care look very different. As an example, the 2020/21 oversubscription criteria of St John Bosco College in Battersea, which prioritises both children who attended Roman Catholic primary schools and children enrolled in the catechumenate<sup>33</sup> over non-Catholic children who are or were in care, was as follows:

- 1. Looked After Catholic Children, or Previously Looked After Catholic Children; or Looked After Children in the care of Catholic carers.**
- 2. Baptised Catholic children who live in the Wandsworth and Mortlake Catholic Deaneries. Evidence of Baptism will be required.**
- 3. Children who attend a Roman Catholic Primary School in the London Borough of Wandsworth.<sup>34</sup>**
- 4. Other Baptised Catholic children from other deaneries. Evidence of Baptism will be required.**
- 5. Children enrolled in the catechumenate. Evidence of enrolment in the catechumenate will be required.**
- 6. Other Looked After Children and Previously Looked After Children.**
- 7. Children who are members of Eastern Orthodox Churches. Evidence of Baptism will be required.**
- 8. Children who are members of other Christian denominations that are part of Churches Together in England. Evidence of Baptism (or dedication) provided by a priest or minister of a designated place of worship will be required.**
- 9. Children of other faiths. Evidence of membership of the faith provided by a priest, minister or religious leader of a designated place of worship will be required.**
- 10. Any other children whose parents wish them to attend Saint John Bosco College.<sup>35</sup>**

<sup>33</sup> A process by which, through instruction and liturgical rites, non-Catholics are inducted into Catholicism.

<sup>34</sup> This criterion actually breaches the School Admissions Code because this group may include pupils who do not share the faith and such children are, therefore, being given priority over children who are or were in care but do not share the faith.

<sup>35</sup> St John Bosco College, Admissions Policy and Procedures 2020-21 [http://www.sjbc.wandsworth.sch.uk/\\_site/data/files/users/6/files/EC79539E17D9973B7484B65E8EC71B28.pdf](http://www.sjbc.wandsworth.sch.uk/_site/data/files/users/6/files/EC79539E17D9973B7484B65E8EC71B28.pdf) [accessed 27 March 2020].

# SURVEY

This report sets out the results of a survey of the admissions policies of Roman Catholic, Church of England, mixed Roman Catholic and Church of England, other Christian, Jewish, Muslim, Sikh, and Hindu state-funded secondary schools.

In total, 627 schools were investigated. Of these, 312 were Catholic, 210 Church of England, 15 of a mixed Church of England and Roman Catholic character,<sup>36</sup> 49 other Christian,<sup>37</sup> 18 Muslim, 14 Jewish, 6 Sikh, 2 Hindu, and 1 multi-faith.

In order to carry out the survey, we examined the most widely available admissions policy of each school, which in the majority of cases was the policy for entry into the 2020-21 academic year. If this was not available, then policies for 2021-22 or 2019-20 were used. Statutory guidelines mandate that these policies must be available on each school's website.

**One research question was investigated:**

**In its oversubscription criteria, does the school prioritise the applications of children who are or were in care of all backgrounds or only those of the school's designated religious character?**

<sup>36</sup> Schools with a designated religious character of either Church of England/Roman Catholic or Roman Catholic/Church of England.

<sup>37</sup> Schools with a designated religious character of either generically Christian, Church of England/Methodist, Multi-faith (with a Christian ethos), or Greek Orthodox.



Surveys of this nature have been carried out to examine discrimination against non-religious applicants to faith schools,<sup>38</sup> the extent of faith-based admissions policies,<sup>39</sup> and other similar topics.<sup>40</sup> However, no survey directly focusing on the approach of admissions policies of faith schools towards children who are or were in care has previously been published.

As part of preparing this report we carried out this survey twice – once for admissions policies relating to 2018/19 and again for those relating to 2020/21. As a result, it is possible to identify the extent to which these policies are changing over time. Our research shows that the overall proportion of faith schools discriminating against children who are or were in care has dropped from 47% in 2018/19 to 41% in 2020/21. But this is largely due to a drop in the proportion of Muslim and CofE schools that discriminate in this way. Amongst Muslim schools, the drop was from 36% to 18%. Amongst CofE schools, the proportion dropped from 6% to 1%. However, in Catholic and Jewish schools the situation is getting demonstrably worse over time: up from 75% to 76% for Catholic schools and from 86% to 100% in Jewish schools.<sup>41</sup>



<sup>38</sup> Humanists UK, *Non-religious need not apply* (May 2018) <https://humanism.org.uk/wp-content/uploads/2018-05-10-LW-FINAL-Non-religious-discrimination.pdf?desktop=1> [accessed 30 September 2020].

<sup>39</sup> Humanists UK, *No Room at the Inn*, (December 2017) <https://humanism.org.uk/wp-content/uploads/2017-12-18-LW-v6-FINAL-No-Room-At-The-Inn.pdf> [accessed 27 March 2020].

<sup>40</sup> Fair Admissions Campaign, *An Unholy Mess: How virtually all religiously selective state schools in England are breaking the law* (October 2015) <https://fairadmissions.org.uk/wp-content/uploads/2015/09/An-Unholy-Mess.pdf> [accessed 30 September 2020].

<sup>41</sup> See Appendix 3 for the full results of the 2018/19 survey.

# FINDINGS

The results of the 2020/21 survey are as follows:

TYPE OF FAITH SCHOOL	% THAT DON'T PRIORITISE ALL CHILDREN WHO ARE OR WERE IN CARE
Jewish	100%
Catholic	76%
Muslim	16%
Mixed Catholic and Church of England	13%
Church of England	1%
Other Christian	0%
Sikh	0%
Hindu	0%

**41%** OF SECONDARY FAITH SCHOOLS IN ENGLAND FAIL TO PRIORITISE ALL CHILDREN WHO ARE OR WERE IN CARE.

**76%** OF CATHOLIC SECONDARY SCHOOLS DISCRIMINATE AGAINST CHILDREN WHO ARE OR WERE IN CARE NOT OF THEIR FAITH.



That over three-quarters of Catholic schools discriminate against children who are or were in care is wholly unacceptable but sadly unsurprising. Of all the faiths that run schools in England, Catholic schools are the strictest in enforcing faith-based admissions criteria. A previous report by Humanists UK found that ‘almost every state Catholic school in England discriminates in allocating all of their places on the basis of religious selection’.<sup>42</sup> In other words, they set out to admit only children from Catholic backgrounds, and to exclude all others.

At least three Catholic schools were also found to prioritise members of Eastern Christian Churches over all children who are or were in care,<sup>43</sup> with several more giving greater priority to children enrolled in the catechumenate.<sup>44</sup>

This is despite the fact that, like the majority of the faith groups who operate schools in England, the Catholic Church claim to run their schools on the basis of not only religious values but also broader values such as inclusion, diversity, and fairness. Values that would suggest enlightened admissions policies, particularly with regard to children who are or were in care.

For instance, Paul Barber, Director of the Catholic Education Service (CES), said in 2016 that he was pleased ‘to see Catholic schools acting as beacons of diversity and integration up and down the country.’<sup>45</sup> This positioning of Catholic schools, and faith schools in general, as places of integration and diversity regardless of their designated religious character is widespread across England and increasing as the idea of religious selection becomes more unpopular. Indeed, this idea is also perpetuated by the websites of individual Catholic schools. The website of the Bishop Walsh Catholic School in Birmingham, for example, proudly proclaims that:

**‘The word Catholic means universal and so it is no surprise that we are truly comprehensive and proud of it. At Bishop Walsh we are committed to working for all children’.**<sup>46</sup>

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<sup>42</sup> Humanists UK, *No Room at the Inn*, (December 2017) <https://humanism.org.uk/wp-content/uploads/2017-12-18-LW-v6-FINAL-No-Room-At-The-Inn.pdf> [accessed 27 March 2020].

<sup>43</sup> Bellerive FCJ Catholic College, *Admissions Policy and Arrangements for 2020* <http://www.bellerivefcj.org/wp-content/uploads/2019/07/Admissions-Policy-2020.doc> [accessed 30 March 2020]; The Campion School, *Admissions Criteria 2021-2022* <https://thecampionschool.org.uk/assets/Admissions/5d107aa836/Admissions-Criteria-2021-2022.pdf> [accessed 30 March 2020];

*Sacred Heart of Mary Girls’ School, Sacred Heart of Mary Girls’ School Admissions Policy: Admissions Arrangements for Entry in Year 2020-21* <https://sacredheartofmary.net/wp-content/uploads/Admission-Criteria-2020.pdf> [accessed 30 March 2020].

<sup>44</sup> The policy of prioritising pupils who are members of Eastern Christian Churches also breaches the School Admissions Code. Members of these churches are not members of the Catholic faith and so must not be given priority over children who are or were in care and are also not of the faith.

<sup>45</sup> Ruth Gledhill, ‘Growing Number Of Muslim Children Being Sent To Catholic Schools’, *Christian Today* (1 December 2016) <https://www.christiantoday.com/article/growing-number-of-muslim-children-being-sent-to-catholic-schools/102616.htm> [accessed 30 March 2020].

<sup>46</sup> Bishop Walsh Catholic School, ‘Welcome to Bishop Walsh Catholic School’ (2020) <https://www.bishopwalsh.net/our-school> [accessed 30 March 2020].

It does so, however, while placing non-Catholic children who are or were in care as only the eighth priority in its admissions policy for 2021-22, after all baptised Catholic children, regardless of whether they are or have been in care.<sup>47</sup>

Our findings would suggest, therefore, that the CES's assertion that their schools are inclusive and cater to the disadvantaged in society is inaccurate, particularly with respect to children who are or were in care. In reality, the vast majority of state-funded Catholic secondaries think first of faith and then, belatedly, of the disadvantaged. This is despite the fact that they are free to set their own admissions policies and face no legal or theological barriers to becoming more inclusive of all children who are or were in care, Catholic or otherwise.

The number of Catholic secondaries with discriminatory admissions criteria is especially disappointing given that the majority of Catholics are not in favour of high levels of religious selection in school admissions, or indeed any at all. According to a poll conducted in 2016, 63% of Catholic respondents were opposed to religious selection altogether.<sup>48</sup> On this basis, it seems likely that an even higher proportion of English Catholics, even those who see a place for some degree of religious selection, would want to limit it amongst the most disadvantaged and vulnerable children in society.

Breaking down the results by region reveals that, of the nine regions in England, only the North West does not have a majority of discriminatory Catholic schools. In both Yorkshire and the Humber and the West Midlands, however, 100% of Catholic schools discriminate against children who are or were in care not of their faith, alongside 95% of Catholic schools in Greater London.

### **100% OF JEWISH FAITH SECONDARIES DISCRIMINATE AGAINST CHILDREN WHO ARE OR WERE IN CARE NOT OF THEIR FAITH.**

Every Jewish state-funded secondary favours children from Jewish families over other children who are or were in care.

The policy of total discrimination against children in care or care leavers who do not share the faith by Jewish schools is not unexpected. Jewish educational authorities have regularly maintained that they see their schools primarily as centres of learning for Jewish pupils. In 2018, the Chief Rabbi argued that Jewish schools serve to meet a demand for 'a completely immersive Jewish education' for Jewish children. Indeed, he gave this as a reason to welcome a proposal – which was, following a huge public

<sup>47</sup> Bishop Walsh Catholic School, *Admissions Arrangements 2020-2021* <https://www.bishopwalsh.net/admissions-> [accessed 7 February 2020].

<sup>48</sup> Humanists UK, 'Strong majority opposed to plans for school admissions on basis of religion' (2 November 2016) <https://humanism.org.uk/2016/11/02/strong-majority-opposed-to-plans-for-school-admissions-on-basis-of-religion/> [accessed 30 March 2020].





backlash, never enacted<sup>49</sup> – to remove a 50% cap on faith-based admissions to free schools with a religious character.<sup>50</sup>

### **ONLY 1% OF CHURCH OF ENGLAND SCHOOLS DISCRIMINATE AGAINST CHILDREN WHO ARE OR WERE IN CARE NOT OF THEIR FAITH.**

Only two Church of England secondaries across England have policies that fail to prioritise the admission of children who are or were in care from non-Anglican backgrounds.

The Church of England is therefore far more inclusive in its policies towards children who are or were in care than the Catholic Church and this is to be celebrated.

### **13% OF MIXED CHURCH OF ENGLAND AND CATHOLIC SCHOOLS DISCRIMINATE AGAINST NON-CHRISTIAN CHILDREN WHO ARE OR WERE IN CARE.**

Despite the low numbers of Church of England schools that put religious belief ahead of disadvantage in their admissions, the position is less good for mixed Church of England and Catholic schools. 13% of these prioritise children who share the faith over those who are or were in care but don't have a faith background.

### **NONE OF THE SCHOOLS CATEGORISED AS 'OTHER CHRISTIAN' SCHOOLS DISCRIMINATED AGAINST NON-CHRISTIAN CHILDREN WHO ARE OR WERE IN CARE.**

These faith schools are those with a designated Christian character that is neither Catholic or Anglican.<sup>51</sup> That none of them discriminate against children in care who are not Christian shows that there is no overarching theological reason that justifies the exclusionary policies of certain Catholic and Church of England schools.

### **ONLY 16% OF MUSLIM SECONDARIES AND NO SIKH OR HINDU SECONDARY DISCRIMINATE AGAINST CHILDREN WHO ARE OR WERE IN CARE NOT OF THE FAITH.**

All of the Sikh and Hindu schools investigated give priority to all children who are or were in care looked after and previously looked after children regardless of their religion or belief background. This is something that other faith schools should aspire to.

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<sup>49</sup> Humanists UK, 'Government U-turn on 50% cap on religious free school admissions' (11 May 2019) <https://humanism.org.uk/2018/05/11/humanists-uk-wins-government-u-turn-on-50-cap-on-faith-school-admissions/> [accessed 30 March 2020].

<sup>50</sup> Jewish News, 'Chief Rabbi welcomes decision to have no cap on faith-based schools admissions' (14 May 2018) <https://jewishnews.timesofisrael.com/chief-rabbi-welcomes-have-no-cap-on-faith-based-schools-admissions/> [accessed 30 March 2020].

<sup>51</sup> To reiterate, that's schools with a designated religious character of either generically Christian, Church of England/Methodist, Multi-faith (with a Christian ethos), or Greek Orthodox.

## IMPLICATIONS FOR THE ADMISSION OF CHILDREN WHO ARE OR WERE IN CARE

One of the main reasons the results of this research are so concerning is the impact discriminatory admissions policies have on the ability of vulnerable children to secure a quality school place. When rated 'good' or 'outstanding' by Ofsted, schools are far more likely to be oversubscribed, and therefore more selective,<sup>52</sup> than schools with lower ratings. This matters because the policies we considered only apply when there are more applicants than places available at the school. Indeed, many of the schools we surveyed described themselves as being 'normally oversubscribed' with children from their own faith community. For example, according to the admissions policy of the John Fisher School in Sutton, the school is 'normally over-subscribed by Category A Candidates', with them being exclusively those of the Roman Catholic faith.<sup>53</sup> This would suggest that, despite their greater levels of disadvantage, non-Roman Catholic children who are in care or are care leavers, confined to Category B, would not stand a realistic chance of being admitted to the school.

Emerging evidence suggests that these discriminatory policies do indeed have a negative impact on the admission of children in care. The Office of the Schools Adjudicator (OSA) Annual Report for 2018-19 reports at least one instance of a faith school refusing to admit a child in care during a normal year of entry until directed to do so by the Adjudicator. As previously mentioned, the report also mentions that several local authorities have raised concerns about a small number of their schools rated 'good' or 'outstanding' by Ofsted being under particular pressure to admit children in care, resulting in the concentration of these pupils in a minority of schools. The OSA suggests this occurrence may be explained by a high proportion of 'good' and 'outstanding' schools in these local authorities being faith schools with selective admissions policies, who are thereby turning away children in care or care leavers who are not of the faith.<sup>54</sup>

<sup>52</sup> Dr Rebecca Allen and Dr Meenakshi Parameshwaran, 'Caught Out', The Sutton Trust (14 April 2016) p.3 [https://www.suttontrust.com/wp-content/uploads/2019/12/Caught-Out\\_Research-brief\\_April-16-1.pdf](https://www.suttontrust.com/wp-content/uploads/2019/12/Caught-Out_Research-brief_April-16-1.pdf) [accessed 30 March 2020].

<sup>53</sup> The John Fisher School, Admissions Policy For Admissions to Year 7 and the Sixth Form in September 2020 <http://fluencycontent2-schoolwebsite.netdna-ssl.com/FileCluster/TheJohnFisherSchool/MainFolder/our-school/policies/Policies-2019-2020/Admissions-Policy-2020.pdf> [accessed 30 March 2020].

<sup>54</sup> Office of the Schools Adjudicator, Office of the Schools Adjudicator Annual Report: September 2018 to August 2019 p.14 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/867553/OSA\\_annual\\_report\\_September\\_2018\\_to\\_August\\_2019\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/867553/OSA_annual_report_September_2018_to_August_2019_.pdf) [accessed 30 March 2020].



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# CONCLUSION

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Fundamentally, these findings demonstrate that an alarming proportion of faith secondary schools in England are failing to consider the needs of some of the most vulnerable children in society. Of these schools, Catholic and Jewish schools are the most discriminatory, with some discrimination also occurring amongst Muslim schools.

The Catholic Education Service maintains that ‘Church teaching places a duty on Catholic schools to care for the poor and educate those who are socially, academically, physically or emotionally disadvantaged’.<sup>55</sup>

It is outrageous therefore that the overwhelming majority of Catholic secondaries do not give priority to all children who are or were in care. And the fact that some Catholic schools prioritise all children who attended Catholic primary schools, catechumens, and/or those belonging to Eastern Christian Churches, above non-Catholic children who are or were in care, demonstrates the willingness of some to push the limits of this faith-based exemption well beyond any reasonable justification.

If Church teaching calls for these schools to care for the disadvantaged, then most Catholic secondary schools are failing. Legally speaking, faith schools are free to choose whether to open their doors to the most underprivileged and many religious groups who run these schools have chosen to be particularly inclusive in this regard. However, as this report highlights, others have not, risking the educational opportunities and development of some of the most vulnerable in our society.

Setting aside the moral case, public opinion also provides little support for these discriminatory policies to continue. According to polling carried out by YouGov on behalf of Humanists UK, just 27% of parents with school-aged children supported the statement that state-funded faith schools should be allowed to prioritise the admission of children whose family shares the faith of the school over children who are or were in care but don’t share the same faith. Indeed, 45% of religious people – most of those polled – were of the view that schools should not have this power, with a further 17% saying they were unsure. The number favouring discriminatory policies rose to 45% amongst Catholics and 62% amongst Jewish people.<sup>56</sup> However, that still means a considerable proportion of members of both the faith groups that operate

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<sup>55</sup> Catholic Education Service, ‘Catholic Education FAQs’ (2020) <http://www.catholiceducation.org.uk/about-us/faqs> [accessed 30 March 2020].

<sup>56</sup> For the full results of the YouGov poll, see Appendix 4.

the most discriminatory admissions policies believe their schools shouldn't be doing this. What's more, a 2020 report by the Sutton Trust found that 80% of parents believe that state schools should admit a broad mix of children from different backgrounds,<sup>57</sup> suggesting that there is limited support amongst parents for selective admissions more generally.

**The policy to grant faith schools the power to decide whether or not to prioritise all children who are or were in care over less disadvantaged children is one that the Government ought to reconsider at its earliest convenience.**

**Until this happens, the faith groups themselves need to do more to match reality to their rhetoric. Catholic and Jewish schools in particular must change their admissions policies or be forced to admit that they willingly discriminate against the neediest in society.**



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<sup>57</sup> Carl Cullinane, 'Fairer School Admissions: Social segregation in schools: the view from parents & teachers', Sutton Trust (February 2020) <https://www.suttontrust.com/wp-content/uploads/2020/02/Fairer-School-Admissions-Polling.pdf> [accessed 30 March 2020].



## APPENDIX 1

### CATHOLIC SCHOOL DISCRIMINATION AGAINST CHILDREN WHO ARE OR WERE IN CARE SORTED BY REGION

Below are the figures for how many Catholic schools discriminate against children who are or were in care, by region, in their 2020-21 admissions policies.

REGION	NO OF CATHOLIC SECONDARIES	NO THAT DISCRIMINATE	PERCENT
Greater London	65	63	97%
South West	11	8	73%
South East	31	26	84%
East of England	15	12	80%
East Midlands	24	20	83%
West Midlands	36	36	100%
North West	88	35	40%
Yorkshire	17	17	100%
North East	25	16	64%



## APPENDIX 2

### DISCRIMINATION AGAINST CHILDREN WHO ARE OR WERE IN CARE SORTED BY LOCAL AUTHORITY

Below are the figures for how many schools discriminate against children who are or were in care, by local authority, in their 2020-21 admissions policies.

LOCAL AUTHORITY	% ALL SCHOOLS THAT DISCRIMINATE	% FAITH SCHOOLS THAT DISCRIMINATE	% OF DISCRIMINATORY SCHOOLS WITH A CATHOLIC ETHOS
Kensington and Chelsea	50%	75%	100%
Barnet	29%	73%	50%
Brent	27%	100%	75%
Salford	27%	80%	75%
Hackney	25%	80%	50%
Rochdale	25%	75%	100%
Leicester	24%	67%	50%
Bury	23%	75%	67%
Stockton-on-Tees	23%	60%	100%
Merton	22%	67%	100%
Trafford	21%	100%	100%
Redbridge	21%	80%	75%
Stockport	21%	75%	100%
Stoke-on-Trent	21%	75%	100%
Camden	20%	100%	100%
Newcastle upon Tyne	20%	100%	100%
Redcar and Cleveland	20%	100%	100%
Southwark	20%	57%	100%
Greenwich	18%	75%	100%
Hammersmith and Fulham	18%	40%	100%
Kingston upon Thames	18%	100%	100%
Southampton	18%	100%	100%



LOCAL AUTHORITY	% ALL SCHOOLS THAT DISCRIMINATE	% FAITH SCHOOLS THAT DISCRIMINATE	% OF DISCRIMINATORY SCHOOLS WITH A CATHOLIC ETHOS
Southend-on-Sea	17%	100%	100%
Harrow	15%	67%	100%
Hounslow	15%	50%	100%
Coventry	14%	50%	100%
Croydon	14%	50%	100%
Lewisham	14%	67%	100%
Middlesbrough	14%	50%	100%
Bexley	13%	67%	100%
Blackpool	13%	50%	100%
Darlington	13%	50%	100%
Gateshead	13%	50%	100%
Manchester	13%	33%	75%
Rotherham	13%	100%	100%
Solihull	13%	100%	100%
South Tyneside	13%	33%	100%
Sutton	13%	67%	100%
Leeds	12%	71%	80%
Worcestershire	11%	42%	80%
Wakefield	11%	67%	100%
York	11%	33%	100%
Havering	11%	50%	100%
Lambeth	11%	33%	100%
Lancashire	11%	30%	89%
Tower Hamlets	11%	50%	100%
Walsall	11%	67%	100%
Wolverhampton	11%	40%	100%
Birmingham	10%	45%	100%
Brighton and Hove	10%	50%	100%
Enfield	10%	67%	100%
Hertfordshire	10%	53%	88%
Islington	10%	50%	100%
Newham	10%	100%	100%

LOCAL AUTHORITY	% ALL SCHOOLS THAT DISCRIMINATE	% FAITH SCHOOLS THAT DISCRIMINATE	% OF DISCRIMINATORY SCHOOLS WITH A CATHOLIC ETHOS
Reading	10%	100%	100%
West Sussex	10%	33%	100%
Thurrock	9%	100%	100%
Wandsworth	9%	50%	100%
Bristol City of	9%	50%	100%
Liverpool	9%	18%	67%
North Yorkshire	9%	80%	100%
Portsmouth	9%	50%	100%
Warwickshire	8%	75%	100%
Westminster	8%	17%	100%
Barking and Dagenham	8%	33%	100%
Blackburn with Darwen	8%	20%	100%
Haringey	8%	50%	100%
Kingston upon Hull City of	8%	50%	100%
Milton Keynes	8%	100%	100%
Oldham	8%	33%	0%
Warrington	8%	33%	100%
Bath and North East Somerset	7%	50%	100%
Derby	7%	50%	100%
Derbyshire	7%	60%	100%
Herefordshire	7%	33%	100%
Kirklees	7%	100%	100%
North Lincolnshire	7%	50%	100%
Nottinghamshire	7%	43%	100%
Peterborough	7%	50%	100%
Sheffield	7%	50%	100%
Slough	7%	25%	100%
Staffordshire	7%	42%	100%
Surrey	7%	36%	100%
Swindon	7%	100%	100%
Wiltshire	7%	29%	100%





LOCAL AUTHORITY	% ALL SCHOOLS THAT DISCRIMINATE	% FAITH SCHOOLS THAT DISCRIMINATE	% OF DISCRIMINATORY SCHOOLS WITH A CATHOLIC ETHOS
Tameside	6%	33%	100%
Bradford	6%	33%	100%
Ealing	6%	25%	100%
Kent	6%	46%	100%
Medway	6%	100%	100%
Northumberland	6%	40%	100%
Nottingham	6%	25%	100%
Sunderland	6%	25%	100%
Waltham Forest	6%	33%	100%
Bolton	5%	11%	100%
Cheshire West and Chester	5%	20%	100%
Cumbria	5%	33%	100%
Doncaster	5%	33%	100%
Dudley	5%	50%	100%
Essex	5%	44%	100%
Hillingdon	5%	33%	100%
Sandwell	5%	25%	100%
Bournemouth, Christchurch and Poole Council	4%	33%	100%
Cheshire East	4%	50%	100%
East Sussex	4%	33%	100%
Leicestershire	4%	40%	100%
Suffolk	4%	50%	100%
Durham	3%	25%	100%
Gloucestershire	3%	50%	100%
Hampshire	3%	100%	100%
Lincolnshire	2%	14%	100%
Norfolk	2%	20%	100%
Northamptonshire	2%	20%	100%
Oxfordshire	2%	25%	100%
Barnsley	0%	0%	0%
Bedford	0%	0%	0%

LOCAL AUTHORITY	% ALL SCHOOLS THAT DISCRIMINATE	% FAITH SCHOOLS THAT DISCRIMINATE	% OF DISCRIMINATORY SCHOOLS WITH A CATHOLIC ETHOS
Bracknell Forest	0%	0%	0%
Bromley	0%	0%	0%
Buckinghamshire	0%	0%	0%
Calderdale	0%	0%	0%
Cambridgeshire	0%	0%	0%
Central Bedfordshire	0%	0%	0%
Devon	0%	0%	0%
Dorset	0%	0%	0%
Halton	0%	0%	0%
Hartlepool	0%	0%	0%
Isle of Wight	0%	0%	0%
Isles Of Scilly	0%	0%	0%
Knowsley	0%	0%	0%
Luton	0%	0%	0%
North Tyneside	0%	0%	0%
Plymouth	0%	0%	0%
Richmond upon Thames	0%	0%	0%
Sefton	0%	0%	0%
Shropshire	0%	0%	0%
Somerset	0%	0%	0%
St. Helens	0%	0%	0%
Telford and Wrekin	0%	0%	0%
Torbay	0%	0%	0%
Wigan	0%	0%	0%
Windsor and Maidenhead	0%	0%	0%
Wirral	0%	0%	0%
Wokingham	0%	0%	0%



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## APPENDIX 3

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### RESULTS OF 2018/19 SURVEY

Below are the figures for how many schools discriminated against children who are or were in care, by school type, as per their 2018-19 admissions policies. In the main report you can find equivalent figures for admissions policies as they are now, for 2020-21.

TYPE OF FAITH SCHOOL	% THAT DISCRIMINATE
Jewish	86%
Catholic	75%
Muslim	36%
Church of England	6%
Other Christian	0%
Sikh	0%
Hindu	0%



## APPENDIX 4

### RESULTS OF YOUNG POLL<sup>58</sup>

RELIGION OF RESPONDENT	State-funded faith schools <b>SHOULD BE ALLOWED</b> to prioritise the admission of children whose family shares the same faith as the school, over children who are in/ have been in care but don't share the same faith.	State-funded faith schools <b>SHOULD NOT BE ALLOWED</b> to prioritise the admission of children whose family shares the same faith as the school, over children who are in/ have been in care but don't share the same faith.	DON'T KNOW
No religion	17%	60%	24%
Church of England	36%	44%	20%
Roman Catholic	45%	36%	19%
Other Christian	43%	43%	14%
Judaism	62%	24%	14%
Hinduism	11%	89%	0%
Islam	41%	21%	39%
Sikhism	21%	53%	26%
Buddhism	17%	63%	20%
Other	31%	46%	23%
Not sure	20%	44%	37%
Prefer not to say	20%	27%	53%
<b>Total religious</b>	<b>37%</b>	<b>45%</b>	<b>17%</b>
<b>Total parents</b>	<b>27%</b>	<b>52%</b>	<b>21%</b>
<b>TOTAL</b>	<b>26%</b>	<b>51%</b>	<b>24%</b>

<sup>58</sup> Sample of 2077 British adults, conducted on 23–24 November 2020.

